

**PRELIMINARY AGENDA
REGULAR SESSION
CITY OF NORTH PLAINS, CITY COUNCIL MEETING**
North Plains Senior Center
31450 NW Commercial Street
Monday, April 20, 2015 – 7:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSENT AGENDA:** *(The items on the Consent Agenda are normally considered in a single motion. Any item may be removed for separate consideration upon request by any member of the Council.)*
 - A. Approval of regular session agenda
 - B. Approval of minutes of 04/06/2015 Council meeting
5. **PUBLIC COMMENT:** *(Persons wishing to speak on matters not on the agenda may be recognized at this time. Speakers must complete a "Public Comment Registration form" on the information table and return it to the City Recorder. You are not required to give your address when speaking to the City Council, only your name. Presentations are limited to five minutes.)*
6. **PRESENTATION**
None Scheduled
7. **STAFF REPORTS**
Staff reports will be provided by the Public Works Director and the Chief of Police
8. **PUBLIC HEARINGS:**
 - A. Appeal of Planning Commission decision on application for variance for McKay Creek Crossing subdivision.
 - B. Approve Resolution No.1881 adopting 2014-15 Supplemental Budget with new appropriation allocating JT Roth TDT Credits
9. **NEW BUSINESS:**
 - A. Approve Resolution No.1882 appointing Lani Miles to the North Plains Budget Committee
 - B. Approve Resolution No.1883 revising the Master Fee Schedule
 - C. Approve Resolution No.1884 allocating Special Cities Allotment-Street Fund Grant
 - D. Review of March 2015 Check Register
 - E. Approve Resolution No.1885 appointing James Fage to the North Plains Planning Commission

10. UNFINISHED BUSINESS:

- A. Discussion of marijuana dispensaries
- B. Discussion on setting City Council Goals

11. ORDINANCES:

FIRST READING:

- A. None Scheduled

SECOND READING:

- A. None Scheduled

12. CITY MANAGER REPORT

13. COUNCIL REPORTS

- A. Council reports will be provided by the Mayor and City Councilors on meetings attended and other items.
- B. May 2015 Council Calendar

14. ADVICE/INFORMATION ITEMS:

- Envision North Plains Community Workshop, Saturday, April 25 from 10:00 a.m. to noon at Jessie Mays Community Hall.
- An Evening with an Author lecture series with Lisa McMinn, Saturday, April 25 at 7:00 p.m. at the North Plains Public Library
- Weed Watcher Workshop, Tuesday, April 28 from 7:00- 8:30 p.m. at Jessie Mays Community Hall

- 15. EXECUTIVE SESSION:** Consider convening in Executive Session under ORS 192.660(2)(i) to continue review and evaluate the employment related performance of the City Manager who does not request an open hearing.

16. ADJOURNMENT:

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

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

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

Monday, May 4, 2015

Monday, May 18, 2015

Monday, June 1, 2015

**CITY OF NORTH PLAINS, CITY COUNCIL MEETING
MINUTES REGULAR SESSION**

North Plains Senior Center
31450 NW Commercial Street
Monday, April 6, 2015

1. **CALL TO ORDER** David Hatcher called the Regular Session of the City Council to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** Hatcher led the Council in the flag salute.
3. **ROLL CALL:** Mayor David Hatcher, Council President Teri Lenahan
Councilors: Robert Kindel, Jr., Charlynn Newton, Sandi King, Sherrie Simmons and Scott Whitehead.

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

4. **CONSENT AGENDA:**
 - A. Approval of regular session agenda
 - B. Approval of minutes of 03/16/2015 Council meeting

Motion by Kindel. Second by Lenahan to approve the Consent Agenda. Motion was approved unanimously

5. **PUBLIC COMMENT:**
None were forthcoming

6. **PRESENTATION**
 - A. Washington County Board of Commissioners Franchise Agreement Renewal with Recology Oregon Compost, Inc. (Recology)

Theresa Koppang, Supervisor of Washington County Solid Waste & Recycling Program, presented an overview of the status of the franchise renewal with Nature's Needs (Recology) to Council. County staff and the City of North Plains staff met with Recology in early 2015 to discuss proposed operational changes at the facility as part of the franchise agreement renewal negotiations. The outcome of those discussions are outlined in the staff report distributed with the Council packet. Discussion ensued.

7. **STAFF REPORTS:**

Public Works Director. Blake Boyles updated the Council on the Sunset Ridge Subdivision.

Boyles has been working with the County and the Railroad on a solution to the railroad crossing on Glencoe. It is in need of repair. The County has funds slated in next year's budget to work on this intersection. Boyles described some of the types of repairs that

have been discussed. Boyles is trying to coordinate an installation of a casing for a 12 inch pipe that the City can utilize at a later date. This could save us a good deal of money when this project is undertaken. Newton inquired about funding and grants that we may be eligible for. She will contact Boyles regarding this.

Boyles updated the Council on the ODOT pedestrian bridge and the turtle pond. It is looking like the design will be completed this summer and put into production next year.

Boyles is working with City of Hillsboro on possible acquiring a one ton flatbed truck at a deeply discounted price. He may be able to acquire one of their fleet cars to trade out the Crown Victoria that we currently have.

Boyles reported that the City of North Plains is going to participate in the countywide earthquake training on May 14. This will take place from 9 a.m. to noon. City Hall will be set up as an Emergency Operating Center. They will be firing up the backup generators and communicating via the internet with Washington County. They will play act sending out a crew to perform a predetermined emergency event. If Council is free to attend, it would be a great training for them. Lunch afterwards to have a review of the process.

Chief of Police. Snyder reported the RegJIN cutover will be happening soon.

Snyder reminded the Council of the Virtra Training Exhibition Days coming up on May 4-7. This is a 300 degree fully immersive training program. A flyer was distribute to the Council in their agenda packet. Snyder invited Council to participate in this event.

Library Director. Debra Brodie reported that the National Library Week is coming up. During this week the library will be contributing all fines collected for overdue books to the North Plains Food Pantry.

Brodie distributed flyers to the Council for the Art of the Story storytelling event on April 17. The North Plains Public library is co-sponsoring this event with WCCLS. It will be held at the Pumpkin Ridge Ghost Creek Clubhouse. All Council members are invited to attend.

Brodie also invited the Council to attend the next author visit of the "Evening With an Author" series to be held on Saturday, April 25 at 7:00 p.m. This guest author is Lisa McMinn, the author of Dirt and the Good Life.

8. PUBLIC HEARING:
None Scheduled

9. NEW BUSINESS:
A. Approve Resolution No.1880 appointing Russ Sheldon, Trista Papen and Jim Wieskamp to the North Plains Budget Committee.

The City Council interviewed Jim Wieskamp and Trista Papen for the open positions on the North Plains Budget Committee. Russ Sheldon had reported earlier that he would not be available to attend the Council meeting for an interview, but is available to attend the budget meetings.

Motion by Kindel. Second by Lenahan to approve Resolution No.1880 appointing Russ Sheldon, Trista Papen and Jim Wieskamp to the North Plains Budget Committee. Motion was approved unanimously.

B. Review of February 2015 Check Register

Council reviewed the items on the February 2015 Check Register. The staff report included a list of account numbers with the corresponding departments to help clarify some questions Council may have while reviewing the check register. A few questions were asked by the Council and were satisfactorily answered by staff.

10. **UNFINISHED BUSINESS:**

A. Discussion on setting City Council Goals

This item was a summary of the goals the Council had discussed previously. Due to the fullness of the meeting schedule this evening Mayor Hatcher asked for this item to be moved to the agenda on April 20, 2015.

11. **ORDINANCES:**

FIRST READING:

None Scheduled

SECOND READING:

None Scheduled

12. **CITY MANAGER REPORT**

The Budget Committee will begin their meetings on Monday, April 13, 2015. The budget document has been posted in draft form on the website and noticed appropriately. These meetings will cover both the North Plains City Budget and the Urban Renewal Agency Budget.

The Council will be hearing an appeal on a Planning Commission decision on an application for a subdivision on 307th called McKay Creek Crossing. There will be a lot of reading the Council will need to do prior to the next meeting. This is a hearing de novo, which is a fresh look at the application.

Staff reported a gentleman offered a donation for a flagpole that he would like to see installed near highway 26. Staff wanted to know if Council would be interested in something like this before spending time and resources investing in research. Boyle stated that a 60' flag pool could cost around \$5,200 plus shipping. A large flag that would last about one year would cost about \$300 for a 10 x 12 flag.

13. COUNCIL REPORTS

Simmons inquired about the marijuana dispensary that was mentioned in the Weekly Report by the City Manager to the City Council. DeBry stated that Council never established an ordinance on siting of locations for marijuana dispensaries. Council would like to consider this soon. It will be important to have rules in place before the City receives an application for a dispensary. Discussion ensued regarding the required distance between dispensaries and from schools. There are no vacant store fronts, so availability for a dispensary is limited right now. Staff will bring a report to Council.

14. ADVICE/INFORMATION ITEMS:

- Volunteer Recognition Spaghetti Dinner, Thursday, April 9 at 6:00 p.m. at Jessie Mays
- Envision North Plains Community Workshop, Saturday, April 25 from 10:00 a.m. to noon at Jessie Mays Community Hall.
- Weed Watcher Workshop, Tuesday, April 28 from 7:00- 8:30 p.m. at Jessie Mays Community Hall

The regular session of the City Council as adjourned at 8:06 to convene to an Executive Session.

15. EXECUTIVE SESSION: Adjourned to Executive Session under ORS 192.660(2)(i) to review and evaluate the employment related performance of the City Manager who does not request an open hearing.

Mayor Hatcher called the executive session to order at 8:15 p.m. Reh read the required ORS statement in regard to executive sessions, and was then excused from the executive session.

The Executive Session was convened under ORS 192.660(2)(i) to review and evaluate the employment-related performance of the City Manager who does not request an open hearing.

At 10:40 p.m. Mayor Hatcher reconvened in regular session.

16. ADJOURNMENT:

Council adjourned the regular session of the City Council at 10:41 p.m.

David Hatcher, Mayor

Margaret L. Reh, City Recorder

Date approved _____

TO: **North Plains City Council**

FROM: Heather Austin, AICP, Consulting Land Use Planner

DATE: April 13, 2015

RE: City File # 14-014 McKay Creek Crossing Subdivision-



Appeal of Planning Commission's decision to deny the variance request to reduce the Significant Natural Resource Overlay (SNRO) buffer in the McKay Creek Crossing Subdivision

- Background and Discussion of Appeal Process
 - North Plains Zoning and Development Ordinance Section 16.75.025- Significant Natural Resources Overlay Variance –Findings
 - Staff Recommendation
-

Background and Discussion of Appeal Process

City Council is conducting a hearing de novo, which is a fresh look at the application. The applicant is able to introduce additional information that was not considered by the Planning Commission as part of this process.

Council is obliged to make findings to support its quasi-judicial decision. The City Attorney will assist with drafting the findings when Council forms its decision.

When presented to the Planning Commission staff recommended approval of the variance request based on the information submitted by the applicant and Code criteria for variance to the SNRO. The Planning Commission exercised its discretion to not grant a variance. In its findings (detailed later in this memo), the Commission determined there was not compelling evidence that the applicant was denied reasonable economic use of the property. The subdivision was approved with 58 lots; however, the building envelopes of 6 of those parcels are constrained in a manner that makes the lots unbuildable, so a revised alternative subdivision plan has been prepared by the applicant.

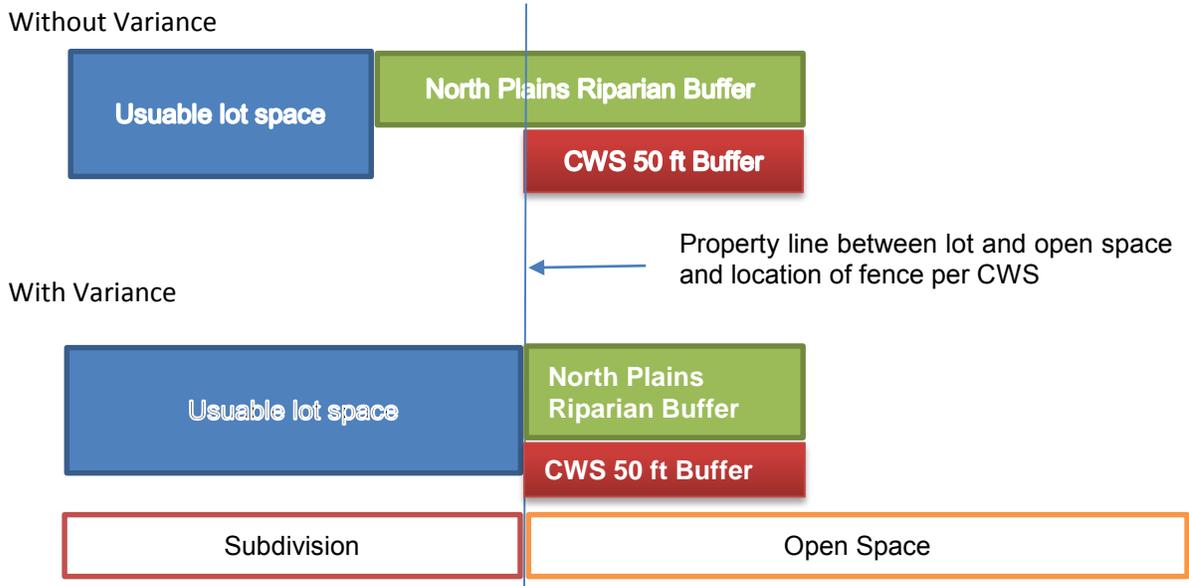
The applicant seeks one of two actions to occur:

- a. The variance is granted and subdivision proceeds as approved by the Planning Commission
- b. The variance denial is upheld and the design of the subdivision is altered to create 55 buildable lots.

The applicant's preference is that the variance is granted for all lots; however without the variance the project can be made viable if significant changes in the lot design occur. The alternative prepared by the applicant contains 55 lots and includes a minor realignment of the street.

The variance, if granted, would remove 25 ft from the 75 ft riparian corridor, leaving the first 50 ft in place. This variance request affects lots 6-9 and 13-15. A variance would allow the owner of the lots to plant and build structures such as fences, sheds and play equipment in their rear yards. As

approved by the Planning Commission, this 25 feet cannot be used by the owner for any purpose including buildings, gardens or other landscaping. The City has no practical way to enforce the riparian corridor within the approved subdivision as no building permits are required for improvements as simple as installing lawns, a planter box or shed under 200 square feet.



The 75 ft corridor was adopted as a safe harbor under ORS. No study was performed to determine if 75 ft was actually needed to protect the riparian area adjacent to McKay Creek in this location. The applicant completed a study of the specific riparian area in question, and based on the assessment it is the opinion of the biologist that a 50 ft riparian corridor is adequate for this portion of McKay Creek and mitigations can be implemented to offset any potential impact to the area. Factors considered included topology and condition of the existing flora and fauna.

The Planning Commission opted to rely on the safe harbor in the code rather than the applicant's assessment when denying the variance. Commissioners expressed the opinion that the applicant was aware of the rules at the time of design and no extraordinary circumstance exists requiring a variance.

The applicant has expressed the opinion that the highest and best use of the property is not allowed without a variance. A letter was received from the applicant's attorney which is in Council's packet that presents the notion that economic use of the property is limited due to an artificial restriction created by the 75 ft riparian buffer. A variance could be granted when factual information demonstrates how the impact of development can be managed effectively.

The Commission chose to approve the subdivision as proposed while denying the variance. If Council decides to uphold the variance and 58-lot subdivision approval, the applicant may need to submit a separate application for a major modification to the subdivision (this could include fewer or more lots). The Council in the hearing de novo can consider upholding the variance and allowing an alternative design to the subdivision as proposed by the applicant.

North Plains Zoning and Development Ordinance Section 16.75.025- Significant Natural Resources Overlay Variance - Findings

16.75.025 Variances to Chapter 16.75

A variance to the provisions of Chapter 16.75 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property, pursuant to Chapter 16.185. The property must be owned by the applicant and not created after the effective date of this Section. Approval of a variance is based on meeting the requirements of both subsections A and B, below.

Planning Commission Finding: *The Planning Commission found that the applicant could still develop the property as a subdivision without the variance and that the applicant is therefore allowed reasonable economic use of the property.*

Applicant's Finding: *The Applicant's submittal provides evidence that the Oregon Court of Appeals has recognized the concept of "reasonable economic use" as the highest and best use of property (deBardelaben v. Tillamook County). The Applicant further states that other subdivision plans were considered but none were "consistent with the purpose of the R-2.5 zoning district under the Plan", and therefore this design with variance request is a "last resort". The Applicant owns the property and the parent parcel, the current site, was not created after the effective date of this section. The Applicant's submitted materials have demonstrated compliance with this section.*

A. A variance shall only apply to:

1. Lots on which the location of a Significant Natural Resource results in a building area depth for a single-family dwelling of 25 feet or less or a building envelope of 800 square feet or less;

2. Lots where strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

Planning Commission Finding: *The Planning Commission found that the applicant could still develop the property as a subdivision without the variance and that the applicant is therefore allowed a use of the parcel that could reasonably be expected to occur in the R-2.5 zone.*

Applicant's Finding: *The proposed subdivision includes a variance request to allow an encroachment into the Riparian Corridor/Significant Natural Resource. The request is to allow the rear yards of lots 6-9 and 15-25 to encroach into the outer 25-feet of the 75-foot corridor. This variance is applicable because of A.2 above, where strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*

Other land owners of R-2.5 property in the vicinity enjoy the right to develop at a high residential density, either multi-family or single-family structures. Residential densities are not to exceed 17.4 dwelling units per net acre in the High Density Residential (R2.5) zone. The proposed 58 lots on the net 4.19 acres is a site density of 13.8 dwelling units/acre. Removal of 13 lots based on denial of the variance would result in a site density of 10.7 dwelling units/acre, closer to the 8.7 dwelling units/acre maximum of the Medium/High Residential (R5) zone.

The encroachment would allow development of the lots while maintaining a 50-foot Riparian Corridor buffer, the standard width utilized by Clean Water Services.

B. Permanent alteration of the Significant Natural Resources by an action requiring a variance is subject to the procedures and criteria of Article and the mitigation requirements of Section VII.

Planning Commission Finding: *The Planning Commission acknowledged the proposed mitigation but did not make a specific finding regarding this because it was unnecessary given the denial of*

the variance.

Applicant's Finding: *The proposed variance includes a detailed mitigation plan that is included in the submitted materials. The proposed mitigation would include enhancement of portions of the buffer area adjacent to the subdivision and within the McKay Creek riparian area.*

Staff Recommendation

Staff recommends that the City Council open the quasi-judicial hearing and accept comments.

Staff further recommends the City Council decide and make findings regarding the following issues:

1. Uphold the denial of the variance or approve the variance.
2. Uphold the approval of the 58 lot subdivision as is or approve a modification to the subdivision.



APPLICATION FOR APPEAL TO CITY COUNCIL

Applicant General Information

Applicant Name: Biggi Construction, LLC Phone: (503) 816 - 3243
 Mailing Address: 11605 SW Normandy Lane
Street Apartment/Unit #
Wilsonville OR 97070
City State ZIP Code
 Email Address: c/o chrisg@akseng.com (Chris Goodell)
 Property Owner: North Plains Acres, LLC Phone: (503) 563 - 6151
(Chris Goodell)
 Mailing Address: 3390 NW 178th Avenue
Street Apartment/Unit #
Portland OR 97229
City State ZIP Code
 Email Address: c/o chrisg@akseng.com (Chris Goodell)

Property Description

Address: 9960 NW 307th Avenue
Street Apartment/Unit #
North Plains OR 97133
City State ZIP Code
 Tax Lot ID (TLID): Tax Lot 1601, IN3 01DD Existing Zoning: R-2.5
 Legal Description (attach additional sheet if necessary): _____

Property Area: +/- 10.90 Acres Existing Land Use: One single family dwelling
58-Lot Subdivision, floodplain alteration permit and variance to allow a 50-foot riparian
 Proposed Use: buffer where 75-feet is required on proposed lots 18-25.

Justification for Appeal (*This is your opportunity to explain why the decision of the Planning Commission should be overturned*):

See Attached Letter.

Additional Information

In order to expedite and complete the processing of this application, the City of North Plains requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete. The submittal requirements relative to this application may be obtained

from the specific sections of the Zoning and Development Ordinance pertaining to this application. If there are any questions as to submittal requirements, contact the City Hall prior to formal submission of the application.

In submitting this application, the applicant should be prepared to give evidence and information which will justify the request. The filing fee must be paid at the time of submission. This fee in no way assures approval of the application and is non-refundable.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing this application including, but not limited to, planning, engineering, city attorney and administration. I agree to also pay all additional costs above the deposit as invoiced directly to me by the city. I understand that no building permit shall be issued until all actual costs for processing this application are paid in full.

Date: 3/23/15 Signature of Applicant: [Signature]

Date: 3/16/15 Signature of Property Owner: Janet L. Cole Agent

FOR OFFICE USE		
Received by: <u>Sierra White</u>		Date: <u>3/23/15</u>
Fee paid: <u>\$3500</u>	Receipt No. <u>0200775</u>	Application No. _____

Michael C. Robinson
MRobinson@perkinscoie.com
D. (503) 727-2264
F. (503) 346-2264

March 30, 2015

David Hatcher, Mayor
City of North Plains
North Plains City Hall
31360 NW Commercial Street
North Plains, OR 97133

**Re: Appeal of the Planning Commission Final Order in North Plains File
No. 14-014-SUB FPP SNR VAR (the “Applications”);
McKay Creek Crossing Subdivision**

Dear Mayor Hatcher and Members of the North Plains City Council:

1. Introduction.

This letter is an appeal by Biggi Construction, LLC (“Biggi”, the “Appellant”, and the “Applicant”) of the Planning Commission’s denial of a variance for proposed lots 18-25 (8 lots) to allow a 50 foot riparian corridor buffer setback where 75 feet is required (**Exhibit 1**). Biggi requests that the City Council affirm the tentative land division, significant natural resource permit and floodplain permit approvals, but with two (2) alterations as explained below, and that it approve the requested variance for the proposed lots.

First, Biggi requests that the City Council approve a modified tentative subdivision plan (**Exhibit 2**) in the event it denies the riparian corridor buffer setback for the eight (8) lots. If the City Council affirms the Planning Commission’s denial of the riparian corridor buffer setback, the tentative subdivision map must be modified as shown in **Exhibit 2** so that the proposed lots can be reconfigured to accommodate appropriately sized and located dwellings without the variance. The modified tentative subdivision map meets the requirements of the R-2.5 zone.

Second, if the City Council affirms the Planning Commission’s denial of the riparian corridor buffer setback variance, Biggi requests that the City Council approve either a setback variance to allow construction of the required stormwater quality facility and access road as described in **Exhibit 3**, or approve the access road and stormwater facility as allowed by North Plains Zoning and Development Ordinance (“NPZDO”) 16.75.0154.A.

116649-0001/LEGAL125469464.1

Perkins Coie LLP

Exhibit 3 is a letter dated March 24, 2015 from Mr. Alexander Hurley, P.E., P.L.S., Biggi's civil engineer. Mr. Hurley's letter explains that due to the site topography, stormwater must drain to McKay Creek and there is no practical alternative to avoid construction of the stormwater swale and outfall with an access road other than the proposed location within the riparian corridor. Therefore, even if the City Council affirms the Planning Commission's denial of the variance for proposed lots 18-25, an approval is still necessary to allow the Applicant to construct the required stormwater quality facility and access road within the riparian corridor buffer.

The remainder of this letter addresses the requirements in the NPDZO for an appeal of a Type III quasi-judicial decision by the Planning Commission to the City Council and explains why the Planning Commission erred in denying the requested variance.

2. Application History.

The Planning Commission held the initial evidentiary hearing for the Applications on February 11, 2015. The Planning Commission continued the evidentiary hearing until March 11, 2015. At the conclusion of the continued hearing, the Planning Commission tentatively approved the land division, floodplain permit and significant natural resource applications but denied the variance to the riparian corridor buffer setback for proposed lots 18-25. Biggi had originally requested that the variance apply to proposed lots 6-9 and 15-25 but during the continued hearing, modified the variance request so that it applied only to proposed lots 18-25.

The City mailed notice of the Planning Commission decision on March 23, 2015. The 14-day appeal period ends on April 6, 2015.

The City Council appeal hearing is a *de novo* hearing, which allows any person to submit new argument and evidence regarding the appeal.

3. Requirements for an Appeal of a Type III Quasi-Judicial Decision by the North Plains Planning Commission to the North Plains City Council.

The NPZDO is silent on the requirements for an appeal of a Type III quasi-judicial decision from the Planning Commission to the City Council. NPZDO 16.170.012. The Appellant's attorney discussed this issue with the North Plains City Attorney and the North Plains City Attorney determined that appeals of a Type III quasi-judicial decision should follow the procedure for an appeal of a Type II land use decision by the City Planner found in

NPZDO 16.170.011.L, "Appeals." This section of the letter explains how the Appellant satisfies the requirements of NPZDO16.170.011.L.

A. **NPZDO 16.170.011.L.1.a.** Biggi is both the Appellant and the Applicant. Biggi was entitled to, and received written notice of, the Planning Commission's decision and participated orally and in writing in the Planning Commission's proceedings through his representatives. Therefore, the Appellant is entitled to appeal the decision pursuant to NPZDO 16.170.011.L.1.a-c.

B. **NPZDO 16.170.011.L.2.b.** This appeal is timely filed within the 14-day appeal period ending on April 6, 2015. The Appellant submitted a completed City of North Plains appeal form and the required fee of \$315.00 to the City Recorder on March 23, 2015. The City Recorder accepted the Appellant's filing (**Exhibit 4**). The Appellant submitted this letter to the City Recorder by email on March 30, 2015. The City Council can find that the appeal is timely filed.

C. **NPZDO 16.170.011.L.2.c.i.** The decision being appealed is the Planning Commission's "Final Order for City of North Plains File No. 14-014-SUV FPP SNR VAR, McKay Creek Crossing Subdivision". The date of the Planning Commission's decision is March 18, 2015 and the date the City mailed notice of the decision is March 23, 2015.

D. **NPZDO 16.170.011.L.2.c.ii.** The Appellant has standing to appeal because he is adversely affected and aggrieved by the Planning Commission's final order and he appeared through his representatives orally and in writing before the Planning Commission prior to the issuance of the final order.

E. **NPZDO 16.170.011.L.2.c.iv.** The Appellant submitted the required filing fee of \$315.00 to the City Recorder on March 23, 2015. The City Recorder accepted the filing fee.

F. **NPZDO 16.170.011.L.2.c.iii.** The statements explaining specific issues raised on appeal are set forth below.

(1) The Applicant repeats the arguments contained in its letter dated March 3, 2015 and attached as **Exhibit 5** to this letter.

(2) The Planning Commission erred in finding that the appellant failed to satisfy NPZDO 16.75.025, "Variances to Chapter 16.75." Finding 74 on page 9 contains no

findings regarding NPZDO 16.75.025. The Planning Commission decision fails to explain with any specificity the basis for its determination that the applicant failed to satisfy the applicable approval criteria. Further, the Planning Commission's decision fails to explain in what respects the appellant failed to satisfy NPZDO 16.75.025.A and .B. The record contains substantial evidence demonstrating that the appellant satisfied the requirements of NPZDO 16.75.025.A.2 ("Lots with strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of land owners in the vicinity.")

(3) The Planning Commission decision does not contain findings explaining which of the variance approval criteria in NPZDO 16.75.025.A. and B. the Applicant failed to meet. The record contains substantial evidence demonstrating specifically how the approval criteria for a variance are satisfied. The decision fails to explain what contrary evidence the Planning Commission relied upon to undermine the Applicant's evidence demonstrating compliance with the applicable variance approval criteria.

(4) The Planning Commission erred by failing to address in any respect the approval criteria for variances found in NPZDO 16.185.010.A-E.

(5) The Planning Commission's decision contains no findings as to why the applicant failed to satisfy NPZDO 16.75.025.B. This standard provides that "Permanent alteration of the Significant Natural Resources by an action requiring a variance is subject to the procedures and criteria of Article [Note: No Article number is found in the NPZDO but this section is likely referring to NPZDO Chapter 16.185, "Variance".] and the mitigation requirements of Section VII." The record contains substantial evidence to demonstrate how the criteria for a variance found in NPZDO 16.185 are satisfied. The Planning Commission's decision fails to address this requirement in any way.

(6) NPZDO 16.185.010.A. is satisfied. The variance is supported by substantial evidence demonstrating that special conditions and circumstances exist which are peculiar to the land for which the variance is sought. The riparian corridor buffer is associated with McKay Creek and is not generally applicable to other developable land, buildings or structures in the area. As the staff report to the Planning Commission on page 41 points out, the subdivision site is subject to a number of significant environmental constraints which, taken together, are peculiar to the land involved and not generally applicable to other land in the same

zoning district. In fact, the environmental constraints result in over 50% of the gross site area being dedicated to open space.

(7) The Planning Commission erred in finding that NPZDO 16.185.010.B was not satisfied. The record contains substantial evidence demonstrating that granting the variance for only eight (8) lots would be both in the public interest and in harmony with the purpose of the R-2.5 zoning district and the purpose of the NPZDO. The purpose of the R-2.5 zoning district is to encourage the development of single-family residential uses and to implement the housing policies of the North Plains Comprehensive Plan. Granting the variance allows the appellant to fully utilize the property for land division consistent with the purpose of the R-2.5 zoning district and the NPZDO. The Planning Commission's decision fails to explain on what basis it found the applicant had not satisfied the approval criteria.

(8) The Planning Commission erred by finding that the Applicant did not satisfy NPZDO 16.185.010.C. The record contains substantial evidence demonstrating that the variance would result in minimal detriment to the immediate vicinity. Granting the variance will have no detriment to nearby residential uses and, in fact, will benefit the nearby residential uses by allowing the development of lots with consistent sized single-family dwellings on them.

Additionally, granting the variance will have no detrimental impact to McKay Creek or the riparian corridor/significant natural resource area. The record contains substantial evidence not only from the Applicant's natural resource assessment of McKay Creek area but also the City's Goal 5 analysis demonstrating that this portion of the McKay Creek riparian area is generally in a marginal and degraded condition because of prior agricultural use. Granting the variance will have no detrimental impact on the preservation of significant natural resources.

(9) The Planning Commission erred by finding that NPZDO 16.185.010.D was not met. The Applicant submitted substantial evidence and argument demonstrating that the reasonable use of the Applicant's land to allow development of a subdivision consistent with the requirements of the R-2.5 zoning district. Not granting the variance for proposed lots 18-25 requires a reconfiguration of the lots (explained below,) which is inconsistent with the Applicant's original plan.

(10) NPZDO 16.185.010.E is satisfied. The Planning Commission erred by finding this criterion not satisfied. The City Council can find that the variance requested is not a result of negligent or knowing violation of the NPZDO by the appellant.

The City Council can find that reasonable expectation of use of the parcel is a land division consistent with the requirements of the R-2.5 zone and one which implements the North Plains Comprehensive Plan's vision of more dense development in the R-2.5 zone. Moreover, other property owners enjoy that right in the vicinity without being burdened with the McKay Creek riparian corridor buffer. In this case, the applicant request a slight variance of only 25 feet for only eight (8) lots out of the 58 lot subdivision. Granting the variance places the appellant on the same footing as other property owners in the vicinity.

4. The criteria for the construction of an access road and stormwater quality facility inside the McKay Creek riparian corridor buffer are satisfied.

As explained elsewhere in this letter, the Applicant must construct the stormwater quality facility and an access road to the facility within the McKay Creek riparian corridor buffer. Accordingly, this section explains why the applicable approval criteria of NPZDO Chapters 16.25 and 16.75 are satisfied.

NPZDO Chapter 16.75.B.4 applies to "site modifications including grading, excavation or fill, installation of new above or below ground utilities, construction of roads, driveways, or paths." The stormwater quality facility is a utility and requires an access road be provided to the stormwater quality facility.

NPZDO 16.75.0154 is entitled "General Development Standards". Subsection .A.1 provides that "public or private streets, driveways ..." may be placed within a Significant Natural Resource to access development activities if "it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists." NPZDO 16.75.0154.A.1.a requires that the Applicant demonstrate to the reviewing authority that no other practicable access to the buildable area exists, or that access from an off-site location to through the use of easements is not possible. **Exhibit 3** to this letters demonstrates that no other practicable access to the buildable area for the water quality facility exists.

NPZDO 16.75.0154.A.1.b requires that such access roads be the minimum width necessary and for the minimum intrusion in a Significant Natural Resource. **Exhibit 3** demonstrates that this standard is satisfied.

The City Council can find that it is feasible for the Applicant to satisfy the remaining requirements of NPZDO 16.75.0154.A.1.c-h.

Additionally, the City Council can find that construction of the stormwater facility is allowed pursuant to NPZDO 16.75.0154.A.2, "Utilities and Drainage Facilities". NPZDO 16.75.0154.A.2.a allows a drainage facility to be placed within a Significant Natural Resource when the City Council finds that "no other practicable alternative location exists". Once the City Council makes that finding, the Applicant is bound to satisfy NPZDO 16.75.0154.A.2.b-e.

The City Council can find based on **Exhibit 3** that no other practicable alternative location exists for the installation of the stormwater quality facility. Mr. Hurley's letter explains that in order to provide appropriate stormwater drainage for the McKay Creek Crossing Subdivision, the stormwater must drain to McKay Creek. This requires a location downstream from the subdivision that can be constructed with a design likely to be approved by Clean Water Services ("CWS"). In Mr. Hurley's professional opinion, no other location exists to meet this requirement.

The City Council can find that the requirements of NPZDO 16.75.0154.A.2.b-e are feasible to be satisfied. For these reasons, the City Council can allow the access road and stormwater quality facility to be constructed within the natural resource without granting a variance. However, in the event that the City Council determines that a variance is necessary, the City Council can also find that the criteria for a variance found in NPZDO 16.75.025.A and .B and NPZDO 16.185, "Variances", are satisfied.

5. Conclusion.

The variance for proposed lots 18-25 is necessary for the full and reasonable use of the property to create single-family lots consistent with both the R-2.5 zone and the North Plains Comprehensive Plan. The portion of McKay Creek for which the buffer variance is requested is in a marginal and degraded condition. Allowing a 25 foot reduction in the 75 foot buffer will not materially impact the preservation of McKay Creek. No other development property in the vicinity is subject to the same setback for the same number of lots as is this property. This property provides well over 50% of its gross area in open space, which maintains the McKay Creek riparian area to the greatest possible extent, consistent with the appropriate development of the property.

David Hatcher, Mayor
March 30, 2015
Page 8

If the City Council grants the appellant's appeal of the Planning Commission's denial of the variance for proposed lots 18-25, the City Council should modify Finding 26 on page 5 to reflect that the variance applies only to proposed lots 18-25 and delete Finding 27 on page 5 and Finding 74 on page 9.

In the event the City Council does not grant the appeal of the denial of the variance, the Appellant requests that the City Council either allow the stormwater quality facility pursuant to NPZDO 16.75.0154, or grant a variance to allow the water quality facility and access road to be located in the riparian corridor buffer. **Exhibit 3** is substantial evidence that the City Council may use to find that there is no other reasonable location for the water quality facility. In the event the City Council grants this limited variance, it should modify Findings 23 and 24 on page 4 and Finding 74 on page 9 to reflect the grant of a limited variance.

Finally, in the event the City Council affirms the Planning Commission's denial of the variance for proposed lots 18-25, the applicant respectfully requests that the City Council approve the modified tentative subdivision plan as shown in **Exhibit 2**. The City Council should modify Finding 28 on page 5 to reflect the modified plat.

For the reasons contained in this letter, and for the reasons contained in additional argument and evidence the Appellant will rely upon to support its appeal, the Appellant respectfully requests that the City Council reverse the Planning Commission decision and grant the variance to the riparian corridor buffer setback to allow 50 feet instead of 75 feet for proposed lots 18-25 and allow the water quality facility and access road to be constructed within the riparian corridor buffer setback, and, in the event the variance for proposed lots 18-25 is denied, to approve the modified tentative subdivision plan.

Very truly yours,



Michael C. Robinson

MCR:rsr

Enclosures

116649-0001/LEGAL125469464.1

Perkins Coie LLP

David Hatcher, Mayor

March 30, 2015

Page 9

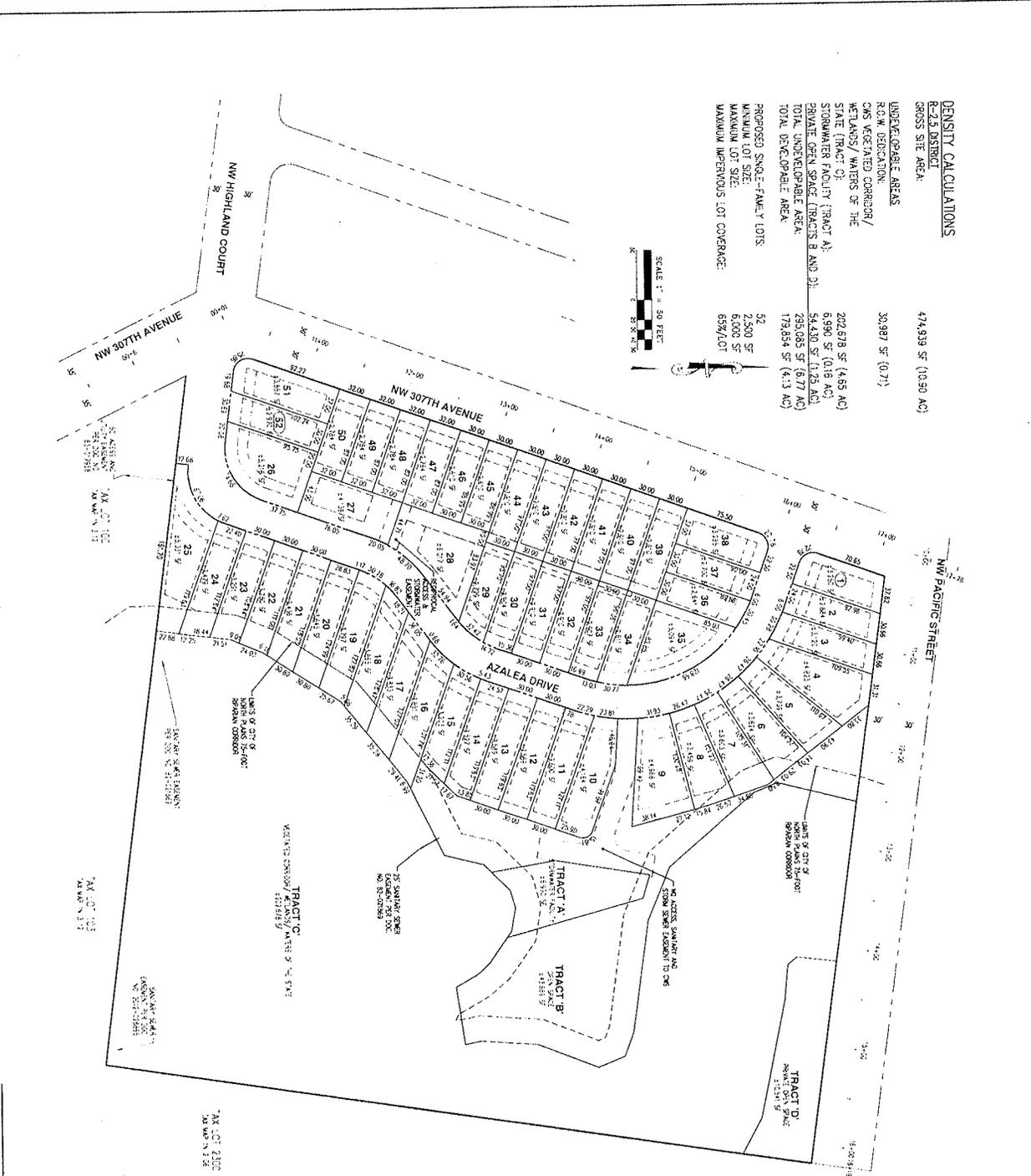
cc: Mr. Vince Biggi (via email) (w/ encls.)
Mr. Alex Hurley (via email) (w/ encls.)
Mr. Chris Goodell (via email) (w/ encls.)
Ms. Stacey Reed (via email) (w/ encls.)
Ms. Heather Austin (via email) (w/ encls.)
Mr. Chris Crean (via email) (w/ encls.)
Ms. Margaret Reh (via email) (w/ encls.)
Ms. Martha DeBry (via email) (w/ encls.)

116649-0001/LEGAL125469464.1

Perkins Coie LLP

**EXHIBITS TO
MARCH 30, 2015
APPEAL LETTER**

1. Planning Commission Final Order.
2. Modified Tentative Subdivision Map.
3. March 24, 2015 letter from Alexander H. Hurley, P.E., P.L.S.
4. City of North Plains "Application for Appeal to City Council" form, submitted to and accepted by City with appeal fee check of \$315.00 on March 23, 2015.
5. March 3, 2015 letter from Mike Robinson to North Plains Planning Commission.



DENSITY CALCULATIONS
 R-2.5 DISTRICT
 GROSS SITE AREA: 474,939 SF (10.90 AC)
 UNDEVELOPABLE AREAS: 30,987 SF (0.71)
 R.O.W. DEDICATION:
 CANS VEGETATED CORRIDOR/
 WETLANDS / WATERS OF THE
 STATE (TRACT C): 222,578 SF (4.65 AC)
 STORMWATER FACILITY (TRACT A): 6,990 SF (0.16 AC)
 PRIVATE OPEN SPACE (TRACTS B AND D): 54,430 SF (1.25 AC)
 TOTAL UNDEVELOPABLE AREA: 295,085 SF (6.77 AC)
 TOTAL DEVELOPABLE AREA: 179,854 SF (4.13 AC)
 PROPOSED SINGLE-FAMILY LOTS: 52
 MINIMUM LOT SIZE: 2,500 SF
 MAXIMUM LOT SIZE: 6,000 SF
 MAXIMUM INTERVIOUS LOT COVERAGE: 65%/LOT

THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS FOR PLANNING PURPOSES. THIS IS NOT A FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.

- TRACTS A, B, C, AND D SHALL BE CONSIDERED AS UNIMPROVED OPEN SPACE EXCEPT FOR THE STORMWATER FACILITY AND PRIVATE OPEN SPACE.
- TRACT A SHALL HAVE A STORM SPACE SURFACE WITH AN OPEN SPACE EXEMPT TO CLEAN WHEN SERVICES ARE PROVIDED.
- TRACT C SHALL HAVE AN ACCESS EXEMPT TO CLEAN WHEN SERVICES ARE PROVIDED.

Exhibit 2

PRELIMINARY NOT FOR CONSTRUCTION	ALTERNATE PRELIMINARY PLAT EXHIBIT	McKay CREEK CROSSING OREGON	AKS ENGINEERING AND FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 PHONE: 503.563.6155 FAX: 503.563.6152 www.aks-eng.com
	NORTH PLAINS TAX LOT 1500	NORTH PLAINS OREGON	ENGINEERING PLANNING SURVEYING FORESTRY LANDSCAPE ARCHITECTURE

March 24, 2015

City of North Plains
Martha DeBry, City Manager
31360 NW Commercial Street
North Plains, OR 97133

**RE: RIPARIAN CORRIDOR IMPACTS DUE TO STORMWATER FACILITY
McKAY CREEK CROSSING SUBDIVISION
NORTH PLAINS, OREGON**

Ms. DeBry:

The purpose of this letter is to address the need for riparian corridor impacts due to the construction of the required stormwater facility for the McKay Creek Crossing subdivision.

Due to the site constraints such as floodplain and topography, the required stormwater quality facility and associated access road is located within the McKay Creek Significant Riparian Corridor (75 foot buffer). The stormwater runoff from the pre-developed site currently drains down gradient into McKay Creek. Stormwater runoff from the post-developed site is required to drain to a stormwater quality facility prior to discharging to McKay Creek. As the site's stormwater must drain to McKay Creek, there is no practical way to avoid construction of a stormwater swale and outfall within the McKay Creek Riparian Corridor.

The proposed treatment and conveyance swale side slopes will be planted with native trees, providing shade and maintaining the function and values of the riparian corridor. Since the side slopes of the swale will be planted with native woody vegetation, the grading to construct the side slopes of the stormwater facility are proposed as a temporary encroachment within the Riparian Corridor. The bottom of the swale will be planted with native herbaceous vegetation and since the bottom of the stormwater swale cannot be restored to a forested riparian community, this impact is depicted as a permanent encroachment within the Significant Riparian Corridor. The proposed hammerhead turn-around and access road, required by Clean Water Service's personnel for maintenance of the swale, is considered a permanent impact to the Riparian Corridor.

Due to the grades of the site, the stormwater quality treatment swale and outfall needs to discharge in an area with lower elevation, which occurs near the Ordinary High Water Mark (OHWM) of McKay Creek. Other locations for the stormwater facility were considered but these alternative alignments and locations resulted in significantly larger impact areas to the Riparian Corridor.

Respectfully Submitted by:
AKS ENGINEERING & FORESTRY, LLC



Alexander H. Hurley PE, PLS
Principal



City of North Plains

31360 NW Commercial St. North Plains, OR 97133

Ph. 503-647-5555 Fax 503-647-2031

Email: info@northplains.org

APPLICATION FOR APPEAL TO CITY COUNCIL

Applicant General Information

Applicant Name: Biggi Construction, LLC Phone: (503) 816 - 3243

Mailing Address: 11605 SW Normandy Lane
Street Apartment/Unit #

Wilsonville OR 97070
City State ZIP Code

Email Address: c/o chrisg@akseng.com (Chris Goodell)

Property Owner: North Plains Acres, LLC Phone: (503) 563 - 6151
(Chris Goodell)

Mailing Address: 3390 NW 178th Avenue
Street Apartment/Unit #

Portland OR 97229
City State ZIP Code

Email Address: c/o chrisg@akseng.com (Chris Goodell)

Property Description

Address: 9960 NW 307th Avenue
Street Apartment/Unit #

North Plains OR 97133
City State ZIP Code

Tax Lot ID (TLID): Tax Lot 1601, IN3 01DD Existing Zoning: R-2.5

Legal Description (attach additional sheet if necessary): _____

Property Area: +/- 10.90 Acres Existing Land Use: One single family dwelling
58-Lot Subdivision, floodplain alteration permit and variance to allow a 50-foot riparian
 Proposed Use: buffer where 75-feet is required on proposed lots 18-25.

Justification for Appeal (*This is your opportunity to explain why the decision of the Planning Commission should be overturned*):

See Attached Letter.

Additional Information

In order to expedite and complete the processing of this application, the City of North Plains requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete. The submittal requirements relative to this application may be obtained

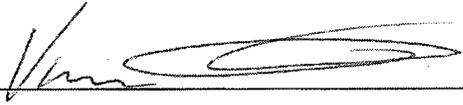
from the specific sections of the Zoning and Development Ordinance pertaining to this application. If there are any questions as to submittal requirements, contact the City Hall prior to formal submission of the application.

In submitting this application, the applicant should be prepared to give evidence and information which will justify the request. The filing fee must be paid at the time of submission. This fee in no way assures approval of the application and is non-refundable.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing this application including, but not limited to, planning, engineering, city attorney and administration. I agree to also pay all additional costs above the deposit as invoiced directly to me by the city. I understand that no building permit shall be issued until all actual costs for processing this application are paid in full.

Date: 3/23/15

Signature of Applicant: 

Date: 3/16/15

Signature of Property Owner: 

FOR OFFICE USE		
Received by: <u>Serra White</u>	Date: <u>3/23/15</u>	
Fee paid: <u>\$3500</u>	Receipt No. <u>0200775</u>	Application No. _____

March 3, 2015

Michael C. Robinson
MRobinson@perkinscoie.com
D. (503) 727-2264
F. (503) 346-2264

Ms. Heather LaBonte, Chair *Pro Tem*
City of North Plains Planning Commission
North Plains City Hall
31360 NW Commercial Street
North Plains, OR 97133

**Re: City File No. 14-014;
Application for Approval of McKay Creek Crossing Subdivision**

Dear Chair Pro Tem LaBonte and Members of the Planning Commission:

This office represents Biggi Construction, LLC, the Applicant for approval of the McKay Creek Crossing Subdivision (the "Subdivision"). This letter explains why the variance to the Riparian/Corridor Significant Natural Resource ("SNR") Buffer to allow a 50-foot wide buffer on certain lots where 75 feet is required can be approved based on North Plains Zoning and Development Ordinance ("NPZDO") 16.75.025, "Variances to Chapter 16.75", and NPZDO 16.85.010, "Type III Variance Review Criteria." This letter also addresses three (3) other issues raised at the initial Planning Commission hearing on February 11, 2015.

1. **The Planning Commission can approve the variance to allow a 50-foot wide SNR Buffer where 75-feet is required.**
 - a. **The Applicant submitted the variance as a "last resort" because the variance is necessary to allow "reasonable economic use" of the subject property.**

NPZDO 16.75.025, "Variances to Chapter 16.75", provides:

"A variance to the provisions of Chapter 16.75 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property, pursuant to Chapter 16.185. The property must be owned by the applicant and not created after the effect of the date of this Section. Approval of variances is based on meeting the requirements of both Subsections A and B, below." (Emphasis added)

Although the above language is not an approval standard, the Applicant addresses this section to explain why it chose this subdivision plan and why the variance is necessary to implement the Subdivision plan.

The Subdivision reflects both the requirements of the R-2.5 zoning district and the pattern of surrounding residential development. The R-2.5 zoning district is intended to allow lots with a minimum lot size of 2500 square feet. NPZDO 16.30.0105.A. Further, the North Plains

Comprehensive Plan (the “Plan”) calls for “increased density and a range of residential, commercial and retain uses within walking distance of each other.” Plan Section 15.01.050.1. While the Plan is not an approval criterion, it is instructive as to how the R-2.5 district should be implemented.

The Applicant considered other subdivision plans but none of the other plans were consistent with the purpose of the R-2.5 zoning district under the Plan nor would lots 6-9 and 15-25 be large enough without the variance to contain the proposed single family dwellings.

b. The variance achieves the purpose of the R-2.5 zoning district.

The Applicant seeks the variance in order to achieve two (2) goals. The first goal is to provide a subdivision that implements the Plan’s vision for higher residential density and that is consistent with the R-2.5 zoning district minimum lot size requirements. By seeking the variance, the Applicant is able to meet those requirements and place the remaining 50-foot buffer in a tract. The Applicant considered but rejected the concept of a 75-foot buffer partially in an easement on lots 6-9 and 15-25 because preservation of the buffer will be more difficult if the buffer is partly inside lots. The Subdivision site plan does not encroach into the remaining 75-foot riparian buffer area elsewhere on the site. A reduction to a 50-foot wide buffer adjacent to lots 6-9 and 15-25 will provide an opportunity to protect the remaining buffer areas on the site wholly within one tract.

c. The variance allows reasonable economic use of the affected lots.

The second goal is to allow “reasonable economic use of the subject property”. “Reasonable economic use” means a subdivision consistent with the R-2.5 zoning district requirement over the property (the proposed lots) that is subject to the variance. The Applicant proposes that the Subdivision provide for a particular dwelling type; narrow and deep single family dwellings. This Subdivision proposes 58 lots where the maximum number allowed is 73 lots. Denial of the variance would result in the loss of another 15 lots. Not granting the variance to the buffer requirement would result in lots 6-9 and 15-25 not being able to accommodate this dwelling type and thus denying the Applicant reasonable economic use of the property constituting lots 6-9 and 15-25.

The Oregon Court of Appeals has recognized the concept of “reasonable economic use” as the highest and best use of property in *deBardelaben v. Tillamook County*, 142 Or App 319, 922 P2d 683 (1996). The Oregon Court of Appeals *reversed* LUBA’s reversal of the county’s approval of a variance. The county had found that a property owner was entitled to the same rights as other property owners in the same setting and that if a variance is necessary to obtain that same right, then the variance should be granted. The court found that LUBA was incorrect when it disregarded the county’s interpretation of the phrase “reasonable economic use” to mean “the highest and best use of the property under its zoning and of an intensity of use consistent

with other similarly situated properties.” The Planning Commission can find that “reasonable economic use” means a subdivision that fulfills the R-2.5’s requirements so as to allow the highest and best use of the property; in this case, lots that are large enough to accommodate the proposed dwellings.

d. The application satisfies NPZDO 16.75.025.A.2.

The Planning Commission can find that NPZDO 16.75.025.A.2 is satisfied. This standard provides: “Lots with strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.”

The Planning Commission can find that NPZDO 16.75.025.A.2 is satisfied for several reasons. First, the use of the parcel that could be reasonably expected to occur in the R-2.5 zone is one that is consistent with the R-2.5 zone’s dimensional standards; in this case, the minimum 2500 square foot lot size which fully implements the Plan’s vision of more dense development. The phrase “could be reasonably expected to occur in the zone” means what a reasonable property owner would expect when developing property in the R-2.5 district.

Second, the Planning Commission can find that without approval of the variance, the Applicant would be “precluded a substantial property right enjoyed by the majority of landowners in the vicinity.” The phrase “a substantial property right” means a right under the R-2.5 zoning district which could reasonably be expected by development in the R-2.5 district.

The Applicant’s property is subject to a 75-foot wide SNR Buffer (which, as explained below, is not consistent with the standards found in Clean Water Services (“CWS”) jurisdictions). Property owners must be able to develop their property consistent with the underlying zoning ordinance and, where a variance is available and the criteria for the variance are met, to allow that consistent development such as this section, provide for variances to be granted. Without such variances, property owners with unique circumstances such as this property are precluded from enjoying the same substantial property rights enjoyed by other property owners in the same vicinity.

For these reasons, the Planning Commission can find that NPZDO 16.75.025 is satisfied.

2. The application satisfies the criteria in NPZDO 16.185.010.A-E.

NPZDO 16.85.010.A-E contain the variance approval criteria for the SNR Buffer width variance.

- a. **NPZDO 16.185.010.A: “That special conditions and circumstances exist which are peculiar to the land, building or structure involved.”**

The Planning Commission can find that the “special conditions and circumstances” which exist on this property are the location of the 75-foot wide SNR Buffer. The buffer is associated with McKay Creek and is not generally applicable to other land, buildings or structures in the area. Moreover, as the staff report finding on page 41 points out, the Subdivision site is subject to a number of environmental constraints which, taken together, are peculiar to the land involved and not generally applicable to other land in the same zoning district.

- b. **NPZDO 16.185.010.B: “That granting a 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.”**

The Planning Commission can find that the public interest is defined as approval of a subdivision which implements the R-2.5 zoning district which, in turn, implements the Plan. Not granting this variance defeats the Plan’s goal, which is implemented through the R-2.5 zoning district, to allow more dense residential development consistent with the dimensional requirements of the R-2.5 zoning district.

Additionally, the variance is “in harmony” with the purpose of the R-2.5 zoning district. The purpose of the R-2.5 zoning district is to implement the Plan’s goal of achieving higher density residential development. The Plan’s adoption by the North Plains City Council means that it is the accepted vision for development. The purpose of the R-2.5 zoning district is to “provide for the development of single family residential use . . . and to implement the housing policies of the Comprehensive Plan.”

The variance allows for single family development on lots 6-9 and 15-25. Plan Objective 1 is implemented because this variance allows the development of lots 6-9 and 15-25, consistent with the Plan’s Livability Policy in Plan Section 15.01.050.1.

Finally, the Planning Commission can find that the variance is consistent with the intent and purpose of the NPZDO. The intent and purpose of the North Plains Zoning and Development Ordinance is set forth in NPZDO 16.00.005. The “purpose and scope” of the zoning ordinance is:

“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.”**

The variance achieves the purpose of the NPZDO because it encourages the most appropriate use of the land (Purpose A) and promotes development consistent with the Plan (Purpose I).

Denial of the variance fails to achieve the intent and purpose of the NPZDO because it fails to allow development of the R-2.5 zoning district as intended.

- c. NPZDO 16.185.010.C: “That the variance would result in minimal detriment to the immediate vicinity.”**

The Planning Commission can find that granting the variance to allow a 50-foot wide SNR buffer will have minimal detriment to the immediate vicinity. Granting the variance will have no detriment to other surrounding property owners. Further, granting the variance will have no detriment to the McKay Creek riparian/corridor/significant natural resource area.

The Applicant conducted a natural resource assessment of the McKay Creek riparian/significant natural resource area. The Applicant’s November 7, 2014 natural resource assessment report describes the McKay Creek area subject to the variance. (Natural Resources Assessment Report at page 4 (the “Report”). The Report describes the southern portion of the riparian area as in a marginal and degraded condition because the area generally lacks tree canopy and is dominated by non-native grasses, forbs and invasive Himalayan blackberry. (Report at page 4). Additionally, the Report notes that about 48 percent of the Subdivision site will be maintained as open space to preserve and protect natural resources on the site. In order to effectively construct the proposed dwellings on lots 6-9 and 15-25, the variance is necessary, in the words of the Report, . . . “. . .to provide properly sized streets, spaced blocks, infrastructure, as well as create lots with sufficiently sized buildable areas . . .”

Further, the Report proposes mitigation for the variance, including removal of non-native vegetation species and planting native trees and shrubs in the proposed replacement mitigation areas (Report pages 4-5). The application proposes approximately 11,560 square feet of replacement mitigation for the 11,446 square feet of proposed encroachment area requiring a variance (Report at page 5). The proposed replacement mitigation exceeds the City’s minimum mitigation requirements.

Finally, the City adopted the 75-foot buffer width as a “safe harbor” provision based on the height of mature trees. “Report to the City of North Plains City Council, Goal 5 and Goal 7 Periodic Review, January 18, 2002” (the “Report”) at page 8. The Report also notes that the quality of the riparian areas is greatest where mature trees abut the McKay Creek (Report at page 9). The Report notes that the south edge of McKay Creek on this site lacks such trees. Nevertheless, the City adopted the 75-foot buffer width based on tree height notwithstanding the lack of trees (Report at page 10; Application Figure 5 showing no mature trees along lots 15-25). There is no detriment to the immediate vicinity or to the riparian area in granting the variance to allow a 50-foot buffer width because there is no intrinsic value or need for the additional 25-foot buffer width.

The Planning Commission can find that granting the variance will not have a detrimental impact on the McKay Creek riparian area because the buffer width is based on tree height but the majority of the lots do not have trees adjacent to McKay Creek.

- d. **NPZDO 16.185.010.D: “That the variance requested is the minimum variance which would make possible the reasonable use the applicant’s land, building or structure.”**

The Planning Commission can find that the 25-foot variance is the minimal variance necessary to allow construction of proposed single family dwellings on lots 6-9 and 15-25 while still achieving the R-2.5 zoning district’s dimensional standards.

- e. **NPZDO 16.185.010.E: “That the special conditions and circumstances on which the application is based did not result in the negligent or knowing violation of this Ordinance by the applicant.”**

The Planning Commission can find that the variance requested is not a result of negligent or knowing violation of the Ordinance by the Applicant.

3. The Plan is not an applicable approval criterion.

Plan Section 15.01.050.1 is entitled “Livability”. The Applicant agrees with the staff report that, because of the language contained in the “Livability” section, this Plan section is aspirational and not a mandatory approval standard.

NPZDO 16.135.005.A provides that “applicable” sections of the Plan may apply to subdivision applications. However, unless the Plan contains mandatory approval standards (words such as “will” or “shall”), the Plan’s policies are not applicable standards.

Further, ORS 197.195(1) applies to limited land use applications, defined in ORS 197.012(15) as including land divisions inside urban growth boundaries. The section provides

that unless a city has incorporated specific Plan policies into its land use regulations by 1991, the Plan shall not be an applicable approval criterion.

Based on the above, while the “Livability” section may inform the Planning Commission of how to apply certain elements of the applicable NPZDO, the Plan itself is not a mandatory approval criterion.

4. Clean Water Services has approved the proposed pathway alignment along McKay Creek.

City Planner Heather Austin has spoken with CWS and CWS has sent, or will send, an email to the City approving the pathway alignment. Ms. Austin will place the email before the Planning Commission to demonstrate that the pathway alignment is resolved.

5. Off-street parking satisfies the applicable standards of the NPZDO Chapter 16.155.

NPZDO section 16.155.015.A.1 requires that each single family dwelling unit have two (2) off-street parking spaces. This development will provide at least four (4) off-street parking spaces for each dwelling unit: two (2) parking spaces in a two-car garage and two (2) parking spaces on the driveway between the front yard setback and the garage. The Planning Commission can find that this standard is satisfied.

6. Conclusion.

For the reasons contained in this letter, the Applicant respectfully requests that the Planning Commission approve the subdivision and variance applications.

Very truly yours,



Michael C. Robinson

MCR/rsr

- cc: Mr. Vince Biggi (via email)
Mr. Alex Hurley (via email)
Mr. Chris Goodell (via email)
Ms. Stacey Reed (via email)
Ms. Heather Austin (via email)
Mr. Shane Abma (via email)

**CITY OF NORTH PLAINS PLANNING COMMISSION
FINAL WRITTEN ORDER - NOTICE OF DECISION**

March 23, 2015

File# 14-014 McKay Creek Subdivision, Flood Plain Permit, Significant Natural Resources Permit and Variance

The North Plains Planning Commission conducted a public hearing regarding Land Use File# 14-014 McKay Creek Subdivision on February 11, 2015 and March 11, 2015. The Planning Commission closed the public hearing and made the following decision on March 11, 2015.

DECISION

The City of North Plains Planning Commission **approved with conditions** the subdivision preliminary plat, flood plain permit and significant natural resources permit request portions of Land Use File #14-014 McKay Creek Subdivision.

The Planning Commission **denied** the variance request portion of the application for reduction of portions of the significant natural resource buffer.

The conditions of approval of the subdivision preliminary plat, flood plain permit and significant natural resources permit are found at the end of this document.

FINDINGS

The land use decision was made by the Planning Commission based on the applicant's submittal, City Staff Report findings of fact, public testimony and deliberation by the Planning Commission.

The Planning Commission found that the applicant satisfactorily met the applicable code criteria for approval of the subdivision, flood plain permit and significant natural resources permit, consistent with the findings in the Staff Report dated February 4, 2015.

The Planning Commission found that the applicant did not satisfactorily meet the applicable code criteria for approval of the variance to the significant natural resource buffer, Section 16.75.025 of the North Plains Zoning and Development Ordinance.

APPEAL

The applicant or property owner, or any person who testified in writing or verbally at the public hearing of Land Use File #14-014 may appeal this decision to the North Plains City Council. Such appeal shall contain the appellant's standing to appeal the decision and the issue being raised in the appeal based on the approval criteria.

Any appeals must be submitted within 14 days of the date of this final order.

The deadline for appeals to be received by the City is **Monday, April 6, 2015 at 5:00 PM.**

IF AN APPEAL IS RECEIVED BY THE CITY, THE CITY COUNCIL WILL HOLD A PUBLIC HEARING ON APRIL 20, 2015 AT 7 PM AT THE NORTH PLAINS SENIOR CENTER, 31450 NW COMMERCIAL STREET. THE CITY COUNCIL IS THE FINAL DECISION BODY FOR THE CITY OF NORTH PLAINS.

Before the Planning Commission of the City of North Plains

In the matter of an application for)	FINAL ORDER
preliminary subdivision plan, flood plain)	14-014-SUB FPP SNR VAR
development permit, and significant)	
natural resource area alteration permit)	McKay Creek Crossing Subdivision
approvals and variance denial)	
Biggi Construction, LLC, APPLICANT)	
)	

Whereas, a request was made by applicant Biggi Construction, LLC (11605 SW Normandy Lane, Wilsonville, OR 97070), and property owners North Plains Acres, LLC (3390 NW 178th Avenue, Portland, OR 97229) for a preliminary subdivision plan to divide 1 parcels into 58 lots; and

Whereas, the applicant and owners must obtain approvals for a Preliminary Subdivision Plan, a Flood Plain Development permit, a Significant Natural Resource Area alteration permit and a variance in order to develop the project as proposed; and

Whereas the Planning Commission conducted a duly noticed public hearing, and reviewed the applications at its meetings on February 11, 2015 and March 11, 2015; and

Whereas, the Planning Commission considered the written and oral testimony presented by staff and the public, and thereafter closed the hearing and deliberated; and

Whereas, having considered the applications and the evidence in the record, the Planning Commission adopted a motion to approve file 14-014 SUB FPP SNR, but deny the variance (VAR) request and instructed staff to prepare findings, conclusions and conditions in a final written order.

Now therefore, it is hereby ordered by the North Plains Planning Commission:

The Planning Commission approves the applications, file 14-014 SUB FPP SNR and denied 14-014 VAR, based on the findings and conclusions contained in Exhibit A and subject to the conditions of approval contained in Exhibit B, which are attached hereto and which the Planning Commission hereby adopts as its findings, and determines to be reasonable.

	<u>3/18/15</u>
Heather LaBonte	Date
Vice Chairman	

McKay Creek Crossing Subdivision (Modification)
File# 006-MOD FPP-SNR
Final Order
Exhibit A FINDINGS

General Findings

1. Finding: Applications for preliminary subdivision plans, flood plain alteration permits, significant natural resources permits and variances require Type III reviews and decisions. The Planning Commission is the City's decision making body. The applications are processed concurrently.
2. Finding: Location: Property identified as Tax Lot 1601 Map No. 1N301DD. The subject property is located on the east side of NW 307th Avenue west of McKay Creek and contains approximately 10.90 acres of which 4.65 acres would be retained in its natural state and designated as open space. The site is currently developed with one single family residence and is the site of an abandoned filbert and apple orchard. The address of the property is 9960 NW 307th Avenue.
3. Finding: Comprehensive Plan Designation: The land use designation of the subject property is High Density Residential (R-2.5) on the City's Comprehensive Plan. Adjacent property to the north, south and west is the same designation. Property to the east is outside the city limits and urban growth boundary. Property to the northwest and across Pacific Street is designated Commercial (COMM). The property is located within the 100 - year flood plain and is shown as containing Significant Wetlands, Significant Natural Resources, and Wildlife Habitat in the city's Significant Natural Resources Report.
4. Finding: Zoning: The site is zoned Multi/Family Residential (R-2.5). Adjacent property to the north, south and west is the same designation. Property to the east is outside the city limits and urban growth boundary. Property to the northwest and across Pacific Street is designated Highway Commercial (C-2).
5. Finding: Existing Improvements: The subject property is currently developed with one single family residential structure. Public facility improvements constructed in the street frontage of the property along NW 307th include a storm water line, sanitary sewer line, and water line.
6. Finding: Availability of Public Services: The property currently has access to City water and Clean Water Services sewer. The water and sewer lines are located in the right-of-way of NW 307th Ave. The subject property has direct access to NW 307th Avenue. The subject property is served by City police and Washington County Fire District No. 2 for fire protection.
7. Finding: Proposed Application: An application for a 58 lot subdivision with each lot ranging in size from 2,560 square feet to 4,767 square feet, dedication of land for

the construction of a new public street to serve the newly created lots, and a stormwater facility with access road.

8. Finding: Procedures: In accordance with ZDO Chapter 16.170 Application Review and Procedures, on January 9, 2015 Notices of Public Hearing were mailed to all property owners within 250 feet of the subject property and Land Use Action Referrals were mailed to all affected public agencies. On February 11, 2015 and March 11, 2015, the Planning Commission conducted a public hearing to discuss and make a decision regarding this application. The City must take final action including all appeals on this application no later than May 9, 2015, per the state-mandated 120-day rule.
9. Finding: Adjacent Land Uses: Adjacent land to the north is undeveloped. Adjacent land to the south is developed with single-family residences on large lots. Adjacent land to the east (across McKay Creek) is developed with a dairy farm with related accessory structures. Adjacent land to the west is developed with a subdivision with lot sizes similar to this proposal.
10. Finding: Agency referrals were mailed to all affected agencies and organizations and the following responses were received:
 - 1) *Washington County Fire Department No. 2: Agency submitted comments stating that the planned layout looks great regarding ingress and egress but reminds the applicant that hydrants are needed no further than 600 feet from any structure.*
 - 2) *Clean Water Services: Issued a Service Provider Letter (SPL) for the proposal. CWS comments and conditions regarding the proposed plat were submitted into the record.*
 - 3) *City Engineer Memorandum: The City Engineer did not submit comments on this application.*
 - 4) *Washington County Land Use and Transportation: County comments and conditions regarding NW 307th Avenue were received.*

Specific Findings based on North Plains Municipal Code (NPMC)

NPMC 16.30 Multi-Family Residential Zoning District, R-2.5.

11. Finding: The applicant is proposing 58 single-family residential detached dwellings, a permitted use in the R-2.5 district.
12. Finding: The proposed subdivision map meets the dimensional standards set forth in NPMC 16.30.
13. Finding: The applicant will be required to meet the maximum 65% impervious surface coverage requirement at time of building permit submittal.

NPMC 16.65 Flood Plain Overlay District

14. Finding: The eastern portion of the subject site is located within the boundaries of the 100-year flood plain. The rear yards of 4 of the lots are within the flood plain, lots 4-7. A small portion of the proposed stormwater facility is shown within the area of special flood hazard.
15. Finding: The applicant has obtained information from Washington County identifying the boundary of the 100-year flood plain on the site is at an elevation of 169.10 feet. Current code requires the finished floor at one foot above the flood plain elevation (170.10 feet). There are no homes proposed within the 100-year flood plain and all homes will be built with a finished floor at a minimum of one foot above the flood plain elevation (170.10 feet).
16. Finding: The cut and fill soil materials will be balanced on site.
17. Finding: The applicant is required to comply fully with the provisions of Chapter 16.65. To ensure this compliance city staff or other qualified consultants must provide regular on-site observations to assure standards are met.
18. Finding: The applicant is proposing to retain a majority of the area within the 100-year flood plain as private open space.
19. Finding: If applicable, all new utilities supplying the development must be constructed to comply with the standards of 16.65 subject to City and Clean Water Services review and approval.
20. Finding: The applicant has proposed the stormwater facility within the floodway. This facility will not contain improvements that would constrict the flow of water during a storm event.

16.75 Significant Natural Resource (SNR) Overlay District

21. Finding: 16.75's Definition "Q" lists the Riparian Corridor along McKay Creek as 75 feet from the top of bank or from the edge of the delineated significant wetland, whichever is further landward. The CWS sensitive lands buffer is 50 feet and less restrictive than the city's buffer.
22. Finding: The applicant has stated the resources of the property will be protected and proper economic use of the property will occur.
23. Finding: Applicant's Plan Sheet P08 shows an access road to the water quality facility into the 75 foot Riparian Corridor buffer. During the fill and excavation, compliance with all of the above requirements related to work in the floodplain and SNR district will occur.
24. Finding: No utilities will be placed in the SNR area except for a water quality facility. Removal of vegetation will be avoided except where necessary to construct the water quality facility and access road. During the flood plain cut and

fill, compliance with the above requirements will occur. Monitoring should be a condition of approval.

25. Finding: The new lots will be located on farm land that has been used for many years. The land only contains grass that is mowed every year. The excavation area also contains grass. The integrity of the SNR area will be maintained and improved.
26. Finding: The applicant proposed a variance to the Significant Natural Resource Overlay buffer of McKay Creek. The variance was to reduce the buffer from 75-feet to 50-feet in the area of lots 6-9 and 15-25. The variance would allow the applicant to develop the subdivision with the buffer completely outside of the lots.
27. Finding: The Planning Commission found that the applicant did not provide sufficient evidence to demonstrate the necessity of the variance and therefore denied the variance request.
28. Finding: The proposed subdivision plan, flood plain permit and significant natural resource permit are approvable without the requested variance. The subdivision as proposed is not contingent upon approval of the variance.
29. Finding: The City intends to build a pathway along McKay Creek in accordance with the City Trails Map. Trails are allowed in accordance with 16.75.0154 A.1.

16.125 Development Code Standards for Lots

30. Finding: All of the lots comply with the minimum lot area requirements of the R-2.5 district as described earlier in these findings.
31. Finding: All of the lots have a minimum of 20 feet of frontage along a public street.
32. Finding: The applicant is not proposing any through lots with the development. Lots 1-4 have double street frontage, but no access to the undeveloped eastern end of NW Pacific Street.
33. Finding: All of the lots maintain a right angle, as far as practicable, to the street.
34. Finding: Lot grading required for the development must comply with the requirements of 16.125 and be approved by the City.
35. Finding: There are no proposed lots sized large enough for future division.
36. Finding: NPMC 16.125.H applies since there is a trail system on the site identified in the City Parks Plan and Community Trails Plan. The applicant has agreed to record an easement for a public walking trail along McKay Creek to the city in accordance with those plans and this policy. The dedication of the easement will be formalized in an agreement between the developer and the City as a condition of approval.

- 37. Finding: Easements for all public utility lines are proposed to adjoin the public street.
- 38. Finding: The site does not contain any water courses; however, the McKay Creek 100-year flood plain is located within the western portion of the site and is intended to be maintained in private ownership.

16.135 Subdivisions

- 39. Finding: This subdivision application complies with all or the requirements of NPMC 16.135.
- 40. Finding: Open space will be owned by the future Homeowner’s Association and street right-of-way will be dedicated to the City of North Plains.
- 41. Finding: It is anticipated that the water quality facility will be owned by the future Homeowner’s Association.
- 42. Finding: Formation of a HOA is being considered in order to maintain the water quality facility and open space.
- 43. Finding: Compliance with conditions of other public agencies will occur based on conditions of approval to this final order.
- 44. Finding: A traffic study was prepared and accepted by the City Engineer and Washington County, with an acceptable level of service being maintained on 307th Avenue and Glencoe Road after build-out of the neighborhood.
- 45. Finding: As demonstrated in the reports submitted into the record, this application is required to comply with both the SNR and FP overlay district standards.
- 46. Finding: All lots are less than 150 feet from a public right-of-way.
- 47. Finding: Street and building placement and alignment is designed so that all future street connections can be made as surrounding properties develop.

16.145 Application of Public Facility Standards

48. Finding: Per the requirements of the following table (excerpt), the applicant is required to install the following improvements when developing a subdivision:

	Fire Hydrants	Street Improvement	Water Line	Sewer Line	Storm Drainage	Street Lights and Trees
Subdivisions	Yes	Yes	Yes	Yes	Yes	Yes

49. Finding: The applicant will be required to provide construction plans for City and CWS approval illustrating compliance with all utility requirements prior to the issuance of a building permit for the new detached single-family homes. Approved utility construction plans should be a condition of approval.
50. Finding: The applicant will comply with the standards of Chapter 16.150 for the construction of the new public local street that provides access to NW 307th Avenue, utilizing the 34' wide local street standards of Washington County Local Road Section detail L-3.
51. Finding: The applicant is required to obtain City and CWS approval for the proposed storm drainage system for the development and will be required to comply with the above listed requirements. All of the lots will be connected to the storm drainage system.
52. Finding: The applicant is proposing to connect a new public sewer line from the existing public line within the right-of-way of NW 307th Avenue that will run down the new public road and provide service to many of the new lots within the subdivision. The lots along NW 307th will access public infrastructure in that right-of-way. The applicant is required to receive approval for connection to the existing public sewer system in accordance with City and CWS specifications. Each of the lots will have individual sanitary sewer service.
53. Finding: The applicant is proposing a new public water line connect to the existing public line within NW 307th Avenue that will run down the new public street and provide individual service to many of the new lots and to any required fire hydrants in the subdivision. The lots along NW 307th will access public infrastructure in that right-of-way. The applicant must obtain city approval for the water supply to the development. Each lot is proposed to have individual water service. The fire hydrants must have an adequate flow.

16.150 Streets

54. Finding: The location, width and grade of the proposed public street providing the development access onto NW 307th Avenue was considered in relation to existing streets, topographical conditions, public convenience and safety, and to the proposed use of the land within the subdivision, and meets the standards of Section 16.150.115.
55. Finding: The new public street loops and connects on both ends to NW 307th Avenue.
56. Finding: The applicant is not proposing any reserve strips with this application.
57. Finding: The new public street is not in alignment with another street; therefore 16.150.010.B is not applicable.

58. Finding: The new public street has been laid out to provide a nearly 90 degree angle intersection with NW 307th Avenue.
59. Finding: The applicant will coordinate with the City Planning Commission to define a street name for the new public street which does not duplicate an existing street name.
60. Finding: The property abuts NW 307th Avenue; therefore, the applicant must comply with any applicable street standards.
61. Finding: The applicant is not proposing any alleys with this development which is in a residential district and not required to have alleys.
62. Finding: The applicant is proposing a sidewalk along the east side of NW 307th and along both sides of the new public street. The applicant did not propose sidewalk along the south side of NW Highland Court, but this will be required as a condition of approval.
63. Finding: The sidewalk on the new public street is partially in right-of-way and partially within a front yard easement.
64. Finding: Street trees will be planted per the requirements 16.150.N.
65. Finding: Since there is no planter strip on the local street, as a condition of approval street trees should be planted by the developer in the front yard of each parcel.
66. Finding: The applicant is proposing the new public street be designed to Washington County Local Street Standard L-3 to have a minimum right-of-way width of 34 feet with a minimum roadway width of 28 feet.
67. Finding: There is proposed to be a 3.5 foot planter strip and a 5 foot sidewalk partially within an easement and adjoining the public utility easement in the front yard of each lot.
68. Finding: NW 307th Avenue is a Collector Street, and the required street improvements are per Washington County Standards.
69. Finding: The County delegates the street tree provisions to the City. Meeting County improvements and City street tree specifications should be a condition of approval.

16.155 Parking Requirements

70. Finding: All of the detached dwelling units will have a minimum of two (2) off-street parking spaces available in the garage and driveway, which will be confirmed when the applicant obtains building permits.

16.160 Requirement for Vision Areas

71. Finding: The front of the houses and garages will be located 20 feet from the property line or sidewalk, whichever is a greater distance. This results in compliance with the above vision clearance requirements.

16.165 Street Dedications

72. Finding: The applicant indicates the proper street dedications will occur with this subdivision.

73. Finding: A traffic study was prepared for this application by Lancaster Engineering. The City Engineer has accepted the conclusions in the TIS. The conclusions of the traffic study are as follows:

- 1) Under year 2017 traffic conditions with full occupancy of the proposed subdivision, the intersection on NW Glencoe Road at NW Pacific Street is projected to operate at **Level of Service "E"** during the morning and evening peak hours, NW Glencoe and NW Highland **Level of Service "B"** and 307th and Highland at **Level of Service "A"**. No operational mitigation is recommended.

16.185 Variance

74. Finding: The Applicant proposed a variance to the significant natural resource buffer of 75 feet from top of bank along McKay Creek. The Planning Commission found that the Applicant did not meet the requirements of Section 16.75.025, Variances to Chapter 16.75- Significant Natural Resources Overlay District (SNR).

McKay Fields Subdivision (Modification)
File# 006-MOD FPP-SNR
Final Order
Exhibit B CONDITIONS OF APPROVAL

Based upon the findings made by the North Plains Planning Commission the following conditions of approval are applicable to this Final Order:

Prior to approval of a grading permit or any other preliminary permits, the Applicant shall provide evidence that the following conditions have been satisfied:

1. All sanitary sewer, storm sewer, and surface water management provisions shall be designed in accordance with Clean Water Services (CWS) "Design and Construction Standards for Sanitary Sewer and Surface Water Management," as contained in CWS Resolution and Order No. 07-20 (R&) 07-20). This shall include both the conveyance system and off-site improvements and modifications to existing systems necessary to provide adequate services to the site.
2. Sanitary sewer service improvements shall be provided in compliance with R&O 07-20 and City of North Plains Public Works Design Standards, Planning, Zoning, and Development Codes and other applicable City and Washington County Policies.
3. Surface water conveyance and surface water management facilities shall be provided in compliance with R&O 07-20 and other Washington County standards that apply, as well as the City of North Plains Public Works Design Standards, Planning, Zoning, and Development Codes and other applicable City and Washington County Policies. All system improvements located outside of the Urban Growth Boundary (UGB) shall require approvals from Washington County in addition to the City.
4. Public water system improvements are required and shall be planned, designed, and constructed in accordance with current City of North Plains Public Works Design Standards, the City Engineer's recommendations and the APWA Standard Specifications for Public Works Construction. The system improvements shall be looped with the existing water system as approved by the City and be constructed with minimum 8 inch diameter pipes. Following approval of the subdivision and prior to any on-site development, the water system shall be verified by the City Engineer, at the applicant's expense, to demonstrate that the proposed water system improvements meet all applicable City and State requirements and is consistent with the City Water Master Plan and water distribution model.
5. All off-site sanitary sewer and storm water easements of sufficient width, as determined by the approving authority, shall be dedicated to the appropriate jurisdictional authority prior to approval of any construction agreements, engineered plans, plat, grading or construction permits. Any easements proposed outside the Urban Growth Boundary shall be approved by Washington County.

6. Comply with the CWS Service Provider letter dated November 6, 2014. Comply with all applicable DSL and the Army Corps of Engineers and DSL permits as required.

Prior to Final Plat approval, the Applicant shall:

1. Submit to the City Engineer for review and approval public improvement plans consistent with the proposed plans completed by AKS Engineering and Forestry, LLC and dated 11-06-2014, with the following revisions:

- A. Street trees along NW 307th, NW Highland Court and NW McKay Creek Drive.
- B. A full-street improvement of NW Highland Court from NW 307th Avenue to the proposed NW McKay Creek Drive, including sidewalk along the south side of the street.
- C. A revised name for the proposed "McKay Creek Drive" that meets city street naming standards.
- D. Fire hydrants used for suppression purposes no further than 300 feet apart per Public Works Standards.
- E. Street lights and street trees pursuant to section 16.125.025.6. Street lights are to be installed by the applicant and dedicated to the City upon acceptance of the final plat.
- F. Dedication of adequate corner radius at the intersection of the proposed new street and NW 307th Avenue (south).
- G. Construction of the new street connection at the intersection of NW 307th Avenue and NW Highland Court to County Standards.
- H. All work proposed within the County-maintained right-of-way of NW 307th Avenue shall be designed and constructed to County standards, including ADA standards.
- I. Adequate illumination at the new street connection at the intersection of NW 307th Avenue and NW Highland Court as determined by Washington County.
- J. Taper to Detail 2140 on the south side of the new street connection at the intersection of NW 307th Avenue and NW Highland Court.

2. Submit to the Planning Department for review and approval a revised subdivision plat consistent with the proposed plans completed by AKS Engineering and Forestry, LLC and dated 11-06-2014, with the following revisions:

- A. Identify a stormwater easement or drainage right-of-way which substantially parallels the lines of McKay Creek water course.
- B. Identify a 15-foot wide easement for a walking trail through the area designated as open space in as close proximity as practical to McKay Creek.

3. Submit to the Planning Department for review and approval:

- A. The plat name approval from Washington County.
- B. Homeowners' Association articles of incorporation, which explicitly state the homeowners' responsibility to maintain the open space designated on the plat.

4. Obtain approval of the Public Improvement Plans and construct all public improvements or adequately guarantee completion of public improvements consistent with Development Code Section 16.145.120.

Prior to Issuance of Building Permits, the Applicant shall submit building permit applications which identify:

1. Structure placement in compliance with section 16.30.015.D, ensuring garages, carports, accessory dwellings and accessory structures are flush with, or recessed behind, the front building elevation of the principle structure;
2. Structure height in compliance with section 16.30.105.H, ensuring that the building height does not exceed 35 feet or two and a half stories, whichever is less;
3. Lot coverage in compliance with section 16.30.015.I, ensuring that the maximum lot coverage for impervious surfaces does not exceed 65%; and
4. The front building elevations in compliance with section 16.30.025, ensuring that at least two of the required design features are provided.

Ongoing Conditions:

1. Streets shall be dedicated and designed in accordance with the City of North Plains Development Code and Public Works Design Standards.
2. An 8' public utility easement should be located across all lot and tract frontages adjacent to public right-of-way.
3. Street names shall be provided in accordance with the north/south County numbered street sequence for the north/south streets if applicable. Otherwise streets shall be approved by City Planning Commission based upon names of local area pioneers or settlers, community leaders or local flora or fauna. Include pedestrian trail signage and in other appropriate street crossings to assure pedestrian safety.
4. Applicant shall comply with Washington County Fire District No. 2 regarding hydrant locations and other district requirements.
5. Applicant shall comply with the development standards of the City Zoning and Development Code Chapter 16.30 R-2.5 High-Density Residential.

6. Applicant shall comply with City Zoning and Development Code Chapter 16.57 Subdivisions Final Plat.
7. The applicant shall provide street intersection monumentation and elevation benchmarks per City and County Surveyor requirements. Applicant shall provide a metes and bounds description of the subdivision.
8. All conditions of approval must be completed within one year of the date of this approval or the approval is void, unless specifically modified by an approved phased construction schedule, approval of an extension, or unless the applicant/owners provides assurances otherwise.
9. Prior to obtaining approval to begin construction of any public improvements, the applicant/owner shall provide a performance bond to the City in the amount of 125% of the total cost of such construction. Upon completion of all public improvements, the applicant/owner shall provide a maintenance bond to the City, in the amount of 40% of the total cost of such construction, guaranteeing said improvements for a period of one (1) year following City acceptance of said improvements. Comply with the recommended conditions of the Public Works Director.
10. Street lights on city local streets shall be installed as per IES standards and City standards. The developer is to contact PGE outdoor Lighting services 503-844-5361.
11. All utilities shall be constructed underground.
12. The types, sizes and intensities of lights must be placed so that they do not shine directly into the McKay Creek Riparian Corridor/Significant Natural Resource.
13. The applicant/owners shall have a licensed land surveyor prepare a Final Plat of the proposed subdivision and submit it to the City for City approval, and then record it with the Washington County Surveyor's Office and County Clerk's Office. The applicant/owners shall then send a copy of the recorded Plat to the City Recorder.
14. The applicant/owners agree to waive their right to remonstrate against the formation of a local improvement district or other mechanism to construct future improvements to the streets, storm water, water and sewer systems that may be assessed against the subject property.
15. Prior to City approval of the final subdivision plat for the subject property, the applicant/owners shall sign and record a Development Agreement with the City, covering all of the conditions of approval and pay all fees.
16. The applicant shall be responsible for reimbursing the City for the reasonable costs associated with inspection of public works improvements.

17. It shall be the responsibility of the Developer or his representative to coordinate all design requirements with the appropriate agencies and utilities. In addition to the City of North Plains, Clean Water Services (CWS) must review and approve the proposed sanitary sewer /storm water sewer improvements. Also, the Fire District must review and approve the site plan for emergency access vehicles. Approval must be obtained in written form and any coordination work with all agencies shall be the Developers sole responsibility. Documentation of all written approvals and permits from affected agencies should be provided to the City for their records.

18. Approved plans do not guarantee the adequacy of the design, or guarantee that there will not be any design conflicts during construction. The design engineer should be notified of any design conflicts that are noted during construction and he/she should then immediately notify the City of North Plains. Modifications to the design must be approved by the City of North Plains and the appropriate Agency prior to continuing with any relevant construction activities.

19. After Planning Commission review the Developer must submit separate construction plans that meet all Conditions of Approval, City of North Plains Public Works Design Standards, 1990 APWA Standard Specifications for Public Works Construction with August 1996 revisions, and Clean Water Services to the City for review and approval. Prior to the start of construction the plans must be approved by the City and all City and Agency permits must be obtained.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 20, 2015
To: Mayor and City Council
From: Finance Director Rachael Lembo
City Manager Martha DeBry
Subject: Resolution No. 1881 adopting the 2014-15 Supplemental Budget with new appropriation allocating Transportation Development Tax (TDT) credits and authorizing credits to JT Roth Inc. for McKay Fields Subdivision

Request: JT Roth has requested TDT credit for McKay Fields in the amount of \$135,242 for road improvements and right-of-way dedication along the south side of West Union Road along the site's north property frontage. Total TDT fees to be paid by JT Roth for the McKay Fields Subdivision will be \$265,188.

Per the County's TDT Methodology Report Appendix A:

A credit is a reduction in the amount of the SDC for a specific development. The SDC Act requires that credit must be provided for the construction of any "qualified public improvement" that

- 1) is required as a condition of development approval;
- 2) is identified in the plan and list of projects on which improvement fee SDC revenues may be used; and
- 3) either is not located on or contiguous to property that is the subject of development approval, or is located on or contiguous to such property and is required to be built larger or with greater capacity than is necessary to meet the needs of the particular development project.

The work JT Roth is performing on West Union meets all three requirements, and thus they are eligible for TDT credit. The City will work with the County and/or our engineering firm, Murray Smith and Associates, to review the costs for reasonableness and compliance with the City's standards. Upon completion of their review the costs may decrease, but will not exceed \$135,242.

Fiscal Impact: When the development is complete the City will have recorded \$265,188 in TDT fee revenue for the McKay Fields Development; \$135,242 in credit and \$129,946 in cash. The City will record \$135,242 of capital project expense for the West Union Road work performed by JT Roth. This recognizes the full SDC revenue and full cost of the capital project.

In the current year, FY2014-15, the City expects 8-10 homes to request the TDT credit, or up to \$66,650. The TDT fund does not currently have any appropriation in the Capital Outlay expenditure category, therefore a supplemental budget with public hearing is required. The TDT fund contingency of \$100,071 will be used to increase Capital Outlay.

Environmental Issues: None

Recommendation: I move to adopt Resolution No 1881 adopting the 2014-15 Supplemental Budget with new appropriation allocating Transportation Development Tax (TDT) credits and authorizing credits to JT Roth Inc. for McKay Fields Subdivision.

Attachment – FY2014-15 TDT Fund Budget Update

Attachment – Resolution No. 1881

RESOLUTION NO. 1881

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
ADOPTING THE 2014-15 SUPPLEMENTAL BUDGET WITH NEW APPROPRIATION
ALLOCATING TRANSPORTATION DEVELOPMENT TAX CREDITS AND AUTHORIZING
CREDITS TO JT ROTH INC FOR MCKAY FIELDS SUBDIVISION**

WHEREAS, the City Council adopted a budget, made appropriations and levied taxes for fiscal year 2014-2015 through Resolution No. 1837 on June 2, 2014; and

WHEREAS, the City Council adopted a supplemental budget for fiscal year 2014-2015 through Resolution No. 1874 on February 2, 2015; and

WHEREAS, new appropriation is needed in the Transportation Development Tax (TDT) Fund to process TDT credits for TDT eligible work performed by a developer, JT Roth Inc.

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

Section 1. Adopts a supplemental budget for the remainder of fiscal year 2014-15 now on file in the Office of the City Manager.

Section 2. The amounts as shown below are hereby appropriated for fiscal year 2014-15 for the following purposes:

Transportation Development Tax Fund

	<u>2/2/15 Supplemental Budget</u>	<u>Inc/(Dec)</u>	<u>4/20/15 Supplemental Budget</u>
Capital Outlay	0	66,650	66,650
Contingency	100,071	(66,650)	33,421
Total	\$100,071	\$0	\$100,071

Section 3. Credits are authorized for JT Roth Inc. in an amount not to exceed \$135,242.

Section 3. This Resolution shall become effective immediately upon adoption by the City Council.

INTRODUCED AND ADOPTED this 20th day of April, 2015.

CITY OF NORTH PLAINS, OREGON

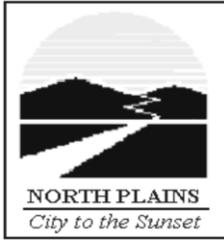
David Hatcher, Mayor

ATTEST:

Margaret L. Reh, City Recorder

TRANSP. DEVELOPMENT TAX FUND 130

Acct	Description	2/2/15 Supplemental Budget	4/20/15 Supplemental Budget	Actuals 3/6/15	Year End Estimate
OPENING FUND BALANCE		396,267	396,267	396,267	396,267
REVENUES					
415100	TDT	333,250	333,250	124,083	273,265
461000	Interest	1,795	1,795	1,134	2,165
TOTAL REVENUES		335,045	335,045	125,217	275,430
EXPENDITURES					
Trans. Development Tax Department					
770000	Capital Projects	-	66,650	-	66,650
	Capital Outlay	-	66,650	-	66,650
	TDT DEPARTMENT TOTAL	-	66,650	-	66,650
	CONTINGENCY	100,071	33,421	-	-
TOTAL EXPENDITURES		100,071	100,071	-	66,650
CHANGE IN FUND BALANCE		234,974	234,974	125,217	208,780
UNAPPROPRIATED					
ENDING FUND BALANCE		631,241	631,241	521,484	605,047



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 20, 2015
To: City Council
From: Martha DeBry, City Manager
Subject: Approval of Resolution No.1882 appointing prospective Member to the North Plains Budget Committee

Request: Lani Miles responded to the request for an additional Budget Committee member. We currently have one open position which needs to be filled for the 2015-16 FY Budget process.

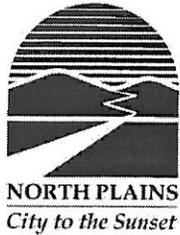
This applicant will need to be approved by resolution by the Council to the City of North Plains Budget Committee, which also serves as the North Plains Urban Renewal Agency Budget Committee.

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

Recommendation: Council consider appointing North Plains' resident Lani Miles to the North Plains Budget Committee.

Sample Motions:

I move to adopt Resolution No.1882 appointing Lani Miles to the North Plains Budget Committee for a term of three years ending on December 31, 2017.



APPLICATION FOR APPOINTMENT TO THE CITY OF NORTH PLAINS BUDGET COMMITTEE

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

The Budget Committee is a fourteen-member board composed of seven citizens and seven City Councilors. The terms filled by the seven citizens are all **three-year terms**, one-third of which expire each year. Per State law members must be residents of North Plains and over age 18. There is no compensation for participation on this committee.

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

The Budget Committee usually meets 2-4 times per year between February and June to review the City's operating and capital budget proposals for the next fiscal year commencing July 1. The Budget Committee recommends the budget to the City Council for adoption.

Name Lani Miles

Mailing Address 31050 NW Kaybern St., North Plains, OR 97133

Street Address 31050 NW Kaybern St.

E-Mail lani.miles@comcast.net Contact Phone Number: Home: 503-647-2451 Cell-360-635-1349

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

1. Why would you like to serve on the Budget Committee?

I enjoy living in North Plains and would like to give something back to the community by serving on the Budget Committee.

2. What do you think are the most important issues now facing North Plains?

City growth and development. Develop ways to increase revenues.

3. Do you have any special interests or qualifications that you would bring to the Budget Committee?

I am a business owner. I perform many types of surveys and audits.

Thank you for applying. Your interest is appreciated.

RESOLUTION NO. 1882

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
APPOINTING LANI MILES TO BE A MEMBER TO THE NORTH PLAINS BUDGET
COMMITTEE**

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

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

WHEREAS, there is currently one (a) vacant positions on the Budget Committee; and

WHEREAS, advertisements have been placed in the city newsletter, on the City website, and in social media encouraging citizens to apply for the Budget Committee after which North Plains resident, Lani Miles has submitted an application for the Budget Committee; and

WHEREAS, the City Council reviewed and considered the application at the April 20, 2015 Council meeting.

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

Section 1. Lani Miles is hereby appointed to the Budget Committee for a two year term expiring December 31, 2017.

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

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 20, 2015
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: Resolution No. 1883 Master Fee Schedule Revision

Request: Approval of Resolution No. 1883, a resolution of City Council of the City of North Plains, Oregon, revising the Master Fee schedule.

Background: The rates on the fee schedule are developed based on the City's cost to provide services, including:

- staff time
- consultant costs (attorney, planner and engineer)
- other direct costs (such as postage or other materials)
- indirect equipment costs (such as computers, printers, etc.)
- overhead charge of 15%

In general the City seeks 100% recovery when assessing fees. Staff have estimated their time, consultant time and direct costs for each fee, and indirect and overhead costs have been added.

There are some significant changes in fees on the proposed schedule, primarily due to the decrease in City staff and increase in consultant usage. Management considered it appropriate to present the revised fee schedule to Council in advance of the FY15-16 budget for two reasons: to allow adequate time to discuss the changes without pressure of approving the budget, and to consider making these fees effective prior to July 1, 2015.

Management is proposing significantly increased rates for Planning, Land Use and System Development Charges become effective May 15, 2015. In these areas our current rates are not covering our costs. Developers with ongoing projects within the City will be notified via letter of these changes and the effective date. All other rates are proposed to become effective July 1, 2015.

Fiscal Impact: Adjusting the rates will allow the City to recover its costs for services included on the fee schedule. This will have a positive impact in the current fiscal year, FY14-15, and the upcoming year, FY15-16.

Environmental Issues: None

Recommendation: I move to adopt Resolution No.1883 Revising the Master Fee Schedule

*Attachments: Revised Master Fee Schedule
Resolution No.1883*

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
ADMINISTRATIVE					
Business Licenses (Revenue raising)					
	Annual fee				
1101	1. First year (waived)	Fee	-		-
1102	2. Renewal	Fee	50.00		50.00
1103	Delinquent payment if paid after February 1 or 30 days of operation		20% of license fee for every 30 day period		20% of license fee for every 30 day period
1104a	Home Occupation Permit - Admin	Fee	115.00		275.00
1104b	Home Occupation Permit - Conditional Use	Fee			585.00
1105	Peddlers Permit/Solicitor Vendor Permit Door to Door	Fee	125.00		135.00
1106	Temporary Vendor Permit - Stationary	Fee	25.00		90.00
Copies/Faxes/Mailing					
1130	Copies - B&W any size, per page	Fee	0.70		0.70
1133	Copies - Color any size, per page	Fee	0.80		0.80
1143	Faxes, per page	Fee	0.25		0.25
	Fees for mailing other than public hearing to be negotiated at time work scope is developed, including staff time, postage, and copies.	Fee	Actual cost		Actual cost
Finance					
1170	Returned Check Charge	Fee	25.00		35.00
1171	Notary Fee	Fee	\$5.00/Signature		\$5.00/Signature
1175	Lien search	Fee	\$20/lot searched		\$22/lot searched
Franchise/Privilege Tax/Host Fee					
	Electricity - 1.5% privilege 3.5% franchise	Fee	5%		5%
	Refuse & Recycling	Fee	3%		3%
	Natural Gas	Fee	3%		3%
	Sewage	Fee	5%		5%
	Compost	Fee	\$1/ton		\$1/ton
	Telecommunications	Fee	7%		7%
Liquor License Application					
1180	Change in ownership, location or privilege	Fee	80.00		85.00
1181	New outlet application	Fee	110.00		230.00
1182	Renewal	Fee	30.00		30.00
1183	Temporary Application	Fee	14.00		30.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
ADMINISTRATIVE Continued					
Permits					
1135/6	Amplified Music Permit	Fee	125.00		80.00
1160	Filming Permit (Commercial activity)	Fee	130.00		400.00
Public Records					
	Staff time for inspection of public records	Fee	Actual cost		Actual cost
	Administrative charge	Fee	15%		15%
	Annual Budget		\$24 or free online		\$24 or free online
	Annual Audit	Fee	\$24 or free online		\$24 or free online
	Capital Improvement Program	Fee	\$24 or free online		\$24 or free online
	City code	Fee	\$24 or free online		\$24 or free online
	Zoning and Development Code	Fee	\$24 or free online		\$24 or free online
	Comprehensive Plan	Fee	\$24 or free online		\$24 or free online
	Zoning Map	Fee	free online		free online
Transportation					
2107	Transportation Utility Fee (TUF)	Fee	1.33/trip		1.33/trip

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
CODE ENFORCEMENT					
Nuisance					
1201	Notice of abatement	Fee	260.00		400.00
1202	Nuisance Hearing	Fee	135.00		445.00
Dangerous Building					
1203	Notice of abatement	Fee	195.00		735.00
1204	Public Hearing	Fee	485.00		1,250.00
1205	Citation	Fee	95.00		370.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
PLANNING					
	* Public Hearing				
	+ Admin Decision				
Annexation					
1401	Annexation Deposit	* Deposit	10,000.00	20,000.00	20,000.00
1402	Annexation Election Deposit	* Deposit	9,000.00	9,000.00	9,000.00
Appeal of Administrative or Planning Commission Decision					
1405	Appeal of Administrative or Plan Comm Decision	* Fee	315.00	2,783.00	2,783.00
1406	Appeal of Decision Additional Hearing	Fee	375.00	2,392.00	2,392.00
Comprehensive Plan Document/Map Amendments					
1445	Legislative Amendment	* Deposit	8,000.00	8,000.00	8,000.00
1446	Zone change only	* Deposit	5,000.00	5,000.00	5,000.00
Design Review					
Residential Zone (R-7.5, R-5, R-2.5, and NC)					
1455	Single family attached dwelling/duplex type III	* Fee	385.00	2,004.00	2,004.00
1456	Multifamily 3 or more units	* Fee	970.00	2,731.00	2,731.00
Commercial and Industrial					
1462	Type II	+ Fee	185.00	1,104.00	1,104.00
1463	Type III	* Fee	890.00	2,765.00	2,765.00
Flood Plain Permits					
1473	Flood Plain Fill Permit	+ Fee	1,925.00	6,265.00	6,265.00
	CLOMAR Letter to remove property from a flood plain	+ Fee		149.00	149.00
LID/Reimbursement District Formation					
1535	Reimbursement District Formation	* Fee	8,070.00	17,115.00	17,115.00
Master Plans					
1506	Master Plan Refinement	* Fee	1,941.00	6,473.00	6,473.00
1507	Master Plan Review	* Fee	2,528.00	9,009.00	9,009.00
Non Conforming Use/Exceptions					
1515	Non-Conforming Use or Structure (All Zones)Reinstatement, Enlargement or Alteration of Use	* Fee	265.00	511.00	511.00
1525	Public Facility Standards Exception	* Deposit	3,500.00	3,500.00	3,500.00
Planned Use Development					
1457	Planned Use Development (PUD) preliminary plan	* Fee	4,195.00	6,862.00	6,862.00
	PUD Final development plan	Fee	2,685.00	3,333.00	3,333.00
	PUD Modification - major	Fee	820.00	5,913.00	5,913.00
	PUD Modification - administrative	Fee	420.00	1,528.00	1,528.00
	PUD under 5000 square feet	Fee		1,139.00	1,139.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
PLANNING Continued					
Public Hearing Notice					
1526	Adjoining properties	Fee	80.00	cost + 15%	cost + 15%
1527	250 feet	Fee	115.00	cost + 15%	cost + 15%
1528	City Wide	Fee	730.00	cost + 15%	cost + 15%
1529	Publication in newspaper Argus	Fee	349.00	cost + 15%	cost + 15%
1530	Publication in newspaper Oregonian	Fee	640.00	cost + 15%	cost + 15%
Significant Natural Resource Permit					
1565	Significant Natural Resources Permit	* Fee	1,640.00	3,241.00	3,241.00
1570	Significant Natural Resource permit modification - minor	+ Fee	215.00	670.00	670.00
Similar Use Determination					
1571	Similar Use Determination	* Fee	615.00	1,385.00	1,385.00
Subdivisions					
1545	Development Other Than Single Family	* Fee	2,880.00	5,592.00	5,592.00
1546	Extension of subdivision agreement	* Fee	180.00	853.00	853.00
1547	Subdivision Final Plat (incl. 2 wks inspection for public improvements)	* Fee	2,685.00	13,489.00	13,489.00
	+ cost of inspection for additional weeks (will be collected with land use approvals)			2,176.00	2,176.00
1548	Manufactured home parks and subdivisions	* Fee	4,000.00	9,680.00	9,680.00
1549	Modification of approved development plan - Minor	+ Fee	150.00	1,250.00	1,250.00
1550	Modification of approved development plan - Major	* Fee	2,125.00	3,932.00	3,932.00
1551	Pre-Application Conference (Major Projects)	Fee	1,420.00	3,932.00	3,932.00
1553	Preliminary (Tentative) Subdivision Plat 1-10 lots	* Fee	4,785.00	7,171.00	7,171.00
	each additional lot up to 200			49.00	49.00
1554	Conditions of Approval Modification - Minor	Fee	450.00	1,024.00	1,024.00
1555	Conditions of Approval Modification - Major	Fee	820.00	3,586.00	3,586.00
	City Engineer review of public improvement drawings	Fee	5% of City Engineers cost estimate	5% of City Engineers cost estimate	5% of City Engineers cost estimate
Variance Permits					
1595	Administrative Type I	+ Fee			
	Administrative Type II	+ Fee	145.00	1,250.00	1,250.00
1596	Requiring Planning Commission Hearing (Type III)	* Fee	1,115.00	4,044.00	4,044.00
Zoning					
1495	Letter of zoning verification	+ Fee	20.00	20.00	20.00
1500	Letter of verification of compliance with zoning and development codes of an existing development	+ Fee	230.00	196.00	196.00
1592	Urban Growth Boundary Expansion Application	* Deposit	28,000.00	28,000.00	28,000.00
1598	Zoning Development Code Amendments/Zone Change	* Fee	2,825.00	6,278.00	6,280.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
LAND USE					
Conditional Use Permits					
1440	Residential zone	* Fee	395.00	1,358.00	1,358.00
1441	Commercial or industrial zone	* Fee	745.00	1,358.00	1,358.00
1442	Minor Alterations of Conditional Use Permits	* Fee	265.00	237.00	237.00
Fence Permits					
1470	Fence Permit (All Types and Zones)	Fee	40.00	78.00	78.00
Historic Overlay District (Applies to Pythians, Lower, 379 Kaybern)					
1475	Certificate of Appropriateness	* Fee	210.00	248.00	248.00
1476	Demolition Permit	* Fee	195.00	840.00	840.00
Land Partitions					
1490	Land Partitions - Street dedication	* Fee	640.00	4,886.00	4,886.00
1491	Land Partitions - No street dedication	* Fee	400.00	1,332.00	1,332.00
Land Use Approval					
1415	Residential - New structure; Remodel/Alteration (Multi-Family charged per unit)	+ Fee	70.00	430.00	430.00
1415	Commercial - New structure; Remodel/Alteration	+ Fee	70.00	430.00	430.00
1415	Industrial - New structure; Remodel/Alteration	+ Fee	70.00	430.00	430.00
1415	Detached accessory structure over 200 square feet (City does not review structures under 200 square feet)	+ Fee	70.00	430.00	430.00
1420	Demolition any structure over 200 square feet	+ Fee	40.00	101.00	101.00
Lot Line Adjustment					
1505	Lot Line Adjustments	+ Fee	275.00	1,106.00	1,106.00
Mechanical Permits					
1510	Mechanical Permits (All Types and Zones)	+ Fee	10.00	12.00	15.00
Public Improvements					
1905	Culvert/Driveway Permits (perf. bond waived if deposit applies)	Fee	135.00	215.00	215.00
1907	1. Rock driveway with 16" or under culvert not over 20' long	Deposit	250.00	250.00	250.00
1908	2. Asphalt concrete or concrete driveway 16" or under culvert not over 20' long	Deposit	600.00	600.00	600.00
1909	3. Driveway with curb cut and sidewalk approach not longer than 24' and 16" or under culvert	Deposit	500.00	500.00	500.00
5210	3/4 inch meter - connection fee	Fee	2,000.00	2,000.00	2,000.00
5215	3/4 inch meter - drop fee	Fee	280.00	485.00	485.00
	Public Facilities Damage (street signs, water lines)	Fee	Billed at cost + 15%	Billed at cost + 15%	Billed at cost + 15%
	Water Line Extensions		Determined by City Engineer	Determined by City Engineer	Determined by City Engineer

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
LAND USE Continued					
Public Improvements Continued					
	Performance Bond (deposit prior to start of public improvements)	Deposit	125% City Engineers estimate	125% City Engineers estimate	125% City Engineers estimate
	Security Maintenance Bond	Deposit	40% of actual cost or engineers estimate	40% of actual cost or engineers estimate	40% of actual cost or engineers estimate
Sign Permits					
1560	New Sign on building	+	45.00	160.00	160.00
	New sign monument			305.00	305.00
	Replacement sign			25.00	25.00
	Subdivision monument			125.00	125.00
	Temporary sign (in right of way)			25.00	25.00
Street Changes/Closure					
1435	Change of Address request for reasons other than fire and life safety	Fee	160.00	319.00	319.00
1540	Street Name Change	*	6,883.00	8,437.00	8,437.00
1575	Street Dedication	*	1,840.00	1,265.00	1,265.00
1580	Street Vacation	*	1,675.00	4,000.00	4,000.00
1937	Street Obstruction Permit (lane closure)	Fee	145.00	160.00	160.00
System Development Fee					
	Joint Water Commission System Development Charge (<i>Set by JWC</i>)		Varies	Varies	Varies
1715	Park System Development Charge (each dwelling unit)	Fee	3,910.00	4,568.00	4,568.00
	Transportation Development Tax (<i>Set by Washington County</i>)		Varies	Varies	Varies
2102	Transportation System Development Fee	Fee	\$518/pm peak hr trip	\$625/PM peak hr trip	\$625/PM peak hr trip
	Single family dwelling, 1.02 PM peak hour trip			638.00	638.00
	Water System Development Fee - see Water Fees below				
Temporary Structure Permits					
1585	Buildings not connected to water/sewer service	+	110.00	120.00	120.00
1590	Building connected to water/sewer service	*	495.00	425.00	425.00
1591	Renewal of Temporary Structure Permit	+	45.00	50.00	50.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
LIBRARY					
1601	Black and White copies, per page	Fee	0.10		0.10
1604	Color copies, per page	Fee	0.40		0.40
	Fax through Staff, per page	Fee	1.00		1.00
	Fax / Scan through copier, first page	Fee	0.50		0.50
	Fax / Scan through copier, additional pages	Fee	0.45		0.45
1605	Earbuds/Headphones	Fee	2.00		2.00
1606	Flash drive	Fee	10.00		5.00
	Fines	Fee	Per WCCLS schedule		Per WCCLS schedule
	Space rental - see Jessie Mays rental fees				

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
PARKS					
Community Garden					
1940	Rental 20x20 plot	Fee	20.00		20.00
1941	Rental 10x20 plot or 4x12 raised bed	Fee	15.00		15.00
Jessie Mays Community Hall Rental					
1701	First 2 hours, without food	Fee			120.00
	additional charge if event has food				55.00
	additional per hour rate				35.00
	Non-profit organizations and community fund raisers may request in-kind donation of hall rental, subject to City Manager or Council approval.	Fee			
1703	Recurring event per hour, without set up	Fee	10.00		15.00
1704	Recurring event per hour, with set up	Fee	36.00		70.00
1710	Security Deposit				
	1. Meeting or class (under 25 people) with no food or drink	Deposit	NA		NA
	2. Small event (between 26 and 75 persons) no food or drink	Deposit	150.00		150.00
	3. Large event with no food or drink	Deposit	300.00		300.00
	4. Meeting (under 25 people) with food or drink	Deposit	150.00		150.00
	5. Small event (between 26 and 75 persons) with food or drink	Deposit	300.00		300.00
	6. Large event with food or drink	Deposit	400.00		400.00
	7. Event with alcohol	Deposit	\$400 in addition to deposit above		\$400 in addition to deposit above
1711	After hours access fee	Fee	80.00		85.00
	Insurance (proof required) -- TULIP		Varies		Varies
Park Outdoor spaces					
	Entire field Rental (per hour)	Fee	60.00		60.00
	Baseball diamond only (2 hours)	Fee	Free		Free
	Tennis court or Basketball court (2 hours)	Fee	Free		Free
	Tennis court or Basketball court over 2 hours	Fee	60.00		60.00
	Reservation 2 picnic tables (4 hours)	Fee	25.00		25.00
	Event with alcohol - Deposit	Deposit	400.00		400.00
	Outdoor music permit	Fee	50.00		50.00
Public Assemblies					
	Under 150 persons	Fee	NA		NA
1721	150-500 persons	Fee	140.00		150.00
1722	501-1000	Fee	455.00		450.00
1723	Over 1,000	Fee	1,685.00		1,540.00
1935	Block Party Street Closure	Fee	-		-
1936	Special Event Street Closure	Fee	260.00		210.00
Public Assembly Bond/Deposit Fees					
	Under 150 persons	Deposit	NA		NA
1725	150-500 persons	Deposit	150.00		150.00
1726	501-1000	Deposit	500.00		500.00
1727	Over 1,000	Deposit	1,500.00		1,500.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
POLICE					
1801	Fingerprinting	Fee	15.00		15.00
Police Report					
1802	First five pages	Fee	15.00		25.00
1803	Additional pages	Fee	0.25		0.25
Police discovery for municipal court					
1804	First five pages	Fee	22.00		25.00
1805	Additional pages	Fee	0.25		0.25
Special events requiring police services					
1810	Police Officer (4 hour minimum)	Fee	198.00		198.00
1811	Reserve Police Officer (4 hour minimum)	Fee	138.00		145.00
1812	Police Chief (4 hour minimum)	Fee	269.00		285.00

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
WATER					
New/Reactivated Accounts					
5101	Application Fee - Utility Account	Fee	15.00		15.00
5160	Reactivation Fee - Dormant account	Fee	63.00		63.00
Deposit for Utility Account					
5102	Residential or Apartment per unit	Deposit	75.00		75.00
5103	Manufactured Home (per lot or pad)	Deposit	75.00		75.00
5104	Commercial/Industrial/Schools	Deposit			
	3/4"-1" meter	Deposit	75.00		75.00
	1.5"-2" meter	Deposit	150.00		150.00
	3"-4" meter	Deposit	300.00		300.00
5105	Hydrant with City meter	Deposit	1,000.00		1,000.00
5106	Hydrant without City meter	Deposit	300.00		300.00
5107	Hydrant wrench	Deposit	25.00		25.00
Monthly Water Base Fee					
5140	3/4" meter	Fee	48.93		48.93
5141	1" meter	Fee	81.57		81.57
5142	1.5" meter	Fee	163.05		163.05
5143	2" meter	Fee	260.83		260.83
5144	3" meter	Fee	570.31		570.31
5145	4" meter	Fee	978.31		978.31
5146	6" meter fire protection surcharge	Fee	24.65		24.65
5147	8" meter fire protection surcharge	Fee	33.84		33.84
5155	Outside City Water Rates (extraterritorial) applies to meters, hydrants, and unit rates	Fee	1.5 x regular rates		1.5 x regular rates
Monthly Water Consumption Rates					
5201	00-25 cf, per unit	Fee	4.03		4.11
5202	26-50 cf, per unit	Fee	4.37		4.46
5203	51 cf and up, per unit	Fee	4.93		5.03
Late Charges					
5220	72 hour notice Service Charge	Fee	23.00		25.00
5150	Notice of shut off / turn on	Fee	46.00		50.00
5130	Late payment fee (accounts not paid by 20th of month)	Fee	10% of bill		10% of bill

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
WATER Continued					
Water System Development Charge					
5175	3/4" Displacement and low velocity turbine meters	Fee	4,298.00	4,936.00	4,936.00
5176	1" Displacement and low velocity turbine meters	Fee	10,744.00	12,338.00	12,338.00
5177	1.5" Displacement and low velocity turbine meters	Fee	21,487.00	24,675.00	24,675.00
5178	2" Displacement and low velocity turbine meters	Fee	34,379.00	39,480.00	39,480.00
5179	3" Displacement and low velocity turbine meters	Fee	68,758.00	78,960.00	78,960.00
5180	4" Displacement and low velocity turbine meters	Fee	107,434.00	123,374.00	123,374.00
5181	6" Displacement and low velocity turbine meters	Fee	214,866.00	246,746.00	246,746.00
5182	8" Displacement and low velocity turbine meters	Fee	343,786.00	394,794.00	394,794.00
5183	3" Large diameter compound meters	Fee	72,836.00	83,643.00	83,643.00
5184	4" Large diameter compound meters	Fee	124,861.00	143,387.00	143,387.00
5185	6" Large diameter compound meters	Fee	260,127.00	298,722.00	298,722.00
5186	8" Large diameter compound meters	Fee	374,583.00	430,160.00	430,160.00
5187	3" High velocity meters	Fee	72,836.00	83,643.00	83,643.00
5188	4" High velocity meters	Fee	131,105.00	150,557.00	150,557.00
5189	6" High velocity meters	Fee	291,342.00	334,568.00	334,568.00
5190	8" High velocity meters	Fee	499,444.00	573,547.00	573,547.00
5195	Water meter relocation	Fee	Actual Cost	Actual Cost	Actual Cost

CITY OF NORTH PLAINS MASTER FEE SCHEDULE

FEE	FEE DESCRIPTION	FEE TYPE	EFFECTIVE 7/1/14	EFFECTIVE 5/15/15	EFFECTIVE 7/1/15
HOURLY STAFF RATES					
	Hourly rate including payroll burden				
	Administrative Overhead fee				The greater of \$15 or 15%
	City Attorney				175.00
	City Engineer				155.00
	City Manager				67.18
	Contract Planner				85.00
	Police Chief				61.44
	Police Officer				42.09
	Public Works Director				67.97
	Public Works Maintenance Worker II				35.03
	Public Works Maintenance Worker III				44.07
	Account Clerk III				34.54
	City Recorder				30.52

The user fees are established to lessen the amount of property taxes by charging the cost of providing a service directly to the person utilizing the service. Fees are minimum payments for services, and cannot be discounted. In some cases, additional fees may be required to be negotiated for complex projects.

Deposits are used when the City seeks to recover its actual costs for a service, but due to the uniqueness of each application setting a fixed fee is not practical. These costs include, but are not limited to: services rendered by the City Planning Consultant, City Engineer, City Attorney, administrative costs covering staff reports, correspondence, financial accounting, public works review, supplies, postage, copying and clerical time. If the actual costs exceed the deposit, the City reserves the right to request an additional deposit and/or the applicant will receive an invoice for any other additional charges.

An application shall not be deemed complete until all the fees are paid.

RESOLUTION NO. 1883

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, REVISING THE MASTER FEE SCHEDULE**

WHEREAS, the City's Municipal Code allows for the establishment of fees and charges for certain applications and services; and

WHEREAS, fees have been established to recover the cost of providing services to the public, businesses and other agencies; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, that the 2015-16 Master Fee Schedule is adopted.

INTRODUCED AND ADOPTED this 20th day of April, 2015.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 20, 2015
To: Mayor and City Council
From: Public Works Director Blake Boyles
Subject: Resolution No. 1884 Allocating Special Cities Allotment (SCA) Grant Funds for an Asphalt overlay project on NW Pacific Street

Request: A Special Cities Allotment grant for \$50,000 has been received by the City. To use the grant in the current fiscal year a resolution transfer must be approved to increase the grant revenue budget line and appropriate funds for capital project expense. This is a request for Council to approve Resolution No. 1884 awarding contract to Hoss Paving for the paving and street repair on NW Pacific Street for the ODOT Special Cities Allotment Grant and allocating funds to the project.

Background: The City of North Plains was informed in November 2014 that the NW Pacific Street project that had been submitted was officially approved for funding, The Notice to Proceed became effective on February 9, 2015. Four companies submitted quotes for this project, with Hoss Paving coming in the lowest with \$34,144. Since the allocated funds total \$50,000 and can only be used on this project, we are using the remaining \$15,846 to continue paving on Pacific terminating at 313th Avenue, adding an additional block between NW 314th and NW 313th on Pacific St.

Fiscal Impact: The grant and capital project expense will both be \$50,000. There is no net impact on the Street Fund. Project total will not exceed \$50,000 grant amount.

Environmental Issues: None

Recommendation: Council to approve Resolution No. 1884 allocating SCA grant funds for an asphalt overly project on NW Pacific Street and to direct staff to contract with Hoss Paving and begin paving NW Pacific Street as per SCA application.

RESOLUTION NO. 1884

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, APPROVING FISCAL YEAR 2014-15 BUDGET INCREASE OF GRANT REVENUE AND APPROPRIATION

WHEREAS, in accordance with Oregon Budget Law, appropriations funded by specific purpose grants can be increased by resolution; and

WHEREAS, the Street Fund has received a Special Cities Allotment of \$50k for street projects; and

WHEREAS, the Public Works Director has requested Council increase Street Fund Capital Projects by \$50k to allow the fund to incur capital projects expense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, that the following transfers are made to the City of North Plains FY2014-15 Budget:

Specific Purpose Grant

Street Fund	Grant Revenue	50,000
Street Fund	Capital Projects	50,000

To allow for expenditure of grant monies received by the Street Fund.

INTRODUCED AND ADOPTED this 20th day of April, 2015.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 14, 2015
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: March 2015 Check Register

Background: At the second City Council meeting of each month staff has provided a print out of the check register batches showing the checks that were issued the previous month. These reports are broken down to the individual batches of check runs. There is detail listed that may be beneficial in explaining the expense.

To assist Council with reviewing the check register, the account prefixes for departments are below:

110-411	Culture and Recreation
110-419	General Government
110-421	Police
110-433	Public Works
110-452	Parks
110-455	Library
110-465	Planning
111-000	Streets
210-000	Water
130-000	TDT Tax Fund
131-000	Parks Capital
132-000	Traffic Impact Fee
009-000	Vehicle and Equipment Reserve Fund
113-000	Urban Renewal Agency

Fiscal Impact: The register reflects actual expenses of the City. All payments to vendors, consultants and other agencies are shown on the registers, as well as reimbursements to employees. Payroll checks are the only expenses not reflected on the register.

Recommendation: This item is informational only.

Accounts Payable

Computer Check Proof List by Vendor

User: sbaker
 Printed: 03/04/2015 - 10:30AM
 Batch: 00001.03.2015 - March

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: APS101 SIN000872	ADVANCED PUBLIC SAFETY, INC. Hosted software service	1,200.00	03/04/2015	110-421-330102	Check Sequence: 1 ACH Enabled: False
	Check Total:	1,200.00			
Vendor: AFL030 february	AFLAC	243.09	03/04/2015	110-000-200002	Check Sequence: 2 ACH Enabled: False
	Check Total:	243.09			
Vendor: SRA001 March	Scott Aldrich 4th of July Consultant	420.00	03/04/2015	110-411-300101	Check Sequence: 3 ACH Enabled: False
	Check Total:	420.00			
Vendor: ALE060 21204	ALEXIN ANALYTICAL LABORATORIES, IN coliform and e. coli test	58.00	03/04/2015	210-433-330112	Check Sequence: 4 ACH Enabled: False
	Check Total:	58.00			
Vendor: AME021 sp2186	AMERICAN BARRICADE CO.INC 2 Speed 25 mph sign	170.00	03/04/2015	111-433-610000	Check Sequence: 5 ACH Enabled: False
	Check Total:	170.00			
Vendor: AWA029 120472	AWARD SPECIALITIES Name plates for Orgill, Burns, Epling & Knodel	25.20	03/04/2015	110-419-610000	Check Sequence: 6 ACH Enabled: False
	Check Total:	25.20			
Vendor: BEE001 12068 12068 12068	BEERY, ELSNER & HAMMOND, LLP general land use community development personnel	1,770.70 539.60 2,115.74	03/04/2015 03/04/2015 03/04/2015	110-419-330100 110-419-330100 110-419-330100	Check Sequence: 7 ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
12068	public safety	17.50	03/04/2015	110-419-330100	
	Check Total:	4,443.54			
Vendor: CAMP001 02212015	JESSICA CAMPUNZANO JM deposit refund	300.00	03/04/2015	110-000-200011	Check Sequence: 8 ACH Enabled: False
	Check Total:	300.00			
Vendor: DAILOO1 26762	DAILEY'S GOODYEAR AUTO & TIRE	40.00	03/04/2015	110-421-340000	Check Sequence: 9 ACH Enabled: False
	Check Total:	40.00			
Vendor: UB*00615	DMI International Refund Check	2.31	02/24/2015	210-000-200200	Check Sequence: 10 ACH Enabled: False
	Check Total:	2.31			
Vendor: DMV001 01302015	DMV, MOTOR VEHICLES DIVISION	11.50	03/04/2015	110-421-330000	Check Sequence: 11 ACH Enabled: False
	Check Total:	11.50			
Vendor: DUY015 52587	DUYCK'S GARAGE front brake pads, rear pads, front rotors turned, 2	524.00	03/04/2015	110-421-340000	Check Sequence: 12 ACH Enabled: False
	Check Total:	524.00			
Vendor: HOR090 02052015	HORTNAGL AUTOMOTIVE & MUFFLER SH Ford F350	847.65	03/04/2015	110-433-340000	Check Sequence: 13 ACH Enabled: False
	Check Total:	847.65			
Vendor: HUS007 33199	HUSER SALES & SERVICE, INC. Fire Extinguishers services and inspected	528.00	03/04/2015	110-419-340000	Check Sequence: 14 ACH Enabled: False
	Check Total:	528.00			
Vendor: UB*00616	BETHANY MAGNUSON Refund Check	57.64	02/24/2015	210-000-200200	Check Sequence: 15 ACH Enabled: False
	Check Total:	57.64			
Vendor: MET101	METEREADERS, LLC				Check Sequence: 16 ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
6995		729.06	03/04/2015	210-433-330111	
	Check Total:	729.06			
Vendor: OCR001 102177	OR. COFFEE ROASTER, INC.	19.38	03/04/2015	110-419-610000	Check Sequence: 17 ACH Enabled: False
	Check Total:	19.38			
Vendor: ORE011 022015	OR. DEPT. OF REVENUE- Fines fines	43.00	03/04/2015	110-421-820000	Check Sequence: 18 ACH Enabled: False
	Check Total:	43.00			
Vendor: OR111 02252015	OREGON STATE POLICE Cheryl Farnard fingerprints request	33.00	03/04/2015	110-419-330000	Check Sequence: 19 ACH Enabled: False
	Check Total:	33.00			
Vendor: SUN001 796506	SUNSHINE INC.	362.49	03/04/2015	110-433-610224	Check Sequence: 20 ACH Enabled: False
	Check Total:	362.49			
Vendor: THA002 925740-0	THAYER COMPANY office supplies	76.78	03/04/2015	110-419-610000	Check Sequence: 21 ACH Enabled: False
	Check Total:	76.78			
Vendor: UB*00614	SARAH VERBOORT Refund Check	60.97	02/24/2015	210-000-200200	Check Sequence: 22 ACH Enabled: False
	Check Total:	60.97			
Vendor: VER001 9740124285 9740149480	VERIZON WIRELESS service 01/06/2015-02/06-2015 service 01/08/2015-02/07-2015	323.12 160.04	03/04/2015 03/04/2015	110-421-330108 110-421-330108	Check Sequence: 23 ACH Enabled: False
	Check Total:	483.16			
Vendor: WAS001 022015	WASHINGTON COUNTY - FINANCE traffic citations	18.00	03/04/2015	110-421-820000	Check Sequence: 24 ACH Enabled: False
	Check Total:	18.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	10,696.77			
	Total of Number of Checks:	24			

Accounts Payable

Computer Check Proof List by Vendor

User: sbaker
 Printed: 03/17/2015 - 9:55AM
 Batch: 00003.02.2015 - Visa

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: VIS004	VISA/ CARDMEMBER SERVICE			Check Sequence: 1	ACH Enabled: False
5251	bimart cards	18.35	12/10/2014	110-455-610000	
5251	uspa postage	18.86	12/10/2014	110-455-610000	
5251 credit	refund from Oriental Trading Co	-230.47	12/10/2014	110-411-300101	
BB 02/24	Office Depot	27.48	03/04/2015	110-419-610000	
BB 02/24	Harbor Freight	12.48	03/04/2015	110-433-610000	
BB 02/24	Lowe's	52.74	03/04/2015	110-419-610000	
BB 02/24	Banks Cafe -FEMA Training	30.65	03/04/2015	110-433-300000	
BB 02/24	Northwest Playground	44.59	03/04/2015	110-452-340000	
BB 02/24	Amazon	36.74	03/04/2015	110-433-340000	
BB 02/24	Amazon	25.62	03/04/2015	110-433-340000	
BB 02/24	IRobot- gutter cleaner	299.99	03/04/2015	110-433-340000	
BB 02/24	lowes	9.96	03/04/2015	110-433-340000	
BB 02/24	Emergency Medical Products	350.14	03/04/2015	110-419-610000	
BB 02/24	Harbor Freight	19.98	03/04/2015	110-433-340000	
BB 02/24	Lowe's	47.33	03/04/2015	110-433-340000	
BB 02/24	Lowe's	20.98	03/04/2015	110-433-340000	
BB 02/24	Amazon	34.08	03/04/2015	110-433-340000	
CA 012615	ROBINSONS LTD NORTH PLA	20.00	02/13/2015	110-455-610000	
CA 02/24	See's Candies - Volunteer Program - Valentine Tr	53.84	03/04/2015	110-455-610000	
CA 02/24	Michaels - Valentine Accessories	15.12	03/04/2015	110-455-610000	
CA 02/24	Office Depot - Lanyards	6.79	03/04/2015	110-455-610000	
DB 02/24	Amazon - Return	-42.98	03/04/2015	110-455-640000	
DB 02/24	Amazon - Return	-0.03	03/04/2015	110-455-640000	
DB 02/24	Amazon - Return	-0.01	03/04/2015	110-455-640000	
DB 02/24	Amazon - Return	-2.00	03/04/2015	110-455-640000	
DB 02/24	Amazon - the judge-furry-downton abbey	56.94	03/04/2015	110-455-640000	
DB 02/24	Trader Joe's - Adult Programming - Art of Story	16.92	03/04/2015	110-455-610000	
DB 02/24	Vertical Responce Library Survey of Patrons	11.47	03/04/2015	110-455-330000	
DB 02/24	Amazon - Game of Thrones	29.98	03/04/2015	110-455-640000	
DB 02/24	Amazon -greys anatomy, bones, st. vincent, theo	91.90	03/04/2015	110-455-640000	
DB 02/24	Amazon - before i go to sleep	9.99	03/04/2015	110-455-640000	
DB 02/24	Amazon - the best of me, the longest week, walk	49.91	03/04/2015	110-455-640000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
DM 02/24	Amazon - Return	-21.66	03/04/2015	110-455-610000	
DM 02/24	Amazon - Return	-0.89	03/04/2015	110-455-610000	
DM 02/24	Amazon - book of life, alexander and the terrible	27.85	03/04/2015	110-455-640000	
DM 02/24	USPS - Postage	2.56	03/04/2015	110-455-610000	
DM 02/24	USPS - Postage	2.56	03/04/2015	110-455-610000	
DM 02/24	USPS - Postage	2.56	03/04/2015	110-455-610000	
DM 02/24	USPS - Postage	2.56	03/04/2015	110-455-610000	
DM 02/24	USPS - Postage	3.02	03/04/2015	110-455-610000	
DM 02/24	USPS - Postage	2.50	03/04/2015	110-455-610000	
DM 02/24	Amazon - Compliance Signs	35.00	03/04/2015	110-455-610000	
DM 02/24	POS Paper	129.55	03/04/2015	110-455-610000	
JW 02/24	UPSTART/EDUPRESS - Shirts	73.00	03/04/2015	110-455-610000	
JW 02/24	Geraldi's West - Volunteer Lunch - Lego Day	26.00	03/04/2015	110-455-610000	
MD 02/24	EIG IPage	238.84	03/04/2015	110-419-330000	
MD 02/24	EIG IPage	15.99	03/04/2015	110-419-330000	
MD 02/24	EIG IPage	35.88	03/04/2015	110-419-330000	
MD 02/24	Apple iPad X2	638.00	03/04/2015	110-419-610000	
MD 02/24	Amazon	7.98	03/04/2015	110-419-610000	
MR 02/24	UPSP- Postage	6.00	03/04/2015	110-419-330000	
MS 02/24	Lowes	18.34	03/04/2015	110-419-610000	
MS 02/24	CMC	90.50	03/04/2015	110-433-300000	
offset	Offset for refund issued by Visa for return from ?	173.26	02/23/2015	110-000-200102	
SB 02/24	USPS - Postage	6.00	03/04/2015	110-419-330000	
WS 02/24	Office Depot-Ink	6.49	03/04/2015	110-421-610000	
WS 02/24	Chevron - Gas	19.40	03/04/2015	110-421-610224	
	Check Total:	2,678.63			
	Total for Check Run:	2,678.63			
	Total of Number of Checks:	1			

Accounts Payable

Computer Check Proof List by Vendor

User: sbaker
 Printed: 03/18/2015 - 2:38PM
 Batch: 00002.03.2015 - March

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 3JCON 1564	3J Consulting, Inc. Land Use Planning	1,864.00	03/09/2015	Check Sequence: 1 110-465-330000	ACH Enabled: False
	Check Total:	1,864.00			
Vendor: ADI010 IN XNOY7201	ADI Camera System	301.16	03/09/2015	Check Sequence: 2 110-421-630000	ACH Enabled: False
	Check Total:	301.16			
Vendor: AFL030 204957	AFLAC	243.09	03/09/2015	Check Sequence: 3 110-000-200002	ACH Enabled: False
	Check Total:	243.09			
Vendor: AME021 SP-2271	AMERICAN BARRICADE CO.INC Signs	345.00	03/09/2015	Check Sequence: 4 111-433-610000	ACH Enabled: False
	Check Total:	345.00			
Vendor: AT&027 March	AT&T WIRELESS SERVICE	32.66	03/09/2015	Check Sequence: 5 110-433-310000	ACH Enabled: False
	Check Total:	32.66			
Vendor: BAK148	BAKER, SARAH A. Kaady Car wash batteries for key fob extension cable	7.00 29.98 5.99	03/09/2015 03/09/2015 03/09/2015	Check Sequence: 6 110-421-610000 110-421-610000 110-419-610000	ACH Enabled: False
	Check Total:	42.97			
Vendor: BEE001 12103	BEERY, ELSNER & HAMMOND, LLP Annexations	157.50	03/09/2015	Check Sequence: 7 110-419-330100	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
12103	General	1,307.20	03/09/2015	110-419-330100	
12103	Community Development/Land Use	2,970.13	03/09/2015	110-419-330100	
12103	Personnel	1,628.19	03/09/2015	110-419-330100	
	Check Total:	6,063.02			
Vendor: CIT013	CIS - TRUST			Check Sequence: 8	ACH Enabled: False
NRP-W2014-00QTR	Workers Compensation 4th Q	4,427.94	03/09/2015	110-419-621002	
	Check Total:	4,427.94			
Vendor: COG001	Cogan Owens Greene			Check Sequence: 9	ACH Enabled: False
5531	Project Management	85.00	03/09/2015	110-465-330000	
5531	Vision Steering Committee	1,565.00	03/09/2015	110-465-330000	
5531	Community Profile	428.75	03/09/2015	110-465-330000	
5531	Public Outreach and Engagement	580.18	03/09/2015	110-465-330000	
5531	color copies	14.35	03/09/2015	110-465-330000	
5531	black and white copies	1.04	03/09/2015	110-465-330000	
	Check Total:	2,674.32			
Vendor: DAILOO1	DAILEY'S GOODYEAR AUTO & TIRE			Check Sequence: 10	ACH Enabled: False
	fix flat tire	40.00	03/09/2015	110-421-340000	
	Check Total:	40.00			
Vendor: DUY015	DUYCK'S GARAGE			Check Sequence: 11	ACH Enabled: False
	change snow tires	15.00	03/09/2015	110-421-340000	
	Check Total:	15.00			
Vendor: FER060	FERRELLGAS			Check Sequence: 12	ACH Enabled: False
5002418511	Propane 73.30 gal	185.89	03/09/2015	110-433-610224	
	Check Total:	185.89			
Vendor: ING060	INGRAM LIBRARY SERVICES			Check Sequence: 13	ACH Enabled: False
	library materials	3.56	03/09/2015	110-455-640000	
	library materials	327.81	03/09/2015	110-455-640000	
	library materials	12.82	03/09/2015	110-455-640000	
83893739	library materials	145.65	03/09/2015	110-455-640000	
	Check Total:	489.84			
Vendor: LOWELLS	Judy Lowells			Check Sequence: 14	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
03152015	Refund of Deposit for Jessie Mays Rental	150.00	03/09/2015	110-000-200011	
	Check Total:	150.00			
Vendor: MOON 94525 94535	MOONLIGHT BPO statement printing and postage newsletter printing	249.06 492.00	03/09/2015 03/09/2015	210-433-330104 110-419-330104	Check Sequence: 15 ACH Enabled: False
	Check Total:	741.06			
Vendor: NOR009	NP SENIOR CENTER 4th of July donation of car show revenues	230.00	03/09/2015	110-411-300101	Check Sequence: 16 ACH Enabled: False
	Check Total:	230.00			
Vendor: OAW005 18363	OAWU Membership Renewal 2015-2016	336.00	03/09/2015	110-419-300000	Check Sequence: 17 ACH Enabled: False
	Check Total:	336.00			
Vendor: OCR001 102356	OR. COFFEE ROASTER, INC. coffee	19.38	03/09/2015	110-419-610000	Check Sequence: 18 ACH Enabled: False
	Check Total:	19.38			
Vendor: ORE044 wedfri	OREGONIAN Wed/Fri service	27.00	03/09/2015	110-419-610000	Check Sequence: 19 ACH Enabled: False
	Check Total:	27.00			
Vendor: POA100 44678206	PACIFIC OFFICE AUTOMATION City Hall copier	816.20	03/09/2015	110-419-340100	Check Sequence: 20 ACH Enabled: False
	Check Total:	816.20			
Vendor: PEA100 129915	PEACE OFFICERS RESEARCH ASSOCIATIO	108.00	03/09/2015	110-421-210000	Check Sequence: 21 ACH Enabled: False
	Check Total:	108.00			
Vendor: PRB010 67001	PRECISION OUTDOOR POWER EQUIPMEN Autocut 25-2 and Gearhead	134.55	03/09/2015	110-419-340000	Check Sequence: 22 ACH Enabled: False
	Check Total:	134.55			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: RON060 0000022370	RON-JONS UNLIMITED, INC.	166.00	03/09/2015	Check Sequence: 23 110-452-340000	ACH Enabled: False
	Check Total:	166.00			
Vendor: SER110 27277 27277	SERVICE AMERICA COMMERCIAL SERVIC Library City Hall	175.00 195.00	03/09/2015 03/09/2015	Check Sequence: 24 110-455-330106 110-419-330106	ACH Enabled: False
	Check Total:	370.00			
Vendor: TCM060 760002	TEMP CONTROL MECHANICAL City Hall	309.00	03/09/2015	Check Sequence: 25 110-419-340101	ACH Enabled: False
	Check Total:	309.00			
Vendor: TMO100 1/21-2/20	T-MOBILE chief cell phones	93.02	03/09/2015	Check Sequence: 26 110-421-330108	ACH Enabled: False
	Check Total:	93.02			
Vendor: ADT090 23912378	TYCO INTEGRATED SECURITY Library	208.59	03/09/2015	Check Sequence: 27 110-455-330107	ACH Enabled: False
	Check Total:	208.59			
Vendor: VER001 9741813499 9741813499	VERIZON WIRELESS 03/07-04/06 03/08-04/07	320.01 80.02	03/09/2015 03/09/2015	Check Sequence: 28 110-421-330108 110-421-330108	ACH Enabled: False
	Check Total:	400.03			
Vendor: WCC006 20150202608	WCCCA 4th quarter dispatch fees	3,105.00	03/09/2015	Check Sequence: 29 110-421-330912	ACH Enabled: False
	Check Total:	3,105.00			
Vendor: XOC001 02/18-03/17	XO COMMUNICATIONS	644.40	03/09/2015	Check Sequence: 30 110-419-310000	ACH Enabled: False
	Check Total:	644.40			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	24,583.12			
	Total of Number of Checks:	30			



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 17, 2015
To: City Council
From: Martha DeBry, City Manager
Subject: Interviewing Prospective Planning Commissioner and adoption of Resolution No. 1885 appointing James Fage to the North Plains Planning Commission

Request: Council consider the appointment of James Fage to the Planning Commission.

Background: A vacancy was created on the Planning Commission by the resignation of Commissioner Daryl Olson. James Fage has submitted an application to become a Planning Commissioner. He is a resident of North Plains. The Planning Commission reviewed the application and interviewed James Fage on Wednesday, April 8, 2015 for the vacant position on the North Plains Planning Commission.

The Commission unanimously recommended Mr. Fage for appointment. Fage's application was distributed to the Council.

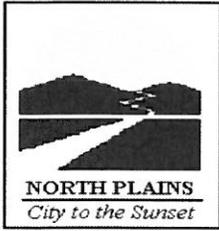
Fiscal Impact: There is no compensation for participation on this board.

Environmental Issues: None

Recommendation: Council adopt Resolution No.1885 appointing James Fage to the Planning Commission.

Sample Motion:

I move to adopt Resolution No.1885 appointing James Fage to the North Plains Planning Commission to serve out the remaining term vacated by Commissioner Daryl Olson for a term expiring on December 31, 2016.



CITY OF NORTH PLAINS

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

APPLICATION FOR APPOINTMENT TO THE PLANNING COMMISSION

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

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

Name: James Fage Date: 4/7/15

Mailing Address: 31806 NW Belgium Court

Street Address if different: _____

City: North Plains

State: OR Zip: 97133

Home Phone: 510-579-2173 Work Phone: _____ Cell Phone: 510-579-2173

E-mail Address: james_fage@yahoo.com

Occupation: Engineering Technician

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

1. Why would you like to serve on the Planning Commission?
I would like to serve on the Planning Commission to be an active member of the community.
2. What do you think are the most important issues now facing North Plains?
The most important issues that North Plains is currently facing are urban sprawl and population density.
3. Do you have any special interests or qualifications that you would bring to the Planning Commission?
I currently work at Intel and recently moved to North Plains for the small town atmosphere, good schools and clean air. I want to keep this spirit in mind, while addressing the need of urban sprawl and expansion. *Thank you for applying. Your interest is appreciated!*

RESOLUTION NO. 1885

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, APPOINTING JAMES FAGE TO THE NORTH PLAINS PLANNING
COMMISSION**

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

WHEREAS, a vacancy on the Planning Commission was created by the resignation of Commissioner Daryl Olson; and

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

WHEREAS, James Fage has submitted application for the position; and

WHEREAS, the Planning Commission interviewed Mr. Fage and recommended appointment to this vacated position to the City Council.

WHEREAS, Municipal Code Section 1.435 provides that the City Council appoints the members of the North Plains Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, that James Fage is appointed to the Planning Commission to complete a vacated term expiring December 31, 2016.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: April 20, 2015
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: Marijuana Dispensaries

Background: City Council imposed a moratorium on marijuana dispensaries in April 2014. That ban will be lifted in May 2015.

Oregon State HB 3460 as modified by SB 531 established the minimum locational criteria for medical marijuana facilities as follows:

- Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site;
- Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; and
- Must not be located within 1,000 feet of another medical marijuana facility.

Attachment 1 shows the areas affected by the buffer requirements in North Plains in yellow. Only a small portion of town is affected by the location of North Plains Elementary.

The location and initial requirements for medical marijuana facilities or dispensaries is a land use determination and can be addressed within the municipal code. As a land use provision, code amendments are Type IV legislative processes, requiring the Planning Commission to make a recommendation to the City Council, after the Department of Land Use and Conservations has had an opportunity to comment on the proposed changes. This will require about 4-6 months to complete. Staff is seeking guidance from Council on criteria it would like evaluated during this process.

The Oregon Liquor Control Commission (OLCC) will be responsible for issuing permits for marijuana dispensaries. They will not issue permits until after January 4, 2016 for recreational marijuana facilities. (Technically, a medical marijuana dispensary could locate in North Plains.) Given the limited retail space available within North Plains it is unlikely a medical dispensary will be located in town while the City is considering its options. OLCC's guidelines for operating dispensaries is fairly restrictive so it is unlikely an existing business would adopt this as part of their operation. A summary is available on the [OLCC website](#). (There is also a [statistical summary of medical marijuana](#) that was recently released and indicates there are only 4,815 medical card holders in Washington County; and about half

appear to grow marijuana.)

The State regulations are considered minimums and the City could rely on those standards or establish more restrictive standards like some neighboring agencies including:

- Washington County and Hillsboro requires that distances between dispensaries be 2,000 feet rather than the 1,000 feet required by state law and restrict the hours of operations; North Plains is 10,000 feet by 3,600 feet.
- Cornelius establishing buffer areas around state-licensed [day care facilities](#). The effect of such a provision is shown on Attachment 2; there are two facilities.
- Hillsboro has established buffer areas around [active use park facilities](#). The effect of such a provision is shown on Attachment 1. The advantage of Hillsboro's approach is that they have control over the location of the public facilities.
- Forest Grove treats dispensary as [medical facilities](#) under its existing code. This provision would not be particularly useful in North Plains.

Staff would advise at a minimum provisions should be made for the following:

1. *Lighting at entrances and off-street parking areas for the medical marijuana facility shall be well-lit and not visually obscured from public view/right-of-way.* Washington County adopted similar provisions. The purpose is to provide better security for patrons and improved surveillance by the Police Department. It should be kept in mind that these facilities would be storing controlled substances where criminal mischievous may occur. Dispensaries are often operating on a cash basis; thereby increasing the desirability for illegal intrusions.
2. *The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle.* Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited. This provision would avoid the development of temporary type of facilities with which the City has minimal regulatory provisions.
3. *Security bars or grates on windows and doors are prohibited unless integrated into the design.* This is an aesthetic design issue to avoid negative visual impacts such features create. The typical method to address this is either integrate security features into the glass or on the interior side of the window.
4. *The dispensary must provide for secure disposal of marijuana remnants or by-products, or items with marijuana residue of any kind.* This provision is included to assure that residue from a dispensary operation is properly controlled and to minimize inappropriate searching of discards generated by the facility operation.

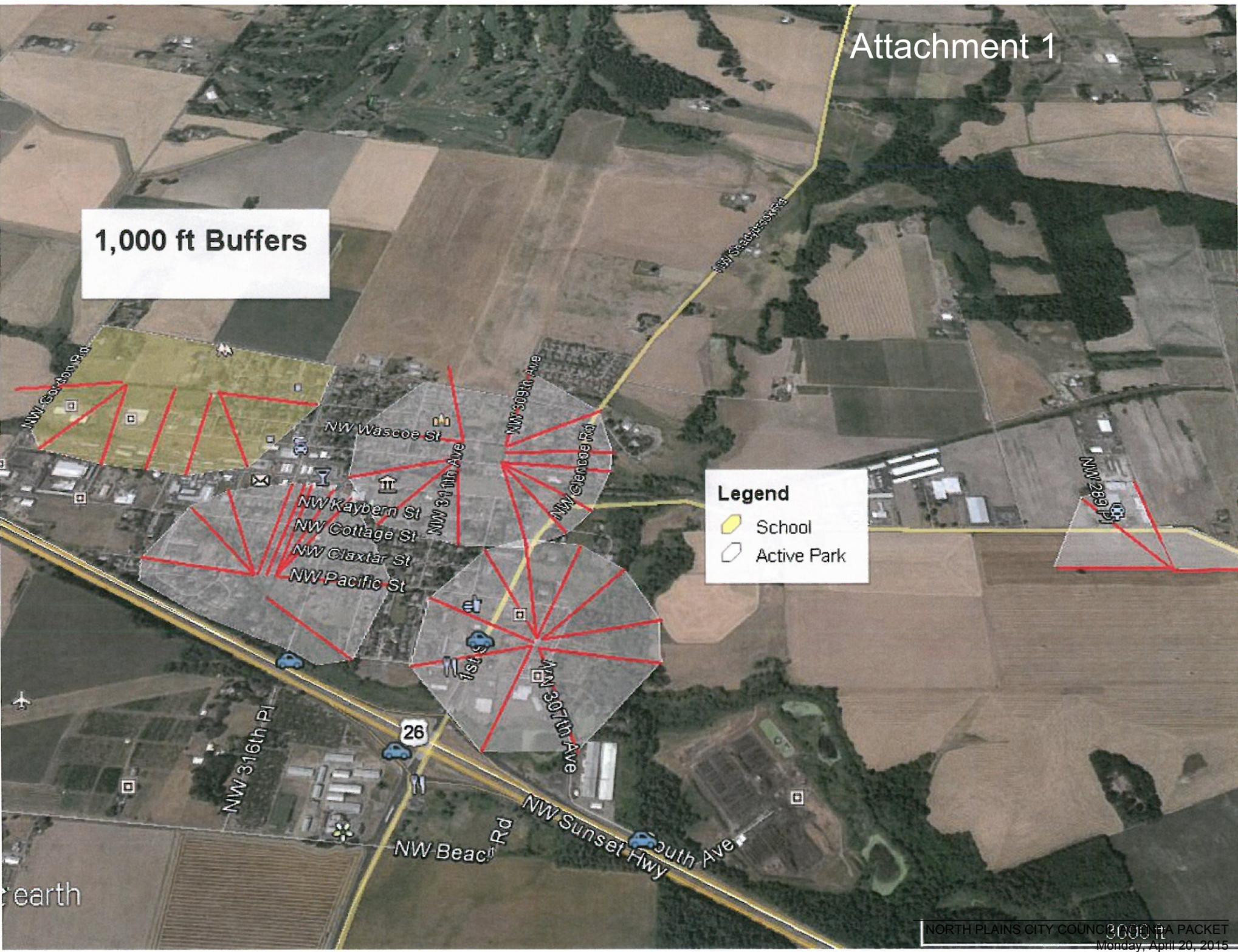
Fiscal Impact: Adopting land use regulations has no direct fiscal impact on the City. Time staff spends amending the code is not recovered through fees.

Recommendation: Council provide direction regarding what kinds of provisions should be included in an ordinance.

1,000 ft Buffers

Legend

-  School
-  Active Park

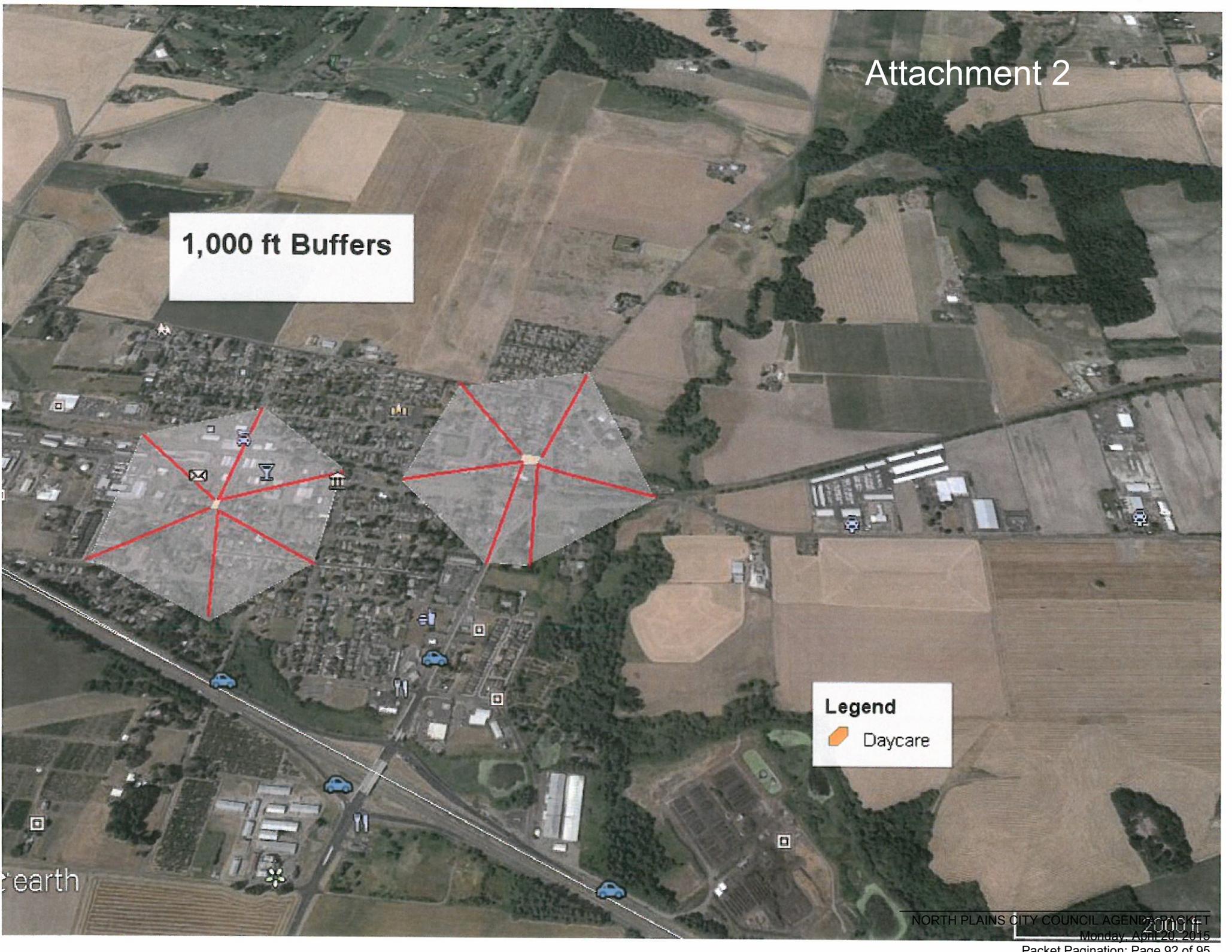


earth

1,000 ft Buffers

Legend

-  Daycare





CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: March 12, 2015
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: 2015-2016 Council Goals

Request: Council continue their discussion and develop a preliminary list of goals for the 2015/16 fiscal year.

Background: Periodically the Council should evaluate its goals both in the long-term and the short-term. Setting goals for the next fiscal year enables staff to allocate resources and the budget can be tailored to align with the goals of the Council. Council began a discussion at the February 17, 2015 Council meeting. The following list was compiled of possible goals after which each Councilor prioritized their top choices.

- Signage in town—Develop signs for Glencoe / Commercial to direct traffic to downtown (David, Butch, Sherrie, Scott)
- Façade improvement program for businesses to encourage revitalization (Teri, Sherrie, Scott)
- Sidewalk Creation Program - Identify neighborhoods that need them and develop plan for implementation (Scott, Teri)
- Improve appearance of Van Dykes corrugated tin buildings, which may include mural(s) (Butch, David)
- More Police presence during the hours of 5-7 p.m. (David, Sherrie)

Other suggestions for goals that were discussed but not identified as high priorities by the Council:

- Neighborhood Watch-reorganized/renewed, up and running/Cert (Sherrie)
- Classes for the community-yoga, painting-after business hours (Sherrie)
- Revitalize downtown (Butch)
- Downtown Parking Lot (Teri)
- Glencoe Crosswalks-lights-Commercial at 311th and Commercial Street and Main-where is the largest pedestrian traffic (Teri)
- Glencoe Road / Railroad Crossing
- What to do regarding having teenage activities-outreach and do a survey 11-12 yrs and up to see what they would want in town. Get feedback from the kids. Give them something to do without having to go to Hillsboro or Forest Grove. Open up Jessie Mays more. A lot of kids live outside city limits-draw them in; Boys/Girls Club / work collaboratively with the School District; YMCA
- Continued search for a grocery store.
- Update Fee Schedule
- Walking Trails development with lighting

- Increase code enforcement
- More emergency preparedness
- Provide economic development-incentives

The Council concurred that the following goals are ongoing and require multi-year efforts. Some are underway already, so they did not rise to the top and include them in their annual goals:

- Comprehensive Plan update is underway
- Jessie Mays renovation is in process; with hiring of architect the next step.
- Pedestrian connectivity between east expansion development and North Plains proper is in the planning process.
- Water Source tower / Water tank location to be identified.

Fiscal Impact: Goals will determine how the budget is presented to Council, with greater resources directed to Council priorities.

Environmental Issues: No environmental issues are associated with this item.

Recommendation: Council determine its goals for the next fiscal year.

May 2015 Council Calendar

Meeting	Primary	Alternate	Note	Date
First Friday Flick at Jessie Mays Community Hall! Movie in the Hall			6:00 p.m.	05/01
City Wide Garage Sale / Garden Club Plant Sale / Knights of Pythias Chowder and Sandwich Bar / Senior Center BBQ			All over Town	05/02
City Council			7:00 p.m. at North Plains Senior Center	05/04
City Clean Up Day			8:00 a.m. to 11 a.m. at Jessie Mays Parking Lot	05/09
3rd 2015-2016 Budget Committee Meeting-if necessary	All Council Members		7:00 Jessie Mays Community Hall	05/11
Washington County Coordinating Committee (WCCC)	Hatcher	DeBry	2 nd Monday @ 12 noon	05/11
Planning Commission	Newton		2 nd Wednesday @ 7 p.m.	05/13
Washington County Office of Community Development Policy Advisory Board	Kindel	Lenahan	2 nd Thursday @ 7 p.m.	05/14
City Council			7:00 p.m. at North Plains Senior Center	05/18
Library Board	Lenahan		3 rd Wednesday @ 7:00	05/20
Memorial Day-City offices and North Plains Public Library closed.				05/25
Metro Policy Advisory Committee (MPAC)	Hatcher	Lenahan	4 th Wednesday @ 5 p.m.	05/27
Parks Board			4 th Wednesday @ 6 p.m.	05/27
Envision North Plains Community Workshop			3:00 p.m. to noon at Jessie Mays Community Hall	05/28
Metropolitan Area Communications Commission (MACC)	Whitehead	Newton		