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 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 cases

Note: Street lights shall be installed per City Standards.
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 are located adjacent to a City street must meet the City's street standards. Extension of County roads must meet the County road standards.

Sewer Line Extensions for Single Family Homes

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

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.

Street Improvements for Commercial, Institutional, Public, Semi-Public & 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.

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, and as required by City standards.

16.145.010 Public Facility Standards

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. 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 City standards.
B. **Storm Drainage and Sewage Disposal**

No development permit shall be approved for any property until the City has reviewed and approved provisions for storm water drainage and Sanitary Sewer service in accordance with the City of North Plains Public Works Design Standards and Clean Water Services standards.

C. **Water Supply**

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

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

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

D. **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.

E. **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 Planning Commission at a public hearing conducted
pursuant to the Application Review Chapter. The Planning Commission may approve an exception to the Public Facility Standards if one or more of the following conditions exists:

A. The exception is necessary to preserve significant natural features, such as trees, sensitive areas or critical habitat;
B. The exception allows the construction of an alternative public facility that will increase efficiency in design or use of materials; or
C. The proposed exception results in a superior design and/or future use of the public facility.

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 is required prior to commencement of public infrastructure construction. Assurances shall be provided in a format approved by the City.

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. The Public Works Construction Permit shall be issued for a period of time outlined in the City’s Public Works Design Standards.

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 **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.

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.

16.145.145 **Insurance Required**

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

16.145.150 **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.

16.145.155 **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.

16.145.160 **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 repaired 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.

16.145.165 **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.

16.145.170 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.

16.145.175 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.

16.145.180 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.

16.145.185 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.