Chapter 16.145
Public Facility and Service Requirements

16.145.000 Purpose

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require any buildings or other development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. The purpose of this section is to identify those public facilities and services that are necessary at a minimum level to accommodate development.

16.145.005 Application of Public Facility Standards

The provisions of Chapter 16.145 Public Facility and Service Requirements shall apply to development within the City of North Plains as listed in the following table. No development permit shall be approved unless the following required improvements are provided to City standards prior to occupancy or operation unless an exception is approved by the City Council per Chapter 16.145.115 or future provision of the improvement is assured per Chapter 16.145.120.

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N = Not required  Y = Yes, required C=Conditional, required in some case

Note: Street lights shall be installed per City Standards.

C¹ Fire Hydrants for Commercial Expansions
A fire hydrant is required when:
1. The total floor area of the building, including existing area and expanded area, is greater than or equal to 2500 square feet; or
2. A use is proposed which is classified as a Hazardous (H) use under the Uniform Building Code.

C² Street Improvements for Single Family Homes
New single family homes located on existing improved streets must pay the City's Systems Use Fee prior to issuance of a building permit. New single family homes which require a street extension of a City street must be improved to the City's paved street standard. Extension of County roads must be improved to County road standards.

C³ Street Improvements for Commercial, Institutional, Public, Semi-Public and Industrial Expansions
Lots fronting on County roads must obtain access permits from the Washington County Department of Land Use and Transportation. The City will require improvement to full City standards when the use meets any of the following criteria:

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

C⁴ Sewer Line Extensions for Single Family Homes
Clean Water Services jurisdiction over sewer line extensions. CWS generally requires extension of the sewer lines to serve newhook-ups.

C⁵ Communications Infrastructure
Communications infrastructure, including but not limited to conduit for communication utilities, shall be installed to adequately serve the approved level of development. Communications infrastructure shall be required when other public utility or roadway improvements are required of a development, as required by City standards.

16.145.010 Public Facility Standards

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Public Works Design Standards and installed in accordance with Chapter 16.145. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan or projects otherwise approved by the City, public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued. The following public facility standards shall be applicable to all development as specified in the Application Review section of this chapter.

A. Streets

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

B. Storm Drainage

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

1. For storm drainage across or over the property on which the development is located, there are storm drainage facilities available which are capable of
handling a one-hundred year flood without damage to any improvement on
the property, or inundation of the lowest habitable floor of any residential
structure thereon.

2. For storm drainage along or from streets adjacent to the property on which
the development is located, there are storm drainage facilities available in
accordance with the City of North Plains adopted street standard.

C. **Sewage Disposal**

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

D. **Water Supply**

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

1. Fully improved to a standard providing both adequate potable water and fire
flows, as established by the applicable State Plumbing Code and approved by
the City; or

2. Improved to a standard providing adequate potable water flows pursuant to
the City Water Master Plan and approved by the City and the Tualatin Valley
Fire & Rescue.

E. **Communications Infrastructure**

No development permit shall be approved for any property until the City has
reviewed and approved provisions for communications infrastructure. Generally,
public telecommunication and franchise utility conduits (including but not limited
to: electric power, telephone, natural gas, lighting, cable television and broadband
internet) shall be installed to serve all newly created lots and developments in
North Plains.

F. **Underground Facilities**

1. Except as otherwise provided, all utility facilities, including but not limited to,
electric power, telephone, natural gas, lighting, cable television, and
telecommunication cable, shall be placed underground, unless specifically
authorized for above ground installation, because the points of connection to
existing utilities make underground installation impractical, or for other reasons
deemed acceptable by the City.

2. Exception. Surface-mounted transformers, surface-mounted connection boxes
and meter cabinets, temporary utility service facilities during construction, high
capacity electric and communication feeder lines, and utility transmission lines
operating at fifty thousand (50,000) volts or more may be located above ground.
The City reserves the right to approve location of all surface-mounted
transformers.
16.145.115 Exceptions

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

16.145.120 Methods to Assure Facilities and Services

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

A. Cash in escrow, assignment of letter of credit, etc.

B. Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the City to accept the LID shall constitute a waiver of the assurance requirement.

C. Evidence of formal action by public or private agencies or companies, including the City of North Plains, appropriating monies for the requisite public improvement.

D. Any other legally binding arrangement that assures the improvements will be made within the required time frame, including:
   1. Phasing of the development;
   2. Construction of interim improvements;
   3. Construction of improvements on a phased basis.

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

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

A. The estimated extent, on a quantitative basis, to which the public improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

B. The estimated level, on a quantitative basis, of improvements needed to meet the estimated future use by persons served by the building or development;

C. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and

D. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

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

16.145.135 Fees

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

16.145.140 Duration of Permit

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

16.145.145 Performance and Maintenance Security

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

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

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

16.145.150 Insurance Required

Prior to issuance of a Public Works Construction Permit, the applicant shall demonstrate compliance with all required insurance policies.

16.145.155 Indemnification

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

16.145.160 Restoration

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

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

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

16.145.170 **Protection of Adjoining Property**

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

16.145.175 **Care of Excavated Material**

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

16.145.180 **Construction Standards**

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

16.145.185 **Limitations of Liability**

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

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