

**PRELIMINARY AGENDA
CITY OF NORTH PLAINS, CITY COUNCIL MEETING
NORTH PLAINS SENIOR CENTER
31450 NW Commercial Street
Thursday, January 24, 2013
7:00 P.M.
REGULAR MEETING**

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 1/07/2013 Council meeting
5. **PUBLIC COMMENT:** *(Persons wishing to speak on matters not on the agenda may be recognized at this time. Speakers must complete a "Public Comment Registration form" on the information table and return it to the City Recorder. You are not required to give your address when speaking to the City Council, only your name. Presentations are limited to five minutes.)*
6. **PRESENTATION:**
None
7. **NEW BUSINESS:**
 - A. Discussion of Planning Commission Zoning and Development Code Amendment: 12-009-01-ZDA—Ordinance Revisions
 - B. Discuss of date to set Council goals for fiscal year 2013-2014
 - C. Discussion of Partition and Lot Line Adjustment fees
 - D. December 2012 Check Register
 - E. Approval of memorandum of understanding agreement for use of facilities and resources during a local emergency or disaster between the City of North Plains and City of Hillsboro
 - F. Approval of an intergovernmental agreement for use of facilities and resources during a local emergency or disaster between the City of North Plains and Washington County Oregon
8. **UNFINISHED BUSINESS:**
 - A. Consideration of North Plains Events Association (NPEA) and North Plains

- Chamber of Commerce use of Jessie Mays.
- B. Discussion of Supplemental Budget proposal for 2012-13
- C. Approval of Council-Staff Communication Guidelines Policy

9. **ORDINANCES**

FIRST READING:

- A. Ordinance No. 412 - An ordinance of the City Council of the City of North Plains, Oregon, amending Chapter 1.05 of the North Plains Municipal Code regarding Procedures of City Council

10. **STAFF REPORTS**

City Manager, Public Works Director, Police Chief, Library Director

11. **COUNCIL REPORTS**

- A. February 2013 Council Calendar

12. **ADJOURNMENT**

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

City Council Meetings are scheduled for Jessie Mays Community Hall, 30975 NW Hillcrest Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Monday, February 4, 2013 Tuesday, February 19, 2013 Monday, March 4, 2013

CITY OF NORTH PLAINS
City Council Meeting - Regular Session
Monday, January 7, 2013 - 7:00 p.m.
MINUTES

1. **CALL TO ORDER:** Council President Teri Lenahan called the meeting to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE:** President Teri Lenahan

3. **ROLL CALL:**

Council present: Council President Teri Lenahan, Councilors Michael Broome, Michael Demagalski, Ana Singh-Gill, Glen Warren

Councilor-elect Charlene Newton

Excused absent: Mayor David Hatcher

Staff present: City Manager Martha DeBry, Public Works Director Blake Boyles, Police Chief Bill Snyder, Library Director Debbie Brodie, Recording Clerk Gail Waibel

4. **CONSENT AGENDA:**

A. Approval of regular session agenda

B. Approval of minutes of December 17, 2012 Council meeting

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

5. **PUBLIC COMMENT:**

There was none forthcoming.

President Lenahan presented flowers to outgoing Councilor Ana Singh-Gill and thanked her for four years of service on the City Council. Councilor Singh-Gill thanked the Council indicating she enjoyed serving and would continue to be active in the community.

6. **OATH OF OFFICE AND ELECTION OF PRESIDENT OF COUNCIL:**

A. Mayor and Councilor Oath of Office

Councilor Teri Lenahan
Councilor Robert Kindel, Jr.
Councilor Charlene Newton

Police Officer Tim Thurber administered the oath of office to the incoming Councilors. Upon taking the oath, they took their places at the dais.

B. Election of President of the Council

Councilor Broome nominated Councilor Teri Lenahan for President of the Council. There were no further nominations.

Motion by Kindel, seconded by Broome to approve the nomination of Councilor Teri Lenahan as President of the Council. The motion was approved unanimously.

7. **NEW BUSINESS:**

A. Discussion of letter to Board of Commissioners regarding Nature's Needs/Recology

City Manager DeBry presented an update of Washington County Board of Commissioners action after the City Council approved a letter opposing the acceptance of food waste at Nature's Needs at their December 17, 2012 meeting. The Washington County Board of Commissioners granted a 30 day extension to Recology to allow County staff sufficient time to develop conditions for operations of the site. DeBry noted there are two options likely to be recommended by County staff after the 30 day extension. The options are: 1) Denial of the acceptance of food waste; or 2) Extension of the test period for 8 months, and a limitation to residentially-generated food waste. Recology has suggested the use of night time operations to address the odor if residential only food waste is accepted. DeBry went on to note that if Recology stops accepting food waste, it would require another 60 days for the food waste to cycle out of the site. If the County only allows residentially-generated materials, it is likely there would be no noticeable change in site operations for 120 days. DeBry referred to the draft letter in the Council packets. The letter restates opposition to the application to accept Type 3 waste at Nature's Needs. DeBry said if the Council approved the letter, she would hand-deliver it to Washington County Board of Commissioners the following day.

Council discussed the draft letter and Councilors Kindel and Warren indicated agreement with the draft. Councilor Newton questioned the language in Paragraph 4, "and to work towards the termination of the facility franchise in 2015." Newton indicated she did not recall discussion in regard to closing the business when she previously served on the City Council. She asked for the rationale for including this portion of the sentence which sounded like the Council was trying to drive out the business. After discussion by Council in regard to the issue of not accepting food waste and whether or not the business should continue to operate if Type 3 Waste permit was denied, President Lenahan asked Council if there was a consensus to remove the part of the sentence Councilor Newton referred to in the discussion.

Motion by Demagalski, seconded by Warren to approve the letter restating opposition to the application to accept Type 3 waste at Nature's Needs with the removal of the language "and to work towards the termination of the facility franchise in 2015" in the

fourth paragraph.

There was additional discussion and Councilor Kindel expressed concern that it was unknown what would happen to the industry in the years to come. He was adamant that he did not want any smell in the City and if Washington County proposed a standard on odor, he would vote against. Councilor Broome agreed with Councilor Kindel. Councilor Warren stated that removing the part of the sentence would not change Washington County's denial to take the food waste. City Manager DeBry reiterated the Council's recommendation to the Board is to deny the permit for food waste. President Lenahan stated that ultimately it is a County Board decision. Councilor Newton stated it is Recology's choice and public relations decision; however, it was the finality and severity of language in the letter she was questioning. President Lenahan stressed there is still a timeline to go through and the matter of food waste compost could be final by the end of June.

Vote was called on the motion to approve the letter restating opposition to the application to accept Type 3 waste at Nature's Needs with the removal of the language "and to work towards the termination of the facility franchise in 2015" in the fourth paragraph. Roll call was as follows: Lenahan, aye; Broome, nay; Demagalski, aye; Kindel, nay; Newton, aye; and Warren, aye. The motion carried with a 4-2 vote.

B. 2013 City Council Appointments to Boards, Commissions and Committees

The 2013 Councilor representative appointments to various boards, commissions and committees were reviewed and a few changes noted. Council consensus was to accept the appointment list as revised. Staff will forward a copy of the final appointment list to City Council.

C. Resolution No.1776 declaring as surplus a 2002 Mercury Sable vehicle

Public Works Director Boyles reviewed the staff report included in the Council packets.

Motion by Kindel, seconded by Warren to adopt Resolution No. 1776, a resolution of the City Council of the City of North Plains, Oregon declaring a vehicle surplus. The motion approved unanimously.

D. Resolution No. 1777 approving first amendment to an intergovernmental agreement for the Broadband User's Group

City Manager DeBry reviewed the staff report included in the Council packets. The amendment, if adopted, changes the term of the BUG IGA extending it for 10 years through January 2023. President Lenahan asked if the amendment is adopted, does the City have to apply each year for the annual MACC grant to fund the internet service. DeBry responded affirmatively.

Motion by Warren, seconded by Broome to adopt Resolution No. 1777, a resolution of the City Council of the City of North Plains, Oregon approving the continuation of an

intergovernmental agreement approving membership in the Broadband users Group. The motion approved unanimously.

8. PUBLIC COMMENT:

A. Resolution 1778 Approving Infill Construction Incentives

City Manager DeBry reviewed the staff report included in the Council packet. A map of “North Plains Buildable Residential Lands” was also distributed. DeBry said the resolution, if adopted, would encourage approximately 2-4 additional homes per year. DeBry reviewed the incentives and conditions listed in the report that Council may want to consider (Council Packet Page 27).

Council discussion followed including the issue of splitting lots and lot line adjustments. DeBry explained the cost differences between lot line adjustments and partitioning lots. She noted it may be possible to have a different rate as fees are substantial for partitions. Staff would need to evaluate the differences; however, Council could go ahead and approve the infill construction incentives.

President Lenahan referred to the number of buildable lots; including some located within the floodplain. She noted the potential need for additional lots, given the ongoing development and growth in Hillsboro and the surrounding area. She wanted to see development encouraged in North Plains. The general consensus of the Council was the lot line adjustment issue could be discussed at a later date. DeBry noted the only homes allowed to be built under the resolution, if adopted, would be single-family homes and no reduction in fees would apply to subdivisions with 3 or more lots.

Council discussed the additional conditions on the incentives that could be placed on development listed in the staff report (Listed on Council packet Page 27). Councilor Newton noted she agreed that lots located within the flood plain must be eligible for elevation certification to remove the property from the flood plain at the end of the project. DeBry responded property must be out of the flood plain; and building in the flood plain is not encouraged.

DeBry briefly reviewed the amount of land located in the flood plan within the City. She also noted there are not that many places where infill housing is available and City Council has the authority to place additional incentives on a lot. DeBry indicated the resolution is proposed to get new construction going and people located in the City right away. If the resolution is adopted, staff will provide information to the public and area realtors.

Motion by Demaglaski, seconded by Kindel, to adopt Resolution No. 1778, a resolution of the City Council of the City of North Plains, Oregon approving temporary reductions in system development fees and approving four additional conditions:

- The general contractor must be or must subcontract with a North Plains business for work totaling 10% of the project cost;
- The general contractor must pledge to buy American products, if available;
- Property owner pledges dwelling will be designed and constructed in substantial

conformance with “Version 1.1 Water Sense New Home Specification” guidelines; and

- Property owner pledges dwelling will be designed and constructed to meet “Energy Star” certification standards.

The motion was approved unanimously.

9. STAFF REPORTS

City Manager: The City Manager indicated nothing further to report.

Public Works Director: The Public Works Director’s written report was included in the Council packets.

Police Chief: The Police Chief’s written report was included in the Council packets. In addition, Chief Snyder reported on the police training scheduled for January and February, focusing on active shooter and firearms. The Chief will provide a report on the calls for the City through WCCCA in February. There was question in regard to how many reserve officers the City has at this time and Chief Snyder responded there are 6 reserve officers.

Library Director: The Library Director’s written report was included in the Council packets. In addition, Director Brodie called attention to the special programs the Library has scheduled. She noted the February schedule for the “One Book One Community” program will include a Writer’s Workshop with author Brian Doyle on February 7th at 6:30 PM. In addition, a book discussion of *Mink River* by retired English teacher, Mrs. Mike Spooner, will be held on February 19th at 9:30 AM. There are other events listed on the website.

10. COUNCIL REPORTS

A. 2013 Council Calendar of Meetings - The Council calendar was reviewed.

Councilors: Council Broome reminded everyone of the “Country Music Night” on Saturday, January 26th, 6:30 to 9:00 pm. Volunteers are needed. Sponsored by Corner Bistro and Abbey Creek Winery.

11. ADJOURNMENT

President Lenahan adjourned the meeting at 8:16 p.m.

Teri Lenahan, Council President

Martha DeBry, City Manager/Recorder

Date approved _____



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 17, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Discussion of proposed zoning code amendments ZDA 12-009-01-ZDA

Request: Council accept the draft code amendment proposal.

Background: The Planning Commission has been working on an update of the zoning code to create greater distinction between the residential zones and make the code simpler to administer. Included in Council's packet are redlined versions of the code for Council's review. A variety of amendments are proposed which will be presented in February for adoption after a public hearing.

Fiscal Impact: Revision of the code has no direct fiscal impact on the City. Most of the revisions are aimed at making application procedures and requirements more clear to applicants and staff.

Recommendation: Council accept the proposed changes for review, and provide written comments to staff in advance of the February discussion of the zone changes.

Chapter 16.00
ZONING AND DEVELOPMENT

16.00.000 **Title**

This Ordinance shall be known and may be referred to as the City of North Plains Zoning and Development Ordinance.

16.00.005 **Purpose and Scope**

This Ordinance is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Facilitate fire and police protection.
- D. Provide for adequate living conditions, including sufficient open space, light, and air.
- E. Minimize congestion on streets.
- F. Promote orderly growth of the city.
- G. Prevent undue concentrations of population.
- H. Facilitate adequate provision of community facilities.
- I. Promote in other ways the public health, safety, convenience, and general welfare, generally consistent with the Comprehensive Plan.

16.00.010 **State and Federal Regulations**

All development within the City shall adhere to:

- A. State and federal air quality standards.
- B. State and federal water quality standards.
- C. State noise standards.

16.00.020 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of North Plains shall conform to the requirements of this Ordinance.

16.00.030 Violation of Conditions

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the City may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the City, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance, or who resists the enforcement of such provisions, shall be subject to a civil penalty of not more than \$250.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

16.00.035 Stop – Order Hearing

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant herein, the City may order the work stopped by written notice served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is subsequently authorized or affirmed in writing by the city to continue.

- B. Appeal Opportunity. A person or organization that has been served the stop work order may appeal the decision by submitting a letter to the City Manager within 15 calendar days of the date of the stop work order requesting a hearing with the City Council. The City Council shall hold this hearing and make written findings as to the violation within thirty (30) days.

- C. Stop order hearing. When an appeal is timely filed, the City Manager shall schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be 1) part of a hearing on revocation of the underlying development approval, or 2) solely to determine whether a violation has occurred.

Upon finding a violation, the stop-work shall continue to be effective until the violation has been abated or otherwise corrected as determined by the City.

- D. Appeal of an order of the City Council under this section shall be to the Circuit Court of Washington County, Oregon, in the manner provided in ORS 34.010 to 34.102.

16.00.040 Interpretation

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provision of this Ordinance shall control.

16.00.050 Savings Clause

Should any section, clause or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause and phrase is declared severable.

16.00.060 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the city are superseded and replaced by this Ordinance.

16.000.070 Fees

For the purpose of defraying expenses involved in processing applications, fees shall be paid to the City of North Plains upon the filing of an application in conformance with this Ordinance.

- A. Fees shall be considered a deposit and all actual costs will be billed against this deposit. If the deposit is not adequate to cover processing costs, then the applicant will be responsible for all additional costs.
- B. Fees shall be payable at the time of application and shall be as set forth by resolution of the City Council. A fee is not required for an application initiated by the Planning Commission or the City Council.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of a hearing or the issuance of an administrative decision.
- D. The City Council may reduce or waive the fees upon showing of just cause.
- E. Delinquent accounts may result in a lien against the property for which the application is submitted.

16.00.080 Termination of Approvals and Extensions

Except as otherwise provided in this Ordinance, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a ~~large-scale~~ subdivision or PUD is void after two years or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred.

~~In the case of an administrative decision, the City~~The Planning Commission may grant two year extensions for subdivisions and PUDs and one year extensions for all other applications. The Planning Commission ~~City~~ may also grant two-year extensions of a PUD, land partition or subdivision approval that expired between January 1, 2008 and January 1, 2013. Extensions may be granted administratively if the original approval was made administratively. The request for an extension must be filed with the City at City Hall on or before the expiration date.

The applicant is responsible for requesting an extension. An extension is a discretionary decision and is not granted automatically. The following criteria must be satisfied in order for the City to approve an extension:

- A. The City determines just cause for the delay and the reason for the delay is outside the control of the applicant.
- B. No significant changes to the applicable standards of this Ordinance or the applicable regulations of other affected jurisdictions (Clean Water Services, Washington County, Washington County Fire District, etc) have been made. Any extension requests shall be referred to affected city departments or other governmental jurisdictions for comment.
- C. No significant changes have been made to properties within 250 feet of the exterior boundaries of the subject property.

16.00.090 Final Action on Permit Application Within 120 Days

Pursuant to ORS 227.178, the City shall complete final action on permit applications, including resolution of all appeals within 120 days of receipt of a complete application. This time requirement shall not apply to legislative decisions. The determination of completeness shall be made by the City ~~Planner~~. The 120 day time limit may be waived in writing by the applicant.

In computing any period of time prescribed or allowed by this section, the day or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal

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holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday.

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Chapter 16.05 DEFINITIONS

100-Year Flood Plain: Land subject to one percent or greater chance of flooding in any given year as defined by the Federal Insurance Administration (FIA) on its official Flood Insurance Rate Map (FIRM). In this Ordinance, "100-year flood plain" is synonymous with "area of special flood hazard."

Access: The way or means which allows pedestrians and/or vehicles to ingress and egress a property.

Accessory Structure or Use: A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use. Examples of accessory structures or uses include, but are not limited to, private garages, greenhouses, decks, fences, arbors, gazebos, air conditioners, heat pumps, tool sheds and satellite dishes per definition. (An Accessory Dwelling is not considered an Accessory Building or Use. See definition for Dwelling, Accessory.) Accessory structures and accessory uses are not allowed in floodplains or floodways.

Alcoholic Beverage Establishment: A commercial establishment including, but not limited to, bars, taverns, pool halls, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment may be provided and where the sale of alcoholic beverages is an integral component of the business.

Alley: A narrow street primarily used for vehicular service access to the back or side of properties otherwise abutting on another street.

Amusement Enterprise, Indoor: Any enterprise, wholly contained within a structure, whose main purpose is to provide the general public with an amusing or entertaining activity. Indoor amusements may include arcades, skating rinks, dance halls, theaters, ice rinks, pool halls, bowling alleys, indoor shooting ranges, health/sports facilities/gyms, and similar enterprises. Indoor amusement enterprises may also include business that hold classes in acting, art, dance, music, photography, and martial arts.

Amusement Enterprise, Outdoor: Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity. Outdoor amusements may include zoos, carnivals, expositions, miniature golf courses, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, private soccer and baseball fields, go-cart tracks, archery range, golf courses, driving ranges, and similar enterprises.

Animal Care Facilities: A place where animals are boarded and/or bred, including, but not limited to, veterinary clinics, stables, dog day cares, animal groomers, and kennels.

Art Studio or Gallery: Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpturing, and other similar skills) as the primary use of the structure.

Automobile, Recreational Vehicle or Trailer Sales Area: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles, light trucks, or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Service Station: A building designed primarily for supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

Awning : A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

Bed and Breakfast Inn: A structure where rooms are rented to transient paying guests on an overnight basis and meals are served where no cooking facilities are provided in the rooms.

Building: A structure built for the support, shelter, or enclosure of persons, animals or property of any kind.

Bulk Storage Tank: A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent resale to distributors or retail dealers or outlets.

Bus Depot/Terminal: A use that includes a building and area in which patrons may purchase tickets for bus transportation. Bus terminals may provide for the storage, maintenance, and services of busses including repair, washing, and fueling facilities.

Business Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

Carport: A structure which has enclosing walls for less than 50% of its perimeter covered with a roof and constructed specifically for the storage of one or more vehicles.

Catering establishment: A business where the scope of activity is the preparation and sale of meals and beverages for consumption by large parties in conjunction with events such as weddings, parties, and other events with large numbers of attendees.

Child Care, Certified Center: As defined by the State of Oregon, a Certified Child Care Center typically provides care for more than 12 children in a building that usually is constructed as other than a single-family dwelling.

Child Care, Certified Home: As defined by the State of Oregon, a Certified Child Care Home provides child care for up to 12 children, and may be certified for up to 16 children with prior approval from the State of Oregon; and is located in a building constructed as a single-family dwelling.

Child Care, Registered Home: As defined by the State of Oregon, a Registered Child Care Home provides child care to more than 3 children and up to a total of 10 children at any one time, unless they are all from the same family; provides child care on other than an occasional basis; or receives payment from an agency that requires registration.

City: The City of North Plains, Oregon.

City Planner: The City employee or contractor authorized by the city manager or City Council to implement, administer, interpret and enforce the Zoning and Development Ordinance

Civic/government use: Uses that principally serve a public need, such as libraries, museums, post offices, parks, community centers, police stations, and fire stations.

Clinic, Medical & Dental: A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Cold Storage Facility : A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Country Club: Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.

Commission: The City of North Plains Planning Commission.

Conference/Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Condominium: A condominium or townhome is a group of housing units where each homeowner owns their individual unit space, usually from the wall studs in, and share

ownership of most or all common elements. Condominiums are subject to the provisions of ORS Chapter 100.

Council: The City of North Plains City Council.

Dwelling, Attached Two Family: A two family dwelling, with each dwelling unit being located on its own lot, and sharing one common wall and common property line with the other dwelling unit.

~~**Day Care, In-Home:** A day care which accommodates fewer than thirteen (13) children, including the children of the provider, in the provider's home and is considered by Oregon law to be a residential use.~~

~~**Day Care, Commercial:** A day care which accommodates thirteen (13) or more children that is typically not provided in a residential building.~~

Drive-in/Thru window: A takeaway restaurant, bank, etc. designed so that customers can do business without leaving their cars. This may include, but is not limited to, fast food, bank, and pharmacy drive-thrus.

Dwelling, Accessory: A detached, secondary, and subordinate dwelling unit which is located on the same lot or parcel as the main building, structure, land, or use. Examples of accessory dwellings include, but are not limited to, granny flats, garage apartments, and accessory apartments.

Dwelling, Multi-Family: A building containing four or more dwelling units.

Dwelling, Single-Family, Attached (Townhouse, condominium, or row house): Two or more single family dwellings with common end-walls.

Dwelling, Single-Family, Detached: A detached building containing one dwelling unit.

Dwelling, Three-Family (Triplex): A detached building containing three dwelling units, located on one legal lot.

Dwelling, Two-Family (Duplex): A detached building containing two dwelling units, located on one legal tax lot.

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications

Easement: A grant of right to use an area of land for a specified purpose.

Educational Facility: Any facility or premises regularly attended by one or more persons for the purpose of instruction. Such facilities may include tutoring businesses and primary, secondary, colligate, and vocational/trade schools.

Entity: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Extended Care Facility, Convalescent Home, or Nursing Home: A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Farm product processing: The alteration or modification, for the purpose of storage, transport, or sale of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product must be the principal ingredient or component. Types of establishments that conduct farm product processing may include canneries, meat packing plants, saw mills, and grain elevators.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obscure vision.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of water bodies and/or unusual and rapid accumulation of surface water from any source.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basement, if the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports, or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loading spaces.

Fraternity or Sorority: An organization formed chiefly to promote friendship and welfare among the members.

Fraternal Lodge: A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

Fuel Sales: A business for retail delivery of motor fuels, including but not limited to gasoline, diesel, propane, natural gas, bio-diesel, or hydrogen to individual motor vehicles.

Frontage: All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between a street intersection and the dead-end of the street.

Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of vehicles owned or used by occupants of the main building.

Garage, Public: A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked.

Grade: The average elevation of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Greenhouse or Garden, Commercial: A structure or location where plants, vegetable, flowers, and similar materials are grown for sale.

Health Club/Sports Facility: A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

Hospital or Sanitarium: A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel/Motel: A building, or group of buildings, used or intended to be used as living quarters for visitors or transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, barber shop, or other service facilities for the guests for compensation. A visitor or transient guest is any visitor or person who owns, rents, or uses a lodging or dwelling unit, or a portion thereof, for less than 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

Home Occupation: A commercial activity that is conducted within a dwelling unit and/or accessory buildings by members of the family occupying the dwelling, with no servant, employee, or other person being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance, nor manifest any characteristic of a business, in the ordinary meaning of the term, nor infringe upon the rights of neighboring residents. Such occupations shall be a secondary use of the premises.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and with nursing service on a continuous basis.

Hotel: A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the lodging rooms.

Impervious Surface: Hard surfaces such as roofs and pavement that prohibit water from soaking into the ground.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial establishments may include cabinetry/carpentry/woodworking shops, machine shops, welding shops, and sheet metal shops.

Industrial, Heavy: A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial also includes farm product processing establishments, including grain elevators; saw mills, meat packing plants, and canneries.

Land Division: A partition or subdivision of a lot or parcel.

Light Truck: Truck with a gross cargo weight of 1-1/2 tons or less.

Live/Work Townhouse: An attached single family dwelling which is designed to accommodate a commercial business on the ground floor. The commercial or office portion of the building shall be oriented to the front of the building and shall be directly accessible by the primary front entrance.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes. Refer to Municipal Code Chapter 4.25 Livestock.

Local Improvement District (LID): The area determined to be specially benefitted by a local improvement within which properties are assessed to pay for the cost of the local improvement.

Lot: Unless the context provides otherwise (e.g. a “lot of record”), a unit of land created by subdivision.

Lot of Record: Any lot, or parcel lawfully created by a partition, subdivision, deed, or sales contract that is recorded plat in the Ex Officio County Clerk’s Office of Washington County.

Lot Area: The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines exclusive of public and private roads. For flag-shaped lots, the access strip shall not be included in the lot area for the purposes of minimum lot area requirements of this Ordinance.

Lot, Corner: A lot or parcel abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than 135 degrees.

Lot Coverage: That portion of a lot or parcel covered by buildings and structures usually expressed in percentage of total square feet of lot size.

Lot Depth: The horizontal distance from the midpoint of the front lot or parcel line to the midpoint of the rear lot line.

Lot, Flag: A lot or parcel that does not front on or abut a public road and where access to the public road is usually by a narrow access strip.

Lot Interior: A lot or parcel other than a corner lot or parcel.

Lot Line Adjustment: The relocation or elimination of a common boundary between two legal lots or parcels, provided no new lots or parcels are created. ~~Elimination of lot or parcel boundaries is only permitted for a maximum of 3 common boundaries; otherwise a partition is required.~~

Lot Line, Front: The line separating the lot or parcel from the street other than an alley, and in the case of a corner or through lot or parcel, the line along a street other than an alley over which the primary pedestrian access to the property is gained. In the case of a flag lot, the front lot line for setback purposes shall be the parallel projection of the shortest side lot line of the driveway flag.

Lot line, Rear: The line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any property line that is not a front or rear lot line.

Lot Width: The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lot line.

Manufactured Home: A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.), as amended on August 22, 1981; and is constructed for movement on the public highways has plumbing, and cooking facilities, is intended for human occupancy, and is being used for residential purposes.

Manufactured Home Park: A place where two or more manufactured homes are located on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person or to offer space free in connection with securing the trade or patronage of such a person.

Mixed Use Development: A development that integrates some combination of retail, residential, commercial, office, institutional, recreation, or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, reduces reliance on the automobile, and encourages community interaction.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Motel: A building or group of buildings on the same lot or parcel and containing guest units with separate entrances and individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to visitors. The term includes auto courts, tourist courts, tourist homes and motor lodges.

Nonconforming Structure or Use: A lawfully existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform, or becomes nonconforming, to the requirements of the zone in which it is located as a result of amendments or other changes to this ordinance..

Parking Space: A space with room for maneuvering and access space required for a standard automobile to park space.

Partition: To divide land into not more than three parcels within a calendar year.

Place of Worship: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Planned Unit Development: Type of development in which some departure from lot size, density, and other requirements of the underlying zone is permitted in order to accommodate unique physical characteristics and/or facilitate use of innovative building techniques and materials.

Recycling Facility: A facility that involves the separation, collection, and/or processing of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

Recycling Drop-Off Center: A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Residential Facility: A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafes, tea rooms, and outdoor cafes.

Restaurant, Fast Food: An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer's table and food is generally served in disposable wrapping or containers. This type of establishment may or may not include a drive in/thru window.

Retail Sales & Service: Indoor establishments engaged in selling goods and services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RV Park: A campground for day use and overnight accommodations by motor homes.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment/vehicles, and appliances.

Satellite Dish: As regulated by the FCC, a direct-to-home satellite dish or antenna that is less than one meter in diameter, a TV antenna on a mast less than 12 feet above the roofline, and wireless cable antennas associated with a single family or manufactured home, a townhouse, apartment or condominium. The City may restrict such devices if it is necessary to accomplish a clearly defined safety objective, or is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places and imposes no greater restrictions than on other devices.

School, Elementary, Junior High or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

Scientific Testing/Research Laboratory: An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

Senior Housing: A residential development which is limited to residents 55 years and over.

Setback: An imaginary line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.

Sign: An identification, description, illustration, or devise which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

Sign, Monument: A sign that extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Solid Waste Transfer Station: A facility at which solid waste is transferred from one solid waste vehicle to another solid waste vehicle for transportation to a solid waste facility.

Solid Waste Transfer Station, Material Recovery Facility: A solid waste transfer

station designed and operated to process waste by utilizing manual and/or mechanical methods to separate useful materials from the incoming waste stream for return to the economic mainstream for use as raw materials or products. This definition includes recycling plants that process discarded metals, glass, paper, plastics, and other materials for re-use.

Storage, Outdoor: The keeping, in an unenclosed area, of any goods, junk, materials, or merchandise in the same place for more than twenty-four hours and not actively being sold.

Storage, Self Service/RV: A structure containing separate, individual, and private storage spaces of varying sizes that may include, but is not limited to, storage areas for Recreational Vehicles (RVs) and boats. Storage for RVs does not include RV parks.

Story: The portion of a building included between the first surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall constitute a story.

Street: The entire width between the boundary lines of every way of travel which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," and other similar designations.

Structural Alteration: Any change to the supporting members of a structure including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Subdivision: To divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

Substandard lot: A lot which does not meet the lot size requirements of the zoning district in which it is located and is therefore considered a nonconforming property.

Theater: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Trailer (Travel or Vacation): A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is designed primarily for vacation and recreation purposes.

Travel Trailer Parks: An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

Truck Stop/Freight/Trucking Terminal: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Unstable Soil: Soil types which pose severe limitations for development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Facility: A site where infrastructure services and structures necessary to deliver basic utilities are undertaken. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility.

Variance: The modification of a specific standard in this Ordinance. Variances are granted by the Planning Commission. Minor variances may be approved administratively by the City Planner

Vehicle Wash: A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Vehicular Sales, Rental, Repair & Service: Any premises or structures when used for the sales, rental, servicing and/or repair of motor vehicles, including paint and body work, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived there from. Motor vehicles may include, but are not limited to, automobiles, marine craft, motorcycles, and air craft. This use does not include sales, repair/service, and rental of commercial freight trucks/semi-trailers and farm/logging equipment.

Vision Clearance: The triangular area at the intersection of any two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including alleys. These areas provide increased site distance to drivers, pedestrians, wheelchairs, and other users of the intersection. For more details, refer to Chapter 16.16048, Clear Vision Areas.

Warehousing: The storage of goods or merchandise at a facility such as a storehouse.

Waste/Recycling Services: Trash removal and recycling services for residents and business of an area. This may include, but is not limited to, solid waste transfer stations, material recovery facilities, and recycling facilities.

Wholesale Sales/Service: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunication Facility: An unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

Wireless Telecommunication Tower: A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, Rear: A yard between side lot lines measured at a right angles from the rear lot line to the nearest point of a main building.

Yard, Side: A yard between the front and rear yard measured at a right angles from the side lot line to the nearest point of the building.

Chapter 16.20
ZONING DISTRICT R-7.5

Field Code Changed

16.20.000 **Purpose**

The purpose of **the R7.5 District** is to provide for the development of single family uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

16.20.005 **Permitted Uses**

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

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- C. Child Care, Certified Home
- D. Child Care, ~~Registered Residential~~-Home
- E. Home occupations, subject to Chapter 16.85, Home Occupations
- F. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- G. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- H. Residential Home
- I. Single family detached dwelling

16.20.010 **Conditional Uses**

Subject to the requirements of Design Review section of this chapter, if applicable. Refer to Chapter 16.15, Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R7.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Child Care, Certified Center
- B. Civic /Governmental use
- C. Educational Facility
- D. Extended Care Facility / Convalescent / Nursing Home
- E. Fraternal Lodge
- F. Places of Worship
- G. Utility Facilities

16.20-1

16. 20.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R7.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City ~~Planner~~ pursuant to Variance Review section of this chapter.

A. Lot/Parcel Size

1. Single family detached dwelling: 7,500 square feet minimum lot/parcel size
2. All other uses: 7,500 square feet
3. 9,000 square feet maximum for lots created by subdivision.

B. Lot/Parcel Depth and Width

1. The minimum average lot width shall be 60 feet.
2. The minimum lot depth shall be 80 feet.

C. Minimum Setback Requirements

1. Principle structures, accessory dwellings, and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.125.010.
2. Front Yard (Principle structure) 20 feet
3. Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.
4. Rear Yard 10 feet for street-access lots
6 feet for alley-access lots
5 feet for Accessory Structures and Accessory Dwellings
5. Side Yard (interior) 5 feet

Field Code Changed

Side Yard (adjacent to street) ~~10-foot~~ plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.

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Accessory Structures and Accessory Dwellings: ~~only require a~~ 5 foot

16.20-2

Side Yard (adjacent to street) setback, except as provided for in 16.105.

Flag Lots approved 10 feet for all yards, except pursuant to 16.125.010, that the yard facing the garage door shall be a minimum of 20 feet, except as otherwise provided in this chapter.

D. Height of Buildings

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

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E. Lot/Parcel Coverage

In the **R7.5 District**, the maximum impervious surface lot coverage shall not exceed sixty five (65) fifty (50) percent of the total area of any lot.

16. 20.020 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in the Off Street Parking and Loading section of this chapter.

16. 20.025 Development Standards

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

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;
3. recessed entries;
4. covered porch entries;
5. cupolas;

16.20-3

6. pillars or posts;
 7. bay or bow windows;
 8. eaves (minimum 6" projection);
 9. offsets on building face or roof (minimums 16");
- B. All manufactured homes shall also comply with the requirements of Chapter 16.100, Manufactured Homes.

16.20-4

Chapter 16.25
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT R-5

Field Code Changed

16.25.000 **Purpose**

The purpose of the R5 District is to provide for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

16.25.005 **Permitted Uses**

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

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplex dwellings, Subject to Chapter 16.105, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- J. Residential Home
- K. Single family attached homes/row houses. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- L. Single family detached dwelling

16.25.010 **Conditional Uses**

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

The following uses and their accessory structures may be permitted in the R7.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Bed & Breakfast
- B. Child Care, Certified Center
- C. Civic /Governmental Use
- D. Educational Facility
- E. Extended Care Facility / Convalescent / Nursing Home

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- F. Fraternal Lodge
- G. Places of Worship
- H. Utility Facilities

16.25.015 Dimensional Standards

The following dimensional standards are the minimum requirements for all development in the **R5 District** except for modifications permitted under the **Lot, Building, & Yard Exceptions** or **Planned Unit Development sections of this chapter**. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City ~~Planner~~. For land within the city limits of the City of North Plains as of July 1, 2004, a minor adjustment of up to 10% of the lot size may be granted by the City pursuant to the Variance Review section of this chapter.

A. Lot/Parcel Size

1. Single family detached dwelling - 5,000 square feet minimum
 - Within a Planned Unit development - 4,000 square feet minimum
 - Lots created by Subdivision - 6,000 square feet maximum
2. Two family dwelling (duplex) triplex & attached single family dwelling - ~~2,500~~4,000 square feet minimum per unit
3. All other uses - 5,000 square feet minimum

B. Lot/Parcel Depth and Width

1. The minimum average lot width shall be 40 feet, except that lots for attached single family dwellings may have a minimum average lot width of 25 feet.
2. The minimum lot depth shall be 80 feet.

C. Minimum Setback Requirements

Principle structures, accessory dwellings accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.125.010(C):

1. Front Yard

- Garage ~~or carport~~ - 20 feet
- All other structures - 15 feet

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With alley access garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

2. Rear Yard

- Street-access lots - 10 feet
- Alley-access lots - 6 feet
- Accessory Structures and Accessory Dwellings - 5 feet

3. Side Yard

- Interior - ~~5-10~~ feet
- adjacent to street - 10 feet plus additional necessary to comply with the standards of the Clear Vision Areas section of this chapter
- Accessory Structures and Accessory Dwellings: ~~only require a~~ 5 foot Side Yard (adjacent to street) setback, except as provided in the Accessory Uses Structures and Dwellings section of this chapter

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4. Flag Lots

All yards shall have setbacks of 10 feet, except that the yard facing the garage shall be a minimum of 20 feet.

5. Height of Buildings

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

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6. Lot/Parcel Coverage

In the R5 District, the maximum impervious surface lot coverage shall not exceed the following percentage of the total area of any lot.

- Single family detached dwellings - ~~50~~65%
- Duplexes, triplexes and single family attached dwellings - 65%

- Non-residential uses - 65%

16.25.020 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in Off Street Parking and Loading of this chapter.

16.25.025 Development Standards

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

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
 2. gables;
 3. recessed entries;
 4. covered porch entries;
 5. cupolas;
 6. pillars or posts;
 7. bay or bow windows;
 8. eaves (minimum 6" projection);
 9. offsets on building face or roof (minimums 16");
- B. All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

Chapter 16.30
ZONING DISTRICT R-2.5

16.30.000 **Purpose**

The purpose of the R2.5 District is to provide for the development of multi-family housing, and to implement the housing policies of the Comprehensive Plan.

16.30.005 **Permitted Uses**

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

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, Subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Multi-family dwellings, Subject to Chapter 16.175 Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- J. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- K. Residential Facility
- L. Residential Homes
- M. Single family attached homes row houses, 4 units. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- N. Single family detached dwelling
- O. Townhomes/condominiums, subject to Subject to Chapter 16.175, Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- P. Triplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

16.30.010 **Conditional Uses**

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

The following uses and their accessory structures may be permitted in the R2.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit.

- A. Bed & Breakfast
- B. Extended Care Facility / Convalescent / Nursing Home
- C. Child Care, Certified Center
- D. Civic /Governmental Use
- E. Educational Facility
- F. Places of Worship
- G. Fraternal Lodge
- H. Utility Facilities

16.30.015 Dimensional Standards

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

A. Lot/Parcel Size

- Lots created by subdivision: 6,000 square feet maximum lot size per dwelling unit
- Single-family dwelling: 2,500 square feet minimum
- Two-family dwelling (duplexes), Triplexes & attached single family dwellings: 2,500 square feet per unit minimum lot size
- Multi-family dwelling developments (greater than 3 units): 10,000 4,000 square feet minimum foot lot;
- All other uses 4,000 square feet minimum

B. Lot/Parcel Depth and Width

- No minimum lot width or depth.

C. Setback Requirements

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

D. Front Yard:

- For all structures: 10 feet
- Garage: 20 feet

Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

E. Rear Yard:

- street-access lots 10 feet
- alley-access lots 6 feet
- Accessory Structures and Accessory Dwellings 5 feet

F. Side Yard:

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

G. Flag lots approved:

10 feet for all yards, except pursuant to that the yard facing the garage shall be a minimum of 20 feet.

H. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet, two and a half stories, whichever is less. ~~Accessory dwellings and accessory structures shall not exceed 25 feet. Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.~~

I. Lot/Parcel Coverage

In the R2.5 District, the maximum lot coverage for impervious surfaces shall not exceed 65%

16.30.020 Parking Requirements

Parking requirements are specified in Chapter 16.155 Off Street Parking and Loading.

16.30.025 Development Standards

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

- A. All units shall utilize at least two of the following design features to provide visual relief along the front of the home:
 - 1. dormers;
 - 2. gables;
 - 3. recessed entries;
 - 4. covered porch entries;
 - 5. cupolas;
 - 6. pillars or posts;
 - 7. bay or bow windows;
 - 8. eaves (minimum 6" projection);
 - 9. offsets on building face or roof (minimums 16");

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

Chapter 16.60
Community Service Overlay District (CS)

~~16.123.00~~ 16.60.00 Purpose

The purpose of the Community Service Overlay District (CS) is to identify and protect public and private facilities that serve a community educational, cultural, recreational, social, or governmental function, subject to other sections of this chapter including Design Review, if applicable. Uses authorized in the CS Overlay District include:

- A. Churches.
- B. Public or private schools.
- C. Public or private non-profit social service, community, or recreational facilities.
- D. Governmental structures such as city offices, fire station, library, post office, and public parks.
- E. Public utilities including wells, water storage tanks, and sanitary sewer pump stations.
- F. Private utilities including electric power substations; telephone exchanges; television, radio or microwave transmission facilities.
- G. Other similar uses deemed appropriate by Planning Commission.

16.60.005 Application

At the time a conditional use is approved, or, in the case of an outright use, at the time a building permit is issued, for a facility named in 16.60.000, said property shall be placed in a Community Service Overlay District on the Zoning Map. In taking any subsequent action which affects a property so designated, the Planning Commission shall consider the special community value and benefits of the facility. The use shall be subject to all standards and requirements of the underlying zone.

16.60.010 Discontinuation of Community Use

At such time a use designated as a community service is discontinued and a use other than one listed in Chapter 16.60.000 is established on the site, the CS Overlay designation shall be removed.

Chapter 16.65
HOW LAND MAY BE USED AND DEVELOPED
Floodplain Overlay DISTRICT (FP)

16.65.000 **Purpose**

The purpose of the Flood Plain Overlay District (FP) is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

16.65.005 **Definitions**

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise.

Appeal: A request for a review of the Planning Commission's interpretation of any provision of this Section or a request for a variance.

Area of Shallow Flooding: Area designated AO or AH on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is

unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard: The land in the Flood Plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also referred to as the "100-year flood." Designation on maps always includes the letter A.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevated Building: For insurance purposes, a non basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Expansion to An Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of

inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain Administrator: The Planning Commission of the City of North Plains shall be the Floodplain Administrator

Flood Way: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor: The lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure allows the entry and exit of flood waters.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For Flood Plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

New Construction: Structures for which the start of construction commenced on or after January 18, 1982.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

Recreational Vehicle: A vehicle which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure: A walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance: A grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by the section.

16.65.010 General Provisions

A. Area of Application

All property, regardless of the underlying zoning designation, which falls within the boundaries of the 100-year Flood Plain, also known as the area of special flood hazard, shall be subject to the provisions of Zoning District (FP) of this Ordinance.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study of the City of North Plains, Oregon, Washington County, Oregon," dated March 16, 1989, with the accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the City of North Plains, City Hall, North Plains, Oregon. The City shall utilize all authoritative information available in determining the location of special flood hazard areas.

C. Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Literally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of North Plains, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Critical Facilities

Critical facilities as defined by this Chapter shall not be located in a flood way or flood plain.

H. Accessory Structures

Accessory structures shall not be located within a floodplain or floodway.

16.65.015 Administration

A. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter 16.65.010 (A). The permit shall be required for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also as set forth in the Definitions.

B. Application for Development Permit

Application for a development permit shall be made on forms furnished by the City Recorder, and accompanied by the appropriate fee, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which the structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Chapter 16.65.025 (B).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. Designation of Planning Commission as Administrative Body

The Planning Commission is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. "Flood Plain Development Permits shall be subject to the public notice requirements and public hearing requirements of this chapter.

The duties of the Planning Commission shall include, but not be limited to:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the flood way. If

located in the flood way, assure that the encroachment provisions of Chapter 16.65.025 (D) are met.

2. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Chapter 16.65.010 (B), the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and flood way data available from federal, state, or other sources, in order to administer Chapter 16.65.025.

3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Chapter 16.65.015 (2), obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood proofed structures:
 - (i) Verify and record the actual elevation (in relation to the mean sea level), and
 - (ii) Maintain the flood proofing certifications required in Chapter 16.65.015 (B)(3).
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses

- a. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries

Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary

and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

16.65.020 Provisions for Flood Hazard Protection

In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters

into the systems and discharge from the systems into flood waters; and

3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres, whichever is less.

E. Review of Building Permits

Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. The City of North Plains has been notified that failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

16.65.025 Specific Standards

In all areas of special flood hazards where base flood elevations data has been provided as set forth in Chapter 16.65.010 (B) or 16.65.020 (C)(2), the following provisions are required:

A. All Development

All development within the boundaries of the 100-year Flood Plain shall conform to the following cut and fill standards:

1. No net fill in the flood plain is allowed. All fill placed in a flood plain shall be balanced within at least an equal amount of soil material removal;
2. Excavation areas shall not exceed fill areas by more than 50 percent of the area;
3. Any excavation below the bank full stage of No Name Creek or McKay Creek shall not compensate for fill;
4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill in the Flood plain Overlay District and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to stream flow as practicable. Bridges shall be used instead of culverts wherever practicable

B. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevations. Below grade crawl spaces shall not be permitted. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited. Parking, crawl spaces and storage is allowed below the lowest floor provided the area is designed to permit the entry and exit of flood waters. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction in accordance with accepted standards of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Chapter 16.65.015 (B)(3).
4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Chapter 16.65.025 (A).
5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

D. Manufactured Home

All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE (as defined by the Federal Emergency Management Agency) shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Chapter 16.65.020(A).

E. Flood Ways

Located within areas of special flood hazard established in Chapter 16.65.010(A) are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply, these provisions apply to all floodways:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within Zones A1 and A2 (as defined by the Federal Emergency Management Agency) unless certification by registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Chapter 16.65.025 (D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 16.65.025.

3. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.
4. The placement of mobile homes in existing mobile home parks and subdivisions will comply with Subsections 16.65.025 (C) 1-3.

F. Recreational Vehicles

Recreational vehicles shall be prohibited from locating in flood hazard areas.

16.65.030 VARIANCE PROCEDURE

When a variance to the standards of this chapter is requested, the following provisions regarding a variance application and decision shall be followed instead of the provisions of the Variance section of this chapter.

A. Appeal Board

1. The Planning Commission as established by the zoning ordinance shall hear and decide appeals and requests for variances from the requirements of this Chapter.
2. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council as set out in this chapter.
4. In considering such application, the Planning Commission and/or City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Zoning and Development Ordinance, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the conditions for variances below and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 6. The City ~~Planner~~ shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all other sections of this chapter have been considered. As the lot

size increases the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Chapter 16.65, or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods, As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with development standards in this section.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest

floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

Chapter 16.70
HOW LAND MAY BE USED AND DEVELOPED
Historic Overlay District (HO)

16.70.00 **Purpose**

The purpose of the Historic Overlay District is to promote the public health, safety and general welfare by providing for the protection, enhancement, perpetuation and use of designated historic sites and structures in order to:

- A. Safeguard the City's heritage as embodied and reflected in historic resources;
- B. Encourage public knowledge, understanding and appreciation of the City's history and culture;
- C. Foster community pride and sense of identity based on recognition and use of historic resources;
- D. Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- E. Preserve architectural styles reflecting the City's history;
- F. Identify and resolve conflicts between the preservation of historic resources and incompatible improvements and uses; and
- G. Carry out the provisions of Land Conservation and Development Commission Goal 5.

16.70.005 **Definitions**

For the purposes of this Section, the following definitions apply:

- A. **Alteration**: The addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, identified building or object in a Historic District.
- B. **Architectural Significance**: The building or district (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural type/specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the City; (4) contains elements of architectural design,

detail, materials or craftsmanship which represent a significant innovation.

- C. **Certificate of Appropriateness**: Written authorization granted by the City for exterior alteration of a designated Landmark or designated building in a Historic District.
- D. **Demolish**: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated Landmark or designated building in a Historic District.
- E. **Exterior**: Any portion of the outside of a historic resource.
- F. **Historic Resource(s)**: An individual building site, object or structure of architectural, historic, cultural or archaeological significance as designated in the North Plains Comprehensive Plan.
- G. **Historic Significance**: The building or district (1) has character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social or historic heritage of the community and (5) is recognized in the North Plains Comprehensive Plan.

16.70.010 General Provisions

A. Area of Application

Sites and structures which are designated in the City of North Plains Comprehensive Plan as historically significant shall be subject to Chapter 16.70. Only the specific sites identified in the Comprehensive Plan are subject to the provisions of this Section; other existing structures and uses on the same tax lot are not subject to this section unless specifically designated as historically significant resources. If a resource is relocated, the Overlay District shall apply to the new location and be removed from the old location at the initiation of the City. All sites and structures designated as historically significant shall be identified on the North Plains Zoning Map as being within the Historic Resource Overlay District.

B. Uses Allowed

Uses allowed within the Historic and Overlay District shall be the same as those allowed in the primary district if consistent with all provisions of this section.

C. Ordinary Maintenance and Repair

Nothing in this Section shall be construed to prevent the ordinary maintenance or repair in or on any resource designated by this Section that does not involve a change in design, material or external appearance thereof.

D. Compliance

No structure or site shall hereafter be altered or demolished without full compliance with the terms of this ordinance and other applicable regulations.

16.70.015 Exterior Alterations

Except as provided within this Section, no person may alter any designated historic resource in such a manner as to affect the exterior appearance unless a Certificate of Appropriateness has been issued by the City.

A. Application for a Certificate of Appropriateness

The application shall be submitted to the City-~~Planner~~ along with the required filing fee. The Application shall include a detailed description of the request and compliance with the review criteria in Chapter 16.70.010 (D).

B. Coordination with County Museum

Prior to action on any Historic Resource issue, the City shall notify the Washington County Museum and, in concert with the museum staff, may conduct a study of the proposed action, prepare documentation as may be appropriate and make a recommendation in the form of a staff report to the Planning Commission as to the appropriateness of the proposed action.

C. City ~~Planner~~ Review

The City ~~Planner~~ shall review the application pursuant to Chapter 16.170. Notice of the application shall be given pursuant to Chapter

16.170 (A). and shall also be posted in three locations in the city seven days before action by the City ~~Planner~~. The City ~~Planner~~ shall approve, approve with conditions or disapprove issuance of the Certificate of Appropriateness for exterior alterations. The decision of the City ~~Planner~~ shall include findings of fact. Decisions of the City ~~Planner~~ may be appealed to the Planning Commission according to Chapter 16.170 and notice of the Planning Commission hearing shall be given in accordance with the Application Review section of this chapter and shall be posted in three locations in the city seven days before action by the Planning Commission.

D. Review Criteria

The City ~~Planner~~ shall consider the following criteria in reviewing proposed exterior alterations to historic resources.

1. **Retention of original construction**: All original exterior materials and details shall be preserved to the maximum extent feasible.
2. **Height**: Additional stories may be added to historic buildings provided:
 - a. The added height complies with requirements of the Building and Development Codes;
 - b. The added height does not exceed that which was traditional for the style of the building;
 - c. The added height is visually compatible with adjacent historic buildings.
3. **Bulk**: Horizontal additions may be added to historic buildings provided:
 - a. The bulk of the addition does not exceed that which was traditional for the building style;
 - b. The addition maintains the traditional scale and proportion of the building style, particularly as viewed from the sides of the building which front on public rights-of-way;
 - c. The addition is visually compatible with adjacent historic buildings.

4. **Visual integrity of structure:** The lines of columns, piers, spandrels, or other primary structural elements shall be maintained so far as is practicable.
5. **Scale and proportion:** The scale and proportion of altered or added building elements and the relationship of windows to walls shall be visually compatible with the traditional architectural character of the historic building.
6. **Material, color and texture:** The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building and matches existing materials, colors and textures to the maximum extent feasible. Original masonry and mortar, without the application of any surface treatment, shall be retained whenever possible.
7. **Signs, Lighting:** Signs, lighting and other appurtenances, such as walls, fences, and awnings shall be visually compatible with the traditional architectural character of the historic building. Trees larger than 18" in diameter at breast height shall be retained whenever possible.
8. **Preservation, Cleaning and Repair:** Preservation, cleaning, repair, and other treatment of original materials shall be in accord with the Secretary of Interiors Standards of Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

16.70.020 Demolition

A. Application for Demolition Permit

If an application for a permit to demolish a designated Landmark or any building within a designated Historic District is received, the Building Official shall, within seven (7) days, transmit to the City ~~Planner~~ and Planning Commission a copy of said transaction, unless the Building Official has found that the building does not comply with the Uniform Code for Abatement of Dangerous Buildings and has ordered the removal or demolition of such building on the basis of a danger to life, health or property.

B. Planning Commission Review

Applications for demolition of historic resources shall be subject to the public notice requirements and the public hearing requirements of Application Review section of this chapter. Prior to the issuance of a

permit for the demolition of any designated landmark, the Planning Commission shall review the request to determine to their satisfaction that the applicant has met the following conditions:

1. The applicant has advertised such building for sale or removal from the site, with such advertisement to run two consecutive weeks (no less than seven days apart) in a newspaper of general circulation in the North Plains area.
2. The applicant has not rejected the highest bona fide offer for sale and removal of the building.

C. Approval of Request and Appeal Period

The Planning Commission may approve or deny the demolition request. If the request is granted and no appeal is filed within the time frames set forth in the Application Review section of this chapter, the Building Official shall issue the permit after determining that the permit is in compliance with all other codes and ordinances of the City.

D. Denial of Request and Temporary Stay of Demolition

Should the Commission reject the application to demolish, issuance of the permit shall be suspended for a period of up to 90 days so that alternative disposition of the property may be considered. During such period of suspension, no permit shall be issued for such demolition nor shall any person demolish the building or structure. If all programs or projects to save the building from demolition are demonstrated to the Planning Commission to be unsuccessful and the applicant has not withdrawn the application for demolition, the Planning Commission shall authorize the Building Inspector to issue such permit if the application otherwise complies with the codes and ordinances of the City.

Chapter 16.80
SIGN STANDARDS

16.80.000 Definitions

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

~~A.~~ **Abandoned sign** - A sign or sign structure where:

- ~~1.~~ 1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
- ~~2.~~ 2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Z.

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

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

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

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

~~CC. Video Sign~~

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

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

16.80.005 General Provisions

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

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

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

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

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

16.80.010 Signs in Residential Zones

~~A.~~ Permitted Signs

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

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

- a. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
- b. ~~One (1) temporary sign, not illuminated and not exceeding six square feet in during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.~~
- c. ~~One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.~~
- d. Homeowner Association Meeting announcements not exceeding 6 ~~3~~ square feet.
- e. Changeable copy signs for institutional uses, not exceeding 20 square feet
- f. One (1) monument sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument sign.
- g. One (1) monument sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

h. Temporary Signs:

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

~~g.~~

i. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the

subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.

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

~~i.~~

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

B. Prohibited Signs

The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Temporary signs, except as permitted ~~in Section~~ for residential zones above 16.8019.0130(A)(2)
- ~~5. Snipe Sign~~
- ~~6.5.~~ Murals

16.80.015 Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.
 - a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
 - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.

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

k. Temporary Signs:

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

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

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

_____ a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

_____ b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.

c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.

d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.

_____ e. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

_____ f. Window sign, provided that not more than 25% of a window's area is included in a window sign.

g. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not

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be located adjacent to, or across from residential zones.

- h. For properties with greater than 200 feet of total street frontage, one monument sign for each street frontage with a maximum area of 1/2 square foot per lineal foot of property frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument sign allowed in subsection g of this section.
- i. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

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

j. Temporary Signs:

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

B. Prohibited Signs

- 1. The following signs are prohibited in the C-1 Zone:
 - a. Ground and pole signs
 - b. Roof signs
 - c. Temporary signs placed within the city right-of-way, except as permitted above.

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~~e. Snipe sign~~

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

a. Ground or pole sign

b. Roof signs

c. Projecting signs

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

~~d. Snipe sign~~

-16.80.020 Signs in Neighborhood Community Zone

A. Permitted Signs

Signs located in the NC Zone:

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

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

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

3. Temporary Signs:

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

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

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

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

B. Prohibited Signs

1. Ground and pole signs

2. Roof signs

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

~~4. Snipe Sign~~

16.80.025 Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 Zone.

a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs are not allowed adjacent to, or across from a residential zone.

d. A mural meeting the definition under Section 16.80.000 ~~19.010~~ is allowed with no maximum size.

e. Temporary Signs:

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

removed within 10 days after the property is sold, leased or rented.

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

iii. Temporary political signs

i. All other temporary signs not placed within any city right of way.

2. Signs that meet the following regulations are allowed in the M-2 Zone.

a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.

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

f. Temporary Signs:

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

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

iii. Temporary political signs

iv. All other temporary signs not placed within any city right of way.

B. Prohibited Signs

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

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

~~16.80.030~~ Temporary Signs

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

- ~~A. Temporary signs and banners, posted by the city or community organizations for a maximum period of six months from the date a permit is issued.~~

- ~~B. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty two (32) square feet area and shall not be placed within the right of way. The sign shall be removed within 10 days after the property is sold, leased or rented.~~
- ~~D. Portable signs are considered temporary signs for the purposes of this ordinance.~~
- ~~E. All temporary signs that require a permit shall also pay a deposit to the city. The deposit shall be returned in full once all signs are removed from the city and disposed of or stored within the time limits of the sign permits. If a sign is not removed within the time period of the permit, the city may use the deposit to defray the costs of removing the sign.~~
- ~~F. Only one temporary sign permit shall be issued per business in any six month period of the calendar year. A temporary sign permit shall be issued for a maximum of 6 signs.~~

16.80.035 Additional Regulations Applicable to all Zones.

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

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16.80.040 Abandoned Signs

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

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

16.80.045 Non-Conforming Signs

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

1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter16.110
Manufactured Homes (MH)

16.110.000 Purpose

Because a manufactured home park can have significant impacts on the surrounding community, special standards governing development of these uses have been established. The provisions regulating manufactured homes located inside and outside of manufactured home parks and subdivisions are adopted for the following purposes:

1. To accommodate manufactured homes as permitted uses in the Single Family Residential zone and in Manufactured Home Parks and Manufactured Home Subdivisions;
2. To assist in providing opportunities for low and moderately priced single-family housing;
3. To provide standards to ensure a high-quality living environment;
4. To provide standards to protect the character of existing neighborhoods.

16.110.005 Manufactured Home Design Standards

A manufactured home may be located inside or outside a manufactured home park or subdivision subject to the following conditions:

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

* All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

- a. dormers;
- b. gables;
- c. recessed entries;
- d. covered porch entries;
- e. cupolas;
- f. pillars or posts;
- g. bay or bow windows;
- h. eaves (minimum 6" projection);
- i. off-sets on building face or roof (minimum 16")

- B. The manufactured home shall be multi-sectional (double wide or

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wider) and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional by virtue of having a tip-out section.

- C. The manufactured home shall be placed on an excavated and back-filled foundation which is enclosed at the perimeter so that the manufactured home is not more than 12 inches above grade on the uphill side of the home. The perimeter enclosure shall be a non-structural concrete, concrete block or masonry wall on all manufactured homes placed on individual residential lots outside of a manufactured home park. Inside a manufactured home park, the perimeter enclosure may be painted, pressure-treated exterior plywood. The perimeter enclosure shall be constructed to Washington County Building Department standards.
- D. The manufactured home shall have a pitched roof, with a slope of at least three feet in height for each 12 feet in width (i.e.- at least a 3 in 12 pitch).
- E. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used in residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the city planner.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope which meets performance standards which reduce levels to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.
- G. The manufactured home may have a garage or carport. If so, the exterior materials of the garage or carport shall match the residential home.
- H. The manufactured home shall not be sited adjacent to any designated historical structure.
- I. The manufactured home and the lot on which it is located shall be subject to the same development standards as other single family residence in that zone.
- J. An original or replacement manufactured dwelling and carport may

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be placed on a park space that has been converted to a subdivision lot under ORS 92.835 if:

1. The manufactured dwelling is constructed and installed in accordance with state and federal standards; and
 2. The owner of the lot has signed and recorded a waiver of the right of remonstrance for the formation of a local improvement district by the city, in a form approved by the city.
- K. The approved dimensional standards or special uses from the original manufactured home park approval apply to all subsequent development in the park.

16.110.010 Manufactured Home Park Development Standards

A. Site Size

A minimum parcel size of five (5) acres is required for development of a manufactured home park.

B. Vehicular and Pedestrian Access

1. Manufactured home parks shall abut and have direct access to a street.
2. Access drives shall be provided to each manufactured home space, shall be continuous unless provided with adequate turn-around area or cul-de-sac, and shall have a minimum width of twenty (20) feet. The point of principal access to the street shall be at least thirty-six (36) feet in width.
3. Walkways, not less than two (2) feet in width, shall be provided from each manufactured home space to service buildings and along both sides of all access drives.

C. Perimeter Treatment

Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:

1. Sight-obscuring fence or wall not less than five nor more than six

feet in height;

2. Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet in height at maturity;
3. Combination of (1) and (2) above.

D. Occupied Area Surface Treatment

1. Unless in conflict with state laws and regulations, all areas covered by manufactured homes and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.
2. If required by state statute, each manufactured home space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of one hundred fifty (150) square feet.

E. Open Areas

1. All open areas, except as otherwise specified herein, shall be suitably landscaped according to plans and specifications approved by the Planning Commission. Such areas shall be continuously maintained.
2. If required by state statute, a minimum of two hundred (200) square feet of recreation area of each manufactured home space shall be provided in one or more locations within the manufactured home park or subdivision. The minimum size of each required recreation area shall be five thousand (5,000) square feet.

F. Storage Area

1. A centralized storage area for boats, campers, camping trailers, and automobiles shall be provided in each manufactured home park or subdivision. Such storage area shall contain a minimum of one hundred sixty (160) square feet for each manufactured home space and shall be enclosed by a sight-obscuring fence.
2. Storage buildings shall have a maximum floor area of twenty-five (25) square feet. Carports shall not exceed eight hundred (800) square feet in area unless designed to serve two adjacent manufactured

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home spaces in which case they may be sixteen hundred (1600) square feet in area.

3. Storage structures and carports shall be located not less than six (6) feet from any manufactured home and shall be subject to all of the applicable permits and building codes of the City of North Plains. A storage building and carport shall be provided on each manufactured home space.

G. Utilities

All utilities, i.e., sewer, water, natural gas, electricity, telephone and television cable shall be installed underground in locations approved by the City **Engineer**.

H. Age of Manufactured Home

Prior to location of a manufactured home in a manufactured home park , the owner or occupant shall establish to the satisfaction of the building inspector that the manufactured home is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.), as amended on August 22, 1981.

I. Signs

Signs are limited to one identification sign with a maximum area on one side of twelve (12) square feet. Such sign may be indirectly illuminated, but shall not contain exposed neon or similar tubing and shall not flash, rotate, or move in any way. Design approval of the sign is subject to the review of the Commission to assure that it will be harmonious to the neighborhood.

16.110.015 Review Procedure for Manufactured Home Park

- A. The applicant shall submit 5 copies of a preliminary development plan to the Commission at least 30 days prior to the scheduled public hearing. The preliminary development plan shall contain maps and written documentation as necessary to demonstrate compliance with standards established in Chapter 16.110.005.
- B. Public notification of the proposed manufactured home park shall be provided in accordance with the public notice provisions of this chapter.

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- C. If, in the opinion of the Commission, the Development Standards in Chapter 16.110.000 and the Conditional Use Permit criteria set forth in this chapter are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application.

- D. If the Planner finds denial was based on internal (onsite) factors and new plans have been submitted which are sufficiently modified to warrant re-consideration by the Planning Commission, applications may be resubmitted within 120 days of the denial.

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Chapter 16.120
LOT LINE ADJUSTMENTS

Field Code Changed

16.120.000 Definition

A lot line adjustment is the relocation or elimination of a common boundary between two legal lots, provided no new lots are created as a result of the relocation of the common boundary. The elimination of lot boundaries is permitted only for a maximum of 3 common boundaries.

16.120.005 Application and Fee

An application for a lot line adjustment shall be filed with the City and accompanied by the appropriate fee. It is the applicant's responsibility to submit a complete application that addresses the review criteria of this section. An application for a lot line adjustment shall be reviewed administratively by the City ~~Planner~~ per Chapter 16.170. The City may specify conditions or modifications in the application as necessary to assure compliance with the review criteria of this section.

16.120.010 Review Criteria

A lot line adjustment may be authorized provided the applicant demonstrates that the adjustment satisfies the following criteria:

- A. No new lots or parcels are created as a result of the lot line adjustment.
- B. The adjusted lot lines result in lots that comply with all standards of the underlying zone, access provisions and other applicable provisions of this ordinance.

16.120.015 Marking a Property Line Adjustment

Pursuant to ORS 92.060, the initial point, also known as the point of beginning, of a Property Line Adjustment must be on the external boundary of the parcel and must be marked with a monument. The location of the monument shall be referenced by survey pursuant to state statute, unless the county surveyor determines otherwise. ~~If a survey is required, it shall be filed with the Washington County Surveyor.~~

16.120.020 Recording

The applicant shall be responsible for recording the approved lot line adjustment's plat survey and deed with the Washington County Clerk's Office and/or Surveyor's office within 1 year of approval, unless an extension is granted by the City in accordance with Chapter 16.00.080.

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Chapter 16.125
Lot Development Standards

16.125.000 Purpose

Standards provide for the orderly, safe, efficient and livable development of land within the City of North Plains.

16.125.005 Scope

The provisions of this subsection shall apply to all partitions and subdivisions within the City of North Plains.

16.125.010 Standards for Lots

A. Minimum lot area:

Minimum lot area shall conform to the requirements of the zoning district in which the lot is located.

B. Access:

All lots created after the effective date of this Ordinance shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exception:

Flag lots, accessed by a private driveway, may be permitted by the Planning Commission when any of the following conditions are met:

- a The subject property is surrounded by developed properties and the terrain, shape of the parcel, or the location of existing structures precludes accessing the property with a public street.
- b The proposed flag lot(s) front on the arc of a cul-de-sac and the use of flag lots would result in a better lot pattern around the cul-de-sac than that which might otherwise result.
- c The subject property is located in the Commercial or Industrial Zoning District and the Planning Commission finds that full frontage on a public street is unnecessary to the logical development of the property.
- d The Planning Commission finds that the use of flag lots is necessary due to conditions of terrain or other physical features of the property.
- e The Planning Commission finds that the use of flag lots accessing from a collector or local street is preferable to direct access from an arterial street.

C. Flag Lots:

When authorized by the Planning Commission pursuant to the access requirements of Subsection Chapter 16.125.010 (B)(1), flag lots shall be subject to the following development standards:

- a. The access strip shall be a minimum of 15 feet in width, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 12 feet in width, except as required by the Uniform Fire Code. A three-foot wide landscaped planter strip shall be provided between the access strip and the side lot line of the neighboring lot.
- b. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
- c. The access strip shall be in fee ownership of the property provided access and shall not be as an easement. In the case of multiple lots having the same access strip, all lots served shall have ownership of an equal amount of the access strip. There shall be provided an easement over the remainder of the access strip for each property served.
- d. The length of the access strip is subject to the requirements of the Uniform Fire Code, but shall not exceed 200 feet.
- e. Where more than one flag lots abut, access shall be via a shared drive wherever possible. The shared drive access strip shall be a minimum of 20 feet in width for two lots, and increased by 5 foot increments for each additional lot, with a maximum of four lots having access off of one access strip, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 16 feet in width for two lots and increased by four feet for each additional lot, except as required by the Uniform Fire Code. A two foot wide vegetated planter strip shall be provided between the access strip and the abutting side lot lines.
- f. Setbacks in Residential Zoning Districts. Subsequent development on flag lots in the R-7.5, R-5 and R-2.5 zoning districts shall provide minimum front, rear and side yard setbacks of 10 feet, except that the yard facing the garage door or carport entrance shall be a minimum of 20 feet.

D. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering may be required by the Planning Commission during the review of the land division request.

- E. **Lot Side Lines**: The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- F. **Lot Grading**: Lot grading shall conform to the requirements of Chapter 70 of the Uniform Building Code, hereby adopted by reference, and to the following standards unless physical conditions demonstrate the propriety of other standards:
- a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
 - b. Fill slopes shall not exceed two feet horizontally to one foot vertically.
 - c. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- G. **Large Lots**: In dividing tracts into large lots which at some future time are likely to be re-divided, the applicant's tentative plan shall also demonstrate that any redevelopment or re-subdivision may readily take place at the planned residential density without violating the requirements of this ordinance.

The Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots of smaller size.

- H. **Land for Public Purposes**: Where a proposed park, school or other public use indicated on the Comprehensive Plan is located in whole or in part within a subdivision, the sub-divider shall dedicate and reserve said area for such purpose. Where the City or other public authority has declared its intention to acquire said area, it shall proceed to perfect the title or a contract right to the same within three (3) years from the date of platting, and failing such, this reservation shall automatically expire. The public body shall expeditiously proceed, within its financial ability, to consummate such acquisitions.

16.125.015 Standards for Blocks

- A. **General**: The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

- B. **Sizes:** Residential Districts shall have a maximum 600 foot block length, a minimum 160 foot street adjacent lot depth, and a 1,600 foot perimeter. Commercial Districts shall have a block length of 400 foot and a 1,200 foot perimeter. Light Industrial Districts shall have a block length of 600-800 feet and a 1,600-2,000 foot perimeter. General Industrial Districts do not have block length or perimeter requirements. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

16.125.020 Easements

- A. **Utility Lines:** Minimum 5 foot wide easements for sewers, water mains, electric lines, or other public utilities shall be dedicated along the front, side, and rear lot or parcel lines of each lot. Easements shall be centered on lot lines.
- B. **Water Courses:** If a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided which substantially parallels the lines of the water course.
- C. **Pedestrian and Bicycle Ways:** When desirable for public convenience and access, a pedestrian or bicycle way easement may be required to connect to a cul-de-sac or to pass through an unusually long or oddly spaced block, or to otherwise provide appropriate circulation.

16.125.025 Improvement Requirements

- A. **Partitions:** During the review of partition proposals, the City shall require as a conditions of approval, the improvement of:
1. Public streets upon which the property fronts to public standards, including: surfacing of street adjacent to property, installation of curbing, storm sewers, sanitary sewers, waterlines and other necessary public utilities.
 2. Sidewalks, five feet in width, along public street frontage.
 3. Paved private driveways serving flag lots.

All improvements required under this subsection shall be completed or assured through an irrevocable letter of credit, assignment of bank account,

performance bond or other instrument acceptable to the City Attorney prior to the issuance of building permits.

B. **Subdivisions**: The following improvements shall be required for all subdivisions in the City of North Plains.

1. **Frontage improvements**: Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts. Such improvements shall be blended to match with existing improved surfaces across the centerline and for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, waterlines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.
2. **Proposed Streets**: All public streets within the subdivision shall be constructed as required by the provisions of the Street Standards section of this chapter.
3. **Monuments**: Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to U.S. Geological Survey datum.
4. **Sanitary Sewers**: Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the sub-divider as is desirable to assure financing his share of the construction.

The City may require that the sub-divider construct sewage lines of a size in excess of that necessary to adequately serve the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as

an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction.

5. **Water System**: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed.
6. **Street Lights and Street Trees**: The installation of street lights and street trees is required at locations and of a type established by City standards.
7. **Street Signs**: The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type established by City standards.

All improvements required under this subsection shall be completed to City standards, or assured through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

16.125.030 Improvements Procedures

Improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not be commenced until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the ~~City engineer or the superintendent of public works~~. The City may require changes in typical sections and details

in the public interest, if unusual conditions arise during construction to warrant the change.

D. All underground utilities, sanitary sewers, and storm drains installed in streets by the sub-divider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

E. A map showing all public improvements as built shall be filed with the superintendent of public works upon completion of the improvements.

**Chapter 16.130
LAND PARTITIONING**

16.130.000 Definition

Partition: A partition is required for a land division that creates two (2) or three (3) parcels in a calendar year.

16.130.005 General Provisions

- A. All partitions shall conform to all applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.
- B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C. Partition approval is valid in perpetuity, upon recording of the final partition plat.
- D. A parcel within an approved partition may not be re-divided within the same calendar year in which it was recorded except through the subdivision process.
- E. A tentative partition that creates a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission pursuant to the provisions of Public Hearings in this chapter.
- F. Notice of the public hearing shall be provided in accordance with the provisions of Public Notice Requirements in this chapter.
- G. Approval of a Tentative Map for a partition is valid for one (1) year after the date of the written decision. A final plat map for a partition shall be approved and recorded within this one (1) year time period or the tentative approval shall lapse.
- H. Requests for extensions of partition approvals may be made in accordance with the provisions of this chapter.

16.130.010 Submittal Requirements for Tentative Partition Review

- A. An application for a partition shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. An application shall include one (1) ~~ten (10)~~ copies of a tentative partition drawn to scale and shall contain, at a minimum, the following:

1. Name and address of the owner of the property to be divided.
2. Legal description of the property and Tax Lot ID (TLID) by Township, Range, Section and Tax Lot.
3. North arrow and scale.
4. Comprehensive Plan and Zoning designations for the subject property.
5. Individual parcel designation, e.g. Parcel I, Parcel II.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. Adjacent property under the same ownership.
8. All adjacent roads (public or private), including name and road width.
9. Location and size of all existing and proposed utilities.
10. All existing structures on the property and their setbacks.
11. Natural drainage ways, streams, wetlands or other significant natural features of the property.
12. Existing or proposed easements.

16.130.015 Process for Tentative Partition Review

A tentative partition that does create a public road to access any of the proposed parcels shall be reviewed administratively by the City ~~Planner~~. Conditions may be attached to the approval of a tentative partition.

A tentative partition that creates a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than would be required if the tract were subdivided.

16.130.016 Partition Approval Criteria

The City may approve, approve with conditions or deny a preliminary partition plat based on the approval criteria of this chapter including the Subdivisions section.

16.130.020 Process for Final Partition Approval

A. Survey Submitted

Within one (1) year of the written decision approving a tentative partition, two (2) copies of the final survey of the approved partition shall be submitted to the City ~~Planner~~ for review. If the final survey is not submitted within one year, the tentative approval shall lapse.

B. Final Approval

If the final survey of the partition is consistent with the approved partition, if the conditions of approval have been satisfied, and if the City Council has accepted dedication of any newly created public roads by either accepting a deed of dedication on a form acceptable to the City or authorizing the mayor or other City Council designee to sign an acceptance of dedication on the final plat map, the City ~~Planner~~ shall mark the survey map "Approved" and shall:

1. Transmit one copy of the approved partition or the original mylar with acceptance of public road dedication to the applicant for recording, and
2. Retain one copy for the City's files, and
3. Send a final approval letter to the County Surveyor with instructions for final review and recording of the final plat.

C. Recording of Approved Partition Required

The applicant is responsible for recording the approved Partition with the Washington County Records Office. A building permit shall not be issued, or parcel sold, transferred or assigned, until the approved Partition has been recorded.

D. Improvements/Bonding

Prior to issuance of a building permit, all improvements required by the Conditions of Approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney. If ownership of a parcel is transferred prior to satisfaction of the Conditions of Approval, the new owner shall be notified in writing of these Conditions by the transferor.

Chapter 16.135 Subdivisions

16.135.000 Definition

“Subdivision”, for the purpose of this Ordinance, means to divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

16.135.005 General Provisions

- A. All subdivisions shall conform to applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.
- B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C. Pre-application conferences shall be required prior to the submittal of all subdivision applications. The City Manager may waive this requirement.

16.135.010 Submittal Requirements for Tentative Subdivision Plans

- A. All Subdivision applications shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. Each application shall include ~~fifteen (15)~~ one (1) copyies of the tentative subdivision plan drawn on a sheet of 18 x 24 inches in size at a scale of 1 inch equals 100 feet.
- C. The following information shall be shown on the tentative subdivision plan:
 - 1. Proposed name of the subdivision. This name shall not duplicate or resemble the name of any other subdivision in the county and shall be approved by the Planning Commission and the County Surveyor.
 - 2. Date, north point and scale of drawing.
 - 3. Appropriate identification of the drawing as a tentative plan.

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4. Description of the subdivision sufficient to define its location and boundaries and legal description of the tract boundaries.
5. Names and addresses of the owner, subdivider, and engineer, surveyor or planner.
6. The location, widths and names of both improved and unimproved streets within or adjacent to the tract, together with easements and other important features such as section lines, section corner, city boundary lines and monuments.
7. Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:
 - a. For slopes of less than five per cent: two feet, together with not less than four spot elevations per acre, evenly distributed, if necessary.
 - b. For slopes of five percent to 15 percent: five feet.
 - c. For slopes of 15 percent to 20 percent: ten feet.
 - d. For slopes of over 20 percent: 20 feet.
8. The location of at least one temporary bench mark within the subdivision boundaries pursuant to ORS 96.060.
9. The location and direction of water courses and the location of areas subject to flooding and/or within a designated 100-year flood plain.
10. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade.
11. Existing uses of the property and location of existing structures designated historic and cultural resources on the site and structures to remain on the property after platting.
12. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and

showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

13. Proposed deed restrictions, if any, in outline form.
14. The location of existing sewage disposal facilities, water mains, culverts, storm drainage facilities and electric lines within and adjacent to the subdivision.
15. The location, width, names, approximate grades and radii of curves of proposed streets as shown on any development plan.
16. Dimensions and area of each proposed lot.
17. Proposed lot and block numbers.
18. Proposed sites, if any, allocated for development,
19. If the proposed subdivision includes only part of the tract owned or controlled by the subdivider, the City ~~Planner~~ or Planning Commission may require a sketch or tentative layout for streets and lots in the unsubdivided portion.
20. Any of the following may be required by the City ~~Planner~~ or Planning Commission to supplement the tentative subdivision plan:
 - a. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and sidewalks and the nature and extent of street construction.
 - b. A schematic plan for domestic water supply lines and related water service and sewage disposal facilities.
 - c. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.
 - d. If lot areas are to be graded or filled, a plan showing the nature of cuts and fills and information on the character of the soil.
 - e. Proposals for other improvements such as electric utilities.

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16.135.011 Preliminary Plat Approval Criteria

The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- A. The proposed preliminary plat complies with the applicable Development Code chapters and all other applicable ordinances and regulations. At a minimum, the provisions of this section and the applicable sections of this chapter including Zoning Districts, Development Standards, and Streets and Facilities shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the Variance section of this chapter;
- B. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
- C. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivision and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
- D. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the preliminary plat;
- E. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
- F. Evidence the improvements or conditions required by the City, road authority, Washington County, Clean Water Services, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;
- G. A Traffic Impact Study (TIS) has been provided, if applicable, in accordance with the provisions of Chapter 16.170; and
- H. If any part of the site is located within a Specific Area Plan District, Overlay District, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

16.135.012 Lot Access Provisions

In addition to the provisions of this chapter, all lots and parcels shall conform to the specific requirements below, as applicable:

- A. In conformance with the Uniform Fire Code (UFC), a 20-foot wide fire apparatus drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.
- B. When a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat. The minimum drive width shall be 10 to 15 feet, except as required by the UFC, and improved with an all- weather surface approved by the City.
- C. Access reserve strips may be required to be granted to the City for the purpose of controlling access to adjoining undeveloped properties.
- D. Street and building placement and alignment shall be designed so that all future street connections can be made as surrounding properties develop.

16.135.013 Flag Lot

Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than two (2) dwellings units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A driveway serving more than one lot shall be a minimum of 15 feet wide, except as required by the UFC, and have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants due to distance from a hydrant of insufficient fire flow.

16.135.014 Conditions of Approval

The City may attach such conditions as are necessary to carry out provisions of this code, and other applicable city ordinances and state regulations.

16.135.015 Preliminary Review of Tentative Subdivision Plan

- A. Upon receipt of a complete application, the City ~~Planner~~ shall refer copies of the tentative subdivision plan and supplementary material to affected agencies for review and comments.
- B. The City ~~Planner~~ shall prepare a staff report and recommendation on the tentative subdivision plan for the Planning Commission. The City ~~Planner~~ may recommend approval of the tentative plan as submitted or as it may be modified in accordance with Section 16.135.011 Preliminary Plat Approval Criteria. The City ~~Planner~~ may attach any reasonable conditions found necessary to carry out the purposes of this or any other City ordinance or State statute.
- C. If the City ~~Planner~~ recommends denial, the staff report and recommendation shall set out clearly the grounds for denial and shall clearly inform the applicant of the changes or modifications needed to allow the lawful division of the property.
- D. Upon receipt of the City ~~Planner~~'s staff report and recommendation, the Planning Commission shall hold a public hearing to give consideration to the tentative subdivision plan. The Planning Commission may approve the tentative plan as submitted or as it may be modified by recommendation of the City ~~Planner~~ or Planning Commission.
- E. 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.
- F. The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be retained by the City and the other shall be returned to the applicant with a written statement of the Commission's action.

16.135.020 Expiration of Tentative Approval

Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within one year after the date of the approval of the tentative plan. If the subdivider cannot complete the preparation of the final plat within the one year time period,

he may petition the commission an extension of the subdivision approval in accordance with the provisions of Section 16.00.080

16.135.025 Phasing of Development

If requested in the original application, a large subdivision may be approved for phased development. The final plat for the first phase of such a phased subdivision shall be submitted within one year of the date of approval of the tentative plan. Final plats of subsequent phases may be submitted after the one year limitation, provided that each phase complies with the approved tentative plan of the subdivision. Request for extensions of subdivision approvals may be made in accordance with the General Provisions of this chapter, However, in no case shall the final plat for the last phase be submitted more than 10 years after the approval of the tentative plan.

16.135.030 Final Subdivision Plat

A. Submittal of Final Subdivision Plat

Within one year after approval of the tentative plan, the sub-divider shall have the subdivision surveyed and a plat prepared which conforms to the approved tentative plan. Unless a request for an extension of the subdivision approval is made in accordance with the provisions of Section 16.00.080.

B. Information on Plat

The applicant shall submit one (1) original and five (5) copies of the final subdivision plat. The following information shall be included on the plat:

1. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivisions.
 - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.

2. The exact location and width of streets and easements intercepting the boundary of the tract.
3. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water and any designated 100-year flood plains. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet.
4. The width of the portion of streets being dedicated and width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's Certificate of Dedication.
6. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
7. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
8. Building setback lines, if any, are to be made a part of the subdivision restrictions.
9. The following certificates which may be combined where appropriate:
 - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land

which is intended for exclusive use of the lot owners in the subdivision, their licenses, visitors and tenants.

- c. A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
- d. Other certifications now or hereafter required by law.

C. Supplemental Information with Plat

The following information shall accompany the final plat:

- 1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - b. The computation of distances, angles and courses shown on the plat.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- 3. A copy of any deed restrictions applicable to the subdivision.
- 4. A copy of any dedication requiring separate documents.
- 5. A list of all taxes and assessments on the tract which have become a lien on the tract.

D. Technical Plat Review

- 1. Upon receipt of the final plat, the plat and other data shall be reviewed by the City ~~Engineer and City Planner~~ to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that the

subdivision is in compliance with provisions of state law and this ordinance.

2. The City Engineer may make such field checks as are necessary to verify that the map is sufficiently correct on the ground.
3. If the City Engineer and City ~~Planner~~ determine that changes or additions must be made to the final plat, they shall notify the sub-divider and afford the sub-divider an opportunity to make the changes or additions.

16.135.035 Final Subdivision Plat Review

1. 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.
2. A sub-divider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of the last required approving signature has been obtained.
3. At the time of submittal for final approval, the sub-divider shall pay to the City a final plat filing fee to defray the cost incurred by the City in checking, investigating, and otherwise reviewing the final plat for conformance to all applicable laws. The final plat filing fee must be paid at the time of submittal, in no way assures approval and cannot be refunded.

16.135.040 Improvements/Bonding

Prior to the recording of the Final Subdivision Plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit,

assignment of bank account, performance bond, cash or other instrument acceptable to the City Attorney. The assurance sum shall cover the cost of the improvements and repairs, including related engineering and incidental expenses identified in an itemized improvement estimate provided by the developer and certified by a registered civil engineer. A Development Agreement between the City and the developer shall be recorded with the final plat. In the event the developer fails to carry-out the provisions of the agreement, and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit letter of credit or other instrument for reimbursement. The developer shall not cause termination of nor allow expiration of the guarantee without first having secured written authorization from the City.

16.135.050 Re-platting, Vacation, or Changes to Approved Land Divisions

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all the owners as appearing on the deed or current title report. Further any change to a map of an approved or recorded land division that affects a street, public use, property line, number of lots, or the provision of public services may be requested upon receiving application by all owners as appearing on the deed. All requests for a re-plat, a plat vacation or a change to an approved or recorded land division shall be processed in accordance with the procedures and standards for approval of a subdivision or partition.

**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 ²	Y	C ⁴	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 ¹	C ³	Y	Y	Y	Y
New Industrial Buildings	Y	Y	Y	Y	Y	Y
Industrial Expansions	C ¹	C ³	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.						

C¹ 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.

C² 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.

C³ 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.

C⁴ 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 ~~Engineer~~ has reviewed and approved provisions for storm water drainage in accordance with the following criteria:

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

C. Sewage Disposal

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

D. Water Supply

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

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

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. Office of the City Recorder.~~

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 ~~Engineer~~ 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 ~~Recorder~~ 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

- A. 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.

- B. 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 ~~Recorder a~~ certificate of comprehensive public liability insurance covering the work to be done b 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-Recorder, 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-engineer, 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.

Chapter 16.165
Street Vacations and Dedications

16.165.000 Description

That the public right-of-way described in the Deed of Dedication and shown on the accompanying map attached hereto as Exhibit A, is a public street in the City of North Plains, Washington County, Oregon, and that the same be and hereby is vacated under the terms and provision of ORS Chapter 271.

16.165.005 Filing

That the City ~~is Recorder be and~~ hereby ~~is~~ instructed to file a certified copy of this Ordinance with the County Clerk of Washington County, and the County Surveyor or Washington County under the terms and provisions of ORS Chapter 271 ~~., in order to facilitate the correction of the County Tax Maps.~~

16.165.010 Community Safety

It is necessary and desirable for the peace, health and safety of the citizens of North Plains for the purpose of providing suitable and appropriate protection of property owners, that this ordinance shall be effective immediately upon passage by the Council and approved by the Mayor, and an emergency is declared to exist.

Chapter 16.170
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Administrative, Limited Land Use, Quasi-Judicial & Legislative Decisions

16.170.000 General Provisions

The following lists set forth the type of review procedure for administrative and land use applications:

A. Type I Administrative Permits by City Staff

1. Accessory Structures, residential
2. Building Permit
3. Dwelling, Single Family and Duplex
4. Extension for a Type I Permit
5. Fence, Wall and Hedge Permit
6. Grading Permit
7. Home Occupation Permit (type 1)
8. Lot Line Adjustment Permit
9. Right-of-way Permit
10. Sign Permit
11. Temporary Use Permit for a sales office or model home

B. Type II Land Use Permit ~~by the City~~ ~~by City Planner~~

1. Accessory Structures, non-residential up to 500 square feet or 20% of existing structure, whichever is greater
2. Code Interpretation
3. Heritage Tree
4. Historic Overlay Alterations
5. Lot of Record Determination
6. Minor Design Review

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7. Minor Modifications to development approvals per code
8. Minor Variance Permit ~~up to 10% of the standard~~
9. Other application not specifically described
10. Temporary use for seasonal and special events

C. Type III Quasi-Judicial Permits by Planning Commission

1. Appeal of Type II Land Use Decisions
2. Conditional Use Permit
3. Design Review Permit
4. Extensions for Type II and Type III Permits
5. Flood Plain Development Permit
6. Historic Overlay Demolitions
7. Home Occupation (type 2)
8. Minor Land Partition Permit
9. Multi-family Dwellings
10. Nonconforming Structure/Use Permit
11. Planned Unit Development Permit
12. Significant Natural Resource Permit
13. Similar Use Permit
14. Subdivision Permit
15. Temporary Use Permit for a building, kiosk or structure
16. Variance Permit

D. Type IV Legislative & Other Decisions made by both the Planning Commission and City Council

1. Appeal from Planning Commission

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2. Annexation
3. Comprehensive Plan Map or Text Amendment
4. Zoning Code Map or Text Amendment

16.170.001 Pre-application Conference

A pre-application conference ~~is required for~~ ~~is recommended for a~~ Type II, III and IV permits. The City Manager may waive this requirement.

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

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

16.170.002 Neighborhood Meeting

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

16.170.003 Traffic Impact Study

The purpose of this section of the code is to assist in determining which road authorities participate in a land use decision, and to implement Section 660-012-0045 (2) of the State Transportation Planning Rule that requires the City to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

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- A. When a Traffic Impact Study is required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may shall be required when a land use application involves one or more of the following actions:
1. A change in zoning or a plan amendment designation;
 2. Any proposed development of land use action that a road authority states may have operational or safety concerns along its facility;
 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
 4. An increase in site traffic volume of a particular movement to and from the State Highway by 20 percent or more; or
 5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or
 7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
- B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.
- C. City Street Improvement Requirements. In addition to street improvement requirements in this code for new development, see Chapters 16.145 and 16.150 for street improvement requirements related to single family homes and commercial and industrial expansions.

16.170.010 Type I Administrative Review by City Planner

Type I administrative applications are reviewed under clear and objective criteria that do not involve the exercise of discretion. If a Type I application requires the exercise of discretion, the City shall process the request as a Type II application. Review of a Type I administrative applications described in Section 16.170.000A shall be reviewed by the City Planner or Public Works Director according to the following procedures:

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- A. An application shall be made on forms provided by the City and shall include the property owners signature of consent. Entities with condemnation authority are not required to provide a consent signature.
- B. A dated notice shall be given to the applicant when the application is deemed complete. Within 120 days of this notification, unless extended with the consent of the applicant, the City Planner shall issue a written decision.
- C. The decision shall be based on all applicable provisions of this development code and accompanied by written findings of fact which support the decision, where applicable.
- D. Written notice of the decision shall be provided to the applicant and anyone who requested notice of the decision in writing.
- E. The decision of the City Planner or Public Works Director shall be final. The decision may be appealed to the circuit court in the manner provided in ORS 30.010 to 30.100.

16.170.011 Type II Land Use Decisions by City Planner

A Type II land use application described in Section 16.170.000.A shall be reviewed according to the following procedures. A pre-application conference ~~is required~~ recommended pursuant to Section 16.170.001. The City Manager may waive this requirement.

- A. Application Requirements.
- B. Application forms. An application shall be made on forms provided by the City Planner or designee. If the application is referred to a quasi-judicial hearing, either voluntarily by the applicant or staff, or upon appeal, a new application is not required.
- C. Submittal Information.

The application shall:

- 1. Be made on forms provided by the City and shall include the property owner’s signature of consent. Entities with condemnation authority are not required to provide a consent signature
- 2. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making.

3. Be accompanied by the required fee pursuant to Chapter 16.00.070; and
4. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

D. Completeness.

Within 30 days of receiving the application, the City shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete the City shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, or 14 days to submit a refusal statement or withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.

E. Final Action.

Final action on the application shall occur within 120 days of the date the application is deemed complete unless extended by the applicant in writing.

F. Hearing Option.

The City Planner may request a public hearing on the application before the Planning Commission. The applicant may also request a public hearing before the Planning Commission. The procedures for the public hearing are described in Section 16.170.012 C. The applicant is responsible for the additional city costs associated with the public hearing.

G. Notice.

The City shall mail notice of the application to:

1. All owners of record or real property within 250 feet of the subject site.
2. Any person who submits a written request to receive a notice and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, or required by State statute.

3. The road authority, and/or rail authority and owner, when there is a proposed development abutting or affecting the transportation facility.
4. The City may notify other affected agencies, as appropriate, of the application.

H. Contents of Notice.

The notice shall:

1. Provide a 14-day period for submitting written comments.
2. Identify the specific land use decision or decisions requested.
3. Describe the street address or other easily understandable reference to the location of the site.
4. List the relevant criteria by name and number of Code sections.
5. State the place, date and time the comments are due and the person to whom the comments should be addressed.
6. Include the name and telephone number of a contact person regarding the Decision.
7. State that the failure to address an issue with enough detail may preclude an appeal to the Land Use Board of Appeals or Appeals or Circuit Court on that issue. Only comments on the applicable criteria are considered relevant evidence.
8. State that all evidence relied upon by the City to make this decision is in the public record and available for public review. Copies of the evidence may be obtained at a reasonable cost from the City.
9. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

I. Decision.

The City Planner shall review the application and make a decision based on an evaluation of the application, the evidence and the applicable criteria as set forth in this Code.

J. Conditions of Approval.

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1. Authorization of Approval. Approval of a land use application may be granted subject to conditions. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Findings shall either assure compliance with standards of the Code or conditions may be added to fulfill the need for public service demands created by the proposed use.
2. Timing of Conditions and Development Agreement. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City Planner may require a performance bond or other guarantee to assure compliance with zoning regulations or fulfillment of required conditions. The City may also require a development agreement between the City and the owner or developer to specify the developer's or owner's obligations for completing construction and any public improvements.
3. Modify Conditions. A request to change or alter conditions of approval shall be processed as a new land use action under the same procedure that was used for the initial approval.

K. Notice of Decision.

1. Within five (5) working days after a decision is made, a Notice of Decision shall be sent by mail to:
 - a. The applicant and all property owners or contract purchasers of record.
 - b. Any person who submits a written request to receive notice, or provides comments during the application review period.
 - c. Any governmental agency entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
2. The City Planner or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed, demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
3. The Notice of Decision shall contain a description of the proposal, where to obtain the decision, the date the decision becomes final unless appealed, and a statement of who may file an appeal, how to file an appeal and the deadline to file an appeal.

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4. **Effective Date:** The Decision is final for purposes of appeal, when it is mailed by the city. The decision is effective the day after the appeal period expires or as otherwise provided in the decision.

L. Appeals. A decision issued by the City Planner under this section may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Limited Land Use Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the decision;
- c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal filing procedure.

- a. **Notice of appeal.** Any person with standing to appeal, as provided in subsection 1, above, may appeal the decision by filing a Notice of Appeal according to the following procedures;
- b. **Time for filing.** A Notice of Appeal shall be filed with the City Planner or designee within 14 days of the date the Notice of Decision was mailed;
- c. **Content of notice of appeal.** The Notice of Appeal shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - iii. A statement explaining the specific issues being raised on appeal;
 - iv. Filing fee.

3. Scope of appeal.

The appeal of a Type II Limited Land Use Decision by a person with standing shall be a hearing de novo before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review by the City Planner. The Planning

Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal procedures.

Quasi-Judicial notice, hearing procedures and decision process shall also be used for all appeals under this section;

5. Further Appeal to City Council.

The decision of the Planning Commission regarding an appeal of a Type II Limited Land Use Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall be de novo and follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision

Pre-application Conference. A pre-application conference is required for all Type III quasi-judicial applications under this Section. The City Manager may waive this requirement.

A. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.

B. Application Requirements.

1. Application form. A quasi-judicial application shall be made on forms provided by the City Planner or designee. The application shall include the property owner's signature of consent. Entities with condemnation authority are not required to provide a consent signature.
2. Submittal Information. When a quasi-judicial application is required, it shall include:
 - a. The information requested on the application form;
 - b. One copy of a narrative statement that explains how the application satisfies each of the relevant criteria and standards insufficient detail for review and decision-making.
 - c. The required fee pursuant to Chapter 16.00.070; and

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- d. One set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.
3. Completeness. Within 30 days of receiving an application for a Type III application, the City staff shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete the City Planner shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, a refusal statement, or to withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.
4. Final Action. Final action on an application under this Section shall occur within 120 days of completeness pursuant to Chapter 16.00.090.

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III application. The records of the Washington County Assessor's Office are the official records for determining ownership. Notice of the initial hearing or an appeal hearing shall be given by the City in the following manner:
 - a) At least 20 days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - ii. All property owners of record within 250 feet of the site;
 - iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

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- iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
- v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
- vi. Any person who submits a written request to receive notice;
- vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
- viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS227.175.
- ix. The City Planner or designee shall prepare an affidavit of notice. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
- x. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

b) Content of Notice. Notice of appeal of an application or notice of a public hearing to be mailed and published per Subsection 1 above shall contain the following information:

- i. The nature of the application and the proposed land use or uses that could be authorized for the property;
- ii. The applicable criteria and standards that apply to the application;
- iii. The street address or other easily understood geographical reference to the subject property;
- iv. The date, time, and location of the public hearing;
- v. A statement that the failure to raise an issue in sufficient detail to afford the decision-maker an opportunity to respond to the issue may preclude an appeal based on that issue with the State Land Use Board of Appeals or the circuit court;

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- vi. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
- vii. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at North Plains City Hall at no cost and that copies shall be provided at a reasonable cost;
- viii. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at reasonable cost;
- ix. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- x. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Conduct of the Public Hearing

1. At the commencement of the hearing, the hearings body shall state:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. That testimony and evidence must address the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. That failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a

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date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
4. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
5. An extension of the hearing or record is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
6. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not ~~shall~~ include any new evidence;
7. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
8. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports).
9. Participants in a land use hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible.

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- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts concerning the application or appeal. The member shall state whether the contact has impaired the member's impartiality or their to vote on the matter and shall participate or abstain accordingly;
- b. A member of the hearings body shall not participate in any proceeding in which they have a direct or substantial conflict of interest. Any actual or potential conflict of interest shall be disclosed at the hearing;
- c. A member of the hearings body may be disqualified due to contacts or conflict and may be ordered not to participate in the vote by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner subject to the impartiality rules in this section. In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.
- e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to ordering the hearing, to which the member of the hearings body shall reply in accordance with this section.

E. Ex parte communications

No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

- 1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
- 2. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This

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announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the communication.

3. Communication between City staff and the hearings body is not considered an ex parte contact.

F. Presenting and receiving evidence.

1. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
2. Verbal testimony shall not be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section D. Conduct of Hearing;
3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

G. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a land use application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. Findings and conclusions. The written decision shall include written findings that explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-making time limits. A final order for an action under this Section shall be filed with the City Planner or designee within ten business days after the close of the deliberation;
5. Notice of Decision. Written notice of a decision under this Section shall be mailed to the applicant and to all participants of record within ten business days after the

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hearings body decision. Failure of a person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

6. Final Decision and Effective Date. The decision of the hearings body on an application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notice and hearings procedures for a quasi-judicial application on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within the period required by state law.

16.170.013 Type IV Legislative Decisions

Pre-Application Conference. A pre-application conference is required for all Type IV legislative-applications initiated by a party other than the City of North Plains. The City Manager may waive this requirement.

- A. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.
- B. Timing of Requests. The City accepts legislative requests at any time. The City Council may initiate its own legislative proposals at any time.
- C. Application Requirements.
 1. Application forms. A legislative application shall be made on forms provided by the City.
 2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards insufficient detail for review and decision (as applicable);
 - c. The required fee pursuant to Chapter 16.00.070; and
 - d. One copy of a letter or narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.
- D. Notice of Hearing

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all legislative applications.
2. Notification requirements. Notice of public hearings for the application shall be given by the City in the following manner: At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, rezone property, or amend the development code a notice shall be mailed to:
 - a. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment if a zone change will be required to implement the proposed comprehensive plan amendment);
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing;
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
 - e. For a zone change affecting an airport, the owners of the airport in accordance with ORS 227.175.
3. At least 10 days before the scheduled Planning Commission public hearing date and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
4. The City Planner or designee shall:
 - a. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection 2.a; and
 - b. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection 3.
 - c. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least ~~35~~ 45-days before the first public hearing at which public testimony or new evidence will be received, or at such lesser time as the law may allow. The notice to DLCD shall include a DLCD Certificate of Mailing.
 - d. Notice of a proposed annexation shall follow the provisions of Chapter 16.205.

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- e. Content of notices. The mailed and published notices shall include the following information:
 - i. The number and title of the file containing the application, and the address and telephone number of the City Planner or designee's office where additional information about the application can be obtained;
 - ii. The proposed site location;
 - iii. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - iv. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 3. below); and
 - v. Each mailed notice required by Section D above shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
- f. Failure to receive notice. The failure of a person to receive notice shall not invalidate the action, provided:
 - i. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
 - ii. Published notice is deemed given on the date it is published.

5. Hearing Process and Procedures

Unless otherwise provided in the rules of procedure adopted by the City Council:

- a. The presiding officer of the Planning Commission and of the City Council have the authority to:
 - i. Regulate the course, sequence, and decorum of the hearing;
 - ii. Direct procedural requirements or similar matters;

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- iii. Impose reasonable time limits for oral presentations.
- b. A person may not address the Commission or the Council without:
 - i. Receiving recognition from the presiding officer; and
 - ii. Stating the person's full name and address.
- c. Disruptive conduct such as applause, cheering, or display of signs may be cause for expulsion from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
- d. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
 - i. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
 - ii. The City Planner or designee's report and other applicable staff reports shall be presented;
 - iii. The public shall be invited to testify. The public hearing may be continued to allow additional testimony or it may be closed; and
 - iv. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

4.6. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

2.7. Approval Process and Authority.

- a. The Planning Commission shall:
 - i. After notice and a public hearing, prepare and vote on a recommendation to the City Council whether to approve,

approve with modifications, approve with conditions or deny the proposed change, or adopt an alternative; and

- ii. Within 14 business days of adopting a recommendation, the presiding officer shall sign the written recommendation and it shall be filed with the City Planner or designee.
 - iii. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file in the City planning file a written statement of opposition prior to the hearing on the proposal before the City Council. City planning staff shall send a copy to each Council member and place a copy in the record;
- b. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, City staff shall:
- i. Report the failure together with the proposed change to the City Council; and
 - ii. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing and make a decision. Thereafter, no further action shall be taken by the Commission.
- c. The City Council shall:
- i. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change. The City Council also may remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
 - ii. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
- d. The City Council shall approve any legislation by ordinance, which shall be signed by the Mayor after adoption.

3-8. Vote Required for a Legislative Change.

- a. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for

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approval, approval with modifications, and approval with conditions, denial or adoption of an alternative.

b. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

4.9. Notice of Decision. Notice of a Legislative decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five (5) business days after the City Council's decision. The City shall also provide notice to all persons as required by other applicable laws.

5.10. Final Decision and Effective Date. A Legislative decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

6.11. Record of the Public Hearing.

- a. A verbatim record of the proceeding shall be made by stenographic, mechanical or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
- b. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
- c. The official record shall include:
 - i. All materials considered by the hearings body;
 - ii. All materials submitted by City staff to the hearings body regarding the application;
 - iii. The verbatim record made by the stenographic, mechanical or electronic means; the minutes of the hearing; and other documents considered;
 - iv. The final ordinance;
 - v. All correspondence; and
 - vi. A copy of the notices that were given as required by this Chapter.

Chapter 16.175 Design Review

16.175.000 Purpose

The purpose of Design Review Approval is to insure compliance with the objectives and provisions of this ordinance and the Comprehensive Plan; to mitigate the impacts where development may cause a conflict between uses in the same or adjoining zones, to reduce and eliminate unsightly, unhealthful or unsafe conditions, which adversely affect the public health, safety, and general welfare.

This section is designed to address the location and design of a use that is allowed within the zone. In considering the design review requirements, the City shall take into account the impact of the proposed development on nearby properties, the capacity and circulation of the street system, the capacity of the utility and service systems, and the appearance of the street and the community.

16.175.005 Design Review Approval Requirements

A building, grading, parking, or development permit, as specified in this chapter shall not be issued for a use subject to this section, nor shall such uses be commenced, enlarged, altered, changed or moved until a design review application is approved by the City.

16.175.010 Design Review Approval Procedures

Design review is required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of existing materials (e.g. roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

- A. Limited Land Use Design Review – Type II.** A Type II Land Use Design Review application is conducted by the City without a public hearing and in accordance with this chapter. This procedure shall be used when the City ~~Planner~~ finds that the applicable standards are primarily clear and objective but may require a limited exercise of discretion. This procedure is for changes in land use and developments that do not require a conditional use permit or comprehensive design review approval. A limited land use review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks, and orientation, lot coverage, building height, landscaping, parking and other development standards

A Limited Land Use review is required for the types of changes in land use and development proposals listed below. Land uses and development exceeding the thresholds below require a Type III Design Review application.

1. A change in occupancy from one type of land use to a different land use;
2. A development proposal that increases ~~increases~~ lot coverage by no more than 10%;
3. Non-residential building additions up to 500 square feet or 20% of an existing structure, whichever is greater.
4. Minor modifications to development approvals that require one or more discretionary approval standards.
5. Minor alterations to a development that has a valid conditional use permit that require one or more discretionary approval standards, and as determined by Chapter 16.51;
6. Non-residential Accessory structures and accessory parking;
7. Having a condition for major public improvements where a specific plan was not considered (e.g., transportation facilities and improvements, parks, trails and similar improvements as determined by the City ~~Planner~~).

B. Type II Limited Land Use Design Review Approval Criteria. A Type II Limited Land Use Design Review shall be conducted prior to issuance of building permits, occupancy permit, business license or public improvement permits as determined by the City ~~Planner~~ and an application shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by and meets the intent of the underlying land use district;
2. Adequate findings can be shown to address discretionary application criteria, and
3. When new development is proposed, the proposal is found to comply with the applicable sections of this chapter apply.

C.B. Type III Design Review. Type III design review applications are reviewed by the Planning Commission including a public hearing in accordance with this chapter. It applies to all development in the City, except those specifically listed or similar to those under "A." above and the standards of this chapter.

16.175.115 Filing Procedure

Design Review Applications shall be filed on a Planning Department form as provided by the City ~~Recorder~~ and shall be accompanied by such drawings, sketches, and descriptions as the City deems necessary to describe the proposed development. An application shall not be deemed complete unless all information requested is provided.

16.175.020 Pre-Application Conference

~~If required, the applicant shall schedule a pre-application conference~~ Prior to filing a Design Review Application, ~~the applicant shall schedule a pre-application conference with the City.~~

16.175.025 Application

Following the pre-application conference, the applicant shall submit the formal application to the City accompanied by the appropriate fee and application materials, along with a site development plan and other information in accordance with the pre-application meeting and the requirements of this chapter.

16.175.030 Filing

A design review application must be filed for any of the following uses, except for single family or duplex construction and accessory structures and unless determined to be a Type II limited land use review pursuant to 16.175.010(A).

- A. New buildings or structures.
- B. Building alterations substantially affecting the exterior design and/or dimensions of an existing structure.
- C. Any exterior alteration to an existing nonresidential use, which has not previously been subject to design review, except for painting, the replacement of roofing and siding material.
- D. Any exterior alteration to an existing nonresidential use which has been subject to design review.
- E. Any alteration of site improvements, such as the landscaping in conjunction with an existing nonresidential use which has been subject to design review.
- F. Any new permitted land use on undeveloped property, such as parking lots, concession stands, storage yards, etc.

- G. Site grading of property affecting or altering the on-site or off-site drainage.
- H. A change of use within a zone unless the use change will not affect parking, exit requirements, and other standards of this ordinance.
- I. The removal of a substantial portion of mature trees existing on-site.

16.175.035 Design Review Plan - Submittal Requirements

A. **Information Requirements.** Information provided on the design review plan shall conform to the following:

- 1. Drawings depicting the proposal shall be presented on sheets not larger than twenty-four inches by thirty-six inches in the number of copies directed by the city;
- 2. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned;
- 3. An electronic copy of the drawings shall be submitted in Adobe Acrobat (.pdf) or other software format designated by the City-Planner.

B. **Site Analysis Diagram.** This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:

- 1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;
- 2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;
- 3. Natural drainage ways and other significant natural features;
- 4. All buildings, roads, retaining walls, curb-cuts and other manmade features;
- 5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.

- C. **Site Photographs.** Photographs depicting the site and its relationship to adjoining sites may also be provided.
- D. **Site Development Plan.** This element of the design review plan shall indicate the following:
1. Legal description of the lot;
 2. Boundary dimensions and area of the site;
 3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;
 4. Area of the site covered by the structures described in subdivision 3 of this subsection and their percentage of the site;
 5. All external dimensions of proposed buildings and structures;
 6. The location of a building's windows, doors, entrances and exits;
 7. Parking and circulation areas, including their dimensions;
 8. Service areas for such uses as the loading and delivery of goods;
 9. Locations, descriptions and dimensions of easements;
 10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;
 11. Location of areas to be landscaped;
 12. Private and shared outdoor recreation areas;
 13. Pedestrian circulation;
 14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;
 15. Exterior lighting on the proposed building(s), including the type, intensity and area to be illuminated;
 16. Location, size and method of illumination of signs;
 17. Provisions for handicapped persons;

18. Other site elements which will assist in the evaluation of site development;
19. The location and names of all existing streets within or on the boundary of the proposed development;
20. A written summary showing the following:
 - a) For commercial and nonresidential development:
 1. The square footage contained in the area proposed to be developed,
 2. The percentage of the lot covered by structures,
 3. The percentage of the lot covered by parking areas and the total number of parking spaces,
 4. The total square footage for all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyard,
 - b) For residential development:
 1. The total square footage in the development,
 2. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),
 3. Percentage of the lot covered by:
 - (A) Structures,
 - (B) Parking areas,
 - (C) Recreation areas,
 - (D) Landscaping.

E. **Landscape Plan.** Development proposals with a total project cost exceeding two hundred fifty thousand dollars may be required to ~~shall~~ have the landscape plan prepared by a licensed landscape architect. This element of the design review plan should indicate the following:

1. The size, species and locations of plant materials to be retained or placed on the site;

2. The layout of proposed irrigation facilities;
3. The location and design details of walkways, plaza, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;
4. The location, type and intensity of lighting proposed to illuminate outdoor areas;
5. The location and design details of proposed fencing, retaining walls and trash collection areas; and
6. For commercial projects with a total project cost exceeding two hundred fifty thousand dollars, a rendering showing the proposed landscape plan in perspective. Such renderings shall be prepared for each of the project's main elevations.

F. **Architectural Drawings.** This element of the design review plan shall indicate the following:

1. A plot plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;
2. Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;
3. The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;
4. Location and type of exterior light fixtures including the lamp types and levels of illumination that they provide;
5. A comprehensive graphic plan showing the location, size, material and method of illumination of all exterior signs, subject to the other applicable requirements of the Zoning and Development

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Ordinance. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

G. **Architectural Model.**

1. Architectural models may be required for:
 - a. All new construction, other than duplexes or triplexes,
 - b. Alterations to existing structures other than duplexes or triplexes where the proposed alteration involves the addition of one thousand square feet of gross floor area or more;
2. The model shall be to scale and represent the proposed development and adjoining buildings within fifty feet of applicant's property lines;
3. The model need only be a massing model sufficient to illustrate the relationship of the proposed structure(s) to the site and surrounding properties.

H. **Property Survey.**

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;
2. Prior to the ~~design review board~~ Planning Commission meeting, the applicant will have clearly marked the corners of proposed buildings and other significant features proposed for the site.

16.175.040 Engineer's Assessment

Prior to the development of lots containing unstable soils as defined by this ordinance, the City shall require a registered engineer's assessment of the design and structural techniques needed to mitigate potential hazards. In the event there are inadequate mitigation measures, the City shall prohibit development.

16.175.045 Documentation

All documentation and completed plans required by the Planning Commission shall be submitted and approved prior to obtaining any required permits or licenses.

16.175.050 Type III Design Review Criteria

Approval of a Type III Design Review application shall be based on the following criteria:

A. Relation of Site Plan Elements to the Environment

1. The elements of the site plan shall be compatible with the natural environment and existing buildings and structures having a visual relationship with the site.
2. The elements of the site plan should promote energy conservation, and provide protection from adverse climatic conditions, noise and air pollution.
3. Each element of the site plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.
4. In commercial and industrial zones adjacent to State or Federal highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the site, as well as when traveling through the area. This requirement may be waived by the Planning Staff if adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.
5. Safety and Privacy. The site plan should be designed to provide a safe environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
6. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
7. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and arrangement of parking areas in relation to building and structures, shall be harmonious with proposed and neighboring buildings and structures.

8. Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets and/or surface and subsurface water quality. All surface water shall be contained on-site.
9. Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impact on the site and neighboring properties.
10. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
11. For any access within the Light Industrial (M-1) zone, the access shall be spaced a minimum of 200 feet from the nearest access on the same side of the street; this is to be coordinated between O.D.O.T., Washington County and the City of North Plains.

B. Required Landscaping

Areas Subject to Landscape Requirements: All use types as allowed in the particular zoning district, and subject to Design Review shall meet the provisions of this section.

1. Multi-family Residential. 15% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
2. Community Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
3. General Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped. Screening by tall trees between highway commercial and adjacent residential zones, on side of highway commercial zone from highway to which it relates, such that the trees provide an attractive backdrop to elevated signage and adjacent residential uses.
4. Light Industrial. 5% landscaping of the gross lot area required. All areas subject to final site plan and not otherwise improved shall be landscaped.
5. Landscape Management. Natural vegetation is acceptable if maintained in a neat and fire safe manner.

6. Other Landscape Areas. All areas utilized for subsurface sewage disposal land treatment, except for single-family residences are required to be landscaped and maintained.

C. Landscaping in Parking and Loading Areas

In addition to the above provisions, the following landscape requirements apply to parking and loading areas.

1. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 5 feet in width.
2. A landscaped strip separating a parking or loading area from a street shall contain:
 - a) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and
 - b) Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and
3. Vegetative ground cover if required.
4. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
5. The landscaping in a parking area shall have a width of not less than three feet.

| **D.C. Irrigation**

Provisions shall be made for watering planting areas where such care is required. Underground sprinklers may be required.

| **E.D. Maintenance**

Required landscaping shall be continuously maintained.

| **F.E. Special Requirements**

The Planning Commission may require the following, in addition to the minimum requirements and standards of this ordinance, as a condition of Design Review Approval.

1. An increase in building separation, to afford improvement in light reception or air circulation or to afford greater fire resistance, based on building structural and fire flow requirements.
2. Additional off-street parking, according to specific requirements for the type of development.
3. Screening of the proposed use by a fence, or landscaping.
4. Limitations on the size, location, intensity and number of exterior lights.
5. Limitations on the number, and location of curb cuts.
6. Improvement or enlargement of utilities serving the proposed use, where existing facilities will be burdened by the proposed use.
7. Landscaping, or increases in landscaping requirements for the site.
8. Limitations on the number and size of signs.
9. Review of and adjustments in design for conformance with the historic architectural design theme.
10. Any other limitations or conditions it considers necessary to achieve the purposes of this ordinance and the Comprehensive Plan.

16.175.155 Design Review - Specific Use Standards

The following specific uses shall comply with the standards of the zone in which they are located and with the additional standards and conditions set forth in this section.

A. Churches, or Other Religious Institutions or Hospitals

In residential districts, all buildings shall be setback a minimum of 30 feet from a side or rear lot line, no sign exceeding 10 square feet in area, nor internally illuminated, off-street parking screened from abutting residential property.

B. Medical Clinics, Clubs, Lodges, Community Centers, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming Clubs, Tennis Clubs, Government Structures and Land Uses, Parks, Playgrounds

The Planning Commission may authorize these uses if it determines that the following will be provided:

1. Access from principal streets subject to City Public Works Standards.
2. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare.

3. Subject to site plan review if the use is located in a residential district, all such uses shall be located with off-street parking screened from abutting residential property. No sign exceeding 10 square feet in area, nor internally illuminated, shall be permitted. All buildings shall be set back a minimum of 30 feet from side or rear lot lines. There shall be no external evidence of any incidental commercial activities taking place within the building. If located in a residential district design of a type that conforms with the type of allowed residential use adjacent to it is required.

C. Schools

Nursery schools shall have a minimum site size of 10,000 square feet, and provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.

D. Multi-Family Dwelling(s)

A multi-family dwelling and a multi-family dwelling complex shall comply with the following provisions:

1. The maximum number of dwelling units permitted by the applicable zone per gross acreage of a site (e.g., 24 dwelling units per acre in R-2.5) shall be based on the total surface area measured horizontally within the lot lines of the lot. The actual achievable density on the site may be less than the maximum allowable density due to site constraints such as easements, rights-of-way and environmental constraints. The maximum density may be increased as follows:
 - a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.
 - b. If in addition to open space as provided in (a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.
 - c. If in addition to open space and playgrounds as provided in (a) and (b) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.
2. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.

3. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
4. For a multi-family dwelling complex with five or more dwelling units, a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities or common open space. Such area shall be improved with grass, plantings, surfacings, equipment or buildings suitable for recreational use. The Planning Commission may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70% of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
5. All roadways and parking areas shall be paved and roadways shall conform to City Public Works Standards.
6. A sight obscuring fence or hedge may be required by the Planning Commission when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
7. All structures associated with such a complex shall be set back 30 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.
8. Sidewalks or other approved surfaced pedestrian walkways within the complex shall be provided.
9. Bicycle parking facilities shall be provided.
10. Public Park. The developer shall set aside and dedicate to the public for park and recreational purposes not less than 8% of the gross area of said development, if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

The City shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the City Council accept the deed dedicating such land.

In the event there is no suitable park or recreation area or site in the proposed area to be developed or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the

land that would have been donated under the above conditions. For the purpose of determining the fair market value, an appraisal performed by a state certified appraiser, or the latest value of the land as un-platted and without improvements as shown on the Washington County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area of park and recreation purposes or for the development of recreational facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing development.

Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City. Such funds may be expended only on order of the City Council for the purpose of acquiring or developing land for park or recreation purposes.

11. All such complexes shall provide adequate access.

12. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the City.

E. Recreational Vehicle Park

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following provisions:

1. Use Standards.

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

2. Design Standards

a) The maximum density of an RV park shall be 15 units per acre.

b) The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.

- c) Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- d) A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- e) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service, and proper back-flow prevention devices are installed per City Public Works Standards.
- f) A recreational vehicle space shall be provided with electrical service.
- g) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- h) No recreational vehicle shall remain in the park for more than 3 months in any 6 month period.
- i) No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.
- j) The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

- k) Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
- l) The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
- m) 12. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- n) The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.
- o) Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

F. Bed and Breakfast Inn

A Bed and Breakfast Inn shall comply with all applicable state laws and the following conditions:

1. No more than three (3) sleeping rooms shall be available for the accommodation of inn visitors.
2. No more than six (6) guests shall be accommodated at any one time.
3. One daily meal shall be provided to inn guests.
4. The exterior of the building shall maintain a residential appearance.
5. No materials or commodities shall be delivered to or from the residence in a bulk or quantity that will create congestion.
6. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.

7. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.

G. Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, on a Lot Adjoining or Across a Street From a Lot in a Residential Zone

These uses may be permitted conditionally subject to the following standards:

1. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when they find such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

H. Amusement Enterprise

An amusement enterprise may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
2. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

I. Radio, Television Tower, Utility Station or Substation

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
2. The use may be required to be fenced and landscaped.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.

4. Transmission towers, posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

16.175.060 Violation

Failure to comply with an approved Design Review and Site Plan and any conditions of approval shall be a zoning violation, subject to the requirements of this chapter.

Chapter 16.180 Conditional Use Permit

16.180.000 Purpose and Scope

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

16.180.005 Application and Fee

A pre-application conference pursuant to the Application Review section of this chapter ~~is required. The City Manager may waive this requirement. is recommended.~~ An application for a Conditional Use Permit shall be filed with the City ~~Recorder~~ and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Depending on the scale of the project, the City may also determine that a simultaneous request for a Design Review permit pursuant to Chapter 16.175 is required. Conditional Use Permit requests shall be subject to the quasi-judicial public notice and public hearing requirements as described in the Application Review section of this chapter.

16.180.010 Review Criteria

A conditional use may be authorized upon adequate demonstration by the applicant that the proposed use satisfies all relevant requirements of this Ordinance and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and

- E. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

16.180.015 Conditions of Approval

In approving an application for a conditional use, the Planning Commission may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of the buildings and structures;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.
- K. Prescribing limits on traffic, noise, vibrations, dust, fumes, or any other factors that may affect surrounding properties

16.180.020 General Requirements

Any conditional use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a

zoning district standard shall have the effect of rezoning the property.

- B. A conditional use may be enlarged or altered pursuant to the following:
1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application; and
 2. Minor alterations of a conditional use may be approved by the City ~~Planner~~ as a Limited Land Use permit pursuant to Chapter 16.170 if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.

16.180.025 Compliance with Conditions

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

16.180.030 Revocation of a Conditional Use Permit

A violation of any section of this ordinance or of any condition attached to the approval of a conditional use shall be punishable by revocation of the conditional use permit, or a fine not to exceed \$100, or by both such revocation and fine. Each day the violation is allowed to continue shall constitute a separate violation.

**Chapter 16.185
Variance**

Field Code Changed

16.185.000 Purpose and Scope

The purpose of a variance is to provide ~~administrative~~ relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional or site requirements would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. No variance shall be granted which allows the establishment or expansion of use otherwise prohibited or subject to conditional use procedures.

16.185.005 Application and Fee

A pre-application conference pursuant to the Application Review section of this chapter ~~is required. The City Manager may waive this requirement. is recommended.~~ An application for a variance shall be filed with the City Recorder and accompanied by the appropriate fee. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangements of the proposed development. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Except for Administrative Variances per 16.185.015, Variance requests shall be subject to the quasi-judicial public notice and public hearing requirements of a Type III process under of the Application Review procedures under 16.170 section of this chapter.

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16.185.010 Type III Variance Review Criteria

A variance may be authorized upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;
- B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;
- C. That the variance would result in minimal detriment to the immediate vicinity;
- D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and

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- E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

16.185.015 Type II Minor Variances Administrative Review Criteria

Minor variances that may be authorized administratively under a Type II process include the following:

- A. Minor variances, not to exceed 10%, from lot size, depth, width, area, coverage, landscaping and setback standards
- B. Minor variances of other design standards of the Code. The City Planner or designee has the discretion to require a variance of design standards under a Type III process with final approval by the Planning Commission at any time.

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Minor variances may be authorized administratively upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria: ~~administrative variances shall be processed in accordance with Application Review section of this chapter:~~

- A. That special conditions and circumstances, such as lot shape and configuration, exist which are peculiar to the land, building or structure involved;
- B. That the variance would result in minimal detriment to the immediate vicinity.
- C. An application for an Administrative Variance is limited to one lot per application.
- D. No more than three Administrative Variances may be approved for one lot or parcel in 12 months.

16.185.020 Conditions of Approval

In approving an application for a Type III variance, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in this chapter.

16.185.025 Compliance with Conditions

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and

approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this Ordinance.

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**Chapter 16.190
Similar Uses**

16.190.000 Purpose and Scope

The purpose of this chapter is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein. Zoning districts in which a similar use may be authorized are:

- | | | |
|----|----------------------|----|
| A. | Community Commercial | C1 |
| B. | General Commercial | C2 |
| C. | Light Industrial | M1 |
| D. | General Industrial | M2 |

16.190.005 Application and Fee

An application for a similar use shall be filed with the City ~~Recorder~~ and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Similar use requests shall be subject to the public notice requirements and public hearing requirements of the Application Review section of this chapter.

16.190.010 Review Criteria

A similar use may be authorized by the Planning Commission pursuant to Chapter 16.190 or as a part of development review, pursuant to the Design Review, provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

16.190.015 Conditions of Approval

In approving an application for a similar use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this section is carried out.

16.190.020 Compliance with Conditions

Compliance with conditions imposed in approval of a similar use and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any similar use for failure to comply with any condition imposed in approval of the similar use or for any other violation of this Ordinance.

Chapter 16.200
Comprehensive Plan & Zoning Amendments

16.200.000 Purpose and Scope

Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law. The purpose of this chapter is to describe the general requirements and criteria to be considered in reviewing an application for an amendment to the Comprehensive Plan or this Ordinance. An amendment may be made to the text of the Comprehensive Plan or this Ordinance or to the Comprehensive Plan Map or Official Zoning Map. An amendment may be processed in either a legislative or quasi-judicial manner, as follows:

A. Legislative Amendments

Legislative amendments may only be made for the establishment of policy. Such an amendment may be initiated only by the City Council or the Planning Commission. An owner of land may submit an application to the City Council or Planning Commission to initiate the amendment by making such an application.

Such amendments shall be made only by the Council after review and recommendation by the Planning Commission and after public hearings have been held pursuant to the Application Review section of this Ordinance.

B. Quasi-Judicial Amendments

Quasi-judicial amendments may only be made for the application of established policy to specific properties in the City. Quasi-judicial amendments may be initiated by the property owner or owners, a contract purchaser or an agent authorized by the property owner or owners; by the Planning Commission; or, by the City Council. All quasi-judicial amendments shall be subject to the public notice requirements and public hearing requirements of the Application Review section of this chapter.

16.200.010 Application and Fee

| An application for an amendment shall be filed with the City **Recorder** and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section.

16.200.015 Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

1. Impact of the proposed amendment on land use and development patterns within the city, as measured by:
 - A. Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);
 - B. Demand for public facilities and services, in compliance with the City utility master plans;
 - C. Level of park and recreation facilities;
 - D. Economic activities;
 - E. Protection and use of natural resources;
 - F. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.
2. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.
3. The amendment is appropriate as measured by at least one of the following criteria:
 - (a) It corrects identified error(s) in the provisions of the plan.
 - (b) It represents a logical implementation of the plan.
 - (c) It is mandated by changes in federal, state, or local law.
 - (d) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.
4. Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with

Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. "Significant" means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a street classification, requiring traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street as identified by the City's Transportation System Plan (TSP); or
 - (b) Change the standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the North Plains TSP or Comprehensive Plan; or
 - (d) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance identified in the North Plains TSP or Comprehensive Plan; or
 - (e) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan.
5. Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:
- (a) Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
 - (b) Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement , or service will be provided by the end of the planning period; or

- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
 - (d) Amending the planned function, capacity or performance standards of the transportation facility; or
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.
6. Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan, may be approved when all of the following criteria are met:
- (a) The amendment does not include property located in an interchange area, as defined under applicable law;
 - (b) The currently planned facilities, improvements or services are not adequate to achieve the standard;
 - (c) The currently planned facilities, improvements or services at a minimum mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
 - (d) The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid degradation to the facility.

B. Map Amendment

An amendment to the Comprehensive Plan Map or Official Zoning Map may be authorized, provided that the proposal satisfies all applicable requirements of this Ordinance, and provided that the applicant demonstrates the following:

1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
2. The purpose statement of the proposed zone can be met and the uses permitted in the proposed zone can be accommodated on the

proposed site without exceeding its physical capacity. Allowed uses in the proposed zone can be established in compliance with the development requirements of the Code;

3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and
4. That the amendment conforms to the Transportation Planning Rule provisions under this Chapter 16.200.015 subsection 5.

16.200.020 Findings

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

16.200.025 Conditions

The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.

Chapter 16.205 ANNEXATIONS

16.205.000 Statement of Purpose.

The City of North Plains finds annexation is the first step to converting future urbanizable lands to urban land within the North Plains Urban Growth Boundary and as such, it is an important part of the process of providing timely and orderly urban development. The City also recognizes that development of lands at urban densities must include the consideration of the provision of adequate levels of required urban services and infrastructure such as police, fire, sanitary sewer, water, roads, storm water disposal. Policies and procedures adopted in this Chapter are intended to carry out the purposes of the North Plains Comprehensive Plan and ensure that annexation of lands to the City is done timely and orderly and consistent with the Charter which requires that, unless otherwise mandated by State law, all annexation proposals must be approved by a majority vote of the City's citizens before the annexation becomes effective.

16.205.005 Conditions for Annexation.

The following conditions must be met prior to or concurrent with City processing of any annexation request:

- A. The subject site must be located within the North Plains Urban Growth Boundary.
- B. The subject site must be contiguous to the existing City limits.

16.205.010 Criteria

The following criteria shall apply to all annexation requests:

- A. The proposed use for the site complies with the North Plains Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

B. An adequate level of urban services and infrastructure must be available or made available in a specified time period determined by Council. An adequate level of urban services is defined as:

1. Municipal sanitary sewer, storm drainage and water service meeting the requirements enumerated in the Comprehensive Plan for provision of those services.
2. Rights of way with adequate design capacity for the proposed use and projected future uses.
3. Where construction of improvements necessary for delivery of the urban services identified in subsection (1) above or the rights-of-way identified in subsection (2) above are not thought to be immediately necessary, the applicant shall note the methods that are proposed to be used for providing and/or financing those services/improvements including (but not limited to)dedication of right-of-way, granting waiver(s) of remonstrance against possible future local improvement districts created or other approaches/devices to pay for improvement costs.

C. Findings documenting the availability of police, fire, parks, school facilities and all related services shall be made allowing for conclusive findings either for or against the proposed annexation. The adequacy of each of these services shall be considered in relation to each annexation proposal.

D. The burden of providing evidence supporting the findings for Section 16.205.070 A-C is upon the applicant.

Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of North Plains generally.

16.205.015 Application Filing, Publication and Posting Deadlines.

Annexation elections can be scheduled on any election date set by law. An application deadline is established to permit public hearings by both the Planning Commission and City Council so as to allow for meeting the election date. Application, publication, and posting deadlines for annexations are as follows:

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- A. Applications for annexation shall be filed with the City Recorder before the close of business on the 145th day prior to the date on which the election is scheduled.
- B. Notice of public hearing shall be published once each week for two successive weeks prior to the day of hearing before the legislative body, in a newspaper of general circulation in the city, and shall be posted in three public places in the city for a like period.
- C. Notice of Measure Election shall be published in a newspaper of general circulation as required by State Law. In addition, a map depicting the property proposed to be annexed shall be published in the County Voters' Pamphlet along with an unbiased Explanatory Statement.
- D. The City shall cause the property proposed to be annexed to be posted with a minimum of one sign not greater than six square feet in size. The sign shall provide notice of the annexation election, a map of the subject property and other relevant information regarding the proposed annexation.
- E. The decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution. All costs associated with placing the matter on the ballot shall be paid by the applicant or owner of the property proposed to be annexed.

16.205.020 Application Requirements

- A. Applications for annexation shall be made on forms provided by the City Recorder and include, at a minimum, the following material:
 - 1. Written consent to the annexation signed by the affected property owners.
 - 2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor licensed in the State of Oregon.
 - 3. Vicinity map and map of the area to be annexed including adjacent City territory.

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4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.
 5. Payment of annexation fees, as the same are set by Council resolution.
- B. In addition to the information and fees required under subsection (A) above, an applicant shall also be required to provide the following information:
1. A statement of the overall development concept and methods by which the physical site, surrounding area and community will be affected as well as proposed actions designed to mitigate negative effects from the development, if any.
 2. A statement addressing the availability, capacity and status of existing water, sanitary sewer, drainage, transportation, park and school facilities as determined and an analysis as to the anticipated increased demand for said facilities generated by the proposed development.
 3. A statement analyzing anticipated additional facilities required to meet the increased demand and proposed phasing of such facilities in accordance with projected demand.
 4. A statement setting out proposed method(s) and source(s) of financing required to provide the additional facilities identified in the analysis described in subsection (3) above.
 5. A narrative demonstrating the need for the urban development proposed for the annexation area analyzing the following:
 - a. Availability within the City of undeveloped land designated for proposed urban development.
 - b. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development.

- c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to develop.

16.205.025 Acceptance of Application; Staff Evaluation.

- A. The City Planner shall review the application in accordance with Sections_16.205.005-16.205.020 to ensure that the application complies with the conditions and criteria set out therein, is complete and that all appropriate fees have been paid.
- B. After accepting a complete application, the City Planner shall prepare a report evaluating the proposal's compliance with the Review Criteria set out in Section 16.205.030 and provide his/her recommendation thereon to the Planning Commission and schedule a hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with the Application Review section of this chapter.

16.205.030 Review Criteria.

Annexation shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan and other applicable policies and standards adopted by either the City and the State. In addition, a finding shall be made that the City is capable of providing services to the subject property(ies) commensurate with the needs of existing property(ies) and any proposed increases.

16.205.035 Action By The Planning Commission.

The Planning Commission shall conduct a public hearing consistent with the Application Review section of this chapter to evaluate the proposed annexation and determine the appropriate zoning classification that should apply upon annexation of the territory. The Planning Commission shall conduct its hearing at the next available meeting that complies with the notice requirements of Section 16.205.015.

Following the close of the public hearing, the Planning Commission shall designate the development district(s) that will apply to the area proposed to be annexed and forward that recommendation to the City Council. The Commission's recommendation shall include Findings of Fact and Conclusions of Law specifying how the proposal has or

has not complied with the Application Requirements and Review Criteria. The Planning Commission shall specify such consideration as in its findings and conclusions of law.

16.205.040 Annexation Declaration.

The City Council shall by ordinance declare annexation only after determining that all requirements of the Oregon Revised Statutes have been met, all requirements of this ordinance have been met, all applicable fees have been paid, and the annexation request has been approved by a majority of those voting.

16.205.045 Health Hazard Annexation.

The City Council shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.

16.205.050 Island Annexation.

The City shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits.

16.205.055 Coordination.

All annexation requests shall be coordinated with affected public and private agencies, including, but not limited to Washington County, Portland General Electric, Northwest Natural Gas, Hillsboro School District, Washington County Fire District No. 2 and, where appropriate, state agencies. Coordination shall be made by referral of annexation request to all appropriate entities sufficiently in advance of proposed final City action to allow for review by those entities and incorporation of their recommendation(s) into the City's records.

16.205.060 Effective Date of District Designation.

The decision of the City regarding establishment of the district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with the Application Review section of this chapter.

16.205.065 Action by City Council.

- A. The recommendations of the Planning Commission on an annexation proposal will be set for a public hearing before the City Council pursuant to the Application Review section of this chapter. The Council shall review the Planning Commission's recommendation(s) on all annexation proposals prior to said proposal(s) being referred for a vote of the electors. The Council shall only refer those annexation proposals where the proposal complies with the criteria established Section 16.205.010.

- B. The decision of the City Council regarding referral of the proposed annexation measure for election shall be supported by written Findings of Fact and Conclusions of Law including a Finding that the proposed annexation is in the best interests of the City and its residents considering the timing of and extent to which municipal services and infrastructure can be provided.

**CITY OF NORTH PLAINS
STAFF REPORT: ZONING & DEVELOPMENT CODE AMENDMENTS**

NOVEMBER 14, 2012

TO: North Plains Planning Commission

FROM: Angie Lehnert, Assistant Planner

I. OVERVIEW

SUMMARY: This proposal includes zoning code text amendments in the R-5 Zone to increase the minimum lot size of duplex, triplex, and attached family homes to 4,000 square feet, to modify setback and height standards, modify lot coverage standards, make grammatical revisions, correct errors, clarify language, clarify the sign code chapter, edit definitions, omit staff position titles throughout the code, and to clarify application procedures and requirements.

APPLICATION: FILE #12-009-01-ZDA

APPLICANT: City of North Plains

PUBLIC HEARING: Planning Commission: 11/14/12, City Council: 1/21/13

II. EXHIBITS

- Draft revisions
- Oregon Department of Land Conservation and Development (DLCD) comments

III. APPLICABLE REVIEW CRITERIA FROM THE *NORTH PLAINS ZONING AND DEVELOPMENT*

ORDINANCE

The Code was amended in conformance with the following review criteria; this report discusses findings based on the review criteria below:

- Comprehensive Plan Section 15.02.015, Citizen Involvement
- Comprehensive Plan Section 15.02.020, Land Use Planning
- Comprehensive Plan Section 15.02.025, Land Use Planning
- Comprehensive Plan Section 15.02.080, Housing
- Zoning and Development Code Chapter 16.170, Application Review
- Zoning and Development Code Chapter 16.200, Comprehensive Plan & Zoning Amendments

IV. PUBLIC TESTIMONY & AGENCY COMMENTS

The Oregon Department of Land Conservation and Development (DLCD) was notified of this file. The original proposal omitted manufactured homes as a permitted use in the R-5 and R-7.5 Zones and omitted manufactured home parks as a permitted use in the R-5 Zones. DLCD informed staff that these proposals are violations of state law and therefore have been removed. See the attached email for more details.

V. CODE REVIEW & FINDINGS

Below are applicable citations/applicable review criteria from the *North Plains Zoning Ordinance* and findings in response to the criteria. Unless discussed below, the applicant has met the requirements

of the applicable review criteria fully, and/or the Code's criteria are not applicable to this proposal and therefore do not warrant discussion.

COMPREHENSIVE PLAN SECTION 15.02.015: GOAL 1 CITIZEN INVOLVEMENT

Objective: Citizens having a reasonable opportunity to be involved in all phases of the planning process shall be actively encouraged.

Policies: Citizen assistance in the preparation of each phase of the planning process shall be actively encouraged.

FINDINGS: The Code revisions will be presented at public hearings and before citizen volunteers on the Planning Commission and the City Council. Additionally, notice of the hearings were published in the *Hillsboro Argus* and posted at community bulletin boards in town.

COMPREHENSIVE PLAN SECTION 15.02.020 LAND USE PLANNING

To insure an adequate supply of land for residential, commercial and industrial development purposes as well as land for uses related that provide for a complete community such as open space, institutional, public/private facility, community service, historic uses, the following categories have been developed for use in the comprehensive plan map, which will provide the basis for the City's zoning map. These categories are defined as follows:

Medium/Low Density Residential: Areas suited primarily for development of single family dwellings and duplexes at a density not to exceed 5.8 dwelling units per net acre (a minimum lot size of 7,500 square feet per single family dwelling). Corresponds to R7.5 on zoning map.

Medium/High Density Residential: Areas suited for development of single dwellings, duplexes, attached two family and manufactured home parks and subdivisions at a density not to exceed 8.7 dwelling units per net acre (a minimum lot size of 5,000 square feet per dwelling unit). Corresponds to R5 zoning map.

FINDINGS: The proposed changes are in conformance with the above standards and will not affect the above maximum densities for the R-5 and R-7.5 Zones.

COMPREHENSIVE PLAN SECTION 15.02.025: GOAL 2 LAND USE PLANNING

Objective: The comprehensive plan and implementing ordinances shall be reviewed periodically so that the City may keep the planning process dynamic and the comprehensive plan able to respond to change.

FINDINGS: The revisions are in response to the need for a more legible Code, to modify setback and height standards, modify lot coverage standards, make grammatical revisions, correct errors, clarify language, clarify the sign code chapter, edit definitions, omit position titles in the Code, to clarify application procedures and requirements, and to respond to the community's desire to distinguish the R-5 and R-7.5 Zones from the R-2.5 Zone by increasing the minimum lot size of duplex, triplex, and attached family homes in the R-5 Zone to 4,000 square feet.

COMPREHENSIVE PLAN CHAPTER 15.02.080 HOUSING

Objective: Future residential development should provide a variety of housing choices for North Plains' citizens in a manner consistent with the City's livability objectives.

Findings: The City finds that the proposed amendments do not restrict the variety of housing choices, but rather clarifies setback, lot size, and height standards.

COMPREHENSIVE PLAN CHAPTER 15.02.125.B LIVABILITY

To create a planning program and growth direction that provides for a variety of housing types and densities to promote housing diversity and affordable housing choices.

Policy: The City will expand the availability of attached housing and shall encourage a minimum of 25% of the total new housing types to be attached housing.

Findings: The City finds that the proposed amendments do not restrict or alter current Code allowances for single family attached dwellings. The proposed revisions alter the minimum lot size for lot size of duplex, triplex, and attached family homes in the R-5 Zone but does not restrict or alter allowances for attached housing.

ZONING AND DEVELOPMENT CODE CHAPTER 16.170, APPLICATION REVIEW

- Describes general application review procedures for a Type IV legislative land use process
- Describes the procedures for Traffic Impact Studies

Findings: Staff is administering these Code revisions in accordance with all criteria and procedures contained in 16.170. Notice of a public hearing before the North Plains Planning Commission and the North Plains City Council was published in the *Hillsboro Argus*, posted, and mailed to the Oregon DLCD. A traffic study is not required for this application because it does not meet the criteria set forth in 16.170.003(A).

ZONING AND DEVELOPMENT CODE CHAPTER 16.200, COMPREHENSIVE PLAN & ZONING AMENDMENTS

16.200.01, Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

- 1. Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
 - A. Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);*
 - B. Demand for public facilities and services, in compliance with the City utility master plans;*
 - C. Level of park and recreation facilities;*
 - D. Economic activities;*
 - E. Protection and use of natural resources;*

- F. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*
- 2. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*
- 3. *The amendment is appropriate as measured by at least one of the following criteria:*
 - (a) *It corrects identified error(s) in the provisions of the plan.*
 - (b) *It represents a logical implementation of the plan.*
 - (c) *It is mandated by changes in federal, state, or local law.*
 - (d) *It is otherwise deemed by the City Council to be desirable, appropriate, and proper.*
- 4. *Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule.*

Findings: The revisions are in response to the need for a more legible Code, to modify setback and height standards, modify lot coverage standards, make grammatical revisions, correct errors, clarify language, clarify the sign code chapter, edit definitions, omit position titles in the Code, to clarify application procedures and requirements, and to the community’s desire to distinguish the R-5 and R-7.5 Zones from the R-2.5 Zone by increasing the minimum lot size of duplex, triplex, and attached family homes in the R-5 Zone to 4,000 square feet.

These amendments will be presented to the Planning Commission and City Council for approval. The revisions are in compliance with the Comprehensive Plan, and this report addresses relevant Comprehensive Plan policies which in turn address Statewide Planning Goals and administrative rules.

The amendments will not conflict with the City’s Transportation Plan, the Oregon Transportation Planning Rule (TPR), existing transportation facilities, utility plans, park plans, economic plans, and other City codes and plans.

VI. RECOMMENDATION

Based upon the findings contained in this staff report, staff advises a recommendation by the North Plains Planning Commission to the City Council to approve by ordinance Zoning and Development Code Amendments in file# 12-009-01-ZDA.

Sample Motion, Planning Commission: I move to adopt the findings contained within this staff report and recommend City Council approval of the Zoning and Development Code Amendment File #12-009-01-ZDA, as presented in the attached exhibit.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 7, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Year 2013 Council Goals Discussion

Request: Discuss potential goals to be identified for 2013.

Background: Each year the Council has established goals they would like to see accomplished during the calendar year. These goals have been used by department managers to establish department goals and objectives as they prepare budgets for the next fiscal year. Attached is brief list of suggested goals for Council's consideration. Goals can be added or deleted as Council believes appropriate.

Staff is recommending time be set aside to discuss the goals in detail this year. This can be accomplished at a regular Council meeting or study session.

Fiscal Impact: Goals only have fiscal impacts to the extent that they require specific projects or programs developed.

Environmental Issues: There will be no environmental issues involved with this request.

Recommendation: Council set a date for the discussion of 2013 goals.

Attachment: Sample Goals

City of North Plains Suggested Goals for 2013

Goal 1: Expand recreation opportunities thru physical improvements and community events

Objectives

- Design and build skate spot
- Organize concert events
- Encourage instruction by volunteers and private companies at Jessie Mays
- Organize Commercial Street events
- Develop park masterplan for Jessie Mays
- Construct trails in Vern Galloway Park area
- Pursue grants for equipment and projects

Goal 2: Increase community policing activities

Objectives

- Increase number of contacts between police personnel and businesses
- Assist with community event and emergency planning
- Provide educational programs on topics like ID theft, safety awareness, cyber security

Goal 3: Encourage economic development that creates jobs in downtown area

Objectives

- Develop façade improvement program
- Expand participation in economic development district
- Improve planning processes to facilitate efficient permitting

Goal 4: Evaluate water enterprise for efficiencies

Objectives

- Reduce residential meter or per unit costs if possible
- Revise capital improvement program and plan for future funding

Goal 5: Expand library services

Objectives

- Evaluate increasing open hours
- Evaluate options for expanding collection
- Provide an after school homework help program
- Provide more entertainment programs



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 15, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Partition and lot line fees

Request: Council review information regarding partition and lot line fees.

Definitions:

Partition: A partition is required for a land division that creates two (2) or three (3) parcels in a calendar year.

Lot line adjustment: A lot line adjustment is the relocation or elimination of a common boundary between two legal lots, provided no new lots are created as a result of the relocation of the common boundary. The elimination of lot boundaries is permitted only for a maximum of 3 common boundaries.

Background: At the January 7 Council meeting, staff was asked to present information regarding the feasibility of changing partition and lot line fees as there were concerns that these processes were a hindrance to infill construction.

The current fee for a partition that does not require the dedication of public street is \$331 (partitions requiring dedication cost are \$669.) A lot line adjustment costs \$312. These fees are based on staff estimates of the actual cost to perform work associated with the land use review. The worksheets associated with these fees are included in Council's packet.

Staff believes the perception that North Plains' fees are high was a product of prior fee scheduled. Before the adoption of the current fees last Spring, a partition required a minimum deposit of \$2,000 and a lot line adjustment required a fee of \$500. The City has made efforts to ensure applicants know the actual costs of services and reduced the risk of fees exceeding deposits, which has occurred in the past.

Recommendation: Council provide direction regarding if additional adjustment to fees is appropriate to encourage infill development.

CITY OF NORTH PLAINS FEE WORKSHEET

FEE 1491

Name of Fee: Land Partition - No street dedication

Fund:	1	Budget Department:	410
Form Submitted by:	MDebry	New Fee?	N

Purpose:

Written authorization to split a lot into 2 or more lots. Accept application, review for conformance with municipal code, site visit, write staff report, present to planning commission, notice to adjoining properties, and public notice, written notice of decision, and file documents. Additional planner or engineer hours may be charged for more

LABOR				
Description	Unit	Unit Cost	# of Units	Cost
Assistant Planner	1	\$19.88	8	\$159.04
City Manager	hourly	\$64.62	1	\$64.62
Contract Planner	hourly	\$85.00	0	\$0.00
Account Clerk	hourly	\$33.18	1	\$33.18
SUBTOTAL:				\$256.84

MATERIALS (PRODUCTS)				
Description	Unit	Unit Cost	# of Units	Cost
Permit letter	sheet	\$0.05	1	\$0.05
reproduction	sheet	\$0.10	116	\$11.60
Mail and postage	letter	\$0.50	25	\$12.50
File	file	\$1.00	1	\$1.00
Public Notice	news ad	\$170.00	0	\$0.00
SUBTOTAL:				\$25.15

VEHICLE and EQUIPMENT				
Description	Unit	Unit Cost	# of Units	Cost
Copier lease	\$690/mo	\$0.09	117	\$10.53
Computer	hourly	\$0.88	7	\$6.16
Per copy charge	sheet	\$0.01	117	\$1.17
SUBTOTAL:				\$17.86
Total				\$299.85
Administrative Overhead				\$44.98
Total Fee				\$344.83
% of Cost Recovery				100%
Proposed Fee				\$331.00
Last Updated: 12/21/2012				
Deposit used				
Current Fee				\$2,000.00
Difference				-\$1,669.00
% Change				
Estimated number of times fee is charged in year:				0
Current Revenue:				0
Estimated Future Revenue:				0
Difference in Revenue				0

CITY OF NORTH PLAINS FEE WORKSHEET

FEE **1505**

Name of Fee: Lot line adjustment

Fund:	1	Budget Department:	410
Form Submitted by:	MDebry	New Fee?	N

Purpose:

Written authorization to move property line between two parcels. Accept application, review for conformance with municipal code, site visit, written notice of decision, and file documents. Additional planner or engineer hours may be charged for more complex projects, which will be negotiated at the time of application.

LABOR

Description	Unit	Unit Cost	# of Units	Cost
Assistant Planner	1	19.88	4	\$79.52
City Manager	hourly	64.62	1	\$64.62
Contract Planner	hourly	85	1	\$85.00
Account Clerk	hourly	33.18	0.75	\$24.89
SUBTOTAL:				\$254.03

MATERIALS (PRODUCTS)

Description	Unit	Unit Cost	# of Units	Cost
Permit	sheet	0.01	1	\$0.01
Mail and postage	letter	0.5	25	\$12.50
File	file	1	1	\$1.00
reproduction	sheet	0.01	85	\$0.85
SUBTOTAL:				\$14.36

VEHICLE and EQUIPMENT

Description	Unit	Unit Cost	# of Units	Cost
Copier lease	\$690/mo	\$0.09	86	\$7.74
Computer	hourly	0.88	5	\$4.40
Per copy charge	sheet	0.01	86	\$0.86
				\$0.00
SUBTOTAL:				\$13.00

NOTE: FEE WORKSHEET RECENTLY
UPDATED ADOPTED FEE IS \$312

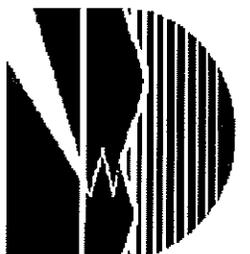
		Total	\$281.39
		Administrative Overhead	\$42.21
		Total Fee	\$323.59
		% of Cost Recovery	100%
Last Updated:	12/21/2012	Proposed Fee	\$323.59
		Deposit used	Current Fee
			\$500.00
		Difference	-\$176.41
		% Change	
		Estimated number of times fee is charged in year:	
		Current Revenue:	0
		Estimated Future Revenue:	0
		Difference in Revenue	0

Accounts Payable

Transactions by Account and Department

User: pam
 Printed: 01/02/2013 4:48 PM
 Batch: 000-00-0000

NORTH PLAINS
City to the Sunset



Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
110-000-200000	TONY JONES	REFUND / JMCH Security Deposit	12/05/2012	20760	400.00	
110-000-200000	OR. CANADIAN FOREST	JMCH Refund for Emp Apprec 12/21/12	12/26/2012	20811	400.00	
110-000-200000	STEVEN PRINCE HOMES.	REFUND / BP#2602. ROW #SW-12-004	12/05/2012	20766	250.00	
110-000-200000	STEVEN PRINCE HOMES.	REFUND / BP#2603. ROW #SW-12-005	12/05/2012	20766	250.00	
Subtotal for Dept: 000					1,300.00	
110-421-207000	OR. DEPT. OF REVENUE-	August 2012	12/11/2012	20778	44.00	
110-421-207000	OR. DEPT. OF REVENUE-	September 2012	12/11/2012	20778	307.00	
110-421-207000	OR. DEPT. OF REVENUE-	October 31, 2012	12/11/2012	20778	410.00	
110-421-207000	OR. DEPT. OF REVENUE-	November 2012	12/11/2012	20778	177.00	
110-421-207000	W.A. CTY. - FIN.-DIVISIO	August 1 - August 31, 2012	12/11/2012	20786	69.00	
110-421-207000	W.A. CTY. - FIN.-DIVISIO	September 1 - September 30, 2012	12/11/2012	20786	191.00	
110-421-207000	W.A. CTY. - FIN.-DIVISIO	October 1 - October 31, 2012	12/11/2012	20786	197.00	
110-421-207000	W.A. CTY. - FIN.-DIVISIO	November 1 - November 30, 2012	12/11/2012	20786	120.00	
110-421-330000	ADVANTAGE COMPUTE	Reinstallation of JayHawk Software	12/26/2012	20801	350.00	
110-421-330000	USA MOBILITY	TThurber pager 11/30/12 - 2/28/13	12/11/2012	20784	25.95	
110-421-330000	VERIZON WIRELESS	November 7, 2012 - December 6, 2012	12/26/2012	20817	240.18	
110-421-330000	VERIZON WIRELESS	NOVEMBER 8, 2012 - December 7, 2012	12/26/2012	20817	113.49	
110-421-330912	WCCCA	3rd Quarter Dispatch Fees	11/30/2012	20800	2,927.00	
110-421-340000	VISA/ CARDMEMBER SE	The Home Depot	12/11/2012	20785	53.45	
110-421-340000	VISA/ CARDMEMBER SE	Bi-Mart	12/11/2012	20785	64.87	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
110-455-640000	INGRAM LIBRARY SERV	Library Materials	12/05/2012	20775	75.90	
110-455-640000	INGRAM LIBRARY SERV	Library Materials	12/17/2012	20793	79.38	
110-455-640000	VISA/ CARDMEMBER SE	Community Newspapers	12/05/2012	20785	-18.12	
110-455-640000	VISA/ CARDMEMBER SE	amazon	12/05/2012	20785	15.99	
110-455-640000	VISA/ CARDMEMBER SE	amazon	12/05/2012	20785	16.99	
110-455-640000	VISA/ CARDMEMBER SE	Amazon.com	12/05/2012	20785	99.66	
		Subtotal for Dept: 455			2,503.92	
110-465-330000	TEMP CONTROL MECHA	12/01/12 to 12/31/12	12/05/2012	20798	309.00	
		Subtotal for Dept: 465			309.00	
		Subtotal for Fund: 110			10,291.96	
113-463-770000	VISA/ CARDMEMBER SE	Rodda Point	12/11/2012	20785	39.99	
113-463-770000	VISA/ CARDMEMBER SE	Lowes	12/11/2012	20785	31.96	
113-463-770000	VISA/ CARDMEMBER SE	Coastal Farm and Ranch	12/11/2012	20785	17.00	
113-463-770000	VISA/ CARDMEMBER SE	Coastal Farm and Ranch	12/11/2012	20785	137.98	
		Subtotal for Dept: 463			226.93	
		Subtotal for Fund: 113			226.93	
210-000-555555	CASCADE DENTAL LAB	Refund check	12/26/2012	20814	58.75	
210-000-555555	STEVEN PRINCE HOMES	Refund check	12/26/2012	20815	22.78	
210-000-555555	KRISTINA CONNWAY	Refund check	12/26/2012	20816	26.44	
		Subtotal for Dept: 000			107.97	
210-433-207000	CITY OF HILLSBORO-Wat	JWC SDC's Expense (5	12/26/2012	20807	28,864.00	
		g:10/1/11-12/31/12				
210-433-330000	BADGER METER, INC.	Cmct Software, Renew	12/05/2012	20772	989.04	
		1/14/13-1/13/14				

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
210-433-330000	OR. HEALTH DIVISION	2013 Annual Fee to fund Cross	11/01/2012	20796	75.00	
210-433-340000	HD SUPPLY WATERWOR	2013 Annual Fee to fund Cross Comm. Prog 5-1/4 WB67 HYD 60"B 6MJ O/L	12/05/2012	20792	1,995.00	
210-433-610000	NEW RESOURCES GROU	NP Dye Tab on a card	12/17/2012	20795	354.20	
210-433-610000	VISA/ CARDMEMBER SE	Hach Company	12/11/2012	20785	371.58	
				Subtotal for Dept: 433	32,648.82	
				Subtotal for Fund: 210	32,756.79	
610-000-555555	AFLAC	January Premiums	12/26/2012	20802	243.09	
				Subtotal for Dept: 000	243.09	
610-411-300000	VISA/ CARDMEMBER SE	Amazon.mktplace	12/17/2012	20799	42.06	
610-411-300000	VISA/ CARDMEMBER SE	Apple - Newton	12/17/2012	20799	399.00	
610-411-300100	J & S GOLF CAR RENTAL	3 - 6 person carts for Holiday Jingle	12/11/2012	20776	126.00	
610-411-300100	VISA/ CARDMEMBER SE	Albertsons	12/11/2012	20785	23.12	
				Subtotal for Dept: 411	590.18	
610-412-330000	BEERY. ELSNER & HAM	Finance - Comcast and DR Horton	12/11/2012	20773	1,046.00	
610-412-330000	BEERY. ELSNER & HAM	General - Chamber and Garlic Festival	12/11/2012	20773	2,473.37	
				Subtotal for Dept: 412	3,519.37	
610-414-330000	BEVERLY GAIL WAIBEL	Bottled Water Adjustment	11/20/2012	20769	-0.32	
610-414-330000	BEVERLY GAIL WAIBEL	Contract Services November	12/05/2012	20769	743.75	
610-414-360000	OREGONIAN	Public Hearing Notices 11/01/12- 11/30/12	12/11/2012	20779	390.41	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
610-415-300000	VISA/ CARDMEMBER SE	Izzies Pizza	12/11/2012	20785	23.94	
610-415-330000	MOONLIGHT BPO	Newsletter	12/05/2012	20762	342.90	
610-415-330000	MOONLIGHT BPO	Water Bills	12/05/2012	20762	119.11	
610-415-330000	MOONLIGHT BPO	Postage	12/05/2012	20762	269.27	
610-415-330000	TALBOT, KORVOLA, & W	Professional Services through	11/30/2012	20768	4,297.50	
		11/15/12				
		Subtotal for Dept: 414			1,133.84	
610-416-330000	MURRAY, SMITH & ASS	Engineering McKay Fields	12/26/2012	20809	928.09	
		SD/VAR-07-000				
		Subtotal for Dept: 415			5,052.72	
610-419-310000	XO COMMUNICATIONS	11/18/12 - 12/17/12	11/30/2012	20770	599.90	
610-419-330000	TYCO INTEGRATED SEC	31360 NW Commercial 11/27/12	12/05/2012	20753	938.57	
610-419-330000	TYCO INTEGRATED SEC	INSTALL				
610-419-330000	TYCO INTEGRATED SEC	31360 NW Commercial	12/05/2012	20753	59.50	
610-419-330000	TYCO INTEGRATED SEC	11/26/12-12/31/12				
610-419-330000	TYCO INTEGRATED SEC	31360 NW Commercial 1/1/13-	12/17/2012	20787	140.93	
610-419-330000	TYCO INTEGRATED SEC	1/31/13				
610-419-330000	TYCO INTEGRATED SEC	31334 NW Commercial 1/1/13-	12/17/2012	20787	63.98	
610-419-330000	TYCO INTEGRATED SEC	1/31/13				
610-419-330000	TYCO INTEGRATED SEC	30975 NW Hillcrest 1/1/13-	12/17/2012	20787	49.78	
610-419-330000	TYCO INTEGRATED SEC	1/31/13				
610-419-330000	AMERICAN EXPRESS	11/28/2012	11/28/2012	20754	35.07	
610-419-330000	GLOBAL DATA LINK	Monthly Services	12/26/2012	20808	825.00	
610-419-330000	SERVICE AMERICA COM	December Janitorial Service	12/11/2012	20783	370.00	
610-419-340000	ABS. FINANCE	Contract Payment - 2 copiers	11/28/2012	20752	690.00	
610-419-340000	ASSOC. BUSINESS SYST	Monthly Copies 10/22/12 - 11-	12/05/2012	20755	412.40	
610-419-340000	ASSOC. BUSINESS SYST	22-12				
610-419-340000	ASSOC. BUSINESS SYST	Monthly Copies 11/22/12 -	12/26/2012	20803	110.56	
610-419-340000	NAPA AUTO PARTS	12/22/12				
610-419-340000	NAPA AUTO PARTS	Battery, charger	12/05/2012	20794	229.18	
610-419-340000	NAPA AUTO PARTS	Battery	12/05/2012	20794	109.00	
610-419-340000	NAPA AUTO PARTS	Battery refund	12/05/2012	20794	-12.00	
		Subtotal for Dept: 416			928.09	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
610-419-340000	ONE CALL CONCEPTS. I	OREGON UTILITY NOTIFICATION CNTR	12/05/2012	20765	31.68	
610-419-340000	VISA/ CARDMEMBER SE	Lowes	12/11/2012	20785	24.99	
610-419-340000	VISA/ CARDMEMBER SE	Beaverton Auto Parts	12/11/2012	20785	65.41	
610-419-340000	VISA/ CARDMEMBER SE	Beaverton Auto Parts	12/11/2012	20785	44.38	
610-419-340000	VISA/ CARDMEMBER SE	Bi-Mart	12/11/2012	20785	64.29	
610-419-340000	VISA/ CARDMEMBER SE	Napa Auto Parts Hillsboro	12/11/2012	20785	39.99	
610-419-610000	OR. COFFEE ROASTER. I	5# coffee	12/26/2012	20812	37.50	
610-419-610000	OREGONIAN	3 months ARGUS @ City Hall thru 2/28/13	12/26/2012	20813	27.00	
610-419-610000	VISA/ CARDMEMBER SE	USPS	12/11/2012	20785	2.47	
610-419-610000	VISA/ CARDMEMBER SE	USPS	12/11/2012	20785	11.72	
610-419-610000	VISA/ CARDMEMBER SE	USPS	12/11/2012	20785	10.72	
610-419-610000	VISA/ CARDMEMBER SE	USPS	12/11/2012	20785	2.35	
610-419-610000	VISA/ CARDMEMBER SE	The Paper Mill Store	12/11/2012	20785	44.51	
610-419-610000	VISA/ CARDMEMBER SE	Office Depot	12/11/2012	20785	32.98	
610-419-610000	VISA/ CARDMEMBER SE	Bi-Mart	12/11/2012	20785	99.99	
610-419-610000	VISA/ CARDMEMBER SE	Albertsons	12/11/2012	20785	66.67	
610-419-610000	VISA/ CARDMEMBER SE	Albertsons	12/11/2012	20785	2.99	
610-419-621000	ASIFlex	For the period beginning 11/01/2012	12/11/2012	20771	18.75	
610-419-621000	ASIFlex	For the period beginning 12/1/11 (missd)	12/17/2012	20788	30.00	
610-419-621002	CITY/COUNTY INS. SERV	Workmans Comp Renewal Payment 3	09/21/2012	20790	4,867.44	
Subtotal for Dept. 419					10,147.70	
610-433-310000	AT&T WIRELESS SERVIC	PW Mobile Phones 11/16/12 - 12/05/12	12/26/2012	20804	31.74	
610-433-330000	PNW YAMAHA	9960 Windshield	12/05/2012	20780	118.00	
610-433-340000	LAKESIDE INDUSTRIES,	EZ Street ASPH 4.0900 tons	12/05/2012	20761	458.08	
610-433-340000	LAKESIDE INDUSTRIES,	Tack Bucket	12/11/2012	20777	120.00	
610-433-340000	NATURE'S NEEDS	Service from 10/26/12 to 11/25/12	12/05/2012	20763	29.26	
610-433-340000	SIRENNET.COM	Spotlights and Installation Kit	12/17/2012	20797	327.99	
610-433-610224	SUNSHINE INC.	Public Works - November	12/05/2012	20767	402.10	
Subtotal for Dept. 433					1,487.17	

Account Number

Vendor

Description

GL Date

Check No

Amount PO No

Subtotal for Fund: 610

23,102.16

Report Total:

66,377.84



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 17, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Approval of an intergovernmental agreement for use of facilities and resources during a local emergency or disaster between City of North Plains and City of Hillsboro

Request: Council consider approving an intergovernmental agreement for use of facilities and resources during a local emergency or disaster between City of North Plains and City of Hillsboro

Background: The City of North Plains is in the process of developing its Continuity of Operations Plan (COOP). The purpose of the plan is to provide a detailed explanation of the process for setting up an emergency response center. As part of this plan, the City needs to identify alternative locations for establishing emergency operations centers (EOC's). In theory, it is possible City Hall or Washington County Fire District #2 station may not be available as work location during an emergency. The City has no alternative sites within North Plains that equipped with radios, telephones and computers. The City of Hillsboro is willing to enter into an agreement with the City which will allow the City to work at a Hillsboro facility if needed.

Fiscal Impact: This agreement has no immediate fiscal impact on the City. In the event of an emergency the document provides for indemnification and the payment of Hillsboro's costs associated with assisting the City. Generally, such expenses are reimbursable through the State and Federal emergency aid agencies when a state of emergency is declared.

Recommendation: Council approve the intergovernmental agreement for use of facilities and resources during a local emergency or disaster between City of North Plains and City of Hillsboro

Sample Motion: I move to approve the memorandum of understanding agreement for use of facilities and resources during a local emergency or disaster.

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between the City of Hillsboro, a political subdivision of the State of Oregon, and the City of North Plains.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: February 1, 2013, or upon final signature, whichever is later.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279B.220 through ORS 279B.235 and ORS 279C.500 through 279C.870 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party and agrees that the performing party has no control over the work or the manner in which it is performed. No party is an agent or employee of any other. Nothing herein is intended, nor shall it be construed, to create between the parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each party hereby specifically disclaims any such relationship.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing (30 if not otherwise marked) days' written notice of intent to the other party.
- 8) Either party may terminate this Agreement, in whole or in part, immediately upon notice, or at such later date as may be established in such a notice, to the other party upon the occurrence of the following events: One party commits any material breach or default of any covenant, warranty, obligation, certification or agreement under this Agreement, fails to perform the work or services under this Agreement within the time specified herein or any extension thereof, or so fails to pursue the work or services as to endanger the performance under this Agreement in accordance with its terms, and such breach, default or failure is not cured within ten (10) days after delivery of a notice or such longer period as may be specified in such a notice.
- 9) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 10) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including their officers, agents, and employees, against all claims, demands, penalties, actions and suits (including the cost of defense thereof and all attorney fees and costs, through

all appeals) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent or intentional acts or omissions of that party or its officers, employees or agents.

11) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in claims or litigation in any way related to this Agreement.

12) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 to 30.274.

13) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

14) Funds Available and Authorized, Non-Appropriation Of Funds: The City has sufficient funds currently available and authorized for expenditure to finance the costs of this Agreement, during the current fiscal year ending June 30, 2013. Each party recognizes that the funding of services pursuant to this Agreement is subject to annual appropriation by the City Council as required by the Oregon Local Budget Law, ORS 294.323 and related provisions, which appropriation may not be made in subsequent fiscal years. As such, the City may terminate this agreement at any time based on the City Council's non-appropriation of funds required to perform its obligations under this Agreement.

15) No Third Party Beneficiaries: Except as set forth herein, this Agreement is between the parties and creates no third-party beneficiaries. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect or otherwise to third parties unless such third parties are expressly described as intended to be beneficiaries of its terms.

16) Remedies, non-waiver: The remedies provided under this Agreement shall not be exclusive. The parties shall also be entitled to any other equitable and legal remedies that are available. No waiver, consent, modification or change of terms of this Agreement shall bind the parties unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of a party to enforce any provision of this Agreement shall not constitute a waiver by a party of that or any other provision.

17) Oregon law, Dispute Resolution and Forum: This Agreement shall be construed according to the laws of the State of Oregon. The parties shall negotiate in good faith to resolve any dispute arising out of this Agreement. If the parties are unable to resolve any dispute within fourteen (14) calendar days, the parties are free to pursue any legal remedies that may be available. Any litigation between the parties arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Washington County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.

18) Assignment: No party shall assign its rights or obligations under this Agreement, in whole or in part, without the prior written approval of the other party or parties.

19) Severability/Survival of terms: If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken. All provisions concerning indemnity survive the termination of this Agreement for any cause.

20) Interpretation of Agreement: This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision. The Section headings contained in

this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.

21) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized representatives of the parties signing below.

CITY OF NORTH PLAINS

Signature Date

Printed Name Title

Address: _____

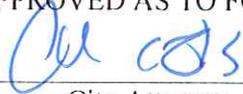
CITY OF HILLSBORO:

 _____
Signature Date 1/2/13

Jerry Willey _____
Printed Name Mayor Title

ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

IGA FOR USE OF FACILITIES AND RESOURCES DURING A LOCAL EMERGENCY
OR DISASTER

Between City of North Plains and City of Hillsboro Fire and Rescue

This agreement is made and entered into this 1st day of February, 2013, by and between the City of North Plains and City of Hillsboro Fire and Rescue by which the respective jurisdictions agree to provide mutual aid as provided herein.

Whereas, the City of North Plains desires to establish a formal working relationship with the City of Hillsboro Fire and Rescue for back up emergency and disaster operations centers.

Whereas, the City of North Plains current Emergency Operations Center is North Plains City Hall. The Secondary location is Washington County Fire District 2 North Plains Station 17. In the event these two locations are not operational the third location will be the City of Hillsboro Fire and Rescue Main Station 1. The Station 1 conference room will be made available to North Plains Staff for coordination of emergency response and recovery.

Whereas, City of Hillsboro Fire and Rescue has the capacity to provide assistance to the City of North Plains during a localized emergency, including access to telephones, internet and radio communications and general office equipment.

Therefore it is mutually agreed as follows:

1. Term and Termination: The term of this agreement shall commence on the date first above written, and shall continue in effect until the City of North Plains has resumed normal operations at their primary facility, within 30 days
2. City of Hillsboro Fire and Rescue Responsibilities: It is the responsibility of the City of Hillsboro Fire and Rescue to comply with each of the following:
 - City of Hillsboro Fire and Rescue agrees that, during the emergency it will only permit the City of North Plains to use the facility to the extent of its ability and upon request by the City of North Plains.
 - City of Hillsboro Fire and Rescue agrees that, during or after meeting its responsibilities to its personnel, it will permit the City of North Plains to use the services of the City of Hillsboro Fire and Rescue staff, to assist with the set-up of the alternate facility if needed. Staff participation in emergency operations is generally voluntary. Command of staff during emergency operations will be retained by the City of Hillsboro Fire and Rescue in coordination with the City of North Plains.

- City of Hillsboro Fire and Rescue agrees that, during or after meeting its primary responsibilities, it will permit the use of all office equipment and technology to City of North Plains during occupation of the facility, if they are unable to supply their own resources.

3. City of North Plains Responsibilities: It is the responsibility of the City of North Plains to comply with each of the following:

- The City of North Plains will only request the use of the facility in the event of an extended disruption of normal operations at their primary and secondary facility.
- The City of North Plains agrees they will supply their own office and technological equipment, unless unable to do so.
- The City of North Plains agrees that it shall exercise reasonable care in the conduct of its activities within the facility.
- The City of North Plains will be responsible for paying for personnel costs required during the set-up, operation, and demobilization of the alternate facility; including any clean-up, equipment or supply costs incurred at the facility.
-

4. Notices: Any notice given by either party to the other under this agreement shall be in writing, addressed as follows:

City of North Plains
City Manager
31360 NW Commercial St
North Plains, OR 97133

Hillsboro Fire and Rescue
Fire Chief
240 S. First Ave
Hillsboro, OR 97123



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 17, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Approval of a memorandum of understanding agreement for use of facilities and resources during a local emergency or disaster between City of North Plains and Washington County Oregon

Request: Council consider approving approval of a memorandum of understanding agreement for use of facilities and resources during a local emergency or disaster between City of North Plains and Washington County Oregon.

Background: The City of North Plains is in the process of developing its Continuity of Operations Plan (COOP). The purpose of the plan is to provide a detailed explanation of the process for setting up an emergency response center. As part of this plan, the City needs to identify alternative locations for establishing emergency operations centers (EOC's). In theory, it is possible City Hall or Washington County Fire District #2 station may not be available as work location during an emergency. The City has no alternative sites within NorthPlains that equipped with radios, telephones and computers. Washington County is willing to enter into an agreement with the City which will allow the City to work at County facility if needed.

Fiscal Impact: This agreement has no immediate fiscal impact on the City. In the event of an emergency the document provides for indemnification and the payment of the County's costs associated with assisting the City. Generally, such expenses are reimbursable through the State and Federal emergency aid agencies when a state of emergency is declares.

Recommendation: Council approve the memorandum of understanding agreement for use of facilities and resources during a local emergency or disaster between City of North Plains and Washington County Oregon.

Sample Motion: I move to approve the memorandum of understanding agreement for use of facilities and resources during a local emergency or disaster.

MEMORANDUM OF UNDERSTANDING (MOU)¹AGREEMENT FOR USE OF FACILITIES AND RESOURCES DURING A LOCAL
EMERGENCY OR DISASTER

Between City of North Plains and Washington County, Oregon

This agreement is made and entered into this 10th day of January, 2013, by and between the City of North Plains and Washington County by which the respective jurisdictions agree to provide mutual aid as provided herein.

Whereas, the City of North Plains desires to establish a formal working relationship with Washington County for emergency and disaster planning specifically regarding continuity of operations (COOP) planning.

Whereas the City of North Plains current COOP Plans incorporate the use of Washington County facilities within the Law Enforcement Center (LEC).

Whereas, Washington County has the capacity to provide assistance to the City of North Plains during a localized emergency, including access to telephones, internet and radio communications and general office equipment for an initial period of 48 hours.

Therefore it is mutually agreed as follows:

1. Term and Termination: This Agreement may be terminated, with or without cause and at any time, by a party by providing thirty (30) days notice of intent to the other party.
2. Washington County Responsibilities: It is the responsibility of Washington County to comply with each of the following:
 - Washington County agrees that, during the emergency it will only permit the City of North Plains to use the facility to the extent of its ability and upon request by the City of North Plains.
 - Washington County agrees that, during or after meeting its responsibilities to its personnel, it will permit the City of North Plains to use the services of the Washington County staff, to assist with the set-up of the alternate facility if needed.
 - Washington County agrees that, during or after meeting its primary responsibilities, it will permit the use of all office equipment and technology to City of North Plains during occupation of the facility, if they are unable to

¹ Center of Excellence for Homeland Security. Sample MOU. "Agreement for Use of Facilities and Resources During a Local Emergency or Disaster". 2011.

supply their own resources. Internet access will be external only, no access to the County network will be provided.

3. City of North Plains Responsibilities: It is the responsibility of the City of North Plains to comply with each of the following:

- To the extent practical, the City of North Plains will provide 24 hours notice to the Washington County Sheriff's Office when activating their COOP.
- The City of North Plains will only request the use of the facility in the event of an extended disruption of normal operations at their primary facility.
- The City of North Plains agrees they will supply their own office and technological equipment, unless unable to do so.
- The City of North Plains agrees that it shall exercise reasonable care in the conduct of its activities within the facility.
- The City of North Plains will be responsible for paying for personnel costs required during the set-up, operation, and demobilization of the alternate facility; including any clean-up, equipment or supply costs incurred at the facility.
-

4. Indemnification:

- Subject to the limitations of liability for public codes set forth in the Oregon Tort Claims Act and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where loss or claim is attributable to the negligent acts or omissions of that party.

5. Non-Assignment of Agreement: Neither party shall not assign or transfer this agreement for any interest herein without the prior written consent of the other party.

6. Notices: Any notice given by either party to the other under this agreement shall be in writing, addressed as follows:

City of North Plains
City Manager
31360 NW Commercial St
North Plains, OR 97133

Washington County Sheriff's Office
Chief Deputy
215 SW Adams Ave MS 32
Hillsboro, Oregon 97123

7. Agreement Amendments: Any modification of the agreement shall be effective only if it is in writing and signed by both parties.

8. Independent Contractor: It is understood that Washington County is an independent contractor and is not an employee or agent of the City of North

Plains. This agreement does not create a partnership, joint venture, or association between City of North Plains and Washington County.

9. Compliance with Agreement: Should either party fail to comply with any parts of the agreement after ten (10) days notice from the other party, they may immediately terminate this agreement.

In Witness Whereof, the parties have entered into this agreement as of the date written above.

CITY OF NORTH PLAINS:

WASHINGTON COUNTY:

City Manager

RTR 1-10-13 **Rod Rice**

Sr. Deputy County Admin.

(Note: This MOU shall be incorporated as an annex of the City of North Plains COOP for quick reference.)



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: December 26, 2012
To: City Council
From: City Manager Martha DeBry
Subject: Consideration of North Plains Events Association (NPEA) and North Plains Chamber of Commerce use of Jessie Mays

Request: Council reconsider request to waive rental, cleaning fees and OLCC fees for the use of Jessie Mays by the North Plains Events Association (NPEA) on August 9, 10, and 11, 2013.

Background:

On November 5, 2012, Council heard the NPEA's request to use Jessie Mays Park on August 9, 10 and 11. All four Councilors present voted in favor of granting permission to use Jessie Mays Park. The staff report for the request referred to the Elephant Garlic Festival (A copy is included in the Council packet.) At the meeting the Chamber of Commerce advised that it will sponsor the Elephant Garlic Festival in 2013, and not the NPEA.

The NPEA has asked that Council reconsider the approval for the use of Jessie Mays Park to provide a clear understanding that the NPEA will not be conducting the Elephant Garlic Festival.

Both groups have submitted competing requests to the City asking to host a 3-day festival in August which would include car shows and parades. Because of the impact on the community, and the two groups' inability to work cooperatively, the Council has been placed in the position of determining which group should sponsor a festival during the second week of August, and if the other festival should be deferred to a different time. The NPEA's request is only for the second weekend. The Chamber has requested permission either on the first or second weekend in August. The second weekend in August is when the Elephant Garlic Festival has been traditionally scheduled.

Logistically having two large festivals in such close time proximity presents some challenges for the community as it is unlikely volunteers, vendors and sponsors will be available for both festivals, which could impede the success of one or both festivals. It would also strain City resources, as additional reserve officer and on-call shifts for public works will need to be scheduled. In the past, the City has not charged the Elephant Garlic Festival for City expenditures. The Elephant Garlic Festival typically made a donation of few hundred dollars to the Police Department.

Council may want to consider placing a condition on approvals that the City is reimbursed either partially or in full for police and public works expenses. These expenses typically run in the \$1,000-\$2,000 range during a 3-day festival. The Elephant Garlic Festival has required the dedication of all three maintenance workers for about 5 days in advance of the festival, and another 2 days after the festival to prepare Jessie Mays Park (removing tennis net, fences, moving furniture, cleaning facilities, adding chips to playground, preparing landscaping, connecting sinks, testing electrical connections, repairing trip hazards and damage to field.) This expense is estimated at \$3,800 and has never been reimbursed by the festival. If a festival is located on Commercial Street it will require less preparation and repair by Public Works.

Allowing two festivals at Jessie Mays will have a negative impact on residents in the surrounding area of Wascoe, Hillcrest, 309th, 311th and 313th, as driving and parking are restricted, and noise from the evening beer garden has generated complaints in the past.

If one of the festivals is conducted on Commercial Street the impact of the festivals will be spread among more residents. The City has not conducted a three-day festival on Commercial Street in the past, and the full impact on businesses and residents is unknown.

Council should also give consideration to ancillary activities associated the festivals. The NPEA and Chamber have both advised that they are planning for a parade, run, and car show as part of their festival activities. Again these activities require additional support by the police and public works departments to arrange street closures and escort runners in the areas outside of town, and the City has not recovered these costs in the past. The traditional location of the car show has been on private property to the east of St. Edward's Church. It is not clear if this property will be available or if Commercial Street would be a preferred alternative for a car show.

Both groups will be provided with time to discuss their festival plans at the Council meeting.

Fiscal Impact: The City does not have a rate set for the rental of the entire Jessie Mays Park. The value of renting the Hall for 4 days is estimated at \$1,120 with a cleaning fee of \$100. The OLCC temporary permit fee is \$12 and has been typically waived for the operators of the beer and wine garden at the Elephant Garlic Festival.

Traditionally the City has not charged for any of its staff time to assist with the preparation of the park for the event. Costs may need to be assessed for the additional police and public works coverage during the event(s).

The City adopted a fee for special events requiring street closures in 2011. This \$211 fee was not applied to the 2012 Elephant Garlic Festival. It should be applied on an equal basis this year to any festival.

Similarly, the City has a long-established fee for public assemblies with more than 5,000 participants of \$1,500 which has not been applied to Elephant Garlic Festival. This fee should addressed whether it is charged or waived for the festivals on an equal basis.

It should be noted if the City requires full cost reimbursement, it may make one or both festivals financially unviable, which would adversely affect tourism to the community. The City is not at risk for the festival in any manner. If the festival operates at a loss, it will be the responsibility of the sponsoring organization.

Recommendation: Council reconsider the approval of the use of Jessie Mays Park by the NPEA on August 9, 10 and 11 for a festival.

It is in the City's best interest that a 3-day festival move forward, to promote local and regional tourism. North Plains businesses, community organizations and residents benefit from the commerce generated by a large festival and the availability of free entertainment. It would be desirable if the City could be assured the event will be sponsored in future years as well.

Council can take any number of actions or decline to take action. Options include:

- Approve/Deny the use of Jessie Mays/Commercial Street by NPEA August 9-11.
- Approve/Deny the use of Jessie Mays/Commercial Street by the Chamber August 9-11.
- Approve/Deny the request to conduct the Elephant Garlic Festival by the Chamber August 2-4.
- Council take no action, and provide direction regarding the conditions to be placed on the conduct of a 3-day festival(s) and the timeframe(s) in which that should occur, and reconsider the item at a later date.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: October 30, 2012
To: City Council
From: City Manager Martha DeBry
Subject: Waiver of fee for Jingle and Elephant Garlic Festival

Request: Council waive rental and cleaning fees for the use of Jessie Mays by the North Plains Events Association on December 6, 2012 and the rental, cleaning and OLCC fees for the Elephant Garlic Festival August 9-11.

Background: The North Plains Events Association is a newly formed organization that consists of community members interested in raising funds for community events and other civic activities. Principals in the Events Association include Patti Burns, Stewart King, Russ Sheldon, Sherry Simmons, as well as Mayor David Hatcher and Council Teri Lenahan.

The Events Association intends to host the 2012 Jingle on December 6th. As in past years, Ms. Burns will assist with the organization of parade, while the City assists with the creation of the route, street closures and leading the parade. Once the parade has ended participants can enjoy cookies, cider and hot chocolate donated by Loch Lolly Christmas Forest. Admission to the event is free, and it raises no revenues.

Additionally the Events Association would like to carry on the tradition of hosting the 2013 Elephant Garlic Festival at Jessie Mays Park. Last year the Chamber of Commerce advised the City it will no longer host the event. Admission to the event is free. The Events Association will raise funds through rental of vendor spaces, t-shirts sales and corporate sponsorships.

Fiscal Impact: For the Jingle, the City would be waiving approximately \$140 in rental fees and a \$100 cleaning fee.

For the Garlic Festival the City does not have a rate set for the rental of the entire Jessie Mays Park. The value of renting the Hall for 4 days is estimated at \$1,120 with a cleaning fee of \$100. The OLCC temporary permit fee is \$12 and has been typically waived for the operators of the beer and wine garden.

Recommendation: Council approve the waiver of fees.

Martha DeBry

From: Joanna Mehaffey [mehaffeyj@wcb.com]
Sent: Thursday, December 20, 2012 4:30 PM
To: Martha DeBry
Cc: Dennis Brown; Bridget Sorensen; Lonnie Aldridge; 'Dan Parsons'; Paul Coussens
Subject: Garlic Festival

Hi Martha,

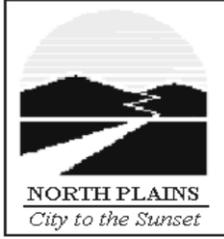
Here is the Chamber's request to put on the next Council meeting. Thanks for your help.

North Plains Chamber of Commerce would like to once again request the second weekend of August to hold the Garlic Festival. We feel that having competing festivals held in close proximity and date would be a hardship to the City of North Plains and the volunteers that help. The Chamber would like to continue to work with local non-profit organizations, such as the Knights of Pythias, Boy Scouts, Fire Department and many more, to continue the Garlic Festival with the same community spirit as it has in the past. We realize that for many organizations this event is one of their largest fund raisers of the year. We would like to continue to support their actives as well as other local businesses in and around North Plains. We would appreciate your consideration of this request.

Joanna Mehaffey | VP/Branch Manager | NMLS #639408
NorthPlains Office: 503-647-2245 | Internal: 5071010 | Fax: 503-647-2246 | MS 127
Beaverton Branch | Office: 503-643-7643 | Internal 5021010 | Fax: 503-643-4812 | MS 112

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CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 17, 2013
 To: City Council
 From: City Manager Martha DeBry
 Subject: Discussion Supplemental Budget

Request: Council accept the draft supplemental budget document.

Background: A Supplemental Budget document has been prepared to estimate changes in the revenues and expenses of the City. Changes in the budget are highlighted in the document.

In general the City’s fiscal health is good. Revenues remain strong and expenses remain at lower levels than in the past.

The budget proposed adding one full-time position Account Clerk, and additional funding for a part-time Financial Manager. Other significant changes include expenses for grants recently accepted or approved.

For Council’s information the actual expenditures for the 2011/12 budget is also provided to show the history of expenses in the past.

A second draft of the document will be prepared after Council has provided comments about the draft. Copies of this document are being sent to the budget committee members.

Fiscal Impact: The budget is an important fiscal document, and provides direction to staff regarding programs and expenses. The total change in budget activities is as follows.

2012/2013 Summary of Budget Changes

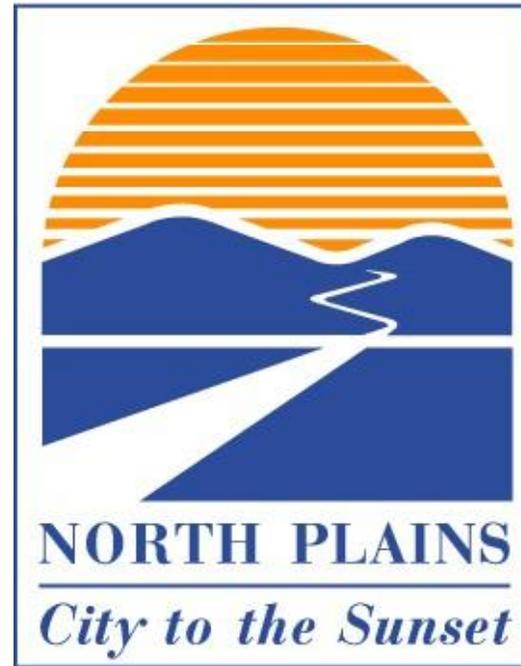
Activity	GENERAL FUND	Adopted	Supplemental	Difference
110421	Police	\$359,877	\$372,918	\$13,041
110452	Parks	\$157,941	\$169,602	\$11,661
110451	Library	\$204,177	\$226,701	\$22,524
110465	Planning	\$80,644	\$85,900	\$5,256
	TOTAL	\$802,639	\$855,121	\$52,482

Activity	NOT GENERAL FUND	Adopted	Supplemental	Difference
111433	Street	\$1,217,067	\$1,153,292	-\$63,775
210433	Water	\$1,517,600	\$1,661,785	\$144,185
130433	TDT	\$111,600	\$150,402	\$38,802
131452	Park Capital	\$421,710	\$416,517	-\$5,193
132433	TIF	\$284,560	\$287,033	\$2,473
	Vehicles	\$50,804	\$53,488	\$2,684
		\$3,603,341	\$3,722,517	\$119,176

Activity	INTERNAL SERVICE FUND	Adopted	Supplemental	Difference
610412	City Attorney	\$20,000	\$20,000	\$0
610416	City Engineer	\$8,500	\$5,000	-\$3,500
610413	City Manager	\$103,143	\$107,951	\$4,808
610414	City Recorder	\$21,383	\$21,883	\$500
610411	Council	\$6,850	\$30,950	\$24,100
610415	Finance	\$149,342	\$229,130	\$79,788
610419	General Government	\$93,548	\$170,866	\$77,318
610433	Public Works	\$368,961	\$371,068	\$2,107
	Transfer to General Fund	\$28,000	\$28,000	\$0
		\$799,727	\$984,848	\$185,121

110001	Reserve	814,546	1,017,900	203,354
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Recommendation: No recommendation item is for discussion only at this time.



Proposed
Supplemental 2012/2013 Budget
12/17/12

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Budget Message

December 17, 2012

Honorable Mayor and Council,

The draft Supplemental Budget is presented to adjust expenses and revenues based on the most current information available. In general, the City's finances are healthy, and reserves are building.

Thru the process of developing the Supplemental Budget a few anomalies in our accounting system have come to light and will need to be corrected in the coming month before the Supplement Budget is adopted. Specifically, the allocation of payroll costs must be addressed. In some cases expenses have not been attributed to activities like Planning and City Recorder. These expenses have been assigned to different activities which reflect higher actual expenses for the year to date. For example a large portion of hours for Margaret Reh must be reassigned from Library to City Recorder and Finance. Similarly, Assistant Planner Angie Lenhert hours must be moved from Public Works to Planning.

Brief comments are included in this document to explain changes in the Supplemental from the Adopted budget. A column showing expenses through 11/30/12 is included for Council's reference.

Major changes in personnel proposed in this budget include the creation of full time Account Clerk position to assist with Finance operations and assume additional City Recorder support activities. Additional funding is also requested in Finance to support the use of a part-time Finance Manager who will assume the work performed by TKW in the past year. Ms. Rachel Lembo, CPA has been retained for this purpose, and her hourly rate is about a third less than TKW's rate for similar support. Staff is recommending leaving the TKW contract open to allow for additional accounting resources should they be needed. The Library budget has also been adjusted to correct an underestimation of expenses for part-time hours and program expenses. One clerk was underestimated by approximately 500 hours. General Government has been adjusted to reflect actual costs and a grant from the MACC to upgrade servers.

Respectfully submitted,

Martha DeBry
City Manager

Budget Summary

Below is a table summarizing the revenues in each major budgetary fund.

Most funds had a change in the net working capital estimate, which was previously presented to Council. The 110 General Fund also reflects a substantial increase in collection of revenue from police citations. Water reflects a reassignment of assets from the 005 Water Capital Fund to 210 Water Operating Fund and higher consumption revenues. Part of this increase is attributable to better collection of past due debts.

Summary of Revenue for 2012/2013 Budget

	2012/2013 Adopted	2012/2013 Supplemental
110 General Fund	\$1,617,185	\$1,873,021
111 Street	\$1,209,467	\$1,153,292
130 TDT	\$111,600	\$150,402
131 Parks Capital	\$421,710	\$416,517
132 TIF	\$284,560	\$287,033
210 Water	\$1,517,600	\$1,661,785
009 Vehicles	\$50,804	\$53,488
TOTAL	\$5,212,926	\$5,595,538

Below is a table of all expenses within the budget by types designated by the State of Oregon. It should be noted that Contingency and Unappropriated Fund Balance are typically not expended during the fiscal year. The Contingency can only be expended if specifically authorized by Council. The Unappropriated Ending Fund Balance is a reserve that will be carried over to the next fiscal year. About \$3.1 Million in funds are anticipated to carry over into fiscal year 2013/2014.

The General Fund net working capital for next year should exceed the \$1 Million threshold, continuing a trend of building the reserve fund while maintaining a high level of service. Personnel costs remain under a million dollars.

2012/2013 Summary of Expenses by Type

Activity	GENERAL FUND	TOTAL	Personal Services	Materials and Services	Capital	Debt Service	Interfund Transfers	Special Payments	Contingency	Unappropriated Fund Balance
110001	Reserve								\$100,000	\$917,900
110421	Police	\$372,918	\$223,097	\$89,837			\$56,984	\$3,000		
110452	Parks	\$169,602	\$0	\$32,000			\$137,602			
110451	Library	\$226,701	\$129,644	\$40,382	\$2,000		\$54,675			
110465	Planning	\$85,900	\$13,827	\$6,600			\$65,473			
	TOTAL	\$855,121	\$366,568	\$168,819	\$2,000	\$0	\$314,734	\$3,000		

	NOT GENERAL FUND	TOTAL	Personal Services	Materials and Services	Capital	Debt Service	Interfund Transfers	Special Payments	Contingency	Unappropriated Fund Balance
111433	Street	\$1,153,292	\$0	\$28,300	\$447,501		\$164,122		\$50,000	\$463,369
210433	Water	\$1,661,785	\$0	\$224,950	\$51,000	\$134,332	\$469,366	\$34,300	\$50,000	\$697,837
130433	TDT	\$150,402							\$50,000	\$100,402
131452	Park Capital	\$416,517			\$25,000		\$0		\$100,000	\$291,517
132433	TIF	\$287,033							\$50,000	\$237,033
	Vehicles	\$53,488			\$0		\$28,000		\$10,000	\$15,488
		\$3,722,517	\$0	\$253,250	\$523,501	\$134,332	\$661,488	\$34,300	\$310,000	\$1,805,646

2012/2013 SUPPLEMENTAL INTERNAL SERVICE FUND SUMMARY (601)

Description	TOTAL	Personal Services	Materials and Services	Capital	Debt Service	Interfund Transfers	Special Payments	Contingency	Unappropriated Fund Balance
TOTAL ISF	\$984,848	\$625,836	\$324,012	\$0	\$0	\$35,000	\$0	\$0	\$0
City Attorney	\$20,000	\$0	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0
City Engineer	\$5,000	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0
City Manager	\$107,951	\$106,451	\$1,500	\$0	\$0	\$0	\$0	\$0	\$0
City Recorder	\$21,883	\$5,383	\$16,500	\$0	\$0	\$0	\$0	\$0	\$0
Council	\$30,950	\$0	\$30,950	\$0	\$0	\$0	\$0	\$0	\$0
Finance	\$229,130	\$178,730	\$50,400	\$0	\$0	\$0	\$0	\$0	\$0
General Government	\$170,866	\$0	\$170,866	\$0	\$0	\$0	\$0	\$0	\$0
Public Works	\$371,068	\$335,272	\$28,796	\$0	\$0	\$7,000	\$0	\$0	\$0
Transfer to General Fund	\$28,000	\$0	\$0	\$0	\$0	\$28,000	\$0	\$0	\$0

The sum of Internal Service Fund (ISF) expenses are reflected in the operating budgets as “Allocations”. The amount of the allocation is based on distribution of shared costs (table below). Thus these funds are allocated once in the budget activity and second time in the operating budget. Increases in the Internal Service Fund activities represent the bulk of cost changes in the budget (\$185,000).

2012/2013 Summary of All Expenses by Type

	TOTAL	Personal Services	Materials and Services	Capital	Debt Service	Interfund Transfers	Special Payments	Contingency	Unappropriated Fund Balance
General Fund	\$855,121	\$366,568	\$168,819	\$2,000	\$0	\$314,734	\$3,000	\$100,000	\$917,900
Non General Fund	\$3,722,517	\$0	\$253,250	\$523,501	\$134,332	\$661,488	\$34,300	\$310,000	\$1,805,646
Internal Service Fund	\$984,848	\$625,836	\$324,012	\$0	\$0	\$35,000	\$0		
TOTAL BUDGET									
Expenses	\$5,562,486	\$992,404	\$746,081	\$525,501	\$134,332	\$1,011,222	\$37,300		
Unassigned Expenses								\$410,000	\$2,723,546

DISTRIBUTION OF SHARED COSTS

	GENERAL GOVT	COUNCIL	CITY ATTORNEY	CITY ENGINEER	CITY MANAGER	FINANCE	CITY RECORDER	PUBLIC WORKS	Vehicles
GENERAL FUND	52%	63%	60%	0%	56%	13%	52%	25%	0
POLICE	13%	16%	15%	0%	12%	4%	13%	1%	0%
LIBRARY	13%	15%	5%	0%	12%	4%	13%	1%	0%
PARKS	13%	16%	5%	0%	12%	2%	13%	24%	0%
PLANNING	13%	16%	35%	0%	20%	3%	13%	0%	0%
WATER FUND	34%	20%	30%	55%	30%	75%	30%	50%	0%
TDT	0%	0%	0%	0%	0%	0%	0%	0%	0%
STREET	13%	16%	5%	35%	12%	11%	15%	25%	0%
UR	1%	1%	5%	0%	2%	1%	3%	0%	0%
PARK CAP	0%	0%	0%	10%	0%	0%	0%	0%	0%
TIF	0%	0%	0%	0%	0%	0%	0%	0%	0%
VEHICLE	0%	0%	0%	0%	0%	0%	0%	0%	100%

DISTRIBUTION OF SHARED COST EXPENSES

	GENERAL GOVT	COUNCIL	CITY ATTORNEY	CITY ENGINEER	CITY MANAGER	FINANCE	CITY RECORDER	PUBLIC WORKS	VEHICLES	TOTAL ALLOCATION
Budget Amount	\$170,866	\$30,950	\$20,000	\$5,000	\$107,951	\$229,130	\$21,883	\$371,068	\$28,000	\$984,848
GENERAL FUND	88,850	19,499	12,000	0	60,453	29,787	11,379	92,767	0	314,734
POLICE	22,213	4,952	3,000	0	12,954	9,165	2,845	1,855	0	56,984
LIBRARY	22,213	4,643	1,000	0	12,954	9,165	2,845	1,855	0	54,675
PARKS	22,213	4,952	1,000	0	12,954	4,583	2,845	89,056	0	137,602
PLANNING	22,213	4,952	7,000	0	21,590	6,874	2,845	0	0	65,473
WATER FUND	58,094	6,190	6,000	2,750	32,385	171,848	6,565	185,534	0	469,366
TDT	0	0	0	0	0	0	0	0	0	0
STREET	22,213	4,952	1,000	1,750	12,954	25,204	3,282	92,767	0	164,122
UR	1,709	310	1,000	0	2,159	2,291	656	0	0	8,125
PARK CAP	0	0	0	500	0	0	0	0	0	500
TIF	0	0	0	0	0	0	0	0	0	0
VEHICLE	0	0	0	0	0	0	0	0	28,000	28,000

Revenues

Revenues for all major funds are shown on the tables below. For the most part revenues are on target with the original projections presented with the Adopted budget. As with the previous budget, revenues from grants or donations are not included in the projection until there is certainty that the revenues will be received in this fiscal year.

110 000 General Fund

Account	Sub	Description	Actual	Actual	Actual	Actual	Adopted	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
100	000	Net Working Capital	\$693,547	\$905,041	\$951,879	\$1,187,840	\$868,613	\$1,020,441	\$1,020,441
SUBTOTAL A - Prior Year Revenue			\$693,547	\$905,041	\$951,879	\$1,187,840	\$868,613	\$1,020,441	\$1,020,441
Revenues									
440	000	Miscellaneous	\$34,274	\$6,284	\$5,075	\$20,077	\$5,000	\$5,244	\$6,000
461	000	Interest	\$14,764	\$5,791	\$5,046	\$5,404	\$3,600	\$0	\$3,600
Donations									
464	000	Donation			\$500	\$2,000	\$2,000	\$14,079	\$14,079
464	455	Donation - Library					\$0	\$2,618	\$2,618
464	004	4th of July				\$2,000	\$0		\$3,000
464	005	Music Show							\$300
464	006	Clean Up Day				\$1,020	\$0		\$1,000
464	007	National Night Out				\$225	\$0		\$225
464	915	Centennial Donations		\$415	\$753		\$0		\$0
Fees, Fines, Permits									
450	003	LID	\$12,249				\$0		\$0
450	000	Fines, Fees, Sales					\$1,000		\$1,000
441	419	Building, Planning fees	\$55,250	\$15,378	\$35,057	\$21,152	\$15,000	\$2,050	\$15,000
450	455	Fines, Fees, Sale - Library	\$1,213	\$1,435	\$3,994	\$7,874	\$5,800	\$4,253	\$10,300
450	421	Police Citations and Fees					\$4,000	\$20,256	\$30,000
421	000	Business License Fees	\$9,674	\$8,915	\$7,630	\$6,745	\$7,000	\$2,495	\$6,000
462	000	Rentals - Park	\$12,709	\$8,986	\$8,490	\$7,211	\$7,000	\$3,444	\$7,000

Account	Sub	Description	Actual	Actual	Actual	Actual	Adopted	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
Franchise Fees									
418	101	Franchise Fee - Water	\$28,643	\$29,000	\$44,400	\$38,200	\$39,000	\$0	\$39,000
418	102	Franchise Fee - CWS	\$13,269	\$15,161	\$16,079	\$10,000	\$15,000	\$11,302	\$15,000
418	103	Franchise Fee - Qwest	\$11,650	\$18,203	\$8,711	\$9,000	\$9,000	\$120	\$9,000
418	104	Franchise Fee - Comcast	\$13,496	\$17,193	\$17,980	\$15,900	\$14,000	\$6,869	\$14,000
418	105	Franchise Fee - Garbarino	\$9,018	\$8,492	\$8,563	\$8,460	\$8,500	\$0	\$8,500
418	107	Franchise Fee - PGE	\$82,114	\$83,635	\$84,272	\$80,000	\$82,000	\$13,006	\$82,000
418	108	Franchise Fee - NW Gas	\$61,876	\$29,905	\$26,734	\$24,200	\$24,200	\$7,164	\$24,000
418	109	Franchise Fee- Misc						\$293	\$293
Taxes									
Unsecured									
430	000	Phone Tax 9-1-1	\$10,182	\$9,791	\$9,413	\$9,540	\$0	\$4,856	\$4,856
437	000	Cigarette Tax	\$2,984	\$2,789	\$2,913	\$2,800	\$2,800	\$1,267	\$2,800
436	000	Liquor Tax	\$24,553	\$19,738	\$24,514	\$23,104	\$23,000	\$10,937	\$23,000
438	000	State Revenue Sharing	\$14,784	\$15,297	\$15,179	\$12,000	\$13,000	\$4,248	\$13,000
439	000	WCCLS - Coutywide Tax	\$57,302	\$90,674	\$92,487	\$98,811	\$97,170	\$48,566	\$97,170
Property Tax									
470	000	Property Taxes	\$290,039	\$305,250	\$316,055	\$326,776	\$333,930	\$297,649	\$337,906
470	001	Property tax - delinquent						\$4,737	\$4,737
SUBTOTAL B - GF Revenue			\$760,043	\$692,332	\$733,845	\$732,499	\$712,000	\$465,455	\$775,384
Transfer In									
491	604	Transfer In							
820	009	Transfer In Police Vehicles					\$28,000	\$0	\$28,000
SUBTOTAL C - Interfund Transfers			\$0	\$0	\$0	\$0	\$28,000	\$0	\$28,000

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
Municipal Court Revenues									
450	001	Court Fees	\$324,100	\$252,260	\$220,577	\$221,809			
Grants									
431	000	Grant	\$38,418	\$11,985	\$12,566	\$8,007	\$1,000	\$32,734	\$32,800
431	001	Grant - Police			\$25,000	\$54,125	\$0	\$2,396	\$2,396
431	002	Grant - Library	\$1,000	\$1,000	\$1,000	\$6,000	\$1,000	\$14,000	\$14,000
431	003	Grant - Planning	\$0	\$1,000		\$1,000	\$0	\$0	\$0
Other Revenues Subject to Refunds									
203	000	Deposit Rentals			\$4,000	\$1,550	\$0	\$0	\$0
203	000	Performance Bonds			\$10,000	\$4,350	\$0	\$0	\$0
One-Time Revenue									
492	000	Copier Payoff		\$4,470					\$0
493	000	Bond Proceeds			\$258,998				\$0
SUBTOTAL D - Non recurring Revenue			\$363,518	\$270,715	\$532,141	\$296,841	\$2,000	\$49,130	\$49,196
491	113	Fund Transfer - 006 URA	\$17,400	\$23,328	\$16,405	\$38,076	\$6,572	\$0	\$0
207	000	Pass Thru Revenue - State	\$34,893	\$23,784	\$19,619	\$19,231	\$0	\$0	\$0
207	000	Pass Thru Revenue - County	\$21,163	\$13,764	\$11,728	\$12,465	\$0	\$0	\$0
SUBTOTAL E - Special Payments			\$73,456	\$60,876	\$47,752	\$69,772	\$6,572	\$0	\$0

Account	Sub	Description	Actual	Actual	Actual	Actual	Adopted	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
	A	Prior Year Revenue	693,547	905,041	951,879	1,187,840	868,613	1,020,441	1,020,441
	B	General Fund Revenue	760,043	692,332	733,845	732,499	712,000	465,455	775,384
	C	Interfund Transfers	0	0	0	0	28,000	0	28,000
	D	Nonrecurring Revenue	363,518	270,715	532,141	296,841	2,000	49,130	49,196
	E	Special Payment Revenue	73,456	60,876	47,752	69,772	6,572	0	0
TOTAL			1,890,565	1,928,963	2,265,617	2,286,952	1,617,185	1,535,025	1,873,021

111 Street Revenue

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Net Working Capital	\$491,654	\$507,981	\$515,818	\$547,371	\$650,707	\$580,964	\$580,964
<i>Fines, Fees, Sales</i>									
450	000	Fines, Fees, Sales	\$5,105	\$4,074	\$4,354	\$4,859	\$3,000	\$0	\$3,000
<i>Resources other than Property Tax</i>									
440	000	Miscellaneous	\$1,118	\$1,950	\$1,650	\$2,454	\$1,000	\$600	\$1,000
461	000	Interest	\$9,977	\$3,282	\$2,665	\$3,098	\$2,000	\$0	\$2,000
438	100	Special Cities Allotment	\$25,000				\$0	\$0	\$0
435	001	Gas Tax - Highway	\$73,273	\$78,804	\$91,964	\$107,753	\$105,000	\$46,769	\$105,000
435	002	Gas Tax - County	\$7,355	\$7,565	\$7,407	\$7,631	\$7,500	\$4,500	\$7,500
435	000	TUF	\$21,588	\$18,726	\$18,195	\$23,945	\$24,500	\$11,348	\$24,500
SUBTOTAL - A			\$143,416	\$114,401	\$126,235	\$149,740	\$143,000	\$63,217	\$143,000
<i>Restricted Revenues</i>									
418	109	Nature's needs	\$2,500	\$2,500	\$10,297	\$22,958	\$23,500	\$11,264	\$23,500
445	000	Street SDC	\$9,031	\$5,186	\$5,341	\$5,914	\$4,144	\$17,712	\$17,712
<i>Fees, Permits</i>									
445	001	Fee In Lieu of Street Imp		\$22,035	\$9,322			\$0	\$0
<i>Grants</i>									
418	110	Grant - Claxter A				\$41,100	\$198,116	\$0	\$198,116
418	112	Grant - Claxter B					\$190,000	\$0	190000
418	119	Grant - FEMA		\$48,124					
<i>One-time Revenue</i>									
802	110	Fund Transfer - 001 GF				\$254,068		\$0	0
SUBTOTAL B			\$11,531	\$77,845	\$24,960	\$324,040	\$415,760	\$28,976	\$429,328

Account	Sub	Description	Actual	Actual	Actual	Actual	Adopted	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
		Net Working Capital	\$491,654	\$507,981	\$515,818	\$547,371	\$650,707	\$580,964	\$580,964
		Subtotal A	\$143,416	\$114,401	\$126,235	\$149,740	\$143,000	\$63,217	\$143,000
		Subtotal B	\$11,531	\$77,845	\$24,960	\$324,040	\$415,760	\$28,976	\$429,328
		TOTAL	\$646,601	\$700,227	\$667,013	\$1,021,151	\$1,209,467	\$673,156	\$1,153,292

130 TDT Revenue

Account	Sub	Description	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Net Working Capital		\$36,918	\$80,200	\$88,402	\$88,402
416	000	Interest	\$128	\$229	\$200		
464	100	Transportation Development Tax - Res				\$57,160	\$62,000
464	200	Transportation Development Tax - Comm	\$40,470	\$15,025	\$31,200		
464	300	Transportation Development Tax - Ind					
464	400	Transportation Development Tax - Inst					
REVENUES			\$40,598	\$15,254	\$31,400	\$57,160	\$62,000
TOTAL REVENUES			\$40,598	\$52,172	\$111,600	\$145,562	\$150,402

131 Parks Capital Revenue

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Net Working Capital	\$283,790	\$283,175	\$330,728	\$361,000	\$389,130	\$383,937	\$383,937
445	000	System Development Fees - Park	\$15,792	\$52,640	\$47,376	\$63,168	\$31,280	\$0	\$31,280
461	000	Interest	\$5,737	\$2,030	\$1,790	\$1,300	\$1,300		\$1,300
		REVENUES	\$21,529	\$54,670	\$49,166	\$64,468	\$32,580	\$0	\$32,580
		TOTAL	\$305,319	\$337,845	\$379,894	\$425,468	\$421,710	\$383,937	\$416,517

003 Water Capital Revenue

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012
400	000	Net Working Capital	\$75,651	\$35,042	\$69,159	\$116,000
Revenue						
416	000	Interest	\$1,919	\$673	\$699	\$400
491	000	System Development Fees - Water	\$10,926	\$38,170	\$34,353	\$42,504
Special Payments						
906	000	Pass Thru Revenue - JWC	\$6,317	\$31,691	\$25,929	\$34,248
Interfund Transfer						
491	000	Fund Transfer - 005 Water	\$87,900	\$134,000	\$150,000	\$96,930
REVENUES			\$107,062	\$204,534	\$210,981	\$174,082
TOTAL			\$182,713	\$239,576	\$280,140	\$290,082

210 000 Water Revenue

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Net Working Capital	\$407,669	\$514,087	\$589,642	\$598,207	\$563,358	\$684,812	\$684,812
100	000	Reclassification of expense					\$116,258	\$115,689	\$115,689
SUBTOTAL A - Previous year revenue			\$407,669	\$514,087	\$589,642	\$598,207	\$679,616	\$800,501	\$800,501
Revenue									
461	000	Interest	\$7,809	\$3,001	\$2,637	\$1,800	\$1,500	\$0	\$1,500
Fees, Permits									
440	000	Miscellaneous	\$9,971	\$7,418	\$7,901	\$6,000	\$6,000	\$100	\$1,000
703	000	Meter Fees	\$2,000	\$4,620	\$3,600	\$2,400	\$2,400	\$0	\$2,400
444	000	Charges Fees, Fines - Water	\$738,889	\$735,400	\$739,806	\$787,384	\$758,700	\$419,243	\$787,000
445	000	System Development Fees				\$33,442	\$34,384	\$17,192	\$34,384
SUBTOTAL B - Revenues			\$758,669	\$750,439	\$753,944	\$831,026	\$802,984	\$436,535	\$826,284
207	000	JWC Fees				\$34,248	\$35,000	\$0	\$35,000
SUBTOTAL C - Special Payments			\$0	\$0	\$0	\$34,248	\$35,000	\$0	\$35,000
Previous Year Revenue			\$407,669	\$514,087	\$589,642	\$598,207	\$679,616	\$800,501	\$800,501
Revenues			\$758,669	\$750,439	\$753,944	\$831,026	\$802,984	\$436,535	\$797,984
Special Payments			\$0	\$0	\$0	\$34,248	\$35,000	\$0	\$35,000
Total			\$1,166,338	\$1,264,526	\$1,343,586	\$1,463,481	\$1,517,600	\$1,237,036	\$1,661,785

132 Traffic Impact Fee

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
400	000	Net Working Capital	\$329,666	\$325,341	\$302,154	\$286,460	\$283,560	\$286,033	\$286,033
416	000	Interest	\$6,583	\$2,099	\$1,529	\$1,000	\$1,000	\$0	\$1,000
850	000	TIF	\$17,110						
		REVENUES	\$23,693	\$2,099	\$1,529	\$1,000	\$1,000	\$0	\$1,000
		TOTAL	\$353,359	\$327,440	\$303,683	\$287,460	\$284,560	\$286,033	\$287,033

009 000 Vehicle Revenue

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Net Working Capital	\$37,732	\$69,895	\$96,502	\$96,502	\$43,664	\$46,348	\$46,348
Revenue									
440	000	Miscellaneous Revenue	\$2,000					\$0	\$0
461	000	Interest	\$1,340	\$583	\$383	\$180	\$140	\$0	\$140
		REVENUE	\$3,340	\$583	\$383	\$180	\$140	\$0	\$140
820	610	Fund Transfer - ISF					\$7,000	\$0	\$7,000
820	000	Fund Transfer - 001 GF	\$43,000	\$41,000	\$2,000				
820	000	Fund Transfer - 002 TSS	\$1,000	\$2,000	\$3,000	\$1,000			
820	000	Fund Transfer - 005 Water	\$10,000	\$5,000	\$5,000	\$1,000			
		TRANSFERS	\$54,000	\$48,000	\$10,000	\$2,000	\$7,000	\$0	\$7,000
		TOTAL	\$95,072	\$118,478	\$106,885	\$98,682	\$50,804	\$46,348	\$53,488

Expenses

Expenses have been adjusted to reflect actual expenses and changes in operations made since the 2012/2013 budget was adopted. The most significant changes are in Council, Finance, and General Government (roughly \$185,000). Changes in the Internal Service Fund result in higher allocated costs for all of the operating budgeting.

2012/2013 ADOPTED INTERNAL SERVICE FUND SUMMARY (601)

Activity	Description	TOTAL	Materials		Debt Service	Interfund Transfers	Special Payments	Contingency	Unappropriated Fund Balance
			Personal Services	and Services					
	TOTAL ISF	\$799,727	\$553,259	\$211,468	\$0	\$35,000	\$0	\$0	\$0
412	City Attorney	\$20,000	\$0	\$20,000	\$0	\$0	\$0	\$0	\$0
416	City Engineer	\$8,500	\$0	\$8,500	\$0	\$0	\$0	\$0	\$0
413	City Manager	\$103,143	\$102,143	\$1,000	\$0	\$0	\$0	\$0	\$0
414	City Recorder	\$21,383	\$5,383	\$16,000	\$0	\$0	\$0	\$0	\$0
411	Council	\$6,850	\$0	\$6,850	\$0	\$0	\$0	\$0	\$0
415	Finance	\$149,342	\$110,672	\$38,670	\$0	\$0	\$0	\$0	\$0
419	General Government	\$93,548	\$0	\$93,548	\$0	\$0	\$0	\$0	\$0
433	Public Works	\$368,961	\$335,061	\$26,900	\$0	\$7,000	\$0	\$0	\$0
	Transfer to General Fund	\$28,000	\$0	\$0	\$0	\$28,000	\$0	\$0	\$0

2012/2013 SUPPLEMENTAL INTERNAL SERVICE FUND SUMMARY (601)

Activity	Description	TOTAL	Materials		Debt Service	Interfund Transfers	Special Payments	Contingency	Unappropriated Fund Balance
			Personal Services	and Services					
	TOTAL ISF	\$984,848	\$625,836	\$324,012	\$0	\$35,000	\$0	\$0	\$0
412	City Attorney	\$20,000	\$0	\$20,000	\$0	\$0	\$0	\$0	\$0
416	City Engineer	\$5,000	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0
413	City Manager	\$107,951	\$106,451	\$1,500	\$0	\$0	\$0	\$0	\$0
414	City Recorder	\$21,883	\$5,383	\$16,500	\$0	\$0	\$0	\$0	\$0
411	Council	\$30,950	\$0	\$30,950	\$0	\$0	\$0	\$0	\$0
415	Finance	\$229,130	\$178,730	\$50,400	\$0	\$0	\$0	\$0	\$0
419	General Government	\$170,866	\$0	\$170,866	\$0	\$0	\$0	\$0	\$0
433	Public Works	\$371,068	\$335,272	\$28,796	\$0	\$7,000	\$0	\$0	\$0
	Transfer to General Fund	\$28,000	\$0	\$0	\$0	\$28,000	\$0	\$0	\$0

610 411 City Council

Account	Sub	Description	Adopted	Actual	Supplemental
			2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
300	000	Education and Training	\$2,500	\$394	\$2,500
300	100	Community Events	\$3,500	\$17,646	\$27,550
		<i>2012 4th of July</i>			\$14,000
		<i>2013 4th of July</i>			\$5,000
		<i>Concerts in Park</i>			\$900
		<i>Music Shows</i>			\$1,200
		<i>Donation to Senior Center</i>			\$1,000
		<i>Donation to Community Action</i>			\$500
		<i>Fall Festival</i>			\$3,000
		<i>Chili Cookoff</i>			\$300
		<i>National Night Out</i>			\$600
		<i>Playdates</i>			\$150
		<i>Volunteer Recognition</i>			\$200
		<i>Ice Cream Social</i>			\$300
		<i>Farmers' Market</i>			\$300
		<i>Holiday Bazaar</i>			\$100
500	000	Employee Recognition	\$850		\$900
MATERIALS AND SERVICES			\$6,850		\$30,950
TOTAL EXPENSE			\$6,850	\$0	\$30,950

Council budget includes a more comprehensive breakdown of community events, programs and donations.

610 412 City Attorney

Account	Sub	Description	Adopted	Actual	Supplemental
			2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
330	001	Professional Services	\$20,000	\$8,196	\$20,000
MATERIALS AND SERVICES			\$20,000	\$8,196	\$20,000
TOTAL EXPENSE			\$20,000	\$8,196	\$20,000

610 413 City Manager

Account	Sub	Description	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Salaries	\$74,600	\$35,984	\$78,276
210	000	Employee Benefits	\$10,704	\$5,479	\$10,493
220	000	FICA	\$5,700	\$2,512	\$5,988
230	000	Retirement	\$11,139	\$5,376	\$11,694
PERSONAL SERVICES			\$102,143	\$49,352	\$106,451
300	000	Education and Training	\$1,000	\$423	\$1,500
MATERIALS AND SERVICES			\$1,000	\$423	\$1,500
TOTAL EXPENSE			\$103,143	\$49,775	\$107,951

The increase in this budget is associated with a change in salary and increase in the training budget.

601 414 City Recorder

Account	Sub	Description	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
110	000	Salaries	\$0	\$0	
120	000	Hourly	\$5,000	\$0	\$5,000
130	000	Overtime	\$0	\$0	
220	000	FICA	\$383	\$0	\$383
210	000	Employee Benefits	\$0	\$0	
PERSONAL SERVICES			\$5,383	\$0	\$5,383
300	000	Education and Training	\$0		\$500
330	000	Professional Services	\$12,000	\$3,092	\$12,000
330	101	Elections	\$3,000		\$3,000
360	000	Advertising	\$1,000	\$100	\$1,000
MATERIALS AND SERVICES			\$16,000	\$3,192	\$16,500
TOTAL EXPENSE			\$21,383	\$3,192	\$21,883

No changes are proposed.

610 415 Finance

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
110	000	Salaries	\$57,492	\$58,197	\$83,784	\$55,339	\$72,972	\$38,616	\$136,020
120	000	Hourly	\$1,030	\$3,554	\$0	\$0	\$4,000		
130	000	Overtime	\$2,628	\$2,358	\$3,222	\$297	\$2,000		\$400
210	000	Employee Benefits	\$20,010	\$19,952	\$27,762	\$4,289	\$14,700	\$6,526	\$12,630
220	000	FICA					\$6,100	\$4,281	\$10,405
230	000	Retirement					\$10,900	\$5,299	\$19,275
PERSONAL SERVICES			\$81,160	\$84,061	\$114,768	\$59,925	\$110,672	\$54,721	\$178,730
330	000	Professional Services	\$67,336	\$42,448	\$53,601	\$32,809	\$22,000	\$36,980	\$39,000
330	002	Audit	\$2,050	\$2,050	\$1,550	\$2,025	\$10,000	\$0	\$10,000
330	010	Springbrook					\$5,270	\$0	\$0
300	000	Education and Training	\$10,282	\$5,468	\$3,796	\$6,110	\$1,200	\$520	\$1,200
800	800	Refunds		\$123	\$120	\$14,000	\$200	\$0	\$200
		Insurance	\$2,512	\$3,189	\$1,346	\$3,600			
		Utilities	\$2,973	\$3,054	\$3,582	\$4,000			
		Building O & M	\$2,041	\$1,846	\$3,738	\$2,768			
		Equipment O & M	\$11,760	\$8,632	\$6,182	\$15,200			
		Rentals/Leases	\$2,093	\$3,306	\$3,207	\$2,070			
		Advertising	\$319	\$706	\$266	\$800			
		Agency memberships	\$3,933	\$3,864	\$4,298	\$3,524			
		Operations and Supplies	\$3,610	\$18,615	\$14,802	\$19,700			
		Centennial Expense		\$763	\$7,311				
MATERIALS AND SERVICES			\$108,909	\$94,064	\$103,799	\$106,606	\$38,670	\$37,501	\$50,400
800	200	Allocated Expense				\$254,068			
800	300	Allocated Expense				\$4,930			
800	900	Allocated Expense	\$43,000	\$41,000	\$2,000				
TRANSFER & ALLOCATIONS			\$43,000	\$41,000	\$2,000	\$258,998	\$0	\$0	\$0

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
TOTAL EXPENSE			\$233,069	\$219,125	\$220,567	\$425,529	\$149,342	\$92,222	\$229,130

The Finance activity includes increases in personnel costs associated with the creation of new Account Clerk position, which means the department will have a total of 3 full-time positions. Additionally a part-time Finance Manager is budgeted as well as hourly help. The new position will assist with general finance duties as well as City Recorder duties.

610 416 City Engineer

Account	Sub	Description	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
330	000	Professional Services	\$8,500	\$0	\$5,000
MATERIALS AND SERVICES			\$8,500	\$0	\$5,000
TOTAL EXPENSE			\$8,500	\$0	\$5,000

There is a minor reduction in costs proposed. Generally, the City Engineer has billed for project specific expenses.

610 433 Public Works

Account	Sub	Description	Adopted	Actual	Supplemental
			2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
100	000	Salaries	\$226,812	\$117,637	\$242,875
120	000	Hourly	\$10,000	\$0	\$0
130	000	Overtime	\$1,000	\$0	\$500
132	000	On Call	\$5,480	\$0	\$0
210	000	Employee Benefits	\$33,887	\$16,877	\$33,887
220	000	FICA	\$18,550	\$10,001	\$18,600
230	000	Retirement	\$39,332	\$18,819	\$39,410
PERSONAL SERVICES			\$335,061	\$163,335	\$335,272
300	000	Education and Training	\$2,300	\$1,057	\$2,300
310	000	Utilities	\$1,500	\$159	\$1,500
330	000	Professional Services	\$800	\$4,296	\$4,296
340	000	Repairs and Maintenance*	\$10,000	\$6,976	\$10,000
610	000	Supplies	\$2,500	\$599	\$2,500
610	090	Uniforms and Protective Gear	\$1,800	\$572	\$1,200
626	224	Fuel	\$8,000	\$2,393	\$7,000
MATERIALS AND SERVICES			\$26,900	\$16,052	\$28,796
208	009	Allocated Cost	\$7,000	\$0	\$7,000
TRANSFER & ALLOCATIONS			\$7,000	\$0	\$7,000
TOTAL EXPENSE			\$368,961	\$179,387	\$371,068

* Replaces 450030 Building O & M, 430000 Equipment O & M, and 440000 Rentals/Leases

Professional Services has been adjusted to reflect actual costs.

610 419 General Government

Account	Sub	Description	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
300	010	Bug Connection	\$1,050	\$1,728	\$1,728
300	010	PCN Connection - Comcast	\$7,000	\$0	\$7,000
300	010	IT support - Global Data Link/Phones Integra	\$11,780	\$0	\$11,780
300	011	MACC Grant Server Expense		\$27,060	\$30,000
310	000	Utilities - City Hall	\$7,500	\$12,290	\$16,000
330	000	Professional Services	\$7,600	\$9,913	\$12,000
		<i>Banking</i>	\$600		
		<i>Office Machine Maintenance</i>	\$2,000		
		<i>Security Monitoring</i>	\$1,060		
		<i>Janitorial Services</i>	\$3,940		
340	000	Repairs and Maintenance*	\$13,680	\$10,270	\$13,680
410	010	Maintenance	\$6,040		
350	000	Agency Memberships	\$2,024	\$2,215	\$2,215
		<i>League of OR Cities</i>	\$1,504		
		<i>Ethics Commission</i>	\$520		
		<i>LGPI</i>	\$550		
610	000	Supplies	\$13,350	\$5,071	\$13,350
		<i>Postage</i>	\$2,600		
		<i>Janitorial</i>	\$2,550		
		<i>Office Supplies</i>	\$7,000		
		<i>Computers</i>	\$1,200		
621	000	Insurance	\$23,500	\$24,143	\$24,143
		<i>General Liability</i>	\$13,000		
		<i>Property</i>	\$3,600		
		<i>Auto Liability</i>	\$3,800		
		<i>Auto Physical</i>	\$2,500		
		<i>XS Crime</i>	\$600		
621	001	Workers' Comp	\$17,000	\$19,470	\$19,470
621	002	Unemployment	\$19,500		\$19,500
MATERIALS AND SERVICES			\$93,548	\$68,547	\$170,866

The General Government budget activity includes increased funding for a MACC grant that replaced City-wide servers, and increased actual costs for insurance, utilities, professional services, and other expenses.

110 421 Police

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
110	000	Salaries	\$144,206	\$143,223	\$127,070	\$152,920	\$135,345	\$78,534	\$167,345
120	000	Hourly	\$4,734	\$13,638	\$26,898	\$9,732	\$30,000		\$0
130	000	Overtime	\$2,791	\$4,000		\$0	\$2,000		\$0
220	000	FICA					\$12,802	\$6,973	\$14,500
230	000	Retirement					\$24,173	\$10,960	\$24,173
210	000	Employee Benefits	\$64,552	\$63,759	\$50,739	\$73,219	\$17,079	\$8,128	\$17,079
PERSONAL SERVICES			\$216,283	\$224,620	\$204,707	\$235,871	\$221,399	\$104,594	\$223,097
300	000	Education and Training	\$4,457	\$3,035	\$2,722	\$8,009	\$4,000	\$3,223	\$4,000
330	000	Professional Services	\$19,349	\$23,949	\$14,595	\$18,865		\$2,936	\$3,500
330	010	PPDS/ Jayhawk				\$650	\$0	\$0	
330	100	Webleds			\$999	\$1,575	\$1,575		
330	200	Cell phone, pagers	\$2,390	\$2,747	\$824	\$920	\$920		
330	201	Wireless Access			\$2,483	\$2,800	\$2,500		
330	911	9-1-1 Tax				\$10,542	\$0	\$0	\$0
330	912	WA Co Dispatch	\$20,585	\$20,506	\$53,291	\$11,367	\$11,400	\$10,737	\$10,737
330	913	HPD Evidence Storage	\$3,285		\$3,000	\$3,000	\$1,450		\$1,450
330	914	HPD Records	\$4,344	\$5,465	\$2,164	\$6,590	\$0		\$0
340	000	Equipment O & M	\$24,192	\$27,941	\$29,365	\$25,300	\$10,000	\$3,887	\$10,000
350	000	Agency memberships			\$1,485	\$1,536	\$1,550	\$1,750	\$1,750
431	000	Rentals/Leases	\$2,093	\$3,307	\$2,760	\$2,070	\$26,600	\$11,808	\$26,600
610	224	Fuel	\$11,090	\$11,182	\$11,332	\$15,000	\$12,500	\$2,352	\$11,500
610	000	Operations and Supplies	\$21,964	\$23,000	\$67,585	\$26,600	\$12,000	\$14,258	\$17,100
610	100	Uniforms and Protective Gear	\$5,991	\$5,151	\$6,814	\$6,000	\$7,000	\$2,309	\$3,200
		Supplies - Grants				\$14,951			
		Audit				\$1,640			
		Insurance	\$11,085	\$11,085	\$5,722	\$6,700			
		Advertising	\$308	\$325	\$1,225	\$250			
		Building M & O	\$1,215	\$881	\$2,250	\$2,974			

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
		Utilities	\$2,849	\$2,726	\$3,506	\$3,578			
		MATERIALS AND SERVICES	\$135,197	\$141,300	\$212,122	\$170,917	\$91,495	\$53,260	\$89,837
810	610	Allocated Expenses					\$43,883	\$0	\$56,984
		TRANSFERS AND ALLOCATIONS	\$0	\$0	\$0	\$0	\$43,883	\$0	\$56,984
207	000	Court Pass Thru						\$1,265	\$3,000
		SPECIAL PAYMENTS						\$1,265	\$3,000
		TOTAL EXPENSE	\$351,480	\$365,920	\$416,829	\$406,788	\$356,777	\$159,120	\$372,918

The bulk of the change in the Police budget is the increase in allocated costs for the Internal Service Fund activities. A minor increase is proposed for Personal services to cover FICA expenses.

110 452 Parks

Account	Sub	Description	Actual	Actual	Actual	Actual	Adopted	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
100	000	Salaries	\$32,523	\$32,604	\$33,630	\$29,276			
121	000	Hourly							
131	000	Overtime							
161	000	Employee Benefits	\$13,117	\$12,247	\$12,997	\$9,502			
PERSONAL SERVICES			\$45,640	\$44,851	\$46,627	\$38,778	\$0	\$0	\$0
330	000	Professional Services	\$2,238	\$543	\$561	\$590	\$600	\$6,809	\$1,500
410	720	Utilities	\$3,921	\$2,888	\$3,217	\$4,600	\$6,200	\$132	\$5,000
450	030	Building O & M	\$1,684	\$1,579	\$1,863	\$2,500	\$15,000	\$4,654	\$15,000
430	031	Equipment O & M	\$1,791	\$3,163	\$1,860	\$3,000	\$3,000		\$3,000
610	000	Operations and Supplies	\$2,062	\$4,126	\$1,832	\$3,300	\$7,500	\$4,883	\$7,500
		Insurance	\$1,100	\$1,100	\$600	\$900			
		Fuel	\$1,360	\$1,389	\$1,400	\$1,500			
MATERIALS AND SERVICES			\$14,156	\$14,788	\$11,333	\$16,390	\$32,300	\$16,479	\$32,000
810	110	Allocated Expense					\$125,641	\$0	\$137,602
TRANSFERS AND ALLOCATIONS			\$0	\$0	\$0	\$0	\$125,641	\$0	\$137,602
TOTAL EXPENSES			\$59,796	\$59,639	\$57,960	\$55,168	\$157,941	\$16,479	\$169,602

The increase in this budget is limited to the allocation for Internal Service Fund expenses.

110 455 Library

Account	Sub	Description	Actual	Actual	Actual	Actual	Adopted	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
100	000	Salaries	\$19,838	\$24,412	\$26,673	\$27,566	\$27,556	\$54,165	\$108,014
120	000	Hourly	\$30,980	\$34,032	\$62,636	\$66,188	\$72,991		
210	000	Employee Benefits	\$10,064	\$7,690	\$14,467	\$21,261	\$113	\$130	\$130
220	000	FICA					\$7,692	\$6,295	\$9,000
230	000	Retirement					\$10,905	\$6,031	\$12,500
PERSONAL SERVICES			\$60,882	\$66,134	\$103,776	\$115,015	\$119,257	\$66,621	\$129,644
300	000	Education and Training	\$400	\$327	\$332	\$400	\$400	\$40	\$400
310	000	Utilities	\$6,698	\$7,316	\$7,520	\$9,100	\$7,800	\$2,524	\$7,784
330	000	Professional Services	\$5,704	\$7,551	\$6,516	\$11,938	\$5,000	\$45	\$2,370
340	000	Repairs and Maintenance*	\$3,092	\$3,130	\$10,095	\$7,136	\$4,100	\$1,422	\$7,128
610	000	Operations and Supplies	\$4,583	\$3,960	\$1,835	\$2,800	\$5,000	\$1,911	\$9,600
610	001	Library Materials	\$5,607	\$10,372	\$9,798	\$12,500	\$13,100	\$5,587	\$13,100
		Audit	\$450	\$450	\$500	\$500			
		Insurance	\$1,600	\$1,052	\$1,600	\$1,600			
MATERIALS AND SERVICES			\$28,134	\$34,158	\$38,196	\$45,974	\$35,400	\$11,529	\$40,382
700	000	Computer Replacement					\$7,700		\$2,000
CAPITAL							\$7,700	\$0	\$2,000
810	110	Allocated Expense					\$41,820	\$0	\$54,675
TRANSFER & ALLOCATION							\$41,820	\$0	\$54,675
TOTAL EXPENSES			\$89,016	\$100,292	\$141,972	\$160,989	\$204,177	\$78,150	\$226,701

* Replaces 450030 Building O & M, 430000 Equipment O & M, and 440000 Rentals/Leases

This budget includes increases for Personal Services as funding for Library Clerks was estimated. This figure remains on the lean side, and may need to be evaluated by the end of the year. More funding is proposed for Repairs and Maintenance and Operations and Supplies. The Capital Cost for computer replacements has been reduced. The allocation for the Internal Service Fund is also increased.

110 465 Planning

Account	Sub	Description	Actual	Actual	Actual	Actual	Approved	Actual	Supplemental
			2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	11/30/2012 2012-2013	12/17/2012 2012-2013
110	000	Salaries	\$41,460	\$41,460	\$49,652	\$44,662			
120	000	Hourly		\$2,772		\$6,916	\$15,000	\$0	10000
130	000	Overtime	\$2,070	\$1,813	\$2,153	\$2,200			
220	000	FICA					\$1,148	0	1148
230	000	Retirement					\$2,679	0	2679
210	000	Employee Benefits	\$13,736	\$14,138	\$16,362	\$26,757			
PERSONAL SERVICES			\$57,266	\$60,183	\$68,167	\$80,535	\$18,827	0	13827
300	000	Education and Training	\$432	\$250	\$850	\$3,000	\$500	\$8	\$100
330	000	Professional Services	\$48,608	\$28,527	\$57,611	\$36,550	\$7,000	\$2,239	\$5,000
350	000	Agency memberships	\$38		\$39	\$600			
540	000	Advertising	\$100	\$117	\$167	\$1,000	\$1,500	\$385	\$1,500
610	000	Operations and Supplies	\$5,629	\$4,681	\$5,979	\$5,400			
		Equipment and O & M				\$1,200			
		Audit			\$1,400	\$2,000			
MATERIALS AND SERVICES			\$54,807	\$33,575	\$66,046	\$49,750	\$9,000	2632.34	6600
Allocated Expense							\$52,817	0	65,473
TRANSFERS AND ALLOCATIONS			\$0	\$0	\$0	\$0	\$52,817	\$0	\$65,473
TOTAL EXPENSE			\$112,073	\$93,758	\$134,213	\$130,285	\$80,644	\$2,632	\$85,900

The changes in this budget include an increase in the allocation for the internal service fund and reduction in Professional Services and Hourly wages.

111 433 Street

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
110	000	Salaries	\$25,729	\$38,533	\$47,346	\$43,444			
120	000	Hourly		\$1,372	\$2,683	\$0			
130	000	Overtime							
210	000	Employee Benefits	\$9,805	\$14,077	\$17,948	\$17,133			
PERSONAL SERVICES			\$35,534	\$53,982	\$67,977	\$60,577			
330	000	Professional Services	\$4,554	\$4,411	\$5,189	\$6,850	\$10,000	\$0	\$10,000
540	000	Advertising	\$436	\$301	\$256	\$400	\$400	\$0	\$400
610	000	Operations and Supplies	\$1,730	\$2,273	\$1,571	\$11,203	\$2,000	\$1,340	\$2,000
610	026	Operations and Supplies - Highway				\$6,853	\$6,900	\$0	\$6,900
640	000	Street lights	\$20,622	\$21,555	\$21,344	\$23,000	\$22,100	\$3,815	\$9,000
		Refunds				\$15,500			
		Audit	\$450	\$450	\$1,000	\$1,500			
		Insurance	\$1,500	\$1,400	\$300	\$560			
		Rentals/Leases	\$447	\$477		\$890			
		Education and Training				\$200			
		Supplies - Grant			\$4,086				
		Fuel	\$1,374	\$1,672	\$2,976	\$3,000			
		Uniforms/PPE's		\$515		\$500			
		Building O & M	\$778	\$17	\$1,019	\$1,000			
		Utilities	\$900	\$1,000	\$1,000	\$1,080			
		Equipment O & M	\$5,328	\$4,720	\$4,100	\$5,500			
MATERIALS AND SERVICES			\$38,119	\$38,791	\$42,841	\$78,036	\$41,400	\$5,155	\$28,300
810	100	Allocated Expense					\$147,628		\$164,122
800	900	Allocated Expense	\$1,000	\$2,000	\$3,000	\$1,000			
TRANSFER & ALLOCATIONS			\$1,000	\$2,000	\$3,000	\$1,000	\$147,628	\$0	\$164,122
OPERATING EXPENSE			\$74,653	\$94,773	\$113,818	\$139,613	\$189,028	\$5,155	\$192,422

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
770	102	PW Project -MSTIP					\$62,000	\$0	
770	101	PW Project - Claxter A					\$198,116	\$23,326	\$198,116
770	103	PW Project - Claxter B					\$249,385	\$0	\$249,385
CAPITAL IMPROVEMENTS			\$0	\$0	\$0	\$0	\$509,501	\$23,326	\$447,501
TOTAL EXPENSE			\$74,653	\$94,773	\$113,818	\$139,613	\$698,529	\$28,481	\$639,923
499	000	Unappropriated Fund Balance	\$507,981	\$515,818	\$547,371	\$393,476	\$468,538	\$468,538	\$463,369
999	000	Contingency					\$50,000	\$50,000	\$50,000
UNASSIGNED EXPENSES			\$507,981	\$515,818	\$547,371	\$393,476	\$518,538	\$518,538	\$513,369

This budget activity reflects a reduction in Street Light costs, and an increase in the allocation for the Internal Service Fund.

210 433 Water

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
110	000	Salaries	\$ 223,948	\$ 222,271	\$ 236,339	\$ 228,133			
120	000	Hourly	\$ 2,300	\$ 651	\$ 2,480	\$-			
130	000	Overtime	\$ 2,132	\$ 3,078	\$ 3,140	\$ 792			
130	100	Overtime - Grant							
132	000	On Call	\$ 5,025	\$ 5,475	\$ 5,475	\$ 2,775			
210	000	Employee Benefits	\$ 56,963	\$ 82,172	\$ 91,128	\$ 108,277			
PERSONAL SERVICES			\$ 290,368	\$ 313,647	\$ 338,562	\$ 339,977	\$ -	\$ -	\$ -
208	150	Franchise Fee - Water	\$ 28,643	\$ 29,000	\$ 44,000	\$ 39,500	\$ 39,000	\$ -	\$ 39,000
310	000	Utilities	\$ 8,344	\$ 9,291	\$ 10,155	\$ 12,492	\$ 5,600	\$ 709	\$ 5,600
330	000	Professional Services	\$ 34,946	\$ 36,124	\$ 28,871	\$ 17,386	\$ 14,204	\$ 1,759	\$ 8,000
330	010	Springbrook				\$ 9,250	\$ 6,170		\$ 6,170
330	020	Moonlight BPO					\$ 5,580		\$ 5,580
340	000	Repairs and Maintenance*	\$ 19,303	\$ 12,462	\$ 23,967	\$ 19,254	\$ 14,000	\$ 16,630	\$ 20,000
360	041	Advertising	\$ 316	\$ 805	\$ 271	\$ 751	\$ -		\$ -
610	000	Operations and Supplies	\$ 25,358	\$ 14,888	\$ 21,231	\$ 10,028	\$20,000	\$ 376	\$ 20,000
610	600	Water Purchase	\$ 99,133	\$ 100,366	\$ 103,138	\$ 112,240	\$ 120,000	\$ 26,123	\$ 120,000
800	000	Uncollectable Debt				\$ -	\$ 300	\$ -	\$ 300
800	800	Refunds and Deposits	\$ 103	\$ 53	\$ 68	\$ -	\$ 300	\$ -	\$ 300
		Fuel	\$ 2,301	\$ 2,734	\$ 3,558	\$ 5,142			
		Audit	\$ 2,700	\$ 2,700	\$ 3,500	\$ 5,000			
		Insurance	\$ 4,800	\$ 4,800	\$ 2,865	\$ 4,810			
		Rentals/Leases	\$ 3,738	\$ 4,296	\$ 3,207	\$ 3,450			
		Education and Training	\$ 5,705	\$ 2,845	\$ 2,783	\$ 3,742			
		Uniforms/PPE's	\$ 603	\$ 881	\$ 328	\$ 200			
		Incentive Pay		\$ 1,000					
MATERIALS AND SERVICES			\$ 235,993	\$ 222,245	\$ 247,942	\$ 243,245	\$ 225,154	\$ 45,597	\$ 224,950
540	000	PW Projects - Mains			\$ 4,013	\$ 34,327	\$ 51,000	\$ 11,549	\$ 51,000
CAPITAL			\$ -	\$ -	\$ 4,013	\$ 34,327	\$ 51,000	\$ 11,549	\$ 51,000

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
		Debt Service Payment-2005 Bond					\$ 34,333	\$ 134,332	\$ 134,332
		DEBT	\$ -	\$ -	\$ -	\$ -	\$ 134,333	\$ 134,332	\$ 134,332
810	110	Allocated Expense					\$ 388,626	\$ -	\$ 469,366
810	210	Allocated Expense	\$ 87,900	\$ 134,000	\$ 150,000	\$ 92,000		\$ -	\$ -
810	009	Allocated Expense	\$ 10,000	\$ 5,000	\$ 5,000	\$ 1,000		\$ -	\$ -
		TRANSFER & ALLOCATIONS	\$ 97,900	\$ 139,000	\$ 155,000	\$ 93,000	\$ 388,626	\$ -	\$ 469,366
SUBTOTAL OPERATING BUDGET			\$ 624,261	\$ 674,892	\$ 745,517	\$ 710,549	\$ 799,113	\$ 191,477	\$ 879,648
207	000	Pass thru Expense - JWC					\$ 34,300	\$ -	\$ 34,300
		SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ 34,300	\$ -	\$ 34,300
TOTAL EXPENSE			\$ 624,261	\$ 674,892	\$ 745,517	\$ 710,549	\$ 833,413	\$ 191,477	\$ 913,948
499	000	Contingency				\$ 50,513	\$ 50,000	\$ -	\$ 50,000
999	000	Unappropriated Fund Balance	\$ 514,087	\$ 589,642	\$ 598,207	\$ 555,893	\$ 644,671	\$ -	\$ 697,837
		UNASSIGNED EXPENSES	\$ 514,087	\$ 589,642	\$ 598,207	\$ 606,406	\$ 694,671	\$ -	\$ 747,837

* Replaces 450030 Building O & M, 430000 Equipment O & M, and 440000 Rentals/Leases

This budget reflects an increase in the Internal Service Fund allocation and a shift in costs from Professional Services to Repairs and Maintenance. Capital costs are anticipated to be near the current actual expense.

130 433 Transportation Development Tax (TDT)

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
540	000	PW Projects		\$3,680				\$0	\$0
		CAPITAL	\$0	\$3,680	\$0	\$0	\$0	\$0	\$0
499	000	Unappropriated Ending Fund Balance		\$36,918	\$54,646	\$134,730	\$61,600	\$0	\$100,402
999	000	Contingency					\$50,000	\$0	\$50,000
		UNASSIGNED EXPENSES	\$0	\$36,918	\$54,646	\$134,730	\$111,600	\$0	\$150,402

The only change is for the Unappropriated Fund Balance.

131 452 Park Capital

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
770	000	PW Projects Skate Park	\$22,145	\$7,117	\$18,142	\$0	\$25,000		\$25,000
		CAPITAL	\$22,145	\$7,117	\$18,142	\$0	\$25,000	\$0	\$25,000
810	110	Allocated Expense						\$0	
		TRANSFERS AND ALLOCATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TOTAL BUDGET	\$22,145	\$7,117	\$18,142	\$0	\$25,000	\$0	\$25,000
999	000	Unappropriated Fund Balance	\$283,175	\$330,728	\$361,753	\$425,468	\$296,710		\$291,517
499	000	Contingency					\$100,000		\$100,000
		UNASSIGNED EXPENSE	\$283,175	\$330,728	\$361,753	\$425,468	\$396,710	\$0	\$391,517

The only change is in the Unappropriated Fund Balance. The budget still reflects an allocation of \$25,000 for a Skate Spot. Planning for the spot has been halted by the Parks Advisory Committee. If Council would like to shelf the project, this proposed expense should be deleted from the budget, otherwise staff and the Parks Advisory Committee should resume planning and construct a skate spot.

132 433 Traffic Impact Fee (TIF)

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
100	000	Salaries	\$19,536	\$19,536	\$13,200	\$3,000			
161	000	Employee Benefits	\$6,334	\$5,750	\$3,893	\$900			
PERSONAL SERVICES			\$25,870	\$25,286	\$17,093	\$3,900	\$0	\$0	\$0
540	000	PW Projects	\$2,148						
CAPITAL			\$2,148	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL BUDGET			\$28,018	\$25,286	\$17,093	\$3,900	\$0	\$0	\$0
499	000	Unappropriated Fund Balance	\$325,341	\$302,154	\$286,590	\$283,560	\$234,560	\$0	\$237,033
999	000	Contingency					\$50,000	\$0	\$50,000
UNASSIGNED EXPENSES			\$325,341	\$302,154	\$286,590	\$283,560	\$284,560	\$0	\$287,033

Only the Unappropriated Fund Balance has changed.

009 093 Vehicle and Equipment

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
740	000	Equipment		\$1,000	\$10,635		\$0	\$0	\$0
742	000	Vehicles	\$25,178	\$20,977	\$19,376	\$31,718	\$0	\$0	\$0
CAPITAL			\$25,178	\$21,977	\$30,011	\$31,718	\$0	\$0	\$0
810	601	Transfers General					\$1,400	\$0	\$1,400
810	601	Transfers Police					\$26,600	\$0	\$26,600
TRANSFERS AND ALLOCATIONS			\$0	\$0	\$0	\$0	\$28,000	\$0	\$28,000
TOTAL EXPENSE			\$25,178	\$21,977	\$30,011	\$31,718	\$28,000	\$0	\$28,000
499	000	Unappropriated Fund Balance	\$69,895	\$95,502	\$72,874	\$43,664	\$12,804	\$12,804	\$15,488
999	000	Contingency					\$10,000	\$10,000	\$10,000
UNASSIGNED EXPENSES			\$69,895	\$95,502	\$72,874	\$43,664	\$22,804	\$22,804	\$25,488

Only the Unappropriated Fund Balance has changed.

Municipal Court (Inactive)

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012
		Salaries	\$60,373	\$59,467	\$49,532	\$24,833
		Hourly		\$1,000		
		Employee Benefits	\$22,554	\$17,574	\$18,435	\$17,082
		PERSONAL SERVICES	\$82,927	\$78,041	\$67,967	\$41,915
		Professional Services	\$9,479	\$12,447	\$15,858	\$12,799
		Audit	\$1,850	\$0	\$3,700	\$2,000
		Insurance				\$660
		Education and Training	\$669	\$3,535	\$50	\$1,000
		Operations and Supplies	\$2,859	\$3,246	\$2,441	\$2,098
		Utilities	\$1,645	\$1,785	\$1,733	\$1,000
		Equipment O & M	\$2,479	\$7,020	\$9,568	\$1,500
		MATERIALS AND SERVICES	\$18,981	\$28,033	\$33,350	\$21,057
		Pass Thru Revenues - State	\$22,408	\$17,659	\$15,098	\$20,813
		Pass Thru - County	\$12,088	\$9,203	\$8,950	\$11,527
		SPECIAL PAYMENTS	\$34,496	\$26,862	\$24,048	\$32,340
		TOTAL EXPENSE	\$136,404	\$132,936	\$125,365	\$95,312

Sewer Bond Administration (Inactive)

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012
		Salaries	\$6,000	\$6,000	\$6,600	\$3,600
		Employee Benefits	\$1,902	\$1,769	\$1,967	\$1,555
		PERSONAL SERVICES	\$7,902	\$7,769	\$8,567	\$5,155
		Professional Services	\$2,000	\$2,108	\$2,271	\$3,084
		Operations and Supplies	\$471	\$800	\$406	\$24
		MATERIALS AND SERVICES	\$2,471	\$2,908	\$2,677	\$3,108
		Debt Service Payment - Glencoe				\$21,184
		DEBT	\$0	\$0	\$0	\$21,184
		TOTAL EXPENSE	\$10,373	\$10,677	\$11,244	\$29,447

Transportation (Inactive)

Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012
Salaries	\$19,908	\$7,200		
Employee Benefits	\$7,689	\$2,380		
PERSONAL SERVICES	\$27,597	\$9,580	\$0	\$0
Advertising				\$600
Audit				\$1,500
Equipment O & M	\$497	\$1,192		\$10,000
Fuel	1514	1159		
Insurance	\$500	\$400	\$320	\$360
Operations and Supplies	\$2,893	\$20,577	\$5,012	\$40,320
Professional Services	\$5,394	\$4,299		\$6,500
MATERIALS AND SERVICES	\$10,798	\$27,627	\$5,332	\$59,280
PW Projects CDBG			41137	\$0
PW Projects - SCA Overlay		\$25,000		\$0
PW Projects - FEMA		\$48,124		\$0
PW Projects - Glencoe			\$249,662	\$0
CAPITAL	\$0	\$73,124	\$249,662	\$0
TOTAL EXPENSE	\$38,395	\$110,331	\$254,994	\$59,280

Water Capital (Inactive)

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012
		Professional Services	\$7,639	\$7,539	\$6,009	
		Audit				\$0
		Operations and Supplies		\$2,000	\$494	
		MATERIALS AND SERVICES	\$7,639	\$9,539	\$6,503	\$0
		Debt Service Payment	\$134,332	\$134,332	\$134,332	
		Principal				\$78,944
		Interest				\$55,388
		DEBT	\$134,332	\$134,332	\$134,332	\$134,332
		Pass Thru Revenue - JWC	\$5,700	\$26,546	\$23,048	\$20,059
		SPECIAL PAYMENTS	\$5,700	\$26,546	\$23,048	\$20,059
		TOTAL	\$147,671	\$170,417	\$163,883	\$154,391
		Unappropriated Fund Balance		\$35,041	\$69,160	\$116,258
		UNASSIGNED EXPENSES		\$35,041	\$69,160	\$116,258

Proposed Supplemental Urban Renewal Agency Budget 12/17/12

Urban Renewal Agency

The significant changes in the URA budget are the addition of debt service payments for 31360 Commercial Street, and an increase in the contingency to address the refinance of the Kaybern Street property. Revenues are also higher than anticipated in 2011/12 and 2012/2013.

Because these changes represent more than 10% increase in expenses for the URA it may be necessary for the Budget Committee for the Agency to review and approve the budget.

113 000 Urban Renewal Agency Revenue

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Adopted 2011-2012	Actual 12/31/2011 2011-2012	Proposed 3/1/2012 2012-2013
400	000	Net Working Capital	\$93,239	\$57,789	\$57,789	\$88,000	\$135,884	\$135,884
401	000	Miscellaneous			\$191			
416	000	Interest			\$386	\$300		
411	000	Property Taxes	\$0	\$0	\$67,033	\$59,730	\$80,323	\$80,323
411	001	Property Tax Delinquent					\$1,006	\$1,006
472	000	Rental			\$5,650	\$6,050	\$2,000	\$6,750
803	000	Bond Proceeds			\$16,001			
REVENUES			\$93,239	\$57,789	\$147,050	\$154,080	\$219,213	\$223,963

Revenues for the Agency are healthier than anticipated.

113 463 Urban Renewal Agency

Account	Sub	Description	Actual 2008-2009	Actual 2009-2010	Actual 2010-2011	Actual 2011-2012	Adopted 2012-2013	Actual 11/30/2012 2012-2013	Supplemental 12/17/2012 2012-2013
530	000	Professional Services	\$12,249	\$0	\$0	\$0	\$0	\$375	\$3,000
		MATERIALS AND SERVICES	\$12,249	\$0	\$0	\$0	\$0	\$375	\$3,000
770	000	PW Projects	\$22,145		\$16,002	\$10,000	\$10,000	\$35,470	\$52,000
		CAPITAL	\$22,145	\$0	\$16,002	\$10,000	\$10,000	\$35,470	\$52,000
830		Commercial Street							\$11,300
830	000	Principal Debt Service Payment -						\$10,227	
	200	Kaybern	\$80,990		\$42,405	\$82,894	\$10,000		\$10,000
	300	Debt Service Payment - Glencoe				\$37,806	\$22,793		\$22,793
831	000	Interest						\$7,394	
		DEBT	\$80,990	\$0	\$42,405	\$120,700	\$32,793	\$17,621	\$44,093
800	900	Allocated Expense					\$6,546	\$0	\$8,125
		TRANSFER & ALLOCATIONS	\$0				\$6,546	\$0	\$8,125
		TOTAL EXPENSE	\$115,384	\$0	\$58,407	\$130,700	\$49,339	\$53,466	\$107,218
999	000	Unappropriated Fund Balance		\$57,789	\$88,644	\$23,380	\$5,341	\$0	\$41,745
499	000	Contingency					\$45,000	\$0	\$75,000
		UNASSIGNED EXPENSE	\$0	\$57,789	\$88,644	\$23,380	\$50,341	\$0	\$116,745



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 15, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Council Staff Communications Policy Guidelines

Request: Council approve proposed policy for Council Staff communications.

Background: Samples of Council Staff Communications Policy guidelines were presented at the December 17, 2012 City Council Meeting, and the City Manager invited Council to review the information so a policy could be considered at the second meeting in January.

Included in the packet is the draft policy for the City of North Plains, which was first presented on November 5, 2012.

Fiscal Impact: Approval of the policy has no fiscal impact.

Recommendation: Council approve the proposed policy for Council Staff Communications.

DRAFT ORDINANCE CITY OF NORTH PLAINS

Council-Staff Communications Guidelines

Governance of a City relies on the cooperative efforts of elected officials, who set policy and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. The following are general guidelines to help facilitate effective communications between the City Council and City staff.

- Channel communications through the appropriate City staff.

While any staff member is available to answer Council questions and requests for information, the City Manager is the primary information liaison between the Council and City staff. Please direct questions of City staff to the City Manager or Department Heads. When a Councilor makes an information request to a particular staff member, the practice is for staff to inform the City Manager so that he or she is aware of Council's requests and needs.

- All Councilors should have the same information with which to make decisions.

When one Councilor has an information request, the response will be shared with all members of the Council so that each member may be equally informed.

- Depend upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.

A key value in the City's organizational culture is providing quality customer service. As a first response to solving customer problems complaints should be directed to the City Manager, who will assign staff to the issue. All Councilors are encouraged to contact the City Manager to help solve a citizen's problem. There will be follow-through with the Councilor as to the outcome of the problem or concern.

- The City Council sets the direction and policy – City staff is responsible for administrative functions and City operations.

The role of the Council is as the legislative body. The Council is responsible for approving the budget, setting policy goals, and adopting strategic plans. The primary functions of staff are to execute Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Head.

- In order to provide the Council with timely information, Council will strive to submit questions on Council agenda items ahead of the meeting.

Councilors are encouraged to submit their questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting. Having a practice of "no surprises" between the Council and City staff and vice versa fosters a productive working relationship.

- Respect the will of the "full" City Council.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilors. However, if a request reaches a certain degree in either terms of workload or policy, it may be more appropriate to make the assignment through the direction of the full City Council. If this should occur, the City Manager

will prepare a memorandum to the City Council informing them of such situation. It would be the individual Councilor's prerogative to discuss the request at an upcoming Council meeting and to seek approval by the "full" Council. This procedure helps to ensure that staff resources are allocated in accordance with overall Council goals and priorities.

- Depend upon the staff to make independent and objective recommendations.

Staff is expected to provide its best professional recommendations on issues, providing information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that we know will be unpopular with the public and Councilors. Staff respects the role of Council as policy makers for the City and understands that Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

- The City Manager and staff are supporters and advocates for adopted Council policy.

Regardless of whether it was staff's preferred recommendation or not, staff will strongly support and advocate the adopted Council policy and direction. This may cause concern by the Council minority on controversial issues.

- Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.

All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.

- Seeking political support from staff is not appropriate.

The City is a non-partisan local government. Neither the City Manager nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals like the City Manager have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 16, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Adoption of Ordinance No. 412 regarding Procedures of City Council

Request: Council introduce Ordinance No. 412 amending Chapter 1.05 of the North Plains Municipal Code regarding Procedures of City Council

Background: The attached ordinance is proposed to revise the procedural rules of the City Council. City Attorney Paul Elsner has suggested many of the changes that are proposed.

The proposed draft eases rules to allow Council the most flexibility possible in scheduling meetings and making appointments to committees and advisory boards. Changes in the ordinance are highlighted in the redline version.

If approved at this meeting, the ordinance will be scheduled for a second reading and adopt the ordinance on February 4, 2013.

Fiscal Impact: Adoption of this ordinance has no direct fiscal impact.

Recommendation: Council introduce Ordinance No. 412 for the first reading.

Sample Motion: I move to read Ordinance No. 412 for the first time by title only.

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Chapter 1.05
PROCEDURAL RULES
FOR THE CITY COUNCIL OF NORTH PLAINS

Sections:

- 1.05.010 Meeting Times
- 1.05.020 Study Sessions
- 1.05.030 Special Meetings
- 1.05.040 Executive Sessions
- 1.05.050 Robert's Rules of Order
- 1.05.060 Quorum
- 1.05.065 Absence from Meetings
- 1.05.070 Agenda
- 1.05.080 Consent Agenda
- 1.05.085 Order of Business
- 1.05.090 Public Hearings
- 1.05.100 Voting Generally
- 1.05.110 Duty to Vote
- 1.05.120 Reconsideration of Action Taken
- 1.05.130 Designation of Hearings Officer to Conduct Special Public Hearings
- 1.05.140 Sergeant-At-Arms
- 1.05.150 Speaking by Council Members Generally
- 1.05.160 Administrative Staff and City Employees Addressing Council or Public
- 1.05.170 Public Members Addressing the Council
- 1.05.180 Order and Decorum During the Council Meetings
- 1.05.185 Censure of a Council Member
- 1.05.187 Debate
- 1.05.188 Right to Appeal
- 1.05.190 Filling Vacancies on Boards, Commissions and Committees
- 1.05.195 Member Removal from Committees or Commissions
- 1.05.200 Filling Vacancies in Elective Office
- 1.05.210 Conflict of Interest
- 1.05.215 Ex parte Contact
- 1.05.220 Councilor Authority and Delegation
- 1.05.230 Requests for Staff Assistance
- 1.05.240 Compliance with Council Rules
- 1.05.250 Minutes
- 1.05.260 Ordinances, Resolutions and Orders
- 1.05.270 Council Agenda
- 1.05.280 Committees
- 1.05.290 Council Officers
- 1.05.300 Local Contract Review Board

1.05.010 Meeting Times
The Council shall meet ~~at least once monthly at 7:00 p.m.~~ on the first ~~or and~~ third Mondays ~~thereof of each month~~ in the Council chambers. In the event the meeting night is a ~~On~~ holidays, the Council may shall meet on the Tuesday following ~~the holiday~~.

1.05.020 Study Sessions
~~Council~~ Study sessions ~~of the Council shall be held in accordance with State statutes whenever special circumstances require such a session. Such session may shall~~ be called by either the Mayor or two Council members.

1.05.030 Special Meetings
Special meetings may be called by the Presiding Officer, ~~by~~ request of any three Councilors, or ~~by~~ the City Manager. Written Nnotice of all special meetings shall be given at least twenty-four (24) hours in advance of the scheduled meetings consistent with the requirements of Oregon's Public Meetings Law. ~~Notice shall be given to each Councilor, the City Manager, the general public, and the business office of each local newspaper and radio and television station and interested parties which has on file a written request for notice of special meetings.~~ Notice may be delivered by mail, electronic mail, electronic facsimile (FAX), or by personal delivery.

1.05.040 Executive Sessions
Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager and shall be conducted consistent with the requirements of Oregon's Public Meetings Law. ~~Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager, pursuant to ORS Section 192.660, shall be allowed to attend executive sessions. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or pursuant to ORS 192.660(5).~~ No matter discussed during executive session may be disclosed by any person present during such session.

1.05.050 Robert's Rules of Order
Robert's Rules of Order Revised shall be used for parliamentary procedure as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's Rules are provided herein.

The Council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the City in general.

- 1.05.060 Quorum
~~Four members of Council constitute a quorum.~~ The Mayor, or in his/her absence the Council President, or in absence of both, the Councilor designated elected Acting Council President, shall call the meeting to order. ~~at the hour designated for the meeting.~~ If a quorum is not present, ~~the City Recorder shall immediately inform the~~ absent members, except those known to be unavoidably detained, shall be notified that their presence is required; ~~to enable the Council to proceed.~~ ~~If the absent member(s) or members are unable to attend within thirty (30) minutes do not appear after the notice,~~ the councilors members present shall adjourn until a specific time or ~~until~~ the next regular council meeting.
- 1.05.065 Absence from Meetings
If a ~~Councilor(s) are~~ is going to be unable to attend a meeting, they shall contact City staff as far in advance of the meeting as possible as to the ~~to communicate~~ their absence which. ~~If the Councilor does contact the staff, their~~ absence shall then be deemed considered an excused absence.
- 1.05.070 Agenda
The ~~Mayor or~~ City Manager in consultation with the Mayor shall prepare approve an agenda of the business for to be presented at a regular Council meetings. No item of business shall be added to an agenda after 4:30 p.m. on the Wednesday of the week ~~preceding~~proceeding the week of the Council meeting for which the agenda has been prepared. The Council shall vote on only matters that appear on the agenda for that meeting or are introduced by a Council member or the Mayor. Council members and the Mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.
- 1.05.080 Consent Agenda
In order to make more efficient use of meeting time, the Mayor may place non-fee related resolutions and requests for minute approval which are routine in nature and concerning which no debate is expected on a "consent agenda". ~~to be considered at the next regular meeting.~~
- Any item placed on the consent agenda may shall be removed at the request of the Mayor or a Council member prior to the time a vote is taken thereon. ~~the consent agenda items.~~ All remaining items ~~on the consent agenda~~ shall be disposed of by a single motion "to adopt the consent agenda;" ~~which shall not be debatable.~~
- Adoption of the consent agenda shall be by the affirmative vote of all Council members present ~~at the time the vote is taken~~ and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item in the consent calendar shall be voted upon separately in the usual manner.

1.05.080 Order of Business
The order of business at Council meetings shall be determined by the Council Presiding Officer ~~of the Council~~.

1.05.090 Public Hearings
~~Prior to each public hearing, t~~The Presiding Officer shall announce ~~prior to each public hearing~~ the nature of the matter to be heard as ~~it is~~ set forth ~~in~~ on the agenda. And announce any timing or other restriction(s) prior to commencement of the hearing The Presiding Officer shall ~~then~~ declare the hearing ~~to be~~ open and invite a staff report ~~to be presented, after which the applicant shall be heard.~~

~~If the hearing is the result of an application to the City, the applicant shall be heard after the staff report with After the applicant is heard, any member(s) of the audience wishing to testify in favor of the application then testifying and opponents speaking thereafter. The applicant shall be afforded an opportunity for rebuttal but no surrebuttal shall be allowed. may be invited to come forward to be heard. If appropriate, the Presiding Officer may first ask those persons in favor of the stated matter to come forward with those speaking in opposition coming after.~~

~~The Presiding Officer may, with the approval of the Council, limit the time and number of speakers at each public hearing. In such event, the Presiding Officer shall so announce such restriction prior to the commencement of the hearing.~~

~~Public hearings pertaining to land use actions shall be conducted in accordance with specific rules as determined by ORS Chapters 197 and 227.~~

1.05.100 Voting Generally
Unless otherwise provided by statute, ~~ordinance or resolution~~, all votes shall be ~~taken by~~ voice; ~~provided however~~, upon demand by any Council member ~~of the Council~~, a roll call vote may shall be made upon any question before ~~the~~ Council. No Councilor may explain the reasons for his or her vote during the roll call unless an abstention from voting is called. In the case of an abstention vote, specific reasons for abstaining is required.-

1.05.110 Duty to Vote
Every councilor member present when a question is called shall vote either Yea or Nay Aye or No, unless the Council, ~~by~~ unanimously ~~consent~~, excuses a member ~~for a special reason~~ or unless a councilor member has an actual conflict of interest ~~as defined by state law. under applicable law, in which case no consent is required. There shall be no debate on such a request.~~ If any councilor member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.

- 1.05.120 Reconsideration of Action Taken
 Any member who actually voted with the majority may move for a reconsideration of an action either at the same or the next following regular meeting. Once a matter has been reconsidered, no ~~motion for~~ further reconsideration thereof shall be made without the Council's unanimous consent, ~~of the Council.~~
- 1.05.130 Designation of Hearings Officer to Conduct Special Public Hearings
 A hearings officer may be designated by the ~~Council Presiding Officer~~ to conduct ~~special~~ public hearings, when the Council believes such an approach is appropriate.
- 1.05.140 Sergeant-At-Arms
 A. The Sergeant-at-Arms shall be the Police Chief unless otherwise designated by the Presiding Officer, ~~of the Council.~~
 B. It shall be the duty of the ~~S~~ergeant-at-~~A~~rms to assist the Presiding Officer, as appropriate, to maintain ~~the~~ order and decorum at all meetings.
- 1.05.150 Speaking by Council Members Generally
 Every Council member desiring to speak shall address the Presiding Officer and, upon recognition ~~by the Presiding Officer,~~ shall confine the remarks to the question under debate.
 Councilors shall assist the Presiding Officer in ~~preserving~~ e order and decorum during Council meetings; and shall not; by conversation or other ~~wise, -action,~~ delay or interrupt the proceedings or refuse to follow ~~obey the orders of~~ the Presiding Officer's directions or these rules.
 Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times ~~(, while in session or otherwise);~~ conduct themselves in a manner appropriate to the dignity of their office.
- 1.05.160 Administrative Staff and City Employees Addressing Council or Public
~~City staff Members of the administrative staff, and employees of the City,~~ shall observe the same rules of procedure, decorum and good conduct applicable to the ~~members of the~~ Council.
- 1.05.170 Public Members Addressing the Council
 A. After recognition, any member of the public ~~member~~ desiring to address the Council; shall state their name and address for the record and limit

their remarks to the question then under discussion. No person shall enter into any discussion without first being recognized by the Presiding Officer.

- B. Any public member of the public addressing the Council is limited to five minutes unless further time is granted by the Presiding Officer. No public member may speak more than once upon any one subject until every other public member choosing to speak thereon has spoken. All remarks will be addressed to the Council as a body.
- C. Any person making personal, impertinent, or otherwise improper remarks, or who becomes boisterous, threatening, or otherwise abusive may shall be requested by the Presiding Officer to either alter their behavior or leave the meeting.
- D. After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council present.

1.05.180 Order and Decorum During the Council Meetings

Any of the following shall be sufficient cause for the removal of any person from the cCouncil cChambers for the duration of the meeting:

- A. Personal, impertinent, slanderous or unauthorized remarks, loud or disruptive language, noise, or conduct that interferes with the conduct of business by the Council.
- B. Intentional damage to the furnishings and/or interior of the Council Chambers.
- C. Refusal to obey a direction from n-order-of the Presiding Officer, or a direction from n-order issued by a Councilor which has been approved by a Council majority of the Council present.

The Presiding Officer shall follow the Disruptive Warning procedure, as it may be amended.

1.05.185 Censure of a Council Member

- A. The Council has the inherent right to make and enforce its own rules and to promote ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor is subject to censure by the Council to the extent provided by law, including a public reprimand.

~~B. To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council upon a finding that a reasonable ground exists that a substantial violation has occurred.~~

~~C. The Council shall investigate the actions in executive session. No Council member shall have the right to make public any information obtained through such investigation.~~

~~D. Any member accused of a substantial violation of Council rules, or any other general law, shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by legal counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors, other than the Councilor subject to censure proceedings, impose a proper sanction.~~

B. In the event the Council believes it appropriate to investigate (as a result of complaint(s) from a Council member(s), member(s) of the public or city staff) the conduct of one or more of its members, the Council, after a majority vote of the non-affected Council members, may then cause an investigation be commenced. If the Council opts to go forward with an investigation, it shall be conducted under the guidance of the City Attorney who shall be charged with hiring a disinterested third-party investigator with professional investigative experience to conduct the matter.

C. The investigation shall be completed within a reasonable period, not exceeding ninety (90) days unless said period is extended by the Council for good cause. The investigator shall within the 90 day period (or such longer period as approved by Council) prepare a written report which report shall thereafter be delivered to the City Attorney who shall then make the report available to all members of Council for their review including the member(s) whose conduct was being investigated. The investigator may also be asked by the City Attorney to make an oral presentation to the Council in executive session (if appropriate) on the report and investigation. The cost for the investigation and report shall be borne by the City.

D. The Council, after reviewing the report and hearing from the investigator, may then take any such action as it deems appropriate under the circumstances.

E. The report shall then be made public but the City Attorney may, consistent with the terms of Oregon's public records law, cause to be redacted from any public version such information that was to be treated as confidential or privileged or which could be objectively seen as tending to embarrass or otherwise adversely affected the personnel privacy rights of any person named in the report.

1.05.187 Debate

- A. Any cCouncilor ~~who~~ having s the floor shall confine himself/~~or~~ herself to the question under debate, avoid personalities and refrain from impugning the motives of any member's argument or vote. No councilor member shall address the chair or demand the floor while any vote is being taken.
- B. Councilors shall limit their remarks on a subject to three five minutes unless granted additional time by the majority of the Council. No cCouncilor shall be allowed to speak more than once upon any one subject, until every other councilor member choosing to speak thereon has spoken.
- C. A cCouncilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer; or unless a point of order is raised by any cCouncilor while they are speaking, in which case the speaker shall stop eease speaking immediately until the point is determined. If ruled ~~to be~~ in order, the speaker shall be permitted to proceed; if ruled ~~to be~~ out of order he or she shall remain silent or shall alter their remarks so as to comply with the ruling.

1.05.188 Right to Appeal

Any councilor member may appeal ~~to the Council~~ from a ruling of the Presiding Officer to the Council; and if ~~the appeal is~~ seconded, the councilor member making the appeal may briefly state ~~the his~~ reason for the appeal. The Presiding Officer may briefly explain ~~the his~~ ruling² but there shall be no debate on the appeal; and no other councilor member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the Presiding Officer shall be chair is sustained; otherwise it is overruled.

1.05.190 Filling Vacancies on Boards, Commissions and Committees

- A. Local City Board, Commission and Committee Representation
1. Any vacancy occurring on the Budget Committee, Library Board, Planning Commission or ~~any~~ other standing board, committee,

commission or ~~committee~~board shall be filled consistent with this section as provided by this rule.

2. When a vacancy occurs in one of the ~~aforsaid offices~~boards, commissions or committees, the City Recorder shall cause to be published a notice of such vacancy, inviting applications ~~to be filed from eligible by all interested, qualified~~ candidates. The filing of ~~athe~~ written application from ~~any person~~ eligible candidates for such office shall be considered as placing that person in nomination. The City Recorder shall inquire and report back to the Mayor whether applicants are eligible to serve in the office to be filled.

3. After the ~~date for~~ filing date has expired, the Council shall conduct interviews of all qualified candidates~~applicants, at its next regular meeting. Prior to the date of the interviews, the City Recorder shall inquire and report back to the Council whether the candidates are eligible to serve in the office to be filled. Appointments shall be made by a majority vote.~~

4. ~~When the Council is satisfied that it has concluded the process of reviewing the qualifications of candidates~~applicants, the Mayor shall declare the nominations closed and call for a vote. Appointments shall be made by a majority vote.

5. A sitting member of a board, commission or committee may be reappointed to a board, commission or committee by the Council without an open application process if:

1. The member of the board, commission or committee requests reappointment in writing, and
2. The City Council waives the requirement for an open application process.

B. Area Board, Commission and Committee Council Representatives to external Boards, Commissions and Committees.~~on~~

1. ~~At the first regular meeting of~~ each the calendar year, Council shall determine primary and alternate Councilors ~~to who shall~~ serve as Council representatives ~~of the Council~~ on various area external boards, commissions and committees. Council shall vote to ~~nominate and~~ appoint Council representatives to the said agencies² boards, commissions and committees by motion, either individually or collectively.

1.05.195 Member Removal from Committees or Commissions

All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. A member of a commission, committee or board may be removed by the City Council for any reason upon a majority vote of the Council.

~~Councilors shall may only act as Council representatives on external boards, commissions and committees consistent in accordance with NPMC 4.05.190(B) while acting as a councilor serving in office. All Council seats on City Boards, Commissions or Committees are reserved for sitting Councilors.~~ Upon expiration of any ~~c~~Councilor's term; or upon their resignation, removal or death, the ~~c~~Councilor's seat on any City ~~b~~Board, ~~c~~Commission or ~~c~~Committee occupied by that person shall be ~~immediately~~ declared vacant, and a sitting ~~c~~Councilor appointed by the Council as a replacement.

1.05.200 Filling Vacancies in Elective Office

- A. Vacancies in the position of Mayor or ~~c~~Councilor shall be declared by the Council ~~consistent in accordance~~ with Charter Section 32 and only for reasons specified in the Charter. The Council ~~is shall be made~~ the sole judge of the qualifications of its members.
- B. Declaration of a vacancy shall occur ~~at the Council meeting~~ following ~~any of~~ the occurrences for which a vacancy may be declared.
- C. Prior to determining a vacancy, the Council may conduct a hearing to receive evidence of the existence of a reason to declare such vacancy. The incumbent shall be entitled to appear and rebut such evidence.
- D. Any vacancy shall be declared by resolution of the Council which shall include findings ~~of fact and conclusions of law~~ in support thereof.
- E. Appointments to fill a vacancy ~~in the position of Mayor or a Council position~~ shall be made ~~by the Council in accordance~~ consistent with Charter Section 33.

1.05.210 Conflict of Interest

- A. For purposes of this chapter, "potential conflict of interest" has the meaning as defined in ORS 244.020 (1) and further explained in ORS Sections 244.120 through 244.130.
- B. In the event that any Councilor shall have a potential conflict of interest with respect to any matter before the Council, or may be unable to participate impartially and without bias in a quasi judicial matter, the Councilor shall announce such potential conflict, impartiality or bias on

the record prior to any consideration, deliberation or decision of the Council on the matter, and be excused from the Council until consideration of the matter is complete. In any vote on such matter, an excused Councilor shall not be considered present for purposes of a quorum.

- C. In the event of an actual conflict of interest, the Councilor shall not vote or participate in consideration of the issue.

1.05.215 Ex parte Contact

The general public has a right to have Councilors free from pre hearing or ex parte contacts on matters heard by them. ~~Ex parte contact means one side only.~~ An ex parte contact is a conversation or communication concerning the merits of a development proposal. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, Councilors shall reveal any significant pre hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the Councilors' impartiality or ability to vote on the matter, the Councilor shall so state and shall abstain from participating in any Council action on the item under consideration.

1.05.220 Councilor Authority and Delegation

- A. Councilors ~~shall~~ have authority only ~~to act~~ as part of the Council and ~~shall~~ not ~~have~~ individually ~~either~~ authority to bind the City or direct ~~the actions~~ of City officers or employees.
- B. ~~Notwithstanding subsection A of this section,~~ The Council may delegate specific duties or functions to a Councilor(s) in which case such Councilor(s) shall have such authority as has been expressly delegated.

1.05.230 Requests for Staff Assistance

Councilors shall not direct the activities or workloads of City staff members. Individual requests from a Councilor for staff assistance shall be presented to the City Manager ~~orally or in writing~~ for approval.

1.05.240 Compliance with Council Rules

- A. Violations of this chapter by any ~~c~~Councilor shall be brought to the attention of the Mayor ~~or Council President~~. Upon such notification, the Mayor ~~or Council President~~ shall attempt to resolve the matter and prevent future violation by contact with the offending ~~c~~Councilor. In the event such resolution or prevention fails, the Mayor ~~or Council President~~ shall place the matter on the Council agenda for consideration by the full Council.

- B. A Councilor found by the Council to have violated these rules may be publicly reprimanded by the Council.

1.05.250 Minutes

- A. Minutes of each meeting shall be prepared by the City Recorder, and shall include ~~at least~~ the following: ~~information:~~
 - 1. ~~All Council~~ members ~~of the Council~~ present;
 - 2. ~~All M~~otions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
 - 3. ~~The R~~esults of all votes, and the vote of each Councilor; and
 - 4. The substance of any discussion on any matter.
- B. Minutes of executive sessions shall be limited consistent with ORS 192.650 through 192.660.
- C. ~~The W~~ritten minutes shall be available ~~to the public~~ for inspection at City Hall upon agenda distribution and ~~shall be~~ maintained as a permanent record of the actions of the Council by the City Recorder.

1.05.260 Ordinances, Resolutions and Orders

- A. Ordinances, Resolutions and Orders shall be adopted pursuant to Charter Chapters IV through VI. Ordinances, Resolutions and Orders adopted by the Council shall be signed by the Mayor and attested by the City Recorder prior to the next regular Council meeting. Ordinances, Resolutions and Orders shall reflect dates of introduction, readings and passage.
- B. Councilors may request of the Mayor that an ordinance or resolution be prepared and placed on the Council agenda for Council consideration. Upon a majority vote of the Council, the item shall be placed on a subsequent meeting agenda for Council discussion.
- C. Each ordinance shall be read twice at two different meetings, unless an emergency exists, in which case the Council determines by unanimous vote of Councilors present, after the first reading, that the ordinance be read again and placed on final passage at the same meeting. An ordinance shall be read by title only unless a majority of the Council present votes to have the first reading of the ordinance in its entirety. Any modifications made to an Ordinance during its consideration be Council shall be read in their entirety during the Council meeting when the revisions are presented for consideration
- D. Copies of Ordinances, Resolutions and Orders included on a Council agenda shall be made available to the public for inspection at City hall upon agenda distribution.

1.05.270 Council Agenda

- A. An agenda for each Council meeting shall be prepared for review by the Mayor and City Manager. Councilors may request of the Mayor or City Manager that specific items be placed on an agenda or may raise matters for Council consideration as New Business. Matters raised as New Business which are not itemized as agenda items shall, unless emergency conditions exist, be deferred to the next regular or special meeting as an agenda item.
- B. The Council agenda shall include the Call to Order, Flag Salute, Roll Call, Consent Agenda, Public Comments, ~~Old~~ Unfinished Business, Public Hearings, New Business, Staff Reports and other agenda categories as needed. The order of consideration of agenda items shall be as determined by the Mayor.
- C. Each agenda shall include the time, date and place of the meeting and a brief description of the items to be considered.

1.05.280 Committees

The Mayor or Council may establish by Resolution advisory committees to perform specified investigatory or advisory functions. Appointments to such committees shall be as provided in Section 1.05.190. Any authority granted to such committees shall be clearly delegated in the resolution creating the committee.

1.05.290 Council Officers

- A. At its first regular meeting of each year, the Council shall elect a Council President from its membership. In the Mayor's absence from a Council meeting, the ~~Council~~ Council President shall preside over Council meetings and exercise other Mayoral responsibilities in absence or incapacity of the Mayor. In the absence or incapacity of both the Mayor and Council President, the Council may nominate and elect by majority vote an Acting Council President who shall have the above duties during such absence or incapacity.
- B. A Council President or Acting Council President may be removed by a vote of two-thirds of the entire Council. During the meeting at which a removal occurs, the Council shall nominate and elect a new Council President or Acting Council President as designated in Subsection A above.

1.05.300 Local Contract Review Board

- A. The City Council is designated as the Local Contract Review Board.

- B. The Local Contract Review Board shall have all powers granted by state law and as defined by Ordinance of the Local Contract Review Board.
- C. The Local Contract Review Board may adopt rules governing the awarding of public contracts as adopted by Ordinance.

Implementing Ord. No. 264, July 6, 1999

Amending Ord. No. 298 with additional implementing Ord. No. 299, October 21, 2002

Amending Ord. No. 305, March 17, 2003

Amending Ord. No. 362, June 18, 2007

Repealing Ord. No. 386, March 1, 2010

Repealing Ord. No. 396, October 3, 2011

Chapter 1.05
PROCEDURAL RULES
FOR THE CITY COUNCIL OF NORTH PLAINS

Sections:

- 1.05.010 Meeting Times
- 1.05.020 Study Sessions
- 1.05.030 Special Meetings
- 1.05.040 Executive Sessions
- 1.05.050 Robert's Rules of Order
- 1.05.060 Quorum
- 1.05.065 Absence from Meetings
- 1.05.070 Agenda
- 1.05.080 Consent Agenda
- 1.05.085 Order of Business
- 1.05.090 Public Hearings
- 1.05.100 Voting Generally
- 1.05.110 Duty to Vote
- 1.05.120 Reconsideration of Action Taken
- 1.05.130 Designation of Hearings Officer to Conduct Special Public Hearings
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- 1.05.150 Speaking by Council Members Generally
- 1.05.160 Administrative Staff and City Employees Addressing Council or Public
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- 1.05.185 Censure of a Council Member
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- 1.05.188 Right to Appeal
- 1.05.190 Filling Vacancies on Boards, Commissions and Committees
- 1.05.195 Member Removal from Committees or Commissions
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- 1.05.270 Council Agenda
- 1.05.280 Committees
- 1.05.290 Council Officers
- 1.05.300 Local Contract Review Board

1.05.010 Meeting Times

The Council shall meet at least once monthly on the first or third Monday thereof in the Council chambers. In the event the meeting night is a holiday, the Council may meet on the Tuesday following.

1.05.020 Study Sessions

Council Study sessions may be called by either the Mayor or two Council members.

1.05.030 Special Meetings

Special meetings may be called by the Presiding Officer, request of any three Councilors, or the City Manager. Notice of all special meetings shall be given at least twenty-four (24) hours in advance of the scheduled meetings consistent with the requirements of Oregon's Public Meetings Law. Notice may be delivered by mail, electronic mail, electronic facsimile (FAX), or by personal delivery.

1.05.040 Executive Sessions

Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager and shall be conducted consistent with the requirements of Oregon's Public Meetings Law. No matter discussed during executive session may be disclosed by any person present during such session.

1.05.050 Robert's Rules of Order

Robert's Rules of Order Revised shall be used for parliamentary procedure except in those cases where specific provisions contrary to Robert's Rules are provided herein.

The Council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the City in general.

1.05.060 Quorum

Four members of Council constitute a quorum. The Mayor, or in his/her absence the Council President, or in absence of both, the Councilor designated. Acting Council President, shall call the meeting to order. . If a quorum is not present, absent members, except those known to be unavoidably detained, shall be notified that their presence is required; if the absent member(s) are unable to attend within thirty (30) minutes) the councilors present shall adjourn until a specific time or the next regular council meeting.

1.05.065 Absence from Meetings

If councilor(s) are unable to attend a meeting, they shall contact staff as far in advance of the meeting as possible as to his or her absence which absence shall then be deemed excused.

1.05.070 Agenda

The City Manager in consultation with the Mayor shall prepare an agenda of the business for regular Council meetings. No item of business shall be added to an agenda after 4:30 p.m. on the Wednesday of the week proceeding the week of the Council meeting for which the agenda has been prepared. The Council shall vote on only matters that appear on the agenda for that meeting or are introduced by a Council member or the Mayor. Council members and the Mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

1.05.080 Consent Agenda

In order to make more efficient use of meeting time, the Mayor may place non-fee related resolutions and requests for minute approval which are routine in nature and concerning which no debate is expected on a "consent agenda".

Any item placed on the consent agenda may be removed at the request of the Mayor or a Council member prior to the time a vote is taken thereon. All remaining items shall be disposed of by a single motion "to adopt the consent agenda".

Adoption of the consent agenda shall be by the affirmative vote of all Council members present and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item in the consent calendar shall be voted upon separately in the usual manner.

1.05.080 Order of Business

The order of business at Council meetings shall be determined by the Council Presiding Officer.

1.05.090 Public Hearings

Prior to each public hearing, the Presiding Officer shall announce the nature of the matter to be heard as set forth in the agenda. And announce any timing or other restriction(s) prior to commencement of the hearing The Presiding Officer shall declare the hearing open and invite a staff report.

If the hearing is the result of an application to the City, the applicant shall be heard after the staff report with member(s) of the audience wishing to testify in favor of the application then testifying and opponents speaking thereafter. The

applicant shall be afforded an opportunity for rebuttal but no surrebuttal shall be allowed.

Public hearings pertaining to land use actions shall be conducted consistent with ORS Chapters 197 and 227.

1.05.100 Voting Generally

Unless otherwise provided by statute all votes shall be voice; upon demand by any Council member a roll call vote may be made upon any question before Council. No Councilor may explain the reasons for his or her vote during the roll call unless an abstention from voting is called. In the case of an abstention vote, specific reasons for abstaining are required.

1.05.110 Duty to Vote

Every councilor present when a question is called shall vote either Yea or Nay unless the Council, unanimously excuses a member or unless a councilor has an actual conflict of interest as defined by state law. If any councilor declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.

1.05.120 Reconsideration of Action Taken

Any member who actually voted with the majority may move for reconsideration of an action either at the same or the next following regular meeting. Once a matter has been reconsidered, no further reconsideration thereof shall be made without the Council's unanimous consent.

1.05.130 Designation of Hearings Officer to Conduct Special Public Hearings

A hearings officer may be designated by the Council to conduct public hearings, when the Council believes such an approach is appropriate.

1.05.140 Sergeant-At-Arms

- A. The Sergeant-at-Arms shall be the Police Chief unless otherwise designated by the Presiding Officer.
- B. It shall be the duty of the Sergeant-at-Arms to assist the Presiding Officer, as appropriate, to maintain order and decorum at all meetings.

1.05.150 Speaking by Council Members Generally

Every Council member desiring to speak shall address the Presiding Officer and, upon recognition shall confine the remarks to the question under debate.

Councilors shall assist the Presiding Officer in preserving order and decorum during Council meetings and shall not by conversation or otherwise, delay or

interrupt the proceedings or refuse to follow the Presiding Officer's directions or these rules.

Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times(while in session or otherwise) conduct themselves in a manner appropriate to the dignity of their office.

1.05.160 Administrative Staff and City Employees Addressing Council or Public

City staff shall observe the same rules of procedure, decorum and good conduct applicable to the Council.

1.05.170 Public Members Addressing the Council

- A. After recognition, any member of the public desiring to address the Council shall state their name and address for the record and limit their remarks to the question then under discussion. No person shall enter into any discussion without first being recognized by the Presiding Officer.
- B. Any member of the public addressing the Council is limited to five minutes unless further time is granted by the Presiding Officer. No public member may speak more than once upon any one subject until every other public member choosing to speak thereon has spoken. All remarks will be addressed to the Council as a body.
- C. Any person making personal, impertinent or otherwise improper remarks, or who becomes boisterous, threatening or abusive may be requested by the Presiding Officer to either alter their behavior or leave the meeting.
- D. After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council present.

1.05.180 Order and Decorum During the Council Meetings

Any of the following shall be sufficient cause for the removal of any person from the council chambers for the duration of the meeting:

- A. Personal, impertinent, slanderous or unauthorized remarks, loud or disruptive language, noise, or conduct that interferes with the conduct of business by the Council.
- B. Intentional damage to the furnishings and/or interior of the Council Chambers.

- C. Refusal to obey a direction from the Presiding Officer, or a direction from a Councilor approved by a Council majority.

The Presiding Officer shall follow the Disruptive Warning procedure.

1.05.185 Censure of a Council Member

- A. The Council has the right to make and enforce rules to promote compliance with laws applicable to public bodies. Should a Councilor act in a manner constituting a violation of these rules or other laws, that Councilor is subject to censure by the Council including a public reprimand.
- B. In the event the Council believes it appropriate to investigate (as a result of complaint(s) from a Council member(s), member(s) of the public or city staff) the conduct of one or more of its members, the Council, after a majority vote of the non-affected Council members, may then cause an investigation be commenced. If the Council opts to go forward with an investigation, it shall be conducted under the guidance of the City Attorney who shall be charged with hiring a disinterested third-party investigator with professional investigative experience to conduct the matter.
- C. The investigation shall be completed within a reasonable period, not exceeding ninety (90) days unless said period is extended by the Council for good cause. The investigator shall within the 90 day period (or such longer period as approved by Council) prepare a written report which report shall thereafter be delivered to the City Attorney who shall then make the report available to all members of Council for their review including the member(s) whose conduct was being investigated. The investigator may also be asked by the City Attorney to make an oral presentation to the Council in executive session (if appropriate) on the report and investigation. The cost for the investigation and report shall be borne by the City.
- D. The Council, after reviewing the report and hearing from the investigator, may then take any such action as it deems appropriate under the circumstances.
- E. The report shall then be made public but the City Attorney may, consistent with the terms of Oregon's public records law, cause to be redacted from any public version such information that was to be treated as confidential or privileged or which could be objectively seen as tending to embarrass or otherwise adversely affected the personnel privacy rights of any person named in the report.

1.05.187 Debate

- A. Any councilor having the floor shall confine himself/herself to the question under debate, avoid personalities and refrain from impugning the motives of any member's argument or vote. No councilor shall address the chair or demand the floor while any vote is being taken.

- B. Councilors shall limit their remarks on a subject to three minutes unless granted additional time by the majority of the Council. No councilor shall be allowed to speak more than once upon any one subject, until every other councilor choosing to speak thereon has spoken.

- C. A councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer or unless a point of order is raised by any councilor while they are speaking, in which case the speaker shall stop speaking until the point is determined. If ruled in order, the speaker shall be permitted to proceed; if ruled out of order he or she shall remain silent or shall alter their remarks so as to comply with the ruling.

1.05.188 Right to Appeal

Any councilor may appeal from a ruling of the Presiding Officer to the Council and if seconded, the councilor making the appeal may briefly state the reason for the appeal. The Presiding Officer may briefly explain the ruling but there shall be no debate on the appeal and no other councilor shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the Presiding Officer shall be sustained; otherwise it is overruled.

1.05.190 Filling Vacancies on Boards, Commissions and Committees

- A. City Board, Commission and Committee Representation
 - 1. Any vacancy occurring on the Budget Committee, Library Board, Planning Commission or other standing board, commission or committee shall be filled consistent with this section.

 - 2. When a vacancy occurs in one of the boards, commissions or committees, the City Recorder shall cause to be published a notice of such vacancy, inviting applications from eligible candidates. The filing of a written application from eligible candidates shall be considered as placing that person in nomination. The City Recorder shall inquire and report to the Mayor whether applicants are eligible to serve in the office.

3. After the filing date has expired, the Council shall conduct interviews of all qualified applicants. Appointments shall be made by a majority vote.
4. A sitting member of a board, commission or committee may be reappointed by the Council without an open application process if:
 - A. The member of the board, commission or committee requests reappointment in writing, and
 - B. The City Council waives the requirement for an open application process.

B. Council Representatives to external Boards, Commissions and Committees.

At the first regular meeting of each calendar year, Council shall determine primary and alternate Councilors to serve as Council representatives on various external boards, commissions and committees. Council shall vote to appoint Council representatives to the said boards, commissions and committees by motion, either individually or collectively.

1.05.195 Member Removal from Committees or Commissions

All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. A member of a commission, committee or board may be removed by the City Council for any reason upon a majority vote of the Council.

Councilors shall act as Council representatives on external boards, commissions and committees consistent with NPMC 4.05.190(B) while acting as a councilor. Upon expiration of any councilor's term or upon their resignation, removal or death, the councilor's seat on any City board, commission or committee occupied by that person shall be declared vacant, and a sitting councilor appointed by the Council as a replacement.

1.05.200 Filling Vacancies in Elective Office

- A. Vacancies in the position of Mayor or councilor shall be declared by the Council consistent with Charter Section 32 and only for reasons specified in the Charter. The Council is the sole judge of the qualifications of its members.
- B. Declaration of a vacancy shall occur following the occurrence for which a vacancy may be declared.

- C. Prior to determining a vacancy, the Council may conduct a hearing to receive evidence of the existence of a reason to declare such vacancy. The incumbent shall be entitled to appear and rebut such evidence.
- D. Any vacancy shall be declared by resolution of the Council which shall include findings in support thereof.
- E. Appointments to fill a vacancy shall be made consistent with Charter Section 33.

1.05.210 Conflict of Interest

- A. For purposes of this chapter, “potential conflict of interest” has the meaning as defined in ORS 244.020 (1) and further explained in ORS Sections 244.120 through 244.130.
- B. In the event that any Councilor shall have a potential conflict of interest with respect to any matter before the Council, or may be unable to participate impartially and without bias in a quasi judicial matter, the Councilor shall announce such potential conflict, impartiality or bias on the record prior to any consideration, deliberation or decision of the Council on the matter, and be excused from the Council until consideration of the matter is complete. In any vote on such matter, an excused Councilor shall not be considered present for purposes of a quorum.
- C. In the event of an actual conflict of interest, the Councilor shall not vote or participate in consideration of the issue.

1.05.215 Ex parte Contact

The general public has a right to have Councilors free from pre hearing or ex parte contacts on matters heard by them. An ex parte contact is a conversation or communication concerning the merits of a development proposal. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, Councilors shall reveal any significant pre hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the Councilors’ impartiality or ability to vote on the matter, the Councilor shall so state and shall abstain from participating in any Council action on the item under consideration.

1.05.220 Councilor Authority and Delegation

- A. Councilors have authority only as part of the Council and not individually either to bind the City or direct City officers or employees.

- B. The Council may delegate specific duties or functions to a Councilor(s) in which case such Councilor(s) shall have such authority as has been expressly delegated.

1.05.230 Requests for Staff Assistance

Councilors shall not direct the activities or workloads of City staff members. Individual requests from a Councilor for staff assistance shall be presented to the City Manager for approval.

1.05.240 Compliance with Council Rules

- A. Violations of this chapter by any councilor shall be brought to the attention of the Mayor or Council President. Upon such notification, the Mayor or Council President shall attempt to resolve the matter and prevent future violation by contact with the offending councilor. In the event such resolution or prevention fails, the Mayor or Council President shall place the matter on the Council agenda for consideration by the full Council.
- B. A Councilor found by the Council to have violated these rules may be publicly reprimanded by the Council.

1.05.250 Minutes

- A. Minutes of each meeting shall be prepared by the City Recorder and include the following:
 - 1. Council members present;
 - 2. Motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
 - 3. Results of all votes and the vote of each Councilor; and
 - 4. The substance of any discussion on any matter.
- B. Minutes of executive sessions shall be limited consistent with ORS 192.650 through 192.660.
- C. Written minutes shall be available for inspection at City Hall upon agenda distribution and maintained as a permanent record of the actions of the Council by the City Recorder.

1.05.260 Ordinances, Resolutions and Orders

- A. Ordinances, Resolutions and Orders shall be adopted pursuant to Charter Chapters IV through VI. Ordinances, Resolutions and Orders adopted by the Council shall be signed by the Mayor and attested by the City Recorder prior to the next regular Council meeting. Ordinances, Resolutions and Orders shall reflect dates of introduction, readings and passage.

- B. Councilors may request of the Mayor that an ordinance or resolution be prepared and placed on the Council agenda for Council consideration. Upon a majority vote of the Council, the item shall be placed on a subsequent meeting agenda for Council discussion.
- C. Each ordinance shall be read twice at two different meetings, unless an emergency exists, in which case the Council determines by unanimous vote of Councilors present, after the first reading, that the ordinance be read again and placed on final passage at the same meeting. An ordinance shall be read by title only unless a majority of the Council present votes to have the first reading of the ordinance in its entirety. Any modifications made to an Ordinance during its consideration by Council shall be read in their entirety during the Council meeting when the revisions are presented for consideration
- D. Copies of Ordinances, Resolutions and Orders included on a Council agenda shall be made available to the public for inspection at City hall upon agenda distribution.

1.05.270 Council Agenda

- A. An agenda for each Council meeting shall be prepared for review by the Mayor and City Manager. Councilors may request of the Mayor or City Manager that specific items be placed on an agenda or may raise matters for Council consideration as New Business. Matters raised as New Business which are not itemized as agenda items shall, unless emergency conditions exist, be deferred to the next regular or special meeting as an agenda item.
- B. The Council agenda shall include the Call to Order, Flag Salute, Roll Call, Consent Agenda, Public Comments, Unfinished Business, Public Hearings, New Business, Staff Reports and other agenda categories as needed. The order of consideration of agenda items shall be as determined by the Mayor.
- C. Each agenda shall include the time, date and place of the meeting and a brief description of the items to be considered.

1.05.280 Committees

The Mayor or Council may establish by Resolution advisory committees to perform specified investigatory or advisory functions. Appointments to such committees shall be as provided in Section 1.05.190. Any authority granted to such committees shall be clearly delegated in the resolution creating the committee.

1.05.290 Council Officers

- A. At its first regular meeting of each year, the Council shall elect a Council President from its membership. In the Mayor's absence from a Council meeting, the Council President shall preside over Council meetings and exercise other Mayoral responsibilities in absence or incapacity of the Mayor. In the absence or incapacity of both the Mayor and Council President, the Council may nominate and elect by majority vote an Acting Council President who shall have the above duties during such absence or incapacity.

- B. A Council President or Acting Council President may be removed by a vote of two-thirds of the entire Council. During the meeting at which a removal occurs, the Council shall nominate and elect a new Council President or Acting Council President as designated in Subsection A above.

1.05.300 Local Contract Review Board

- A. The City Council is designated as the Local Contract Review Board.

- B. The Local Contract Review Board shall have all powers granted by state law and as defined by Ordinance of the Local Contract Review Board.

- C. The Local Contract Review Board may adopt rules governing the awarding of public contracts as adopted by Ordinance.

Implementing Ord. No. 264, July 6, 1999

Amending Ord. No. 298 with additional implementing Ord. No. 299, October 21, 2002

Amending Ord. No. 305, March 17, 2003

Amending Ord. No. 362, June 18, 2007

Repealing Ord. No. 386, March 1, 2010

Repealing Ord. No. 396, October 3, 2011

ORDINANCE NO. 412

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AMENDING CHAPTER 1.05 OF THE NORTH PLAINS MUNICIPAL CODE REGARDING PROCEDURES OF CITY COUNCIL

WHEREAS, the City of North Plains adopted Ordinance 386 regarding Procedural Rules for City Council on October 03, 2011; and

WHEREAS, the Council seeks to streamline its procedural processes where possible and provide clear direction regarding the preparation of agendas and appointment of board and committee members;

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

Section 1. Municipal Code Chapter 1.05 of the North Plains Municipal Code is amended in its entirety to read in accordance with "Exhibit A".

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

Section 3. Effective Date. This Ordinance shall become effective within thirty days from the date of adoption.

INTRODUCED for first reading on the 24th day of January, 2013, for second reading AND ADOPTION this 4th day of February, 2013.

CITY OF NORTH PLAINS, OREGON

By: _____
David Hatcher, Mayor

ATTEST:

By: _____
Martha DeBry, City Manager/City Recorder

Weekly Report from City Manager

1/6

Recology – The Mayor and I met again with County staff and Recology to discuss the options to be proposed to the Board of Commissioners. At this point the two options on the table are cease food waste acceptance or allow the acceptance of the residentially-generated food waste. Commercial waste will be diverted in the coming months. Recology advised they are in negotiation with a couple of receiving facilities, having sent several test loads. They believe it will be necessary to phase our commercial waste over the next couple months. Probably receiving the last loads by April 30th. This means that Recology would cycle the last of the commercial food waste off-site by June 30.

If residentially generated food waste is allowed Recology would have a couple months to demonstrate its effectiveness, before the Commission would again review the application for permanent extension.

At this time Recology has not developed a plan for the redirection of residentially generated materials. Staff will likely recommend Recology be provided with the wind-down period should the Commission decide to stop all food waste acceptance. Recology would likely receive materials through April 30th.

In the worst case all of these materials can be sent to a landfill at Arlington. This would be a huge step backwards for the Portland's composting program and Metro's push for sustainability. For at least a temporary time, it could undermine the credibility of the program as residents and commercial customers would be separating materials which would end up in the land fill. In theory, this results in more disposal tonnage as greenwaste that was formerly composted without food scraps, would then be deposited into a landfill because it has food scraps.

Garlic Festival – The NPEA's request to have their use of Jessie Mays reconfirmed has been delayed until January 22. I anticipate that the NPEA will provide the Council with a name/theme for its festival and some additional information by the 22nd. The Chamber is still eager to sponsor the traditional Elephant Garlic Festival on the second weekend in August. They have again requested permission to hold the festival on the same dates as the NPEA event or as an alternative the first weekend in August. The two groups are unwilling to resolve their differences and work together, so it will be Council's decision regarding which festival should move forward in August, and if the City can support two festivals (two parades, two car shows) in close time proximity to each other. Both festivals are proposed to retain a 3-day format with music, vendors etc.... The City can logistically support two festivals if one is held at Jessie Mays and the other on Commercial Street. There is concern the field at Jessie Mays would be

damaged if it was used by two festivals over a short time period. Similarly there is concern that if both festivals were at Jessie Mays it would be disruptive to the neighbors of the facility.

Fees – Staff is working on updating the fee schedule to ensure the City is recovering the cost of services.

OLCC Liquor License Renewals – Each year the OLCC requires liquor license holders to renew their permits. Part of the process is paying a fee to the local governing body, which has the option to make comments on the renewal application. In the past the renewal applications were placed on Council agenda, and no comments were made. Often this delayed the applications by several weeks for the purpose of OLCC processing. This year I am intending to approve the renewals administratively to streamline the process and minimize the amount of staff time spent on these renewals. For next year we will flag these businesses and allow them to pay their renewal fees with their business license application. Should the Police Chief believe there is a need to comment on a renewal application, that will be presented to Council. All of the businesses applying for renewals this year are long-established enterprises: Chevron, 76, Last Waterin' Hole, the Hitchin' Post, the Rogue, Claeys catering, Corner Bistro, and Gerald's. Abbey Creek will join this list soon as well.

Day Off – I am planning to take Friday the 11th off to visit my father in California.

1/16

Senior Center Crab feed is this Saturday at Jessie Mays.

Next Council meeting is Thursday January 24 at the Senior Center. (Jessie Mays is rented that night by a ballroom dance class.)

Kaybern Street Lot – For the past several years the URA has leased the property to Martin Sanders Landscape Maintenance. Sanders has become delinquent on rent, and the URA has provided a notice to pay or vacate. Because it is a commercial property we do not have to use the same eviction process as a residential property. If we do not hear from Sanders by Tuesday, I will arrange for an attorney to assist us with a filing for forcible entry and detainer (Paul Elsner is recommending we use a real estate attorney for this.) This will allow the URA to assume control of the property. Attorney and clean up costs can be billed to Sanders, but it is unlikely we will collect on these expenses in the near term. It is my understanding that the principal in the business was arrested and is incarcerated, and we have sent copies of correspondence to that location. We are not sure if the other employees will be able to keep the business viable in the mean time; if they make an effort to contact us and establish a plan to repay the URA by Tuesday we will do our best to work with them.

NPEA/Chamber requests for use of Jessie Mays in second weekend in August – At the next meeting staff will present requests by both the NPEA and Chamber for the use of Jessie Mays in

August. The Chamber has requested use on both the first and second weekend, anticipating they may hold the Garlic Festival in the first weekend, if the NPEA's festival is approved during the second weekend. At this point Council will need to make a decision as to which group can sponsor a 3-day festival in August. While the City is capable of supporting two festivals, it might create some fatigue among volunteers, businesses and staff if two large events, including 2 car shows and 2 parades are held in such close time proximity to each other. Staff will recommend one group be selected for August and other be encouraged to host an event in September. The NPEA anticipates providing detailed information about the nature of the festival and the organization. The Chamber will have the opportunity to present its plan for the Elephant Garlic Festival and their organizational plan.

4th of July – the City is accepting registrations for the parade, car show, vendors and volunteers. Persons interested in participating in the 4th event can www.northplains.org and select the “Events” tab and the “4th of July” page. Staff has met with the OLCC to discuss alcohol at the 4th of July event. This year we hope to allow people to carry drinks throughout the festival area.

Music Shows – The first indoor Music Show will be on January 26 at Jessie Mays. Banners are being placed at Glencoe/Commercial, Jessie Mays and other locations to publicize the event.

CIS Best Practices Survey – CIS conducted its annual audit of risk for the City. I am pleased to say we did really well. We are among the few cities that have taken advantage of all the bonus program points available, and we have closed some problematic risk areas which should help us improve our standing as we are rated this year. Because of the sizable court settlements last year, I anticipate our rates will still increase.

Recology – The WA County Commissioners will decide if food waste can continued to be accepted at the Nature's Needs facility on January 22. I suggest as many Councilors as possible attend to show support for the Commission and demonstrate the importance of this issue to our community. It seems like Commissioners Malinowski and Schouten may be leaning towards the acceptance of residentially-generated food waste acceptance for the next 8 months. Commissioners Duyck and Terry have expressed strong support for the City's position in opposition to the food waste application. In public, Commissioner Rodgers has not been explicit in support or opposition to the application. If you have not already done so, I would strongly recommend each Councilor provide a brief note of opposition to the food waste application made by Recology. Their email addresses are: Andy_Duyck@co.washington.or.us Dick_Schouten@co.washington.or.us bob@fisherfarms.com gregory.malinowski57@gmail.com royr@rascpas.com

The community will live with the current conditions through June 30. The impact of diverting the commercial waste stream will not be known until July/August. While the nature of the odor may change as a result of the removal of commercial waste, it is still likely North Plains will

smell some compost odors from the 46,000 tons of material entering the facility each year if the residentially generated food waste is allowed.

The City has received 40 letters in opposition to the facility this month, in addition to 89 complaints. There have been more than 1,500 complaints since Portland started its curbside composting program. As of December 619 people had either complained or signed a petition protesting odor from the Nature’s Needs facility. I am planning to send a package of letters to the Commission this Friday to ensure they have time to review them. A second package would be sent the following week.

Month	Number of Complaints
December 2011	43
January 2012	100
February	136
March	74
April	67
May	71
June	54
July	94
August	128
September	317
October	176
November	76
December	98
TOTAL 2012	1,391
January (thru 1/16)	89
TOTAL ALL COMPLAINTS	1,523

I spoke with Paul Ehringer of Metro and he indicated that Recology does need some time to divert commercial waste away from Nature’s Needs. He advised they are in negotiations with

two locations that can accept the material. One location will not open until June. Republic (formerly Allied) which operates PRC in Corvallis, and which receives about 40% of Portland's waste has suggested that they could accept all of the commercial waste now. It is not clear why Metro has not directed Recology to work in that direction. Metro does have contracts with other facilities which would allow them to divert the residential waste immediately. While it may take a little while to work out the logistical transfer of materials, there does not appear to be a capacity issue that would prevent this material from being composted at a different facility.



CITY DAY at the CAPITOL February 27, 2013

On behalf of the League of Oregon Cities and the Oregon Mayors Association, we cordially invite you to join mayors, city councilors, and city staff members for our first joint event: “City Day at the Capitol.” *This is our opportunity to speak with one voice and provide collective efforts for influencing state policy and legislation for the benefit of our communities.*

This event is your chance to stand with other city officials from around Oregon in support of legislative actions that will return greater local authority over local decisions. It is also the time to let legislators know how actions they take could impact our communities and the difficult decisions we make. By coming together, our collective voices will make a difference to advance our legislative agenda.

During City Day, the legislative session will be in full swing. Many issues critical to cities will be under consideration, including the League’s five legislative priorities—voter control, population forecasting, reset at sale, jobs and economic development, and the renewal of the 9-1-1 tax.

The most important part of the day will be your individual visits with legislators. You are encouraged to meet with them in the afternoon (1:45 p.m. to 4:00 p.m.) or early morning. *If you need assistance setting up a meeting, please contact the League.*

We ask that you also invite your legislators to the afternoon Legislative Reception, which will be held at the Salem Conference Center from 4:30 p.m. to 6:00 p.m.

RSVPs for “City Day at the Capitol” are due by 5:00 p.m. on Wednesday, February 13. Please fill out the enclosed registration form immediately and fax or mail to the League. You will also find all the materials on the OMA Web site at www.oregonmayors.org and the LOC website www.orcities.org.

Sincerely,

Shirley Kalkhoven
Mayor of Nehalem
OMA President

George Endicott
Mayor of Redmond
LOC President

Enclosures



2013 City Day at the Capitol

Wednesday, February 27, 2013

AGENDA

8:30 – 10:00 a.m. Salem Conference Center, Willamette Foyer

- I. Continental Breakfast and Registration

9:00 – 9:45 a.m. Salem Conference Center, Willamette B

- II. Legislative Orientation (**Optional, official event kicks off at 10:00 a.m.**)

10:00 a.m. – 12:30 p.m. Salem Conference Center, Willamette B

- III. Welcome and Introductions
- IV. Legislative Session Overview
- V. Issue Briefings
- VI. Working with the media

12:30 – 1:45 p.m. Salem Conference Center, Willamette C

- VII. Group Lunch – Legislative Leadership Invited

1:45 – 4:15 p.m. State Capitol

- VIII. Bus Shuttle to Capitol
- IX. Personal Visit with Legislators
- X. Bus Shuttle to Salem Conference Center

4:30 – 6:00 p.m. Salem Conference Center, Willamette Foyer

- XI. Legislative Reception

The Grand Hotel

201 Liberty Street SE, Salem, OR 97301

HOTEL RESERVATIONS

Call by January 27th!
(877) 540-7800

To receive the contracted rates, please indicate that you are with the **LOC City Day at the Capitol**.

Deluxe King - \$99* single occupancy, \$109* double occupancy

*All rates are subject to a 10 percent room tax.



Some amenities include: covered parking, complimentary hot breakfast buffet and high-speed Internet access.



You will be asked to guarantee your first night's lodging with a major credit card.
Reservations can only be canceled without penalty of first night cost by notifying the hotel 24 hours prior to arrival.

Check-in time is 3:00 p.m.; check-out time is 11:00 a.m.

www.grandhotelsalem.com

If the Grand Hotel is full, please contact Jenni Shepherd for a list of overflow property options.
JShepherd@orcities.org or (503) 588-6550



City Day at the Capitol

Wednesday, February 27, 2013

Oregon State Capitol & Salem Conference Center

Registration Form

(One person per form, please – make copies if needed)

Name _____ Title _____

Address _____ Email _____

City/Zip _____ Fax _____

The registration fee is **\$20.00 for the first participant from the city, and \$15.00 for any additional city participants**, which includes food and beverages, briefing materials, and the Legislative Reception. *The registration fee is \$20.00 for guests.* League staff will bill your city accordingly.

Please check the events you plan to attend:

- I plan to attend the **9:00 - 9:45 a.m. optional Legislative Orientation** prior to the event.
- I plan to make an **appointment with my legislator** before 10:00 a.m. or between 1:45 p.m. - 4:00 p.m.
- Please include me in the **lunch** at the Salem Conference Center.
My guest(s) will be: _____
(Full name, please)
- I plan to attend the **Legislative Reception** at the Salem Conference Center beginning at 4:30 p.m.
My guest(s) will be: _____
(Full name, please)

Please submit by February 13 to:

League of Oregon Cities
ATTN. Kristie Marecek
P.O. Box 928, Salem, OR 97308
Email: kmarecek@orcities.org
FAX: (503) 399-4863

2013 State Senators

		District	Phone	Office	Email
Sen. Herman	Baertschiger Jr.	SD 02	503-986-1702	S-403	sen.hermanbaertschiger@state.or.us
Sen. Alan	Bates	SD 03	503-986-1703	S-205	sen.alanbates@state.or.us
Sen. Lee	Beyer	SD 06	503-986-1706	S-419	sen.leebeyer@state.or.us
Sen. Brian	Boquist	SD 12	503-986-1712	S-305	sen.brianboquist@state.or.us
Sen. Ginny	Burdick	SD 18	503-986-1718	S-213	sen.ginnyburdick@state.or.us
Sen. Betsy	Close	SD 08	503-986-1708	S-303	sen.betsyclose@state.or.us
Sen. Peter	Courtney	SD 11	503-986-1600	S-201	sen.petercourtney@state.or.us
Sen. Richard	Devlin	SD 19	503-986-1719	S-211	sen.richarddevlin@state.or.us
Sen. Jackie	Dingfelder	SD 23	503-986-1723	S-407	sen.jackiedingfelder@state.or.us
Sen. Chris	Edwards	SD 07	503-986-1707	S-405	sen.chrisedwards@state.or.us
Sen. Ted	Ferrioli	SD 30	503-986-1950	S-323	sen.tedferrioli@state.or.us
Sen. Larry	George	SD 13	503-986-1713	S-307	sen.larrygeorge@state.or.us
Sen. Fred	Girod	SD 09	503-986-1709	S-401	sen.fredgirod@state.or.us
Sen. Bill	Hansell	SD 29	503-986-1729	S-423	sen.billhansell@state.or.us
Sen. Mark	Hass	SD 14	503-986-1714	S-207	sen.markhass@state.or.us
Sen. Betsy	Johnson	SD 16	503-986-1716	S-209	sen.betsyjohnson@state.or.us
Sen. Tim	Knopp	SD 27	503-986-1727	S-309	sen.timknopp@state.or.us
Sen. Jeff	Kruse	SD 01	503-986-1701	S-315	sen.jeffkruse@state.or.us
Sen. Laurie	Monnes Anderson	SD 25	503-986-1725	S-413	sen.lauriemonnesanderson@state.or.us
Sen. Rod	Monroe	SD 24	503-986-1724	S-409	sen.rodmonroe@state.or.us
Sen. Alan	Olsen	SD 20	503-986-1720	S-425	sen.alanolsen@state.or.us
Sen. Floyd	Prozanski	SD 04	503-986-1704	S-415	sen.floydprozanski@state.or.us
Sen. Arnie	Roblan	SD 05	503-986-1705	S-417	sen.arnieroblan@state.or.us
Sen. Diane	Rosenbaum	SD 21	503-986-1700	S-223	sen.dianerosenbaum@state.or.us
Sen. Chip	Shields	SD 22	503-986-1722	S-421	sen.chipshields@state.or.us
Sen. Bruce	Starr	SD 15	503-986-1715	S-411	sen.brucestarr@state.or.us
Sen. Elizabeth	Steiner Hayward	SD 17	503-986-1717	S-215	sen.elizabethsteinerhayward@state.or.us
Sen. Chuck	Thomsen	SD 26	503-986-1726	S-316	sen.chuckthomsen@state.or.us
Sen. Doug	Whitsett	SD 28	503-986-1728	S-311	sen.dougwhitsett@state.or.us
Sen. Jackie	Winters	SD 10	503-986-1710	S-301	sen.jackiewinters@state.or.us

2013 State Representatives

			District	Phone	Office	Email
Rep. Jules	Bailey	HD 42	503-986-1442	H-274	rep.julesbailey@state.or.us	
Rep. Jeff	Barker	HD 28	503-986-1428	H-480	rep.jeffbarker@state.or.us	
Rep. Phil	Barnhart	HD 11	503-986-1411	H-383	rep.philbarnhart@state.or.us	
Rep. Brent	Barton	HD 40	503-986-1440	H-275	rep.brentbarton@state.or.us	
Rep. Cliff	Bentz	HD 60	503-986-1460	H-475	rep.cliffbentz@state.or.us	
Rep. Vicki	Berger	HD 20	503-986-1420	H-479	rep.vickiberger@state.or.us	
Rep. Deborah	Boone	HD 32	503-986-1432	H-375	rep.deborahboone@state.or.us	
Rep. Peter	Buckley	HD 05	503-986-1405	H-272	rep.peterbuckley@state.or.us	
Rep. Kevin	Cameron	HD 19	503-986-1419	H-384	rep.kevincameron@state.or.us	
Rep. Brian	Clem	HD 21	503-986-1421	H-284	rep.brianclem@state.or.us	
Rep. Jason	Conger	HD 54	503-986-1454	H-477	rep.jasonconger@state.or.us	
Rep. John	Davis	HD 26	503-986-1426	H-389	rep.johndavis@state.or.us	
Rep. Michael	Dembrow	HD 45	503-986-1445	H-487	rep.michaeldembrow@state.or.us	
Rep. Margaret	Doherty	HD 35	503-986-1435	H-282	rep.margaretdoherty@state.or.us	
Rep. Sal	Esquivel	HD 06	503-986-1406	H-483	rep.salesquivel@state.or.us	
Rep. Shemia	Fagan	HD 51	503-986-1451	H-492	rep.shemiafagan@state.or.us	
Rep. Lew	Frederick	HD 43	503-986-1443	H-276	rep.lewfrederick@state.or.us	
Rep. Tim	Freeman	HD 02	503-986-1402	H-386	rep.timfreeman@state.or.us	
Rep. Joe	Gallegos	HD 30	503-986-1430	H-484	rep.joegallegos@state.or.us	
Rep. Chris	Garrett	HD 38	503-986-1438	H-283	rep.chrisgarrett@state.or.us	
Rep. Sara	Gelser	HD 16	503-986-1416	H-285	rep.saragelser@state.or.us	
Rep. Vic	Gilliam	HD 18	503-986-1418	H-385	rep.vicgilliam@state.or.us	
Rep. David	Gomberg	HD 10	503-986-1410	H-371	rep.davidgomberg@state.or.us	
Rep. Chris	Gorsek	HD 49	503-986-1449	H-486	rep.chrisgorsek@state.or.us	
Rep. Mitch	Greenlick	HD 33	503-986-1433	H-493	rep.mitchgreenlick@state.or.us	
Rep. Bruce	Hanna	HD 07	503-986-1407	H-382	rep.brucehanna@state.or.us	
Rep. Chris	Harker	HD 34	503-986-1434	H-485	rep.chrisharker@state.or.us	
Rep. Wally	Hicks	HD 03	503-986-1403	H-378	rep.wallyhicks@state.or.us	
Rep. Paul	Holvey	HD 08	503-986-1408	H-277	rep.paulholvey@state.or.us	
Rep. Val	Hoyle	HD 14	503-986-1900	H-295	rep.valhoyle@state.or.us	
Rep. John	Huffman	HD 59	503-986-1459	H-476	rep.johnhuffman@state.or.us	
Rep. Bob	Jenson	HD 58	503-986-1458	H-481	rep.bobjenson@state.or.us	
Rep. Mark	Johnson	HD 52	503-986-1452	H-489	rep.markjohnson@state.or.us	
Rep. Bill	Kennemer	HD 39	503-986-1439	H-380	rep.billkenemer@state.or.us	
Rep. Alissa	Keny-Guyer	HD 46	503-986-1446	H-281	rep.alissakenyguyer@state.or.us	
Rep. Betty	Komp	HD 22	503-986-1422	H-273	rep.bettykomp@state.or.us	
Rep. Tina	Rep	HD 44	503-986-1200	269	rep.tinakotek@state.or.us	
Rep. Wayne	Krieger	HD 01	503-986-1401	H-381	rep.waynekrieger@state.or.us	
Rep. John	Lively	HD 12	503-986-1412	H-488	rep.johnlively@state.or.us	
Rep. Greg	Matthews	HD 50	503-986-1450	H-379	rep.gregmatthews@state.or.us	
Rep. Caddy	McKeown	HD 09	503-986-1409	H-376	rep.caddymckeown@state.or.us	
Rep. Mike	McLane	HD 55	503-986-1400	H-395	rep.mikemclane@state.or.us	
Rep. Nancy	Nathanson	HD 13	503-986-1413	H-280	rep.nancynathanson@state.or.us	
Rep. Andy	Olson	HD 15	503-986-1415	H-478	rep.andyolson@state.or.us	
Rep. Julie	Parrish	HD 37	503-986-1437	H-390	rep.julieparrish@state.or.us	
Rep. Tobias	Read	HD 27	503-986-1427	H-286	rep.tobiasread@state.or.us	

2013 State Representatives

		District	Phone	Office	Email
Rep. Jeff	Reardon	HD 48	503-986-1448	H-491	rep.jeffreardon@state.or.us
Rep. Dennis	Richardson	HD 04	503-986-1404	H-373	rep.dennisrichardson@state.or.us
Rep. Greg	Smith	HD 57	503-986-1457	H-482	rep.gregsmith@state.or.us
Rep. Sherrie	Sprenger	HD 17	503-986-1417	H-473	rep.sherriesprenger@state.or.us
Rep. Kim	Thatcher	HD 25	503-986-1425	H-472	rep.kimthatcher@state.or.us
Rep. Jim	Thompson	HD 23	503-986-1423	H-388	rep.jimthompson@state.or.us
Rep. Carolyn	Tomei	HD 41	503-986-1441	H-279	rep.carolyntomei@state.or.us
Rep. Ben	Unger	HD 29	503-986-1429	H-377	rep.benunger@state.or.us
Rep. Jessica	Vega Pederson	HD 47	503-986-1447	H-490	rep.jessicavegapederson@state.or.us
Rep. Jim	Weidner	HD 24	503-986-1424	H-387	rep.jimweidner@state.or.us
Rep. Gene	Whisnant	HD 53	503-986-1453	H-471	rep.genewhisnant@state.or.us
Rep. Gail	Whitsett	HD 56	503-986-1456	H-474	rep.gailwhitsett@state.or.us
Rep. Jennifer	Williamson	HD 36	503-986-1436	H-372	rep.jenniferwilliamson@state.or.us
Rep. Brad	Witt	HD 31	503-986-1431	H-374	rep.bradwitt@state.or.us

**City of North Plains
Library Department
February 4, 2013**

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

First Friday Flick. Free family movie nights occur on the first Friday of each month beginning at 6 p.m. at the Library. The PG-rated, Disney animated, comedy/horror film by creator Tim Burton to be shown on **February 1** features the story of a boy and the beloved pet dog that he brings back to life. Seating is limited. Refreshments will be served.

One Book One Community (OBOC) Kickoff Event with Author. Friends of the Library members have selected award-winning *Mink River* by Lake Oswego author and *Portland Magazine* editor Brian Doyle as the featured book for their 6th annual community reading program. Doyle's work, set in the fictional Oregon coast village of Neawanaka, and its cast of fascinating characters, human and nonhuman, deals with the icons, spirits, and tales found in that community's fabric. Meet the author and enjoy refreshments at the opening event on Saturday, February 2, from 6:30-8:00 p.m. at the Library. The Friends of the North Plains Public Library are proud to have won a grant from the Cultural Coalition of Washington County to help with funding for the 2013 One Book One Community program.

OBOC February Art and Quilt Exhibits. Displayed in the computer/program room and above the checkout desk throughout the months of February and March will be Celtic quilts by Philomena Durcan. These are in recognition of the Celtic theme in the book *Mink River*.

Storytimes. Children ages 0-6 are invited to participate every Wednesday at 11:30 a.m. in the children's section of the Library. Guest story reader Miss Marion will feature a Boxes theme on **February 6**. On **February 20**, come meet Firefighters from Washington County Fire District 2 as they tell about their jobs and read stories. Youth Librarian Jackie will host Storytime on **February 13 and 27**.

OBOC Writers' Group Workshop with Author Brian Doyle. On **February 7** at 6:30 p.m. at the Library, join us for a special writing workshop with *Mink River* author Brian Doyle as a participant. New members and visitors are welcome to attend this free event.

OBOC Super Saturday. At 1:00 p.m. on Saturday, **February 9** at the Jessie Mays Community Hall, watch and listen to master storyteller Will Hornyak as he regales young and old alike with tales from Native American and Irish Celtic legends. These two cultures have been specifically selected because they are featured in the book *Mink River* by Brian Doyle. All ages are welcome to attend this free event.

Friends of the Library Meeting. There will be a regular meeting of the Friends on Monday, **February 11** at the Library from 7:30-9 p.m. New members are welcome.

OBOC Innisfree Music Concert and Program. The musical duo of Brenda Searcy and Jim Lowenhertz will perform a variety of Irish Celtic songs and music, including jigs, reels, and ballads. Historical background will be provided for each piece. This free concert will take place at the Library beginning at 7:00 p.m. on Thursday, **February 14**. All ages are welcome to celebrate Valentine's Day by attending this very special performance.

Holiday Closure. The Library will be closed in honor of Presidents' Day on Monday, **February 18**.

OBOC Book Discussion. On Wednesday, **February 20**, there will be a special gathering of interested community members and visitors to discuss the book Mink River. This discussion will begin at 9:30 a.m. at the Library and be led by Mike Spooner. Everyone is invited to participate in this free event.

OBOC Art Lecture. Come to hear Celtic quilt artist Philomena Durcan discuss "The Celts and Their Art" on Friday, **February 22**, from 7:30-8:30 p.m. at the Library. She will explain the history of this design form and her artistic method of creating the quilts on display. Her four books are available for checkout from the Washington County Cooperative Library Services. This program is free of charge and open to everyone.

OBOC Craft Night. Join us on Thursday evening, **February 28**, at 6:00 p.m. for a two-hour class on how to weave Native American pine needle baskets taught by Jacque Hermens. This class is offered to highlight one of the themes of the book, Mink River. There is no cost, but pre-registration is required. Call the Library at 503-647-5051 to reserve your place.

Classes and One-on-One Instruction. Let us know if you need instruction in downloading ebooks to your iPad/Nook/Kindle, if you need help with basic computer functions, or if you would like job search tips and information about career databases. North Plains Library staff will be compiling a list of people interested in these topics, and expert volunteers will be providing personal assistance this winter.

Read to the Dogs. Pet Partners (www.petpartners.org) is a non-profit human-services organization that brings individuals together who share a common passion - a love of animals and people. In libraries, certified dogs and their owners offer children the opportunity to practice reading skills in a non-judgmental environment – to a friendly dog. This program will begin at the North Plains Library this winter. Please call to let us know if you have a 1st-5th grade child who would be interested in participating.

Library Information. Library open hours are Monday – Wednesday 11:00 a.m. to 7:30 p.m., Thursday – Saturday 11:00 a.m. to 5:30 p.m. The Library is located at 31334 NW Commercial Street. Call 503-647-5051 or visit our website at www.nplib.org for more information. You can also find us on Facebook!

February 2013 Council Calendar

<i>Meeting</i>	<i>Primary</i>	<i>Alternate</i>	<i>Note</i>	<i>Date</i>
City Council			7:00 p.m.	2/4
Washington County Coordinating Committee (WCCC)	Hatcher	DeBry	2 nd Monday @ 12 noon	2/11
Planning Commission	Demagalski		2 nd Wednesday @ 7 p.m.	2/13
Washington County Office of Community Development: Policy Advisory Board	Kindel	Demagalski	2 nd Thursday @ 7 p.m.	2/14
President's Day			City Offices Closed	2/18
City Council			7:00 p.m. (Note: on Tuesday)	2/19
Library Board	Hatcher		3 rd Wednesday @ 7 p.m.	2/20
Music Show			6:30 p.m. Jessie Mays	2/22
Playdate			1:30-5:00 pm Jessie Mays	2/24
Metro Policy Advisory Committee (MPAC)	Hatcher	Demagalski	4 th Wednesday @ 5 p.m.	2/27
Parks Advisory Committee	Lenahan	Broome	4 th Wednesday @ 7 p.m.	2/27
Metropolitan Area Communications Commission (MACC)	Warren	Lenahan	No Meeting Scheduled	
Northwest Oregon Area Commission on Transportation (NWACT)	Lenahan	DeBry	No Meetings Scheduled	