UNION CITY COUNCIL MEETING
Monday, January 11, 2015 – 7:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

1. **Call to Order, Pledge of Allegiance, & Roll Call:** Mayor Ken McCormack
2. **Consent Agenda:**
   a. Minutes from December 14, 2015 – Regular Council Meeting, pg 3-8
   b. Minutes from December 8, 2015 – City Council Work Session, pg 9-11
   c. Minutes from December 29, 2015 –City Council Work Session, pg 12
3. **Mayor Comment**
4. **Public Comment**
5. **Informational Items**
   a. Sheriff's Office Report
   b. Union Carnegie Public Report, pg 13
   c. Office Manager Report, pg 14
   d. Code Enforcement Officer, pg 15
   e. School Board Report
   f. EMS Report
6. **Administrator/Recorder Report**
   a. CIS Conference – Salem
   b. Avista Franchise
   c. Five yr. forecast report
   d. Land use regulations for marijuana
7. **Public Works Director Report** – Rod McKee, pg
8. **Correspondence**
   a. DOE amendment to contract, pg 16-118
   b. Workers Compensation savings audit invoice, pg 19
9. **Action Items – Old Business**
   a. Street Funding, *handed out earlier*
   b Tabled December 14, 2015. First reading of Ordinance 550 an ordinance vacating Twelfth Street in West Catherine Meadows Subdivision City of Union, Oregon, pg 20-21
10. **Action Items – New Business**
   a. Utility adjustment review per 50.068 F (7) a. b. Adjustments page, pg 22-23
   b. Final Plat approval on the application by Deborah Kennon for Minor partition MnP 15-03 tax lot 800 map 04s4e18cd also known as 1045 N. 5th Street, Union Oregon, page pg 24-27 and attached.
11. **Public Comments**

12. **Council Concerns**

13. **EXECUTIVE SESSION** permitted 192.660 (2) The governing body of a public body may hold an executive session:

(d) to conduct deliberations with person designated by the governing body to carry on labor negotiations.

(e) to conduct deliberations with person designated by the governing body to negotiate real property transactions.

13. **Adjournment**

If you have a disability that requires any special materials, services, or assistance, please contact us at 562-5197 so we may arrange appropriate accommodations. Copies of ordinances, resolutions, and all information included on the agenda are available prior to the meeting at City Hall, or at the meeting.

UNION CITY COUNCIL MEETING MINUTES
Monday, December 14, 2015 – 7:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

1. **Call to Order, Pledge of Allegiance, & Roll Call: at** Mayor Ken McCormack with councilors Randy Knop, Ski Mitsch, Sue Briggs, Doug Osburn, Matt Later and Coy Wilde. City Administrator Sandra Patterson and Public Works Director Rod McKee also attended.
2. **Consent Agenda:**
   a. Minutes from November 9, 2015 –City Council Work Session
   b. Minutes from November 9, 2015 – Regular Council Meeting
   c. Minutes from November 24, 2015 –City Council Work Session

   Later motioned to approve the consent agenda (2nd Wilde) motion passed by all members

3. **Mayor Comment**

   Mayor requested to add to Action Items (f) Marijuana item, this item will not need action by the city council.

4. **Public Comment**

   Donna Beverage, 1598 Cove Ave. Regarding the marijuana issue. She and the Chamber have been working hard to bring people to Union, State parks, hotel and people will not want to come if there is marijuana here.

   LaVonn Baremore 721 West Delta. Regarding 12th Street vacate. It is not a wise decision. You could stop a subdivision. You will put more traffic on Delta Street. Property to the north will not develop.

   Dick Middleton 10th Street. Regarding marijuana and 12th Street vacate. We don't need a dispensary in town. We should not close 12th Street. The people can still use it, we need it for utilities. City should keep it.

5. **Informational Items** Mayor asked Council for questions on the following staff reports.
   a. Sheriff's Office Report
      Deputy Pointer reported for the month of November 144.25 hours of sheriff service and 11.23 animal control hours.
      Mitsch asked for more information on the ongoing investigations. Pointer informed the Council he could share those.
      Knop asked if the department had a drug recognition officer.
      Pointer replied no, but anticipated the department would be training several in the next year and a half. Knop asked to be notified when that happens.

   b. Union Carnegie Public Report
   c. Office Manager Report
   d. Code Enforcement Officer – report was handed out before meeting
   e. School Board Report
   f. EMS Report

6. **Administrator/Recorder Report**
   a. Workforce partnership with school

Patterson reported she met with the school and student that would be filling the position at the city. The student will be emptying the trash cans on Main Street. He will always have a supervisor with him. The State pays his salary the first six months. His name is Alex.

b. DLCD Planning assistance grant
Patterson reported the city applied for the planning assistance grant and we got it. This will help with anything associated with planning.

c. Community Block Grant update
Patterson reported we had discussed this in a prior meeting about doing a local income survey. Several other communities have been successful recently and changed their percentage and qualified for the block grant. Patterson felt Union could do the same. A third party such as Portland State could do the survey. We need at least 70% response from citizen to be successful. Council asked if it was door to door, Patterson replied yes. The cost is between $1,000 - $8,000. Patterson referred Council a resolution later in the agenda which will approve the survey.

7. **Public Works Director Report** – Rod McKee
McKee reported on the College Street water line break. It had an old 6 in cap on the new 8 in water main the cap blow sometime around 4 am in the morning. There was thousands of gallons of water loss. Crew got it fixed. McKee reported the crew were also successful on getting on Beverage's property and rerouting ditch water that had caused street water problems for decades. This fix will make for a better street.

McKee reported the ammonia limit requirements by DEQ have changed since the city started going down this road which have changed the city's options. McKee didn't go into the ammonia numbers as the numbers can be confusing. The city can continue to discharge into Catherine Creek which will be a savings to the rate payers. As for temperature the city can find a storage system to avoid the critical time frames. This doesn't mean the ammonia limits and other requirements won't require the city to get out of the creek in the future, so that should still be a goal of the city. Another positive funding source have also come up and that being Water Resource. They have shown interest in our project which would grant the project up to 50% of the cost, so if the city could get half the project funded by grant and then another $500,000 from IFA, getting out of the creek might be finically the best option still. McKee expressed will continue to work on both options and get back to council.

McKee reported on the current USDA loan with approximately 2.1 million remaining on it he has been looking at refinancing options. While he thought he had exhausted all resources the local bank OMPQUA Bank came back to the city with a good proposal. They are offering 15 years with a fixed 3%. That will save the city $400,000 and cut 10 years off the loan. It will increase the payments about $60,000 a year about $6.00 per user. Council showed increased in proceeding with this.

8. **Correspondence**
   a. OLCC Land Use Compatibility Statement
   b. FAQs Recreational Marijuana in Oregon
   c. Grande Tour State Scenic Bike Way letter

9. **Action Items – Old Business**

   a. Second reading of Ordinance 548 an ordinance regulating loud and raucous
   Motioned by Later to approve Ordinance 548 an ordinance regulating loud and raucous noise (2nd Wilde) *motion passed unanimously 6/0.*

b. Tabled November 9, 2015. First reading of Ordinance 550 an ordinance vacating Twelfth Street in West Catherine Meadows Subdivision City of Union, Oregon.

Mayor McCormack opened the floor up for public comment at 8:02 pm.

LaVonn Bearmore 1127 N. Delta - is concern about the 40 foot road access and cost for creating a road. Asked Council to think about it before they close the road. Knop asked the resident to come back. Knop asked Patterson if he could ask her questions. Patterson was unsure if he could. Knop said he would take that as he can't ask questions.

Laura Haefer 1185 W. Birch –she explained that it is an ill planned subdivision. This area is all flooded. When we went to a planning commission meeting it was said this was a swampy area and it was said it would be costly to put in a road because of the flooding. Utilities would be preferred on 13th Street. Knop asked the applicant, is it your understanding the discussion with planning commission the approval of the vacate would not detract of the remaining lots. Haefer said yes. Patterson clarified the application never went to planning commission. Laura Haefer said this petition was discussed by planning commission and we attended four meeting where this is all we discussed was 12th and 13th Street and utilities. When I went to the planning commission and I announced I filed the petition then the discussions started and it was discussed 13th street was preferable for utilities because it was on the lower end. Because of the water the lower end was preferable. Wilde asked what was the reason for the vacate originally? Haefer shared she'd loved the property wants to put in trees, wants to make it a beatification area. Talked to the neighbors. Wilde asked Haefer if she had the signature sheets. Haefer said yes and you should have a copy.

Mayor said he doesn't want to have a debate.

LaVonn Bearmore was at the planning commission meetings and said applicant for the subdivision wanted to use 12th Street and the planning commission said they had heard it was to be vacated and they said no. There was no decision that night. Mayor again said he doesn't want to get in a debate over it.

Mayor asked if there was any applicants wanting to subdivide these lots at his time. Patterson started to direct him to the public works director. Later felt this isn't relevant at this time. Knop filed an objection, is there an adverse impact? The city staff is saying, the original vote there was an impact. Mayor are you referring to the vote in September? Osburn said the vote was to approve the request, not the application. Later as much as I disagree with the vacation I have to agree I left that night thinking we approved the application. Patterson asked Council if they read their staff report which says if they want to approve a vacation it has to be done by ordinance. Knop are we done taking public testimony. Mayor closed hearing at 8:21 pm.

Knop restated the council voted to approve the application we don't have to follow the formal process, the city charter. The city council may have been seen approving something prematurely that staff would rather not. The only objection I was willing to consider was the transportation. He didn't find the city prejudice or the adjacent land owners land locked, simple by removing the city's control from those property owners. He was comfortable voting, Patterson can correct him the first meeting the council had already voted. He doesn't care about an ordinance needing to be acted on. He doesn't necessary agree with staff, that is why he requested a legal option and can't require council to do so. There is enough question in his mind that someone is having a problem with this excepting the councils position that was previously voted on, including yours mayor. Mayor said he was not there.

Mayor said he tabled the application because he wasn't comfortable with what was going on. Mayor continued to explaine he is going by ORS 271.120 state the council must approve the request and then approve and adopt an ordinance. The Council needs to pick one of the four topics. Knop asked are you asking the council to re-consider their vote? Osburn this ordinance is a confirmation of what we have already voted on. What we have done is approve the language of the ordinance, not the ordinance. The idea of what this ordinance does has already been approved. Knop I appreciate that, I understand staff recommendation has to be acted on in one manner or another, which I'm not clear on. Option on or all or none. Mayor an ordinance can be approved or rejected. Osubrn said it will be approved, not maybe.

Knop wants clarification on the options, is council bound by those options. Mayor said no it is up to the council to decide how they want the ordinance put together. Patterson clarified there are two property owners involved. If you're going to vacate the property you need to somehow divide the property. You could give it all to one property owner or do something entirely different. Wilde suggested we need to do something likes option A and C, to keep some of the property for utilities. Wilde asked Knop if he was headed to approving the application as a fifty percent split between the property owners? Knop said he has not seen the transcript of the testimony from the applicants to know what they want. I haven't been provided any adverse testimony. The city has the ability to run its services in another manner that are being maintained. He doesn't agree the city should take additional testimony. My record and the city can review later, shows that there is no new testimony. So let's get down to the task at hand and what is the Council going to do with the fourth option? Later said that is one of his concerns because this will set precedence for future vacations we need to be careful. Knop is certainly concern if the city has an alternative motive which I don't believe is the case how the options came to be and that came out of the last with respect to the pocket park (*Patterson shared it came from the Transpiration Plan*) Knop reminded Patterson he was speaking. Knop said he had asked for clarification on that because he had not heard of creating pocket parks, it is clearly attempt to make a statement, which the council has no history with this and there is no need for additional parks in the city.

Mayor reviewed the options on the list. Patterson shared pocked park was reviewed during the transportation update and there are copies in my office and the front office for review. Council agreed to remove the pocket park. Later suggested A and C combination. It was asked how wide the right of way Patterson clarified 40 feet. Knop asked Patterson if his 10 foot right of way on his property was substandard? Patterson stated she didn't know anything about his right of way. Patterson said she was only clarifying the street is 40 feet wide. Osburn asked what is the setback from an easement. Later said that is for us to decide because it isn't addressed in our code. McKee said there are two questions, first 40 feet is necessary and once the utilities are in you can make it narrower, the second part you can build right up to the easement. Wilde the problem is they are planning to put in large trees so a utility easement won't work. McKee reminded council you will be vacating a street that will land lock four lots, 20 years from now someone is going to ask how will we build on the back lots. Osburn said the property owners were going to put the property back to one lot. Osburn recommended since the vacation is approved property owners make all lots into one large lot.

Osburn motioned to not sign the ordinance until the applicants have replotted their lots (2nd Knop) Motion Resented

Osburn motioned to adoption ordinance 550 with addition appendix B Mike and Brenda Haefer and Brenda Younce pay at fair market value and deposited into the street fund, ordinance not signed until the lots are replotted into signal lots (2nd Later) *motion passed 5/1.* Mayor confirmed this was the first reading of Ordinance 550.

Briggs excused herself from the meeting during the above conversation.

c. Resolution 2015-18 A resolution authorizing the city administrator to close Umpqua bank account and transfer funds to existing account.

   Patterson reported the funds will be transferred into a higher interest rate.
   Later motioned to approve Resolution 2015-18 (2nd Osburn) *motion passed unanimously 6/0.*

d. Resolution 2015-19 A resolution extending workers compensation coverage to volunteers of city of Union, in which city of Union elects the following

   Later motioned to approve Resolution 2015-19 (2nd Osburn) *motion passed unanimously 6/0*

e. Resolution 2015-20, A resolution by the city of Union to conduct an income survey
   Later verified if there were funding in the account and what the cost was going to be $1,000-$7,000 and the last quote $5,000 -$8,000.
   Knop asked about who would be doing the survey, Patterson said a third party such as Portland State and the city would go out for bid.

   Later motioned to approve Resolution 2015-20 (2nd Mitsch) *motion passed unanimously 6/0*

f. Marijuana topic: Mayor asked council to consider putting this on the November 2016 ballot. This doesn't require a vote right now just wants council to consider it.

   Knop ORS will determine the next action it will allow for the opportunity for the city to consider land use laws. There is nothing the city council can do at this late hour. If planning codes need to get done then staff needs to advise us of that. Osburn suggests we have a work session to discuss a facility and we should take no action. What about those that don't want to grow but still want to smoke. We will not have a huge revenue stream but we should take advantage of it. Work session to set up recreational sells and put a sales tax on it. Mitsch there is no one selling at this end of the state we can attract a lot of people.

10. Action Items – New Business

a. City of Union Rules of Procedure for public meetings

   Council decided under 4. Add 3 minute limit and 5. removed city administrator.

b. Limiting public comment to 3 minutes – address above

c. Union County Sheriff's contract – Patterson will hold executive session in January.

11. Public Comments

Evelynn Marman – expressed concern on the request on planning commission request on 12th street.

Dick Middleton – Council signs the ordinance after the second reading of the ordinance

12. Council Concerns

Patterson shared the planning commission minutes are in the front office of city hall if the council needed to refer to them.

13. Adjournment 9:49 pm

Approved:_____ Attest: _____

Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

CITY DEER DISCUSSION
CITY OF UNION - CITY COUNCIL WORK SESSION MEETING MINUTES
Tuesday December 8, 2015 at 6 pm @
LEONARD ALMQUIST COUNCIL CHAMBERS, CITY OF UNION CITY HALL

In attendance, Mayor Ken McCormack and City Councilors Doug Osburn, Matt Later, Coy Wilde, Randy Knop, Ski Mitch, and Student Councilor Teara Howard. Staff in attendance Rod McKee, Public Works Director and Sandra Patterson, City Administrator. The Oregon Department of Fish and Wildlife (ODFW) was represented by Leonard Erickson, La Grande District Wildlife Biologist, Nick Myatt, Grande Ronde Watershed Manager, and Brian Ratliff, Baker District Wildlife Biologist.

1. **Meeting Called to order by Mayor McCormack** at 6 pm

2. The group viewed a FOX Network news segment on deer population and resulting issues in Ashland, Oregon provided by the ODFW. The news segment showcased the growing deer problem within the City of Ashland, together with local resident's reactions to the deer, and what actions were being taken by the City of Ashland. Lethal means for deer population control are not being considered in Ashland due to local sentiments. Fencing yards and garden areas with deer fencing seemed to be the most popular and effective method to control deer damage to the residents trees, shrubs, and gardens.

3. Leonard Erickson asked if the City had any height restrictions for fences. He explained that deer proof fencing will protect gardens and yards. Sandra Patterson said that there is no height restriction for fences, however there is a clear vision requirement at intersection for vehicle safety. Fences over a certain height will also require a building permit from the County Building Department.

4. Of all the methods for reducing deer numbers in Union, the ODFW is recommending lethal control as the only viable alternative. Relocating City deer is very man power intensive and has not proven to be successful where it has been done in the past. The State Veterinarian now requires that deer being relocated be tested for disease that may be transmitted to wild herds. This requires that a deer be captured, blood drawn, the animal held in captivity while the blood is tested, the blood tested, and, if the test results turn out to be negative, the deer could be relocated. Historically, deer taken from towns and then relocated to the wild either return to where they were captured, become highway mortalities, or predator prey. In addition, deer are very difficult to capture unless prolonged winter weather conditions are present. Darting and anesthetizing deer is too risky for implementation within the City. Deer that have been darted may travel some distance before succumbing to the drug and darts can fall out, and if not found, pose a very real threat to the public.

5. The recommended course of action presented by the ODFW is to lethally cull a portion of the City deer herd each year until the desired City deer population is reached. The ODFW is willing to work with the City to formulate an acceptable program within the City limits. As presented during the work session, the ODFW suggested, as an example, the City select and appoint individuals who would cull the resident deer population. These individuals would need to have the marksmanship skills and experience with firearms necessary to safely dispatch deer within the City as required. The safety of the public is paramount. Any animals taken in this manner would need to be field dressed and delivered to a meat processing facility that accepts wild game. The meat resulting from any authorized culling activities would then be donated to organizations representing

individuals in need of assistance. The cost resulting from the culling process including the cost of marksman and processing of the deer carcasses would be borne by the City.

6. Some type of limited ODFW authorized hunt within the City limits of Union was also discussed using primitive methods such as bows or muzzleloaders. At this point it was explained that City regulations as well as State statues would likely preclude an authorized hunt within the City limits. Safety of discharging muzzleloaders or shooting arrows at deer is a concern due to the density of the homes and citizens within the City limits. Recovery of wounded animals that were not instantaneously dispatched could also be negatively received by the public. This is not an option that likely could be implemented.

7. Special hunts on private property adjacent to the City limits might help to reduce City deer population if the deer being harvested also frequented the City itself. The question for this option is whether or not property owners adjacent to the City would allow hunters access to their property for such a hunt. Some deer could possibly be hazed from the City limits out onto properties open for a special hunt. Provided a portion of the hazed deer are harvested, the City deer population would be reduced.

8. General discussion regarding the City deer problem covered a wide range of topics. It was noted by Councilor Osburn that deer seem to be becoming more aggressive than in years past. He cited his personal experiences with deer in his yard becoming more of a problem.

   Councilor Later asked what is driving the deer into town and keeping them here. Leonard Erickson explained that lack of predators in the City and abundant food availability is part of the issue. The other reason is that deer are reproducing in the City, having fawns, and raising those fawns in town. As the deer herd in the City becomes more and more composed of deer born and raised in town, the City becomes accustomed range for the deer.

   Kill permits issued to landowners with significant deer problems in rural areas was also discussed. Deer taken with an ODFW issued kill permit must be field dressed and the carcass transported to a meat processing facility. Dick Middleton asked if a City resident could obtain a kill permit. The ODFW responded, not inside the City.

   Landowner tags were discussed. Land owner tags are issued by the ODFW to rural property owners experiencing big game damage. For deer, only landowner preference tags can be transferred to take antlerless deer causing damage. The 40-acre minimum land holding applies for a landowner to be eligible to obtain landowner preference tags. A landowner tag replaces an unused land owner preference tag. In the case of landowner tags, the tag holder is allowed to keep the animal. Landowner tags would not be issued within the City limits.

Councilor Later asked why are the deer the City's responsibility, when did they become our deer? Councilor Osburn asked Myatt, are the deer in Union the property of the State? Myatt responded that deer in Oregon are the responsibility of the ODFW. Then it was asked, when will the deer inside the Union City limits become a state problem? Leonard Erickson said that funding is almost always an issue when dealing with big game animal complaints. The ODFW does not have funds available to deal with the problem deer inside the Union City limits. However, Myatt said that the ODFW is willing to work with the City of Union to reduce the deer population in the community if that is the desire of the City Council.

The Beverage family was attending the work session and Donna Beverage offered their property for use in reducing deer numbers

9. ADJOURNMENT

Approved:_____ Attest: _____

Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

CITY COUNCIL WORK SESSION MEETING
Monday December 14, 2015 at 6 pm
LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

Attending the meeting Mayor McCormack, Councilors Randy Knop, Ski Mitsch, Doug Osburn, Matt Latter and Coy Wilde. Sue Briggs was excused. Sandra Patterson and Rod McKee aslo attended.

1. **Called to order** at 6 pm

2. Employment Handbook

   Mayor asked City Administrator Patterson how she would like to handle the review of the handbook. Patterson suggested a committee be formed for more efficient use of councilor's time.

   Knop expressed he didn't have time to be on another committee but would kindly send him digital comments.

   Knop shared he had word smith the doc up to page 25. He was also concerned with no code reference to the Federal and State code and statues.

   Both Mitsch and Osburn volunteered to be on the committee.

   Knop was concerned about the Federal law and the language as compared to Oregon law with regard to marijuana. Along with prescription drug use. If an employee is using a prescription drug they should not be disciplined for such use.

3. **ADJOURNMENT** at 6:38 pm

Approved:_____ Attest: _____
Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

November 2015 Report
Union Carnegie Public Library
Union, Oregon

STATISTICS

Patron Count.....1013
Circulation Count.....1720
Adult.....1138
Children.....582
Audios.....94
Videos.....447
Music CD's.....26
Materials Added to the Collection.....199
Materials Discarded from the Collection.....143
Reference Questions 27
Volunteer Hours.....90.
Programs for Children &/or Adults.....17
Participants.....162
Computer usage.....500.0 hrs.
New Patrons.....5
ILL Requests.....138

Events and Additions

- **Estimated wireless computer use for this month: 1447.0 hours.**
- **Work on RTRG report.**
- **Tuesday-storytime.**
- **Proctoring.**
- **Received LIBRI Foundation books.**

Coming in December

- **Proctoring.**
- **Submit RTRG report.**
- **Tuesday-storytime.**
- **Library Open House and Friends Christmas tree raffle.**
- **Write LIBRI Foundation thank you.**

"Your value does not decrease based on someone's inability to see your worth!" - Unknown

Office Manager

Water/Sewer Monthly Report

November 2015

- For the month of November we had a total of **10** new accounts set up.
- **8** of these new accounts with a set up fee @ $50.00 each = **$400.00**
- There was **8** regular turn off(s), @ $16.00 charge = **$128.00**
- There was **5** regular turn on(s), @ $16.00 charge = **$80.00**
- **1** after hours turn off @ **$90.00**
- We had a total of **25** delinquent notices delivered @ $10.00 = **$250.00**
- Of those notices we had **3** delinquent turn off(s) @ $16.00 = **$48.00**
- Of the delinquent turn off(s) we had **0** turned on @ $16.00
- We had a total of **97** accounts received a $25.00 late charge = **$2425.00**
- There was no billing for septic dumping for November
- There was no billing for Lab's for November

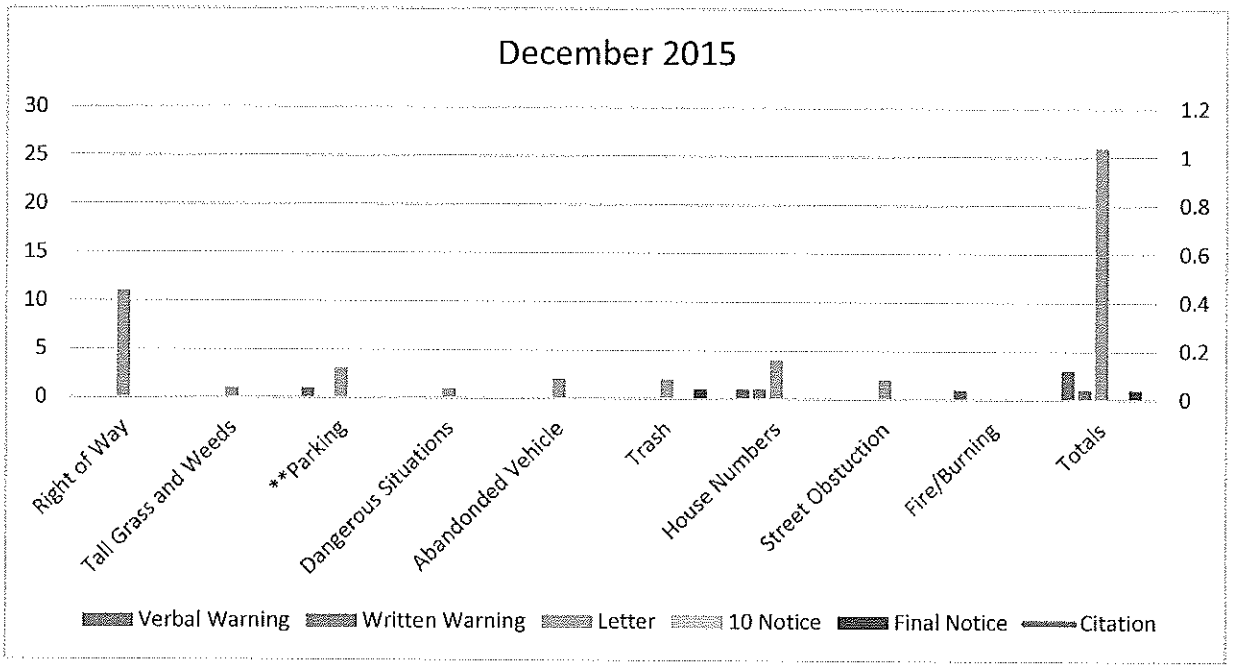
Municipal Court Report

- A total of **$1123.45** was paid on citations in November

- A total of **0** citations issued; **0** City Citation, **0** County Citations

The next court date will be February 18th , 2016 at 11:30am

ORDINANCE OFFICER MONTHLY REPORT



	Verbal Warning	Written Warning	Letter	10 Notice	Final Notice	Citation
Right of Way			11			
Tall Grass and Weeds			1			
**Parking	1		3			1
Dangerous Situations			1			
Abandonded Vehicle			2			
Trash			2		1	
House Numbers	1	1	4			
Street Obstuction		0	2			
Fire/Burning	1					
Totals	3	1	26	0	1	1

**Parking issues are given 72hours under normal circumstances, 24hrs or straight to Citations depending on circumstance.

Abandon vehicle called in by a resident was completed and removed after warning placed on vehicle.

10 open files pending time frames.

Starting January 5th, 2016 wrong way parking tickets to be issued, notice in Newsletter.

Oregon
Kate Brown, Governor

OREGON DEPARTMENT OF ENERGY
625 Marion St. NE
Salem, OR 97301-3737
Phone: (503) 378-4040
Toll Free: 1-800-221-8035
FAX: (503) 373-7806
www.Oregon.gov/ENERGY

MEMORANDUM

To: State Reviewing Agencies
Local Governments

From: Todd Cornett, Assistant Director

Date: December 15, 2015

Re: Amendment to Energy Facility Siting Council Reviewing Agency Agreement

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The 78th Legislative Assembly enrolled Senate Bill 259 (SB259), amending ORS 469.360 and ORS 469.421 to add authority for the Energy Facility Siting Council (EFSC) to compensate state agencies and local governments for expenses directly related to: work prior to an applicant's submittal of the Notice of Intent (at the request of the applicants); and work related to ensuring compliance with site certificate conditions when their expertise is requested by Oregon Department of Energy (ODOE) staff. This amendment becomes effective January 1, 2016.

The enclosed amendment to our contract provides this additional authorization. Please execute and return to ODOE, care of Bethany Wachtler. ODOE will then provide a fully executed copy for your records.

Thank you for your attention to this matter; your participation in the EFSC process is valued and appreciated.

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

1. This is Amendment No.1 to Intergovernmental Agreement No. 15-065 (as amended from time to time, the "Agreement") dated July 1, 2015, between the State of Oregon, acting by and through its Department of Energy ("ODOE"), and City of Union ("Local Government").

2. Effective Date. **This Amendment shall become effective January 1, 2016.**

3. The Agreement is hereby amended as follows (new language is indicated by **bold underlining** and deleted language is indicated by ~~strikethrough~~):

   A. The Agreement is hereby amended as follows:

      1. **Section 1:** **This Agreement is entered into pursuant to the authority granted by ORS 190.110 and 283.110, allowing state agencies to enter into agreements with other state agencies to cooperate in performing duties, exercising powers or administering policies or programs. Additionally, ORS 469.030 allows ODOE to contract with public and private agencies for energy activities consistent with ORS 469.010; ORS 469.360 and ORS 469.430 permit the Energy Facility Siting Council ("EFSC") to compensate a state agency or local government for expenses related to:**
         - **Consultation initiated by an applicant for a notice of intent or expedited review prior to submittal of the formal request**
         - **Review of the notice of intent, the application or a request for an expedited review;**
         - **The state agency's or local government's participation in a council proceeding;**
         - **The performance of specific studies necessary to complete the council's statutory evaluation of the application; and**
         - **Ensuring that certified facilities continue to comply with all terms and conditions of the site certificate or any order issued by ODOE under 469.405 (2).**

      ~~This Agreement is authorized by ORS 190.110, ORS 469.030 and ORS 469.360.~~

      2. **Exhibit A – Statement of Work:** Local Government shall review and provide comments on notices of intent, applications and amendments for site certificates and other EFSC project-related documents. In the case of notices of intent and applications for new or amended site certificates, the memorandum to reviewing agencies sent by EFSC per the requirements of OAR 345-015-0120 and OAR 345-015-0180 and OAR 345-015-0200 will serve as the required written request for work, as well as a description of the scope of work to be performed by Local Government under this Agreement. **In the case of an applicant initiating consultation with ODOE prior to submitting a notice of intent or request for expedited review, or in the case of local government's requested compliance review or site inspection, ODOE will provide a detailed scope of the work to be performed by local government. In the case of a Special Advisory Group appointment, ODOE will provide a detailed scope of the work to be performed.**

4. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. The parties agree that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

Agreed To and Signed By:

CITY OF UNION		**OREGON DEPARTMENT OF ENERGY**	
Sandra Patterson	12-22-15		
Signature	Date	Michael Kaplan Director	Date
Sandra Patterson			
Printed Name		Jan Lemke Designated Procurement Officer	Date
City Administrator			
Title		Todd Cornett Assistant Director	Date

Workers' Compensation
2014-2015 Audit Invoice

citycounty insurance services

CIS Guaranteed Cost Plan

Named Member	Agent
City of Union	Rhodes Insurance Agency
PO Box 529	PO Box 668
Union, OR 97883	La Grande, OR 97850

Member Number	Invoice Date	Invoice Number
10221	1/4/2016	UNN-W2014-A01

Class Code - Description	Payroll	Member Rate*	Contribution
5506 - STREET/ROAD MAINTENANCE	$14,717.00	9.4300	$1,388.52
7520 - WATER	$34,191.00	4.9100	$1,679.84
7580 - SEWER	$42,522.00	4.2500	$1,808.84
7710 - FIREFIGHTERS & DRIVERS	$15,000.00	4.0700	$610.28
7720V - COURT-MANDATED WORKERS	$146.00	4.3000	$6.27
8380 - GARAGE/SHOP	$7,428.00	3.7000	$274.67
8411F - VOLUNTEER FIRE FIGHTERS	$121,600.00	1.9300	$2,342.14
8411FC - VOLUNTEER FIRE CHIEF OR ASST FIRE CHIEF	$0.00	1.9300	$0.00
8742 - PUBLIC RELATIONS/FIELD REPS/COLLECTORS/MESSENGERS	$30,340.00	0.3500	$106.25
8742V - VOLUNTEER BOARDS/COMMISSIONS/PUBLIC OFFICIALS	$10,000.00	0.3500	$35.02
8810 - CLERICAL	$175,321.00	0.3500	$613.97
8810V - VOLUNTEER CLERICAL/LIBRARY/911 OPERATORS	$12,422.00	0.3500	$43.50
8820 - ATTORNEYS/JUDGES/BAILIFFS/COURT CLERKS	$1,414.00	0.1500	$2.18
9015 - BUILDING MAINTENANCE & LIFEGUARDS	$1,275.00	4.1700	$53.19
9102 - PARKS MAINTENANCE	$8,337.00	4.9500	$413.04
9402 - STREET/SEWER CLEANING & SNOW REMOVAL	$0.00	6.9300	$0.00
9410 - MUNICIPAL/COUNTY EMPLOYEES NOC	$8,672.00	2.0500	$177.75
Totals:	**$483,385.00**		**$9,555.46**

**Member Rate: Per $100 of Payroll. This is provided to assist members with their budgeting process. Rate includes applicable rating factors except calculations in the detail below. Due to rounding of decimal points on Member Rate, multiplying Payroll by Member Rate may not equal Contribution exactly.*

		Estimated	Audited	Difference
Manual Contribution:		$10,404.50	$9,555.46	($849.05)
Experience Rating Modification Factor:	x	0.94	0.94	
Adjusted Contribution:	=	$9,780.23	$8,982.13	($798.10)
State Assessment (7.2% of Adj. Contribution):	+	$704.18	$646.71	($57.46)
Annual Contribution:	=	$10,484.41	$9,628.84	($855.57)
Multi-Line Credit:	-	$733.52	$673.66	$59.86
Bonus Program Credit:	-	$0.00	$0.00	$0.00
****Total:**	=	$9,750.89	$8,955.18	**($795.71)**
*****Total includes Agent compensation of:***		*$489.01*	*$449.11*	*($39.91)*

THIS IS A CREDIT INVOICE. DO NOT PAY.

This invoice summarizes changes in amounts due for 2014-2015 Workers' Compensation coverage.

CITY OF UNION ORDINANCE

ORDINANCE NO. 550

AN ORDINANCE VACATING TWELFTH STREET IN WEST CATHERINE MEADOWS SUBDIVISION CITY OF UNION, OREGON.

The City Council of the City of Union finds as follows:

1. On the 8th day of February the City Council initiated vacation proceedings for the Twelfth Street vacate. The street is approximately 453.55 feet long by 40 feet wide, 18,142 square feet.

2. It has been determined by the City Council the applicants have provided a well written application and there is full support for the vacation from the neighbors.

4. The vacation of Twelfth Street will not hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous. The vacation will not make access to other land of any other person by means of public right of way difficult or inconvenient, and the vacation will not hinder the public's access.

3. There are no City liens or taxes unpaid on the lands covered by the proposed vacation.

4. Notice was mailed to Union landowners per ORS 271.110 on July 28, 2015: Notice was posted at Union Library, City Hall and US Post Office. Notice was posted July 27, 2015 on a post near the center of the street at the south end and the north end of proposed street. At the applicants request the hearing scheduled for September 14, 2015 was tabled to October 14, 2015. Additional mailing was sent nearby residents with notification of date change and posting in three locations in the city. Additional notice outside all required notices was published in the City Newsletter a general circulation in Union on October 1, 2015. Union City Council held the first hearing on October 14, 2015. All postings were met required by Oregon State Statute 271.110.

5. The City Council held a public hearing on the vacation at 7 p.m. on the 14th of September 2015 at the Almquist Council Chambers, Union City Hall. Objections to the application were made by Dick Middleton on 10th Street in Union and Gary Graham on N. Main Street in Union. Council requested staff report, Patterson reported the city suggest the application be denied based on several city policies as outlined in the staff report. Testimony in favor was presented by the applicants Laura Haefer and Brenda Younce whom both expressed their need to have the land vacated, no evidence was presented.

6. Union City Council finds and declares that it is in the best interest of all citizens of the City of Union, Oregon the property be divided equally between applicants Laura Haefer and Brenda Younce.

The City of Union does ordain as follows:

Section 1. **Vacation.** North Twelfth Street approximately 453.55 feet long by 40 feet wide, 18,142 square feet, North of West Birth, between North Eleventh and Thirteenth Streets is vacated.

Section 2. **Effective date.** This ordinance shall take effect 30 days following its second reading by the City Council and approval by Mayor McCormack

Adopted by _____ members of the Council voting therefore and approved by the Mayor of the City of Union this 8th day of February 2016.

CITY OF UNION

By _____
Ken McCormack, Mayor

Attest:

_____
Sandra Patterson, Administrator/Recorder

and water services shall be those which are set from time to time by the City Council by ordinance or resolution. These rates shall be prorated for any partial months of disconnection. The person or persons responsible for payment of the minimum fees shall be those who are entitled to occupy or use the property or unit in question, and shall include those to whom utility claims may be transferred pursuant to O.R.S. 91.255.

(b) The minimum rates set forth in division (F)(5)(a) of this section shall not go into effect until the person responsible to pay the minimum rates complies with the requirements of City of Union Code § 50.072(a) by requesting that service be discontinued, and the person pays any fees then due and owing by that person including a disconnect fee. Thereafter, water or sewer service shall not be resumed without authorization from the City of Union, and the payment of any fees that may be due and owing including a fee for resumption of service or re-connection.

(c) The person responsible to pay water or sewer rates may for a period of not to exceed three years avoid all water and sewer rates, but not including system development charges if the subject property is otherwise subject thereto, if all the following conditions are met: the person removes all buildings on the parcel or lot, the person removes all debris and fills all excavations, the person requests the City of Union to disconnect water service, the city inspects the property and determines that the foregoing conditions are met, and the person pays the city any fees then due and owing including a disconnect fee. The period of fee avoidance shall commence when all the stated conditions are met and shall end upon the earlier of the passage of three years, the commencement of construction to place a building or dwelling on the property, or the use of water or sewer service. A re-connection fee shall be due and owing when water service is resumed.

(6) *Rates: use of water no sewer or sewer no water.*

(a) Those people on city water service but no sewer service will pay full water service ($18.00) and the amount of $18.75 for sewer debt service. No system development charges will be levied to the two customers in this situation as of the date of passage of this section.

(b) Those people on city sewer service will pay full rates for sewer and $11.25 for a combination of water bonds and water line maintenance. No system development charges will be levied to the ten customers in this situation as of the date of passage of this section.

(7) *Adjustments.* For the purposes of this section, a 2.5% adjustment of the above rates in divisions (F)(3), (4), (5) and (6) above will be made yearly to keep the water and sewer rates current with increased cost of living. (This percentage reflects an average of consumer price indexes over the past ten years.)

(a) The adjustment will automatically go into effect the first of the month 30 days following passage of this section in 2007 and thereafter on April 1 annually.

(b) The City Council shall be required to review the adjustment annually in January (but no later than March).

(c) The City Council is authorized to increase the water or sewer rates above the 2.5% adjustment prior to April 1, or at any time, in the event of an emergency defined as a major loss to the water or sewer system, the need to respond to an unfunded mandate of the State of Oregon or the U.S. Federal government, an act of God, terrorism or vandalism.

(d) The City Council is also authorized at any time to decrease water or sewer rates.

(e) Notwithstanding the foregoing, or any provision of any ordinance of the City of Union, the City Council is hereby authorized to set or amend any and all water and sewer rates, but not including system development charges, by resolution.

(8) *Special circumstances and requirements.* For any utility rates not expressly provided for in this section, including but not limited to utility hookup charges, standby fire rates and contract rates, the City Council retains the authority to set rates by resolution.

(G) *Effective date of metered rates.* The rates herein provided to be paid and collected shall be effective for all collection periods beginning on and after the date on which the City Council, by resolution, established the beginning of metered charges.
(Ord. 421, passed 5-30-1990; Ord. 508, passed 6-28-2007; Ord. 545, passed 11-10-2014)

City of Union

COUNCIL ACTION FORM

Council Meeting Date: January 11, 2016

Subject: Final Plat Approval for application by Deborah Kennon MnP# 15-03

Subject of requested action: Action by Planning Commission, motion by Baird to approve to City Council as written in staff report with the exception of the utility easement (2nd Opie) , approved by C. Vaage, E. Baird, R. Burton and J. Brounstein.

Presenter of request: Planner Sandra Patterson

Council action request: Approve Final Plat

Explanation:

The application proposes to create two parcels approximately120 feet wide x 108 feet long each. The current mother-in-law home will be on parcel 1 and parcel 2 a vacant lot to be sold and developed.

The site 5.5 acres is located on North Fifth Street in the northwest corner of Union. The property currently has access from Fifth Street. The current residence and mother-in-law home has city water and sewer. Utility services currently located in Fifth Street. The site is zoned "Residential" ("R").

Based on the review of the application and City requirements, the staff recommends that the Planning Commission consider the follow recommendations:

1. On tax lot 800 ensure future extensions of streets and in-fill of development. It is important to continue a transportation network of opportunities. Create a 60 wide shadow plat of Fourth Street and Grape Street restricting building within the plat. Record this on the deed and any further subdivided lots from tax lot 800, see exhibit A.

2. Utility easement between mother-in-law home and new parcel of land. Temporary easement of 40 feet for construction of utilities, permanent easement at 20 feet, see exhibit A.

Planning Commission Decision: Planning Commission, motion by Baird to approve to City Council as written in staff report with the exception of the utility easement (2nd Opie), approved by C. Vaage, E. Baird, R. Burton, S. Opie and J. Brounstein.

Staff has attached a copy of the proposed request and the ORD 481 relevant to the application (*also found in your code books*). Please see Section X, sec 11., Page 18.

CITY OF UNION PLANNING APPLICATION

pd 10-13-15 $300.00 CK #94471

Department of Planning
342 S. Main St. Union, Oregon 97883
Phone 541.562.5197
Fax 541.562.8196

Application # 15-03
Date Submitted: 10-12
Received by: SP
Date Complete: 10-12

APPLICATION TYPE (Check one)

- ☐ Conditional Use
- ☑ Minor Partition
- ☐ Street / Alley Vacations
- ☐ Zone Text Amendment
- ☐ Flood Zone Permit
- ☐ Plan Amendment
- ☐ Variance
- ☐ Site Plan Review
- ☐ Historic Design Review
- ☐ Property Line ADJ
- ☐ Zone Change
- ☐ Major Partition
- ☐ Other _____

FEE AMOUNT: $ 300.-

Applicant Deborah L. Kennon Phone 541-910-7781
Address 1045 N 5th St City Union State OR Zip 97883
Property Owner Johnny + Deborah Kennon Phone _____
Address Same City _____ State _____ Zip _____

A. DEVELOPMENT REQUEST
Proposed Land Use (be specific) Minor partition

B. PROPERTY INFORMATION

1. Site Address 1045 N. 5th Street
2. Map 04S40E18CB Tax Lot 800
3. Lot Size 5.50
4. Has Property Been Surveyed? ☒ Yes ☐ No
5. Urban Growth Boundary ☒ Inside ☐ Outside
6. Zone R-1
7. Overlay Zones ☐ Flood Hazard ☐ Historic District
8. Existing Structures ☒ Yes ☐ No
9. Existing Easements ☒ Yes ☐ No
10. Current land use *(residence, etc.)* R-1
11. Major topographic features *(stream, ditches, slope, etc.)* _____

C. STATEMENT OF UNDERSTANDING

(Please initial after reading_____)

I understand that I have the burden of proving my that request meets all applicable ordinance requirements, and that I must address all of the criteria that apply. The criteria for approving or denying my request have been furnished to me as part of this application. I understand that supplemental materials, as determined by the City of Union maybe required to process my application. I further understand that planning staff is entitled to request additional information or documentation within 30 days after submission of this application if it is determined such information is needed for a complete application.

D. I HEREBY APPLY FOR THE ABOVE REQUEST.
I certify that I am the property owner, or an authorized representative for the property owner.

APPLICANTS SIGNATURE

Deborah L Kennon DATE _____

Shadow Plat
Future Streets

40 foot construction easement

20 foot utility easement

Exhibit 2B Limited Intersection Sight Distance at the OR 203/Bryan Street Intersection; from Bryan Street EB viewing north (top); from OR 203 SB (bottom)

Improved Roadway Connectivity

Union is currently served by a traditional street grid pattern. Ensuring future extensions of the street grid as part of new or in-fill development will be important to continuing a transportation network that will reduce reliance upon the north-south and east-west state highways. Opportunities for potentially expanding and enhancing the existing street grid are identified in Figure 7. To the extent possible, these opportunities take into account existing development and land use, focusing primarily on undeveloped lands that are likely to see the greatest potential for near- and long-term future development.

transportation facility provider as follows:

(i) Notice will be provided to ODOT regarding any land use action on or adjacent to a State facility.

(ii) All actions potentially affecting a jurisdiction's road/street shall require notice to that jurisdiction's public works and planning department [sic].

(iii) Notice will be given to providers of public transit and special interest transportation groups, such as railroad, bicyclists, pedestrians, and the disabled, on any roadway or other transportation project. Transportation interest groups must request notice in writing and may be subject to a fee.

Section VII. TENTATIVE PLAN REQUIREMENTS: Tentative plans and related written information for partitions and subdivisions shall include the following:

A. *Scale.* The tentative plan shall be drawn on a sheet 18 by 24 inches in size at a scale of one inch equals 100 feet, or as previously approved by the Planning Administrator.

B. *Proposed Design.* The following information shall be included on the tentative plan:

1. The location, width, names, approximate grade of all streets. The relationship to surrounding streets and to any projected streets shown in the Transportation System Plan (TSP Figure 6, or any plan adopted by the City or, if no such plan has been adopted, as may be identified by the City Council in order to assure adequate traffic circulation.
2. The location, width and purpose of easements.
3. The location and approximate dimensions of parcels or lots and the proposed parcel or lot and block numbers.

C. *General Information.* The following general information shall be shown on the tentative plan:

1. Proposed name of a subdivision shall not duplicate, sound alike or resemble the name of another subdivision in the County and shall be approved by the Council.
2. Date, northpoint and scale of drawing.
3. Appropriate identification clearly stating the map as a tentative plan.
4. Location of the partition or subdivision sufficient to define the location and boundaries of the subject property.
5. Names and addresses of the owner, developer, and engineer or surveyor.

D. *Existing Conditions.* The following existing conditions shall be shown on the tentative plan:

1. The location, widths and names of both opened and unopened streets within or adjacent to the subject property, together with easements and other important features, such as section lines, corners, city boundary lines and monuments.
2.. Land use plan and zoning classifications on and adjacent to the property proposed to be partitioned or subdivided.
3. Contour lines having the following minimum intervals: Two foot contour intervals for ground slopes of less than 10 percent, and 10 foot contour lines for slopes of more than 10 percent. The elevations of all control points which are used to determine the contours shall be indicated and must be based on the United States Geodetic Survey.
4. The location and direction of water courses and the location of areas subject to flooding.
5. Natural features such as rock outcroppings, landslide hazard areas, wetlands, flood plains, wooded areas and other unique features.
6. Known historical sites or structures and provisions for recognition or protection thereof.
7. Existing uses of the property, including location of all existing structures to remain on the property after platting and existing structures to be removed.

E. *Partial Development.* If the partition or subdivision plat pertains to only part of the tract owned or controlled by the developer, the City Council will require a shadow plat for tentative street layout, extension of services and future parcelization to an urban density in the unpartitioned or unsubdivided portion.

F. *Supplementary Information with Tentative Plan.* The following information shall be required by the City and, if it can not be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:

1. A vicinity map, showing existing adjacent ownership to the proposed partition or subdivision, and showing how proposed streets and utilities may be extended to connect to existing and proposed streets and utilities.
2. Proposed deed restrictions, if any, in outline form.
3. The location of existing sewers, water mains, culverts, drain pipes, and electric and telephone lines within the proposed partition or subdivision and in the adjoining streets and property.
4. Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district to

district improvement company shall be approved by the city unless the city has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

G. *Supplemental Plans with Tentative Plan.* The following information shall be submitted with the tentative plan:

1. Proposed street designation, e.g., arterial, collector, etc., and approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed partition or subdivision showing the approximate grade of streets and the nature and extent of street construction. If direct access to a state highway is proposed, access must be provided in a manner consistent with the access management provisions and the Local Street Plan in the Transportation System Plan.

2. Any proposed parcel less than 5.0 acres must:

   (a) Include a plan for connecting to city water, including plans for water lines and necessary rights-of-way.

   (b) Include a plan for connecting to city sewer including plans for sewer lines and required rights-of-way.

   (c) Include stormwater drainage and flood control measures and including [sic] profiles of proposed drainage ways.

3. Any proposed parcel 5.0 acres or greater must:

   (a) Include a plan for domestic water supply, including the source and plans for water lines.

   (b) Include a proposal for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.

   (c) Parcels 5.0 acres and larger but smaller than 10.0 acres must submit on the tentative plan a "shadow plat" indicating the following:

      (i) Future road rights-of-way including those recognized in the TSP or required by the planning commission or planning official,

      (ii) Future parcelization to an urban density,

      (iii) Provision for the extension of city sewer and water service, and

      (iv) Provision for sotrmwater and flood control.

4. Rights-of-way proposals for other improvements such as television cable telephone, electric and gas utilities.

5. Present and future school district service capability.

6. Such additional information as may be required by the City to ensure compliance with the objectives of this ordinance.

7. Submit a traffic impact study when the proposal affects a transportation facility, if the proposal:

(a) changes the functional classification of an existing or planned transportation facility;

(b) changes standards implementing a functional classification system;

(c) allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification or *[sic]* a transportation facility;

(d) would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

8. A required traffic study shall consider:

(a) Whether the proposed use imposes an undue burden on the public transportation system. For developments that are likely to generate more that [sic] 400 average daily motor vehicle trips (ADT's), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. Standards by which to gauge 400 ADT include: 10 trips per day per single family household which would equal 40 homes; 5 trips per day per apartment which would equal a complex of 80 apartments; and 30 trips per day per 1,000 square feet of gross floor area which would equal a supermarket or other retail development. The developer shall be required to mitigate adverse impacts attributable to the project.

(b) That the scope of the impact study, and the determination of impact or effect, is coordinated with the provider of the affected transportation facility. *[Subsection 8 originally numbered as subsection 10. However, there were no subsections 8 or 9 in the ordinance.]*

9. A plan for bicycle and pedestrian facilities and improvements within the subdivision, including accessways as necessary to provide more direct connections through the subdivision. The tentative plan shall demonstrate how the subdivision's internal pedestrian and bikeway system provides safe and convenient connections to the surrounding transportation system.

H. *Preliminary Review of Proposal.* Upon receipt of tentative plan and supplementary information, the Planning Official shall furnish copies to other local, state or federal agencies as may have an interest in the proposal. These officials shall be given a reasonable time to review the plan and to suggest any revisions that are in the public interest.

I. *Tentative Plan Approval.*

1. Once the tentative plan is accepted as complete it shall be scheduled for the

next available Commission meeting and shall be reviewed in a public hearing per this ordinance. The Commission may approve the tentative plan as submitted or require modifications. If the Commission conditionally approves or does not approve the tentative plat, it shall include reasons therefore *[sic]*.

2. No plat for any proposed subdivision or partition may be considered for approval until the tentative plan has been approved by the Commission. Approval by the Commission of such tentative plan shall be binding upon the City for the purposes of the preparation of the subdivision or partition plat.

3. No tentative plan for a proposed subdivision and no tentative plan for a proposed major partition shall be approved unless:

   (a) The streets and roads are laid out so as to conform to the standards set forth in Section IX and the Transportation System Plan.

   (b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

   (c) The tentative plan complies with the applicable zoning ordinance and regulations that are then in effect.

   (d) Each lot or parcel shall abut a public or private street for the required minimum lot or parcel frontage.

   (e) If any lot or parcel abuts a street right-of-way that does not conform to the design specifications of this Code, the owner may be required to dedicate from one-half to all of the right-of-way width necessary to meet minimum design requirements. *[Subsection (e) originally numbered as subsection (f). However, there was no subsection (e) in the ordinance.]*

   (f) The provisions in Section VI.G. 2 and 3 are identified for the extension of services. *[Subsection (f) originally numbered as subsection (g). See above.]*

   (g) All proposed lots or parcels must meet or exceed the minimum parcel size of the applicable zone and shall not include street right-of-way in the calculation of the minimum parcel size. *[Subsection (g) originally numbered as subsection (h). See above.]*

4. The action of the Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the partitioner or subdivider and the other shall be retained by the Commission.

Section VIII. SUBMISSION OF FINAL PLAT: Within one year after approval of the tentative plan and upon completion of, or bonding for improvements, the partitioner or subdivider shall prepare a final plat in conformance with the tentative plan as approved. The partitioner or subdivider shall submit the final plat for Council consideration. If the council

grants approval, the original drawing and the reproducible copy, as required by Oregon Revised Statutes Chapter 92 and any supplementary information shall be filed with the Union County Clerk. If the developer wishes to proceed with the partition or subdivision after the expiration of the one year period following approval of the tentative plan by the Council, the applicant must resubmit his tentative plan to the Council and make any revisions considered necessary to meet changed conditions.

Time Extensions: Approval of the tentative plan is valid for one year from the effective date of approval. A one-year time extension may be authorized by the Planning Administrator if the tentative plan is unchanged from the approved plan. If the plan or related conditions in the area have changed, including plan or zone changes, new application for approval must be requested.

A. *Final Plat Requirements.* The final plat, known as the partition plat or subdivision plat, shall conform to surveying requirements in ORS 92.050 through 92.080, except any parcels greater than 10 acres need not be surveyed or monumented, but shall be platted. In addition to specific requirements in Oregon Revised Statutes, the following information shall be shown on the final plat.

1. The date, scale, northpoint, basis of bearing, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing features such as highways and railroads.
2. Legal description of the tract boundaries.
3. Name of the owner, subdivider and surveyor.
4. The exact location and width of streets and easements intersecting the boundary of the tract.
5. Subject to Section VI.G. 2-5 of this ordinance the proper provisions have been made for acquiring sewer and water service.
6. The street rights-of-way width. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.
7. Lot numbers beginning with the number 1 and numbered consecutively in each block, and the area of each lot containing one acre or more to the nearest hundredth of an acre or total square footage not including right-of-way.
8. Block letters beginning with letter A and continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out and be so placed as not to obliterate any figure. Block letters in an addition to a subdivision of the same name shall be a continuation of the lettering in the original subdivision.
9. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.
10. Building setback lines, if any, are to be made from a part of the partition or

subdivision restrictions.

11. The following certificates which may be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land partitioned or subdivided, consenting to the preparation and recording of the plat.

(b) A certificate signed and acknowledged as above, dedicating all rights-of-way, parcels or lots of land shown on the final map intended for any public use. Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation.

(c) An affidavit with the seal of and signed by the registered land surveyor responsible for the land survey and final map per ORS 92.070.

(d) Other certifications now or hereafter required by law.

12. The location and design of all pedestrian and bicycle facilities, including access corridors.

B. *Supplementary Information with Final Plat.* The following data shall accompany the final plat.

1. Addresses of the owner, subdivider, and engineer or surveyor.
2. A preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interests in the premises.
3. A copy of any deed restrictions applicable to the partition or subdivision.
4. A copy of any dedication requiring separate documents.
5. Certification that domestic water and sewage disposal are available to the lot line of each and every lot in a subdivision and assurance by the subdivider the systems will be installed or alternative systems will be provided according to ORS 92.090(4) and (5) provisions.
6. A certificate by the City that the partitioner or subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Council in giving approval of the tentative plant, or

(b) An agreement has been executed as provided in Section X to assure completion of required improvements.

C. *Technical Review.* Upon receipt of the final plat and accompanying data, the Planning Official shall review the final plat and documents to determine the following:

1. Private streets and roads conform to the tentative plan.
2. Subdivision or partition plat conforms with any applicable zoning ordinances and regulations that are in effect.
3. Donation and explanation of common improvements are recorded and referenced on the partition or subdivision plat.
4. The final plat conforms with the approved tentative plan, including required shadow platting, road dedication, easements and service extension.
5. Compliance with other provisions of Oregon Revised Statutes and this ordinance.

D. *Approval of Final Plat.* If the Planning Official determines that the final plat conforms fully with all applicable regulations and standards, he shall so advise the Mayor. The final plat shall then be placed on the next available Council agenda, and if the Council agrees that the partition or subdivision has complied with the requirements for tentative plan and final plat approval, it shall be signed. If the Council determines that all requirements have not been met, they shall identify those that are yet to be completed, and may authorize the Mayor to sign the plat upon satisfactory compliance with such requirements.

E. *Before recording Partition or Subdivision Plat with County Clerk*

1. All ad valorem taxes shall be paid per ORS 92.095.
2. Developer shall receive approval and pay fees for the final plat from the County surveyor per ORS 92.100.

F. *Recording Partition or Subdivision Plat with County Clerk.* The partition or subdivision plat when approved as required and upon payment of the fees provided by law shall be recorded with the County Clerk. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained or within 90 days after Council approval.

G. *Amendments to Recorded Partition and Subdivision Plats*

1. Any recorded partition or subdivision plat may be amended by an affidavit of correction per ORS 92.170 provisions.
2. Any recorded partition or subdivision plat may be replated per ORS 92.180 through 92.190 provisions.
3. Any boundary of lots or parcels in a recorded subdivision or partition plat may be adjusted as long as no new parcels or lots are created, the adjustment does not reduce a lot or parcel below the minimum parcel size of the applicable zone(s), and each adjusted boundary is surveyed and filed with the County Survey *[sic]* and recorded with the County Clerk.

Section IX. CREATION OF STREETS OR WAYS:

A. *Creation of Streets.* The creation of all streets not within a subdivision shall meet the standards for streets within a subdivision. Creation of such streets may be initiated by the Council by resolution, or by a property owner by request.

B. Any person wishing to create a public or private road or utilize an existing private road for purposes other than agriculture, forestry or mining, shall make written application for consideration by the Planning Commission and Council at public hearings.

C. Application for road approval shall comply with applicable tentative plan and final plat procedures and standards as provided in this ordinance.

Section X. STREET, ROADWAY AND OTHER UTILITY DESIGN AND IMPROVEMENT STANDARDS:

A. *Streets.*

1. *Conformity.* The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, construction and maintenance costs, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on an area plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

2. *Relation to Adjoining Street Systems.* The arrangement of streets in new partitions and subdivisions shall make provision for the continuation of the existing or desired streets in adjoining areas.

3. *Projection of Streets.* Where adjoining areas are not partitioned or subdivided, the arrangement of streets in new partitions or subdivisions shall make provisions for the proper projection of streets.

4. *Streets to Be Carried to Property Lines.* When a proposed partition or subdivision joins unplatted land, street rights-of-way shall be carried to the boundaries of the tract to be partitioned or subdivided.

5. *Dead-end Street or Cul-de-sac.* Dead-end streets or cul-de-sacs, *[sic]* shall not be longer than 400 feet, and be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty (60) feet and a street right-of-way diameter of at least ninety (90) feet. If a dead-end street is of a temporary nature, a turn-around may be vacated as a part of future street extension into adjoining properties.

6. *Frontage Streets.* Where a partition or subdivision abuts or contains an existing arterial street, the Council may require frontage streets or other such treatment as may be necessary for adequate protection of abutting properties and to afford separation of through and local traffic.

7. *Minor Streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged.

8. *Street Standards.* Street standards shall not be less than those set forth hereunder.

(a) In areas designed and zoned for commercial use, street widths may be increased by such amount as may be deemed necessary by the Council to provide for the free flow of vehicles, and to provide safe parking space for such commercial or business districts.

(b) Street and related improvements shall be completed or bonded for completion prior to final plat consideration and shall be constructed under the direction of the Planning Administrator, according to the road standard tables below for dimensional street standards and typical cross-sections for arterial, collector, local and marginal access streets, incorporated herein from Tables 9, 9A and 9B of the Transportation System Plan.

[SCAN & INSERT TABLES]

*Marginal access rights-of-way widths shall not be less than 10% of street length, and shall be provided with utility easements on each side to provide 50 feet combined utility easement and right-of-way width.

Streets or roads with anticipated commercial or industrial traffic shall have a minimum base depth of 12 inches.

All bridges shall have a 30-year minimum life expectancy and shall be constructed to load limit standards approved by the Council.

The standards may be altered if the Council determines that more (or less), *[sic]* extensive standards may be desirable because topographical conditions, anticipated traffic counts, soil conditions, or continuation of existing street improvements or right-of-way widths warrant such.

9. *Intersections.* The intersections of more than two streets at one point shall be avoided except where it is impractical to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no streets shall intersect at an angle of less than 75 degrees. Street intersections shall be rounded with a radius of 30 feet.

10. *Reverse Curve.* A tangent at least 100 feet long shall be introduced between reverse curves on arterial streets.

11. *Subdivision or partition into tracts larger than ordinary building lots.* Where a tract is partitioned or subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further partitioning or subdividing. A tentative plan identifying larger parcels than ordinary will also include shadow platting for future road right-of-way,

water and sewer utility line placement and bicycle and pedestrian facilities. The shadow platted lines shall be used to identify dwelling and structure setback requirements.

12. *Reserve Strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

13. *Street Crown and Grades.* No street grade shall be less than 3/10 of 1 percent, and shall not exceed the following grade standards, with due allowance for reasonable vertical curves:

STREET TYPE	*MAXIMUM PERCENT GRADE*
Arterial	10
Collector	15
Minor	15
Marginal Access	15

14. *Half Street Prohibited.* Half streets shall be prohibited except where essential to the reasonable development of the partition or subdivision in conformity with the other requirements of these regulations. Where the Council finds it will be practicable to require the dedication of the other half when adjoining property is partitioned or subdivided, such right-of-way may be required as part of the initial plat.

15. *Street Names and Numbers.* Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street.

16. *Access to Streets Across Ditches.* The developer shall provide access to all proposed lots or parcels, across all ditches in a standard method approved by the Council.

17. *Hardship to Owners of Adjoining Property Avoided.* The street arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

18. *Street intervals.* In general, provisions should be made for through streets at intervals not exceeding 1250 feet.

19. *Joint and Cross Access.*

    (a) Adjacent commercial or office properties classified as major traffic generators (*i.e.*, shopping plazas, office parks), *[sic]* shall provide a cross access drive and pedestrian access to allow circulation between sites.

    (b) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

20. *Access Connection and Driveway Design.*

    (a) Driveway width shall meet the following guidelines:

(i) If the driveway is a one-way out drive, the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one-way connection.

(ii) For two-way access, each lane shall have a minimum width of 10 feet and a maximum of four lanes shall be allowed. Whenever more than two lanes are proposed, a median shall be considered to divide the entrance and exit lanes.

(b) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

(c) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

21. *Existing Access Features.*

(a) Permitted driveway connections and curb cuts on a state highway in place as of adoption of the TSP that do not conform with the standards of the Transportation System Plan shall be designated as conforming features and will be reconsidered only if there is a change in use. At the time of redevelopment, the City of Union, in coordination with ODOT and property owner(s), will evaluate the existing access for safety. If safety is compromised by the existing driveway location, or by the change in use, then priority shall be placed on providing access to property abutting a state highway from City streets, combining driveways, or providing an access point in the middle of the block.

(b) All existing local street connections to a state highway and the historical grid pattern of 200 linear feet shall not be affected by the spacing standards in the Transportation System Plan.

22. *New Access Features.*

(a) New City street connections to a state highway within the urbanizable portion of town shall be based on the existing street grid, Local Street Plan and TSP policies.

(b) Each new urban area driveway access to a state highway will be individually reviewed by the City of Union with local notice provided to ODOT. New urbanizable area drivesay connections to a state highway shall be at least 150 feet apart. The highest priority shall be placed on providing access to property abutting a state highway from City streets, combining driveways, or providing an access point in the middle of the block.

23. *Shared Access.* Proposed subdivisions with frontage on a state highway system shall be designed to share access points from the highway. If access from a City street is possible, the access should not b3e allowed onto a state highway. If access from a City street becomes available, then conversion to that access is

encouraged, along with closing the state highway access. Normally, a maximum of 2accesses shall be allowed regardless of the number of lots or businesses served.

24. *Connectivity.*

(a) The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this section.

(b) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be dedicated to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be dedicated with a temporary turn-around unless specifically exempted by the City of Union, and the restoration and extension of the street shall be the responsibility of any future developer of the existing land.

(c) Minor collector and local residential streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such a *[sic]* four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

B. *Alleys.*

1. *Commercial and Industrial Districts.* Alleys may be required in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, or unloading and parking consistent with and adequate for the uses proposed.

2. *Width.* The right-of-way width of an alley shall be that width determined necessary by the Council.

3. *Dead-end.* Dead-end alleys shall not be permitted, except that the Council may waive this requirement where such dead-end alley is unavoidable, and where adequate turn-around facilities have been provided and signed for no parking.

C. *Easements.*

1. *Provided for utilities.* Easements with a right-of-way width sufficient for utility maintenance may be required by the Council where necessary for utilities.

2. *Providing for Drainage.* Where a subdivision or partition is traversed by a water course, drainage way, channel, or stream, there shall be provided storm water or drainage easement conforming substantially with the lines of such water course, and such further width of construction, or both, as will be adequate for the

purpose.

D. *Blocks.*

1. *Factors Governing Dimensions.* Block length and width or acreage within bounding roads shall be such as to accommodate the size of parcel or lot required in the area by the zoning ordinance of the City, and to provide for convenient access, circulation control and street traffic safety.

2. *Lengths.* Block lengths shall not exceed 1250 feet, or be less than 200 feet.

3. *Arrangement.* A block shall generally be so designed as to provide two rows of lots.

4. *Cross-walks.* In blocks over 800 feet long, pedestrian crosswalks may be required by the Council in locations, and of a design and dimension determined desirable for public health, convenience and necessity.

E. *Lots and Parcels.*

1. *Dimensions.* Lots or parcels shall not be less than the dimension and area requirements of the City Zoning ordinance.

2. *Lot Depth.* Lots may be required by the Council to have a depth of at least 200 feet if abutting land is utilized or suitable for agricultural purposes.

3. *Side Lot Lines.* Side lot lines shall be substantially at right angles to front and rear lot lines.

4. *Corner lots.* Corner lots for residential uses shall have extra width to permit appropriate building setback from and orientation to both streets, as required by the zoning ordinance. Lots abutting on a pedestrian walkway shall be treated as corner lots.

5. *Uninhabitable Lots.* Lots or parcels subject to flooding and lots deemed by the Council to be undesirable for habituation shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within a plat shall be combined with lots suitable for development, or shall be set aside for such uses as will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

6. *Lot Remnants.* All remnants of lots below minimum size left over after partition or subdivision of a larger tract must be added to adjacent lots, rather than be allowed to remain as buildable parcels.

F. *Water Distribution System.*

1. Prior to considering final approval of a partition or subdivision, each parcel or lot shall be required to be provided with a water supply which meets standards of the State.

2. *Fire Protection System.* Fire hydrants shall be required in all subdivisions. The location and design shall be approved by the Council prior to installation.

G. *Sewage Disposal System.*

1. Prior to final approval of a partition or subdivision, each parcel or lot shall be approved for sewage disposal or have sewerage service available.

2. Plans and specifications for providing sewage disposal to each lot or parcel shall meet State and local requirements.

H. *Storm Water Runoff and Flood Control.* Prior to considering final approval of a partition or subdivision, the developer shall make drainage improvements as needed to accommodate storm water runoff and minimize the potential for flood damage.

I. *Park or Recreation Areas.* In subdivisions of 10 acres or more, and where lots average less than 10,000 square feet, the Council may require the developer to provide up to five percent of the total for park or recreation purposes. These areas shall be of a design and location determined by the Council to be suitable for such purposes.

J. *Sidewalk and Bicycle Trail Improvements.* Curbs and sidewalk improvements may be required by the Commission and Council to be provided of such design and location consistent with the Transportation System Plan. These improvements may be considered by the Council to meet park or recreation area requirements.

K. *Monuments.* Monuments shall be placed in all locations as required by ORS Chapter 92. Any monument which might be disturbed during construction, shall be properly replaced when such construction has been completed.

L. *Building Sites.* The following standards shall apply to building sites and the access thereto:

1.. *Size and Shape.* The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

(a) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

(b) Where property is zoned and planned for commercial or industrial use, other widths and areas may be permitted at the discretion of the Council. Depth and width of properties reserved or laid out for commercial and

industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

2. *Cuts and Fills.* Shaping of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

(a) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.

(b) Fill slopes shall not exceed two feet horizontally to one foot vertically.

(c) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

M. *Street Signs.* Street name signs shall be installed at all street intersections. The location and design shall be approved by the Council prior to installation.

N. *Street Lights and Utility Services.* Street lights and utility services shall be installed according to location and design approved by the Council. Utilities shall be served from an underground source wherever practical.

Section XI. IMPROVEMENTS:

A. *Improvements in Partitions.* The same improvements shall be installed to serve each building site of a partition as is required of a subdivision.

B. *Improvement Procedures.* In addition to other requirements, improvements installed by a developer either as a requirement of these regulations or at his own options shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required as part of approval of subdivision tentative plan approval.

2. Improvements shall be constructed under the inspection and to the satisfaction of the Council. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant the change.

3. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length minimizing the necessity for disturbing street improvements when service connections are made.

4. A map showing public improvements as built shall be filed with the City upon completion of the improvements.

C. *Cost Allocation for Improvements.* All improvements shall be installed at the expense of the developer. If water, sewer, storm water or drainage, street or other improvements are required to be larger than necessary to serve the development in order to provide service to abutting areas, if financially feasible, the City may agree to pay the cost of additional materials required.

D. *Performance Agreement.* If all improvements required by the Planning Commission in this ordinance are not completed according to specifications prior to the time the final plat is duly submitted for consideration and approval, the Council may accept, in lieu of completion of improvements, a performance agreement and one of the following:

1. *Financial Surety*

(a) A bond executed by the developer and his surety company including the City as a third party for bond release purposes, conditioned upon faithful performance and completion of all such improvements within a period of time stated in the performance agreement and approved by the Council, or

(b) An agreement, duly signed and executed by the developer, assigning his account in a legal savings institution in the State of Oregon to the City of Union, or

(c) A cash deposit with the City of Union guaranteeing completion of the improvements.

2. The performance agreement shall contain the following procedures and provisions relating to completion of the improvements:

(a) The developer's engineer shall prepare cost estimates on completion of roads and utilities. Road cost estimates shall be based upon road standards as designated in this ordinance. Sewer and water system improvement estimates shall be based upon designs approved by the City or State. All cost estimates shall be stamped or sealed by the engineer who prepared them.

(b) Estimates shall be submitted to the Council and shall be limited to a maximum of one (1) year for improvement completion. If the improvements are not completed within the specified time, the City may complete the work and recover the full costs and expenses thereof from the developer. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. Minimum units prior to occupancy will be the completion of one block of frontage.

(c) The Council may send costs *[sic]* estimates for review, as they deem necessary.

(d) The bond or cash deposit shall be twenty-five percent (25%) greater than the estimated cost of construction of the improvements. The Council shall notify the developer as to the amount of the bond or cash deposit and other performance agreement requirements as to any changes necessary for

bond acceptance. The performance agreement shall determine the completion required of utility improvements before residents may occupy the development.

(e) The developer shall submit the bond, cash deposit, or savings account information and the performance agreement to the City Recorder.

(f) Release of the bond, or release of a portion of the cash deposit or the savings account, may be made by Council action and in response to a written request for such release upon determination that improvements have been completed in accordance with the performance agreement.

Section XII. MODIFICATIONS: Modifications of the partition and subdivision dimension standards can, upon application to the Commission be approved to alleviate hardships, providing all of the following conditions can be found to exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and as a result from property size or shape, topography or other circumstances over which the property owner(s) has *[sic]* had no control since enactment of this ordinance;

B. The modification will be in accord with the purpose of this ordinance;

C. The interests of the public will be preserved, and such action(s) will not set a trend; and

D. That the modification will be the minimum needed to alleviate the hardship, and will not result in an undesirable change in area land values or property uses, or be otherwise injurious to other property in the area.

In approving a modification, the Council may require such conditions as determined desirable to ensure that the purpose of this ordinance will be carried out, and that the modification(s) will be compatible with surrounding area development.

The Council shall deny application for modification(s) if all the conditions above are not found to exist.

Section XII. AMENDMENTS:

A. *Authorization to Initiate Amendments.* An amendment to the text of this ordinance may be initiated by the City or by application of a property owner or his authorized agent.

B. *Application and Fee.* An amendment application by a property owner or his authorized agent shall be filed with the Planning Administrator. The application shall be accompanied by a fee as provided for by the Council.

C. *Amendment Public Hearing*

1. Notice of time and place of the public hearing before the Commission and the purpose of the proposed amendment shall be given by the City as provided in ORS 197.610 and 92.048 wherein it is indicated:

   A proposal to amend this ordinance shall be submitted to the Oregon Department of Land Conservation and Development Director at least 45 days before the final Council hearing on adoption. The submitted proposal shall contain 4 copies of the text and any supplemental information and the date for the first evidentiary hearing on adoption. The commission shall provide notice at least 10 days prior to the hearing in a newspaper of general circulation published in the area in which land to be subject to such ordinance or regulation is situated. The notice shall contain the time, place and purpose of the hearing and a description of the land to be subject to the ordinance or regulation.

2. Recess of hearing. The Commission may recess a hearing in order to obtain additional information. Upon recessing for this purpose, they shall announce the time and date when the hearing will be resumed.

3. Within 30 days after the Commission's action they shall submit their recommendations to the Council. The Council shall schedule a public evidentiary hearing on the amendment, following the hearing procedures described above.

D. *Record of Amendment.* The City Recorder shall maintain a record of amendments to the text of this ordinance in a form convenient for the use of the public.

Section XIV. FEES: For the purpose of partially defraying the expense involved in investigating matters connected with application and appeals and the action taken thereon, each activity initiated by property owners or contract purchaser or an authorized agent shall be accompanied by a fee in accordance with a Fee Schedule prepared by the Administrator and approved by Council resolution.

Section XV. APPEALS: Planning Administrator decisions may be appealed to the Commission and Commission decisions may be appealed to the Council. Council decisions may be appealed to the Land Use Board of Appeals (LUBA).

Section XVI. INTERPRETATION OF ORDINANCE PROVISIONS: The Council shall be responsible for interpreting the provisions of this ordinance.

Section XVII. SEVERABILITY CLAUSE: The provisions of this ordinance are severable. If any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any persons or circumstance; such invalidity, unconstitutionality or inapplicability shall not affect nor impair the remaining provisions of this ordinance.

Section XVIII. PENALTY AND ENFORCEMENT: *[SEE the "General Penalty"*

provisions (Section 3) of Ord. 498, 12/12/05, eff. 12/12/05. These specified a penalty of $500 per day for violation of any City ordinance, in addition to state and county court assessments, but allowed the Municipal Judge to promulgate an alternate bail schedule for certain offenses at his discretion. Ord. 498 did not specifically repeal the penalty language in any ordinance, but presumably did replace it.]

Section XIX. REPEALING ORDINANCE: All previously adopted partition or subdivision regulations, ordinances, or resolutions of the City which are in conflict with this ordinance are hereby repealed and replaced with this ordinance upon adoption by the City Council.