



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: July 22, 2014 - 6:30 p.m. Business/Workshop Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

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Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

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Thursday 6:00 p.m. Sunday 11:00 a.m.

Friday 10:00 p.m. Monday 6:00 a.m.



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6:30 PM

1. BUSINESS/WORKSHOP MEETING
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - A. Follow-up to Previous Citizen Communication
 - B. Citizen Communication – Sign Up Sheet
3. RIVER TERRACE FINANCING UPDATE ON STORMWATER
4. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - A. APPROVE CITY COUNCIL MINUTES:
 - May 27, 2014
 - B. APPOINT CAROL A. KRAGER AS CITY RECORDER AND APPROVE EMPLOYMENT AGREEMENT
 - C. AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH WASHINGTON COUNTY FOR TECHNOLOGICAL IMPROVEMENTS TO TRAFFIC SIGNALS
 - D. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CWS AND BEAVERTON REGARDING THE CONSTRUCTION OF WATER AND SEWER LINES TO RIVER TERRACE

• Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.

5. BRIEFING ON AN AGREEMENT WITH PGE FOR A BACKUP POWER SOURCE FOR THE WATER PARTNERSHIP'S RIVER INTAKE PUMP STATION
6. LOCAL CONTRACT REVIEW BOARD
AWARD CONTRACT FOR RIGHT-OF-WAY IMPROVEMENTS AND MAINTENANCE
7. LOCAL CONTRACT REVIEW BOARD
AWARD CONTRACT FOR CITY HALL COMPLEX RE-SKIN PROJECT
8. RECEIVE UPDATE ON MEDICAL MARIJUANA CODE
9. DISCUSS AND DEVELOP TIGARD'S 2015 STATE LEGISLATIVE AGENDA
10. COUNCIL LIAISON REPORTS
11. NON AGENDA ITEMS
12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
13. ADJOURNMENT

AIS-1673

3.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): 60 Minutes

Agenda Title: River Terrace Financing Update on Stormwater

Prepared For: Debbie Smith-Wagar, Financial and Information Services

Submitted By: Debbie Smith-Wagar
Financial and Information Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Update Council on the progress of the River Terrace Master Plan and Finance Strategy for Stormwater.

STAFF RECOMMENDATION / ACTION REQUEST

Staff will present the draft master plan for the stormwater system in River Terrace and information on the related finance strategy. Staff is seeking input from Council.

KEY FACTS AND INFORMATION SUMMARY

The purpose of this briefing is two-fold: (1) brief Council on the River Terrace Stormwater Master Plan, and (2) review the city's stormwater funds both with and without River Terrace, identify existing and future funding gaps, and discuss possible finance strategies for building needed stormwater infrastructure in River Terrace. Staff previously presented the water, sewer, parks, and transportation infrastructure systems for River Terrace in this format in May and June 2014.

Collectively, these infrastructure system plans form the foundation of the River Terrace Community Plan (RTCP), so adoption of this master plan contributes to the city's broader goal of completing the RTCP. If there are no outstanding issues or questions at the end of this briefing, staff will ask Council to adopt the River Terrace Stormwater Master Plan by resolution in August 2014.

This is the last of the infrastructure systems in River Terrace on which Council will be briefed before the project team moves on to the finance strategies phase of the project. As a reminder, each master plan or master plan addendum developed for River Terrace includes a

project list and planning level project costs, but does not include a specific finance strategy. The comprehensive River Terrace finance strategy will be developed and included as part of the RTCP, which will be presented to the community, Planning Commission, and Council later this year.

River Terrace Stormwater Master Plan

Unlike the other infrastructure systems previously discussed, the city does not have a citywide stormwater master plan. Consequently, the River Terrace Stormwater Master Plan will be a standalone document and not append an existing master plan.

Stormwater management facilities are needed to protect the quality of our community's water supply, the built environment from flood damage during large storm events, and the health and function of downstream stream corridors for habitat and recreation. The following stormwater management goals were utilized in the development of the River Terrace Stormwater Master Plan.

- Restore/enhance vegetated corridors
- Protect water quality
- Preserve existing hydrology
- Promote safe and long-lasting stormwater facilities
- Balance the use of regional and on-site stormwater facilities
- Preserve existing mature vegetation
- Maximize use of multi-benefit facilities to create community amenities
- Promote partnerships with other public service providers and agencies

The recommended stormwater management strategies for River Terrace support these goals and have been incorporated into the master plan based upon the needs and characteristics of each drainage basin in the area. These strategies make use of existing topography, natural systems, and facility design to effectively and efficiently ensure that: (1) all stormwater runoff from development is treated before it enters a stream, river, or wetland, and (2) the amount of stormwater runoff anticipated from development is appropriately managed to prevent stream erosion and property damage. The former objective is about protecting water quality, while the latter objective is about managing water quantity.

The strategies recommended in this plan are based upon Clean Water Services (CWS) Design and Construction Standards and the CWS Low Impact Development Approaches (LIDA) Handbook. In addition, this plan reflects the project team's recommendation to adopt new design standards for the River Terrace study area in collaboration with CWS on or before the RTCP adoption. The need for these new standards is based upon the following:

- The city's recent experiences dealing with channel stability problems elsewhere on Bull Mountain.
- The presence of similar drainage channel conditions in River Terrace.
- The city's decision to develop a new continuous simulation model for this area.
- Anticipated changes to CWS's Design and Construction Standards to address pending requirements under their National Pollutant Discharge Elimination System (NPDES) permit.

- The community’s desire to preserve and protect existing natural resources in the River Terrace and Bull Mountain area.

The River Terrace Stormwater Master Plan divides River Terrace into three strategy areas based on existing conditions and anticipated development in each area. These strategy areas are shown on Figure 3 in the attached plan. Within each strategy area, a specific approach to water quality and quantity management is recommended. These strategies and the areas they correspond to are shown in the table below and then described in more detail below the table.

Recommended Strategies for Different Areas of River Terrace

Strategy Area	Water Quality	Water Quantity
A	Combined Regional Water Quality Treatment and Water Quantity Detention Facility	
B	Street, Site, and Neighborhood Scale Low Impact Development Approaches	Regional Water Quantity Detention Facility
C	Street, Site, and Neighborhood Scale Low Impact Development Approaches	Downstream Conveyance Improvements (High-Flow Bypass/Stream Restoration)

There are two water quality strategies recommended in River Terrace: Low Impact Development Approaches (LIDA) at a variety of scales and regional water quality facilities that offer community benefits in addition to stormwater management. LIDA facilities can be applied at the scale of an individual lot, street, or subdivision. Examples of these types of facilities include infiltration planters, vegetated swales, and eco-roofs. Unlike LIDA facilities, the recommended regional facilities sometimes have a water quantity function as well, as can be seen in the table above in Strategy Area A.

A stormwater water quantity management strategy is required everywhere in River Terrace to mitigate for potential flooding and erosion impacts that would otherwise result from increases in stormwater runoff volume, rate, and duration due to development in River Terrace. There are two water quantity strategies recommended in River Terrace: regional detention facilities and high-flow conveyance improvements extending downstream to the Tualatin River.

Recommended stormwater management facilities are spatially shown on Figures 4A, 4B, and 4C in the attached plan. Cost estimates are provided in Table 3.1 in the attached plan.

II. Stormwater Finance Strategies

During the January workshop, the project team provided Council with background on the work plan and community outreach process for the finance strategies portion of the RTCP. During that workshop, Council provided direction to work on finance strategies for all infrastructure projects in River Terrace with a focus on infrastructure that would be needed for development in the first five years.

In this briefing, the project team will present progress on the finance strategies being

researched and developed for stormwater infrastructure in River Terrace.

OTHER ALTERNATIVES

Council can choose not to provide direction on the River Terrace Stormwater Master Plan or the related finance strategy.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

River Terrace

Park land acquisition (strategy, funding, land dedication)

Complete Community Plan, zoning, adopted master plans

Growth/Annexation

Successfully complete River Terrace Community Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

The financing strategies team presented Council with the parks and transportation master plan addenda and financing strategies for those systems on June 17, 2014.

Council approved the sewer master plan addendum on June 10, 2014 and the water master plan addendum on June 24, 2014.

The financing strategies team presented Council with the water and sewer master plan addenda and financing strategies for those systems on May 20, 2014.

The financing strategies team met with Council on January 21, 2014.

Council approved the contract for the River Terrace Community Plan (which includes the financing strategies) on June 25, 2013.

Attachments

Financing Summary

Stormwater Master Plan Addenda

Preliminary Stormwater Funding Analysis: Findings and Strategies for River Terrace

7/9/2014

STORMWATER

1. Funding Trend Expected without River Terrace

- 1.1 City maintains Stormwater Fund and Water Quality/Quantity Fund:
- A. Stormwater Fund generates revenue primarily from local stormwater surcharge (\$2/month) and receives 75% of CWS rate revenues (\$6.75/month). Fund balance is currently +/- \$1.9 M
 - B. Stormwater Quality/Quantity Fund generates revenue primarily from \$500/EDU charge by CWS, but most developers opt for constructing on-site facilities in lieu of this charge. Fund balance is currently +/- \$1.2M
- Capital**
- 1.2 Based on the current 5-year CIP, the ending fund balance for the Stormwater Fund is projected to be +/- \$8M by FY 2021; and +/- \$0.8 M in Water Quality/Quantity Fund
- 1.3 Unrestricted revenues in Stormwater Fund could be used for facility improvements anywhere in city, including River Terrace
- 1.4 City CIP includes \$3.79 M in projects. Additional city-wide stormwater facility requirements in city (outside River Terrace) that have not yet been inventoried are in the millions of dollars
- 1.5 City does not have a local stormwater SDC; and facility capital costs will likely exceed available revenues with or without River Terrace
- Operations and Maintenance**
- 1.6 Stormwater equivalent service units outside River Terrace are projected to increase from 33,329 (FY 2015) to 34,548 (FY 2021); 0.5% avg. annual growth rate
- 1.7 Annual O&M requirements are estimated to increase from \$1.1 M (FY 2015) to \$1.4 M (FY 2021) without River Terrace (excludes capital projects)
- 1.8 Average annual stormwater rate charges (Tigard and CWS rates) per account is estimated to increase from \$105 to \$147 per year by FY 2021
- 1.9 Given existing and emerging state and federal regulations, city-wide stormwater O&M costs may exceed available revenues with or without River Terrace

2. Funding Impacts with River Terrace

- 2.1 Anticipate 280 to 460 net new dwelling units added in total between FY 2016-17 and FY 2020-21
- Capital**
- 2.2 River Terrace Stormwater Master Plan (draft) includes +/- \$22 M for 16 regional facilities (separate drainage basins)
- 2.3 Potential funding sources for regional stormwater facilities include: Stormwater Fund; local surcharge increase; formation of local stormwater SDC; and reimbursement districts (with advance financing by developer or city)
- Operations and Maintenance**
- 2.4 O&M costs attributed to River Terrace will be measurable after regional facilities are constructed
- 2.5 Funding for O&M could be derived through use of unrestricted Stormwater Fund revenues and/or local surcharge increase (city wide or in River Terrace district)

3. Draft Funding Strategies for River Terrace

- Capital**
- 3.1 City could focus on advance financing 1 regional stormwater facility every 5 years using unrestricted Stormwater Fund revenues along with a new local stormwater SDC and stormwater rate surcharge (city-wide or River Terrace)
- 3.2 Developers would pay local stormwater SDC or provide on-site facilities along with low impact development approaches (LIDA)
- 3.3 City will need to clarify process of allowing future development "concurrent" with regional facility construction
- Operations and Maintenance**
- 3.4 Funding for O&M could be derived through use of unrestricted Stormwater Fund revenues and/or local surcharge increase (city wide or in River Terrace district)

4. Potential Public Facility Plan Projects for River Terrace (by FY 2021)

- Potential City-Led Projects (by FY 2021)**
- 4.1 Regional Facility design (1-2 projects)
 - 4.2 Regional Facility easement acquisition (1-2 projects)
 - 4.3 Regional Facility construction (1 project)
- Potential Public-Private Projects (by FY 2021)**
- 4.4 Construction of regional stormwater facilities as development occurs

PRELIMINARY SUMMARY FINDINGS: STORMWATER

The City of Tigard is focused on ensuring that development is environmentally sustainable through low impact stormwater design standards and construction of new stormwater water quality and quantity facilities. Recent federal water quality regulations are mandating local investments in stormwater facilities and maintenance activities. While planned rate increases by CWS will help increase Stormwater Funds for the City, additional local funding sources (such as formation of a local stormwater SDC or local stormwater rate increase) should be considered to finance/construct and maintain stormwater facilities in River Terrace. Development Agreements could be utilized to allow private developer construction of regional (drainage basin) facilities.

River Terrace

Draft Stormwater Master Plan

Otak Project No. 16851

Prepared for:
City of Tigard



July 8, 2014

Acknowledgements

RIVER TERRACE

Draft Stormwater Master Plan

Otak Project No. 16851

Prepared for:
City of Tigard

Prepared by:

Kevin Timmins, P.E.
Project Manager

Ashley Cantlon, P.E.
Stormwater Engineer

Otak, Inc.
808 SW Third Avenue, Suite 300
Portland, OR 97204

July 8, 2014



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Attachments

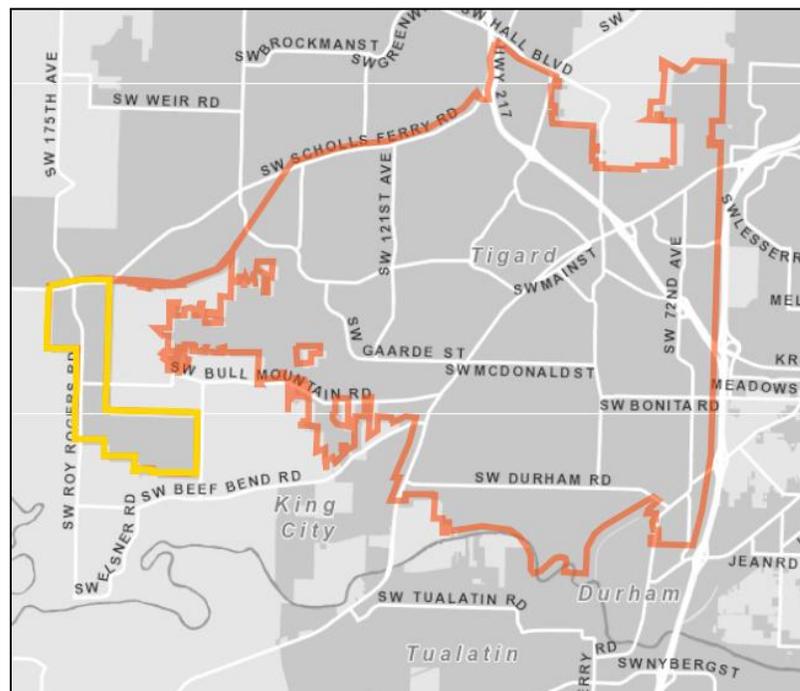
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Section I—Introduction and Background

Introduction

The West Bull Mountain Concept Plan was completed by Washington County in October 2010. Subsequently, the City of Tigard annexed the area and renamed it River Terrace. The city is working to complete the required planning process to allow development to begin. Part of the planning process involves master planning of utilities, including stormwater management infrastructure. This master plan contributes to the city's broader goal of completing a River Terrace Community Plan.

River Terrace Study area (outlined in yellow)



The River Terrace Stormwater Master Plan (SMP) includes and refines the strategies and best management practices previously developed in the West Bull Mountain Stormwater Infrastructure Plan (WBM SWIP) in response to stakeholder input and discussions with the project design team.

The purpose of the River Terrace SMP is to:

- Describe the stormwater management strategy for River Terrace.
- Show how the strategy is to be applied during development of River Terrace.
- Provide a cost estimate for the regional (i.e. public) stormwater management infrastructure.
- Provide recommendations for implementation.
- Provide recommendations for maintenance.
- Document supporting calculations.

Section I—Introduction and Background

Continued

The study area for the SMP is based on the River Terrace area annexed by the City of Tigard in 2011 and 2013. The assumptions about land use, road locations, and site layout used to perform supporting calculations for this document reflect the adopted land use and proposed zoning in place at the time the calculations were performed (May 2014). A copy of the proposed land use and zoning assumed in development of the River Terrace SMP is provided in the attached Figure 1.

Goals and Objectives

The following stormwater management goals were developed during the West Bull Mountain SWIP and were carried forward into the development of the River Terrace SMP.

- Restore/enhance vegetated corridors
- Protect water quality
- Preserve existing hydrology
- Promote safe and long lasting stormwater facilities
- Balance the use of regional and on-site stormwater management
- Preserve existing mature vegetation
- Maximize use of multi-benefit facilities to create community amenities
- Promote partnership with other public service providers

The following stormwater management objectives support these goals and have been incorporated into the River Terrace SMP based upon the needs and characteristics of each drainage basin in the study area.

- Regional facilities should be developed wherever possible to minimize the total number of facilities needed in the area. LIDA for water quality and existing wetland areas for water quantity should be proposed wherever practicable.
- Regional facilities should be dispersed to contribute to stream flow at multiple locations.
- Regional facilities should be well-defined and accessible to maintenance crews to ensure longevity.
- Regional facilities should be designed as community amenities that provide aesthetic, educational, and/or recreational benefits in addition to stormwater management.
- Open conveyance elements should be used to enhance “key” pedestrian routes along streets or stream corridors.
- Increased conveyance between the River Terrace study area and the Tualatin River should be utilized to minimize erosion in steeper areas (e.g. high-flow by-pass pipe and/or stream restoration).
- LIDA (e.g., eco-roofs, flow-through planters, etc.) should be limited to flow-through type facilities unless geotechnical evaluations can demonstrate that infiltration is not expected to contribute to slope instability.

Section I—Introduction and Background Continued

- Impervious area should be minimized wherever practicable to minimize stormwater runoff (e.g. clustered development, “skinny” streets, reduced parking, etc.).
- Regional water quantity/water quality facilities should be located along Roy Rogers Road, the proposed interior street parallel to Roy Rogers Road, or in/along existing drainages whenever possible.

Design Standards

The stormwater infrastructure recommended in this plan are based upon Clean Water Services (CWS) *Design and Construction Standards* and the CWS *Low Impact Development Approaches (LIDA) Handbook*. In addition, this plan reflects the City of Tigard’s intention to adopt new design standards for the River Terrace study area in collaboration with CWS. The need for these new standards is based upon the following:

- The city’s recent experiences dealing with channel stability problems elsewhere on Bull Mountain.
- The presence of similar drainage channel conditions in the River Terrace study area.
- Anticipated changes to CWS’s *Design and Construction Standards* to address pending requirements under their National Pollutant Discharge Elimination System (NPDES) permit.
- The community’s desire to preserve and protect existing natural resources in the River Terrace and Bull Mountain area.

At a minimum, new design standards will include the following:

- Requirement to minimize stormwater impacts caused by development through use of best practices for water quantity management, even when a downstream analysis shows that the downstream system has adequate conveyance capacity. A new continuous simulation model will be developed to aid in the implementation of a flow-duration based design standard for design of water quantity management facilities.
- Development of a minimum facility size standard for regional water quality and quantity (i.e. detention) facilities to allow flexibility in the implementation of this plan.
- Allowance for smaller regional facilities in locations not anticipated by this plan where it can be shown that development of the recommended regional facility is either not timely or feasible and the proposed facility meets the minimum facility size standard.
- Allowance for interim facilities where regional facilities are recommended in instances where it can be shown that development of a regional facility is not timely and the proposed interim facility meets the minimum facility size standard.
- Requirement to design regional stormwater management facilities as community amenities that provide aesthetic, educational, and/or recreational benefits.

Section I—Introduction and Background

Continued

Background Information

As part of this SMP, the project team reviewed seven key documents prepared for the River Terrace study area that provide background information about site conditions. A complete review of the data and relevant conclusions for each of the seven documents are provided in *Attachment A* of this SMP. These documents are as follows:

- 1) *West Bull Mountain Hydrologic and Hydraulic Analysis* (HDR Inc., March 2008)
- 2) *West Bull Mountain Natural Resources Inventory Technical Report* (Pacific Habitat Services, April 23, 2008.)
- 3) *Regional Landslide Hazard Mapping, West Bull Mountain Planning Area*, Washington County, Oregon (DOGAMI, Draft-March 31, 2008) and *ADDENDUM to Regional Landslide Hazard Mapping, West Bull Mountain Planning Area*, Washington County, Oregon (DOGAMI, April 21, 2008).
- 4) *Report of Preliminary Geological Evaluation West Bull Mountain Planning Area* (GeoDesign, Inc., April 21, 2009)
- 5) *Roy Rogers Road Improvements S.W. Beef Bend/Elsner/Scholls-Sherwood Roads* (CH2MHill, November 1999)
- 6) *Roshak Pond Overview – West Bull Mountain Planning* (Washington County Department of Land Use and Transportation Planning Division, November 5, 2008)
- 7) *West Bull Mountain Stormwater Infrastructure Plan* (Otak, February, 2010).

Existing Conditions

A basic understanding of existing conditions is useful in developing this SMP and as a starting point for future development of the River Terrace study area. The key findings regarding existing site conditions are as follows.

- The River Terrace study area is drained by nine small drainage channels. Figure 2 shows the existing drainage basins. A small area at the north end drains towards Scholls Ferry Road.
- Culverts under Roy Rogers Road have capacity for existing flows.
- Culverts under Beef Bend road for drainage T8 and T9 are under capacity for existing flow rates. Conveyance improvements are needed to handle future flow rates from the development.
- Fish passage requirements to modify existing culverts for fish passage will need to be evaluated at the time of design and implementation of improvements to Roy Rogers or Beef Bend Road.
- The natural resources identified were used as a constraint to define buildable lands during formation of the concept plan for West Bull Mountain and was carried forward

Section I—Introduction and Background Continued

- into River Terrace. Several culvert barriers and enhancement opportunities were identified for consideration during development of River Terrace.
- The existing drainage ways in and downstream of the River Terrace study area are steep and have a high potential for channel erosion due to the fine sediment characteristics of the area and the velocity conditions that exist in these steep drainages.
 - The infiltration potential is poor in the River Terrace study area. The results of geotechnical drilling and laboratory testing confirmed that the area is underlain by clayey residual soils derived from the underlying basalt bedrock.
 - The effects of infiltration on slope stability for developed conditions is expected to be problematic given the steep terrain and proximity to shallow bedrock. Therefore, infiltration of stormwater is not recommended. LIDA facilities called for in this SMP shall be flow-through type facilities that are constructed with an under drain and do not rely on infiltration of stormwater.
 - Site specific geologic and geotechnical conditions will be important to evaluate during the design and construction of stormwater management facilities in the River Terrace study area.
 - The Roshak irrigation pond is located in the northern part of the River Terrace study area along the T2 drainage.
 - The Roshak irrigation pond has a capacity of approximately 20 acre-feet. Pond levels are maintained seasonally by pumping groundwater. The berm that forms the pond is comprised of a layer of soft to medium stiff silt Missoula Flood deposits and a layer of soft to medium stiff clay and silt derived from the basaltic residual soil. The pond is not identified in the County's acknowledged 1983 Goal 5 Program; however, it is identified in the County's 2005 Tualatin Basin Goal 5 Program as Class I and II Riparian and Riparian Impact Area.
 - The natural resource inventory for West Bull Mountain (Pacific Habitat Services, 2008) identifies the pond as a jurisdictional waterbody by the Oregon Department of State Lands (DSL) and/or Corps of Engineers and would therefore, be treated by Clean Water Services (CWS) as a water quality sensitive area requiring a vegetated corridor.
 - The actual location of the vegetated corridor is determined when a development application is submitted, and depending on slope may be between 50 and 200 feet. Therefore, only a vegetated corridor proxy has been mapped around the perimeter of the pond at this time. The vegetated corridor proxy is an estimated location of the vegetated corridor based upon the wetland inventory and the adjacent slopes (Pacific Habitat Services, 2008).
 - Modifications to the pond are expected to require permits from Oregon DSL and/or Corps of Engineers.
 - Change in water rights or use of the existing water rights associated with the pond would require coordination with Oregon Water Resources Department.

Section 2—Stormwater Management Strategy

Stormwater management infrastructure is needed to protect the water quality of downstream natural resource areas, the downstream receiving waters from increased rates of erosion caused by additional quantity, and the built environment from flood damage during large storm events. The recommended Stormwater Management Strategy takes a comprehensive approach to incorporating stormwater management into the landscape of River Terrace. The SMP makes use of existing site topography, natural systems, and site design to efficiently and effectively manage stormwater quantity and quality.

There are three combinations of water quality and quantity management strategies applied to the River Terrace study area, as shown in the attached Figure 3 and summarized in Table 2.1. The water quality and water quantity tools that are recommended for each of the strategies are the focus of this section of the River Terrace SMP.

Table 2.1: Recommended Strategies for Different Areas of River Terrace		
Strategy Area	Water Quality	Water Quantity
A	Combined Regional Water Quality Treatment and Water Quantity Detention Facility	
B	Street, Site, and Neighborhood Scale Low Impact Development Approaches	Regional Water Quantity Detention Facility
C	Street, Site, and Neighborhood Scale Low Impact Development Approaches	Downstream Conveyance Improvements – High Flow Bypass/Stream Restoration

Water Quality Strategies

Best management practices (BMPs) are required to manage the transport of stormwater pollutants from River Terrace development to downstream receiving waters. Source control measures (i.e. proper management and disposal of household and animal waste) that reduce or eliminate the possibility of stormwater contact with pollutants are the most effective BMPs.

Stormwater runoff that comes into contact with pollutants require other types of BMPs. Stormwater quality in River Terrace is proposed to be managed using Low Impact Development Approaches (LIDA) at a variety of scales (i.e. site, street, and neighborhood), or through the use of multi-purpose regional stormwater management facilities that offer community benefits in addition to stormwater management.

LIDA, as described in the *LIDA Handbook* (CWS, 2009) includes such things as infiltration planters, vegetated swales, and eco-roofs. LIDA facilities can be engineered to treat stormwater runoff and reduce stormwater volume from smaller, frequent rain events by

Section 2—Stormwater Management Strategy Continued

encouraging retention within the facilities. LIDA used in River Terrace is expected to be flow-through type facilities constructed with an under drain. The flow-through type facilities will provide water quality benefits, but very little stormwater retention benefiting water quantity. LIDA facilities should be sized per *CWS Design and Construction Standards* in combination with the *LIDA Handbook* (CWS, 2009) and designed to manage site runoff from all impervious surfaces generated by the water quality event.

Site Scale LIDA

Site scale refers to parcel by parcel LIDA on the buildable land shown in the River Terrace study area that is not planned for public right-of-way. Photographs of examples are shown in Table 2.2.

Table 2.2: Examples of Site Scale LIDA		
		
Eco-roof	Infiltration Basin	Flow-Through Planter

Site LIDA facilities should be designed as flow-through type with an underdrain to minimize the occurrence of infiltration, and an overflow to direct larger storm flows to a safe location, such as an open space area, the street gutter, or some other engineered stormwater conveyance feature.

Street Scale LIDA

Streets are a major source of urban stormwater pollution. Street scale refers to LIDA located within the public right-of-way to treat runoff from streets, sidewalks, and trails. Street LIDA facilities can be located in many different places, including but not limited to sidewalk furnishing zones, planter strips, or curb extensions. These facilities can be located adjacent to the street with curb inlets that allow runoff to pass through the curb into the LIDA facility. Photographs of examples are shown in Table 2.3.

Section 2—Stormwater Management Strategy Continued

Table 2.3: Examples of LIDA in the Street		
		
Planter Box	Curb Extension	LIDA Swale

Public rights-of-way can also operate as a collection and conveyance system to transport stormwater from both streets and adjacent sites to a downstream destination. The conveyance facilities need to be capable of managing large storm events that exceed the capacity of LIDA facilities and route them to a safe location for discharge to the natural drainage system.

The conveyance system will be a combination of street gutters, pipes, culverts and open channels. The use of street gutters and open channel conveyances should be maximized.

Flow splitter manholes are recommended for portions of the River Terrace SMP, to maintain low flow contributions to the small natural streams near their headwaters and direct high flows to a bypass conveyance system, described later as part of the water quantity management strategy for River Terrace.

Neighborhood Scale LIDA

Neighborhood scale refers to LIDA applied to a collection of parcels and/or portions of right-of-way that cannot, or are not proposed to, be managed using Site or Street LIDA. Stormwater runoff in these situations is collected and routed to a LIDA facility down the block. This type of LIDA might occur at the end of a street, at a street corner, adjacent to a neighborhood park. Photographs of examples are shown in Table 2.4.

Section 2—Stormwater Management Strategy Continued

Table 2.4: Examples of Neighborhood Scale LIDA

		
Infiltration Basin	Vegetated Swale	Extended Detention Pond

Neighborhood LIDA facilities should be designed to make efficient use of the landscape, enhance site design, and be a neighborhood amenity (not an isolated eye-sore hidden in the corner) and have an overflow to direct larger storm flows to a safe location, such as an open space area, the street gutter, or some other engineered stormwater conveyance feature.

Regional Stormwater Facilities

Regional stormwater facilities collect runoff from large areas, often under different ownership, are located at a low point, and are the last line of defense before stormwater is discharged to a natural drainage system. Regional stormwater facilities reduce the overall number of facilities that need to be maintained and can be a large enough feature in the landscape that they can provide additional benefits beyond just stormwater management. Regional facilities can provide water quantity, water quality, or a combination of both. Regional facilities recommended for River Terrace provide water quantity, or they provide a combination of both water quantity and water quality.

Regional stormwater facilities use LIDA principles (i.e. bioretention) applied at a larger scale. Regional stormwater facilities for water quality in River Terrace are required to be vegetated facilities and be integrated with the site as a community amenity. Examples of community amenities that could be provided by a regional facility include aesthetics, education, recreation, and habitat. Stormwater facilities and open water can enhance parks and recreational areas. Some facilities are only needed during heavy and infrequent storm events, and can be designed to have other uses at other times (as seen in the basketball court photo below). The placement of regional stormwater facilities along Roy Rogers Road can function as a buffer between traffic and River Terrace development, and as a transitional landscape along the urban/rural interface.

Photograph examples of integrated facilities are shown in Table 2.5.

Section 2—Stormwater Management Strategy Continued

Table 2.5: Examples of Multi-functional Regional Stormwater Facilities		
		
Mimic a Natural System: Wetland	Passive recreation: Outdoor Seating	Active Recreation: Basketball Court

Water Quantity Strategies

A stormwater water quantity management strategy is required everywhere in River Terrace to mitigate for potential flooding and erosion impacts that would otherwise result from increases in stormwater runoff volume, rate, and duration due to development in River Terrace.

There are two water quantity strategies recommended in the River Terrace study area: regional stormwater detention and high-flow conveyance improvements extending downstream to the Tualatin River. The location for application of each strategy in River Terrace is described previously in Table 2.1 and on the attached Figure 3.

Regional Detention

Regional stormwater facilities for water quantity in River Terrace are required to be vegetated facilities and be integrated with the site as a community amenity, just like the regional facilities for water quality. Regional detention facilities shall be combined with the regional water quality facilities whenever possible. However, there are two locations where existing wetland areas are recommended to be modified to provide regional water quantity benefits, in which case water quality requirements have to be achieved before stormwater is discharged to these wetland areas.

Regional detention facilities will need to be sized per the design standards described in Section 1 of this plan once they are adopted by the city. However, these standards could be superseded by future changes to the CWS *Design and Construction Standards* that are more stringent than those described by this plan and subsequently adopted by the city.

Section 2—Stormwater Management Strategy Continued

High-Flow Conveyance

The southern part of the River Terrace study area is located on steep terrain, along small drainages with small drainage basins, and where regional water quantity (i.e. detention) facilities would be difficult to construct. As a result, the water quantity strategy for the southern portion of the area includes the use of flow splitters at stream crossings to continue low flow discharges to the stream channels and a high-flow bypass pipe to safely convey the additional stormwater runoff down the south side of Bull Mountain and beneath Beef Bend Road. On the south side of Beef Bend Road, it is a short distance to a nearby Tualatin River meander bend. Stream restoration of the existing drainage channel should also be considered to lieu of a high-flow bypass pipe on the south side of Beef Bend Road. The stream restoration should be designed to function properly and be stable under future flow rates.

Section 3—Stormwater Concept Plan and Infrastructure Costs

A Stormwater Concept Plan was prepared for each of the three recommended stormwater Strategy Areas. The recommended stormwater strategy areas are as described below, summarized in Table 2.1, and shown in Figures 4A, 4A1, 4B, and 4C. The Stormwater Concept Plan schematically represents the specific stormwater infrastructure needs for River Terrace. It also includes the drainage basin boundaries and stormwater conveyance assumptions used in the calculation of stormwater flows and facility sizes. Calculations performed to estimate facility sizes are presented later in Section 4 of this plan. In general, the conveyance of stormwater runoff throughout the River Terrace study area is assumed to follow closely with the street, trail, and public right-of-way network.

Strategy Area A

- Water Quality = Regional Water Quality Treatment Facility
- Water Quantity = Regional Water Quantity Detention Facility

The Stormwater Concept Plan for Strategy Area A is shown in the attached Figures 4A and 4A1. There are a total of 11 regional stormwater management facilities recommended to meet both water quality and quantity requirements for 229 acres (40%) of the River Terrace study area.

Stormwater will be collected and conveyed in storm pipes that are typically located within the road network to the low points in their respective basins. These pipes will discharge to regional facilities located along Roy Rogers Road and existing local drainages.

Strategy Area A is recommended for one small area on the south side of River Terrace study area, next to SW 150th because it cannot be conveyed across the slope to be connected with the recommended high-flow pipes described later as part of Strategy Area C.

Strategy Area B

- Water Quality = Street, Site, and Neighborhood Scale LIDA
- Water Quantity = Regional Water Quantity Detention Facility

The Stormwater Concept Plan for Strategy Area B is shown in the attached Figure 4B. LIDA facilities are recommended for water quality treatment in this area. LIDA facilities will be constructed and paid for by development as streets and neighborhoods are built. Two regional stormwater management facilities are recommended to meet water quantity requirements for 97 acres (17%) of the River Terrace study area. These two facilities are recommended within existing wetland areas and shall be designed to provide for enhancement and restoration of these areas.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

Strategy Area C

- Water Quality = Street, Site, and Neighborhood Scale LIDA
- Water Quantity = Downstream Conveyance – High Flow Bypass/Stream Restoration

The Stormwater Concept Plan for Strategy Area C is shown in the attached Figure 4C. LIDA facilities are recommended for water quality treatment in this area. LIDA facilities will be constructed and paid for as streets and neighborhoods are built. No detention facilities are recommended in this area. Water quantity requirements will be met through downstream conveyance improvements. Stormwater will be collected and conveyed in storm pipes that are typically located within the road network where it will be routed through a flow splitter manhole before entering an existing drainage channel. The flow splitter shall be designed to allow low flows to continue into the drainage channel and route high flows into a high-flow bypass pipe. The high-flow bypass pipe will convey high flows down the hill and across the slope to a single off-site high flow conveyance pipe along the T8 drainage. Stormwater must receive treatment for water quality before reaching the flow splitter or entering the conveyance pipe.

The T8 high-flow conveyance pipe will bring stormwater down the hill and beneath Beef Bend Road. Once the T8 high-flow conveyance pipe is beneath Beef Bend Road, the existing T8 drainage channel should be enhanced and restored all the way to the Tualatin River to accommodate the future stormwater runoff from River Terrace and the urban reserve area south of River Terrace. Alternatively, a high-flow conveyance pipe could be constructed parallel to the T8 drainage all the way to the Tualatin River.

These high-flow conveyance improvements are recommended to meet quantity requirements for 249 acres (43%) of the River Terrace study area. A conceptual design and alternatives analysis is needed for each conveyance proposal to determine the preferred alternative.

While on-site detention was considered in this area, downstream conveyance improvements are recommended by this plan for the following reasons:

- Geologic conditions suggest it is better to convey the water to the Tualatin River than hold it higher up on the mountain.
- Piped conveyance would provide the most direct route for water to the Tualatin River.
- Piped conveyance may be less expensive than on-site detention, especially when considering land costs.
- Farm land could still be utilized for agricultural activity, even with a storm pipe installed below ground.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

Estimated Cost

LIDA facilities applied at the site, street, and neighborhood scale are not illustrated on the Stormwater Concept Plans and are not included in the Stormwater Cost Estimate. It is expected that these water quality facilities will be constructed and paid for by development as individual sites are developed. An analysis of cost to implement LIDA facilities was performed for Clean Water Services (WRG, December 2008) and concluded that costs to implement LIDA are often site specific, and may or may not result in a lower construction cost when compared to the cost of a conventional design approach.

Costs associated with stormwater management for Arterials, Collector Streets, and Neighborhood Routes are included in the transportation infrastructure cost estimate.

Costs associated with stormwater management for local streets are assumed to be part of the costs to develop individual sites.

Costs for regional stormwater facilities were determined according to estimates for facility size (footprint and volume). Assumptions and calculations used to estimate facility sizes are presented later in Section 4 of this plan. The following standard assumptions were made about the geometry of the regional stormwater management facilities to derive planning level cost estimates.

- Regional stormwater facilities for detention and water quality were based upon meeting the detention standard. Excavation volume estimates assumed 5.5 feet of storage depth with 3H:1V side slopes plus an additional one foot for freeboard.
- Regional water quality facilities were assumed to fit within the space required for meeting the detention standard.
- Land area required to locate a regional facility was assumed to be 110 percent of the facility footprint to construct. This extra space is for extra land area needed to match into surrounding grades and to provide for facility access.
- Sizing of regional stormwater facilities for detention where combined with wetland enhancement was based upon an estimate to construct a similarly sized detention facility outside of wetland area, but spread out over a larger footprint to minimize inundation depths (1.5 feet) that would be tolerable in a wetland enhancement design and shallower side slopes (5H:1V).
- Facilities sized to meet the new detention standard may result in a larger detention storage volume. Volumes calculated for the River Terrace SMP were increased by 25% to account for the potential increase.
- Costs for inlet/outlet pipes, manholes, inlets, flow splitters, and flow control devices in the right-of-way were based on recent bid tabulations.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

- A construction contingency was included in the cost estimates to account for uncertainties that are inherent in the planning stages for stormwater infrastructure. The contingency includes, but is not limited to variability in actual quantities, miscellaneous items such as fencing or signage, and unknown phasing for implementation.

The total estimated cost for stormwater infrastructure for the River Terrace study area is summarized below in Table 3.1. The estimate for land acquisition costs assumes purchase of land or easements for regional stormwater facilities and for high-flow conveyance improvements. The high flow pipe between River Terrace and Beef Bend Road is assumed to be located within a future right-of-way and that the cost for that right-of-way is included in the transportation infrastructure costs.

High-flow conveyance cost estimates are based upon a high-flow pipe. An alternatives analysis will need to be completed to determine the limits of stream restoration versus high-flow pipe and to evaluate the differences in cost.

Table 3.1: Stormwater Infrastructure Total Cost Summary	
Construction	\$10,860,000
Engineering/Permitting	\$5,430,000
Land Acquisition	\$5,560,000
Total	\$21,850,000

A detailed breakdown of the Stormwater Infrastructure Cost Estimate is provided in Attachment B.

Implementation

Implementation of this SMP is expected to begin shortly after its adoption.

Implementation of stormwater facilities should consult *Clean Water Services Low Impact Development Approaches Handbook*, the *CWS Design and Construction Standards*, and the *City of Tigard Public Improvement Design Standards* for more specific information regarding the implementation of stormwater infrastructure in the City of Tigard at the time of construction.

The new proposed design standards shall require revisions or amendments to the *City of Tigard Public Improvement Design Standards* document to define the new design standards for River Terrace, including flow duration based design, minimum facility sizes, interim facilities, guidance on neighborhood amenities.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

It is recommended that the City invest in a new continuous simulation hydrologic modeling tool for use by the development community and City of Tigard design review staff to demonstrate that the new standard is being met. The city should coordinate closely with Clean Water Services on the development of the tool. The regional facility size recommendations presented in this SMP should be checked using the new tool.

Natural Resource enhancement and restoration opportunities identified in the *West Bull Mountain Natural Resources Inventory Technical Report* (Pacific Habitat Services, April 23, 2008) could be implemented with the stormwater infrastructure.

The stormwater infrastructure needs for River Terrace will be implemented over time, as development occurs. It is expected that certain aspects of this plan will be challenging to implement. Implementation challenges and strategies for each of the Strategy Areas, to the degree that they can be anticipated and described, are documented here. The timeline will ultimately be driven by the pace of development, but an initial estimate was made regarding which facilities are likely need in the short-term (0-5 years), the mid-term (5-10 years), and the long-term (beyond 10 years) in order to inform the funding strategy and to prioritize actions that need to be taken first.

Strategy Area A

Specific site conditions

Similarly to other regional infrastructure, regional stormwater management facilities have implementation challenges.

- **Geology:** The River Terrace study area has some challenging site topography and potential geologic constraints, such as shallow bedrock and landslide hazards.
- **Infiltration:** Pending further detailed study by a geologist or geotechnical engineer, it should be assumed that site conditions are not good for stormwater infiltration. The soils are poorly drained and the introduction of stormwater could contribute to an increased risk of landslides.

Private developers on the Stakeholder Working Group expressed concerns about the regional stormwater management approach based on their experiences with North Bethany. These concerns include:

- **Coordination between property owners:** Some of the regional facilities rely on others for completion, i.e. other developers or the city. If one property owner is ready to develop, but has to cross through other properties to connect to the regional stormwater detention pond, and if those property owners are not ready to develop, then it can cause development delays.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

- **Prevailing wage:** Because the regional facilities are publicly funded, they must be constructed using “prevailing wage rates,” which can increase project costs compared to privately funded projects.
- **Funding:** These shared facilities need to be in place prior to the surrounding development. That means that someone needs to provide upfront funding, to be reimbursed by subsequent development. In North Bethany, CWS provided \$1 million of seed money to jump start the first regional stormwater facility. It is difficult to get bank funding for facilities that serve more than one development.
- **Size and location:** While regional facilities may require fewer acres overall, compared to the traditional site-specific approach, the large-scale facilities do require large, consolidated areas of land. This land is then unavailable for private development. With the traditional approach, stormwater facilities could be small, and tucked away on otherwise unusable portions of a site.

Sequencing challenges and strategies

The challenges are being overcome in North Bethany. The first regional stormwater facility has been completed and development efforts in North Bethany continue. The following strategies have been identified for dealing with the challenges.

- **Less coordination:** The River Terrace area is topographically different from North Bethany in that it has several small drainage channels that pass through the site instead of only three that exist in North Bethany. This translates to potentially fewer coordination challenges in Strategy Area A because there are fewer parcels of land that drain to each of the recommended regional facilities.
- **Minimum facility size:** In response to challenges raised, the city could allow multiple smaller facilities instead of a proposed regional facility if the applicant can demonstrate that the new design standard can be met and that the facility is designed as a neighborhood amenity. Part of the new design standard is expected to include a minimum facility size so that the flow control structures can be reasonably expected to function without greater than typical maintenance (for example, a minimum facility size that can function with an orifice of not less than 2-inches in diameter).
- **Interim facilities:** Instead of smaller permanent facilities, the City shall consider the installation of interim facilities to provide stormwater management functions until such time as the regional solution can be constructed downstream. The interim facility would need to be removed and the land developed once the regional facility is operational.
- **Integrated Design:** Design of regional stormwater facilities should be coordinated with design of other improvements to minimize the overall costs and for improved coordination with site design.

Table 3.2 is a list of the stormwater infrastructure needs in Strategy Area A and when they are expected to be necessary.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

Table 3.2: Infrastructure Implementation Timeline for Strategy Area A			
Facility ID	Near-term	Mid-term	Long-term
	0-5 years	5-10 years	>10 years
WQSMB		X	
WQ2_5ac	X		
WQ2_5b		X	
WQ2_7a	X		
WQ2_7b		X	
WQ3_2a	X		
WQ3_2b	X		
WQ4_4a			X
WQ4_4b			X
WQ5_6c			X
WQ10_3a			

Future studies needed

The following are additional studies needed to advance the implementation of stormwater infrastructure in River Terrace.

- Design guidance is needed to define what will be considered a neighborhood amenity.
- A life cycle cost comparison study shall be completed to evaluate the benefits of constructing and operating fewer regional stormwater facilities versus multiple smaller facilities.
- Regional facility sites shall include a geotechnical review of specific site conditions, including depth to bedrock, and recommendations for design. Regional treatment and detention facilities shall be evaluated during design and site specific recommendations made by the geotechnical engineer regarding the need for a liner to discourage infiltration, and depth of bedrock to inform the grading plan. There is potential that some regional facilities located along Roy Rogers Road may need to be relocated to the west side of the road due to proximity to bedrock.

Strategy Area B

Specific site conditions

Similarly to other regional infrastructure, regional stormwater management facilities have implementation challenges.

- **Geology:** The River Terrace study area has some challenging site topography and potential geologic constraints, such as shallow bedrock and landslide hazards.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

- **Infiltration:** Pending further detailed study by a geologist or geotechnical engineer, it should be assumed that site conditions are not good for stormwater infiltration. The soils are poorly drained and the introduction of stormwater could contribute to an increased risk of landslides. LIDA facilities should be limited to flow-through types with an under drain, and not rely upon stormwater infiltration.

Private developers on the Stakeholder Working Group expressed concerns about the regional stormwater management approach based on their experiences with North Bethany. These concerns include:

- **Coordination between property owners:** Some of the regional facilities rely on others for completion, i.e. other developers or the city. If one property owner is ready to develop, but has to cross through other properties to connect to the regional stormwater detention pond, and if those property owners are not ready to develop, then it can cause development delays.
- **Prevailing wage:** Because the regional facilities are publicly funded, they must be constructed using “prevailing wage rates,” which can increase project costs compared to privately funded projects.
- **Funding:** These shared facilities need to be in place prior to the surrounding development. That means that someone needs to provide upfront funding, to be reimbursed by subsequent development. In North Bethany, CWS provided \$1 million of seed money to jump start the first regional stormwater facility. It is difficult to get bank funding for facilities that serve more than one development.
- **Size and location:** While regional facilities may require fewer acres overall, compared to the traditional site-specific approach, the large-scale facilities do require large, consolidated areas of land. This land is then unavailable for private development. With the traditional approach, stormwater facilities could be small, and tucked away on otherwise unusable portions of a site.
- **Existing Wetlands:** extra permitting challenges associated with detention facilities within existing wetlands.

Sequencing challenges and strategies

The challenges are being overcome in North Bethany. The first regional stormwater facility has been completed and development efforts in North Bethany continue. The following strategies have been identified for dealing with the challenges.

- **Less coordination:** The River Terrace area is topographically different from North Bethany in that it has several small drainage channels that pass through the site instead of only three that exist in North Bethany. This translates to potentially fewer coordination challenges in Strategy Area B because there are fewer parcels of land that drain to the two recommended regional water quantity facilities.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

- **Existing Wetlands:** the design of wetland restoration for water quantity management enhances a natural resource and occupies property that would be otherwise undevelopable or very expensive to mitigate.
- **Minimum facility size:** In response to challenges raised, the city could allow multiple smaller facilities instead of a proposed regional facility if the applicant can demonstrate that the new design standard can be met and that the facility is designed as a neighborhood amenity. Part of the new design standard is expected to include a minimum facility size so that the flow control structures can be reasonably expected to function without greater than typical maintenance (for example, a minimum facility size that can function with an orifice of not less than 2-inches in diameter).
- **Interim facilities:** Instead of smaller permanent facilities, the City shall consider the installation of interim facilities to provide stormwater management functions until such time as the regional solution can be constructed downstream. The interim facility would need to be removed and the land developed once the regional facility is operational.

Table 3.3 is a list of the stormwater infrastructure needs in Strategy Area B and when they are expected to be necessary.

Table 3.3: Infrastructure Implementation Timeline for Strategy Area B			
Facility ID	Near-term	Mid-term	Long-term
	0-5 years	5-10 years	>10 years
T2_6	X		
T5_6b	X		

Future studies needed

The following are additional studies needed to advance the implementation of stormwater infrastructure in River Terrace.

- Design guidance is needed to define what will be considered a neighborhood amenity.
- A conceptual design and alternatives analysis is needed to compare advantages, disadvantages, permitting challenges, and improved cost estimate to implement regional facility T2_6 as a wetland enhancement and restoration effort. The West Bull Mountain Natural Resources Inventory: Technical Report (PHS, 2008) describes four opportunities along reach T2, east of Roy Rogers Road, to restore and enhance the natural resources identified in the inventory. These opportunities include modifications to culverts, the natural stream channel, and existing wetland area to enhance the vegetative community and wetland hydrology. Restoration of the hydrology and enhancement of these resources needs to provide regional stormwater detention. All stormwater will need to

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

pass through a water quality facility for treatment prior to discharging into the enhanced wetland area.

- Regional detention facilities shall be evaluated during design and site specific recommendations made by the geotechnical engineer regarding the need for a liner to discourage infiltration.

Strategy Area C

Specific site conditions

Similarly to other regional infrastructure, regional stormwater management facilities have implementation challenges.

- **Geology:** The River Terrace study area has some challenging site topography and potential geologic constraints, such as shallow bedrock and landslide hazards.
- **Infiltration:** Pending further detailed study by a geologist or geotechnical engineer, it should be assumed that site conditions are not good for stormwater infiltration. The soils are poorly drained and the introduction of stormwater could contribute to an increased risk of landslides. LIDA facilities should be limited to flow-through types with an under drain, and not rely upon stormwater infiltration.
- **Location:** downstream conveyance improvements that are located outside the Urban Growth Boundary will need to address land use regulations from the Washington County Community Development Code Sections 340-4.1 and 430-105.3 through 430-105.7; Oregon Revised Statute 215.275; and Oregon Administrative Rule 660-33.

Private developers on the Stakeholder Working Group expressed concerns about the high-flow conveyance approach based on their experiences with regional stormwater facilities in North Bethany. These concerns include:

- **Coordination between property owners:** high-flow conveyance improvements will rely on others for completion, i.e. other developers or the city. If one property owner is ready to develop, but has to cross through other properties to connect to the high-flow conveyance improvements, and if those property owners are not ready to develop, then it can cause development delays.
- **Prevailing wage:** Because the regional facilities are publicly funded, they must be constructed using “prevailing wage rates,” which can increase project costs compared to privately funded projects.
- **Funding:** These shared facilities need to be in place prior to the surrounding development. That means that someone needs to provide upfront funding, to be reimbursed by subsequent development. In North Bethany, CWS provided \$1 million of seed money to jump start the first regional stormwater facility. It is difficult to get bank funding for facilities that serve more than one development.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

Sequencing challenges and strategies

The challenges are being overcome in North Bethany. The first regional stormwater facility has been completed and development efforts in North Bethany continue. The following strategies have been identified for dealing with the challenges of high-flow conveyance improvements.

- **Interim facilities:** In response to challenges raised, the city could allow the installation of interim facilities to provide stormwater management functions until such time as the high-flow conveyance solution can be constructed downstream. The interim facility could be removed and the land developed once the regional facility is operational.
- **Integrated Design:** Design of high-flow conveyance improvements should be coordinated with design of other improvements such as the proposed roadway connection to Beef Bend Road along April Lane to minimize the overall costs and for improved coordination with street design.

Table 3.4 is a list of the stormwater infrastructure needs in Strategy Area C and when they are expected to be necessary.

Table 3.4: Infrastructure Implementation Timeline for Strategy Area C			
Facility ID	Near-term	Mid-term	Long-term
	0-5 years	5-10 years	>10 years
T8 (North)	X		
T8 (South)	X		
T9		X	

Future studies needed

The following are additional studies needed to advance the implementation of stormwater infrastructure in River Terrace.

- Conceptual design and alternatives analysis is recommended for the proposed high-flow conveyance system. The alternative analysis would include evaluate conceptual designs for stream restoration versus bypass pipe and compare costs, opportunities, and constraints. A more detailed conceptual design and alternatives analysis needs to be completed to provide the information necessary to support the land use process for construction of a public utility outside the River Terrace study area boundary and for environmental permitting if work within a jurisdictional water or wetland is proposed.
- High-flow conveyance alignments shall be investigated to evaluate depth of bedrock that could affect construction or construction costs.
- Begin outreach to property owners to acquire easements, land, and right-of-way for the high-flow conveyance improvements.

Section 3—Stormwater Concept Plan and Infrastructure Costs

Continued

Maintenance

The city will be responsible for inspecting and maintaining all regional, Neighborhood LIDA, and Street LIDA facilities. The city will also be responsible for inspecting and enforcing maintenance on all Site LIDA facilities. The city currently maintains neighborhood and street facilities throughout the city and will continue to refine its operation and maintenance procedures.

The maintenance of Site LIDA facilities will be the responsibility of the property owner or homeowner's association.. The city should expand its existing stormwater education and enforcement program to include residential property owners to ensure that all affected property owners are notified of proper operation and maintenance procedures for LIDA facilities, especially when properties change ownership. The city could require that operation and maintenance procedures are recorded with the property title.

Section 4—Stormwater Calculations

There is a strong correlation between impervious area and stormwater runoff. The first step toward sizing water quality facilities and estimating site runoff is to estimate the amount of impervious area associated with the various types of development planned for the River Terrace study area. Actual imperviousness will vary throughout the River Terrace study area and will need to be recalculated as development occurs. Assumptions about impervious area used for this SMP are documented in this section.

Several calculations were made when developing this plan and the cost estimates.

Calculations include:

- Sizing of Regional Stormwater Facilities for Stormwater Detention
- Sizing of Regional Stormwater Facilities for Water Quality
- Use of High Flow Bypass Conveyance Pipes

The engineering analysis and calculations completed for this stormwater management plan should be considered preliminary. Additional engineering analyses will be required during future detailed design phases of either public infrastructure or private development projects to verify the assumptions made in this planning level analysis.

Impervious Area

There are four types of residential land uses being mapped for the River Terrace study area: low-density, two levels of medium-density, and high-density with a small amount of neighborhood commercial. Non-residential development such as schools, a fire station, various parks, greenways, and other open space areas are likely to have a different impervious area than was assumed for this plan, and will result in a different runoff volume and rate than rates calculated during this analysis.

After expected densities were determined for the various development zones in the River Terrace study area, two sources were consulted to determine appropriate assumptions for percent impervious area relative to development densities. The multiple sources include:

- An impervious area study from Clackamas County.
- Measurements based on aerial photographs for recently completed Tigard and Bull Mountain neighborhoods in proximity to River Terrace study area.

Clackamas County Water and Environment Services (WES) published a study of impervious surfaces as part of the Damascus area Urban Growth Boundary (UGB) expansion. The WES study analyzed the impervious area percentages of a number of neighborhoods representative of current and future development in the Damascus area. Three of the neighborhoods studied are comparable to the 7 and 12 unit/acre figures assumed for River Terrace medium-density residential zones, with densities ranging from 9.6 to 14.8 units/acre. These neighborhoods have a total average density of 10.9 units/acre and are 54 percent

Section 4—Stormwater Calculations Continued

impervious. Only one neighborhood in the study had a comparable high-density residential zone, with a density of 25.5 units/acre and 62 percent impervious. Two neighborhoods in the study seem to correspond to the mixed-use designation, although with much lower residential density than identified for the River Terrace study area. These had an average density of 13.6 units/acre and 62 percent impervious area. Three areas were designated as schools, with an average of 31 percent impervious area. A summary of these findings are presented below in Table 4.1.

Table 4.1: Summary of Impervious Area Reference Calculations			
Reference Source	Description	Density (units/acre)	Impervious Area (%)
Clackamas County WES	Medium Density Residential	10.9	54
	High Density Residential	25.5	62
	Schools	N/A	31
	Mixed-Use	13.6	62

The complete list of proposed land-uses in the River Terrace study area is shown in Table 4.2 alongside the impervious percentage assumed for stormwater calculations in this plan. The proposed land uses for River Terrace are mapped in the attached Figure 1.

Table 4.2: Impervious Percentage by Land Use	
Land Use	Impervious Percentage
Community Commercial District	70
Future Right-of-way	70
Existing Right-of-way	70
Low Density Residential (4.5 Dwelling Units/Acre)	45
Medium Density Residential (7 Dwelling Units/Acre)	50
Medium Density Residential (12 Dwelling Units/Acre)	55
High Density Residential (25 Dwelling Units/Acre)	65

Downstream Analysis

Stormwater from the River Terrace study area drains to eight small drainages. A small area at the north end of the site flows to (drainage basin T1) SW Scholls Ferry Road and east to SW Barrows Road. The rest of the site drains to one of the other seven small tributaries to the Tualatin River. Tributaries T6 and T7 are not expected to receive additional flows from the

Section 4—Stormwater Calculations Continued

River Terrace study area, and are therefore not included in the analysis for this report.

The need for water quantity management in the West Bull Mountain SWIP was based upon a preliminary downstream analysis. Subsequently, the City of Tigard proposes to adopt a new standard for the River Terrace study area that requires stormwater water quantity management for all new development in River Terrace and that the stormwater facilities be designed to a new standard that matches post-development flow durations (See Section 1 – Introduction and Background) to mitigate downstream flooding and erosion from new development in the River Terrace study area.

Regional Stormwater Facilities for Water Quality

This SMP calls for the treatment of site runoff to be handled using a combination of regional water quality facilities, and LIDA. Site, Street, and Neighborhood LIDA will be sized as part of future public or private development projects. Regional stormwater facilities that are recommended to provide water quality treatment are assumed to fit within the footprint of the facilities sized to meet water quantity requirements. Water quality volume and flows were calculated for the regional facilities that will provide water quality treatment. The water quality volume and flow were calculated based upon current *Design and Construction Standards*. The current standards use impervious area draining to the facility. Impervious area requiring treatment was calculated for each of the subbasins based on land use assumptions within each drainage basin. The calculation of impervious area, water quality volume and water quality flow are reported below in Table 4.3.

Facility ID	Contributing Basin Area (acres)	Impervious Area (acres)	Water Quality Volume (cf)	Water Quality Flow (cfs)
WQSMB	10.41	6.45	8,426	0.59
WQ2_5ac	32.89	18.71	24,447	1.70
WQ2_5b	31.51	17.29	22,595	1.57
WQ2_7a	37.67	22.09	28,869	2.00
WQ2_7b	16.76	11.09	14,491	1.01
WQ3_2a	33.42	18.05	23,588	1.64
WQ3_2b	7.27	3.80	4,964	0.34
WQ4_4a	28.82	15.35	20,063	1.39
WQ4_4b	14.95	7.55	9,860	0.68
WQ5_6c	25.49	13.98	18,268	1.27
WQ10_3a	4.5	2.25	2,940	0.20

Regional Stormwater Facilities for Water Quantity

An XP-SWMM model was developed for the River Terrace study area to predict existing condition runoff rates. The model was then modified to simulate future flow rates due to build-out of the River Terrace study area based upon proposed land uses. Regional stormwater facility volumes were estimated for each of the recommended locations based upon current *CWS Design and Construction Standards* that require peak flow matching. The estimated facility designs were tested using the XP-SWMM model to demonstrate that the current standard was being satisfied. Application of the new design standard is assumed to require some additional storage volume in each facility. An additional 25 percent was assumed for cost estimating purposes. A new hydrologic modeling tool will be needed to perform continuous simulation calculations and complete the design of the regional water quantity facilities under the new standard. Table 4.4 summarizes 25-year peak flows for select discharge points (or nodes), under existing, developed without detention, and developed with detention conditions as predicted by the XP-SWMM model.

Table 4.4: 25-yr Peak Flow (cfs) Discharges from Regional Detention Facilities			
Facility ID	Existing	Future	Future W/Detention
WQSMB	5.7	10.1	5.6
WQ2_5ac	77.1	143.0	67.7
WQ2_5b	75.67	170.8	74.7
WQ2_7a	10.4	35.7	9.3
WQ2_7b	10.8	16.6	10.8
T2_6	50.5	75.2	49.1
WQ3_2a	44.1	49.0	44.0
WQ3_2b			
WQ4_4a	69.1	91.4	68.5
WQ4_4b			
T5_6b	7.9	26.7	7.0
WQ5_6c	32.8	37.0	24.0
WQ10_3a	33.8	39.3	33.3

A schematic of the XP-SWMM model along with supporting background information is provided in Attachment C.

Section 4—Stormwater Calculations Continued

Depending on implementation sequencing, the regional facility T2_6 should be designed to provide maximum stormwater storage. Storage above and beyond what is required of this SMP could be used to reduce the size of the regional stormwater facilities located downstream or to manage flow durations from offsite upstream areas that were previously developed under past standards.

Table 4.5 summarizes contributing basin, peak inflow and outflow estimates, and peak storage and estimated required storage volumes for each regional detention facility.]

Table 4.5: Summary of Regional Detention Facility Sizes					
Facility ID	Contributing Basin Area (acres)	Peak Inflow (cfs)	Peak Outflow (cfs)	Peak Storage Volume (cubic yards)	Peak Storage Volume w/ Correction for New Standard (cubic yards)
WQSMB	10.41	10.1	5.6	1,257	1,571
WQ2_5ac	32.89	39.1	5.0	7,928	9,910
WQ2_5b	31.51	29.3	8.4	4,190	5,238
WQ2_7a	37.67	35.8	9.3	4,508	5,635
WQ2_7b	16.76	16.6	10.8	918	1,148
T2_6	97.0	77.9	49.1	5,364	6,705
WQ3_2a	33.42	30.9	13.3	2,938	3,672
WQ3_2b	7.27	6.7	3.5	579	724
WQ4_4a	28.82	26.6	16.0	2,430	3,038
WQ4_4b	14.95	13.6	6.6	1,593	1,992
T5_6b	29.59	27.2	7.1	3,731	4,664
WQ5_6c	25.49	23.7	21.2	534	667
WQ10_3a	4.50	4.1	0.6	25876	

Recommended LIDA facilities are not expected to have a significant effect on detention sizes and were therefore not included in the model. The use of LIDA is only proposed upstream of two of the regional water quantity facilities. The effects of LIDA on these two facilities could be performed as part of the design phase to account for any reduction in the size of the regional stormwater facilities that might result.

High-Flow Conveyance

Regional water quantity for development in the portion of the River Terrace study area draining to the T7, T8, and T9 drainages are recommended to use downstream conveyance

Section 4—Stormwater Calculations Continued

improvements to manage water quantity. The XP-SWMM model was used to predict existing and future stormwater runoff for these drainage basins and to estimate the size of the required high-flow conveyance pipes.

Figure 4C shows flow from T7 will be conveyed to T8. Figure 4C shows that flow-splitter devices will be necessary at T9 to divert high flows from their existing drainage course to the discharge point into T8. 2,100 feet of 36-inch storm sewer pipe is estimated to provide this bypass between T9 and T8. Approximately 3,800 feet of 48-inch storm sewer shall convey increased flows from T7, T8 and T9 to the Tualatin River.

The high flow bypass pipes were sized using the XP-SWMM model and the following set of assumptions:

- Flow from T7 was sent to T8.
- Flow splitter in T8 and T9 were assumed to engage during flows higher than the 2-year, 24-hour storm event at their respective reach locations.
- Bypass pipes sized to convey the future 25-year flows.

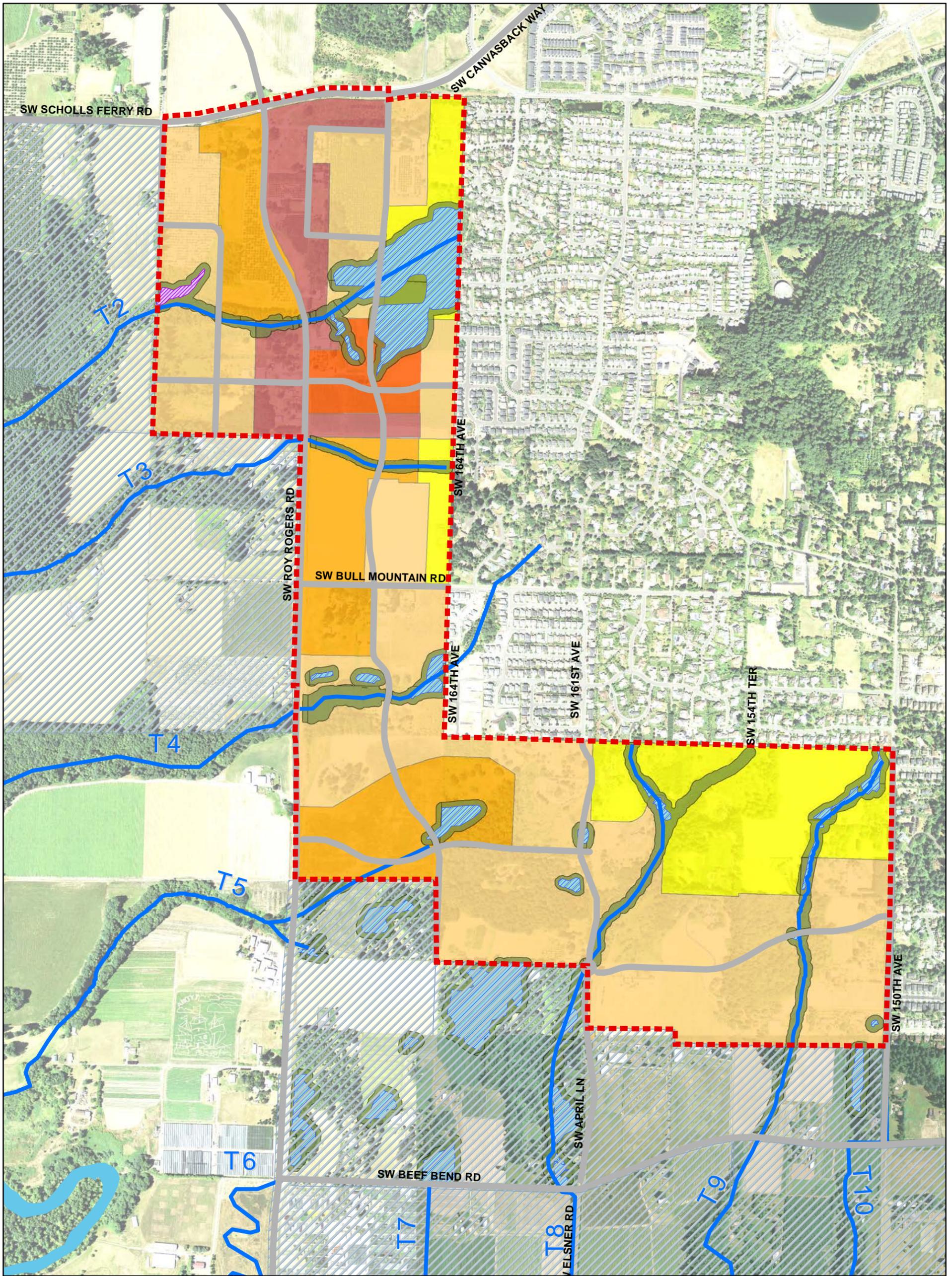
Table 4.6 summarizes the 25-year peak flow rates predicted by XP-SWMM under existing conditions and for future conditions in the drainage channels that drain the southern portions of the River Terrace study area. Existing conditions is the calculated flow rate in the drainage channel where it leaves the River Terrace study area boundary. Future is the flow rate at the same location in the drainage channel after the upstream area is fully developed. Future with bypass pipe is at the same location in the drainage channel under a fully developed condition and after high-flow has been diverted to the bypass pipe. Flows in bypass pipe are the combined flows in the bypass pipe.

Table 4.6: 25-yr Peak Flows (cfs) at Site Discharge Locations to T7, T8, & T9				
Drainage Channel	Existing	Future	Future with Bypass Pipe	Flows in Bypass Pipe
T7	4.7	12.8	0	N/A
T8 (north)	91.6	158.9	83.0	118.4
T8 (south)	99.7	149.8	93.7	118.4
T9	28.5	65.0	28.4	37.0

Alternatively to piped conveyances, open channel conveyance improvements could be constructed. For example, restoration of the T8 drainage between Beef Bend Road and the Tualatin River might be designed in a manner that also accommodates the increased flows from the River Terrace study area.

Figures





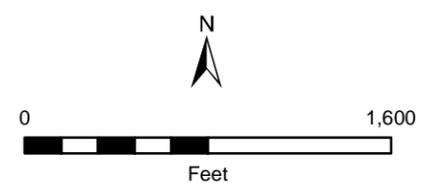
River Terrace Stormwater Master Plan

Figure 1:
Proposed Zoning
(Assumed for Runoff
Calculations)

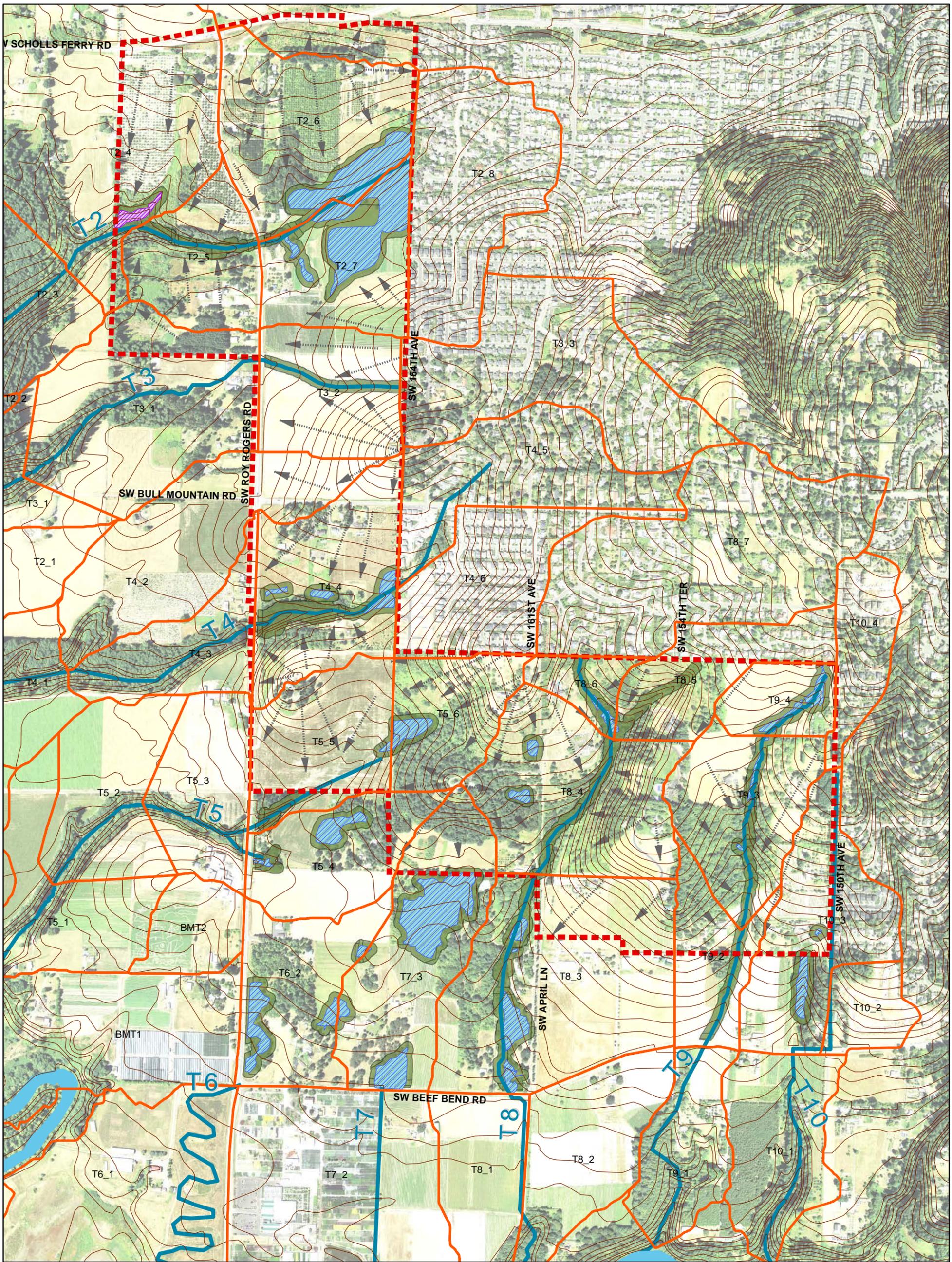


Legend

- River Terrace Study Area
- Proposed Street
- Sensitive Areas**
 - Significant Wetlands
 - Inventoried Wetlands
 - Natural Resource Buffers
 - Existing Drainageway
 - Tualatin River
- Zoning**
 - Community Commercial District
 - High Density Residential (R-25)
 - Medium Density Residential (R-12)
 - Medium Density Residential (R-7)
 - Low Density Residential (R-4.5)
- Urban Reserves



Data on this map is from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.

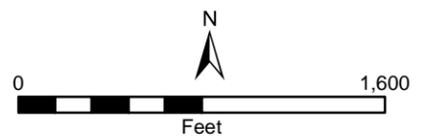


River Terrace Stormwater Master Plan

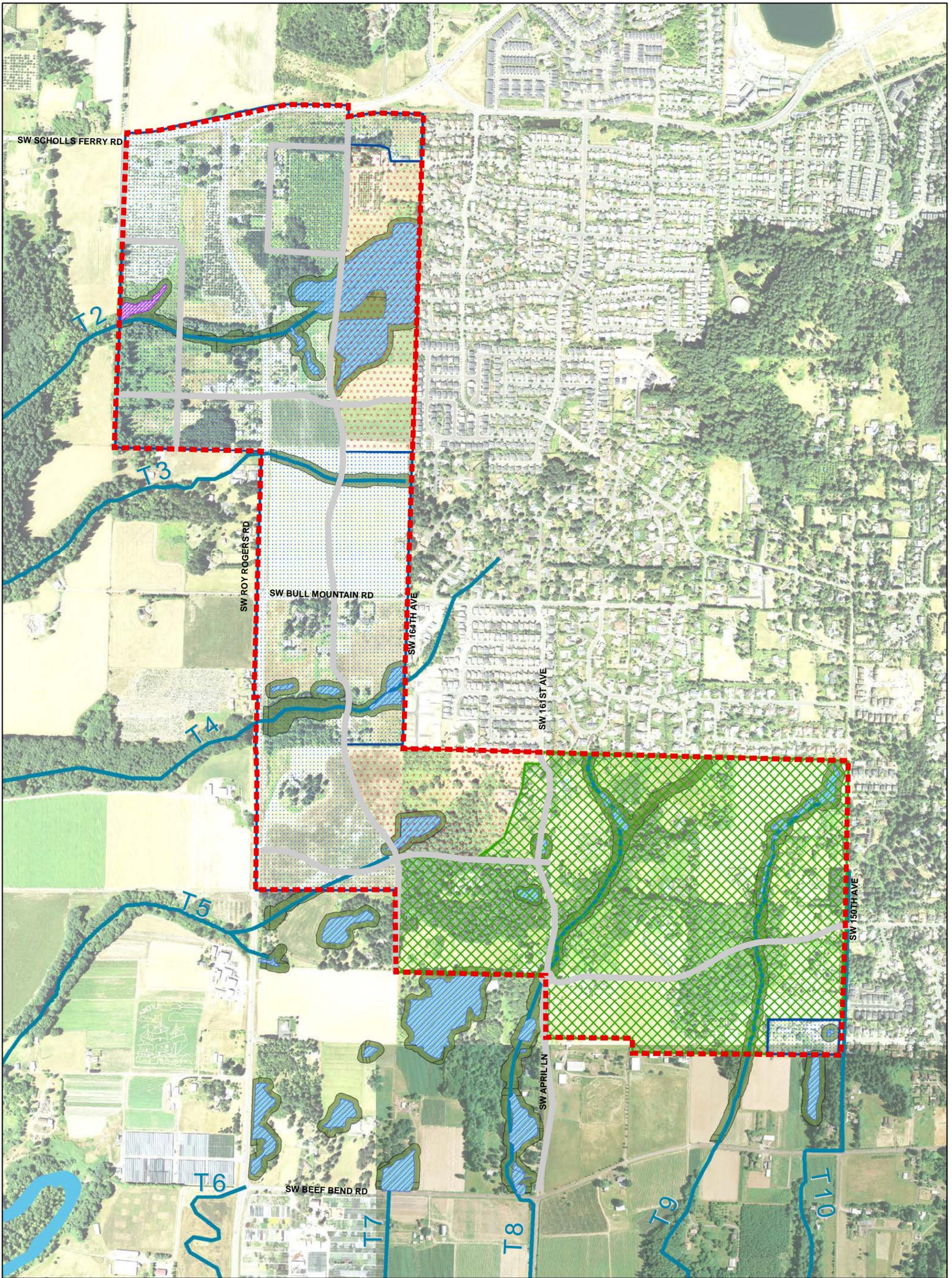
**Figure 2:
Existing Drainage
Basin Diagram**

Legend

- - - River Terrace Study Area
- Existing Sub-Basin
- - - Overland Flow Direction
- ▨ Significant Wetlands
- ▨ Inventoried Wetlands
- ▨ Natural Resource Buffers
- Existing Drainageway
- Tualatin River
- 10ft Contour Line



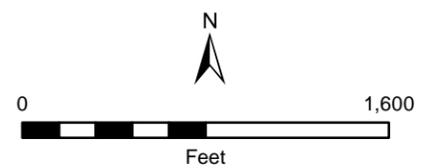
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River Terrace Stormwater Master Plan

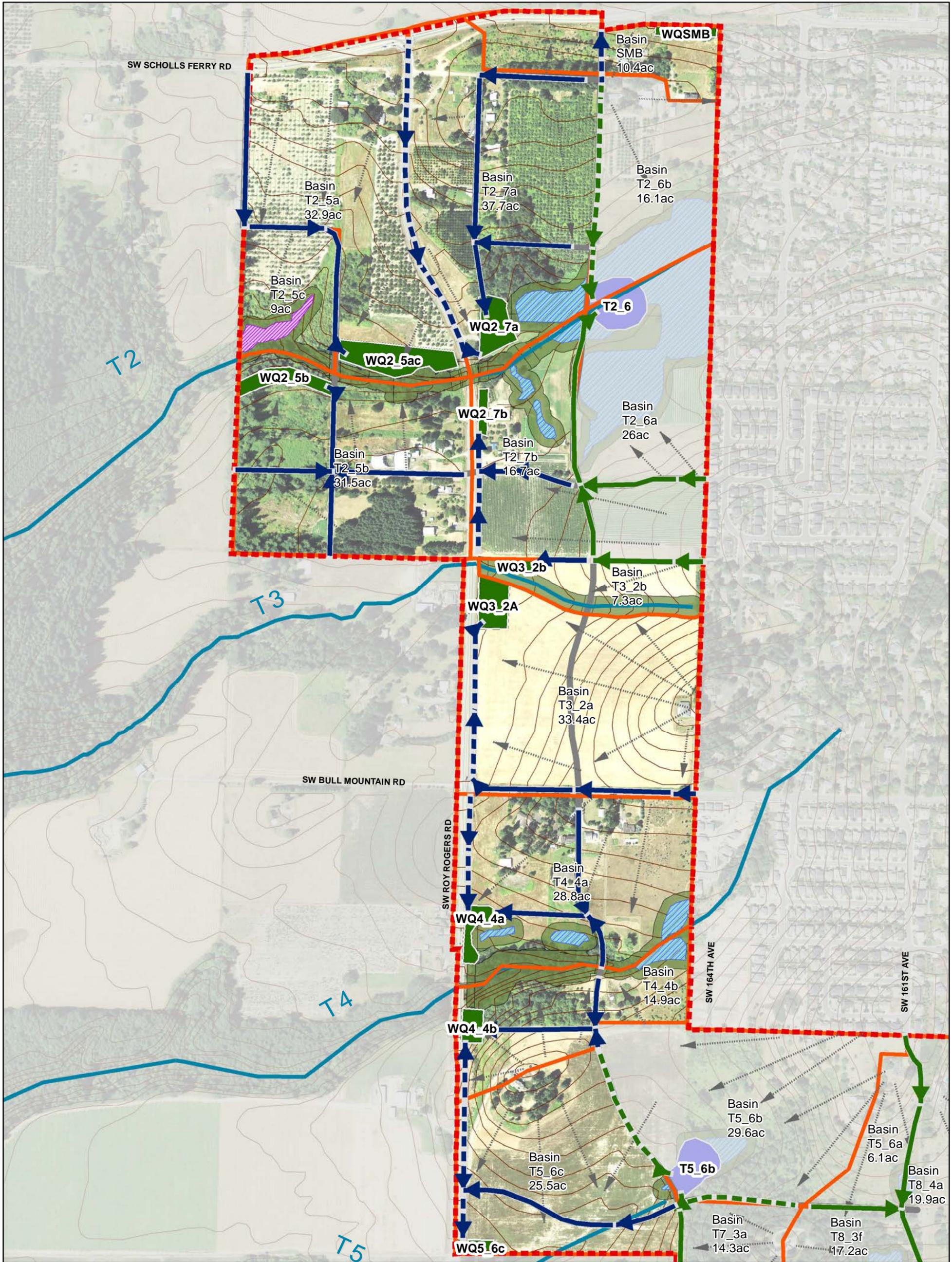
Figure 3: Stormwater Management Strategy Areas

- | | |
|--------------------------|-----------------|
| Legend | |
| River Terrace Study Area | Strategy Area A |
| Road_Type | Strategy Area B |
| Street (future) | Strategy Area C |
| Sensitive Areas | |
| Significant Wetlands | |
| Inventoried Wetlands | |
| Natural Resource Buffers | |
| Existing Drainageway | |
| Tualatin River | |



Data on this map is from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.





River Terrace Stormwater Management Plan

Figure 4A:
Stormwater Concept Plan
Diagram (Strategy Area A)

Legend

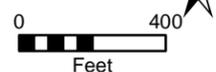
- River Terrace Study Area
- Future Street
- Proposed Subbasins
- Overland Flow Direction
- Sensitive Areas**
- Significant Wetlands
- Inventoried Wetlands
- Natural Resource Buffers
- Existing Drainageway

Stormwater Conveyance

- Pipes**
- With Street LIDA
- No Street LIDA
- Swales/Ditches**
- With Street LIDA
- No Street LIDA

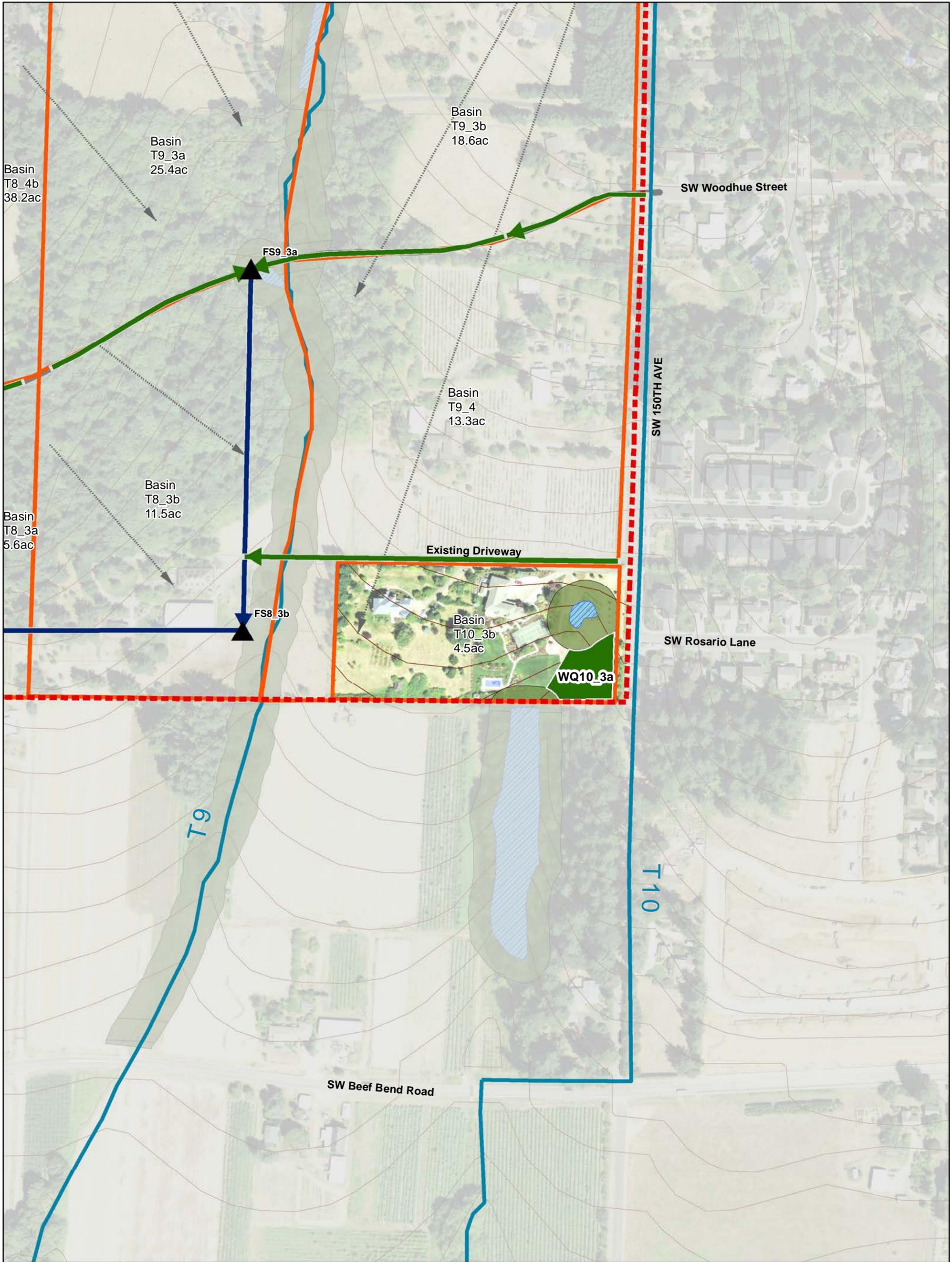
Regional Stormwater Facility

- Water Quality and Quantity
- Water Quantity Only
- 10ft Contour Line



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River Terrace Stormwater Management Plan

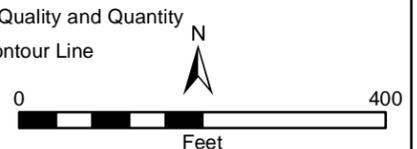
Figure 4A.1:
Stormwater Concept Plan
Diagram (Strategy Area A)

Legend

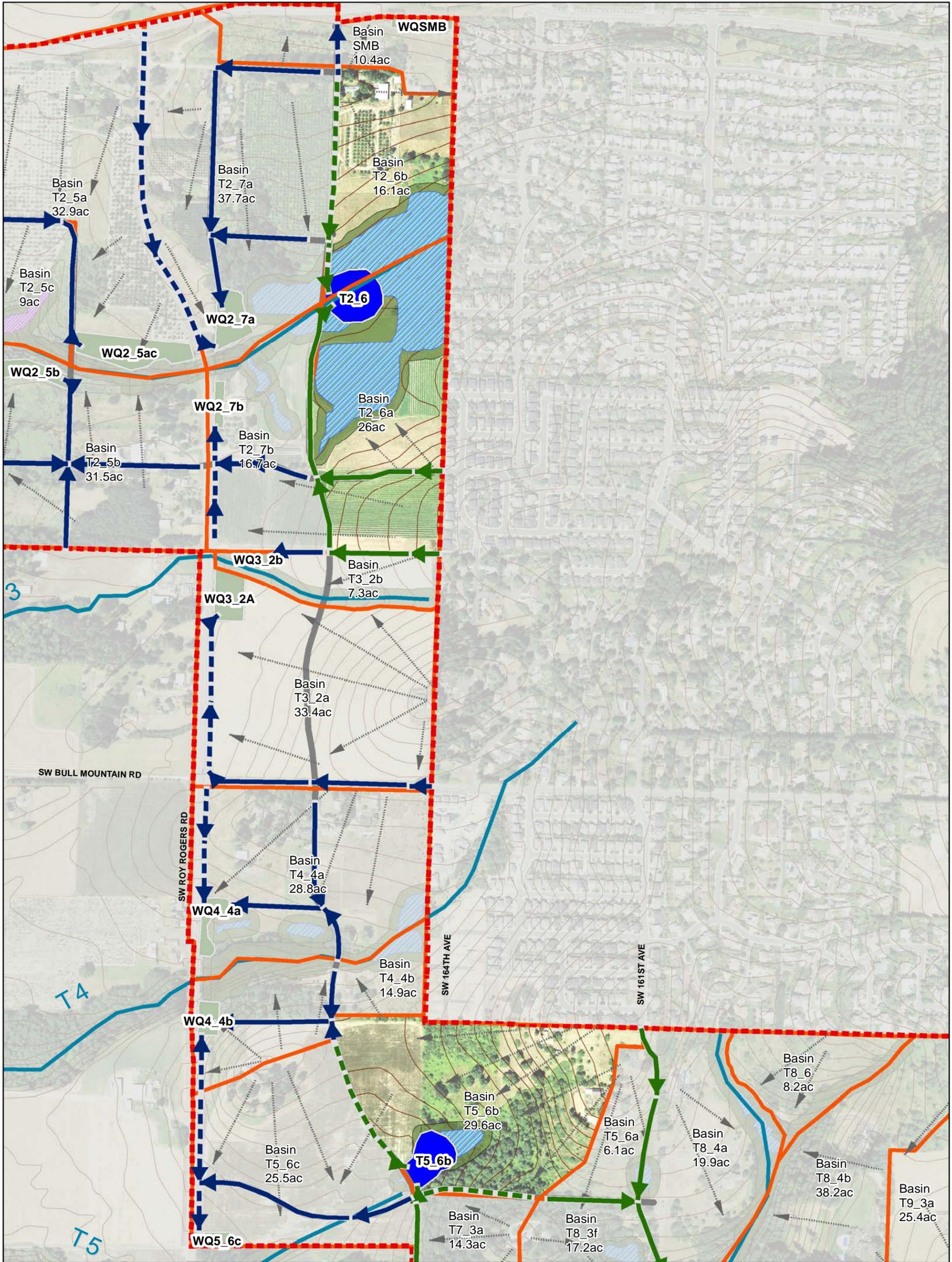
- River Terrace Study Area
- Future Street
- Proposed Subbasins
- Overland Flow Direction
- Inventoried Wetlands
- Natural Resource Buffers
- Existing Drainageway
- Stormwater Conveyance Pipes With Street LIDA
- Stormwater Conveyance Pipes No Street LIDA
- Flow Splitter Device

Regional Stormwater Facility

- Water Quality and Quantity
- 10ft Contour Line



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River Terrace Stormwater Management Plan

Figure 4B:
Stormwater Concept Plan
Diagram (Strategy Area B)

Legend

- River Terrace Study Area
- Future Street
- Proposed Subbasins
- Overland Flow Direction
- Sensitive Areas**
- Significant Wetlands
- Inventoried Wetlands
- Natural Resource Buffers
- Existing Drainageway

Stormwater Conveyance

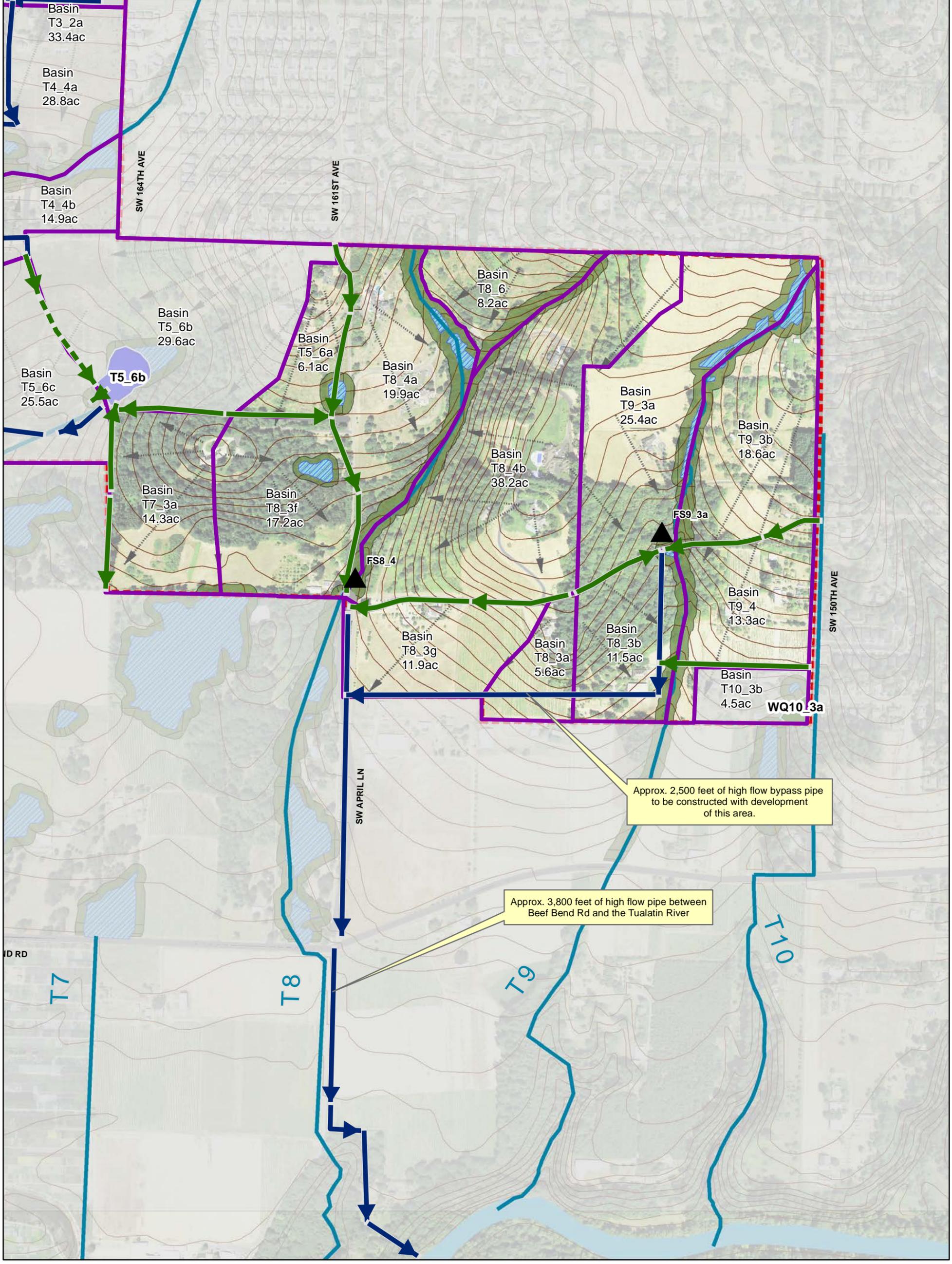
- Pipes**
- With Street LIDA
- No Street LIDA
- Swales/Ditches**
- With Street LIDA
- No Street LIDA

Regional Stormwater Facility

- Water Quality and Quantity
- Water Quantity Only
- 10ft Contour Line



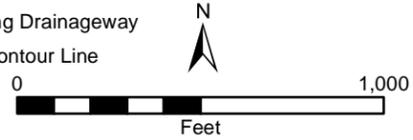
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River Terrace Stormwater Management Plan

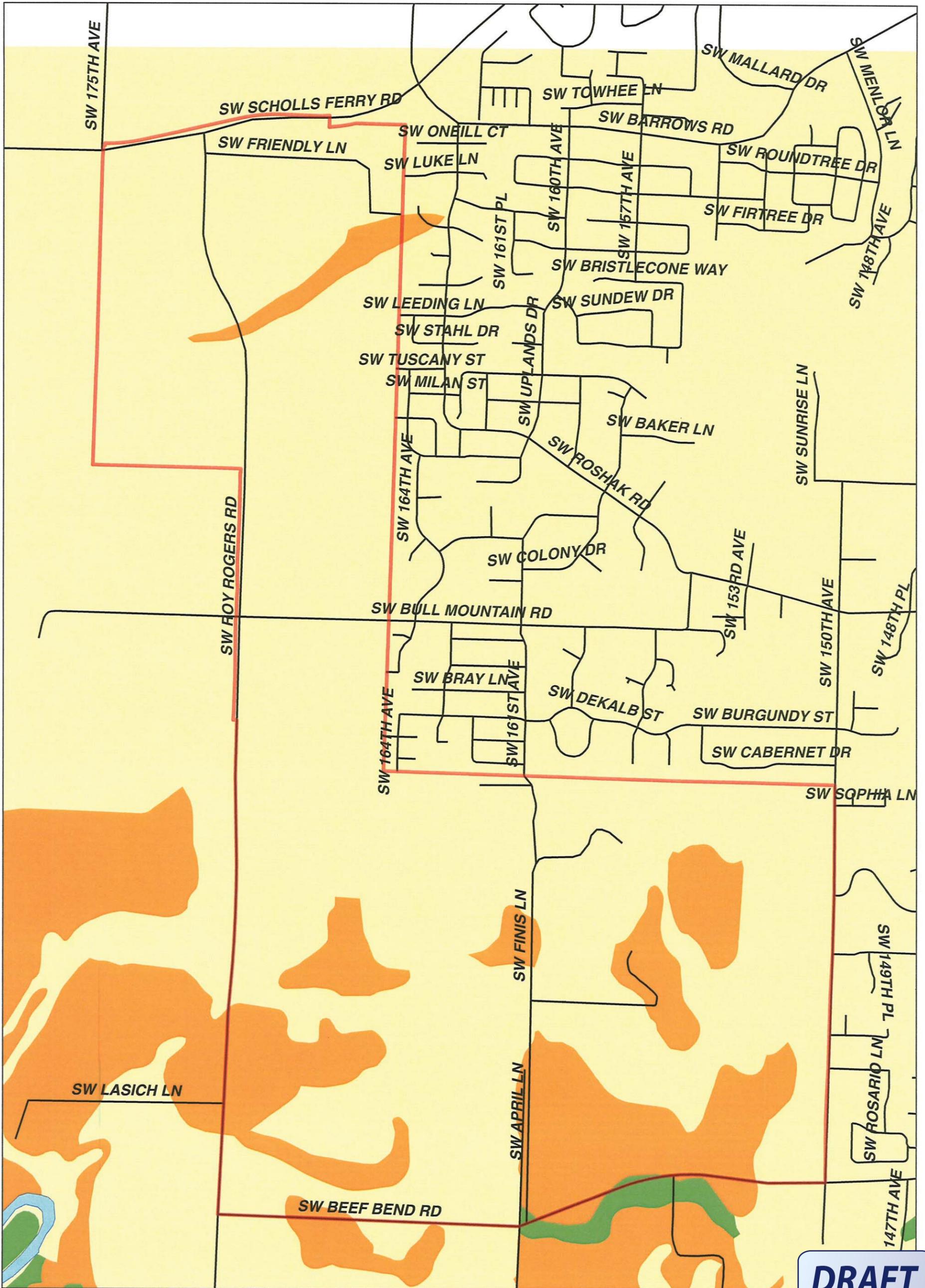
Figure 4C:
Stormwater Concept Plan
Diagram (Strategy Area C)

Legend		Stormwater Conveyance		Regional Stormwater Facility	
	River Terrace Study Area		with Street LIDA		Water Quality and Quantity
	Proposed Subbasins		no Street LIDA		Water Quantity Only
	Proposed Street		Swales/Ditches with Street LIDA		Existing Drainageway
	Overland Flow Direction		Flow Splitter Device		10ft Contour Line
	Inventoried Wetlands				
	Natural Resource Buffers				
	Tualatin River				



Data on this map is from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.





DRAFT

West Bull Mountain Planning Area

**FIGURE 5
SOIL INFILTRATION**

LEGEND

- West Bull Mountain Study Area
- Soil Infiltration**
- Good Potential
- Fair Potential
- Poor Potential
- Water



1 INCH EQUALS 800 FEET

Attachment A — Background Information



As part of this SMP, Otak reviewed multiple data sets and reports prepared for the River Terrace study area. Our review of the data and relevant conclusions are summarized for the following seven items.

DOCUMENT 1: *West Bull Mountain Hydrologic and Hydraulic Analysis* (HDR Inc., March 2008)

The purpose of this study was to describe existing hydrologic and hydraulic conditions for the basins within the West Bull Mountain Study Area. The scope of work included creation of existing conditions hydrologic model (HEC-HMS) and Hydraulic model (HEC-RAS) and an evaluation of the conveyance capacity of streams and culverts under existing flow conditions, as well as the general potential for erosion in the streams.

- 1) Capacity of existing culverts was evaluated. Figure 4-1 from the HDR report shows the location of culverts considered to be under-sized in terms of capacity.
- 2) Flooding is most prominent along reaches T2A, T8, and T9 with localized flooding at several other locations, as shown in Figure 4-2 from the same report.
- 3) The report shows that the culverts modeled within the study area violate hydraulic criteria for fish passage crossings. However, most of the streams are steep and should be expected to have high velocities. According to Washington County (correspondence with Rick Raetz, former Washington County), culverts beneath Roy Rogers Road that were constructed circa 2001 during the most recent road improvement project were designed for fish passage. See discussion under DOCUMENT 5 for Otak's review of construction drawings provided by Washington County for Roy Rogers Road. The need to modify existing culverts for fish passage will need to be evaluated at the time of design and implementation of improvements to Roy Rogers and compared against fish passage requirements in place at the time.
- 4) The potential for channel erosion may be significant due to the fine sediment characteristics of the area and the velocity conditions that exist in these steep drainages.
- 5) *Attachment D* of this River Terrace SMP provides copies of both Figure 4-1 & Figure 4-2 from the HDR report.

DOCUMENT 2: *West Bull Mountain Natural Resources Inventory Technical Report* (Pacific Habitat Services, April 23, 2008.) A natural resources inventory was completed for the 712 acre West Bull Mountain Planning Area and the Stream Resources Study Area consisting of approximately 27,500 linear feet of designated streams and stream corridors in West Bull Mountain. The scope of services included the following:

- 1) Stream and buffer assessment using the Tualatin Basin Rapid Stream Assessment Technique (RSAT) to evaluate creek and riparian conditions;

- 2) Wetlands assessment including mapping all wetlands within the study area, assessing approximate size, Cowardin and Hydrogeomorphic (HGM) classifications, and Oregon Freshwater Wetland Assessment Methodology (OFWAM) analysis;
- 3) Wildlife habitat assessment by on-site and windshield surveys to determine the approximate size and type of all habitat features and use of the Wildlife Habitat Assessment (WHA) technique; and
- 4) Identification of potential stream enhancement, wetland enhancement/mitigation, and aquatic species barrier/passage projection.
- 5) Inventory data was compiled and stored in a GIS database for easy mapping.

The natural resources identified were used as a constraint to define buildable lands during formation of the preliminary concept plans assumed for this SWIP. Several culvert barriers and enhancement opportunities were identified for consideration during development of West Bull Mountain. The findings of the Report were used to identify suitable context sensitive infrastructure placements.

DOCUMENT 3: *Regional Landslide Hazard Mapping, West Bull Mountain Planning Area*, Washington County, Oregon (DOGAMI, Draft-March 31, 2008) and *ADDENDUM to Regional Landslide Hazard Mapping, West Bull Mountain Planning Area*, Washington County, Oregon (DOGAMI, April 21, 2008). These reports indicate that:

- Forty-seven landslide deposits are located within the West Bull Mountain Planning Area (WBMPA) and 93 total landslide deposits within the approximately 13 square miles southwest quarter of the Beaverton quadrangle.
- Eighty-three of these were classified as shallow, nine as deep, and six as debris flow deposits.
- The average landslide area is approximately 20,000 square feet.
- The average depth of failure for the shallow-seated landslides is 8.5 feet. Two square miles of the 13 are classified as highly susceptible, 6.5 square miles as moderately susceptible, and 4.7 square miles as low susceptibility to shallow-seated landslides.
- The average depth of failure for the deep-seated landslides is 26 feet. 0.03 square miles are classified as highly susceptible, 2.5 square miles as moderately susceptible, and 10.5 square miles as low susceptibility to deep-seated landslides.

These results suggest site specific geologic and geotechnical conditions will be important to evaluate during the design and construction of stormwater management facilities in the River Terrace study area. In addition, an assessment of the effects of infiltration on slope stability for developed conditions will need to be performed. .

DOCUMENT 4: *The Report of Preliminary Geological Evaluation West Bull Mountain Planning Area* (GeoDesign, Inc., April 21, 2009) included the following discussion on soil properties and the use of Low Impact Stormwater Management.

The NRCS SSUGRO database provides a mean value of the saturated hydraulic conductivity for all of the soil series mapped in the planning area. Unfortunately, the saturated hydraulic conductivity cannot be used as a direct measure of the infiltration rate used in stormwater infiltration facility design. The saturated hydraulic conductivity is measured using a laboratory apparatus that allows only unidirectional flow. Field-measured infiltration rates used in facility design allow for lateral flow of the infiltrating water. Consequently, the saturated hydraulic conductivity typically underestimates the actual infiltration rates measured in the field. However, measurements of saturated hydraulic conductivity were available throughout the planning area and could be used to provide a relative comparison of infiltration potential for the purpose of this planning evaluation.

The soil properties (e.g., liquid limit, plasticity index, ratio of sand fraction to fines fraction, and saturated hydraulic conductivity) and interpretive characterizations (depths to the impervious layer and groundwater) were used to evaluate the relative potential of each soil series for utilization in low impact stormwater management. The relative rating methodology assigns a low, medium, or high potential for each soil series based on these characterizations. Saturated hydraulic conductivity published in SSUGRO was used as a proxy for the long-term infiltration rate, and the primary factor considered in assigning the soil infiltration potential. Soil series with a reported saturated hydraulic conductivity below 0.1 inch per hour was considered to have a poor infiltration potential. Rates ranging from 0.4 to 0.7 inch per hour were assigned a fair infiltration potential, and conductivities exceeding 1.0 inch per hour were assigned a good infiltration potential. No soil series in the study area reported saturated hydraulic conductivity that fell within the range of greater than 0.1 and less than 0.4, and greater than 0.7 and less than 1.0. For all good potential soil series, the depths to the restrictive layer and groundwater exceeded 6.6 feet. The depth to the restrictive layer exceeded 6.6 feet for the soil series rated as fair infiltration potential, but groundwater depths were less than 6.6 feet. The potential was decreased by one range (for example, a good infiltration potential becomes a fair infiltration potential) for soil series where the reported slope exceeds 12 percent. It is the geotech's opinion that the issues of constructability and directivity to the groundwater flow paths for infiltration ponds constructed on sloping ground justified downgrading the potential for these areas. A copy of the GeoDesign map of the Bull Mountain Planning Area showing areas having poor, fair, and good potential for infiltration determined using this methodology is provided in the attachments as Figure 5.

The City of Portland Stormwater Management Manual sets a minimum infiltration rate of 2-inches per hour for all surface infiltration facilities. A field-measured infiltration rate may be a factor of two or greater than the saturated hydraulic conductivity. Consequently, rates of 0.4 to 0.7 inch per hour and 1.0 inch per hour were used to delineate areas of fair and good infiltration potential for planning purposes.

Figure 5 shows that the infiltration potential is poor in most of the planning area except for the southern portion where there are areas having a fair infiltration potential. Areas of good infiltration potential are limited to one large area at the southern boundary of the planning area along SW Beef Bend Road. The results of geotechnical drilling and laboratory testing performed for this project confirmed that the areas having a poor infiltration potential are underlain by clayey residual soils derived from the underlying basalt bedrock and that the areas having fair to good infiltration potential are underlain by fine-grained Missoula Flood deposits. There was no explanation for the overall poor infiltration potential within the Missoula Flood deposits located in the northern portion of the planning area.

DOCUMENT 5: *Roy Rogers Road Improvements S.W. Beef Bend/Elsner/Scholls-Sherwood Roads* (CH2MHill, November 1999). The construction drawings for this project provide inventory and detailed information for the drainage structures under Roy Rogers Road that drain the River Terrace area towards the west. Relevant drawings from the plan set are included in *Attachment E* for future reference. A summary of the useful information provided on these drawings is as follows:

- Ditches are used to route storm runoff down embankment slopes to the stream crossings.
- Drainage T-2 crosses Roy Rogers Road under a bridge approximately 79 feet long and 43.3 feet wide. High water elevations shown on the detail sheets differ by 2.4 feet (0.75 meters). The greatest elevation shown is 236.3 feet (72.01 meters), and provides approximately 12.4 feet of clearance.
- Three 18-inch diameter culverts 250.3 feet in length with a slope of 0.26 percent are used to pass drainage T-3 under Roy Rogers Road.
- A 6'x6' concrete box-culvert 115.5 feet in length with a slope of 5.0 percent provides the crossing for drainage T-4. The box culvert is counter sunk two feet with concrete baffles to simulate a streambed for fish passage.
- Drainage T-5 crosses Roy Rogers Road in a 160 foot long 48-inch culvert with a 9.8 percent slope and a 156.5 foot long 24-inch culvert with an 8.8 percent slope.

DOCUMENT 6: *The Roshak Pond Overview – West Bull Mountain Planning* (Washington County Department of Land Use and Transportation Planning Division, November 5, 2008) memorandum summarizes the known information regarding the Roshak Pond. The pond was enlarged from a smaller spring fed pond and now stores water for irrigation. The pond has a capacity of approximately 20 acre-feet, which is the maximum allowed per the water right certificate. During the irrigation season when the pond level decreases, the Roshak family pumps water from a well into the pond. A soil boring located in the berm of the pond in March 2009 as a part of the previously mentioned geotechnical report consisted of a layer of soft to medium stiff silt Missoula Flood deposits and a layer of soft to medium stiff clay and silt derived from the basaltic residual soil. The ground water in the boring was found at a depth of 3 feet which corresponded approximately to the

water level in the pond.

The pond is not identified in the County's acknowledged 1983 Goal 5 Program; however, it is identified in the County's 2005 Tualatin Basin Goal 5 Program as Class I and II Riparian and Riparian Impact Area.

The natural resource inventory for West Bull Mountain (PHS, 2008) identifies the pond as a jurisdictional waterbody by the Oregon DSL and/or Corps of Engineers and would therefore, be treated by CWS as a water quality sensitive area requiring a vegetated corridor.

The actual location of the vegetated corridor is determined when a development application is submitted, and depending on slope may be between 50 and 200 feet. Therefore, only a *Vegetated Corridor Proxy* has been mapped around the perimeter of the pond at this time. The *Vegetated Corridor Proxy* is an estimated location of the *Vegetated Corridor* based upon the wetland inventory prepared for this project and the adjacent slopes.

Modifications to the pond are expected to require permits from Oregon DSL and/or Corps of Engineers.

Change in water rights or use of the existing water rights associated with the pond would require coordination with Oregon Water Resources Department.

DOCUMENT 7: The *West Bull Mountain Stormwater Infrastructure Plan* (Otak, February, 2010) describes the stormwater management needs for the River Terrace study area, and includes a portion of Urban Reserve Area 6D. The *West Bull Mountain Stormwater Infrastructure Plan* (WBM SWIP) also documents the guiding input from project stakeholders that were considered in developing the recommended stormwater management concept that will be carried forward into the River Terrace SMP.

The West Bull Mountain Stakeholder Working Group (SWG) put forth two Planning Goals relevant to the planning for West Bull Mountain stormwater management:

- Equitable and Feasible Infrastructure Financing – Creation of an urban infrastructure financing plan will begin early in the process in order to ensure infrastructure is provided and financed in an equitable and feasible manner.

- A Green Community – The West Bull Mountain Community Plan will endeavor to protect significant natural resources, preserve open spaces and habitat corridors, protect water quality by using a watershed approach, respect existing topography, and use sustainable planning practices to create a green community that is practical to develop.

The West Bull Mountain SWG drafted and approved Planning Principles to guide the Concept Plan. Four of the principles are relevant to stormwater management:

- #5. Infrastructure Finance Certainty and Equity – Financing plans for infrastructure (water, sanitary sewer, stormwater, transportation, and parks) should begin early in the planning process and should create certainty for all parties. It should be equitably distributed according to the benefits of urbanization, proportionality of use, and based on a public/private collaboration that explores creative financing tools.
- #8. Preserve/Protect Natural Resource Corridors and View Corridors – The community plan will endeavor to preserve and protect existing natural resource corridors and minimize impact on habitat connectivity as well as protect the scenic views and natural beauty of the area.
- #9. Parks and Open Spaces in the Community – The plan should consider a range of parks, from tot-lots and ball fields to natural areas and community gardens, distributed within West Bull Mountain’s neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods, districts, and natural resource areas such as the Tualatin River National Wildlife Refuge.
- #15. Sustainability – Design and implementation strategies should allow the community to meet the needs of the present without sacrificing the ability of future generations to meet their own needs. The community plan should strive to achieve an ecological look and feel by integrating sustainable planning practices which may include Low Impact Development Applications.

The following list of stormwater management strategies were put forth and considered while developing the SWIP and are carried forward in this Plan.

- Restore/Enhance Vegetated Corridors
- Protect Water Quality
- Preserve Existing Hydrology
- Promote Safe & Long Lasting Stormwater Facilities
- Balance the use of Regional and On-site Stormwater Management
- Preserve Existing Mature Vegetation
- Maximize use of Multi-benefit facilities to create community amenities
- Promote Partnership with Other Public Service Providers

The following list of specific ideas and concepts were generated to accomplish the identified goals, principles, and stormwater strategies. They were considered part of the stormwater approach for West Bull Mountain and guided the stormwater management strategies applied throughout West Bull Mountain in the SWIP. The *Low Impact Development Approaches Handbook* and the *Design and Construction Standards* provide additional detail about each of the stormwater concepts considered.

- Open conveyance elements to enhance “key” pedestrian routes along streets or along stream corridors.
- Low Impact Development Approaches (e.g., eco-roofs, , flow-through planters, etc.). It is assumed that these would be limited to flow-through type facilities unless geotechnical evaluations can demonstrate that infiltration is not expected to contribute to slope instability.
- Minimize Impervious Area (e.g., clustered development, “skinny” streets, reduced parking, pervious pavement, etc.).
- Regional Detention/Water Quality facilities parallel to Roy Rogers and/or a new interior street that is also parallel to Roy Rogers.
- Re-use for irrigation.
- Increased conveyance between site and the Tualatin River (e.g., High flow by-pass pipe or stream restoration)

Two alternative stormwater management concepts were developed for the study area and compared using a set of qualitative criteria. The final strategy was a hybrid, which made use of portions of each alternative. One alternative made use of regional facilities and was more applicable in some of the drainage basins, while the other was a better solution in other drainage basins that could make use of LIDA. The final strategy applies the best of both alternatives to match the characteristics and needs of each drainage basin. The WBM SWIP document should be consulted for further details on the alternatives analysis.

Attachment B — Cost Estimate



RIVER TERRACE STORMWATER MASTER PLAN

Stormwater Management Infrastructure Cost Estimate (prepared in 2014)

ITEM DESCRIPTION	UNIT	UNIT PRICE	WATER QUALITY AND DETENTION POND											DETENTION POND		HIGH-FLOW CONVEYANCE			TOTALS
			WQSMB	WQ2_5AC	WQ2_5B	WQ2_7A	WQ2_7B	WQ3_2A	WQ3_2C	WQ4_4A	WQ4_4C	WQ5_6C	WQ10_3A	T2_6	T5_6b	T8(North)	T8(South)	T9	
MOBILIZATION		10%	\$33,687	\$120,209	\$65,956	\$93,247	\$32,130	\$58,738	\$41,392	\$43,364	\$32,394	\$32,977	\$24,596	\$104,618	\$91,792	\$107,540	\$120,094	\$83,203	\$1,085,939
TEMPORARY TRAFFIC CONTROL		2%	\$6,737	\$24,042	\$13,191	\$18,649	\$6,426	\$11,748	\$8,278	\$8,673	\$6,479	\$6,595	\$4,919	\$20,924	\$18,358	\$21,508	\$24,019	\$16,641	\$217,188
TEMPORARY EROSION CONTROL		2%	\$6,737	\$24,042	\$13,191	\$18,649	\$6,426	\$11,748	\$8,278	\$8,673	\$6,479	\$6,595	\$4,919	\$20,924	\$18,358	\$21,508	\$24,019	\$16,641	\$217,188
EXCAVATION & GRADING	CY	\$16	\$40,270	\$226,190	\$115,321	\$121,646	\$27,686	\$92,153	\$20,586	\$71,051	\$47,367	\$17,863	\$30,719	\$212,637	\$98,010	\$0	\$0	\$0	\$1,121,498
AMENDED SOIL	CY	\$20	\$8,753	\$59,693	\$29,847	\$31,863	\$6,453	\$15,528	\$2,783	\$17,343	\$10,204	\$3,146	\$5,647	\$0	\$0	\$0	\$0	\$0	\$191,261
LANDSCAPE PLANTING & ESTABLISHMENT IRRIGATION	AC	\$150,000	\$61,500	\$304,200	\$154,650	\$165,000	\$40,500	\$156,450	\$37,500	\$100,650	\$72,150	\$30,000	\$49,500	\$260,100	\$202,500	\$0	\$0	\$0	\$1,634,700
BIODEGRADABLE GEOTEXTILE	SY	\$4	\$7,938	\$39,262	\$19,960	\$21,296	\$5,227	\$20,192	\$4,840	\$12,991	\$9,312	\$3,872	\$6,389	\$33,570	\$26,136	\$0	\$0	\$0	\$210,985
RIP RAP OUTFALL PROTECTION	EA	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$4,000	\$2,000	\$0	\$1,000	\$0	\$29,000
PRE-TREATMENT DEVICE	EA	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$0	\$0	\$0	\$0	\$0	\$110,000
DITCH INLET	EA	\$2,500	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$2,500	\$2,500	\$0	\$0	\$0	\$60,000
MAINTENANCE ACCESS ROAD	SF	\$4	\$16,000	\$24,000	\$22,000	\$20,000	\$16,000	\$16,000	\$10,000	\$10,000	\$10,000	\$12,000	\$12,000	\$68,000	\$36,000	\$0	\$0	\$0	\$272,000
FLOW CONTROL MANHOLE	EA	\$10,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$0	\$0	\$0	\$260,000
CONCRETE MANHOLE	EA	\$7,000	\$7,000	\$0	\$0	\$7,000	\$7,000	\$0	\$21,000	\$0	\$0	\$0	\$0	\$0	\$0	\$35,000	\$35,000	\$28,000	\$140,000
FLOW SPLIT MANHOLE	EA	\$15,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,000	\$0	\$30,000	\$45,000
24 INCH STORM SEW PIPE, 10 FT	LF	\$100	\$0	\$0	\$0	\$38,000	\$0	\$0	\$104,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$142,000
30 INCH STORM SEW PIPE, 10 FT	LF	\$150	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$80,250	\$80,250
36 INCH STORM SEW PIPE, 20 FT	LF	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$240,000	\$240,000
48 INCH STORM SEW PIPE, 20 FT	LF	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$445,000	\$512,500	\$0	\$957,500
CONCRETE BOX CULVERT 6x8' (COUNTERSUNK)	LF	\$1,400	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$140,000	\$0	\$0	\$0	\$140,000
TRENCH SURFACE RESTORATION	AC	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$122,590	\$141,185	\$99,575	\$363,349
OPEN CONVEYANCE	LF	\$50	\$15,000	\$0	\$0	\$93,700	\$44,650	\$0	\$0	\$0	\$0	\$85,500	\$0	\$0	\$0	\$0	\$0	\$0	\$238,850
CONSTRUCTION CONTINGENCY		40%	\$96,249	\$343,455	\$188,447	\$266,421	\$91,799	\$167,823	\$118,263	\$123,898	\$92,554	\$94,219	\$70,276	\$298,909	\$262,262	\$307,258	\$343,127	\$237,724	\$3,102,683
TOTAL CONSTRUCTION COSTS			\$336,871	\$1,202,093	\$659,563	\$932,472	\$321,297	\$587,380	\$413,921	\$433,643	\$323,940	\$329,768	\$245,965	\$1,046,182	\$917,915	\$1,075,405	\$1,200,943	\$832,034	\$10,859,392
PRELIMINARY ENGINEERING		25%	\$84,218	\$300,523	\$164,891	\$233,118	\$80,324	\$146,845	\$103,480	\$108,411	\$80,985	\$82,442	\$61,491	\$261,545	\$229,479	\$268,851	\$300,236	\$208,009	\$2,714,848
PERMITTING		5%	\$16,844	\$60,105	\$32,978	\$46,624	\$16,065	\$29,369	\$20,696	\$21,682	\$16,197	\$16,488	\$12,298	\$52,309	\$45,896	\$53,770	\$60,047	\$41,602	\$542,970
CONSTRUCTION ADMINISTRATION		20%	\$67,374	\$240,419	\$131,913	\$186,494	\$64,259	\$117,476	\$82,784	\$86,729	\$64,788	\$65,954	\$49,193	\$209,236	\$183,583	\$215,081	\$240,189	\$166,407	\$2,171,878
SUBTOTAL, IMPLEMENTATION			\$505,306	\$1,803,140	\$989,344	\$1,398,708	\$481,946	\$881,071	\$620,882	\$650,465	\$485,909	\$494,652	\$368,947	\$1,569,273	\$1,376,873	\$1,613,107	\$1,801,415	\$1,248,051	\$16,289,088
LAND ACQUISITION	SF	\$9.00	\$160,736	\$795,057	\$404,193	\$431,244	\$105,851	\$408,898	\$98,010	\$263,059	\$188,571	\$78,408	\$129,373	\$679,797	\$529,254	\$0	\$0	\$0	\$4,272,452
EASEMENT ACQUISITION	SF	\$4.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$246,000	\$173,500	\$419,500
STAFFING COSTS	LS	1	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$35,000	\$35,000	\$35,000	\$755,000
APPRAISAL COSTS	LS	1	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$20,000	\$10,000	\$20,000	\$115,000
TOTAL			\$721,042	\$2,653,197	\$1,448,538	\$1,884,952	\$642,797	\$1,344,968	\$773,892	\$968,523	\$729,481	\$628,060	\$553,320	\$2,304,070	\$1,961,127	\$1,668,107	\$2,092,415	\$1,476,551	\$21,851,040

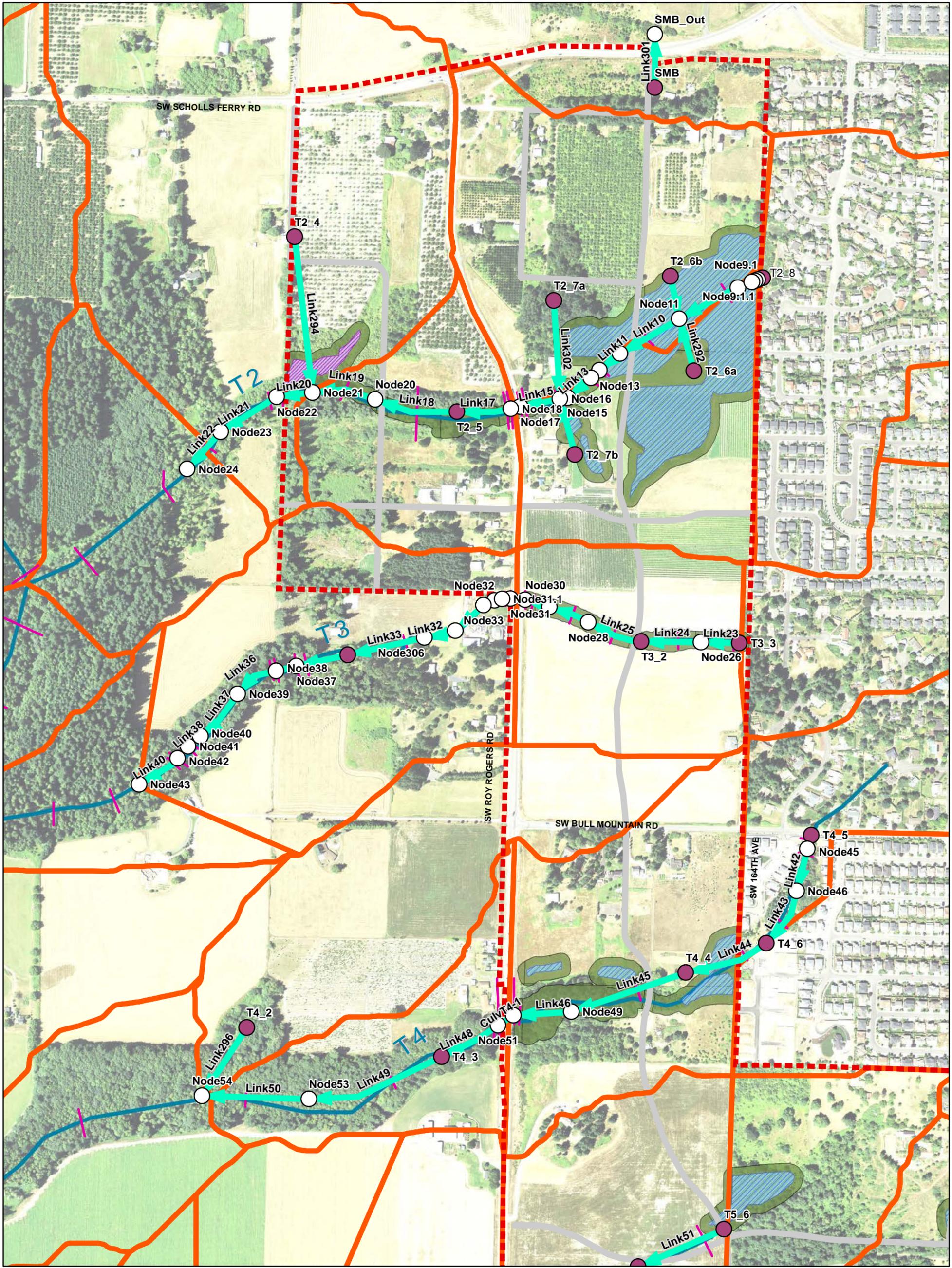
RIVER TERRACE STORMWATER MASTER PLAN

Stormwater Management Infrastructure Quantity Estimate

ITEM DESCRIPTION	UNIT	AMOUNT	WATER QUALITY AND DETENTION POND											DETENTION POND		HIGH-FLOW CONVEYANCE		
			WQSMB	WQ2_5AC	WQ2_5B	WQ2_7A	WQ2_7B	WQ3_2A	WQ3_2C	WQ4_4A	WQ4_4C	WQ5_6C	WQ10_3A	T2_6	T5_6b	T8 (North)	T8 (South)	T9
EXCAVATION & GRADING	CY	70,094	2517	14137	7208	7603	1730	5760	1287	4441	2960	1116	1920	13290	6126			
AMENDED SOIL	CY	9,563	438	2985	1492	1593	323	776	139	867	510	157	282					
LANDSCAPE PLANTING & ESTABLISHMENT IRRIGATION	AC	11	0.410	2.028	1.031	1.100	0.27	1.043	0.250	0.671	0.481	0.200	0.330	1.734	1.350			
BIODEGRADABLE GEOTEXTILE	SY	52,746	1984	9816	4990	5324	1307	5048	1210	3248	2328	968	1597	8393	6534			
RIP RAP OUTFALL PROTECTION	EA	29	2	2	2	2	2	2	2	2	2	2	2	4	2		1	
PRE-TREATMENT DEVICE	EA	11	1	1	1	1	1	1	1	1	1	1	1					
DITCH INLET	EA	24	2	2	2	2	2	2	2	2	2	2	2	1	1			
MAINTENANCE ACCESS ROAD	SF	68,000	4000	6000	5500	5000	4000	4000	2500	2500	2500	3000	3000	17000	9000			
FLOW CONTROL MANHOLE	EA	26	2	2	2	2	2	2	2	2	2	2	2	2	2			
CONCRETE MANHOLE - 60"	EA	20	1			1	1		3					0	0	5	5	4
FLOW SPLIT MANHOLE	EA	3														1		2
24 INCH STORM SEW PIPE, 20 FT	LF	1,420				380			1040									
30 INCH STORM SEW PIPE, 10 FT	LF	535																535
36 INCH STORM SEW PIPE, 20 FT	LF	1,200																1,200
48 INCH STORM SEW PIPE, 20 FT	LF	3,830														1,780	2,050	
CONCRETE BOX CULVERT 6'x8' (COUNTERSUNK)	LF	100													100			
TRENCH SURFACE RESTORATION	AC	3.6														1.2	1.4	1.0
OPEN CONVEYANCE	LF	4,777	300			1874	893					1,710						

Attachment C — XPSWMM Model Schematic

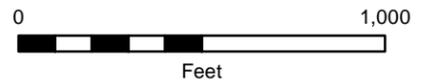




River Terrace Stormwater Master Plan
XPSWMM
Existing Schematic
T2, T3, T4, and SMB

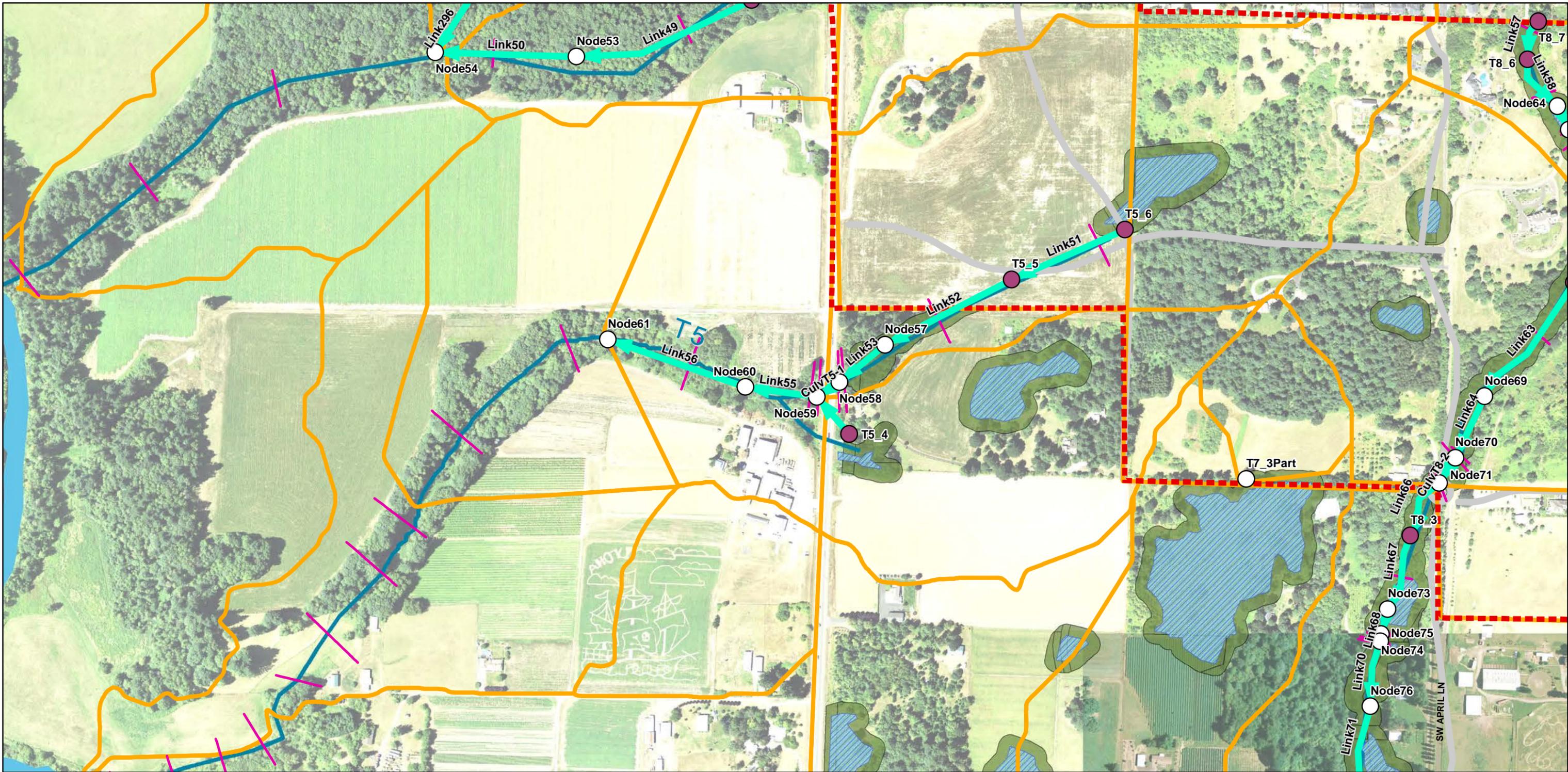
Legend

- XPSWMM Node
- XPSWMM Runoff Node
- XPSWMM Link
- ▤ River Terrace Study Area
- HEC RAS XS
- ▭ Existing Sub-Basin
- Street (Future)
- Sensitive Areas**
- ▨ Significant Wetlands
- ▨ Inventoried Wetlands
- Existing Drainageway
- ▭ Natural Resource Buffers



Data on this map is from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.





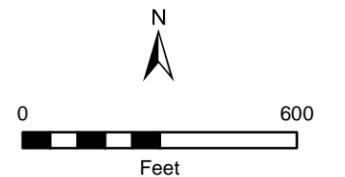
River Terrace Stormwater Master Plan

XPSWMM
Existing Schematic
T5

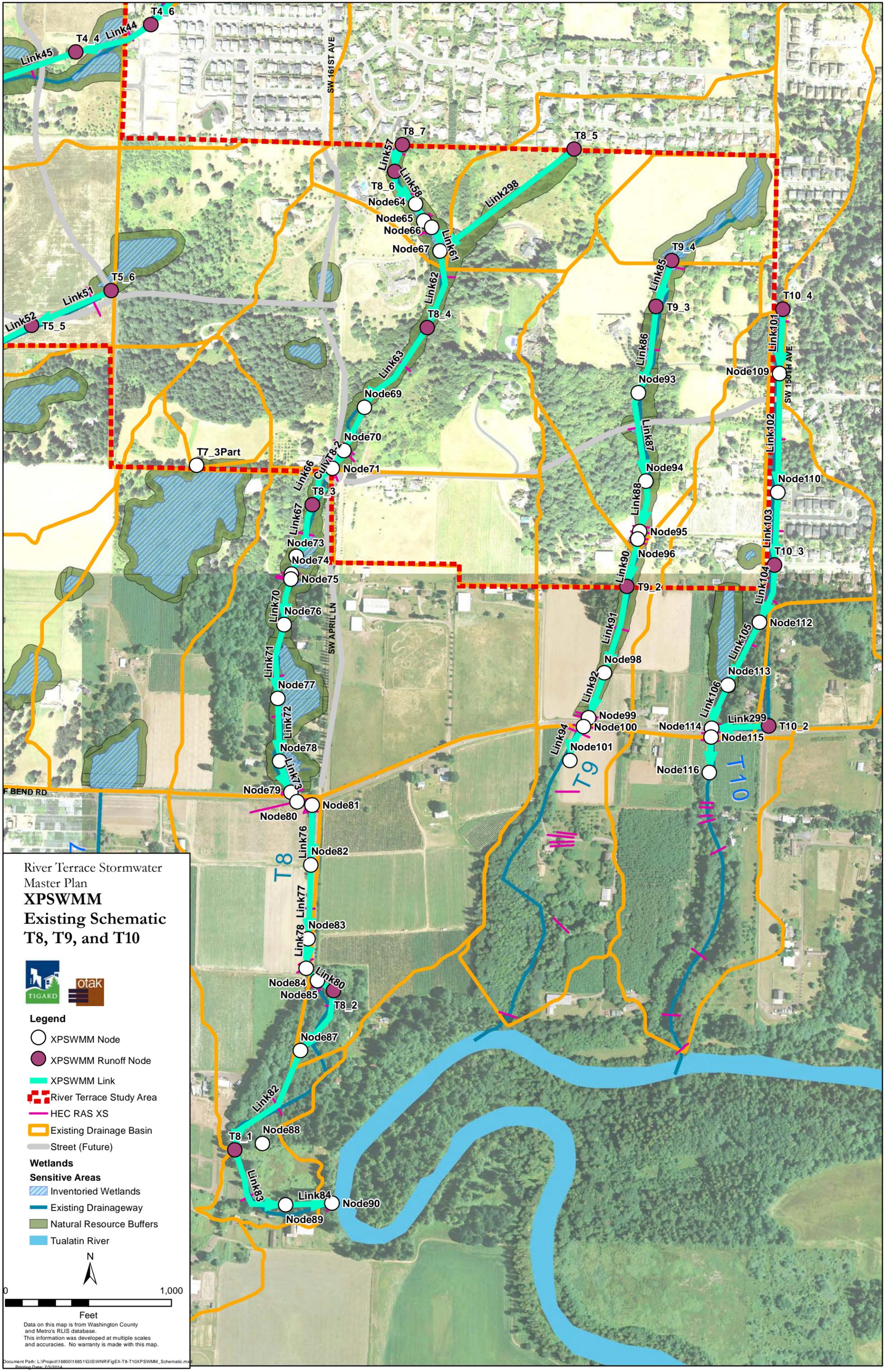


Legend

- XPSWMM Node
- XPSWMM Runoff Node
- XPSWMM Link
- River Terrace Study Area
- HEC RAS XS
- Existing Drainage Basin
- Street (Future)
- Wetlands**
- Inventoried Wetlands
- Sensitive Areas**
- Existing Drainageway
- Natural Resource Buffers
- Tualatin River



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River Terrace Stormwater
Master Plan
XPSWMM
Existing Schematic
T8, T9, and T10



- Legend**
- XPSWMM Node
 - XPSWMM Runoff Node
 - XPSWMM Link
 - ▬ River Terrace Study Area
 - HEC RAS XS
 - Existing Drainage Basin
 - Street (Future)
- Wetlands**
- Sensitive Areas**
- ▨ Inventoried Wetlands
 - Existing Drainageway
 - ▨ Natural Resource Buffers
 - Tualatin River



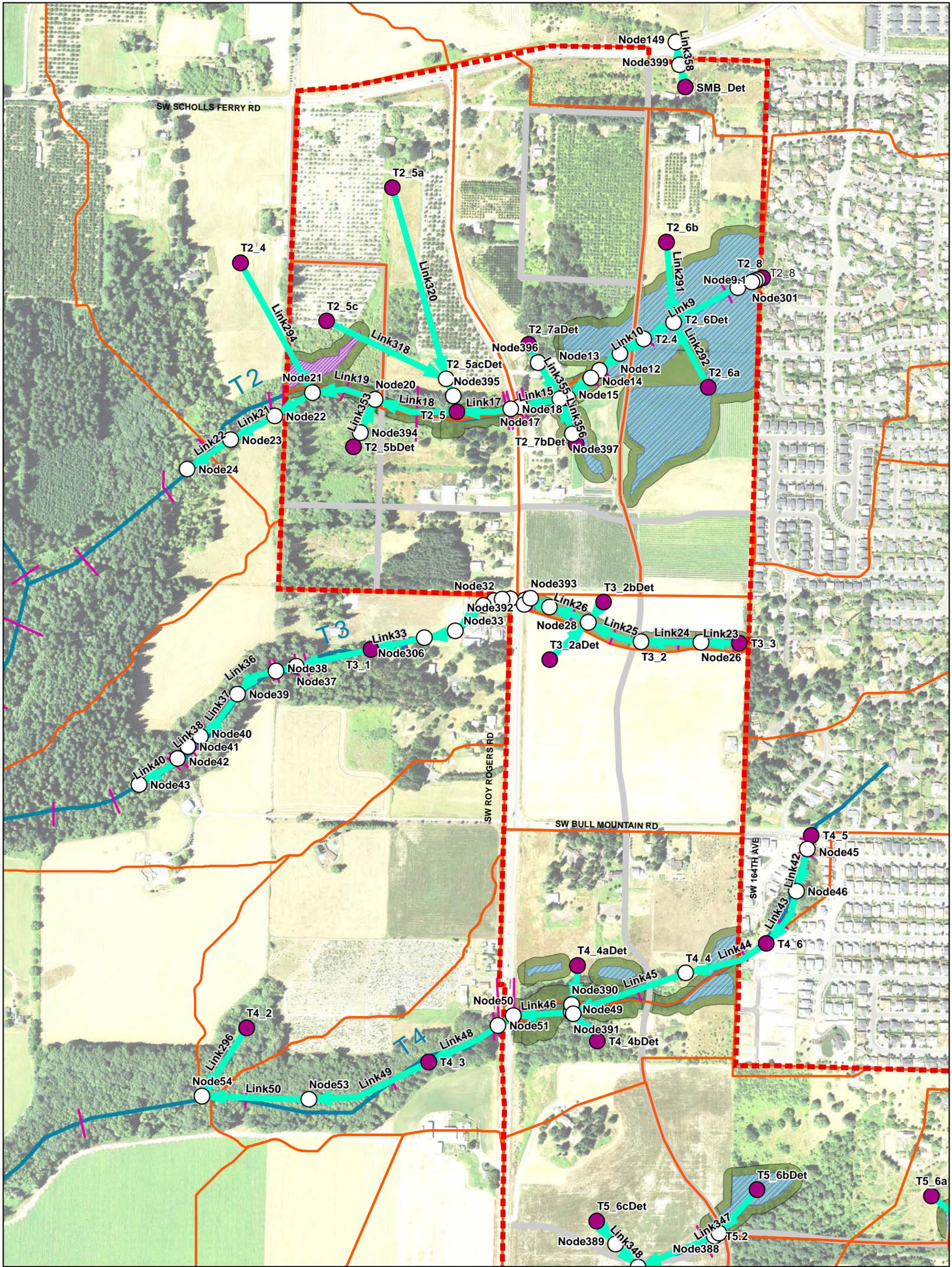
Data on this map is from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.

XPSWMM NODE INPUT: EXISTING CONDITIONS MODEL

Node Name	Area (ac)	Impervious %	Curve Number (CN)	Time of Concentration (min)
SMB	0.5	100	98	5
	10.62	0	83	16.5
T10_2	3.286	100	98	5
	9.491	0	91	20
T10_3	6.56	100	98	5
	37.792	0	81	20
T10_4	5.465	100	98	5
	12.937	0	83	20.4
T2_4	9.957	100	98	5
	108.014	0	78	27.2
T2_5	3.72	100	98	5
	26.136	0	74	20
T2_6a	3.08	100	98	5
	11.45	0	85	20
T2_6b	22.563	0	77	24.9
T2_7a	31.171	0	80	24.9
T2_7b	2.39	100	98	5
	17.38	0	84	20
T2_8	19.658	100	98	5
	35.099	0	84	20.4
T3_1	1.301	100	98	5
	88.417	0	76	26.3
T3_2	2.541	100	98	5
	30.757	0	82	20
T3_3	20.006	100	98	5
	45.502	0	83	20.4
T4_2	1.789	100	98	5
	51.93	0	80	25.2
T4_3	1.948	100	98	5
	25.531	0	73	18.4
T4_4	1.574	100	98	5
	45.7	0	78	20

(Cont.)

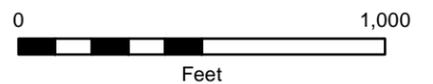
Node Name	Area (ac)	Impervious %	Curve Number (CN)	Time of Concentration (min)
T4_5	12.075	100	98	5
	31.407	0	82	20.4
T4_6	13.267	100	98	5
	24.966	0	83	20.4
T5_4	1.02	100	98	5
	30.56	0	78	25.6
T5_5	2.015	100	98	5
	42.964	0	87	20.6
T5_6	0.523	100	98	5
	25.892	0	76	20
T8_1	2.13	100	98	5
	37.464	0	86	25
T8_2	1.595	100	98	5
	35.661	0	85	25
T8_3	1.782	100	98	5
	78.482	0	83	38.8
T8_4	4.026	100	98	5
	51.429	0	78	20
T8_5	4.109	100	98	5
	23.879	0	74	20.4
T8_6	0.398	100	98	5
	9.185	0	70	20
T8_7	22.14	100	98	5
	62.463	0	83	20.4
T9_2	0.841	100	98	5
	21.473	0	82	20
T9_3	0.974	100	98	5
	36.632	0	76	10
T9_4	0.298	100	98	5
	14.161	0	83	20



River Terrace Stormwater Master Plan
XPSWMM
Proposed Schematic
T2, T3, T4, and SMB

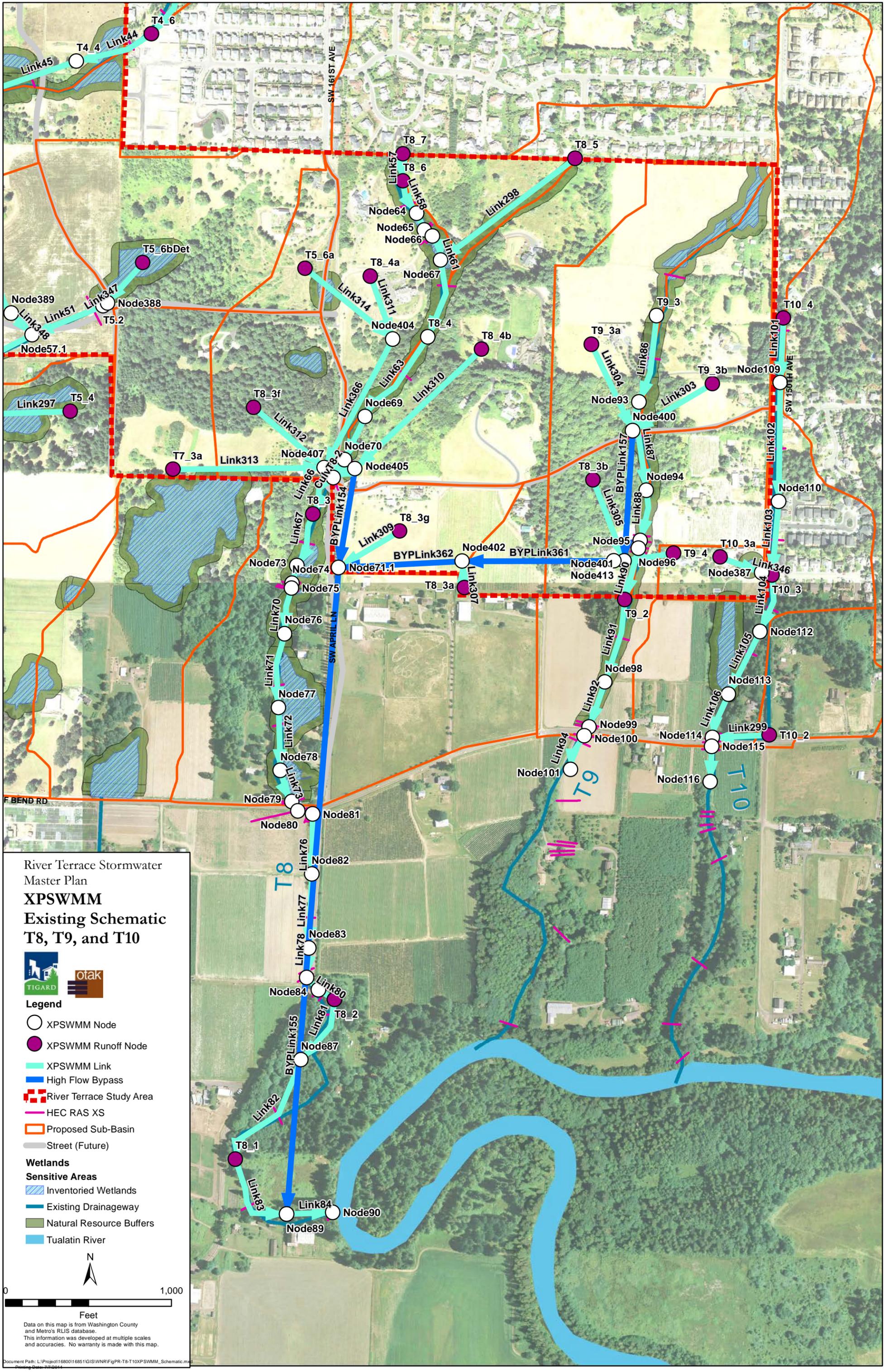
Legend

- XPSWMM Node
- XPSWMM Runoff Node
- XPSWMM Link
- ▤ River Terrace Study Area
- HEC RAS XS
- ▭ Proposed Sub-Basin
- Street (Future)
- Sensitive Areas**
- ▨ Significant Wetlands
- ▨ Inventoried Wetlands
- Existing Drainageway
- ▨ Natural Resource Buffers



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River Terrace Stormwater Master Plan
XPSWMM
Existing Schematic
T8, T9, and T10



- Legend**
- XPSWMM Node
 - XPSWMM Runoff Node
 - XPSWMM Link
 - High Flow Bypass
 - ▤ River Terrace Study Area
 - HEC RAS XS
 - ▭ Proposed Sub-Basin
 - Street (Future)
- Wetlands**
- Sensitive Areas**
- ▨ Inventoried Wetlands
 - Existing Drainageway
 - ▭ Natural Resource Buffers
 - Tualatin River



Data on this map is from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.

XPSWMM NODE INPUT: PROPOSED CONDITIONS MODEL

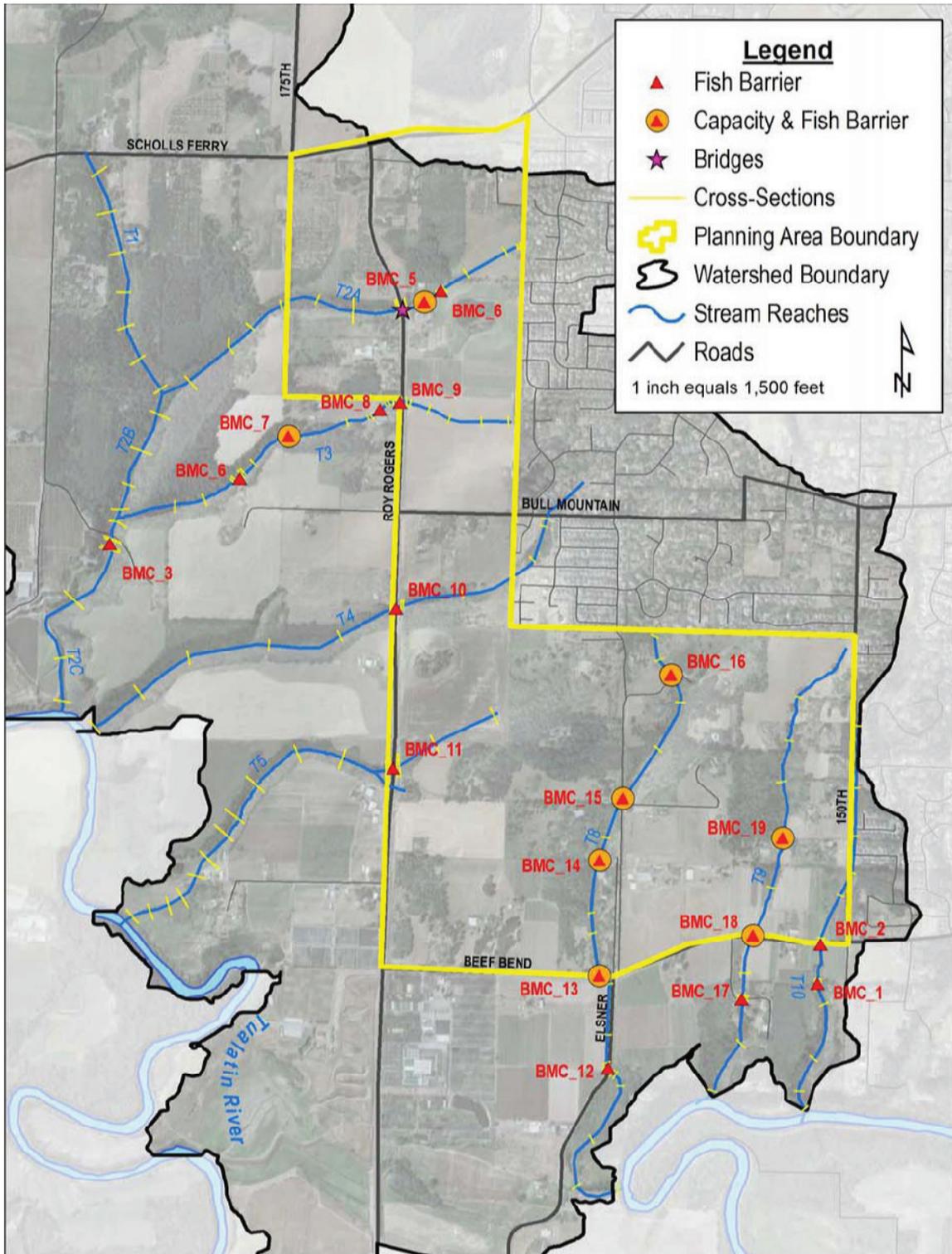
Node Name	Area (ac)	Impervious %	Curve Number (CN)	Time of Concentration (min)
SMB_Det	6.45	100	98	5
	3.96	0	85	10
T10_2	3.286	100	98	5
	9.491	0	91	20
T10_3	13.38	100	98	5
	16.75	0	81	20
T10_3a	3.35	100	98	5
	3.35	0	85	10
T10_4	5.465	100	98	5
	12.94	0	83	20.4
T2_4	7.119	100	98	5
	77.31	0	78	27.2
T2_5	0	0	98	5
T2_5a	18.71	100	98	5
	14.18	0	85	10
T2_5bDet	17.29	100	98	5
	14.22	0	85	10
T2_5c	4.5	100	98	5
	4.49	0	85	10
T2_6a	14.51	100	98	5
	11.58	0	85	10
T2_6b	7.58	100	98	5
	8.58	0	85	10
T2_7aDet	22.09	100	98	5
	15.58	0	85	10
T2_7bDet	11.09	100	98	5
	5.67	0	85	10
T2_8	19.66	100	98	5
	35.1	0	84	20.4
T3_1	1.16	100	98	5
	79.21	0	76	26.3
T3_2	0	0	98	5
T3_2aDet	18.05	100	98	5
	15.37	0	85	10
T3_2bDet	3.8	100	98	5
	3.47	0	85	10
T3_3	20.01	100	98	5
	45.5	0	83	20.4
T4_2	1.438	100	98	5
	41.74	0	80	25.2
T4_3	1.948	100	98	5
	25.53	0	73	18.4
T4_4	0	0	98	5
T4_4aDet	15.35	100	98	5
	13.47	0	85	10
T4_4bDet	7.55	100	98	5
	7.4	0	85	10
T4_5	12.08	100	98	5
	31.41	0	82	20.4

(Cont.)

Node Name	Area (ac)	Impervious %	Curve Number (CN)	Time of Concentration (min)
T4_6	13.267	100	98	5
	24.966	0	83	20.4
T5_4	0.874	100	98	5
	26.171	0	78	25.6
T5_5	0.166	100	87	5
	4.972	0	87	10
T5_6a	3.06	100	98	5
	3.06	0	85	10
T5_6bDet	15.57	100	98	5
	14.02	0	85	10
T5_6cDet	13.98	100	98	5
	11.51	0	85	10
T7_3a	7.2	100	98	5
	7.07	0	85	10
T8_1	2.13	100	98	5
	37.464	0	86	25
T8_2	1.595	100	98	5
	35.661	0	85	25
T8_3	1.4	100	98	5
	61.696	0	83	38.8
T8_3a	2.81	100	98	5
	2.8	0	85	10
T8_3b	5.74	100	98	5
	5.74	0	85	10
T8_3f	8.61	100	98	5
	8.55	0	85	10
T8_3g	5.95	100	98	5
	5.91	0	85	10
T8_4a	9.54	100	98	5
	10.33	0	85	10
T8_4b	18.13	100	98	5
	20.04	0	85	10
T8_5	1.861	100	98	5
	10.813	0	74	20.4
T8_6	3.69	100	98	5
	4.51	0	85	10
T8_7	22.14	100	98	5
	62.463	0	83	20.4
T9_2	0.453	100	98	5
	11.56	0	82	16.5
T9_3a	11.75	100	98	5
	13.61	0	85	10
T9_3b	8.88	100	98	5
	9.72	0	85	10
T9_4	5.56	100	98	5
	5.56	0	85	10

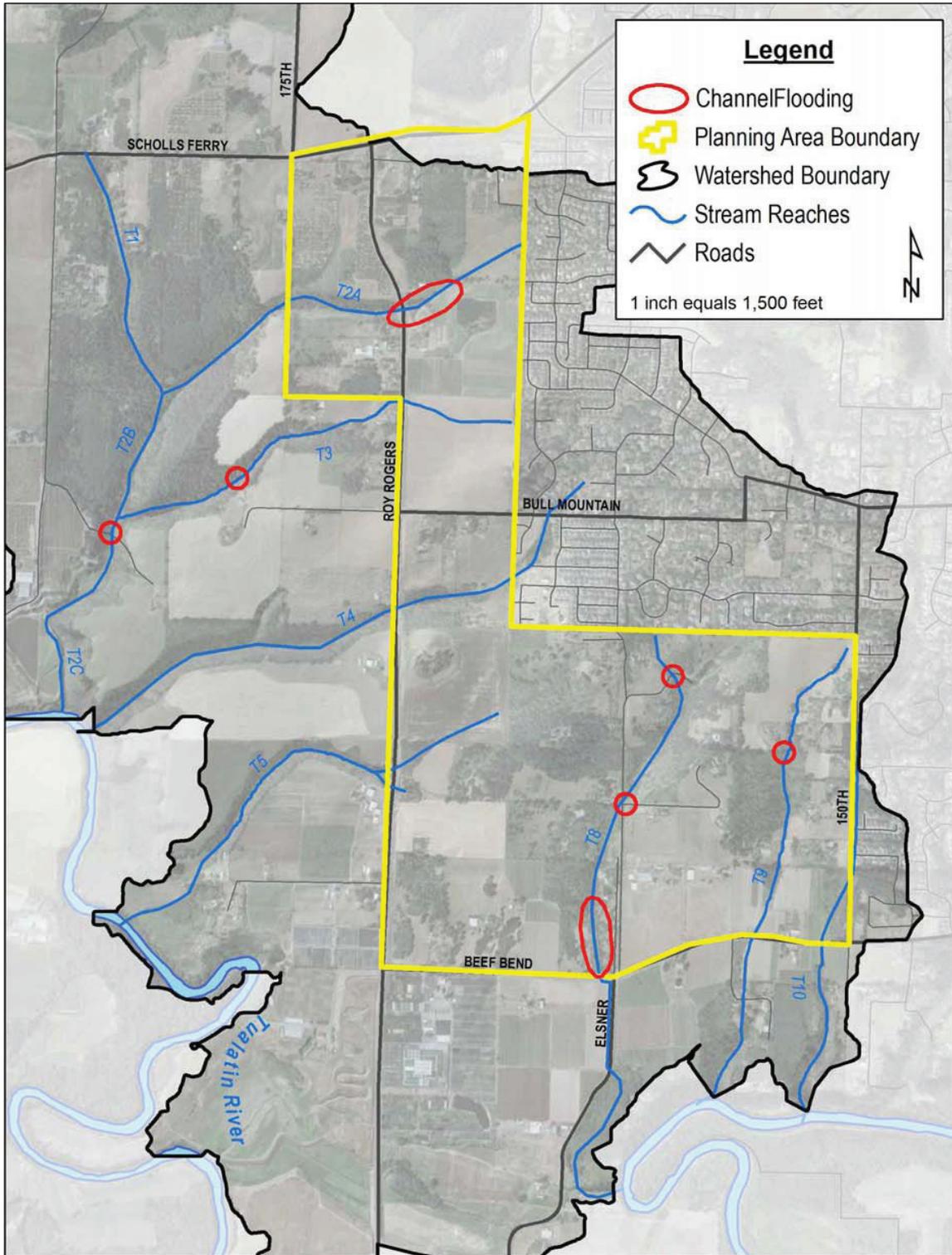
Attachment D — Figures from West Bull Mountain
Hydrologic and Hydraulic Analysis (HDR, 2008)





Summary of Problem Areas

FIGURE 4-1

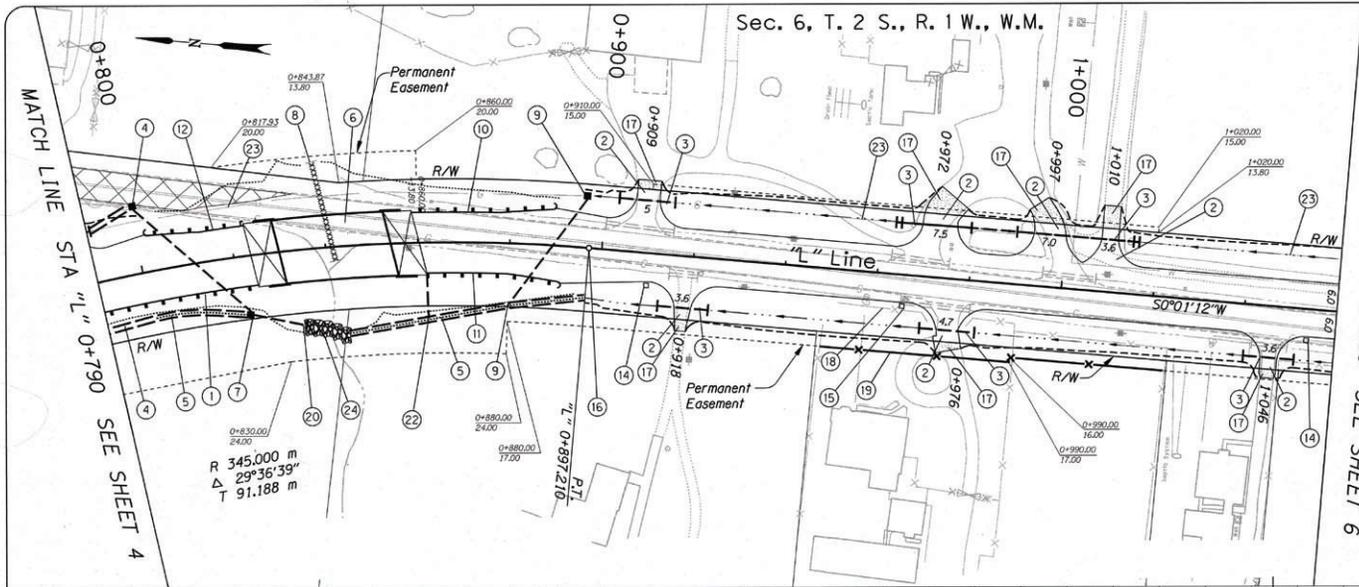


Flooding and Under Capacity Channels

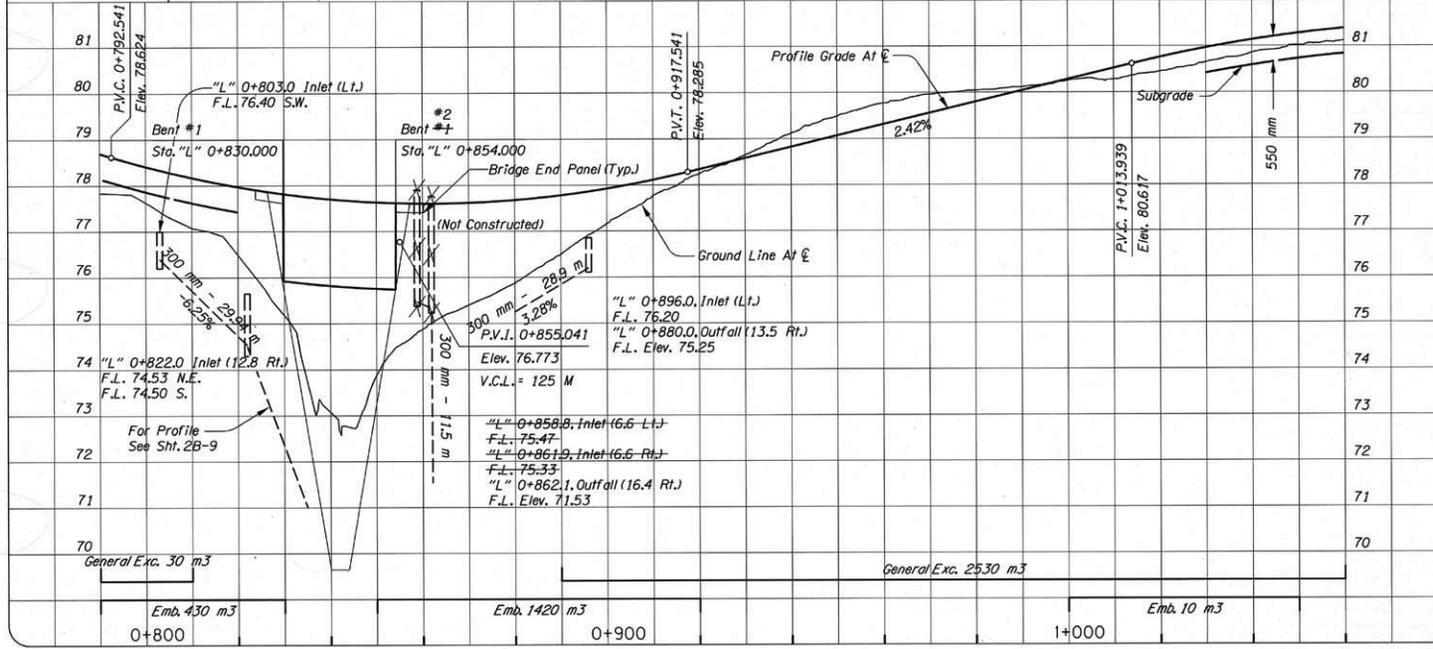
FIGURE 4-2

Attachment E — Drawings from Roy Rogers Road
Improvement Project





MATCH LINE STA "L" 1+060 SEE SHEET 6



AS BUILT DRAWINGS
 Revisions Drawn By R. Luke Date Jan 24, 2003

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Remove Extg. Surfacing
 And Base Shown Thus:

0 10 20 30 40 50
 Horizontal Scale In Meters

0.0 1.0 2.0 3.0 4.0 5.0
 Vertical Scale In Meters

99/00

THE CONTRACT DOCUMENTS AND SPECIFICATIONS GOVERNING THE WORK SHOWN ON THIS DRAWING ARE THE STANDARD CONTRACT DOCUMENTS AND SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, PUBLISHED BY THE METRIC DIVISION OF THE ROAD & TRANSPORTATION DEPARTMENT, CANADA, IN NOVEMBER, 1988.

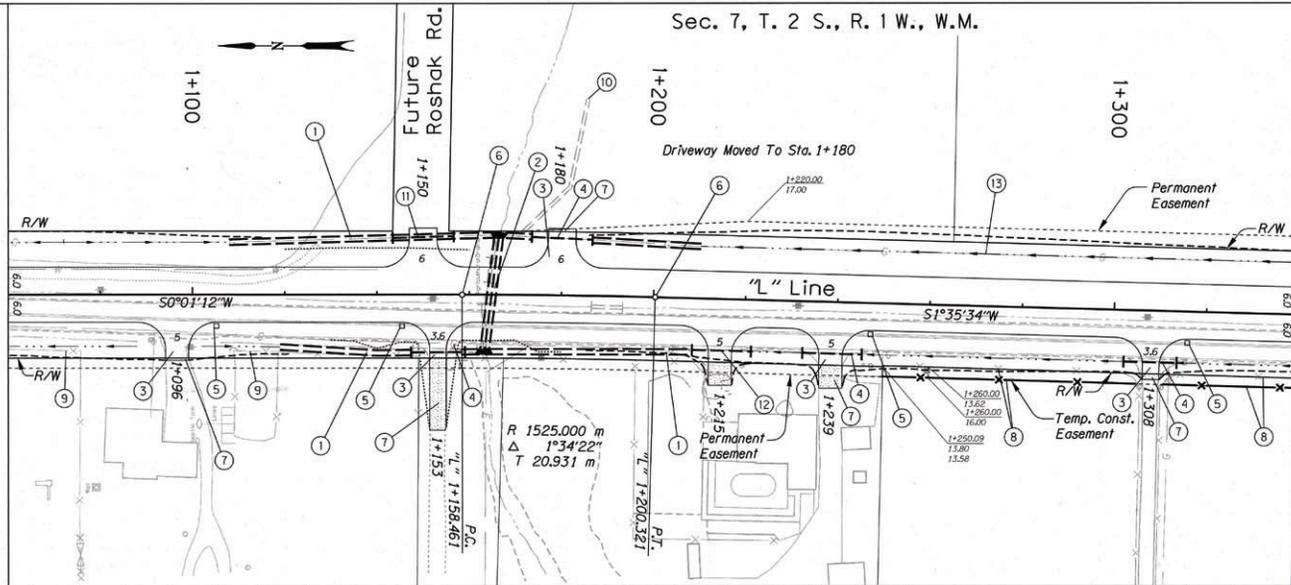
PROJECT NUMBER **2265** BY DATE **18/9/03**
 DRAWN BY **BDL** / **11/98** DESIGNED BY **BLJ** / **98**
 CHECKED **NAH** / **11/98**

CH2MHILL

METRIC
 WASHINGTON COUNTY
 DEPARTMENT OF
 LAND USE AND
 TRANSPORTATION

SHEET NO **5**

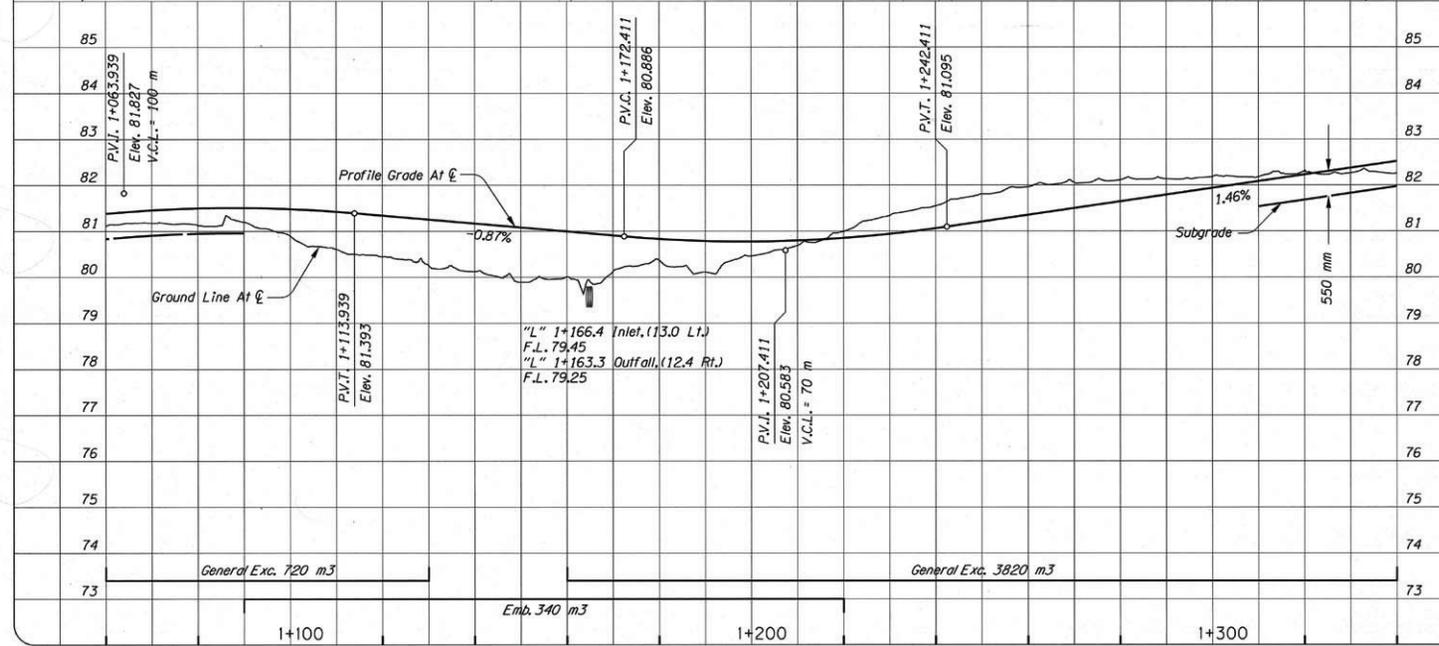
MATCH LINE STA "L" 1+060 SEE SHEET 5



MATCH LINE STA "L" 1+340 SEE SHEET 7

- ① Const. Swale Type B
- ② Sta. "L" 1+163.30 Rt. To 1+166.40 Lt.
Inst. 3-450 mm Culvert Pipe - 76.3 m
Const. Paved End Slope, Rt. & Lt. - 11.2 m²
(See ODOT Std. Drg. No. RD312, RD315)
- ③ Const. Asph. Appr. - 5
- ④ Inst. 300 mm Culvert Pipe - 49.3 m
- ⑤ Inst. Single Mail Box Support - 4
- ⑥ Sta. "L" 1+158.461 @
Sta. "L" 1+200.321 @
Inst. Monument Box
- ⑦ Const. Gravel Conn. - 5
- ⑧ Remove And Rebuild Extg. Rail Fence To
Easement Line - Approx 110 m
- ⑨ Remove Extg. Fence
- ⑩ 300 mm (6") PVC Drain Tile
- ⑪ F/E Added, Sta. "L" 1+150
300 mm Culvert Pipe Added - 13.2 m
- ⑫ D/W Added, Sta. "L" 1+215 Rt.
300 mm Culvert Pipe Added - 12.8 m
- ⑬ 300 mm (12") High Pressure Steel
NW Natural Gas Main, Located
Generally 10.8 m Lt. of @ Beneath Swale.

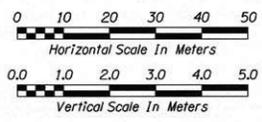
gpray



AS BUILT DRAWINGS

Revisions Drawn By R. Luke Date Jan 24, 2003

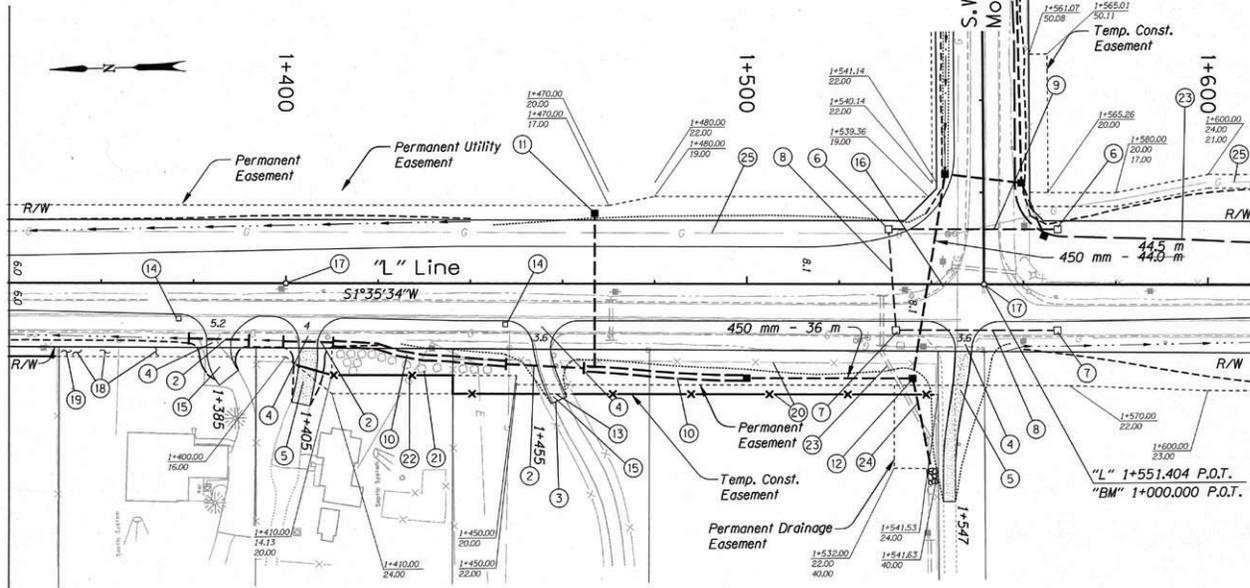
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PROJECT NUMBER 2265	DATE	BY	APP.
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Sec. 7, T. 2 S., R. 1 W., W.M.

MATCH LINE STA "L" 1+340 SEE SHEET 6



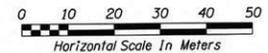
Note:
 1. For Road & Drainage Design Of S.W. Bull Mountain Road, See Sht. 7C.
 2. For Intersection Grading Of S.W. Bull Mountain Road, See Sht. 2G.

MATCH LINE STA "L" 1+610 SEE SHEET 8

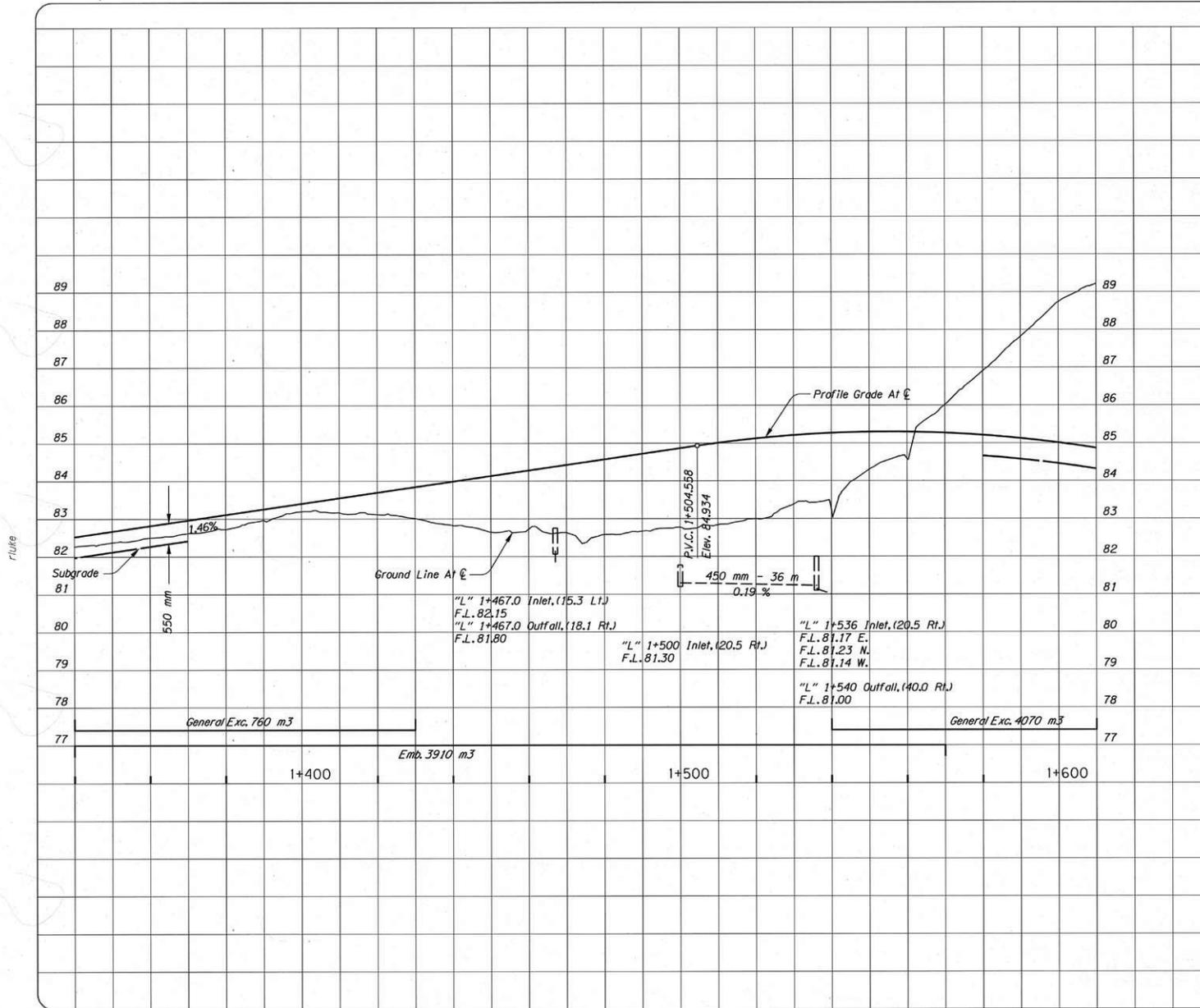
AS BUILT DRAWINGS

Revisions Drawn By R. Luke Date Jan 24, 2003

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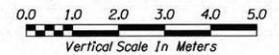
SHEET NO	7
PROJECT NUMBER	2265
NO. REVISION	
DATE BY APP.	
THE CONTRACT DOCUMENTS AND DRAWINGS SHALL BE OPENLY AVAILABLE TO ANY MEMBER OF THE PUBLIC FOR THE PURPOSE OF OBTAINING INFORMATION FROM THE CONTRACT DOCUMENTS DRAWINGS AND SPECIFICATIONS.	
METRIC	
WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION	
BEEF BEND/ELSNER/SCHOLLS-SHERWOOD	
CH2MHILL	
DRAWN BY	EBL 11/29/99
DESIGNED BY	BAJ 11/29/99
CHECKED BY	NAH 11/29/99



AS BUILT DRAWINGS

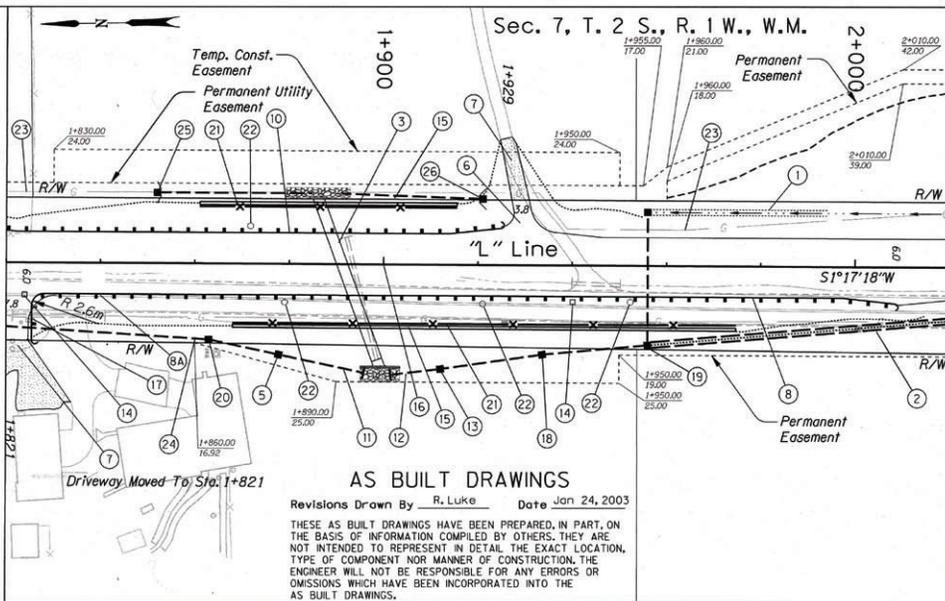
Revisions Drawn By R. Luke Date Apr 4, 2002

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SHEET NO 7B	BEEF BEND/ELSNER/ SCHOLLS-SHERWOOD	 METRIC WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION	CH2MHILL	PROJECT NUMBER 2265	NO. REVISION 	DATE BY APP.
				CHECKED DATE 05-APR-2002	DESIGNED DATE 05-APR-2002	DRAWN DATE 05-APR-2002

MATCH LINE STA "L" 1+820 SEE SHEET 8

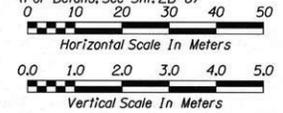
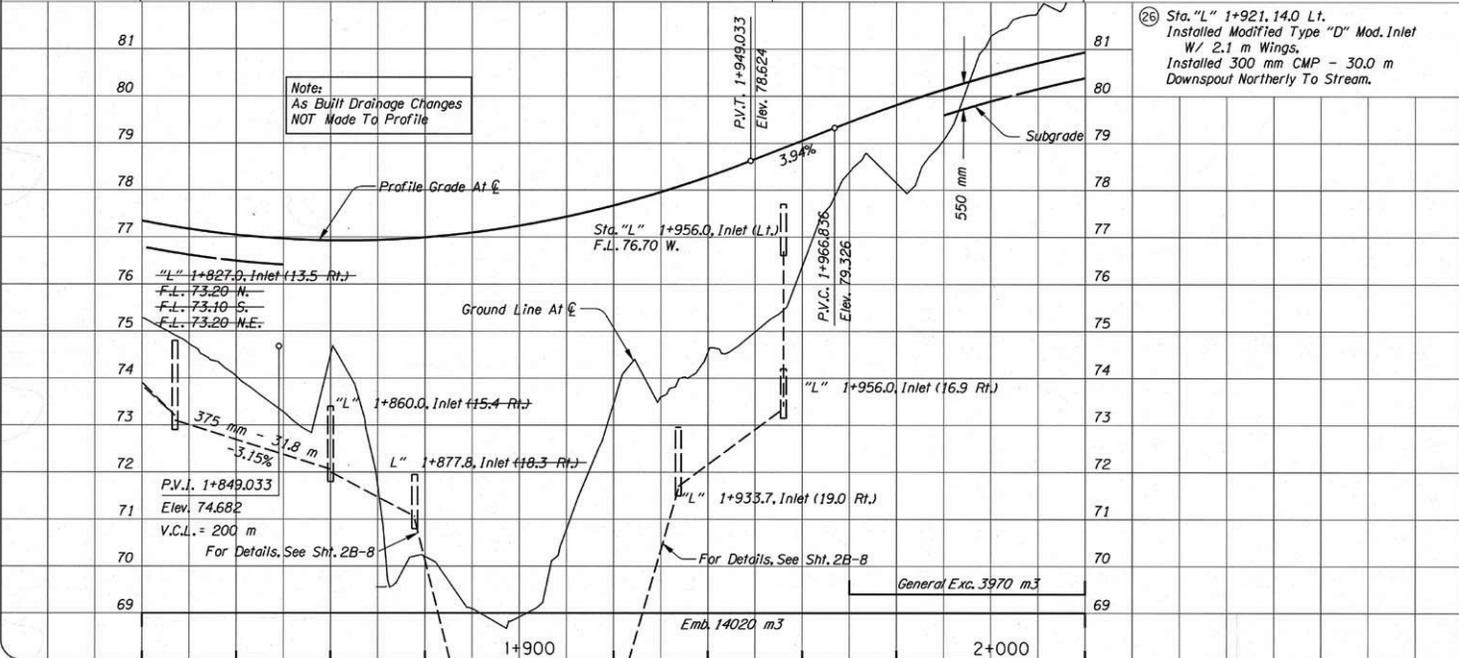


MATCH LINE STA "L" 2+020 SEE SHEET 10

- 19) Sta. "L" 1+956.0, 16.9 Rt. Const. Type "D" Area Inlet Grate F.L. Elev. 74.50 Inst. 375 mm Storm Sewer Pipe - 28.3 m Sta. "L" 1+956.0, Lt. Const. Type "D" Area Inlet, Modified Grate F.L. Elev. 77.70 77.20 Storm Drain Lower Beneath High Pressure Gas Main.
- 20) Sta. "L" 1+862.0, 15.4 Rt. Const. Type "D" Area Inlet Grate F.L. Elev. 73.40 Inst. 375 mm Storm Sew. Pipe - 31.8 m (For Details, See Sht. 2B-8)
- 21) Const. Type CL - 6 Chain Link Fence Brown Vinyl Coat Fence All Posts And Appurtenance To Be Painted Brown After Galvanizing, Place Above Walls - 176 m (See ODOT Std. Drg. No. RD815)
- 22) Inst. Settlement Plates At Extg. Ground Elev. - 3 4 (For Details, See Sht. 2B-21)
- 23) 300 mm (12") High Pressure Steel NW Natural Gas Main.
- 24) Power Pole At Plan Inlet Location, Inlet Relocated 2 m To S.E.
- 25) Sta. "L" 1+852, 15.0 Lt. Installed Modified Type "D" Inlet W/ Wings. Installed 300 mm CMP - 35.8 m Downspout South To Stream.
- 26) Sta. "L" 1+921, 14.0 Lt. Installed Modified Type "D" Mod. Inlet W/ 2.1 m Wings. Installed 300 mm CMP - 30.0 m Downspout Northerly To Stream.

- 1) Const. Swale Type A
- 2) Const. Swale Type C
- 3) Sta. "L" 1+891.2 Const. 1800x1800 Box Culvert - 35.2 m (For Details, See Sht. B-25 Thru B-28)
- 4) Sta. "L" 1+812.0 1+827.6, 13.5 Rt. Const. Type "D" Area Inlet, Modified Grate F.L. Elev. 74.80 Inst. 375 mm Storm Sew. Pipe - 70.9 m Inlet Moved Northward
- 5) Sta. "L" 1+877.8, 18.3 Rt. Const. Type "D" Area Inlet, Grate F.L. Elev. 71.95 Inst. 375 mm Storm Sew. Pipe - 18.1 m (For Details, See Sht. 2B-8)
- 6) Const. Asp. Appr. - 2
- 7) Const. Gravel Conn. - 2
- 8) Sta. "L" 1+844 To Sta. "L" 2+009 Const. Guardrail - 171.1 m (Type 2A) Const. Guardrail Terminal, Flared - 1 W=1.22 m, E=0.6 m
- 8A) Const. Anchor (Type 1 Mod.)
- 9) Note Not Used
- 10) See Sht. B, Note 5 Const. Guardrail Terminal, Flared W=1.22 m, E=0.6 m
- 11) Sta. "L" 1+898.1, 23.6 Rt. Inst. 375 mm Storm Sew. Pipe - 22.5 m Inst. Pipe Slope Anchors - 4 (For Details, See Sht. 2B-8)
- 12) Sta. "L" 1+901.5, 23.5 Rt. Inst. 375 mm Storm Sew. Pipe - 10.8 m Inst. Pipe Slope Anchors - 2 (For Details, See Sht. 2B-8)
- 13) Sta. "L" 1+912.1, 22.2 Rt. Const. Type "D" Area Inlet, Grate F.L. Elev. 65.30 Inst. 375 mm Storm Sew. Pipe - 23.2 m Inst. Pipe Slope Anchors - 4 (For Details, See Sht. 2B-8)
- 14) Inst. Single Mailbox Support
- 15) Const. Retaining Wall (For Details, See Sht. B-29 Thru B-31)
- 16) Sta. "L" 1+900.000 0 Inst. Monument Box
- 17) Const. Guardrail - 7.62 m (Type 2A) Const. Anchor (Type 1 Modified) - 2 Const. Type B Endpiece - 1
- 18) Sta. "L" 1+933.7, 19.0 Rt. Const. Type "D" Area Inlet W/O Sump Grate F.L. Elev. 72.95 Inst. 375 mm Storm Sewer Pipe - 22.5 m (For Details, See Sht. 2B-8)

Note:
As Built Drainage Changes
NOT Made To Profile



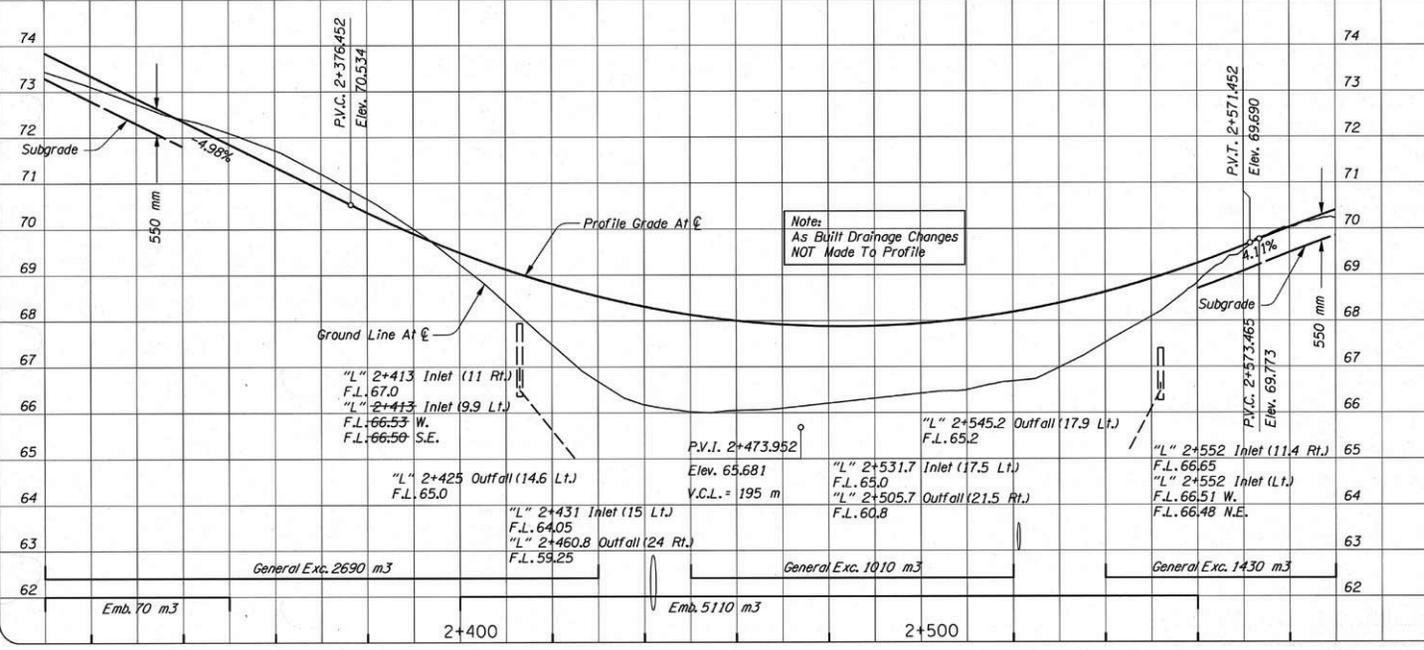
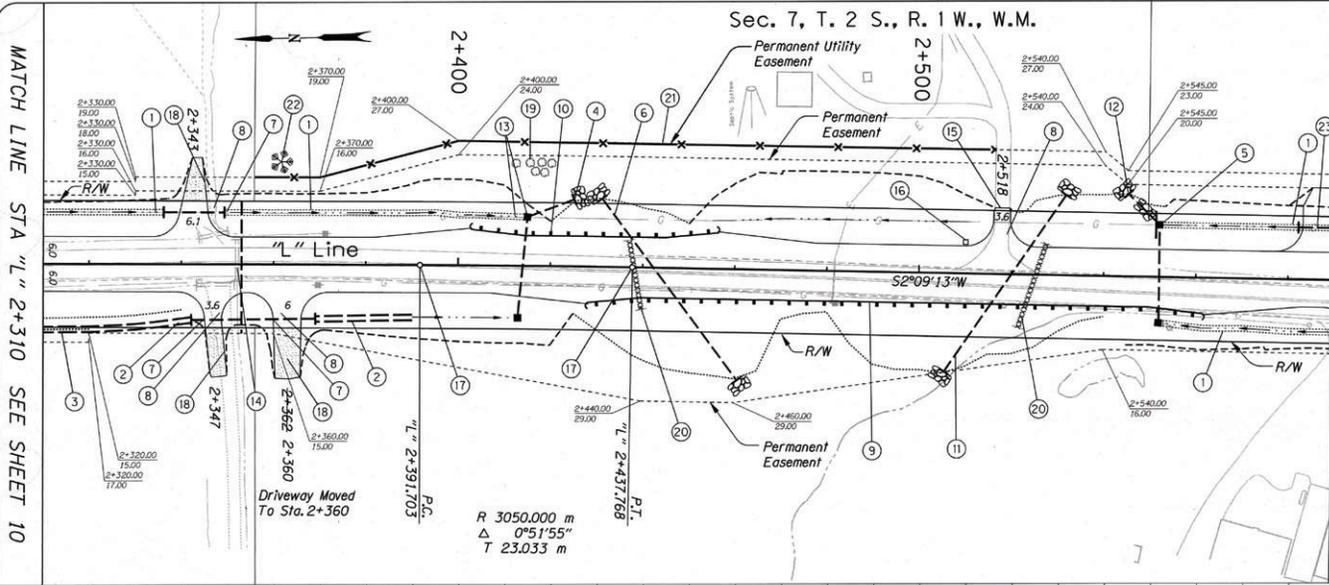
SHEET NO	9
PROJECT NUMBER	2265
NO.	
DATE BY	
REVISION	
DRAWN	BDL/11/293
DESIGNED	BUS/11/293
CHECKED	NAH/11/293

CONTRACT DOCUMENT NO. 4675600.00-01
DOCUMENT DATED 23-JAN-2000
AS AMENDED, WILL CONTROL OVER ALL OTHERS.
DRAWN BY DATE
DESIGNED BY DATE
CHECKED BY DATE

METRIC WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION

BEEF BEND/ELSNER/SCHOLLS-SHERWOOD

CH2M HILL



AS BUILT DRAWINGS
 Revisions Drawn By R. Luke Date Jan 24, 2003

THESE AS BUILT DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED BY OTHERS. THEY ARE NOT INTENDED TO REPRESENT IN DETAIL THE EXACT LOCATION, TYPE OF COMPONENT NOR MANNER OF CONSTRUCTION. THE ENGINEER WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THE AS BUILT DRAWINGS.

0 10 20 30 40 50
 Horizontal Scale In Meters

0.0 1.0 2.0 3.0 4.0 5.0
 Vertical Scale In Meters

MATCH LINE STA "L" 2+590 SEE SHEET 12

MATCH LINE STA "L" 2+310 SEE SHEET 10

SHEET NO	11
PROJECT NUMBER	2265
NO. REVISION	
DATE BY	
APP.	

THE CONTRACT DOCUMENTS SPECIFICATIONS AND DRAWINGS ARE HEREBY ACCEPTED BY THE CONTRACTOR AS THE BASIS OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS.

CH2MHILL

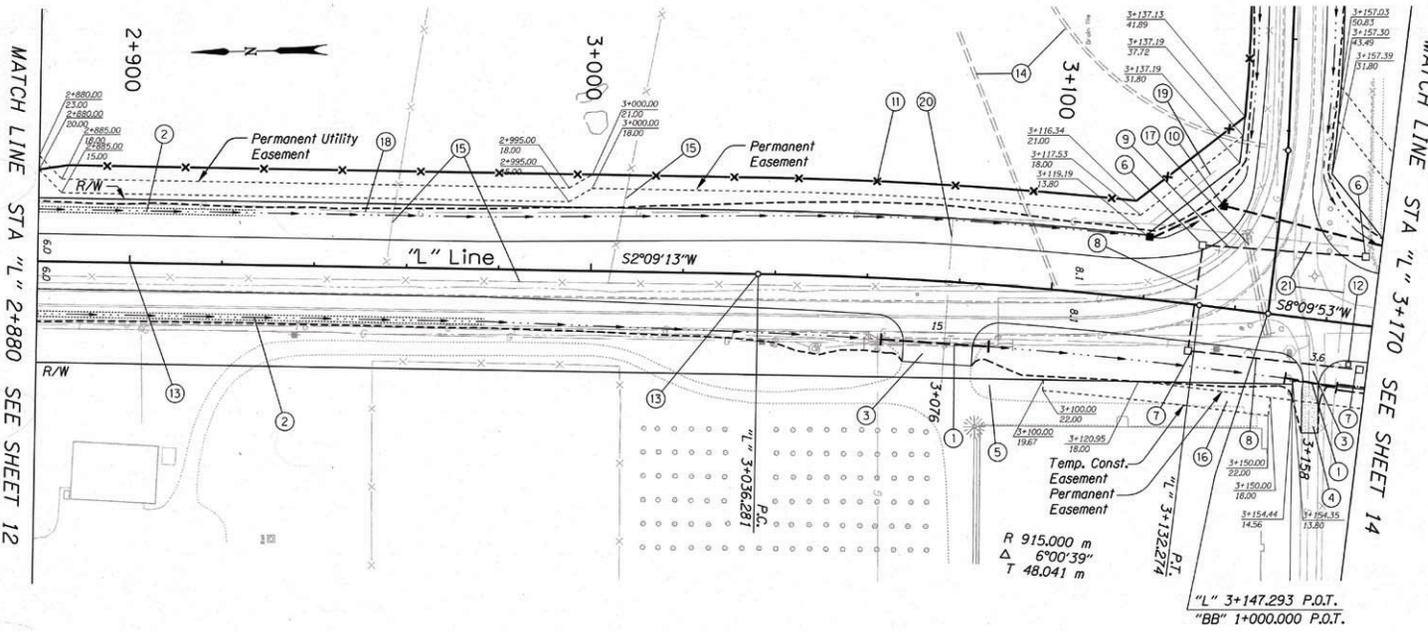
METRIC WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION

BEEF BEND/ELSNER/SCHOLLS-SHERWOOD

Sec. 18, T. 2 S., R. 1 W., W.M.

Note:
 1. For Road & Drainage Design Of S.W. Beef Bend Road,
 See Sht. 13B
 2. For Intersection Grading Of S.W. Beef Bend Road,
 See Sht. 2G-2

S.W. Beef
 Bend Rd.

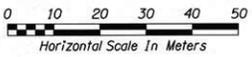


- ① Inst. 450 mm Culvert Pipe - ^{34.8 m}/_{32.7 m}
- ② Const. Swale Type A
- ③ Const. Asph. Appr. - 2
- ④ Const. Gravel Conn. - 1
- ⑤ Maintain Extg. Protective Soil Berm
- ⑥ Inst. 760 mm X 430 mm X 305 mm (Min. Dimension) Precast Conc. Junction Box
- ⑦ Inst. 560 mm X 305 mm X 305 mm (Min. Dimension) Precast Conc. Junction Box
- ⑧ Inst. Three (3) 53 mm Electrical Conduit
- ⑨ Inst. Five (5) 53 mm Electrical Conduit
- ⑩ Sta. "L" 3+135 (22 Lt.), Field Locate Const. Type "D" Inlet, Modified Sta. "L" 3+120 (13.5 Lt), Field Locate Const Type "D" Inlet, Modified Inst. 600 mm Storm Sew Pipe - 18 m
- ⑪ See Sht. 12, Note 8
- ⑫ Inst. Single Mailbox Support
- ⑬ Sta. "L" 2+900.000 @ Sta. "L" 3+036.281 @ Inst. Monument Box
- ⑭ Daylight Drain Tiles To Ditch
- ⑮ See Sht. 12, Note 11
- ⑯ Place Berm Material As Directed
- ⑰ Remove Extg. Culvert
- ⑱ 300 mm (12") High Pressure Steel NW Natural Gas Main & 50 mm (2") Gas Line.
- ⑲ Junction Point Of Gas Main, 300 mm (12") & Service Lines, 100 mm (4"), & 50 mm (2")
- ⑳ 100 mm (4") Polyethylene Gas Line Crossing
- ㉑ 300 mm (12") High Pressure Steel NW Natural Gas Main Crosses Roy Rogers Road And Beef Bend Road. Location Shown Is Only Approximate And Must Be Specifically Determined By NW Natural Location.

AS BUILT DRAWINGS

Revisions Drawn By R. Luke Date Jan 24, 2003

THESE AS BUILT DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED BY OTHERS. THEY ARE NOT INTENDED TO REPRESENT IN DETAIL THE EXACT LOCATION, TYPE OF COMPONENT NOR MANNER OF CONSTRUCTION. THE ENGINEER WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THE AS BUILT DRAWINGS.

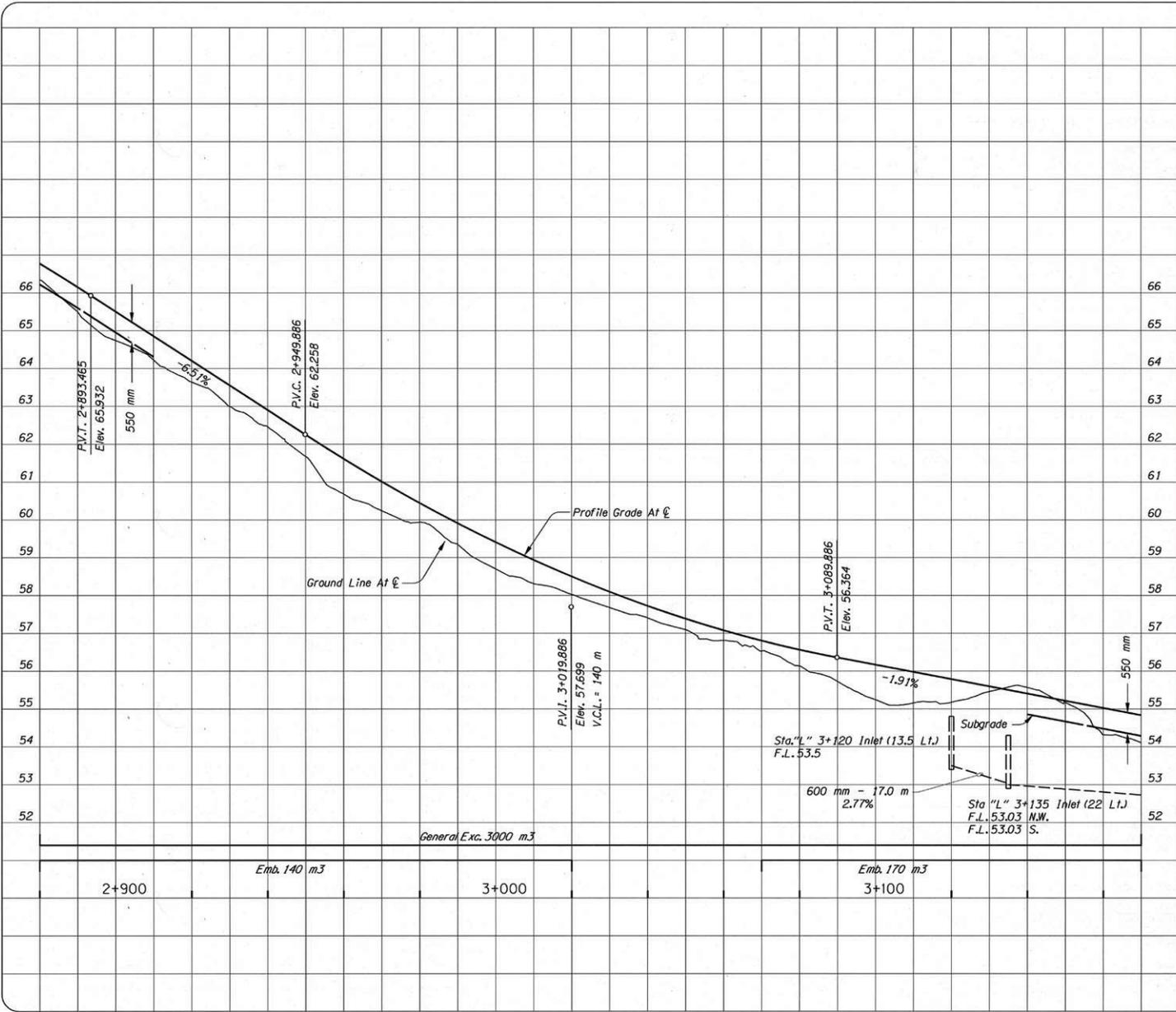


MATCH LINE STA "L" 2+880 SEE SHEET 12

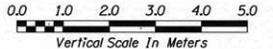
MATCH LINE STA "L" 3+170 SEE SHEET 14

PROJECT NUMBER 2265	NO. REVISION _____	DATE BY APP. _____
THE CONTRACT DOCUMENTS DESCRIBED HEREIN SHALL BE CONSIDERED TO HAVE BEEN APPROVED AND ACCEPTED BY THE BOARD OF SUPERVISORS OF METRIC WASHINGTON COUNTY ON THE DATE OF THE BOARD MEETING. THE CONTRACT DOCUMENTS DESCRIBED HEREIN SHALL BE CONSIDERED TO HAVE BEEN APPROVED AND ACCEPTED BY THE BOARD OF SUPERVISORS OF METRIC WASHINGTON COUNTY ON THE DATE OF THE BOARD MEETING.	DRAWN BY BDL/11/98	CHECKED BY NAL/11/98
BEEF BEND/ELSNER/ SCHOLLS-SHERWOOD		
SHEET NO 13		

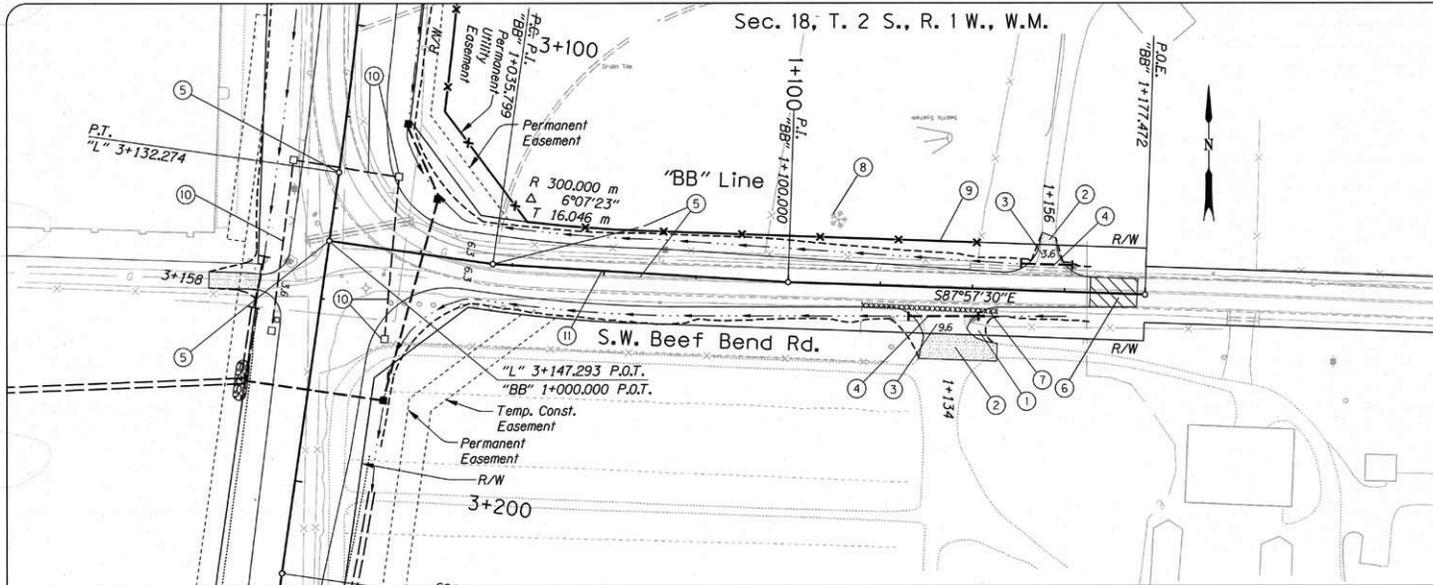
APR. BY DATE	REVISION NO.	PROJECT NUMBER	METRIC	SHEET NO.
		2265	WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION	13A
		DESIGN BY: 462-0447-002 DATE: 04-04-02 DRAWN BY: 462-0447-002 CHECKED BY: 462-0447-002 DATE: 04-04-02 DESIGNED BY: 462-0447-002 CHECKED BY: 462-0447-002 DATE: 04-04-02		
		THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES AND AGENCIES OF THE STATE OF WASHINGTON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES AND AGENCIES OF THE STATE OF WASHINGTON.		
			BEEF BEND/ELSNER/ SCHOLLS-SHERWOOD	



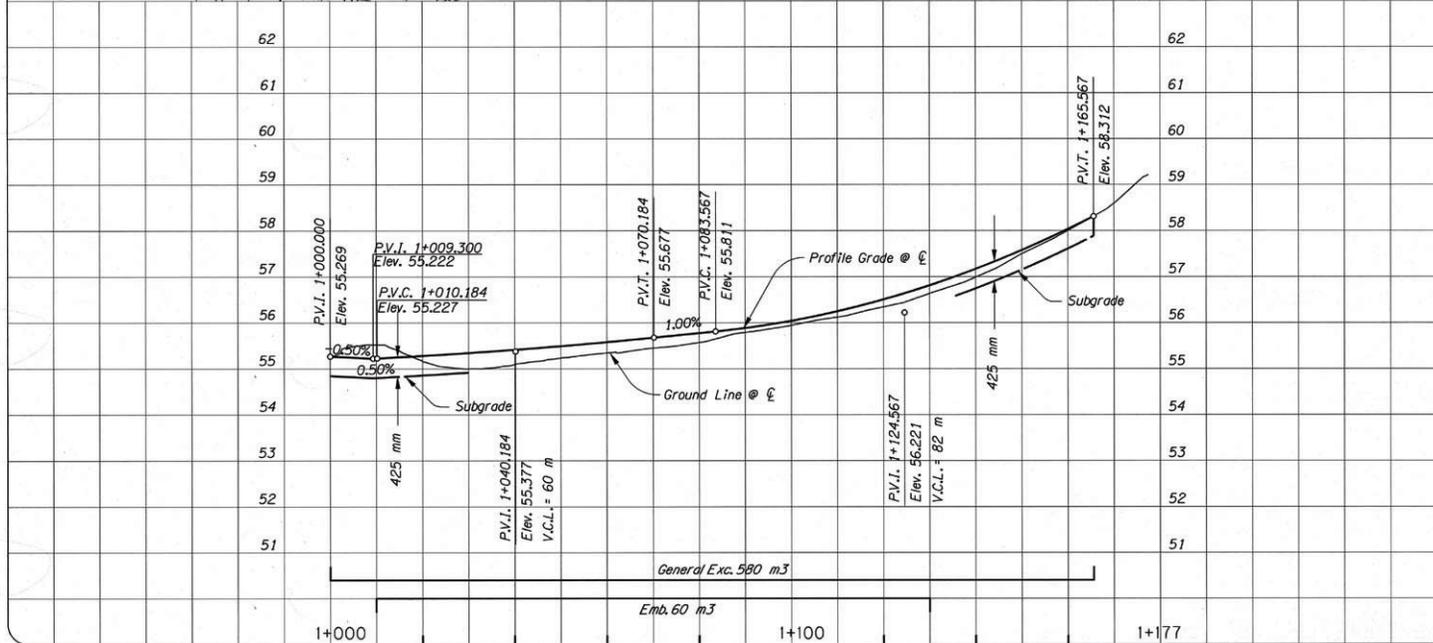
AS BUILT DRAWINGS
 Revisions Drawn By R. Luke Date Apr 4, 2002
 THESE AS BUILT DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED BY OTHERS. THEY ARE NOT INTENDED TO REPRESENT IN DETAIL THE EXACT LOCATION, TYPE OF COMPONENT NOR MANNER OF CONSTRUCTION. THE ENGINEER WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THE AS BUILT DRAWINGS.



rluke

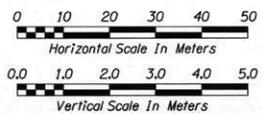


- ① Inst. Multiple Mailbox Support - 1
- ② Const. Gravel Conn. - 2
- ③ Const. Asph. Approach - 2
- ④ Inst. 375 mm Culvert Pipe - 24.6 m
- ⑤ Sta. "L" 3+132.274 @
Sta. "L" 3+147.293 @
Sta. "L" 3+152.954 Rt.
Sta. "BB" 1+035.799 @
Sta. "BB" 1+067.860 @
Inst. Monument Box
Redesigned W/ Angle Points
At Sta. "BB" 1+035.799 And
At Sta. "BB" 1+100.000.
- ⑥ Cold Plane
- ⑦ Remove Extg. Storm Sew. Pipe
- ⑧ Protect Tree
- ⑨ See Sht. 12, Note 8
- ⑩ See Sht. 13, Notes 6 - 9
- ⑪ Roadway Alignment Changed By
Surveyor At County Request To
Provide Room For Ditch Within
ROW On Southside. Engineer
Contact Surveyor For PI
Specifics. (New @ Angle Points
At Sta. "BB" 1+035.799 And
Sta. "BB" 1+100)



AS BUILT DRAWINGS
Revisions Drawn By R. Luke Date Jan 24, 2003

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NO.	REVISION	DATE	BY	APP.

PROJECT NUMBER: 2265
 PROJECT DATE: 20/26/16
 DRAWN BY: BEL/IL/29
 DESIGNED BY: BEL/IL/29
 CHECKED BY: MAH/IL/29

THE CONTRACT DOCUMENTS AND DRAWINGS SHALL BE USED ONLY AS PART OF THE WORK OBTAINED FROM THE CONTRACT DOCUMENTS. NO PART OF THE CONTRACT DOCUMENTS OR DRAWINGS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

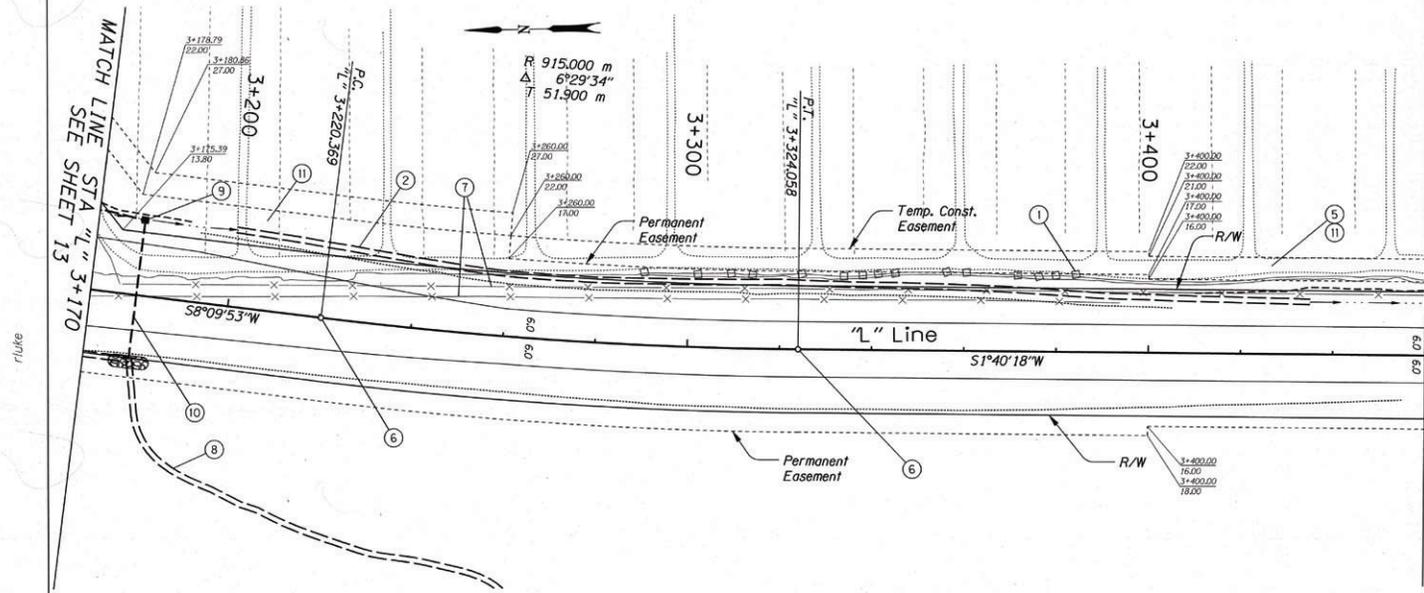
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METRIC
 WASHINGTON COUNTY
 DEPARTMENT OF
 LAND USE AND
 TRANSPORTATION

BEEF BEND/ELSNER/
 SCHOLLS-SHERWOOD

SHEET NO 13B

Sec. 18, T. 2 S., R. 1 W., W.M.

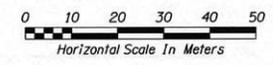


- ① Relocate Irrigation Mainline (By Others)
- ② Const. Swale Type B
- ③ Note Not Used
- ④ Note Not Used
- ⑤ Const. Access Rd. See Special Provisions Area Of Limited Use
- ⑥ Sta. "L" 3+220.369 C
Sta. "L" 3+324.058 C
Inst. Monument Box
- ⑦ Remove Fence
- ⑧ Riparian Swale (By Others)
- ⑨ Sta. "L" 3+180 16.5 LI
Const Type "D" Modified Inlet
Grate F.L. Elev. 53.5
Inst. 600 mm Storm Sew. Pipe - 45 m
- ⑩ Sta. "L" 3+180 13.7 RI
Inst. 600 mm Storm Sew. Pipe - 29.4 m
Const. Loose Riprap, Class 100,
Mixture - 5 Mg
- ⑪ Shared Access Road Constructed For Fisher Farms Per Specifications Along East Swale Crest.

MATCH LINE STA "L" 3+460 SEE SHEET 15

AS BUILT DRAWINGS

Revisions Drawn By R. Luke Date Apr 4, 2002
 THESE AS BUILT DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED BY OTHERS. THEY ARE NOT INTENDED TO REPRESENT IN DETAIL THE EXACT LOCATION, TYPE OF COMPONENT NOR MANNER OF CONSTRUCTION. THE ENGINEER WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THE AS BUILT DRAWINGS.



SHEET NO	14	PROJECT NUMBER	2265	DATE BY APP.	
		NO. REVISION		DATE BY APP.	
		PROJECT NUMBER	2265	DATE BY APP.	
		DESIGNED BY	R. LUKE	DATE BY APP.	
		CHECKED BY	R. LUKE	DATE BY APP.	
		DESIGNED BY	R. LUKE	DATE BY APP.	
		CHECKED BY	R. LUKE	DATE BY APP.	

METRIC
WASHINGTON COUNTY
DEPARTMENT OF
LAND USE AND
TRANSPORTATION

**BEEF BEND/ELSNER/
SCHOLLS-SHERWOOD**

AIS-1841

4. A.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, City Management

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval:

- May 27, 2014

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.



City of Tigard

Tigard City Council Meeting Minutes

May 27, 2014

6:30 PM

1. STUDY SESSION

Council Present: Mayor Cook, Council President Henderson, Councilor Snider, Councilor Woodard and Councilor Buehner

Staff Present: City Manager Wine, Assistant City Manager Newton, Interim Public Works Director Rager, City Engineer Stone, Parks Manager Martin, Project Engineer McCarthy, Assistant to the City Manager Mills, Public Contracts Manager Barrett, Executive Assistant/Office Manager Gaston, Deputy City Recorder Krager and City Attorney Rihala

- **EXECUTIVE SESSION:** Mayor Cook announced that the Tigard City Council was entering into Executive Session under ORS 192.660 (2) (e) and (h) to discuss real property transaction negotiations and litigation likely to be filed. The Executive Session ended at

Google Fiber Update:

Assistant City Manager Newton reported on progress with Google Fiber. Tigard completed their checklist and received word from Google that they are pleased with the submission.

Assistant to the City Manager Mills said Tigard has been participating with other jurisdictions over the last few months on a uniform hut license agreement with the ability to put in site specific information. Google may place one or two huts in Tigard but there also could be none, if they are able to serve the city from other locations. She cautioned that this is all preliminary and Google's decision whether or not to locate here will not be made until the end of the year. She summarized that Tigard's council gave direction on April 8 that staff should follow city franchise rules and not give any special deals. Council recommended using city-owned water utility sites for huts, and she noted that revenue from the agreement would go to the water fund. Staff is developing a regional hut agreement that is narrowly focused because it sets a precedent.

City Attorney Rihala shared features of the agreement which is scheduled to come to the council for approval on June 10. It allows Google to use the city property through

TIGARD CITY COUNCIL MEETING MINUTES– May 27, 2014

a leaseholder relationship with the city. The city has access priority and no other parties can sublease any portion of the property. The agreement term is 15 years with optional two-year renewals after that. Google will obtain any necessary permits. The annual fee is \$3 per square foot with an escalator factor of 3 percent per year. She said the resolution defines exactly what Google will provide: fiber to the home and 1 GB speed. It is their preference that this type of information be put in a resolution or ordinance rather than in the agreement. Councilor Woodard said the Metropolitan Area Communications Commission (MACC) recently developed some new definitions and he suggested making sure the specific language matches. Ms. Mills said this will be addressed by Franchise Attorney Werner.

Local Contract Review Board Discussion on Upcoming Contracts:

Public Contracts Manager Barrett led the discussion on two contracts that will be on a future council agenda. These are both for the PMP (Pavement Management Program). The pavement crack seal contract low bidder is CR Contracting at 58 cents per linear foot. Transportation Project Engineer McCarthy said the price is 10 percent higher and may be due to traffic control requirements for work on busier streets this year. In response to a question from Councilor Snider, Engineer McCarthy said the firms that do this work are busier than in prior years. This and the rising cost of oil may be why the price went up.

The PMP Overlay contract RFB was issued on April 25, 2014. Five companies submitted bids and the apparent low bidder is Eagle-Elsner, Inc. at \$1,151,536. Councilor Buehner said she has a distant relative who owns Brix Paving, one of the unsuccessful bidders. Council President Henderson said he opposed construction of the curb cuts in this contract. Mayor Cook said such cuts are required if the city does an overlay. Council President Henderson said he did not think this should be paid for out of the road maintenance fund and did not want this fund jeopardized by paying for them. Councilor Snider said he was opposed to taking the money from any other fund. City Manager Wine said a policy and funding discussion on use of the street maintenance fee will be placed on a future meeting. She said the city will solicit input from the business community and this will take time. Councilor Buehner said there might be a federal law required businesses to put in curb cuts when doing sidewalk maintenance.

Administrative Items:

Upcoming Meetings -
June 3, 2014 CCDA Meeting is cancelled
June 10, 2014 Business Meeting
June 17, 2014 Workshop Meeting
June 24, 2014 Business Meeting



7:30 PM

2. BUSINESS MEETING – May 27, 2014

- A. At 7:37 p.m. Mayor Cook called the meeting to order.
- B. Deputy City Recorder Krager called the roll.

	Present	Absent
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	

- C. Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance.
- D. Council Communications & Liaison Reports – Councilor Buehner said she had one report to give at the end of the meeting.
- E. Call to Council and Staff for Non-Agenda Items – Mayor Cook asked council and staff for non-agenda items. Mayor Cook said he had an item and Councilor Snider asked to speak about the recent boil water alert. City Manager Wine said she also wanted to discuss the water notification system and two other citizen comment follow-up items at the end of the meeting.

3. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – This was heard during Agenda Item No. 12 – Non Agenda Items.
- B. Citizen Communication – Sign-up Sheet



Tim Esau, P. O. Box 230695, Tigard, OR, inquired about the city’s follow-through on the directive of Measure 34-210. He read the City Charter wording from Section 53.A, that says the City of Tigard, as a matter of public policy opposes construction of new high capacity transit corridor within the city boundary unless voter approval is first obtained. He said he was appealing to the council to fulfill the will of the people, and as the Chief Petitioner of Measure 34-210 spoke with hundreds of residents and found them genuinely interested in having the city oppose high capacity transit. He said oppose is defined as to “actively resist, refuse, to comply with a person or system.” He said this has been the policy in effect for two and one-half months, and asked what city council, as city policy makers has done to embody the spirit of this requirement.

 Councilor Snider noted that Mr. Esau was in attendance at one study session discussion where council spent hours with the city attorney trying to make sure they understood what the measure meant. He said Mr. Esau stated that the policy is to oppose it, but first stated the policy is to oppose it unless there is a public vote to fund it, and there is an important distinction. He said council has begun reaching out to broad groups in the community seeking clarity about what citizens want, particularly related to planning. He said he has yet to hear a single citizen, whether in a school parent student organization or a group of randomly invited neighbors, tell him they want the city to stop participating in the planning process. He said council is still trying to discern what the broader community wants and a 49-50 percent vote is not a mandate and does not engender confidence.

Mayor Cook said there was no time allotted in the meeting for every councilor to speak on this but requested that City Manager Wine comment specifically on the requirement for the City of Tigard to write an annual letter opposing high capacity transit. City Manager Wine said the charter is not specific as to the timing of the letter but the city is on course to draft it. She commented that following the election Mayor Cook announced at a SW Corridor Plan meeting Tigard's official position opposing high capacity transit. Mayor Cook added that it was the city attorney's interpretation that the letter must be written within one year.

 Mr. Esau said his concern is the interpretation of "oppose." He said planning proceeds construction every time and continuing to plan does not sound like the kind of opposition that was requested by the voters. He asked how council is living up to that charter.

 Councilor Snider said, "In this very room we had a debate where the conversation from the proponents of the measure was, 'just give us a vote so we can decide in the future if we want it or not,' and that is contrary to what you just stated, and that is my concern."

Mr. Esau said, "My perception and feelings on this measure may not be 100 percent aligned with what the charter now states." Mr. Esau said he was calling council to operate within the bounds of the charter now.

Councilor Buehner said she met with 50 people and most said they did not understand the measure and thought the decision had already been made to go forward. So they did not vote.

3. CONSENT AGENDA: (Tigard City Council)

A. APPROVE CITY COUNCIL MEETING MINUTES:

1. April 8, 2014
2. April 15, 2014

B. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT REGARDING THE CONSTRUCTION OF WATER PARTNERSHIP PROJECTS IN THE CITY OF GLADSTONE

There was no request to remove items for separate consideration. Councilor Buehner moved for adoption of the consent agenda. Councilor Snider seconded her motion.

A vote was taken and Mayor Cook announced that the motion to approve the consent agenda passes by a unanimous vote.

	Yes	No
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	

5. WINNERS OF “IF I WERE MAYOR, I WOULD” CONTEST

 Mayor Cook announced the winners of the “If I were Mayor, I would...” contest. There are three different contest categories. More entries were received this year than previous years but there was none from the high school. Posters can be submitted by elementary school age entrants, essays by middle school contestants and high school entrants submit a video. The local winners get entered into the state contest and become eligible to win an iPad. At least 100 of Oregon’s 242 cities participate in this contest. He invited Tigard’s elementary school winner Karen Maddox and middle school winner Kyle Ferrero forward to receive their prizes for the winning poster and essay. They each received a City of Tigard mug, pin, pen and a \$50 VISA gift card.

 Mayor Cook noted that many people are confused and assume that the city runs the fire department or the schools. He said when he is choosing winners he looks for entries that reflect the reality of what the City of Tigard does and said the winning entries did that.

6. APPROVE RESOLUTION TO CONGRATULATE TIGARD HIGH TIGERETTES ON THEIR NATIONAL CHAMPIONSHIP

Mayor Cook announced that the Tigard High School Tigerettes won a national championship and the City Council offered congratulations. Councilor Buehner moved for adoption of Resolution 14-23. Council President Henderson seconded the motion. Mayor Cook asked Deputy City Recorder Krager to read the number and title of the resolution and a vote was taken. The motion to approve Resolution 14-23 passed unanimously.

RESOLUTION NO. 14-23 – A RESOLUTION HONORING THE TIGARD HIGH SCHOOL TIGERETTES UPON WINNING FIRST PLACE IN THE 2014 UNITED SPIRIT ASSOCIATION DANCE NATIONALS CHAMPIONSHIP

	Yes	No
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	

The coach and several of the Tigard High Tigerettes posed for a photo with the City Council. City of Tigard pins and pens were given to each member. Mayor Cook noted that the Tigerettes won second at state but placed high enough to compete in the national competition where they took the top award. He commended their talent and hard work.

7. RECEIVE UPDATE ON TIGARD TRIANGLE STRATEGIC PLAN

 Associate Planner Caines presented a PowerPoint with her update on progress with the Tigard Triangle Strategic Plan. She said the committee is finishing the options development phase and looking ahead to the next phase: options evaluation. That phase examines how the options and strategies meet the goals of the Triangle Strategic Plan and focuses on four elements:

- Primary Land Use Functions
- Road Network
- Bike/Pedestrian Network
- Open Space/Natural Areas

Two options were developed. Option 1 has lower density (existing density) with 30 housing units per acre, a 45 foot height limit for buildings and an FAR (floor area ratio) of 1:1.5.

 Mayor Cook asked for clarification on the 45 feet and whether it suggests a four-story building or could it be increased to five. Ms. Caines said Option 1 includes buildings on the lower end but Option 2 includes higher density which means increased building height.

Option 2 has 50 units per acre, 75 feet height limit and a floor area ratio of 1:4.

Associate Planner Caines showed a slide which outlined the primary land functions. Buffers help reduce noise for residential areas. There is a campus/education area. The area between 68th and 70th Avenues is a pedestrian district with active ground floor space.

A rendering showed one concept of what Tigard Triangle might look like when built out. She explained accessibility and connections to the pedestrian district. The bike/pedestrian network builds upon the existing grid. A major change includes turning 74th Avenue near the theater into a

public street that could connect to Beveland Street. It could possibly connect to a new ramp over Highway 217 that leads into Tigard's downtown.

 Open spaces and natural areas will include Red Rock Creek. She said comments from the CAC and TAC indicated a desire for places where people can gather outdoors or play Frisbee, etc. The consultant will be returning with ideas for parks in this area.

 Councilor Buehner said when Metro assigned density requirements to Tigard they agreed to the city not having to accommodate massive increases citywide if a commitment was made to add 10,000 residents in the downtown and Triangle areas. She said at that time the conversation was to change the zoning to allow ten or even more stories in the Triangle. She expressed concern that this agreement does not seem to be incorporated and Option 1 could never meet this arrangement. Ms. Caines said she was unaware of this particular agreement with Metro and will find out about the impact to the planning underway.

 Councilor Woodard said he is interested to see how road capacity and infrastructure are developed in the second phase. He noted the statement that a discussion was held about the passage of Measure 34-210 and that high capacity transportation discussions will be included in planning for economic development of this area. He asked Associate Planner Caines to share the discussion on this topic. Ms. Caines said the committee spent time talking about what the measure meant and how the Triangle might be affected because it is a high capacity stop. Senior Transportation Planner Gray attended that meeting. Ms. Caines said they are ensuring that whatever they plan does not inhibit high capacity transit if it is included in the future. She said there will be a traffic sensitivity analysis.

 Council President Henderson asked if there is another crossing of the I-5 freeway. Ms. Caines said there is not in this particular plan. She said they are making the existing Haines Street overpass friendlier for bikes and pedestrians. Councilor Buehner said she remembered previous discussions about a second flyover ramp over I-5 so traffic can avoid Bonita and Haines. Ms. Caines said the consultants looked at a bike/pedestrian crossing that connects with Kruse Way. She said they examined another connection in the Dartmouth area and noted that it would great impact on the residences on the Lake Oswego side. She said there are also many unimproved roads on that side of the freeway. Councilor Buehner said that question came from the Lake Oswego city council.

At Councilor Woodard's request, Ms. Caines gave an overview of the makeup of members of the Technical Advisory and Citizen Advisory Committees.

Mayor Cook discussed the placeholders for parks and natural areas. He said if someone sees a map picture of what it may look like in the future and you own a business in that area, it can be frightening to see your building with a park on top of it. He reiterated that the city was not requiring any business to move. This is to show what might happen if a business is sold in the future.

Councilor Buehner said she would like to discuss the previous Metro discussions on density with Associate Planner Caines offline to provide background.

8. DEVELOPMENT OF A WILLAMETTE RIVER WATER SUPPLY

 Lake Oswego/Tigard Water Project Manager Koellermeier said this is an activity that council has added to their quarterly goal update. Council has been talking about the Willamette River option as far back at 2010. He said we are heavily invested in building a supply system that clearly has an end and we need to increase our likely sources of water. We have access to water rights currently owned by Tigard and other partners as part of a consortium. These other partners also desire to develop a Willamette water source.

 Project Manager Koellermeier said that while this is listed as a 2014 goal the outside activities by other groups are taking a timeline that does not allow staff to make a recommendation to council by the end of 2014; it will be more likely the end of 2015. He called everyone's attending to the memo in the packet for this meeting. He said staff prepared some questions and answers and would appreciate council feedback on those because once the questions are answered, council is in a position to begin policy discussions on using Willamette River water. He said questions include when Tigard would need this additional water, the pipeline route, and how this supply would affect the current relationships with Durham and other cities.

Councilor Buehner noted that this, along with the Lake Oswego project, is a replacement strategy for the Portland water supply contract.

 Mr. Koellermeier said another question is whether Tigard should divest itself of these rights if this or another Tigard council decides not to exercise them. He said the charter language is complicated and city attorneys are currently working on it. Part of the Tigard area is serviced by the Tualatin Valley Water District (TVWD). One question is whether the charter amendment affects the northern half of the city. Also, council acts as a managing partner with other cities (King City, Durham and the TVWD) that do not have the charter requirement. The city attorney's office is preparing a memo clarifying that the council is the interpreter of the charter.

Councilor Snider asked what other water rights the city has and if it does not go to the Willamette are there any other alternatives? He said if there are no others it may be time to consider going to a vote to change the charter. The question is not, "Do you want Willamette River water?" It is, "Do you want water?"

Mr. Koellermeier responded that aside from a few irrigation rights on the Tualatin River, Tigard has no other water rights other than the WRWC (Willamette River Water Coalition) options.

Councilor Buehner asked how far in advance of the need infrastructure should be built. Mr. Koellermeier said the answer to Councilor Buehner's question is, "You can't begin soon enough." Experience with the Lake Oswego project shows that there is about a ten year window for the planning process. This ten-year timeframe is similar to what Tualatin Valley Water District and Hillsboro are applying to their water project. He said the Willamette River rights have been extended to provide access through 2047. If rights are not used by that date, receiving an extension is unlikely.

Mr. Koellermeier said there are many questions for councils on the west side such as whether this should be done independently or together. Spreading the costs and risks through a shared system makes sense. He said since the TVWD is the managing partner of the WRWC expansion project, he asked their CEO Mark Knudson to attend this meeting and respond to any questions council may have.

CEO Knudson said they have followed what he would characterize as a smart planning process because they recognize there is a lot of complexity to the work. He said they are looking at things like the governance piece and are currently conducting a seven-way negotiation with other partners including current Willamette River water users Wilsonville and Sherwood, prospective users such as Tualatin, Tigard and Beaverton, and TVWD and Hillsboro, who are committed to obtaining Willamette River water. A key part is engineering for and identifying the most strategic locations for pipes. Another important component is public information and public relations. There is a team of consultants on board and two weeks ago a website went live: ourreliablewater.org

Council President Henderson asked about demand for this system. Mr. Knudson said TVWD is considering adding 55 mgd as a Portland water replacement strategy. Hillsboro is talking about 35 mgd. Depending on what Tigard, Tualatin and Beaverton want (between 5-10 mgd), they are somewhere in the 85-95 mgd capacity, plus what Wilsonville and Sherwood use. This is a very large project with a large capital investment. He said preliminary estimates were \$800,000 million in 2008 dollars.

Councilor Snider asked if there was a lot of information needed before council places a charter amendment on the ballot. Mr. Koellermeier said there is not a lot of legal or engineering work that would need to be done, but we need to be able to answer the “when” question and he suggested taking a few years to study this. Councilor Snider asked if, since a vote is not required in King City to use Willamette River water, the water system is segregated so that water could be provided to them. Mr. Koellermeier said it could be done but elevation is a key factor. It would be easier in Durham or King City and would be more complicated going up the hill on Bull Mountain.



Mr. Koellermeier will continue to schedule council briefings. He asked council to read the list of questions and answers and let him know of any others. Councilor Buehner noted that the groundbreaking for the Bonita Pump Station is scheduled for June 5 at 3:00 p.m.

8. LOCAL CONTRACT REVIEW BOARD: AWARD CONTRACT FOR POLICE MOBILE DATA COMPUTERS UPGRADE PROJECT



Public Contacts Manager Barrett gave the staff report. He said the contract is for a capital lease for new rugged mobile data computers and is necessary due to the age of the police department’s current inventory and changes to the City of Portland’s data management system. He said there is a need to upgrade to provide interface with Portland’s system because it will no longer support the existing software system. The purchase is time sensitive in order to get onto the manufacturing schedule. A number of other police agencies will be placing orders so Tigard’s order will be initiated

in the current fiscal year with subsequent payments next fiscal year. Savings this year will pay for the first payment and the second payment is budgeted in next fiscal year's budget.

LCRB Board Member Woodard said he understands that we are paying for a lease and the maintenance warranty on the equipment lasts four years after purchase. Police Department Business Manager Shaw said there will be an opportunity to revisit that warranty period. LCRB Board Member Snider commented that the items may not last for the fifth year due to heavy use. Staff recommends that council approve a capital lease with VAR Resources.

LCRB Board Member Snider moved to approve the contract for the police mobile data computer upgrade project. LCRB Board Member Buehner seconded the motion and all voted in favor.

	Yes	No
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	

12. NON AGENDA ITEMS

ADOPT A RESOLUTION ACKNOWLEDGING AND COMMENDING EJ ALBAUGH AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

Resolution No. 14-21 - A RESOLUTION ACKNOWLEDGING AND COMMENDING EJ ALBAUGH FOR HIS SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

Councilor Buehner moved for approval of Resolution No. 14-21 and Councilor Woodard seconded the motion.

	Yes	No
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	

CITIZEN COMMUNICATION FOLLOW UP

 City Manager Wine said Steve Bintliff, representing the group Tigard First came to council with concerns and a complaint about use of the gas tax fund for improvements to the 72nd Avenue/Dartmouth Street intersection. She reported that a meeting will be held to discuss with Mr. Bintliff the budget process, gas tax use, capital improvement plan and any other concerns he has about how projects are prioritized.

City Manager Wine reported that there have been several contracts at council meetings from Dr. Eugene Davis regarding the trenching he did on his property and court costs paid. He has met with city staff to discuss appropriate permitting and concerns for the city's water line. Staff will continue to work with him towards a solution towards his vision of having a trail on his property.

BOIL WATER ALERT

Mayor Cook thanked the Public Works staff for answering all the phone calls and emails. He noted that the boil water alerts always seem to happen on a holiday weekend and he thanked them for their extra effort. He suggested there be a different notification route taken next time.

City Manager Wine said citizens had questions and complaints regarding the water emergency communications. She said the city chose not to use Code Red (reverse 911 system) as the method to communicate with citizens by request from Portland. Because it was broadcast through the media and to almost 700,000 people, the city did not take additional measures.

Councilor Snider said it was confusing because he saw the media coverage but did not receive a reverse 911 call. The first notice he received was issued from Tigard-Tualatin School District. He acknowledged that Tigard may have been asked not to take the lead in contacting their citizens but thought from a customer perspective it should have been handled in the same way it was previously. He said he understood Portland's desire to control the message but suggested sending out their message through Tigard's notification system.

 Interim Public Works Assistant Director Goodrich said comments received from customers said the city should use the reverse directory tool. From his standpoint, staff was trying to work with the state, but looking at it from a customer service level would have been helpful. Under state law the state has the authority to issue a boil water alert. He mentioned there have also been problems with the Code Red calling system problems. It is complex because parts of the city are in the city limits and parts are not.

Councilor Woodard noted that Tigard businesses were dumping soda and ice but now we find out they may not have necessarily had to do that. Councilor Snider said citizens needed to hear that Tigard collected 24 samples that week and all were negative.

13. COUNCIL LIAISON REPORTS:



Councilor Buehner spoke about continuing discussions on Climate Smart Communities at the latest MPAC meeting. She said a joint MPAC/JPACT workshop will focus on reaching a consensus toward a proposal Metro will vote on in August.

Council President Henderson reported that Metro Councilor Dirksen noted at the Westside Economic Alliance that the City of Tigard has officially passed the 50,000 population mark. He requested a report from staff on how this affects grant eligibility and other opportunities.

Councilor Woodard reported on the Memorial Day event he attended at Crescent Grove Cemetery where he was the keynote speaker. He acknowledged the importance of this ceremony that brings many members of the community together. Mayor Cook expressed appreciation to Councilor Woodard for representing the city at this event. Councilor Buehner said the 40th anniversary of the end of the Vietnam War is next year and suggested the city plan something to commemorate this on Memorial Day because many Tigard citizens served in that war.

14. EXECUTIVE SESSION: None held.

15. ADJOURNMENT

At 9:28 p.m. Councilor Snider moved for adjournment and the motion was seconded by Councilor Buehner. All voted in favor.

	Yes	No
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	

Deputy City Recorder Carol A. Krager

Attest:

Mayor, City of Tigard

Date:_____

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AIS-1844

4. B.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): Consent Item

Agenda Title: Appoint Carol A. Krager as City Recorder and Approve Employment Agreement

Prepared For: Nadine Robinson, Administrative Services

Submitted By: Nadine Robinson, Administrative Services

Item Type: Motion Requested

Meeting Type: Consent Agenda

Public Hearing: Yes

Publication Date:

Information

ISSUE

Should City Council appoint Carol Krager as Tigard's City Recorder and enter into an employment agreement?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends appointing Carol Krager as City Recorder and formalizing the relationship through an employment agreement.

KEY FACTS AND INFORMATION SUMMARY

In May 2014 the city began the process of recruiting for a city recorder to replace the long-term city recorder who was retiring. After going through the city's customary recruitment process and holding two sets of interviews, Carol Krager was chosen as the finalist for the position. Carol has served as Tigard's Deputy City Recorder since 2006 and has extensive experience preparing agendas and packets as well as writing minutes. She has assisted with the election process for the City of Tigard and has provided election assistance to candidates. Her experience as the Deputy Recorder has given her the knowledge and background with the city's records management system that is needed to move the program forward. Carol has continued her education in the recorder field and has earned her Certified Municipal Clerk certification through the International Institute of Municipal Clerks.

The City of Tigard Charter designates the recorder as an officer of the City and requires the person filling the position be appointed by the city council. Historically the city has entered into a contract with the person filling the position. The contract establishes the relationship between the council and recorder and clarifies what the parties can expect from each other in the course of the recorder's employment.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Employment Agreement

City Recorder Job Description

EMPLOYMENT AGREEMENT

EFFECTIVE DATE: July 7, 2014

BETWEEN: The City of Tigard, Oregon, an Oregon Municipal Corporation (“City”)

AND: Carol A. Krager (“Employee”)

RECITALS

- A. City wishes to employ Employee as City Recorder and Employee wishes to serve City in that position.
- B. City and Employee desire to enter into a written employment agreement to create a professional and business-like relationship serving as a basis for effective communication and as a means for avoiding misunderstanding as to the terms of the employment relationship.

AGREEMENT

THEREFORE, in consideration of the mutual covenants contained in this Agreement and for the consideration specified in this Agreement, the City and Employee mutually agree:

SECTION 1 - EMPLOYMENT, DUTIES AND AUTHORITY:

- A. City and Employee agree that Employee shall serve the City as City Recorder. Employee shall perform the functions and duties of that position as specified in the City’s ordinances and Employee’s classification description (Exhibit A) and shall perform other duties consistent with the position as City may assign.

- B. The Tigard City Council is responsible for Employee's appointment, removal, and suspension. Employee shall serve at the pleasure of the Tigard City Council and upon the advice of the City Manager may be removed by the Tigard City Council at any time, with or without cause, as provided in Section 2 of this Agreement. Employee agrees to waive any rights or protections (including those currently received if this appointment constitutes a promotion or change in job classification title) as referenced in Article 16.0 *Discipline*, Article 17.0 *Discharge Procedure* and Article 18.0 *Appeal of Discipline* of the Management, Supervisory and Confidential Employees Personnel Policies. Employee agrees to serve under the conditions of this employment agreement. Employee also agrees to serve under and comply with all City wide Personnel Policies, department orders, Management, Supervisory and Confidential Employees Personnel Policies and other City policies. In the event that the language contained in this employment agreement differs from a provision in any City policy, this employment agreement shall take precedence.
- C. Employee agrees to remain in the exclusive employ of the City during the term of this Agreement, and agrees not to become employed by any other employer prior to the termination of this Agreement. The term "employed" shall not be construed to include occasional teaching, consulting or self-employment activities on the Employee's time off, subject to the approval of the City Manager or designee.

SECTION 2 – TERM AND TERMINATION:

The term of this Agreement begins on July 7, 2014. Unless terminated as provided for in this section, this Agreement shall continue in effect from calendar year to calendar year unless either party provides written notice to the other party prior to August 1 of a year that the Agreement will not be renewed for the following calendar year.

- A. City's Right to Terminate. Nothing in the Agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate the services of Employee at any time, subject only to the provisions set forth in this Agreement.
- B. Employee's Right to Resign. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time, subject only to the provisions set forth in this Agreement.
- C. Termination With or Without Cause. This Agreement may be terminated by City or Employee for any reason whatsoever, with or without cause. Termination by the City shall be effective immediately upon oral or written communication from the Tigard City Council to Employee, provided that any oral termination shall be confirmed in writing within five business days.
- D. Severance Pay: Except as otherwise provided in this paragraph, in the event Employee is involuntarily terminated without cause by the City and during such time as the Employee is willing and able to perform the assigned duties, or in the event Employee resigns at City's request, City shall pay Employee on a monthly basis at the Employee's highest rate of base salary during his term of City employment, for a three month period following the termination date. The City's

obligation to pay Employee severance pay shall cease if and when Employee accepts employment with another City or another employer, including self-employment, provided, however, that City shall pay a pro-rated share of the monthly severance pay for any partial month. The Employee has an affirmative obligation to notify the City upon acceptance of employment. If Employee is terminated for cause or convicted of any illegal act involving personal gain to him, City shall not pay any severance pay to Employee.

E. Termination For Cause For Purposes of Severance Pay Provision. For purposes of applying the severance pay provision above, immediate termination for cause means that the City has determined in it's the discretion the occurrence of any of the following events:

- (1) Employee willfully and continuously fails or refuses to comply with the policies, standards, and regulations of the City;
- (2) Employee commits an act of fraud, dishonesty, misappropriation of funds, embezzlement or other misconduct.
- (3) Employee fails or refuses to perform faithfully or diligently any of the provisions of this Agreement;
- (4) The Tigard City Council determines that continued employment of Employee is not in the best interests of the City for reasons of misconduct, malfeasance or other improper action by the Employee not otherwise specified in this section.

F. Accrued Vacation on Termination. Termination or resignation in good standing shall entitle Employee to a lump sum payment equivalent to all accrued vacation

and other entitlement benefits, consistent with City personnel policies and applicable law.

- G. Notice of Resignation. If Employee voluntarily resigns his/her position with the City before expiration of this Agreement, Employee shall give the City at least thirty (30) days' written notice, excluding use of accrued vacation, and Employee shall be present to serve during the 30-day period. After the Employee has given notice, the City and Employee may agree to a termination date other than that set forth in the notice of resignation.

SECTION 3- SALARY, REVIEW, WORK SCHEDULE:

- A. Salary. The City agrees to pay the Employee a salary of \$5,180.00 per month. Employee's salary shall be adjusted as provided for in the City's personnel policies management salary scale. Employee's salary shall be payable in the same installments and in the same manner as other management M2 classified employees are paid.
- B. Review: Employee shall be reviewed at the end of six (6) months to determine if Employee has successfully completed the probationary period. The City Manager or designee and the Employee shall meet at least annually thereafter to evaluate and assess the performance of the Employee.
- C. Work Schedule: The Employee shall be allowed, subject to the City Manager or designee review and approval, to work a flexible work week.

SECTION 4 – BENEFITS:

General: The City agrees to provide employee the same benefits and allowances as paid and provided by City to other management employees in M2 classifications, as provided in the City's personnel policies.

SECTION 5 – RELATIONSHIP OF THE PARTIES

The relationship between City and Employee is that of employer and employee. Employee shall have no authority to enter into any contracts binding upon the City without written authority from the City Manager.

SECTION 6 - PROFESSIONAL DEVELOPMENT:

The City encourages the professional growth and development of Employee. City shall permit a reasonable amount of time for Employee to attend professional meetings and seminars and shall pay for associated expenses to the extent that the expenses are reasonable and necessary, as determined by the City, subject to reasonable availability of funds and as approved in the annual budget.

SECTION 7 - GENERAL PROVISIONS:

- A. Professional Liability: The City agrees to defend, hold harmless, and indemnify Employee on any and all claims brought against Employee arising out of any actions of Employee within the scope of Employee's employment with the City. The City agrees to carry appropriate insurance through the City's insurance program.
- B. City Property: When Employee's employment is terminated, Employee will immediately deliver to City all City property in Employee's possession or control.
- C. Integration and Amendment: The text of this Agreement constitutes the entire agreement between the parties and any oral or other understandings are not binding upon the parties. This agreement may only be amended in writing signed by both parties.
- D. Severability: If any provision, or portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected, and shall remain in full force and effect.
- E. Attorney Fees: In the event an action is instituted to interpret or enforce the terms of this agreement, the prevailing party shall be entitled to recover reasonable attorney fees from the other party, whether incurred before litigation, during litigation or on appeal.
- F. Waiver: Failure of either party at any time to require performance of any provision of this Agreement shall not limit the party's right to enforce the

provision, nor shall any waiver of any breach of any provision be a waiver of a subsequent breach of that or any other provision of this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2014.

Carol A. Krager

CITY OF TIGARD

By: _____



June 2008

CITY RECORDER

DEFINITION

Under general direction, plans, organizes, and provides direction and oversight to and participates in all City Recorder functions and activities, including the custody, access, and archiving of public records and public information, election services, the legislative function, and filing officer services; coordinates assigned activities with other City departments, officials, outside agencies, and the public; provides responsible and complex administrative support to the City Manager and the City Council in areas of expertise; serves as the City Elections Official and Clerk to the City Council; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Administrative Services Manager and administrative direction from the City Manager and City Council. The work provides for a wide variety of independent decision-making, within legal and general policy and regulatory guidelines. Exercises general supervision over technical and administrative support staff.

CLASS CHARACTERISTICS

This is a supervisory-level class that directs and participates in all activities of the City Recorder's Office, including providing responsible and complex administrative support to the City Manager and the City Council, serving as the City's official record custodian, and coordinating election activities. Responsibilities include coordinating the activities of the assigned function with departments, officials, outside agencies, and the public. The incumbent is accountable for accomplishing goals and objectives for the office and for furthering City goals and objectives within general policy guidelines. This class is distinguished from the Administrative Services Manager in that the latter has overall responsibility for all administrative services functions, including municipal court, records management, office services, and City Recorder.

EXAMPLES OF ESSENTIAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Assists in developing and implements and administers division goals, objectives, policies, and procedures.
- Assists in the preparation of the City Recorder and Records Division budgets; recommends staffing, equipment, materials, and supplies; monitors the approved budget.
- Plans, organizes, administers, reviews, and evaluates the work of technical and office support staff; provides training and policy guidance and interpretation to staff.
- Participates in the recruitment and selection of new employees; makes hiring recommendations.

- Ensures that staff provides a high degree of service to the public, other departments, and other governmental agencies in support of achieving the department's and the City's objectives and goals.
- Contributes to the overall quality of the department's service by developing, reviewing, and implementing policies and procedures to meet legal requirements and City needs.
- Evaluates the operations and activities of the City Recorder's office; recommends improvements and modifications; prepares various reports on operations and activities.
- Participates in budget preparation and implementation for the municipal court program; prepares cost estimates for budget recommendations; submits justification for requests; reviews monthly expenditures to ensure compliance with approved budget; monitors the collection, receipt, and transfer of fines, monies, and other funds that pass through the court system.
- Manages and coordinates support to the City Council including agenda preparation, Council packet review and preparation, tracking agenda items, minute preparation, and assembling the public record.
- Manages and coordinates follow-up to Council meetings, including appropriate notifications, securing signatures on contracts, writing letters, administering ordinance codification, preparation and distribution of Council minutes, and maintaining the official Council record.
- Serves as City Elections Officer handling all aspects of City elections, including preparing and distributing official notifications, providing information to candidates and campaign committees and ensuring compliance with all county and state rules, regulations and requirements.
- Provides technical advice regarding required content of City legal notices for completeness and compliance with statutes; coordinates the preparation of legal notices related to Council actions; reviews all City resolutions and ordinances for form and completeness.
- Supervises and administers the City records management program, including advising City departments for compliance with requirements of the State Archivist, providing direction to the records staff in developing the records management program, citywide filing system, microfilming and records retention/destruction schedules, developing a City-wide disaster recovery program for vital records, coordinating and reviewing requested documents in conjunction with the City Attorney, and producing documents for review.
- Assists in or directs the preparation of the official record for land use actions appealed to the Land Use Board of Appeals or appellate court.
- Manages and coordinates response to requests for public records from citizens, civic organizations, news media and other public agencies in compliance with the Oregon Public Records law; assists the public and City staff by responding to inquiries and researching issues related to the Tigard Municipal Code and Council actions; researches and prepares information and elements of studies and reports.
- Serves as Oregon Notary Public and as an information resource to City staff regarding notary issues; serves as a designee to receive legal process service; notarizes, signs, and/or affixes the City seal for official city documents, including ordinances, orders, resolutions contracts and other documents as necessary; administers oaths to City Council, Charter officers, and other officials upon request.
- Resolves complex technical issues by recommending or approving modifications and alternate methods.
- Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

- Administrative principles and practices, including goal setting, program development, implementation, and evaluation, and supervision of staff.
- Public agency budgetary, contract administration, City-wide administrative practices, and general principles of risk management related to the functions of the assigned area.

- Organizational and management practices as applied to the analysis and evaluation of projects, programs, policies, procedures, and operational needs; principles and practices of municipal government administration.
- Principles, practices, and procedures related to public agency record keeping, municipal elections, and the City Recorder function.
- Functions, authority, responsibilities, and limitations of an elected City Council.
- Automated and manual records management principles and practices, including legal requirements for recording, retention, and disclosure.
- Applicable Federal, State, and local laws, codes, and regulations.
- Principles and practices of employee supervision, including work planning, assignment, review and evaluation, and the training of staff in work procedures.
- Record keeping principles and procedures.
- Modern office practices, methods, and computer equipment.
- Computer applications related to the work.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for dealing effectively with the public, vendors, contractors, and City staff, in person and over the telephone.
- Techniques for effectively representing the City in contacts with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.
- Techniques for providing a high level of customer service to public and City staff, in person and over the telephone.

Ability to:

- Develop and implement goals, objectives, policies, procedures, work standards, and internal controls for the assigned function and program areas.
- Prepare and administer budgets; allocate limited resources in a cost effective manner.
- Interpret, apply, and ensure compliance with Federal, State, and local policies, procedures, laws, and regulations.
- Select, train, motivate, and evaluate the work of staff and train staff in work procedures.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Coordinate municipal elections within legal guidelines.
- Oversee and coordinate maintenance of the official records of the City.
- Prepare official minutes, resolutions, and ordinances.
- Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.
- Conduct complex research projects, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.
- Establish and maintain a variety of filing, record-keeping, and tracking systems.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities and meet critical time deadlines.
- Operate modern office equipment including computer equipment and specialized software applications programs.
- Comprehend and use English effectively including producing all forms of communication in a clear, concise, and understandable manner to intended audiences.
- Use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to the completion of the twelfth (12th) grade supplemented by college coursework in business or public administration, political studies, communications, or a related field, and/or technical training through the Oregon Association of Municipal Recorders, and five (5) years of experience in municipal government, preferably with a City Recorder's Office, including one (1) year of supervisory experience.

Licenses and Certifications:

- Possession of a valid driver's license with a satisfactory driving record.
- Possession of or ability to obtain designation as a Notary Public in the State of Oregon at time of appointment.
- Certification as a Certified Municipal Clerk is desirable.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to operate a motor vehicle and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard or calculator, and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 40 pounds.

ENVIRONMENTAL ELEMENTS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

AIS-1740

4. C.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): Consent Item

Agenda Title: Authorize the Mayor to Execute an Agreement with Washington County for Technological Improvements to Traffic Signals

Prepared For: Mike McCarthy

Submitted By: Renee Ferguson,
Public Works

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall council authorize the mayor to execute an agreement with Washington County for technological improvements to increase the efficiency of traffic signals along Durham and Upper Boones Ferry Roads to improve traffic flow?

STAFF RECOMMENDATION / ACTION REQUEST

Authorize the mayor to execute the agreement.

KEY FACTS AND INFORMATION SUMMARY

The council was briefed on this agreement at its July 8, 2014, meeting.

The adopted 2014-15 Capital Improvement Plan includes project #95041 - Upper Boones Ferry Road / Durham Road Adaptive Signal Coordination. The purpose of this project is to use modern technology to improve traffic flow and safety along the Upper Boones Ferry Road and Durham Road corridor from Interstate 5 to Highway 99W. The project will install a traffic flow management system to coordinate the 13 signalized intersections, two rail crossings, one enhanced crosswalk, and two school zones along this corridor, and allow signal timing to adapt in real time to changes in traffic demand. The attached map shows the project corridor (as a blue line) and the signals to be coordinated along that corridor.

The total cost of this project is estimated to be \$1.1 million. City staff have secured \$1 million in federal Surface Transportation Program (STP) funding for this project. This federal

funding is allocated through Metro's Metropolitan Improvement Program (MTIP) and the design and construction contracts will be administered by the Oregon Department of Transportation (ODOT). Tigard is required to pay a 10.27% local match, which is estimated to be \$114,454 and will be paid from the Transportation Development Tax (TDT) fund. The \$1 million of federal funds will flow through the state to pay the consultant and contractor to complete the project. This project will be managed at a level so that Tigard's external costs will not exceed \$114,454. Tigard's internal staff costs for project management are budgeted to be \$50,000, for a total city cost of \$164,454, from TDT funds.

Washington County maintains Tigard's signals under a separate intergovernmental agreement, and county staff have the expertise in coordinated signal systems to effectively manage this project. County staff have offered to manage this project with the city, and this agreement outlines how this project will be managed and implemented. Washington County will have agreements with ODOT and Metro for execution of this project.

This agreement was reviewed and approved by the city attorney's office in April 2014.

OTHER ALTERNATIVES

The council could propose changes to the agreement or could decide not to approve the agreement. Should the council decide not to approve the agreement, the consequence would likely be that the county would not agree to assist the city by managing this project.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

None

DATES OF PREVIOUS CONSIDERATION

The council was briefed on this agreement at its July 8, 2014, meeting.

Fiscal Impact

Cost: \$114,454
Budgeted (yes or no): Yes
Where Budgeted (department/program): CIP Project #95041

Additional Fiscal Notes:

This project is primarily funded by \$1 million from the federal Surface Transportation Program (STP) allocated through Metro's Metropolitan Transportation Improvement Program (MTIP). This funding is not shown in the Capital Improvement Plan (CIP) because it will not flow through the city's books. The state will hire and pay the consultant and contractor to complete this project.

The city's local match for this project is \$114,454, which will be paid to the county. The city's estimated internal costs are \$50,000 spread over fiscal years 2013-2014 and 2014-2015. The total city cost of \$164,454 will be paid with Transportation Development Tax (TDT) funds.

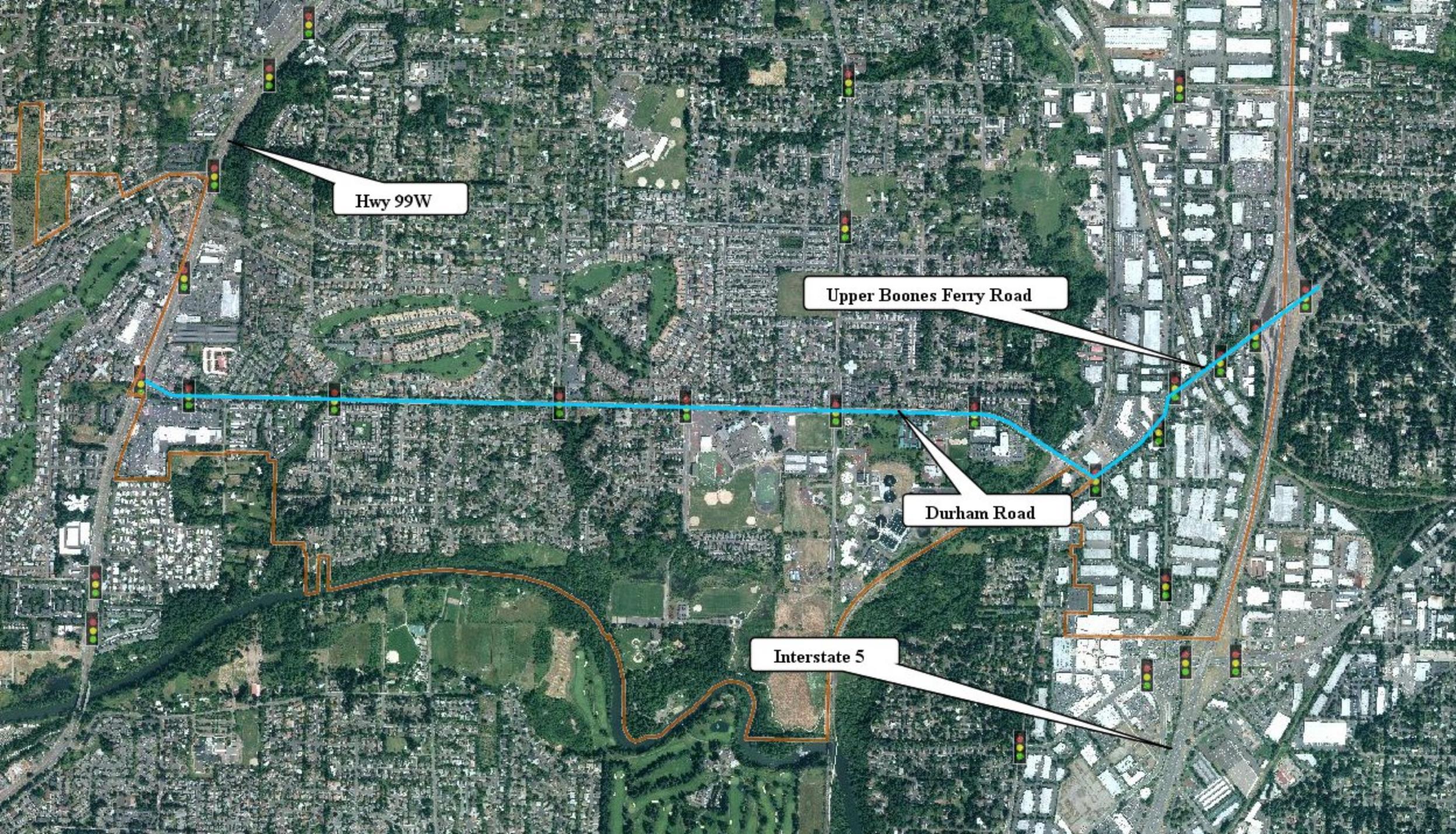
This use of TDT funds has been approved by the Washington County Coordinating Committee.

The Adopted CIP includes this project. At the time of CIP development, this project was going to be combined with another County/State project on Tualatin-Sherwood Road and it was anticipated that \$50,000 of the project costs would be spent in FY 2014 with the remaining \$114,454 budgeted in FY 2015. Since that time, the state determined that the adaptive signal project will be a separate project. The State's decision delayed the project; resulting in less than \$3,000 actually being spent in FY 2014. To pay for the city's portion in FY 2015, the remaining \$47,000 will need to be carried forward into FY 2015. Staff will bring this request forward in the FY 2015 First Quarter Supplemental Budget.

Attachments

Project Corridor and Affected Signals Map

Intergovernmental Agreement



Hwy 99W

Upper Boones Ferry Road

Durham Road

Interstate 5

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
WASHINGTON COUNTY AND THE CITY OF TIGARD**

**INSTALLATION OF INTELLIGENT TRANSPORTATION SYSTEM (“ITS”)
UPPER BOONES FERRY/DURHAM RD SIGNALS**

THIS INTERGOVERNMENTAL AGREEMENT is entered into between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as “COUNTY”; and the City of Tigard, a municipal corporation, acting by and through its City Council, hereinafter referred to as “CITY,” jointly referred to as “PARTIES”.

RECITALS

1. WHEREAS, ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and
2. WHEREAS, CITY has an approved and funded Metropolitan Transportation Improvement Project (MTIP) to design and construct signal improvements to SW Upper Boones Ferry Road, a City Arterial Street, and SW Durham Road, a City Arterial Street, from Interstate 5 to Highway 99W; and
3. WHEREAS, COUNTY maintains certain public infrastructure within the Rights-of-Way of SW Upper Boones Ferry Road and SW Durham Road by agreement with CITY; and
4. WHEREAS, CITY desires COUNTY to improve signal operation along SW Upper Boones Ferry Road and SW Durham Road; and
5. WHEREAS, PARTIES have determined it would serve the interests of the public, and result in considerable cost savings, for the COUNTY to manage, design and construct the signal improvements; and
6. WHEREAS, under such authority, it is the desire of the PARTIES to enter into such an Agreement to cooperate in the design and construction of the improvements to the traffic signal system along SW Upper Boones Ferry Road and SW Durham Road, with the allocation of responsibilities as detailed below; and
7. WHEREAS, it is the desire of PARTIES to enter into this agreement to allocate responsibilities for funding, design, and construction of all the above-described improvements.

AGREEMENT

NOW, THEREFORE, the premise being in general as stated in the foregoing recitals, and in consideration of the terms, conditions and covenants as set forth below, the PARTIES hereto agree as follows:

1. PROJECT DESCRIPTION

- 1.1 The project work within the City includes installation of a traffic signal control system connecting thirteen (13) traffic signals, two (2) rail crossings, one (1) crosswalk, and potentially school speed zone signage, hereinafter collectively referred to as "PROJECT" as shown generally on the attached Exhibit A.

2. COUNTY OBLIGATIONS

- 2.1 Upon execution of this Agreement, COUNTY shall assign a Project Manager to be responsible for oversight of the PROJECT during the design, bidding and construction phase of the PROJECT and to provide timely coordination with CITY.
- 2.2 COUNTY shall perform, or cause to be performed, all actions necessary for the design and construction of the PROJECT including project management, design and construction engineering, regulatory and land use permits and approvals, public information, contract administration, and construction management. COUNTY shall coordinate and administer the design and construction contracts for the PROJECT.
- 2.3 COUNTY shall regularly and upon request, inform and notify the CITY, through the City assigned Project Manager, of PROJECT construction status and anticipated completion date.
- 2.4 COUNTY shall perform actions regarding compensation as set forth in Article 4 – Compensation.

3. CITY OBLIGATIONS

- 3.1 Upon execution of this Agreement, CITY shall assign a Project Manager to be responsible for coordination of the PROJECT with COUNTY.
- 3.2 CITY shall provide timely review and comment on COUNTY design documents and timely response to other PROJECT information requests. COUNTY agrees to incorporate CITY comments that do not significantly impact PROJECT costs or schedule.
- 3.3 CITY will review PROJECT work and may provide inspection or testing at its own expense and may require additional and/or corrective work, at its own expense to complete the PROJECT if, in the CITY's judgment, it is in the public interest to do so and as may be necessary.
- 3.4 CITY shall coordinate and participate with COUNTY on any disagreements, disputes, delays or claims related to or as a result of the PROJECT.

3.5 CITY shall perform actions regarding compensation as set forth in Article 4 – Compensation.

4. COMPENSATION

4.1 Estimated design costs are:

a. Intelligent Transportation System: Design	\$ <u>345,000</u>
b. City of Tigard Match (10.27%)	\$ <u>39,487</u>
c. Estimated Total Design Cost	\$ <u>384,487</u>

4.2 Estimated construction costs are:

a. Intelligent Transportation System: Construction	\$ <u>655,000</u>
b. City of Tigard Match (10.27%)	\$ <u>74,967</u>
c. Estimated Total Construction Cost	\$ <u>729,967</u>

4.3 Estimated Project costs are:

a. City of Tigard Match (10.27%)	\$ <u>114,454</u>
b. Federal Highway Contribution	\$ <u>1,000,000</u>
c. Estimated Total Project Cost	\$ <u>1,114,454</u>

4.4 CITY shall provide to COUNTY a 10.27% match for the PROJECT, as approved as part of the CITY's fiscal year 2014-2015. The CITY's match funds will be payable in one lump sum payment upon execution of this Agreement. The costs shall include, but are not limited to, design engineering and construction engineering consultant services, and County administrative costs.

4.5 CITY and COUNTY understand that the design and construction costs outlined above are estimates and are used to determine project budgets and estimated payment amounts used within this Agreement. Notwithstanding, the estimate costs shown above, final costs payable by the CITY to COUNTY will be based on the actual contract amounts. However, in no event shall the CITY be obligated to pay to COUNTY more than \$114,454 for PROJECT costs. Any additional costs associated with the PROJECT incurred by the County and/or its contractor above the match funds, including without limitation, any cost overruns, shall be borne by the COUNTY or COUNTY's contractor. Payments made by the CITY to the COUNTY related to this PROJECT shall be based on actual design invoices, actual bid prices, construction quantities and non-construction costs.

4.6 Within ninety (90) days after the completion of the construction contract, the COUNTY shall provide the CITY with a final statement of PROJECT WORK and bill the CITY for any remaining costs in excess of the payments already made, or refund any excess match funds to the CITY.

- 4.7 Upon the completion of the construction and completion of Record Drawings, the COUNTY shall deliver one electronic copy and one set of reproducible Record Drawings to the CITY, for their files.

5. GENERAL PROVISIONS

5.1 LAWS OF OREGON

The parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapter 279A and 279C to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.

5.2 DEFAULT

Time is of essence in the performance of the Agreement. Either party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the defect.

5.3 INDEMNIFICATION

This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold harmless the other party, and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this agreement.

5.4 MODIFICATION OF AGREEMENT

No waiver, consent, modification or change of terms of this Agreement shall be binding unless in writing and signed by both parties.

5.5 DISPUTE RESOLUTION

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations, with the parties sharing equally in the cost of a neutral third party. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.

5.6 REMEDIES

Subject to the provisions in paragraph 5.5, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Washington County Circuit Court. The parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court.

5.7 EXCUSED PERFORMANCE

In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the party to be excused.

5.8 SEVERABILITY

If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the Agreement will not be affected or impaired in any way.

5.9 INTEGRATION

This Agreement is the entire agreement of the parties on its subject and supersedes any prior discussions or agreements regarding the same subject.

6. TERMS OF AGREEMENT

- 6.1 The term of the Agreement shall be from the date of execution until the completion of the PROJECT, but not to exceed five (5) years.
- 6.2 This Agreement may be amended or extended for periods of up to one (1) year by mutual consent of the parties. It may be canceled or terminated for any reason by either party. Termination or cancellation shall be effective thirty (30) days after written notice to the other party, or at such time as the parties may otherwise agree. The parties shall, in good faith, agree to such reasonable provisions for winding up the PROJECT and paying for any additional costs as necessary.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

CITY OF TIGARD, OREGON

WASHINGTON COUNTY, OREGON

MAYOR

CHAIR, BOARD OF COUNTY
COMMISSIONERS

DATE: _____

DATE: _____

ATTEST:

CITY RECORDER

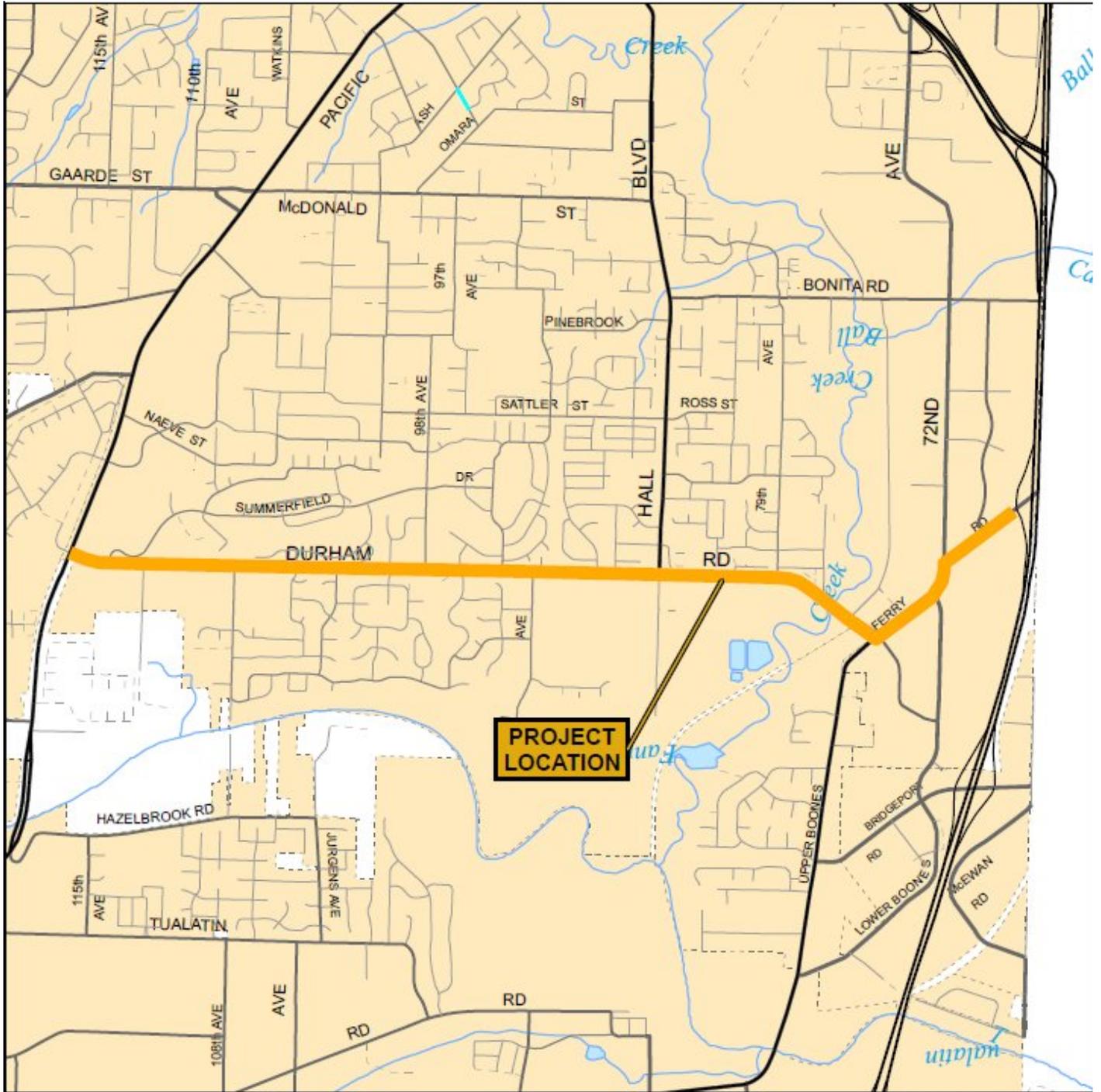
RECORDING SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:

CITY ATTORNEY

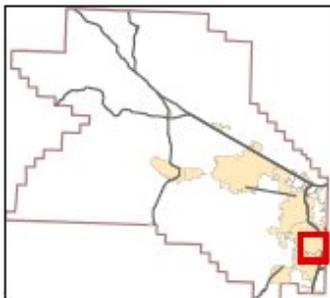
COUNTY COUNSEL



UPPER BOONES FERRY RD / DURHAM RD PACIFIC HWY 99W TO US HWY 5

LEGEND

- PROJECT LOCATION
- HIGHWAYS
- MAJOR ROADS
- MINOR ROADS
- RAILROADS
- CITIES
- LAKES
- RIVERS & STREAMS



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

For more information, contact:
 Dan Erpenbach, Project Manager
 Engineering and Construction Services
 Phone: 503-846-7800
 Fax: 503-846-7810
 Email: daniel_erpenbach@co.washington.or.us

Drawn by: RRR
 Map Date: March 5, 2014



SCALE

Feet
 0 375 750 1,500

AIS-1744

4. D.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): Consent Item

Agenda Title: Authorize the City Manager to Execute an Agreement with CWS and Beaverton Regarding the Construction of Water and Sewer Lines to Serve River Terrace

Prepared For: Rob Murchison **Submitted By:** Greer Gaston,
Public Works

Item Type: Motion Requested **Meeting Type:** Consent
Agenda

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall council authorize the city manager to execute an intergovernmental agreement with Clean Water Services (CWS) and the City of Beaverton regarding the design and construction of Phase 2 of water and sewer lines to serve River Terrace?

STAFF RECOMMENDATION / ACTION REQUEST

Authorize the city manager to execute the agreement.

KEY FACTS AND INFORMATION SUMMARY

The council was briefed on this agreement at its July 8, 2014, meeting.

This project represents Phase 2 of the previous work completed in FY 13/14 and will extend the remaining sections of trunk sewer and mainline waterlines to the intersection of Roy Rogers Road and Scholls Ferry Road. From this point, the lines will be extended south into the River Terrace Service Area.

Previously, the water and sewer work was agreed upon and undertaken by way of two separate IGAs between the participants (Tigard, Washington County and Beaverton). The IGA under consideration for Phase 2 is similar to the previous agreements for Phase 1 except that a single agreement is proposed to cover both the sewer and water work. This agreement represents a means for CWS, Beaverton and Tigard to pay for their respective portions of the design, construction and maintenance responsibilities associated with the improvements.

As planned the majority of the work benefits Beaverton. Understandably, Beaverton has offered to design, bid, construct and provide project management services with the other two parties compensating Beaverton for their respective proportional costs. This avoids the need for multiple contracts and IGAs.

Inspection of improvements specific to Tigard (portions of the mainline waterlines) will be accomplished by Tigard employees.

The agreement has been reviewed by Tigard's City Attorney and has been adopted by both CWS and Beaverton.

OTHER ALTERNATIVES

The council could choose to not approve or could propose changes to the IGA. Not approving the IGA as proposed could lead to Tigard completing the improvements alone, possibly at significantly increased costs.

Proposing changes to the IGA could possibly lead to a delay in the completion timeline, thereby impacting the development schedule for River Terrace.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard City Council - Proposed Goals and Milestones, September 2013 - December 2014

River Terrace

- *Service delivery planning*

DATES OF PREVIOUS CONSIDERATION

The council was briefed on this agreement at its July 8, 2014, meeting.

Fiscal Impact

Cost:	\$388,000
Budgeted (yes or no):	Yes
Where Budgeted (department/program):	531 - Water SDC Fund, 540 - Sanitary Sewer Fund

Additional Fiscal Notes:

See Table Attached

Attachments

Intergovernmental Agreement

Fiscal Impact Table

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF BEAVERTON, CITY OF TIGARD, AND
CLEAN WATER SERVICES TO CONSTRUCT
THE SCHOLLS FERRY TRUNK SEWER EXTENSION PHASE 2
PROJECT NO. 6649**

This Agreement, dated _____, 2014, is between CLEAN WATER SERVICES (District), a county service district organized under ORS Chapter 451, the CITY OF BEAVERTON (Beaverton), an Oregon Municipality, and the CITY OF TIGARD (Tigard), an Oregon Municipality.

A. RECITALS

ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary.

District, Tigard, and Beaverton intend to undertake the Scholls Ferry Trunk Sewer Extension Phase 2 Project (Project) to extend gravity sewer from Barrows Road westward to Scholls Ferry Road and to connect two segments of existing water line. This Project has been endorsed by the Capital Improvement Program Prioritization Committee.

NOW, THEREFORE, the parties agree as follows:

B. PROJECT DESCRIPTION

The sanitary sewer improvement portion of the Project consists of constructing approximately 690 linear feet of 24-inch diameter sanitary sewer, 555 linear feet of 21-inch diameter sanitary sewer, 50 linear feet of 8-inch diameter sanitary sewer, and nine manholes from the eastern terminus of a storm water facility access road along the southern side of SW Scholls Ferry Road to a point 1,243 feet eastward on Barrows Road as shown in Exhibit A (Sanitary Work).

The water improvement portion of the Project consists of constructing approximately 350 linear feet of 18-inch diameter water line with appurtenances from the western side of the traffic circle at SW Barrows Road, extending to the intersection of SW Barrows Road and SW Scholls Ferry Road (Water Work).

Beaverton will design the Project, select the construction contractor, and administer the construction contract for the Project.

C. DEFINITIONS

1. **Beaverton Planning and Design Cost** – Beaverton labor and benefit costs and consultant costs paid by Beaverton associated with the services outlined in Section E.1-22.

2. **Capital Improvement Program Prioritization Committee** – The Committee established by District and the Member Cities of Beaverton, Cornelius, Forest Grove, Hillsboro, Tigard, Tualatin, and Sherwood to identify and prioritize sanitary and storm system improvement projects throughout District’s service area.
3. **Sewer Cost** - Includes the cost of all line items, bid schedules, restoration work, change orders, any associated restoration work, Beaverton Planning and Design Cost, overhead, bidding, inspection and project administration that can be accurately allocated to installation of the sanitary sewer and the prorated share of all general construction line items (mobilization, work zone traffic control, erosion control) as described in the Project Description for Sanitary Work, and any other costs associated with bidding and installing or modifying the new sanitary sewer line. Sewer Cost will also include costs associated with the repair of the water vault necessitated by damage to the vault during construction of the Sanitary Work.
4. **Water Cost** – Includes the cost of all line items, bid schedules, restoration work, change orders, any associated restoration work, design, overhead, bidding, inspection and project administration that can be accurately allocated to the water line and the prorated share of all general construction line items (mobilization, work zone traffic control, erosion control) as described in the Project Description for Water Work, and any other costs associated with bidding and installing or modifying the new water line.

D. DISTRICT OBLIGATIONS

District shall:

1. Provide direction to Beaverton on the anticipated capacity requirements of sewer lines larger than 12-inches in diameter.
2. Review plans and specifications provided by Beaverton and provide comments to Beaverton within ten working days of receiving them.
3. Pay Beaverton 75% of the Sewer Cost, not to exceed \$1,225,000 within 30 days of receiving and approving the invoice. The invoice must be complete and include full progress payment amounts and typical construction retainage.
4. Appoint Andrew Braun as District’s Project Manager.
5. Provide approval to Beaverton of the low bidder and bid cost for the Sanitary Work within three business days.
6. Have the right to review, and approve or reject any proposed changes to the Sanitary Work such as design change, field directive, change order, or use of the contingency line item.
7. Pay none of the Water Cost.
8. Respond to requests for District’s approval of changes to the Sanitary Work within 12 business hours (8:00 a.m. – 5:00 p.m. Monday through Friday, excluding holidays). This

includes, but is not limited to: a) authorizing any design changes, b) approving any change orders, c) authorizing use of contingency line items, or d) resolving any disagreement, dispute, delay or claim.

9. Approve final acceptance prior to making any payment.

E. BEAVERTON OBLIGATIONS

Beaverton shall:

1. Appoint Andrew Barrett or another employee acceptable to District, as Beaverton's Project Manager.
2. Select, contract with, and pay consultants to perform a geotechnical investigation, utility locates, boring design, environmental assessment, and other work as necessary for use in designing and obtaining permits for the Project.
3. Provide all planning, design, specifications, and permits for the Project.
4. Provide any required notice and communicate with the neighborhood and property owners within the Project limits. Respond to public calls arising from work being completed for the Project. Take the lead in coordinating public involvement related to the Project.
5. Provide Tigard and District at least ten business days to review plans and specifications for the Project at 75%, 90%, and 100% completion, and incorporate their review comments into the plans.
6. Conduct a public bidding process to construct the Project.
7. Provide timely responses to bidders' questions about the Project. If necessary, provide District with an addendum no later than five business days prior to the bid opening.
8. Provide timely response to contractor's Project information requests.
9. Require all contractors to include District and Tigard as additional insureds on insurance coverage required for construction work performed in completing the Project.
10. Administer construction of the Project and pay contractor all contract costs.
11. Construct the Project and provide construction and management services for the Project.
12. Provide construction inspection of the Project bid items including review and approval of shop drawings, submittals, and onsite inspection to determine compliance with the contract documents. Beaverton's inspector shall be onsite and responsible for enforcing all applicable specifications during all Project work, including but not limited to night work, accommodations for public traffic and work zone traffic.
13. Obtain District's approval for any proposed sewer design or other changes to the Sanitary Work. Obtain District's consent before taking any of the following actions for the Sanitary Work: a) authorizing any design changes, b) approving any change orders, c) authorizing use of contingency line items.
14. Provide District written notice that the Project is complete and obtain District's approval for final acceptance of the Project prior to releasing bonds, or issuing final payment to the contractor.

15. Provide District as-built construction drawings for the Project within 60 days after the Project is deemed complete and acceptable to District. The as-built drawings shall be provided in camera-ready hardcopy, 11 x 17 inches with a CD in both pdf and AutoCAD digital format.
16. Coordinate and participate with District and obtain District's consent before resolving any disagreement, dispute, delay or claim related to, or as a result of the Sanitary Work.
17. Provide documentation of the Project cost to District and Tigard, prior to invoicing.
18. Track Water Cost and Sewer Cost separately.
19. Pay 12.5% of the Sewer Cost, (after reimbursement from District and Tigard) not to exceed \$205,000.
20. Invoice District for 75% of the Sewer Cost, not to exceed \$1,225,000, upon completion of the Project.
21. Invoice Tigard for 12.5% of the Sewer Cost upon completion of the Project.
22. Invoice Tigard for 3% of the Water Cost as a contract administrative fee.
23. Invoice Tigard 100% of the Water Cost at the time the contractor's invoices are received.

F. TIGARD OBLIGATIONS

Tigard shall:

1. Appoint Rob Murchison or another employee acceptable to District and Beaverton as Tigard's Project Manager.
2. Provide all planning, design, specifications, and permits for the Water Work.
3. Review plans and specifications provided by Beaverton for the Project and provide comments to Beaverton within ten working days of receiving them.
4. Provide timely response to contractor's Water Work information requests.
5. Provide construction inspection and management services for the Water Work.
6. Provide construction inspection of the bid items relating to Water Work including review and approval of shop drawings, submittals, and onsite inspection to determine compliance with the contract documents. Tigard's inspector shall be onsite and responsible for enforcing all applicable specifications during all Project work, including but not limited to night work, accommodations for public traffic and work zone traffic.
7. Have the right to approve any proposed Water Work related to design change, field directive, change order, or use of the contingency line item.
8. Pay Beaverton 100% of the Water Cost within 30 days of receiving and approving the invoice.
9. Pay Beaverton, 12.5% of the Sewer Cost as bid and modified during construction, not to exceed \$205,000, within 30 days of approving the invoice. The invoice shall include full progress payment amounts, including typical construction retainage.
10. Pay Beaverton 3% of the Water Cost as a contract administrative fee.

11. Show proof that funds are available prior to starting the Project.
12. Provide Beaverton as-built construction drawings for the Water Work within 30 days after the Project is deemed complete. The as-built drawings shall be provided in camera-ready hardcopy, 11 x 17 inches with a CD in both pdf and AutoCAD digital format.

G. GENERAL TERMS

1. Laws and Regulations. Beaverton, Tigard and District agree to abide by all applicable laws and regulations.
2. Term of this Agreement. This Agreement is effective from the date the last party signs it and shall remain in effect until the Project is complete and the parties' obligations have been fully performed or this Agreement is terminated as provided herein.
3. Amendment of Agreement. Beaverton, Tigard and District may amend this Agreement from time to time, by mutual written agreement.
 - A. Proposed sewer-related changes of scope during the Project implementation must be reviewed and endorsed by the Capital Improvement Program Prioritization Committee. Changes necessitated by conditions discovered during design or construction, but consistent with the original scope of the Project, may be approved by District and Beaverton for the Project without further approval from the Capital Improvement Program Prioritization Committee.
 - B. The construction contract amount of the Water Work and the Sanitary Work may each be increased by up to 20% without amending this Agreement, provided the increase shall not exceed any not to exceed amount contained in this Agreement.
4. Termination. This Agreement may be terminated immediately by mutual written agreement of the parties, or by any of the parties notifying the others in writing prior to award of a construction contract, with the termination being effective in 30 days.
5. Integration. This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.
6. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the others and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation

of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.

7. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the Beaverton Mayor, Tigard City Manager and District's General Manager will attempt to resolve the issue. If they are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
8. Interpretation of Agreement.
 - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
 - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.
9. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
10. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) District's General Manager or the General Manager's designee and when required by applicable District rules, District's Board of Directors 2) Beaverton, and 3) Tigard. Proposed changes of scope to the Sanitary Work must also be approved by the Capital Improvement Program Prioritization Committee.

11. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.
12. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

CLEAN WATER SERVICES

By: _____
General Manager or Designee

Date: _____

APPROVED AS TO FORM

District Counsel

CITY OF BEAVERTON, OREGON

By: _____
Mayor or Designee

Date: _____

APPROVED AS TO FORM

City Counsel

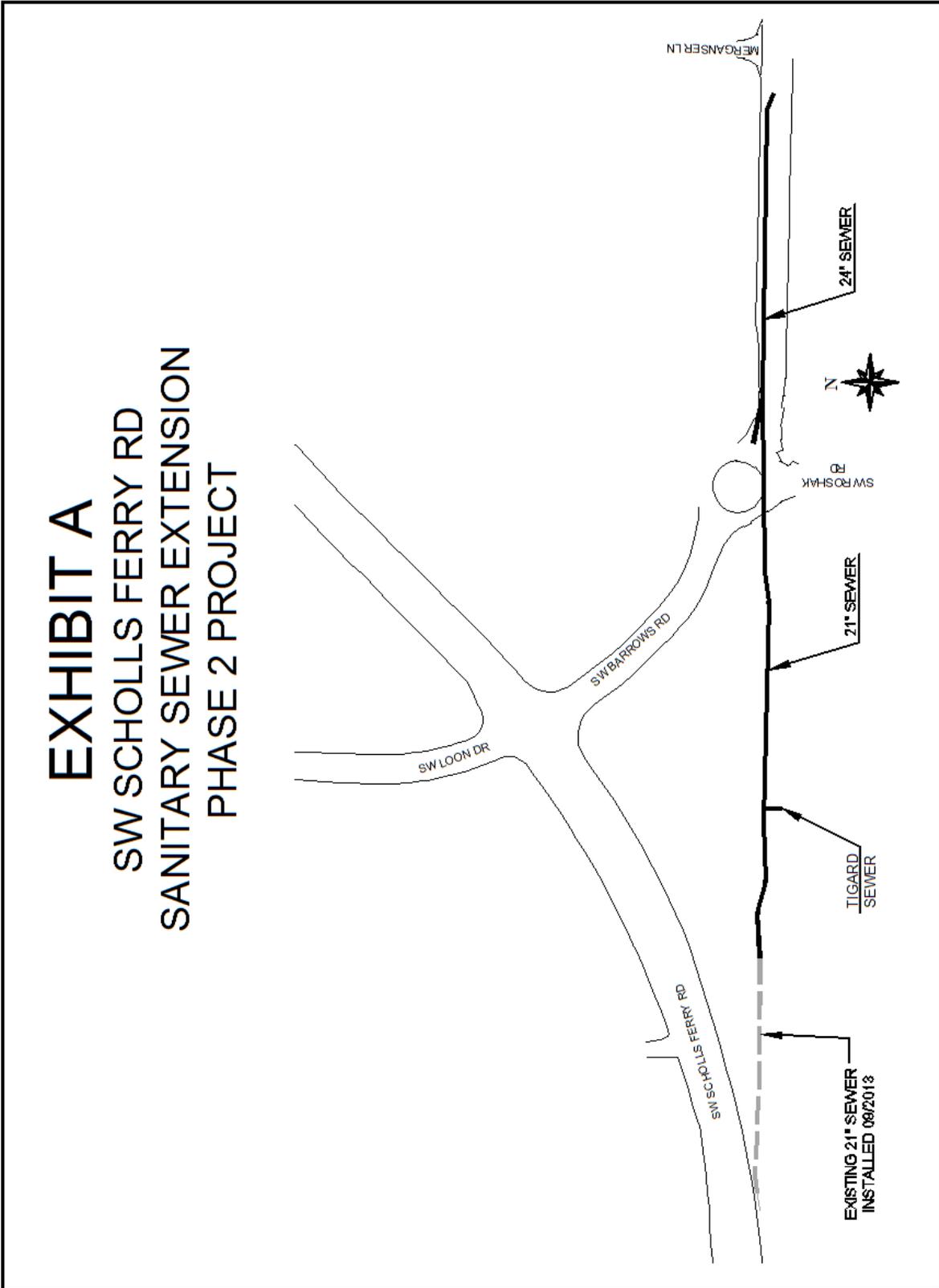
CITY OF TIGARD

By: _____
City Manager or Designee

APPROVED AS TO FORM

City Counsel

**Exhibit A
Project Location Map**



ESTIMATED CITY OF TIGARD COSTS TO CONSTRUCT WATER AND SEWER LINES TO SERVE RIVER TERRACE

There is \$735,000 total combined budget for the water (\$345,000) and the sewer line (\$390,000).

The estimated cost of Tigard's portion of the water and sewer line construction is as follows:

Waterline Improvements (CIP Project # 96035) Tigard's Portion is 100% of Waterline Construction Costs	\$ 98,000
Internal Costs	\$ 37,000
External Costs (As-builts, RFI submittals, etc.)	\$ 5,000
Beaverton Administrative Fee @ 3%	\$ 3,000
Subtotal Waterline	\$143,000
Sewer Line Improvements (CIP Project # 93035) Tigard's Portion is 12.5% of Estimated Sewer Construction Costs Not to Exceed	\$205,000
Internal Costs	\$ 40,000
Subtotal Sewer Line	\$245,000
TOTAL FOR BOTH PROJECTS	\$388,000*

* Costs associated with undefined responsibility such as clearing and grubbing, bonding and mobilization, etc. have not been included in these costs. These costs will be proportioned out to the participating partners once the contract has been awarded.

AIS-1817

5.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): 10 Minutes

Agenda Title: Briefing on an Agreement with PGE for a Back-up Power Source for the Water Partnership's River Intake Pump Station

Prepared For: Dennis Koellermeier **Submitted By:** Judy Lawhead, Public Works

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Council Business Mtg - Study Sess.

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Staff will brief the council on an agreement with Portland General Electric Company (PGE) for a back-up power source for the water partnership's River Intake Pump Station (RIPS).

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; the council will be asked to formally consider the agreement at a future meeting.

KEY FACTS AND INFORMATION SUMMARY

The Lake Oswego Tigard Water Partnership is undertaking a renewal and replacement of Lake Oswego’s existing water supply system (“Program”). In the early planning phase for the Program, the partner cities established design criteria and performance objectives that the new supply system must achieve, on a facility specific basis and on a Program-wide basis. Arguably, the single most important performance objective for the new system was that it be designed to be resilient against a variety of potential human-caused and “act of God” events that could disrupt the water supply.

The local provider of electrical service, PGE, works hard to make sure it can reliably provide electrical power to homes, businesses and other public utilities, like Lake Oswego and Tigard.

Despite these efforts, their systems are vulnerable to windstorms, equipment failure, and human-caused events (e.g., car crashes into utility poles). To achieve its supply system resiliency objectives, the partnership identified the need to provide a back-up source of electrical power to the system's major pumping facilities – the Water Treatment Plant (WTP) and the River Intake Pump Station (RIPS). (The back-up power source for the WTP will be addressed at a later time.)

During design of the RIPS, an evaluation of alternatives to provide a back-up supply of power to this facility was undertaken. Alternatives included:

- Do nothing – no alternate source of back-up power supply.
- On-site, permanent, engine driven generator (fueled by diesel, propane, or natural gas).
- Connection to a second, electrical feeder sub-station separate from the primary PGE feeder sub-station.

The do nothing alternative was dismissed for obvious reasons, leaving the back-up generator and alternate electrical supply as viable options for further evaluation. In the end, the alternate electrical service at the RIPS site was selected as the preferred option for the following reasons:

- The need to acquire additional property to site the large one-megawatt (1MW) engine generator is avoided.
- The need for a large on-site fuel storage tank (propane/diesel fuel) is avoided.
- Noise and additional traffic associated with refueling the tank, maintenance and monthly testing of the generator under load is avoided.
- The conditional use and design review approvals needed from Gladstone for the RIPS facility were easier to secure.
- Is more “carbon friendly” than the engine generator option.
- Is less expensive on a net present value basis when considering the 75-year design life of the RIPS facility.

The agreement (Attachment A to the resolution) was developed jointly by partnership staff and PGE and contains terms and conditions agreeable to the parties. In brief, the agreement stipulates that:

- In exchange for a one-time lump sum payment of \$273,168, PGE commits to making 1MW of alternate electrical service available to operate the RIPS on demand and in perpetuity, unless the agreement is terminated.
- The agreement cannot be terminated by PGE.

OTHER ALTERNATIVES

The council could:

- Choose not to adopt the resolution; this would not achieve the partnership's “resiliency in performance” objectives for the new water system.
- Direct staff to re-negotiate the terms of the agreement.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard City Council - Proposed Goals and Milestones, September 2013 - December 2014

Lake Oswego-Tigard Water Partnership (LOTWP)

- *Monitor progress of construction and budget; LOTWP projects operational*

DATES OF PREVIOUS CONSIDERATION

This is the first time this agreement has come before the council.

Fiscal Impact

Cost: \$186,301

Budgeted (yes or no): Yes

Where Budgeted (department/program): Capital Improvement Plan project # 96018

Additional Fiscal Notes:

Tigard's share of the lump payment—based on the recently revised capacity allocation ratio between Lake Oswego and Tigard—is \$186,301. This expenditure is included in the city's \$79-million water partnership budget for fiscal year 2014-2015.

Attachments

Resolution

Agreement—Attachment 1 to Resolution

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 14-

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING AN AGREEMENT FOR ALTERNATE SERVICE BETWEEN PORTLAND GENERAL ELECTRIC COMPANY, THE CITY OF LAKE OSWEGO AND THE CITY OF TIGARD RELATING TO CONSTRUCTION OF THE NEW RIVER INTAKE PUMP STATION, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, on August 6, 2008, the cities of Lake Oswego and Tigard (the "cities") executed an Intergovernmental Agreement Regarding Water Supply Facilities, Design, Construction, and Operation; and

WHEREAS, the cities have determined that that it is in the best interests of both that the design and construction of certain water supply facilities include a back-up source of electrical power for planned and emergency interruptions of the primary electrical power over the operating life of such facilities; and

WHEREAS, through analysis of alternatives for providing a back-up source of electrical power, the cities have determined that entering into an agreement for alternate power service (Agreement) with Portland General Electric (PGE) best meets the cities' objective of providing an reliable supply of water to their citizens for public health, fire suppression, sanitation and economic development; and

WHEREAS, the Agreement with PGE is providing the cities on-demand access to a second power source of electrical power from its supply system in perpetuity, in exchange for a one-time lump sum payment of \$273,168.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The city manager is authorized to sign the Agreement substantially in the form attached hereto as Attachment 1.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

CITY OF LAKE OSWEGO; CITY OF TIGARD
AND
PORTLAND GENERAL ELECTRIC COMPANY

AGREEMENT FOR ALTERNATE SERVICE
(River Intake Pump Station in Gladstone)

2014

This Agreement for Alternate Electric Service (“Agreement”) is between the City of Lake Oswego, an Oregon municipal corporation; the City of Tigard, an Oregon municipal corporation; both hereinafter referred to as “Customer” and PORTLAND GENERAL ELECTRIC (“PGE”), an Oregon corporation, hereinafter the “Parties”.

The parties agree as follows:

1. Term of Agreement

This Agreement shall commence on the date of execution and remain in effect for as long as the Customer requires alternate electric service at the location described below or until Customer provides written notice to PGE in accordance with paragraph 10a) herein, whichever is earlier.

2. Conditions of Service

PGE reserves the right to test, operate, and maintain the PGE equipment involved. The Customer will be notified in writing or by using another mutually agreeable method of communications in advance, to the extent practicable, if the alternate service will be unavailable for more than 24 hours. This Agreement does not provide for increases in PGE’s alternate service capacity and may therefore be interrupted if actual kVA demand by the Customer on the alternate service facilities exceeds the contracted maximum kVA demand.

3. Location to be Served and Point of Delivery

a) No later than five business days after receipt of payment from Customer pursuant to section 4(a) of this Agreement, PGE shall install and maintain for the Customer’s emergency use, sufficient alternate electric service capacity as contracted by the Customer at Customer’s premises located at:

105 E. Clackamas Blvd, Gladstone, Oregon 97027

b) The point of delivery of alternate electric service is specifically described as:

Termination lugs for #2 AL XLP cable contained within the EUSERC-compliant (section 400 of the 2012 Electric Utility Service Equipment Requirements Committee standards manual) 15 kV-rated revenue metering cabinet and located at Lake Oswego/Tigard Water Partnership River Intake Pump Station (105 E. Clackamas Blvd., Gladstone, OR 97027). See Exhibit 1.

4. Payment

a. Contracted Demand:

Customer agrees to pay PGE a one-time lump-sum payment of two-hundred-seventy-three-thousand one hundred sixty-eight dollars, (\$273,168) no later than September 30, 2014. Subject to receipt of the one-time lump-sum payment, PGE will provide 1,000 kVA of alternate service capacity under this Agreement.

b. Demand in Excess of Contracted Amount:

When the alternate service is utilized, the Customer's monthly billing will consist of the standard kW and kVAR demand charges on either the preferred or alternate service, whichever is the greater; the sum total kWh charge for both services and, in the event that the Customer imposes a kVA demand on the alternate service facilities in excess of the above-listed, the Customer will pay PGE an additional monthly amount for that month and the succeeding 11 months. This amount will be determined by multiplying the excess kVA demand by the current tariff sum of transmission and distribution demand charges and the applicable facilities capacity charges. Currently the sum of these monthly charges is \$4.92 per kVA for a Schedule 85 secondary voltage customer at 1,000kVA. Should a condition of kVA demand which exceeds the maximum kVA contracted for under this Agreement occur, the Customer shall either modify operation to prevent excess kVA demand or execute a supplemental Agreement with PGE for the additional amount of alternate service required. It is understood and agreed that the cost of additional alternate service will be based on the costs of PGE in effect at that time. The Customer will be billed actual cost of any damage to PGE's alternate facilities caused by the Customer's alternate service demand in excess of the contracted amount.

5. Advanced Notice for Using Alternate Facilities

Either PGE or the Customer may arrange for service to be provided through the alternate facilities. The Customer must gain prior approval for non-emergency usage by providing written notice to PGE five (5) days in advance of the desired switch. Notice to PGE shall be provided to Tiffany Delgado, Key Customer Manager (503-464-8635).

6. Indemnification

Customer shall, to the fullest extent permitted by law, protect, defend, indemnify and hold harmless, PGE and its affiliates and their respective employees, directors, and agents

("Indemnitees") from and against any losses, costs, claims, penalties, fines, liens, demands, liabilities, legal actions, judgments, and expenses of every kind (including, without limitation, reasonable attorney fees, including at trial and on appeal) asserted or imposed against any Indemnitees by any third party (including, without limitation, employees of Customer or PGE) and arising out of the negligent or wrongful acts or omissions of Customer or any subcontractor of or consultant to Customer or any of their respective employees, directors or agents arising out of or in any way related to the performance or nonperformance of this Agreement ("Indemnified Losses"), except to the extent such Indemnified Losses are caused by the sole negligence or willful misconduct of the Indemnitees. Customer warrants to PGE that its indemnity obligation will be supported by liability insurance to be furnished by it, or self-insurance approved by PGE for these purposes; provided that recovery under or in respect of this indemnity shall not be limited to the proceeds of any insurance.

7. Disclaimer of Consequential Damages

EXCEPT TO THE EXTENT REQUIRED BY LAW, PGE SHALL NOT BE LIABLE TO CUSTOMER FOR ANY LOST OR PROSPECTIVE PROFITS OR ANY OTHER SPECIAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, INCIDENTAL OR INDIRECT LOSSES OR DAMAGES (IN TORT, CONTRACT OR OTHERWISE) UNDER OR IN RESPECT OF THIS AGREEMENT.

8. Successors and Assigns

The Customer may assign this Agreement to a third party or a successor in interest as long as a) in PGE's reasonable judgment such third party's or successor's creditworthiness and ability to perform Customer's obligations under this Agreement are at least as good as that of Customer; and b) the assignee or successor agrees to be bound by all the terms and conditions of this Agreement.

9. Cancellation of Previous Agreements

Any and all former agreements between the Customer and PGE for alternate electric service covered by this Agreement are hereby canceled and terminated.

10. Termination of This Agreement

a) This Agreement may be terminated by the Customer upon 30 days' written notice to PGE. The availability of alternate electric service is subject to all changes in applicable tariffs, including Utility Rules and Regulations and all lawful order of the Public Utility Commission of Oregon.

- b) Should the payment for alternate service be on a monthly basis, upon termination Customer will pay to PGE the amount that PGE's depreciated investment in such alternate service facilities exceeds the current value of the facilities to PGE.
- c) If the Customer has made a lump-sum prepayment to PGE for the alternate service facilities, upon termination PGE will pay to the Customer an amount equal to the current value to PGE for said facilities. This amount will not exceed the initial investment in said facilities minus depreciation accrued at the time of such termination.
- d) In the event that the Customer fails to prevent excess kVA demand and refuses to execute a supplemental agreement with PGE for the additional amount of alternate service required, upon written notice to Customer, PGE may terminate this Agreement, and Customer shall be responsible for all outstanding amounts owed to PGE including the applicable payment under section 10b).

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this _____ day of _____, 2014.

CUSTOMER: CITY OF LAKE OSWEGO

CUSTOMER: CITY OF TIGARD

Scott Lagensby CITY MANAGER

(Signature, Title)

(Signature, Title)

6/6/14

(Date)

(Date)

COMPANY: PORTLAND GENERAL ELECTRIC COMPANY

*Approved as to form for
City of Lake Oswego
Suzanne P. Boone 5/23/14
Deputy City Attorney*

(Signature, Title)

(Date)

PGE - Rates and Regulatory Affairs

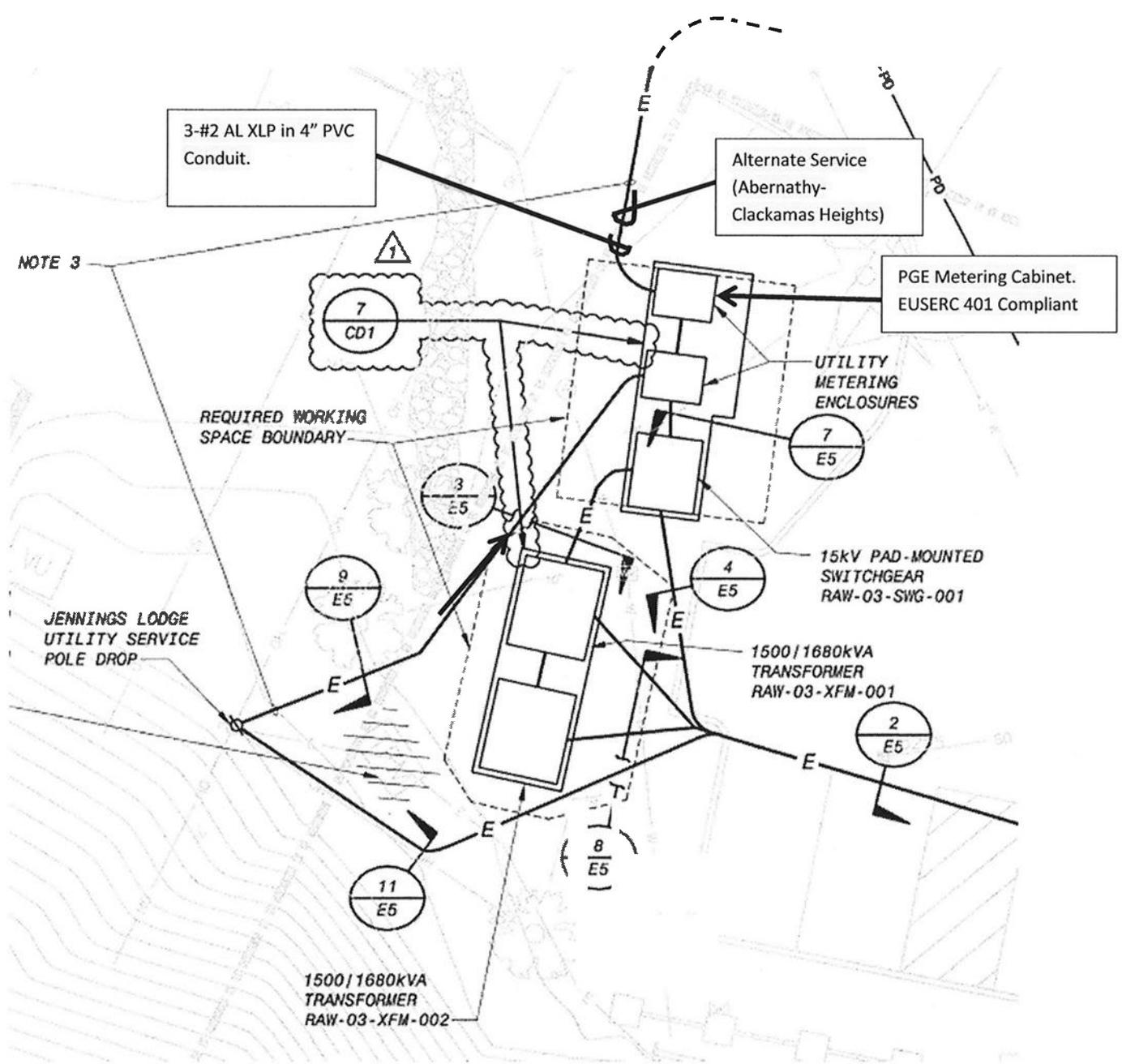
PGE – Legal Review

(Signature, Title)

DAW 5/23/14

(Initials, Date)

(Date)



NOTE 3

Partial Site Plan – No Scale

3/24/14



North

13 kV PGE Service to Lake Oswego/Tigard Water Partnership River Intake Plant

Approximate Locations and Quantities of PGE Equipment

By: Ken Spencer, PE

503.849.7007

Exhibit 1

AIS-1809

6.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): 5 Minutes

Agenda Title: Contract Award - Right-of-Way Improvements and Maintenance

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett, Financial and Information Services

Item Type: Motion Requested **Meeting Type:** Local Contract Review Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Local Contract Review Board award a contract for the city's right-of-ways and water quality facilities Improvements and Maintenance project to Cascadian Landscapers in the amount of \$600,000 over five years.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the city's right-of-ways and water quality facilities improvements and maintenance contract to Cascadian Landscapers for \$600,000 over five years and authorize the City Manager to take the necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

The city has a need for a landscape contractor to perform both landscape maintenance and minor improvements in a number of the city's rights of way and water quality facilities. Work will include:

- Turf Management (Mowing, Edging, String Trimming, Sweeping/Blowing Sidewalks)
- Planter Strip Maintenance
- Weeding
- Litter Pickup
- Pruning

- Leaf Removal
- Irrigation Repair
- Fertilization (Turf and Planter Strips)

While the majority of this work will be for maintaining the various right-of-ways in to their current standards, minor improvements are planned for Gaarde (the access road turn out to 121st) and Walnut (80 feet east of Gaarde to 132nd).

The City issued an RFP for the work, advertised in The Daily Journal of Commerce, and directly mailed the solicitation directly to eight firms. At closing, the city received a single proposal, from Cascadian Landscapers. Cascadian submitted a responsive and responsible proposal and has performed the work well in previous years. Staff did reach out to a number of the other firms that did not submit proposals, inquiring as to why they did not respond:

- Two firms stated that they are swamped with work and did not have the time, or the desire, to add additional staff to cover the work.
- One firm stated that this type of work isn't in their wheelhouse and preferred to focus their attention to tree work.
- One firm had internal routing issues and the correct people didn't have the RFP in time to produce a solid proposal.
- One firm knew that their proposal would not be competitive and didn't want to devote the resource to a proposal they didn't think they could win.

Staff issued the RFP for the work as a one year contract with four (4) additional option years for the maintenance. Staff is asking the Board to approve a contract for up to five years at an estimated \$600,000. If the project doesn't have appropriations in any given fiscal year, the city will simply not execute an option year effectively terminating the contract.

The total estimate for the work in fiscal year 2014-2015 is \$100,470 (split is \$83,250 ROW (\$74,700 maintenance/\$8,500 improvements) and \$17,220 water quality facilities). Future fiscal years will be in the same area as the city's annual budget for right-of-way work is \$100,000 for streets and \$20,000 for water quality sites.

OTHER ALTERNATIVES

The following alternatives are available to the Local Contract Review Board in addition to the staff recommendation:

- The Board may elect to award a one-year contract rather than the five -year contract and direct staff to conduct a new solicitation next year.
- The Board may reject the contract award and direct staff to conduct a new solicitation for the work.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Local Contract Review Board discussed this contract at their July 8th study session.

Fiscal Impact

Cost: \$600,000

Budgeted (yes or no): Yes/No

Where budgeted?: Gas Tax Fund (Transfers In)

Additional Fiscal Notes:

The proposed contract is for five years with an estimated annual cost of \$120,000. The total over five years is estimated at \$600,000. Transfers from the Street Maintenance Fund (\$100,000 annually) and Storm Water (estimated at \$20,000 annually) will be made to the Gas Tax Fund (Streets Division) for the project.

The total estimate for the work in fiscal year 2014-2014 is \$100,470. This cost is split \$83,250 for ROW (\$74,700 maintenance/\$8,500 improvements) and \$17,220 for water quality facilities. Pending budget approval in future fiscal years, the split in the costs and the amounts spent will be similar to \$100,000 for streets and \$20,000 for water quality sites.

Attachments

No file(s) attached.

AIS-1811

7.

Business Meeting

Meeting Date: 07/22/2014
Length (in minutes): 5 Minutes
Agenda Title: Contract Award - City Hall Complex Re-Skin Project
Prepared For: Joseph Barrett
Submitted By: Joseph Barrett, Financial and Information Services
Item Type: Motion Requested **Meeting Type:** Local
Contract
Review
Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Local Contract Review Board award a contract for the city's City Hall Complex Re-Skin project to Applied Restorations for a not to exceed amount of \$1,593,500.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the City Hall, Police, and Permit Center Re-Skin project to Applied Restorations for an amount not to exceed \$1,593,500 and authorized the City Manager to take the necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

Tigard's City Hall complex, including City Hall, the Permit Center, and the Police Station, has failing or compromised Exterior Insulation Finishing System (EIFS) stucco that is in need of removal and replacement. The project will be conducted in two phases:

- Phase 1 will include work on the Permit Center and is scheduled to begin in August of this year.
- Phase 2 will include work on City Hall and Police Station and is schedule for work in July and August of 2015. Work during each phase will include:
 - Removal and replacement of the EIFS stucco
 - Installation of new roofing material
 - Removal of landscaping and erosion control
 - Phase 1 will also include the removal and replacement of the entrance canopy between

the two complexes.

The city issued an Invitation to Bid for the work on May 21st with advertisements in both The Daily Journal of Commerce and The Oregonian. The ITB was issued with a pre-qualification requirement that firms must be certified as a Dryvit Care Application contractor. This certification ensures a warranty of the new EIFS stucco. This would be a 10 year material warranty.

Bids were due on June 10th at 2:00 pm and the city received bids from two firms, one of which that was automatically disqualified as it came incomplete and via email. Applied Restorations, a firm qualified as a Dryvit Care Application contractor, submitted the sole acceptable bid. Staff, along with the city's owners' representative consultant, reviewed the bid and determined it to be a responsible and responsive bid. As such, staff is recommending a contract be awarded to Applied Restorations for the work.

Applied Restorations base bid was \$674,975 (\$324,800 - Phase 1 and \$350,175 - Phase 2). The bid alternates, which staff is recommending also be included in this contract were as follows:

Bid Alternate A Canopy – \$161,500 (Phase 1)

Bid Alternate B Metal Roofing – \$16,250 (Phase 1) + \$65,000 (Phase 2)

Bid Alternate C Paint Windows – \$30,500 (Phase 1) + \$37,600 (Phase 2)

Total of all Bid Alternates – \$310,850 (\$208,250 - Phase 1 + \$102,600 - Phase 2)

The total of base bid and the bid alternatives is \$985,825. In addition, the replacement cost for the sheathing and EIFS system is \$24.80 per square foot and the cost to re-point the masonry is \$8.29 per linear foot. The city has \$1,593,500 estimated for construction of this work. If the entire complex needed to be resheathed and have all masonry repaired the contract would remain under the budgeted amount.

OTHER ALTERNATIVES

The following alternatives are available to the Local Contract Review Board in addition to the staff recommendation:

- The Board may reject the contract award and direct staff to conduct a new solicitation for the work packaged and phased as is. This would lead to the work starting in the late spring of 2015 and completion in 2016.
- The Board may reject the contract award and direct staff to conduct a new solicitation for the work under a repackaged bid with a single phase. This would lead to the work starting in late spring of 2015 and completion in the fall of the same year.
- The Board may reject the contract award and direct staff to explore other exterior options than the EIFS system. Staff would bring those options back to Council for discussion and subsequent contract award.
- The Board may reject the contract award and place the project on hold.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Local Contract Review Board discussed this contract at their July 8th business meeting.

Fiscal Impact

Cost: \$1,593,500

Budgeted (yes or no): Yes/No

Where budgeted?: General Fund

Additional Fiscal Notes:

The contract base amount will be for \$985,825 (\$533,050 - Phase 1 and \$452,775 - Phase 2) including the all the bid alternates. In addition, the contract will contain unit pricing for the replacement cost for the sheathing and EIFS system (\$24.80 per square foot) and the cost to re-point the masonry (\$8.29 per linear foot). The city has \$1,593,500 estimated for construction of the project and is recommending the Board award a contract in that amount which would leave roughly \$600,000 to cover the unit cost items.

Attachments

[Dryvit Care Warranty FAQ](#)



Frequently Asked Questions

- DC1.0 General**
- DC2.0 Warranty**
- DC3.0 Technical**
- DC4.0 Third Party Expert**
- DC5.0 Overclad Application**
- DC6.0 Sealant**

Dryvit Systems, Inc.
One Energy Way
West Warwick, RI 02893 USA
1-888-275-3629
401-822-4100
www.dryvit.com

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General 1.0

1.01

Q. What is EIFS?

A. EIFS (pronounced "EEFS") is an acronym for "exterior insulation and finish system" (EIFS). An EIFS is an insulative, multi-layered wall cladding system used in all types of building construction and consists of Expanded Polystyrene (EPS) insulation adhered or attached to an approved substrate, basecoat reinforced with a fiberglass mesh, and an architectural finish.

1.02

Q. Why use EIFS?

A. EIFS is an energy-efficient cladding that is lightweight and flexible. It can easily be formed to execute dramatic architectural details like reveals, corbels, quoins, etc. A wide range of finishes allows the designer to emulate brick, stone, precast concrete and plaster details.

1.03

Q. What is DryvitCARE?

A. DryvitCARE is a strategic plan for EIFS renewal that includes protocols and products for the inspection, cleaning, replacement of sealant and restoration of the finish surface for a commercial building with EIFS on it.

1.04

Q. Can I restore other types/brands of EIFS using DryvitCARE?

A. Yes, you can. However, these applications would not qualify for the Platinum Care Warranty Program,

1.04a

Q. Can DryvitCARE be utilized to restore other wall types like stucco, CMU block or cast-in-place concrete?

A. DryvitCARE is strictly for use on EIFS, but many of the components can be utilized on other wall types. You should inquire with your local Dryvit Field Service or Regional Sales Manager for how best to utilize Dryvit products on these other wall types.

1.05

Q. How long has Dryvit EIFS been used on building exteriors?

A. Dryvit has been in business in the US since 1969. The product came from Germany, where its initial applications date to the late 1940's.

1.06

Q. How long will an EIFS façade last?

A. Dryvit EIFS are designed to last for the typical design life of a building. The actual longevity on any specific building will depend mainly on the building maintenance program. Some EIFS facades date back 50-60 years. We do know that the appearance of EIFS can be renewed using DryvitCARE and will extend its useful life for many decades.



General 1.0 (continued)

1.07

Q. What is a barrier wall cladding?

A. A barrier wall cladding is one that is designed to shed water on the outside face of the cladding. Non-drainable EIFS, tilt-up-concrete, and masonry block are good examples of barrier walls.

1.08

Q. What is barrier type EIFS?

A. Known by the brand name, "Outsulation[®]", Dryvit's barrier EIFS is adhesively or mechanically attached to a substrate and has a single line of weatherproofing properties. The base coat component within an EIFS cladding serves as the weather barrier layer for the cladding.

1.09

Q. What is drainable, secondary or concealed weather barrier EIFS?

A. Drainable EIFS include a concealed water resistive barrier behind the EPS insulation, as well as a means of draining incidental water that may penetrate the exterior surface. These types of EIFS were introduced by Dryvit in the early 1990's in the form of our pressure equalized commercial wall system: Infinity[®]. Subsequently, Dryvit has introduced other commercial systems (Outsulation[®] Plus MD, Outsulation[®] MD and Outsulation[®] LCMD Systems 1-5) that incorporate this feature.

1.10

Q. Which type of EIFS walls will I encounter as I pursue DryvitCARE opportunities?

A. Most of the projects you will encounter will be clad with barrier type EIFS. This is true for walls built with Dryvit EIFS or ones built with other brands of EIFS.

1.11

Q. How does an EIFS wall achieve impact resistance?

A. The base coat is reinforced with fiberglass reinforcing mesh. In areas prone to abuse or high impact, a second layer of heavier mesh (20 oz/sq yd) can be added to the standard mesh (4.3 oz/sq yd)

1.12

Q. Does DryvitCARE involve the addition of mesh during the restoration effort?

A. If an additional layer of mesh is recommended during the DryvitCARE process, a second layer of mesh can be added to the wall. This mesh would generally be embedded in Dryvit's noncementitious (NCB[™]) base coat material.

Dryvit Systems, Inc.
One Energy Way
West Warwick, RI 02893 USA
1-888-275-3629
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www.dryvit.com

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Warranty 2.0

2.01

Q. Does DryvitCARE apply to Residential and Commercial construction?

A. No, DryvitCARE only applies to commercial construction. Furthermore, DryvitCARE does not include condominium or co-operative projects, but single owner multi-family projects will be viewed on a case by case basis.

2.02

Q. What is a DryvitCARE warranty?

A. Dryvit offers two fully transferable warranty types for EIFS-clad commercial buildings that have been restored under the DryvitCARE Plan: 1) A DryvitCARE Standard 10-year limited materials warranty and 2) The DryvitCARE Platinum warranty, which includes the standard ten-year (10) materials and a ten-year (10) EIFS system warranty. The seller must notify Dryvit's Warranty Services Department in writing of the new ownership.

2.03

Q. What must be done to the building in order to receive the Platinum Warranty?

A. First of all, the building's existing EIFS cladding must be manufactured by Dryvit. Once that is determined, the building's exterior EIFS façade must be inspected by a qualified third party expert (engaged by the building owner) who will also develop a full scope of work. The scope of work must include, at a minimum, a complete cleaning of the existing EIFS exterior, a complete color re-coating of the existing EIFS exterior and the complete replacement of all sealant joint terminations to the existing EIFS exterior. All work must be in accordance with the project specification and scope of work.

2.04

Q. I have a building clad with Dryvit EIFS; however, the building owner does not want to go to the expense of hiring a third party expert. Can I still get a DryvitCare Platinum Warranty?

A. No, in order to receive the DryvitCARE Platinum renewal system warranty, a third party expert must be hired by the owner. Without the use of a third party expert, a Dryvit EIFS clad building will only be eligible for the ten-year (10) DryvitCARE Standard limited materials warranty.

2.05

Q. What documentation must be submitted to obtain the Platinum warranty from Dryvit Systems?

A. The Dryvit distributor will complete a DryvitCARE Platinum Warranty Request Form and send it to Dryvit's Warranty Services Department. In addition to the Warranty Request Form, Dryvit must also receive the following documents:

- Invoices for sale of EIFS components, coatings and sealants
- Field Adhesion Test results of sealant
- Third-party pre-repair inspection report (including scope of repairs)
- Third-party post-repair verification
- Applicator certification (by distributor)

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One Energy Way
West Warwick, RI 02893 USA
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Warranty 2.0 (Continued)

2.06

Q. What documents must be submitted to obtain the DryvitCARE Standard Warranty from Dryvit Systems?

- A. The Dryvit distributor will complete a DryvitCARE Standard Warranty Request Form and send it to Dryvit's Warranty Services Department. In addition to the Warranty Request Form, Dryvit must also receive the following documents.
- Invoices for sale of coatings and sealants
 - Field Adhesion Test results

2.07

Q. What documents will the owner receive?

- A. A DryvitCARE Platinum or DryvitCARE Standard Warranty will be issued by Dryvit upon receipt of the required documents.

2.08

Q. How long does the DryvitCARE warranty run?

- A. All DryvitCARE warranties run for a period of 10 years.

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Technical 3.0

3.01

Q. What are the products that can be used in a DryvitCARE "recoatings" application?

Patching: #5100 Plastiflex[®] Elastomeric Adhesive Caulk (brush grade)
#5200 Plastiflex Elastomeric Patching Compound (knife grade)
Available from Scott Paint (www.scottpaint.com) (1-800-282-2016)
Coating: Weatherlastic[®] Smooth, Weathercoat[™] and/or Weatherprime[®]
Sealer: SealClear[™]

3.02

Q. How are the recoating products applied?

A. The coatings used in DryvitCARE are typically applied with a roller.

3.03

Q. What are the products that comprise a DryvitCARE "overclad" application?

A. Base coat: NCB[™]
Dryvit Reinforcing Mesh
Finish: DPR, PMR, Stone Mist[®], Ameristone[™], Limestone[™], TerraNeo[®] or Custom Brick[™]
Sealer: SealClear
Sealant: Listed Dryvit compatible sealant, refer to DS153.

3.04

Q. How are the "overclad" products applied?

A. "Overclad" products are typically applied with a hawk and trowel by a firm qualified in the plastering trade and listed with Dryvit. "Overclad" products will typically be installed over a cleaned and prepared existing EIFS finish surface.

3.05

Q. What is the proper way to clean Dryvit EIFS?

A. DryvitCARE cleaning procedures are specifically outlined in our DS498 document. In general, EIFS can be cleaned using an appropriate detergent based cleaner. There are a number of cleaners that have been developed by others specifically for EIFS that can be utilized.

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Third Party Expert 4.0

4.01

Q. When do I need to use a third party expert?

A. A third party expert is only required for a Dryvit project to make it eligible for the DryvitCARE Platinum warranty.

4.02

Q. Who chooses the third party expert?

A. Ultimately, the owner of the project selects the expert; however, the third party must be one who appears on Dryvit's list of Third Party Experts in order to qualify for the DryvitCARE Platinum warranty.

4.03

Q. Who employs and pays for the third party?

A. The third party expert is employed by the building owner.

4.04

Q. Who trains or qualifies the third party expert?

A. There is no specific training required. However, Dryvit expects, at a minimum that this firm be thoroughly familiar with DryvitCARE, EIF systems and the forensic investigation of these systems.

4.05

Q. What is the purpose of the third party expert?

A. The third party expert shall be responsible for the forensic evaluation of the building façade, development of the scope of work (including both specifications and drawing/details as necessary), progress observation/verification of the work, final inspection and sign-off acceptance at the project's completion.

4.06

Q. If the building owner elects not to utilize the services of a third party expert, who will develop the scope of work for the application of DryvitCARE?

A. If a third party expert is not utilized on a DryvitCARE project, the owner decides what the scope of work will be. Dryvit and the selected contractor can assist in that development. However, it should be specifically understood that this scope of work will be performed and compiled through visual observations only and will not substitute for a full building envelope inspection. Dryvit Systems, Inc. and/or the selected contractor of record will assume no responsibility for the accuracy of these observations beyond the visual observation of the visible exterior surfaces of the building envelope.

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Overclad Application 5.0

5.01

Q. What is an "overclad" application?

A. Overcladding is a method by which the existing EIFS wall can be changed aesthetically and renewed. The wall can receive new architectural details (i.e., bandings, cornice, quoins build outs or reveals, etc.) or an entirely new finish.

5.02

Q. Why would an owner want to consider "overcladding" his existing EIFS clad building?

A. "Overcladding" offers an existing building owner the option to use many new textures and specialty finishes that Dryvit did not offer years ago. The "overclad" application of new finishes can allow for an existing building to be reborn through redesign, reimagining and/or rebranding. This opportunity can be further enhanced through the addition of sculptural EIFS based shapes such as add-on trims, bands, cornice, quoins, etc. and/or the addition of aesthetic grooves being cut into the existing EIFS cladding.

5.03

Q. Does "overcladding" mean I have to tear off the existing EIFS cladding?

A. Absolutely not. "Overcladding" can easily be added to/applied over the existing EIFS textured surface. This application would require first cleaning the existing EIFS surface, skim coating it smooth with reinforced NCB then apply the selected finish and/or specialty EIFS shape(s).

5.04

Q. Will the DryvitCARE recoating or overcladding materials create a "vapor barrier" on the outside of an existing EIFS cladding?

A. Absolutely not. All the Dryvit materials are vapor permeable and will not prevent moisture vapor from moving through the EIFS assembly. A Water Vapor Transmission Analysis can be performed, if there are any unusual conditions that need consideration.

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**Overclad Application 5.0 (continued)****5.06****Q. Why do I need to use base coat when "overcladding"?**

A. In a refinish/"overclad" application, we must skim coat the existing EIFS textured surface to provide a smooth base before we add a new textured finish material. Also, the new base coat layer will tie in new architectural features like reveals or shapes to the existing wall.

5.07**Q. Why do I have to use the Dryvit NCB (noncementitious) base coat and not a cement-based base coat?**

A. There are very specific reasons for using a noncementitious base coat, as a skim coating over an existing EIFS textured finish. EIFS textured finish is an acrylic-based material that is considered a "soft" layer in an EIFS assembly. The Dryvit NCB base coat is an acrylic-based (more flexible) material and is less rigid than a cementitious base coat. You should not sandwich a "soft" layer between two "hard" cementitious layers.

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Sealant 6.0

6.01

Q. How does a joint sealant work?

A. Joint sealant is a flexible/elastomeric material that bridges between two dissimilar and adjacent components. The sealant is installed wet and when cured, its rubber-like properties allow it to bridge across the joint.

6.02

Q. Who determines the width and depth of the sealant joint?

A. The project designer will "size" the joint based on the anticipated movement between the two components and the capabilities of the sealant to span the opening. The sealant material must be installed with specific proportions for width and depth and as well must be supported with the use of a (closed cell) backer rod or other bond breaker to prevent three side adhesion.

6.03

Q. Why is sealant needed if Dryvit EIFS are considered a face sealed system and function as the primary/visible weather barrier for the exterior wall?

A. The sealant is there to support the movement between components and to join dissimilar materials (example: window frames to EIFS) together. The proper application of sealant is what allows building envelopes to function by preventing air and moisture from entering the wall at material transitions.

6.04

Q. Why does sealant need to be replaced more often than other building envelope components?

A. Sealant is used to "seal" the joint that exists between two dissimilar materials; those dissimilar surfaces expand and contract from thermal change and building movement. The sealant must accommodate that movement. This activity wears out the sealant at a rate that can be more rapid than the wear on other façade components. Sealant addresses this condition of moving joints in building envelopes and, as a result, must be maintained and replaced per the manufacturers' recommendations (typically within 10-20 years of installation). The process of sealant replacement, therefore, could take place many times over a building's useful life.

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For more information on [Dryvit Systems](#) or [Continuous Insulation](#), visit these links.

AIS-1795

8.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): 30 Minutes

Agenda Title: Medical Marijuana Code Update

Submitted By: John Floyd, Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Update Council on regulatory options and planned public outreach strategies for addressing potential nuisance issues associated with medical marijuana dispensaries within Tigard.

STAFF RECOMMENDATION / ACTION REQUEST

Provide feedback or direction on the development of draft dispensary regulations and associated outreach efforts.

KEY FACTS AND INFORMATION SUMMARY

At Council request, staff has been researching local regulatory options for state-licensed medical marijuana dispensaries within the city. Results are summarized in the attached memorandum, which includes an update of the regulatory landscape and planned outreach to solicit public input. Included with the memorandum are updates regarding a measure that would legalize the retail sales and recreational use of marijuana in the State of Oregon, and two maps detailing potential exclusion areas for medical marijuana dispensaries within the city.

Following the July 22 Council update, staff will incorporate Council feedback and present the same information to the Planning Commission at a workshop to be held on August 4, 2014. Following this workshop, staff will begin public outreach efforts and the drafting of regulatory amendments for consideration by the Planning Commission and Council.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

February 11, 2014

April 15, 2014

April 22, 2014

Attachments

[Medical Marijuana Regulatory Update & Options](#)

[Secretary of State Submission Log](#)

[Text of Proposed Measure 53](#)

[Map of State Exclusion Areas for Medical Marijuana Dispensaries](#)

[Map of State Exclusion Areas and Potential Local Exclusion Areas for Medical Marijuana Dispensaries](#)



City of Tigard Memorandum

To: Mayor Cook and Tigard City Council
From: John Floyd, Associate Planner
Re: Medical Marijuana Regulatory Update and Options
Date: July 2, 2014

Purpose and Goals

At Council request, staff has been researching local regulatory options for state licensed medical marijuana dispensaries within the city. Results are summarized below, accompanied by an update of the legal landscape and planned outreach tools to solicit public input. Related documents are attached.

Following the July 22 Council update, staff will incorporate Council feedback and present the same information to the Planning Commission at a workshop to be held on August 4, 2014. Following this workshop, staff will begin the public outreach efforts and the drafting of regulatory amendments for consideration by the Planning Commission.

To facilitate future deliberations, Council may wish to consider and provide direction on the following questions:

1. Are there specific community impacts that Council is concerned about?
2. What does Council consider to be the most appropriate location(s) or type of locations for dispensaries?
3. Is there specific information or research that Council would find helpful in making future decisions?
4. Are there specific or general questions that Council would like to place before Tigard residents and businesses during public outreach efforts?
5. Does Council wish to provide any specific direction to staff or the Planning Commission before they begin deliberations later this summer?

Legal Landscape

The legal landscape for medical marijuana remains dynamic and uncertain. Changes effected under Senate Bill 1531 are still playing out as medical marijuana dispensary licenses are issued across the state, and local governments begin work on “reasonable restrictions” to these types of land uses. As previously reported, the Oregon Legislature is expected to take up the matter of medical marijuana once again during the 2015 session. In addition, there is a strong likelihood of a retail (non-medical) cannabis legalization measure being placed on ballots this November.

A recent check of the Oregon Secretary of State website revealed three measures pertaining to recreational marijuana (non-medical) legalization. Media reports indicate that the sponsor of two of these is no longer gathering signatures, leaving just Measure 53 to be placed before the ballot. Measure 53, formally known as the “Control, Regulation and Taxation of Marijuana and Industrial Hemp Act” sponsored by New Approach Oregon. As of June 26 it appears the measure has sufficient signatures to be placed on the fall ballot (145,030 submitted / 87,213 required). The effect of this measure would be the legalization of recreational marijuana, subject to State oversight and taxation through the OLCC. No change to existing medical marijuana laws would result. While the full ramifications of this measure are unknown at this time, some preliminary conclusions can be made. Of note is Section 59, which would authorize local governments to adopt reasonable time, place and manner regulations to address nuisance aspects of retail sales operations. While the act does not define the term “reasonable”, the language does provide some continuity of the status quo by mirroring language contained in ORS 475, which authorizes local adoption of “reasonable regulations” on medical marijuana facilities.

At the regional level, the City of Hillsboro has done substantial work on the development of draft dispensary regulations and is presently in the middle of the public hearings process. In addition, conversations with staff at the jurisdictions of Portland, Washington County, Beaverton, and Tualatin revealed that they too are examining time, place, and manner restrictions as part of their work plans. As a result of this regional activity and in the interest of consistency across jurisdictional borders, Tigard staff will continue to monitor and coordinate with surrounding cities, and update Council as necessary.

Public Nuisances and Policy Options

While the state legislature has affirmed the right to possess and use marijuana in a medical capacity, it does not allow users or dispensary owners to create a public nuisance when exercising that right. As a result, staff believes the City of Tigard has an interest in adopting community specific regulations to prevent or mitigate known issues associated with medical marijuana facilities. The following represents a list of potential issues associated with medical or retail marijuana:

- Diversion of marijuana to unauthorized cardholders, particularly minors;

- Unpleasant odors resulting from growing, processing, and consumption of marijuana;
- Unwanted noise generated by visiting customers during early or late hours, and/or the constant hum of electrical generators and fans;
- Crime such as theft, burglary, armed robbery, and kidnapping that can result due to the presence of large amounts of cash, a product that can be resold for significant amounts of money on the black market, and potentially vulnerable users visiting the facilities;
- Threats to health, life and property resulting from grow facilities or processing facilities not constructed to code; and/or
- Explosions resulting from the use of butane as a processing agent.

To address these potential issues, staff has identified a range of policy options and summary comments on each option. Each of these only represents a conceptual approach for discussion purposes only, and does not represent a formal recommendation from staff. Council could choose to consider one, a blend of several, or none of these approaches.

I. No Action.

Council could opt to take no action, and implement existing code when presented with an application for a medical marijuana dispensary. This course presents uncertainty due to conflicting local, state, and federal requirements.

- Tigrard Development Code (TDC) Subsection 18.210.030.A requires all development applications to be consistent with federal law.
- Continued federal classification of marijuana as a Schedule II drug may require the city to deny all land use applications for medical marijuana facilities as not being consistent with Federal law.
- Uncertainty will remain as some facilities may be able to open if no land use permits are required from the city (i.e. conversion of an existing retail space to a state licensed dispensary).

II. Remove Federal Consistency Requirement from TDC.

Council could choose to take a wait and see approach, while making minor changes to the TDC to comply with state law, and reduce the risk of litigation.

- Amend TDC 18.210.030 to remove consistency requirement with federal law.
- Medical Marijuana facilities would be regulated in the same manner as other retail uses within the city through the TDC. Existing regulations, both city and state,

would result in the following time, place, and manner restrictions on medical marijuana dispensaries:

- 1,000 foot separation from a primary or secondary school (State);
- 1,000 foot separation from another dispensary (State);
- Prohibited in all Residential zones (State and TDC);
- Allowed in all commercial zones (State and TDC);
- Size-restricted within the Industrial-Park zone (TDC);
- Prohibited outright in the Light and Heavy Industrial Zones (TDC); and
- Existing standards regarding landscaping and screening, parking, and environmental performance standards for light noise, and odors will apply (TDC)

III. Adopt land use regulations to prevent or mitigate anticipated nuisance issues.

State statute authorizes local governments to establish reasonable time, place, and manner restrictions on medical marijuana facilities. The city may craft reasonable restrictions in a manner that anticipates future legalization of retail cannabis. In determining what is “reasonable”, staff recommends looking at existing precedents both within Tigard and across the region.

- Reasonable regulations could include one or more of the following:
 - Restrictions on hours of operation;
 - Restriction on allowed zones;
 - Distance buffers in excess of current state law;
 - Limits on size;
 - Security requirements (i.e. security lighting, camera locations, etc.);
 - Entrance location requirements;
 - Environmental performance standards for noise, odors, and light; and/or
 - Regulate as a conditional use in some or all circumstances.
- The state has already set a precedent for the use of 1,000 foot distance buffers as a reasonable method to avoid diversion of marijuana and minimizing public nuisances that may affect minors attending a primary or secondary school.

- Distance buffers for dispensaries are being discussed in other communities within Washington County, and there is precedent in the City’s regulation of adult entertainment (18.330.050.B.1) which requires a 500 ft. separation between adult entertainment uses and specified land uses which may be negatively impacted by adult entertainments.
- Given local precedent, regional trends, and existing state statutes, Council may wish to consider the establishment of minimum distances from residential zones or places where children are likely to congregate.
 - A 500 ft. buffer from all Residential and Parks and Recreation zones would be comparable to those required for adult entertainment uses as set forth in the TDC.
 - A 1,000 ft. buffer matches distances required by state statute (schools) and Washington Statute (The voter approved Washington ballot measure I-502, prohibits sales within 1,000 feet of playgrounds, public parks, recreational facilities, child care centers, elementary or secondary schools, transit centers, libraries, or game arcades not restricted to 21 and older).
- A preliminary analysis of available land after state rules and a possible 500 foot buffer from residential and park zones revealed the following differences in land availability:
 - Under existing state rules and Tigard zoning, approximately 929 commercial and industrial parcels could potentially meet location criteria for the opening of a medical marijuana dispensary.
 - Under a conceptual scenario involving a 500 foot buffer from all residential and park zones, the number of available parcels drops to approximately 462 parcels.
 - The geographic distribution of the buffer areas and potentially eligible parcels are demonstrated on two maps included as Attachments “C” and “D” of this memorandum.

IV. Prohibition.

Council could try to outright prohibit medical or retail marijuana dispensaries within the City in conformance with federal law.

- Would most effectively prohibit unique nuisance or compatibility issues created by dispensaries.
- Likely to result in litigation. May be prohibited by Measure 53 if it passes.

V. Amend Municipal Code to address nuisance and increased cost-of-service-delivery.

Council could opt to address dispensary issues in a non-land use manner through the nuisance code, business license requirements, or other public safety measures.

- Could be implemented independently or in coordination with land use amendments.

Public Outreach

At present, staff is planning a public outreach program ahead of the public hearings process to solicit input from Tigard citizens and business owners regarding their concerns and desired outcomes. These efforts will begin immediately after the Planning Commission workshop on August 4 so that their input may also be incorporated. These efforts will include the following:

- An article in Cityscape summarizing the project and including a link to the project website, critical dates, and staff contact information.
- A city website presence to provide centralized information regarding the project, links to information, and portals to two interactive tools:
 - An online forum hosted by ConsiderIt, similar to the one being used for River Terrace. This is a hosted website that provides not only an avenue for submitting commentary, but is structured to foster dialogue between users and identify areas of common ground between polarized parties.
 - An interactive web map that will let users activate multiple buffer scenarios (i.e. state rules only, 500 foot buffers from residential zones and parks, 1000 foot buffers from residential zones and parks) and how that may affect specific areas of the city down to a parcel level.
- Active solicitation of input from potential dispensary operators.
- A survey of the Tigard business community regarding medical and retail marijuana, in partnership with the City's Economic Development Coordinator.

Attachments: A. Secretary of State Submission Log
B. Proposed Initiative Petition #53
C. Prohibited Dispensary Locations Under ORS 475.314
D. Prohibited Dispensary Locations Under ORS 475.314 & Local Buffers

2014 Monthly Submission Log

Elections Division, June 26, 2014

IRR Number	Subject	Constitutional/ Statutory	Required Number	Total Signatures Received	Most Recent Date of Signature Submission	Number of Signatures in Last Submission
3	The Affordable Renewable Energy Act	Statutory	87,213	12,624	02.13.14	Withdrawn 04.02.14
8	Right to Marry and Religious Protection Initiative	Constitutional	116,284	39,172	03.07.14	954
21	Oregon Cannabis Amendment	Constitutional	116,284	42,974	06.13.14	10,357
22	Oregon Cannabis Tax Act	Statutory	87,213	33,844	06.13.14	14,380
34	Equal Rights Amendment For Women to be Equal to Men Labeling of Genetically Engineered Raw and Packaged	Constitutional	116,284	118,388 verified	Qualified to 11.4.14	General Election Ballot
44	Food Control, Regulation and Taxation of Marijuana and	Statutory	87,213	31,334	06.11.14	31,334
53	Industrial Hemp Act of 2014	Statutory	87,213	145,030	06.26.14	61,442
55	Open Primary Initiative	Statutory	87,213	140,045	06.23.14	101,059

KATE BROWN
SECRETARY OF STATE



JIM WILLIAMS
DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

(503) 986-1518

January 28, 2014

To All Interested Parties:

Secretary of State Kate Brown is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

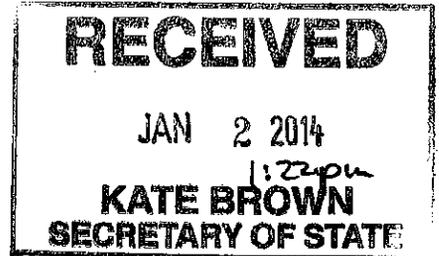
The Secretary of State is seeking public input on whether proposed initiative petition (#53), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #53 was filed in our office on January 28, 2014, by Anthony Johnson, for the General Election of November 4, 2014.

A copy of the text of this proposed initiative petition is on the second page of the letter. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division. Your comments, if any, must be received by the Elections Division no later than February 20, 2014, in order for them to be considered in the review.

KATE BROWN
Secretary of State

BY:

Lydia Plukchi
Compliance Specialist



An Act

Be it Enacted by the People of the State of Oregon:

This Act shall be known as:

Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act

SECTION 1. (1) The People of the State of Oregon declare that the purposes of this Act are:

- (a) To eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;**
- (b) To protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;**
- (c) To permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;**
- (d) To ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law; and**
- (e) To establish a comprehensive regulatory framework concerning marijuana under existing state law.**

(2) The People of the State of Oregon intend that the provisions of this Act, together with the other provisions of existing state law, will:

- (a) Prevent the distribution of marijuana to persons under 21 years of age;**
- (b) Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;**
- (c) Prevent the diversion of marijuana from this state to other states;**
- (d) Prevent marijuana activity that is legal under state law from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;**
- (e) Prevent violence and the use of firearms in the cultivation and distribution of marijuana;**
- (f) Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of marijuana;**
- (g) Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and**
- (h) Prevent the possession and use of marijuana on federal property.**

SECTION 2. (1) Sections 3 to 70 of this Act are added to and made a part of the Oregon Revised Statutes.

(2) Section 71 is added to and made a part of ORS chapter 317.

(3) Section 72 is added to and made a part of ORS chapter 475.

(4) Section 73 is added to and made a part of ORS chapter 811.

(General)

SECTION 3. Short title. Sections 3 to 70 of this Act shall be known and may be cited as the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act.

SECTION 4. Limitations. Sections 3 to 70 of this Act may not be construed:

(1) To amend or affect in any way any state or federal law pertaining to employment matters;

(2) To amend or affect in any way any state or federal law pertaining to landlord-tenant matters;

(3) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession, or use of marijuana to the extent necessary to satisfy federal requirements for the grant;

(4) To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession, or use of marijuana to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract;

(5) To require a person to violate a federal law;

(6) To exempt a person from a federal law or obstruct the enforcement of a federal law; or

(7) To amend or affect in any way the Oregon Medical Marijuana Act.

SECTION 5. Definitions. As used in sections 3 to 70 of this Act:

(1) "Authority" means the Oregon Health Authority.

(2) "Commission" means the Oregon Liquor Control Commission.

(3) "Consumer" means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.

(4) "Department" means the State Department of Agriculture.

(5)(a) "Financial consideration," except as provided in paragraph (b) of this subsection, means value that is given or received directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.

(b) "Financial consideration" does not mean any of the following:

(A) Homegrown marijuana made by another person.

(B) Homemade marijuana products made by another person.

(6) "Homegrown" or "homemade" means grown or made by a person 21 years of age or older for noncommercial purposes.

(7) "Household" means a housing unit, and includes any place in or around the housing unit at which the occupants of the housing unit are producing, processing, keeping, or storing homegrown marijuana or homemade marijuana products.

(8) "Housing unit" means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

(9) "Immature marijuana plant" means a marijuana plant with no observable flowers or buds.

(10) "Licensee" means any person holding a license issued under this Act, or any person holding a license or permit issued under any regulation promulgated under paragraph (e) of subsection (2) of section 7 of this Act.

(11) "Licensee representative" means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent such person acts in such representative capacity.

(12)(a) "Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not, other than marijuana extracts.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.

(13) "Marijuana extract" means a product obtained by separating resins from marijuana by solvent extraction, using solvents other than vegetable glycerin, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide.

(14)(a) "Marijuana flowers" means the flowers of the plant Cannabis family Moraceae.

(b) "Marijuana flowers" does not include any part of the plant other than the flowers.

(15) "Marijuana items" means marijuana, marijuana products, and marijuana extracts.

(16)(a) "Marijuana leaves" means the leaves of the plant Cannabis family Moraceae.

(b) "Marijuana leaves" does not include any part of the plant other than the leaves.

(17) "Marijuana processor" means a person who processes marijuana items in this state.

(18) "Marijuana producer" means a person who produces marijuana in this state.

(19)(a) "Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption.

(b) "Marijuana products" does not mean:

(A) Marijuana, by itself; or

(B) A marijuana extract, by itself.

(20) "Marijuana retailer" means a person who sells marijuana items to a consumer in this state.

(21) "Marijuana wholesaler" means a person who purchases marijuana items in this state for resale to a person other than a consumer in this state.

(22) "Mature marijuana plant" means any marijuana plant that is not an immature marijuana plant.

(23) "Noncommercial" means not dependent or conditioned upon the provision or receipt of financial consideration.

(24) "Person" means any natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited liability company, general or limited partnership, joint venture, or any other legal entity.

(25) "Premises" or "licensed premises" means a location licensed under sections 3 to 70 of this Act and includes:

(a) All enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas;

(b) All areas outside of a building that the Oregon Liquor Control Commission has specifically licensed for the production, processing, wholesale sale, or retail sale of marijuana items; and

(c) For a location that the commission has specifically licensed for the production of marijuana outside of a building, the entire lot or parcel, as defined in ORS 92.010, that the licensee owns, leases, or has a right to occupy.

(26)(a) "Processes" means:

(A) The processing, compounding, or conversion of marijuana into marijuana products or

marijuana extracts;

(B) The processing, compounding, or conversion of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;

(C) The packaging or repackaging of marijuana items; or

(D) The labeling or relabeling of any package or container of marijuana items.

(b) "Processes" does not include:

(A) The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise processing marijuana; or

(B) The packaging and labeling of marijuana by a marijuana producer in preparation for delivery to a marijuana processor.

(27)(a) "Produces" means the manufacture, planting, cultivation, growing, or harvesting of marijuana.

(b) "Produces" does not include:

(A) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or

(B) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler, or marijuana retailer if the marijuana processor, marijuana wholesaler, or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(28) "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

(29) "Usable marijuana" means dried marijuana flowers and dried marijuana leaves, and any mixture or preparation thereof.

SECTION 6. Exemptions. (1) Sections 7 to 44 and 60 to 62 of this Act do not apply:

(a) To the production, processing, keeping, or storage of homegrown marijuana at a household by one or more persons 21 years of age and older if the total of homegrown marijuana at the household does not exceed four marijuana plants and eight ounces of usable marijuana at a given time.

(b) To the making, processing, keeping, or storage of homemade marijuana products at a household by one or more persons 21 years of age and older if the total of homemade marijuana products at the household does not exceed sixteen ounces in solid form at a given time.

(c) To the making, processing, keeping, or storage of homemade marijuana products at a household by one or more persons 21 years of age and older if the total of homemade marijuana products at the household does not exceed seventy-two ounces in liquid form at a given time.

(d) To the delivery of not more than one ounce of homegrown marijuana at a given time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

(e) To the delivery of not more than sixteen ounces of homemade marijuana products in solid form at a given time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

(f) To the delivery of not more than seventy-two ounces of homemade marijuana products in liquid form at a given time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

(2) Sections 7 to 70 of this Act:

(a) Do not apply to the extent a person acts within the scope of and in compliance with the Oregon Medical Marijuana Act; or

(b) Do not amend or affect in any way the function, duties, and powers of the Oregon Health Authority under the Oregon Medical Marijuana Act.

SECTION 7. Powers and duties of Oregon Liquor Control Commission. (1) The Oregon Liquor Control Commission has the powers and duties specified in sections 3 to 70 of this Act, and also the powers necessary or proper to enable it to carry out fully and effectually all the purposes of sections 3 to 70 of this Act. The jurisdiction, supervision, powers and duties of the commission extend to any person who buys, sells, produces, processes, transports, or delivers any marijuana items within this state. The commission may sue and be sued.

(2) The function, duties, and powers of the commission in sections 3 to 70 of this Act include the following:

(a) To regulate the purchase, sale, production, processing, transportation, and delivery of marijuana items in accordance with the provisions of sections 3 to 70 of this Act.

(b) To grant, refuse, suspend or cancel licenses for the sale, processing, or production of marijuana items, or other licenses in regard to marijuana items, and to permit, in its discretion, the transfer of a license of any person.

(c) To collect the taxes and duties imposed by sections 3 to 70 of this Act, and to issue, and provide for cancellation, stamps and other devices as evidence of payment of such taxes or duties.

(d) To investigate and aid in the prosecution of every violation of Oregon statutes relating to marijuana items, and cooperate in the prosecution of offenders before any state court of competent jurisdiction.

(e) To adopt such regulations as are necessary and feasible for carrying out the intent and

provisions of sections 3 to 70 of this Act and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.

(f) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of sections 3 to 70 of this Act.

(g) To regulate and prohibit any advertising by manufacturers, processors, wholesalers or retailers of marijuana items by the medium of newspapers, letters, billboards, radio or otherwise.

(h) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes.

(3) On or before January 1, 2016, the commission, after consultation with the State Department of Agriculture and the Oregon Health Authority, shall prescribe forms and adopt such rules and regulations as the commission deems necessary for the implementation and administration of sections 3 to 70 of this Act.

(4) On or before January 1, 2017, the commission shall:

(a) Examine available research, and may conduct or commission new research, to investigate the influence of marijuana on the ability of a person to drive a vehicle and on the concentration of delta-9 tetrahydrocannabinol in a person's blood, in each case taking into account all relevant factors; and

(b) Present the results of the research to the Legislative Assembly and make recommendations to the Legislative Assembly regarding whether any amendments to the Oregon Vehicle Code are appropriate.

(5) The commission has no power to purchase, own, sell, or possess any marijuana items.

SECTION 8. Powers and duties of State Department of Agriculture. The State Department of Agriculture shall assist and cooperate with the Oregon Liquor Control Commission and the Oregon Health Authority to the extent necessary for the commission and the authority to carry out the duties of the commission and the authority under sections 3 to 70 of this Act.

SECTION 9. Powers and duties of Oregon Health Authority. The Oregon Health Authority shall assist and cooperate with the Oregon Liquor Control Commission and the State Department of Agriculture to the extent necessary for the commission and the department to carry out the duties of the commission and the department under sections 3 to 70 of this Act.

SECTION 10. No liability for official acts. No member of the Oregon Liquor Control Commission, the State Department of Agriculture, or the Oregon Health Authority may be sued for doing or omitting to do any act in the performance of duties as prescribed in sections 3 to 70 of this Act.

SECTION 11. Powers; licenses; federal law. (1) Neither the Oregon Liquor Control Commission, the State Department of Agriculture, nor the Oregon Health Authority may refuse to perform any

duty under sections 3 to 70 of this Act on the basis that manufacturing, distributing, dispensing, possessing, or using marijuana is prohibited by federal law.

(2) The commission may not revoke or refuse to issue or renew a license under sections 3 to 70 of this Act on the basis that manufacturing, distributing, dispensing, possessing, or using marijuana is prohibited by federal law.

SECTION 12. Contracts. No contract shall be unenforceable on the basis that manufacturing, distributing, dispensing, possessing, or using marijuana is prohibited by federal law.

SECTION 13. Licensees and licensee representatives. Licensees and licensee representatives may produce, deliver, and possess marijuana items subject to the provisions of sections 3 to 70 of this Act. The production, delivery, and possession of marijuana items by a licensee or a licensee representative in compliance with sections 3 to 70 of this Act shall not constitute a criminal or civil offense under Oregon law.

(Purchaser's Qualifications and Identification)

SECTION 14. Purchaser's qualifications. No licensee or licensee representative may sell or deliver any marijuana items to any person under 21 years of age.

SECTION 15. Limitations on purchasing may be imposed. The Oregon Liquor Control Commission may limit the quantity of marijuana items purchased at any one time by a consumer so as effectually to prevent the resale of marijuana items.

SECTION 16. Requiring identification from certain purchasers. All licensees and licensee representatives, before selling or serving marijuana items to any person about whom there is any reasonable doubt of the person's having reached 21 years of age, shall require such person to produce one of the following pieces of identification:

- (1) The person's passport.
- (2) The person's motor vehicle operator's license, whether issued in this state or by any other state, so long as the license has a picture of the person.
- (3) An identification card issued under ORS 807.400.
- (4) A United States military identification card.
- (5) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

SECTION 17. False statement of age; statement of age as defense. (1) No person shall produce any piece of identification that would falsely indicate the person's age.

(2) If a piece of identification is offered as evidence in any administrative or criminal prosecution of a licensee or licensee representative for sale or service of marijuana items to a person not having reached 21 years of age, the licensee or licensee representative shall be found to have committed no crime or other wrong unless it is demonstrated that a reasonable person would have determined that the identification exhibited was altered or did not accurately describe the person to whom the marijuana items were sold or served.

(Marijuana Licenses)

SECTION 18. Oregon Liquor Control Commission's licensing duties. (1) On or before January 4, 2016, the Oregon Liquor Control Commission shall begin receiving applications for the licensing of persons to produce, process, and sell marijuana within the state. Upon receipt of a license application, the commission shall not unreasonably delay the processing, approval, or rejection of the application or, if the application is approved, the issuance of the license.

(2) The licenses described in sections 3 to 70 of this Act shall be issued by the commission, subject to its regulations and restrictions and the provisions of sections 3 to 70 of this Act.

(3) The commission may not license a premises that does not have defined boundaries. A licensed premises need not be enclosed by a wall, fence or other structure, but the commission may require that any licensed premises be enclosed as a condition of issuing or renewing a license. The commission may not license premises that are mobile.

SECTION 19. Production license. (1) The production of marijuana is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana producer must have a production license issued by the commission for the premises at which the marijuana is produced.

SECTION 20. Processor license. (1) The processing of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana processor must have a processor license issued by the commission for the premises at which marijuana items are processed.

SECTION 21. Wholesale license. (1) The wholesale sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana wholesaler must have a wholesale license issued by the commission for the premises at which marijuana items are received, kept, stored, or delivered.

SECTION 22. Retail license. (1) The retail sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana retailer must have a retail license issued by the commission for the premises at

which marijuana items are sold.

SECTION 23. Examination of books and premises of licensees. (1) The Oregon Liquor Control Commission has the right after 72 hours' notice to the owner or the agent of the owner to make an examination of the books and may at any time make an examination of the premises of any person licensed under sections 3 to 70 of this Act, for the purpose of determining compliance with sections 3 to 70 of this Act and the rules of the commission.

(2) The commission shall not require the books of any licensee to be maintained on the premises of the licensee.

SECTION 24. No "tied house" prohibitions. The same person may hold one or more production licenses, one or more processor licenses, one or more wholesale licenses, and one or more retail licenses.

(Licensing Procedures)

SECTION 25. Characteristics of license. (1) A license granted under sections 3 to 70 of this Act shall:

- (a) Be a purely personal privilege.
 - (b) Be valid for the period stated in the license.
 - (c) Be renewable in the manner provided in section 28 of this Act, except for a cause which would be grounds for refusal to issue such license under section 29 of this Act.
 - (d) Be revocable or suspendible as provided in section 30 of this Act.
 - (e) Be transferable from the premises for which the license was originally issued to another premises subject to the provisions of this Act, any rules of the Oregon Liquor Control Commission and any municipal ordinance or local regulation.
 - (f) Cease upon the death of the licensee, except as provided in subsection (2) of this section.
 - (g) Not constitute property.
 - (h) Not be alienable.
 - (i) Not be subject to attachment or execution.
 - (j) Not descend by the laws of testate or intestate devolution.
- (2) The commission may, by order, provide for the manner and conditions under which:
- (a) Marijuana items left by any deceased, insolvent or bankrupt person or licensee, or subject to

a security interest, may be foreclosed, sold under execution or otherwise disposed of.

(b) The business of any deceased, insolvent or bankrupt licensee may be operated for a reasonable period following the death, insolvency or bankruptcy.

(c) A business licensed pursuant to sections 3 to 70 of this Act subject to a security interest may be continued in business by a secured party as defined in ORS 79.0102 for a reasonable period after default on the indebtedness by the debtor.

SECTION 26. License terms; licenses issued for less than year; determination of fees. (1) Except as otherwise provided in this section, all licenses under sections 3 to 70 of this Act and renewals thereof shall be issued for a period of one year which shall expire at 12 midnight on March 31, June 30, September 30 or December 31 of each year.

(2) Notwithstanding subsection (1) of this section, a license issued for the first time to an applicant may be issued for less than a year. The fee for a license issued for less than a year under this subsection is the annual license fee prescribed by section 28 of this Act.

SECTION 27. Delivery of marijuana. A marijuana producer, marijuana processor, or marijuana wholesaler shall deliver marijuana items only to or on a licensed premises. The sale of marijuana items under any license issued by the Oregon Liquor Control Commission for retail sales by a licensee shall be restricted to the premises described in the license, but deliveries may be made by the marijuana retailer to consumers pursuant to bona fide orders received on the licensed premises prior to delivery.

SECTION 28. Application for license; rules; fees. (1) Any person desiring a license or renewal of a license under sections 3 to 70 of this Act shall make application to the Oregon Liquor Control Commission upon forms to be furnished by the commission showing the name and address of the applicant, location of the place of business that is to be operated under the license, and such other pertinent information as the commission may require. No license shall be granted or renewed until the applicant has complied with the provisions of sections 3 to 70 of this Act and the rules of the commission.

(2) The commission may reject any application that is not submitted in the form required by rule. The commission shall give applicants an opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS chapter 183.

(3) Except as provided in subsection (2) of this section, a revocation of, or a refusal to issue or renew, a license under sections 3 to 70 of this Act is subject to the requirements for contested case proceedings under ORS chapter 183.

(4) The commission shall assess a nonrefundable fee for processing a new or renewal application for any license authorized by sections 3 to 70 of this Act. The application processing fee shall be \$250.

(5) The annual license fee for any license granted under sections 3 to 70 of this Act shall be \$1,000. The license fee is nonrefundable and shall be paid by each applicant upon the granting or

committing of a license.

SECTION 29. Grounds for refusing to issue license. (1) The Oregon Liquor Control Commission may not license any applicant under the provisions of sections 3 to 70 of this Act if the applicant is under 21 years of age.

(2) The Oregon Liquor Control Commission may refuse to license any applicant under the provisions of sections 3 to 70 of this Act if the commission has reasonable ground to believe any of the following to be true:

(a) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. In determining whether there are sufficient licensed premises in the locality, the commission shall consider seasonal fluctuations in the population of the locality and shall ensure that there are adequate licensed premises to serve the needs of the locality during the peak seasons.

(b) That the applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

(B) Has made false statements to the commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.

(E) Has maintained an insanitary establishment.

(F) Is not of good repute and moral character.

(G) Did not have a good record of compliance with sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.

(H) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.

(I) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(J) Is unable to understand the laws of Oregon relating to marijuana or the rules of the commission.

(3) Notwithstanding subparagraph (D) of paragraph (b) of subsection (2) of this section, in determining whether the commission may refuse to license an applicant, the commission may not

consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent, or other representative of the applicant for:

(a) The manufacture of marijuana, if:

(A) The date of the conviction is more than five years before the date of the application; and

(B) The person has not been convicted more than once for the manufacture or delivery of marijuana;

(b) The delivery of marijuana to a person 21 years of age or older, if:

(A) The date of the conviction is more than five years before the date of the application; and

(B) The person has not been convicted more than once for the manufacture or delivery of marijuana; or

(c) The possession of marijuana.

SECTION 30. Grounds for cancellation or suspension of license. (1) The Oregon Liquor Control Commission may cancel or suspend any license issued under sections 3 to 70 of this Act, if the commission finds or has reasonable ground to believe any of the following to be true:

(a) That the licensee:

(A) Has violated any provision of sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.

(B) Has made any false representation or statement to the commission in order to induce or prevent action by the commission.

(C) Has maintained an insanitary establishment.

(D) Is insolvent or incompetent or physically unable to carry on the management of the establishment of the licensee.

(E) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana, or controlled substances to excess.

(F) Has misrepresented to a customer or the public any marijuana items sold by the licensee.

(G) Since the granting of the license, has been convicted of a felony, of violating any of the marijuana laws of this state, general or local, or of any misdemeanor or violation of any municipal ordinance committed on the licensed premises.

(b) That there is any other reason that, in the opinion of the commission, based on public convenience or necessity, warrants canceling or suspending such license.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(Marijuana Tax)

SECTION 31. Administration by Oregon Liquor Control Commission. The Oregon Liquor Control Commission shall administer sections 31 to 44 of this Act, and shall prescribe forms and make such rules and regulations as it deems necessary to enforce sections 31 to 44 of this Act.

SECTION 32. Definition of "sale". (1) As used in sections 31 to 44 of this Act, "sale" or "sold" means any transfer, exchange or barter, in any manner or by any means, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling marijuana, for advertising, as a means of evading sections 31 to 44 of this Act, or for any other purpose.

(2) If a marijuana producer also holds one or more processor licenses, one or more wholesale licenses, or one or more retail licenses, a sale of marijuana flowers, marijuana leaves, or immature marijuana plants will be deemed to occur if and when the marijuana producer processes or takes any other action with respect to such marijuana flowers, marijuana leaves, or immature marijuana plants for which a processor license, wholesale license, or retail license is required, regardless of whether the marijuana producer continues to own or possess the marijuana flowers, marijuana leaves, or immature marijuana plants.

SECTION 33. Tax on marijuana. (1) A tax is imposed upon the privilege of engaging in business as a marijuana producer at the rate of:

- (a) \$35 per ounce on all marijuana flowers;
- (b) \$10 per ounce on all marijuana leaves; and
- (c) \$5 per immature marijuana plant.

(2) The rates of tax imposed by this section upon marijuana flowers and marijuana leaves apply proportionately to quantities of less than one ounce.

(3) The tax imposed by this section shall be measured by the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants produced and sold by any marijuana producer. The taxes specified in this section shall be levied and assessed to the marijuana producer at the time of the first sale of the marijuana flowers, marijuana leaves, and immature marijuana plants by the marijuana producer.

(4) For reporting periods beginning on or after July 1, 2017, the rates of tax under subsection (1) of this section shall be adjusted for each biennium according to the cost-of-living adjustment for the calendar year. The Oregon Liquor Control Commission shall recompute the rates for each biennium by adding to each rate in subsection (1) of this section the product obtained by multiplying the rate by a factor that is equal to 0.25 multiplied by the percentage (if any) by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31, 2015.

(5) The commission shall regularly review the rates of tax under subsection (1) of this section and make recommendations to the Legislative Assembly regarding appropriate adjustments to the rates that will further the purposes of:

- (a) Maximizing net revenue;
- (b) Minimizing the illegal marijuana industry under Oregon law; and
- (c) Discouraging the use of marijuana by minors under 21 years of age.

SECTION 34. Payment of taxes; refunds; interest or penalty; appeal. (1) The privilege tax imposed by section 33 of this Act shall be paid to the Oregon Liquor Control Commission. The taxes covering the periods for which statements are required to be rendered by section 35 of this Act shall be paid before the time for filing such statements expires. If not so paid, a penalty of 10 percent and interest at the rate of one percent a month or fraction of a month shall be added and collected. The commission may refund any tax payment imposed upon or paid in error by any licensee.

(2) The commission may waive any interest or penalty assessed to a marijuana producer subject to the tax imposed under section 33 of this Act if the commission, in its discretion, determines that the marijuana producer has made a good faith attempt to comply with the requirements of sections 31 to 44 of this Act.

(3) Except in the case of fraud, the commission may not assess any interest or penalty on any tax due under section 33 of this Act following the expiration of 36 months from the date on which was filed the statement required under section 35 of this Act reporting the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants upon which the tax is due.

(4) A marijuana producer may appeal a tax imposed under section 33 of this Act in the manner of a contested case under ORS chapter 183.

SECTION 35. Statements by marijuana producers as to quantities sold. On or before the 20th day of each month, every marijuana producer shall file with the Oregon Liquor Control Commission a statement of the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants sold by the marijuana producer during the preceding calendar month.

SECTION 36. Estimate by Oregon Liquor Control Commission when statement not filed or false statement filed. If any marijuana producer fails, neglects or refuses to file a statement required by section 35 of this Act or files a false statement, the Oregon Liquor Control Commission shall estimate the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants sold by the marijuana producer and assess the privilege taxes thereon. The marijuana producer shall be estopped from complaining of the quantities so estimated.

SECTION 37. Lien created by the tax. The privilege tax required to be paid by section 33 of this Act constitutes a lien upon, and has the effect of an execution duly levied against, any and all property of the marijuana producer, attaching at the time the marijuana flowers, marijuana leaves, and immature marijuana plants subject to the tax were sold, and remaining until the tax is paid. The lien created by this section is paramount to all private liens or encumbrances.

SECTION 38. Records to be kept by marijuana producers. Every marijuana producer shall keep a complete and accurate record of all sales of marijuana flowers, marijuana leaves, and immature marijuana plants, and a complete and accurate record of the number of ounces of marijuana flowers produced, the number of ounces of marijuana leaves produced, the number of immature marijuana plants produced, and the dates of production. The records shall be in such form and contain such other information as the Oregon Liquor Control Commission may prescribe.

SECTION 39. Inspection of marijuana producer's records; records to be kept for prescribed period. (1) The Oregon Liquor Control Commission may, at any time, examine the books and records of any marijuana producer, and may appoint auditors, investigators and other employees that the commission considers necessary to enforce its powers and perform its duties under sections 31 to 44 of this Act.

(2) Every marijuana producer shall maintain and keep for two years all records, books and accounts required by sections 31 to 44 of this Act and shall provide copies of those records, books and accounts to the commission when requested by the commission.

SECTION 40. Failure to pay tax or maintain records. (1) No marijuana producer shall:

(a) Fail to pay the privilege tax prescribed in section 33 of this Act when it is due; or

(b) Falsify the statement required by section 35 of this Act.

(2) No person shall:

(a) Refuse to permit the Oregon Liquor Control Commission or any of its representatives to make an inspection of the books and records authorized by sections 38 and 39 of this Act;

(b) Fail to keep books of account prescribed by the commission or required by sections 31 to 44 of this Act;

(c) Fail to preserve the books for two years for inspection of the commission; or

(d) Alter, cancel or obliterate entries in the books of account for the purpose of falsifying any record required by sections 31 to 44 of this Act to be made, maintained or preserved.

SECTION 41. Applicability to interstate and foreign commerce. Sections 31 to 44 of this Act do not apply to commerce with foreign nations or commerce with the several states, except in so far as the same may be permitted under the Constitution and laws of the United States.

SECTION 42. State has exclusive right to tax marijuana. No county or city of this state shall impose any fee or tax, including occupation taxes, privilege taxes and inspection fees, in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items.

(Distribution of Moneys)

SECTION 43. Disposition of moneys; revolving fund. (1) All money collected by the Oregon Liquor Control Commission under sections 3 to 70 of this Act shall be remitted to the State Treasurer who shall credit it to a suspense account of the commission. Whenever the commission determines that moneys have been received by it in excess of the amount legally due and payable to the commission or that it has received money to which it has no legal interest, or that any license fee or deposit is properly refundable, the commission is authorized and directed to refund such money by check drawn upon the State Treasurer and charged to the suspense account of the commission. After withholding refundable license fees and such sum, not to exceed \$250,000, as it considers necessary as a revolving fund for a working cash balance for the purpose of paying travel expenses, advances, other miscellaneous bills and extraordinary items which are payable in cash immediately upon presentation, the commission shall direct the State Treasurer to transfer the money remaining in the suspense account to the Oregon Marijuana Account established under section 44 of this Act. Moneys in the Oregon Marijuana Account are continuously appropriated to the commission to be distributed and used as required or allowed by Oregon law.

(2) All necessary expenditures of the commission incurred in carrying out sections 3 to 70 of this Act, including such sums necessary to reimburse the \$250,000 revolving fund, shall be paid from the Oregon Marijuana Account.

SECTION 44. Distribution of available moneys in Oregon Marijuana Account. (1) There is established the Oregon Marijuana Account, separate and distinct from the General Fund.

(2) At the end of each month, the Oregon Liquor Control Commission shall certify the amount of moneys available for distribution in the Oregon Marijuana Account and, after withholding such moneys as it may deem necessary to carry out its obligations under sections 3 to 70 of this Act, shall within 35 days of the month for which a distribution is made distribute the moneys as follows:

(a) Forty percent shall be transferred to the Common School Fund;

(b) Twenty percent shall be transferred to the Mental Health Alcoholism and Drug Services Account established under ORS 430.380;

(c) Fifteen percent shall be transferred to the State Police Account established under ORS 181.175;

(d) To assist local law enforcement in performing its duties under this Act, ten percent shall be transferred to the cities of the state in the following shares:

(A) For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such shares as the population of each city bears to the population of the cities of the state, as determined by the State Board of Higher Education last preceding such apportionment, under ORS 190.510 to 190.610; and

(B) For all distributions made from the Oregon Marijuana Account on or after July 1, 2017:

(i) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses

issued by the commission under sections 19 to 21 of this Act during the calendar year preceding the date of the distribution for premises located in each city bears to the number of such licenses issued by the commission during such calendar year for all premises in the state; and

(ii) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses issued by the commission under section 22 of this Act during the calendar year preceding the date of the distribution for premises located in each city bears to the number of such licenses issued by the commission during such calendar year for all premises in the state;

(e) To assist local law enforcement in performing its duties under this Act, ten percent shall be transferred to counties in the following shares:

(A) For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such shares as their respective populations bear to the total population of the state, as estimated from time to time by the State Board of Higher Education; and

(B) For all distributions made from the Oregon Marijuana Account on or after July 1, 2017:

(i) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses issued by the commission under sections 19 to 21 of this Act during the calendar year preceding the date of the distribution for premises located in each county bears to the number of such licenses issued by the commission during such calendar year for all premises in the state; and

(ii) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses issued by the commission under section 22 of this Act during the calendar year preceding the date of the distribution for premises located in each county bears to the number of such licenses issued by the commission during such calendar year for all premises in the state; and

(f) Five percent shall be transferred to the Oregon Health Authority to be used for the establishment, operation, and maintenance of alcohol and drug abuse prevention, early intervention and treatment services.

(3) It is the intent of this section that the moneys distributed from the Oregon Marijuana Account to the distributees in subsection (2) of this section are in addition to any other available moneys to such distributees and do not supplant moneys available from any other source.

(Prohibitions Relating to Marijuana)

SECTION 45. Importing and exporting marijuana prohibited. (1) Marijuana items may not be imported into this state or exported from this state by any licensee or licensee representative.

(2) A violation of subsection (1) of this section is a:

(a) Class C felony, if the importation or exportation is for consideration; or

(b) Class A misdemeanor, if the importation or exportation is not for consideration.

SECTION 46. Marijuana may not be given as prize. Marijuana items may not be given as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind.

SECTION 47. Providing marijuana to intoxicated person; allowing consumption by minor on property. (1) A person may not sell, give or otherwise make available any marijuana items to any person who is visibly intoxicated.

(2)(a) A person who exercises control over private real property may not knowingly allow any other person under the age of 21 years to consume marijuana items on the property, or allow any other person under the age of 21 years to remain on the property if the person under the age of 21 years consumes marijuana items on the property.

(b) This subsection:

(A) Applies only to a person who is present and in control of the location at the time the consumption occurs; and

(B) Does not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual unit in which the owner or agent resides.

SECTION 48. Misrepresentation by licensee and others; maintenance of disorderly establishment.

(1) No person shall make false representations or statements to the Oregon Liquor Control Commission in order to induce or prevent action by the commission.

(2) No licensee of the commission shall maintain a noisy, lewd, disorderly or insanitary establishment or supply impure or otherwise deleterious marijuana items.

(3) No licensee of the commission shall misrepresent to a customer or to the public any marijuana items.

SECTION 49. Attempted purchase of marijuana by person under 21; entry of licensed premises by person under 21. (1) A person under 21 years of age may not attempt to purchase marijuana items.

(2) Except as authorized by rule or as necessitated in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(3) A person who violates subsection (1) or (2) of this section commits a Class B violation.

(4) In addition to and not in lieu of any other penalty established by law, a person under 21 years of age who violates subsection (1) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order suspending driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is

otherwise eligible for the permit.

(5) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the department for the department to suspend the person's driving privileges under ORS 809.280 (4).

(6) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of the Oregon Liquor Control Commission or under the direction of state or local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

SECTION 50. Compliance with standards. (1) No marijuana items shall be sold or offered for sale within this state unless such marijuana items comply with the minimum standards fixed pursuant to law.

(2) The Oregon Liquor Control Commission may require a marijuana producer, marijuana processor, or marijuana wholesaler to provide a laboratory analysis demonstrating to the satisfaction of the commission that particular marijuana items comply with the minimum standards in this state.

(3) No marijuana items offered for sale within this state may be altered or tampered with in any way by any person not licensed to do so by the commission.

(4) The commission may prohibit the sale of any marijuana items for a reasonable period of time while it is determining whether the marijuana items comply with minimum standards in this state.

SECTION 51. Use of misleading mark or label on container; injurious or adulterated ingredients.

(1) No licensee shall use or allow the use of any mark or label on the container of any marijuana items which are kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such marijuana items.

(2) The Oregon Liquor Control Commission may prohibit any licensee from selling any brand of marijuana items which in its judgment is deceptively labeled or branded as to content, or contains injurious or adulterated ingredients.

SECTION 52. Minimum age requirement. (1) A licensee may not employ any person under 21 years of age in any part of any licensed premises.

(2) During any inspection of a licensed premises, the Oregon Liquor Control Commission may require proof that a person performing work at the premises is 21 years of age or older. If the person does not provide the commission with acceptable proof of age upon request, the commission may require the person to immediately cease any activity and leave the premises until the commission receives acceptable proof of age. This subsection does not apply to a person temporarily at the premises to make a service, maintenance or repair call or for other purposes

independent of the premises operations.

(3) If a person performing work has not provided proof of age requested by the commission under subsection (2) of this section, the commission may request that the licensee provide proof that the person is 21 years of age or older. Failure of the licensee to respond to a request made under this subsection by providing acceptable proof of age for a person is prima facie evidence that the licensee has allowed the person to perform work at the licensed premises in violation of the minimum age requirement.

SECTION 53. Mature marijuana plants. (1) Except for licensed marijuana producers and their licensee representatives, no licensee may possess a mature marijuana plant.

(2) No licensee may sell a mature marijuana plant.

SECTION 54. Use of marijuana in public place prohibited. (1) It is unlawful for any person to engage in the use of marijuana items in a public place.

(2) A violation of subsection (1) of this section is a Class B violation.

SECTION 55. Possession of marijuana in correctional facility prohibited. (1) It is unlawful for any person to possess or engage in the use of marijuana items in a correctional facility as defined in ORS 162.135 or in a youth correction facility as defined in ORS 162.135.

(2) A violation of subsection (1) of this section is a Class B violation.

SECTION 56. Homegrown marijuana in public view prohibited. (1) No person may produce, process, keep, or store homegrown marijuana or homemade marijuana products if the homegrown marijuana or homemade marijuana products can be readily seen by normal unaided vision from a public place.

(2) A violation of subsection (1) of this section is a Class B violation.

SECTION 57. Homemade marijuana extracts prohibited. No person may produce, process, keep, or store homemade marijuana extracts.

(Cities and Counties; Local Option)

SECTION 58. Marijuana laws supersede and repeal inconsistent charters and ordinances. Sections 3 to 70 of this Act, designed to operate uniformly throughout the state, shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed.

SECTION 59. Authority of cities and counties over establishments that serve marijuana. (1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of

establishments that sell marijuana to consumers if the city or county makes specific findings that the establishment would cause adverse effects to occur.

(2) The authority granted to cities and counties by this section is in addition to, and not in lieu of, the authority granted to a city or county under its charter and the statutes and Constitution of this state.

SECTION 60. Petition and election for local option. (1) The governing body of a city or a county, when a petition is filed as provided in this section, shall order an election on the question whether the operation of licensed premises shall be prohibited in the city or county.

(2) Except as provided in subsections (3), (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section:

(a) In the case of a city, shall be as provided for an initiative petition under ORS 250.265 to 250.346.

(b) In the case of a county, shall be as provided for an initiative petition under ORS 250.165 to 250.235.

(3) A petition under subsection (2) of this section:

(a) Must be filed not less than 60 days before the day of the election; and

(b) Must be signed by not less than 10 percent of the electors registered in the city or county.

(4) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(5) No signature is valid unless signed within 180 days before the petition is filed.

(6) An election under this section shall be held at the time of the next statewide general election.

(7) An election under this section shall be conducted under ORS chapters 246 to 260.

SECTION 61. Sales not affected by local option laws. Section 60 of this Act shall not prevent any person residing in the county or city from having, for personal use, marijuana items purchased from marijuana retailers duly licensed under this Act.

SECTION 62. Effective date of local option. In each county or city that returns a majority vote for or against prohibition, the law shall take effect on January 1 following the day of election.

(Enforcement of Marijuana Laws)

SECTION 63. Duty of officers to enforce and to inform district attorney. The state police, sheriffs, constables and all police officers within the State of Oregon shall enforce sections 3 to 30 of this Act and sections 45 to 70 of this Act and assist the Oregon Liquor Control Commission in detecting violations of sections 3 to 30 of this Act and sections 45 to 70 of this Act and apprehending offenders. Each such enforcing officer having notice, knowledge or reasonable ground of suspicion of any violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act shall immediately notify the district attorney, and furnish the district attorney with names and addresses of any witnesses, or other information within the officer's knowledge, of such violation.

SECTION 64. Confiscation of marijuana and property. (1) Whenever any officer arrests any person for violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act, the officer may take into possession all marijuana items, and other property which the person so arrested has in possession, or on the premises, which is apparently being used in violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act.

(2) If the person so arrested is convicted, and it is found that the marijuana items, and other property has been used in violation of Oregon law:

(a) The marijuana items shall be forfeited to an appropriate state or local law enforcement agency, and shall be delivered by the court or officer to the law enforcement agency; and

(b) Subject to other applicable law, the other property shall be forfeited to the Oregon Liquor Control Commission, and shall be delivered by the court or officer to the commission.

(3) The commission is authorized to destroy or make such other disposition of any property it receives under paragraph (b) of subsection (2) of this section as it considers to be in the public interest. In any such case, all such property, including lockers, chairs, tables, cash registers, music devices, gambling devices, furniture, furnishings, equipment and facilities for the storing, serving or using of marijuana items shall be confiscated and forfeited to the state, and the clear proceeds shall be deposited with the State Treasury in the Common School Fund in the manner provided in this section.

SECTION 65. Duty to notify Oregon Liquor Control Commission of conviction of licensee. The county courts, district attorneys and municipal authorities, immediately upon the conviction of any licensee of the Oregon Liquor Control Commission of a violation of any provision of sections 3 to 30 of this Act or sections 45 to 70 of this Act or the violation of any other law of this state or ordinance of any municipality therein, in which violation marijuana had any part, shall notify the commission thereof. Such officials shall notify the commission of any acts, practices or other conduct of any such licensee which may be subversive of the general welfare or contrary to the spirit of this Act and shall recommend such action on the part of the commission as will remove the evil.

SECTION 66. Property and places as common nuisances. Any room, house, building, boat, structure or place of any kind where marijuana items are sold, manufactured, bartered or given away in violation of Oregon law, or where persons are permitted to resort for the purpose of using marijuana items in violation of Oregon law, or any place where marijuana items are kept for sale, barter or gift in violation of Oregon law, and all marijuana items or property subject to confiscation under section 64 of this Act kept and used in such place is a common nuisance. Any person who maintains or assists in maintaining such common nuisance or knowingly suffers or

permits such nuisance to exist in any place of which the person is the owner, manager or lessor, shall be guilty of a violation of sections 3 to 30 of this Act and sections 45 to 70 of this Act.

SECTION 67. Lien on place used to unlawfully handle marijuana. If it is proved that the owner of any building or premises knowingly has suffered the same to be used or occupied for the manufacture, sale or possession of marijuana items, contrary to the provisions of sections 3 to 30 of this Act or sections 45 to 70 of this Act, such building or premises are subject to a lien for, and may be sold to pay all fines and costs assessed against their occupants for any violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act. The lien shall be enforced immediately by civil action in any court having jurisdiction, by the district attorney of the county wherein the building or premises are located.

SECTION 68. Governor authorized to suspend license. In case of invasion, disaster, insurrection, riot, or imminent danger thereof, the Governor may, for the duration of such invasion, disaster, insurrection, riot, or imminent danger thereof, immediately suspend without notice any license in the area involved granted under sections 3 to 30 of this Act or sections 45 to 70 of this Act.

(Penalties)

SECTION 69. Penalties. (1) Except where other punishment is specifically provided for in sections 3 to 70 of this Act, violation of any provision of sections 3 to 70 of this Act is a Class A misdemeanor.

(2) A violation of subsection (1) of section 40 of this Act is a Class B misdemeanor.

(3) Subject to ORS 153.022, violation of any regulation promulgated under paragraph (e) of subsection (2) of section 7 of this Act is a Class C violation.

SECTION 70. Severability. If any sections, subsections, paragraphs, phrases, or words of sections 3 to 70 of this Act shall be held unconstitutional, void, or illegal, either on their face or as applied, this shall not affect the applicability, constitutionality, or legality of any other sections, subsections, paragraphs, phrases, and words of sections 3 to 70 of this Act. To that end, the sections, subsections, paragraphs, phrases, and words of sections 3 to 70 of this Act are intended to be severable. It is hereby declared to be the intent of sections 3 to 70 of this Act that sections 3 to 70 of this Act would have been adopted had such unconstitutional, void, or illegal sections, subsections, paragraphs, phrases, or words, if any, not been included in sections 3 to 70 of this Act.

SECTION 71. Section 280E of the Internal Revenue Code. Section 280E of the Internal Revenue Code does not apply for purposes of determining taxable income or loss under this chapter.

SECTION 72. Definition of controlled substance. As used in the following statutes and any rule adopted thereunder, the term "controlled substance" shall not include marijuana:

(1) ORS 475.125 to ORS 475.165 (registration with the State Board of Pharmacy).

(2) ORS 475.175 to ORS 475.190 (records).

SECTION 73. Use of marijuana while driving; penalty. (1) A person commits the offense of use of marijuana while driving if the person uses any marijuana while driving a motor vehicle upon a highway.

(2) The offense described in this section, use of marijuana while driving, is a Class B traffic violation.

SECTION 74. ORS 316.680, as amended by section 3, chapter 194, Oregon Laws 2013, is amended to read:

316.680 Modification of taxable income. (1) There shall be subtracted from federal taxable income:

(a) The interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. However, the amount subtracted under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph, and by any expenses incurred in the production of interest or dividend income described in this paragraph to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(b) The amount of any federal income taxes accrued by the taxpayer during the taxable year as described in ORS 316.685, less the amount of any refunds of federal taxes previously accrued for which a tax benefit was received.

(c) Amounts allowable under sections 2621(a)(2) and 2622(b) of the Internal Revenue Code to the extent that the taxpayer does not elect under section 642(g) of the Internal Revenue Code to reduce federal taxable income by those amounts.

(d) Any supplemental payments made to JOBS Plus Program participants under ORS 411.892.

(e)(A) Federal pension income that is attributable to federal employment occurring before October 1, 1991. Federal pension income that is attributable to federal employment occurring before October 1, 1991, shall be determined by multiplying the total amount of federal pension income for the tax year by the ratio of the number of months of federal creditable service occurring before October 1, 1991, over the total number of months of federal creditable service.

(B) The subtraction allowed under this paragraph applies only to federal pension income received at a time when:

(i) Benefit increases provided under chapter 569, Oregon Laws 1995, are in effect; or

(ii) Public Employees Retirement System benefits received for service prior to October 1, 1991, are exempt from state income tax.

(C) As used in this paragraph:

(i) "Federal creditable service" means those periods of time for which a federal employee earned a federal pension.

(ii) "Federal pension" means any form of retirement allowance provided by the federal government, its agencies or its instrumentalities to retirees of the federal government or their beneficiaries.

(f) Any amount included in federal taxable income for the tax year that is attributable to the conversion of a regular individual retirement account into a Roth individual retirement account described in section 408A of the Internal Revenue Code, to the extent that:

(A) The amount was subject to the income tax of another state or the District of Columbia in a prior tax year; and

(B) The taxpayer was a resident of the other state or the District of Columbia for that prior tax year.

(g) Any amounts awarded to the taxpayer by the Public Safety Memorial Fund Board under ORS 243.954 to 243.974 to the extent that the taxpayer has not taken the amount as a deduction in determining the taxpayer's federal taxable income for the tax year.

(h) If included in taxable income for federal tax purposes, the amount withdrawn during the tax year in qualified withdrawals from a college savings network account established under ORS 348.841 to 348.873.

(i) For income tax years commencing on or after January 1, 2015, the amount of any deductions or credits that the taxpayer would have been allowed but for the provisions of section 280E of the Internal Revenue Code.

(2) There shall be added to federal taxable income:

(a) Interest or dividends, exempt from federal income tax, on obligations or securities of any foreign state or of a political subdivision or authority of any foreign state. However, the amount added under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph and by any expenses incurred in the production of interest or dividend income described in this paragraph.

(b) Interest or dividends on obligations of any authority, commission, instrumentality and territorial possession of the United States that by the laws of the United States are exempt from federal income tax but not from state income taxes. However, the amount added under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph and by any expenses incurred in the production of interest or dividend income described in this paragraph.

(c) The amount of any federal estate taxes allocable to income in respect of a decedent not taxable by Oregon.

(d) The amount of any allowance for depletion in excess of the taxpayer's adjusted basis in the property depleted, deducted on the taxpayer's federal income tax return for the taxable year, pursuant to sections 613, 613A, 614, 616 and 617 of the Internal Revenue Code.

(e) For taxable years beginning on or after January 1, 1985, the dollar amount deducted under section

151 of the Internal Revenue Code for personal exemptions for the taxable year.

(f) The amount taken as a deduction on the taxpayer's federal return for unused qualified business credits under section 196 of the Internal Revenue Code.

(g) The amount of any increased benefits paid to a taxpayer under chapter 569, Oregon Laws 1995, under the provisions of chapter 796, Oregon Laws 1991, and under section 26, chapter 815, Oregon Laws 1991, that is not includable in the taxpayer's federal taxable income under the Internal Revenue Code.

(h) The amount of any long term care insurance premiums paid or incurred by the taxpayer during the tax year if:

(A) The amount is taken into account as a deduction on the taxpayer's federal return for the tax year; and

(B) The taxpayer claims the credit allowed under ORS 315.610 for the tax year.

(i) Any amount taken as a deduction under section 1341 of the Internal Revenue Code in computing federal taxable income for the tax year, if the taxpayer has claimed a credit for claim of right income repayment adjustment under ORS 315.068.

(j) If the taxpayer makes a nonqualified withdrawal, as defined in ORS 348.841, from a college savings network account established under ORS 348.841 to 348.873, the amount of the withdrawal that is attributable to contributions that were subtracted from federal taxable income under ORS 316.699.

(3) Discount and gain or loss on retirement or disposition of obligations described under subsection (2)(a) of this section issued on or after January 1, 1985, shall be treated for purposes of this chapter in the same manner as under sections 1271 to 1283 and other pertinent sections of the Internal Revenue Code as if the obligations, although issued by a foreign state or a political subdivision of a foreign state, were not tax exempt under the Internal Revenue Code.

SECTION 75. ORS 475.525 is amended to read:

475.525 Sale of drug paraphernalia prohibited; definition of drug paraphernalia; exceptions.

(1) It is unlawful for any person to sell or deliver, possess with intent to sell or deliver or manufacture with intent to sell or deliver drug paraphernalia, knowing that it will be used to unlawfully plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by ORS 475.005.

(2) For the purposes of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of ORS 475.840 to 475.980. Drug paraphernalia includes, but is not limited to:

(a) Kits marketed for use or designed for use in unlawfully planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance

can be derived;

(b) Kits marketed for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(c) Isomerization devices marketed for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment marketed for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances marketed for use or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use or designed for use in cutting controlled substances;

(g) Separation gins and sifters marketed for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Containers and other objects marketed for use or designed for use in storing or concealing controlled substances; and

(i) Objects marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens or hashish heads;

(B) Water pipes;

(C) Carburetion tubes and devices;

(D) Smoking and carburetion masks;

(E) Roach clips, meaning objects used to hold burning material that has become too small or too short to be held in the hand, such as a marijuana cigarette;

(F) Miniature cocaine spoons and cocaine vials;

(G) Chamber pipes;

(H) Carburetor pipes;

(I) Electric pipes;

(J) Air-driven pipes;

(K) Chillums;

(L) Bongs;

(M) Ice pipes or chillers; and

(N) Lighting equipment specifically designed for the growing of controlled substances.

(3) Drug paraphernalia does not include hypodermic syringes or needles.

(4) For the purposes of this section, "marijuana paraphernalia" means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana in violation of ORS 475.840 to 475.980.

~~[(4)]~~ (5) In determining whether an object is drug paraphernalia or **marijuana paraphernalia**, a trier of fact should consider, in addition to all other relevant factors, the following:

- (a) Instructions, oral or written, provided with the object concerning its use;
- (b) Descriptive materials accompanying the object which explain or depict its use;
- (c) National and local advertising concerning its use;
- (d) The manner in which the object is displayed for sale;
- (e) The existence and scope of legitimate uses for the object in the community; and
- (f) Any expert testimony which may be introduced concerning its use.

~~[(5)]~~ (6) The provisions of ORS 475.525 to 475.565 do not apply to persons registered under the provisions of ORS 475.125 or to persons specified as exempt from registration under the provisions of that statute.

(7) The provisions of ORS 475.525 to 475.565 do not apply to a person who sells or delivers marijuana paraphernalia to a person 21 years of age or older.

SECTION 76. ORS 475.752, as amended by section 3, chapter 591, Oregon Laws 2013, is amended to read:

475.752 Prohibited acts generally; penalties; affirmative defense for certain peyote uses; causing death by Schedule IV substance. (1) Except for licensees and licensee representatives as defined in subsections (10) and (11) of section 5 of this Act, and except for a person acting within the scope of and in compliance with subsection (1) of section 6 of this Act, and except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to manufacture or deliver a controlled substance. Any person who violates this subsection with respect to:

- (a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise provided in

ORS 475.886 and 475.890.

(b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880, 475.882, 475.904 and 475.906.

(c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise provided in ORS 475.904 and 475.906.

(d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to create or deliver a counterfeit substance. Any person who violates this subsection with respect to:

(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

(d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

(3) It is unlawful for any person knowingly or intentionally to possess a controlled substance, **other than marijuana**, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class B felony, except as otherwise provided in ORS 475.894.

(b) A controlled substance in Schedule II, is guilty of a Class C felony, except as otherwise provided in ORS 475.864.

(c) A controlled substance in Schedule III, is guilty of a Class A misdemeanor.

(d) A controlled substance in Schedule IV, is guilty of a Class C misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a violation.

(4) In any prosecution under this section for manufacture, possession or delivery of that plant of the genus *Lophophora* commonly known as peyote, it is an affirmative defense that the peyote is being used or is intended for use:

(a) In connection with the good faith practice of a religious belief;

(b) As directly associated with a religious practice; and

(c) In a manner that is not dangerous to the health of the user or others who are in the proximity of the user.

(5) The affirmative defense created in subsection (4) of this section is not available to any person who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.

(6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or delivers a controlled substance in Schedule IV and who thereby causes death to another person is guilty of a Class C felony.

(b) For purposes of this subsection, causation is established when the controlled substance plays a substantial role in the death of the other person.

SECTION 77. ORS 475.856, as amended by section 1, chapter 591, Oregon Laws 2013, is amended to read:

475.856 Unlawful manufacture of marijuana. (1) [It] Except for licensees and licensee representatives as defined in subsections (10) and (11) of section 5 of this Act, and except for a person acting within the scope of and in compliance with subsection (1) of section 6 of this Act, it is unlawful for any person to manufacture marijuana.

(2) Unlawful manufacture of marijuana is a Class B felony.

(3) Notwithstanding subsection (2) of this section, unlawful manufacture of marijuana is a Class B misdemeanor, if a person 21 years of age or older manufactures homegrown marijuana at a household and the total number of homegrown marijuana plants at the household exceeds four marijuana plants but does not exceed eight marijuana plants.

(4) As used in subsection (3) of this section, the terms "homegrown" and "household" have the meanings given to them in section 5 of this Act.

SECTION 78. ORS 475.860 is amended to read:

475.860 Unlawful delivery of marijuana. (1) [It] Except for licensees and licensee representatives as defined in subsections (10) and (11) of section 5 of this Act, and except for a person acting within the scope of and in compliance with subsection (1) of section 6 of this Act, it is unlawful for any person to deliver marijuana.

(2) Unlawful delivery of marijuana is a:

(a) Class B felony if the delivery is for consideration.

(b) Class C felony if the delivery is for no consideration.

(3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana is a:

(a) Class A misdemeanor, if the delivery is for no consideration and consists of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae; or

(b) Violation, if the delivery is for no consideration and consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae. A violation under this paragraph is a specific fine violation. The presumptive fine for a violation under this paragraph is \$650.

(4) Notwithstanding subsections (2) and (3) of this section, unlawful delivery of marijuana is a:

(a) Class A felony, if the delivery is to a person under 18 years of age and the defendant is at least 18 years of age and is at least three years older than the person to whom the marijuana is delivered; or

(b) Class C misdemeanor, if the delivery:

(A) Is for no consideration;

(B) Consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae;

(C) Takes place in a public place, as defined in ORS 161.015, that is within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; and

(D) Is to a person who is 18 years of age or older.

SECTION 79. ORS 475.864, as amended by section 2, chapter 591, Oregon Laws 2013, is amended to read:

475.864 Unlawful possession of marijuana. (1) As used in subsections (2) to (4) of this section:

(a) "Marijuana" means the leaves, stems, and flowers of the plant Cannabis family Moraceae.

(b) "Marijuana product" has the meaning given the term "marijuana" in ORS 475.005 (16), but does not include the leaves, stems and flowers of the plant Cannabis family Moraceae.

(2) It is unlawful for any person **under 21 years of age** knowingly or intentionally to possess marijuana or marijuana product.

(3)(a) Unlawful possession of four avoirdupois ounces or more of marijuana by a person **under 21 years of age** is a Class C felony.

(b) Unlawful possession of one avoirdupois ounce of marijuana or more, but less than four avoirdupois ounces, by a person **under 21 years of age** is a Class B misdemeanor.

(c) Unlawful possession of less than one avoirdupois ounce of marijuana by a person **under 21 years of age** is a specific fine violation. The presumptive fine for a violation under this paragraph is \$650.

(4)(a) Unlawful possession of one-quarter avoirdupois ounce or more of marijuana product by a

person under 21 years of age is a Class C felony.

(b) Unlawful possession of less than one-quarter avoirdupois ounce of marijuana product by a person under 21 years of age is a Class B misdemeanor.

(5) As used in subsections (6) to (8) of this section, the terms “licensee,” “licensee representative,” “marijuana,” “marijuana extracts,” “marijuana products,” “marijuana retailer,” “public place,” and “usable marijuana” have the meanings given to them in section 5 of this Act.

(6) Except for licensees and licensee representatives, it is unlawful for any person 21 years of age or older knowingly or intentionally to possess:

(a) More than one ounce of usable marijuana in a public place.

(b) More than eight ounces of usable marijuana.

(c) More than sixteen ounces of marijuana products in solid form.

(d) More than seventy-two ounces of marijuana products in liquid form.

(e) More than one ounce of marijuana extracts.

(f) Any marijuana extracts that were not purchased from a licensed marijuana retailer.

(7) A violation of paragraphs (a) to (e) of subsection (6) of this section is a:

(a) Class C felony, if the amount possessed is more than four times the applicable maximum amount specified in subsection (6) of this section;

(b) Class B misdemeanor, if the amount possessed is more than two times, but not more than four times, the applicable maximum amount specified in subsection (6) of this section; or

(c) Class B violation, if the amount possessed is not more than two times the applicable maximum amount specified in subsection (6) of this section.

(8) A violation of paragraph (f) of subsection (6) of this section is a:

(a) Class C felony, if the amount possessed is more than one-quarter ounce of such marijuana extracts; or

(b) Class B misdemeanor, if the amount possessed is not more than one-quarter ounce of such marijuana extracts.

SECTION 80. ORS 571.315 is amended to read:

571.315 Revocation or refusal of license or permit; civil penalty. (1) In addition to any other liability or penalty provided by Oregon law, the State Department of Agriculture may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit and may impose

a civil penalty for violation of:

- (a) A license or permit requirement;
- (b) License or permit terms or conditions;
- (c) Department rules relating to growing or handling industrial hemp; or
- (d) A final order of the department that is specifically directed to the grower's or handler's industrial hemp operations or activities.

(2) The department may not impose a civil penalty under this section that exceeds \$2,500. The department shall impose civil penalties under this section in the manner provided by ORS 183.745.

(3) The department may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit for violation of any rule of the department that pertains to agricultural operations or activities other than industrial hemp growing or handling.

(4) A revocation of, or a refusal to issue or renew, an industrial hemp license or an agricultural hemp seed production permit is subject to ORS chapter 183.

(5) The department may not revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit on the basis that industrial hemp production or possession, or commerce in industrial hemp commodities or products, is prohibited by federal law.

SECTION 81. Sections 71 to 73 of this Act and the amendments to ORS 316.680, 475.525, 475.752, 475.856, 475.860, 475.864, and 571.315 by sections 74 to 80 of this Act apply to conduct occurring on and after the operative date specified in subsection (1) of section 82 of this Act.

SECTION 82. (1) Sections 3 to 73 of this Act and the amendments to ORS 316.680, 475.525, 475.752, 475.856, 475.860, 475.864, and 571.315 by sections 74 to 80 of this Act become operative on July 1, 2015.

(2) The Oregon Liquor Control Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the commission by sections 3 to 73 of this Act and the amendments to ORS 316.680, 475.525, 475.752, 475.856, 475.860, 475.864, and 571.315 by sections 74 to 80 of this Act.

SECTION 83. The section captions used in this Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this Act.

SECTION 84. This Act becomes effective 30 days after the day on which it is approved by a majority of the votes cast on it.

SECTION 85. If an initiative petition that conflicts with this Act is placed on the ballot at the next regular general election held throughout this state on November 4, 2014, and if both this Act and the conflicting initiative petition are approved by a majority of the votes cast thereon, the conflicting initiative petition is repealed in its entirety if this Act receives a number of affirmative votes greater than the number of affirmative votes received by the conflicting initiative petition.

SECTION 86. If any sections, subsections, paragraphs, phrases, or words of this Act (including but not limited to the entirety of sections 7 to 70 of this Act) shall be held unconstitutional, void, or illegal, either on their face or as applied, this shall not affect the applicability, constitutionality, or legality of any other sections, subsections, paragraphs, phrases, and words of this Act. To that end, the sections, subsections, paragraphs, phrases, and words of this Act are intended to be severable. It is hereby declared to be the intent of this Act that this Act would have been adopted had such unconstitutional, void, or illegal sections, subsections, paragraphs, phrases, or words, if any, not been included in this Act.

Prohibited Med. Marijuana Dispensary Locations Under ORS 475.314

CONCEPTUAL MAP FOR DISCUSSION PURPOSES ONLY

ORS 475.314 Prohibitions

Schools - 1000' Buffer



Residential Zones



PR Parks and Recreation Zone*

Retail Not Permitted



I-H Heavy Industrial*

Retail Not Permitted



Remaining Areas

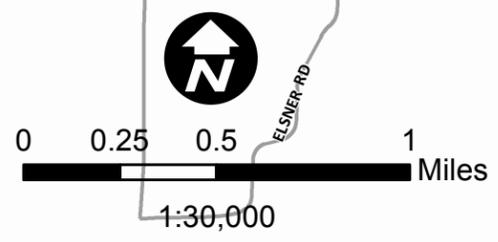
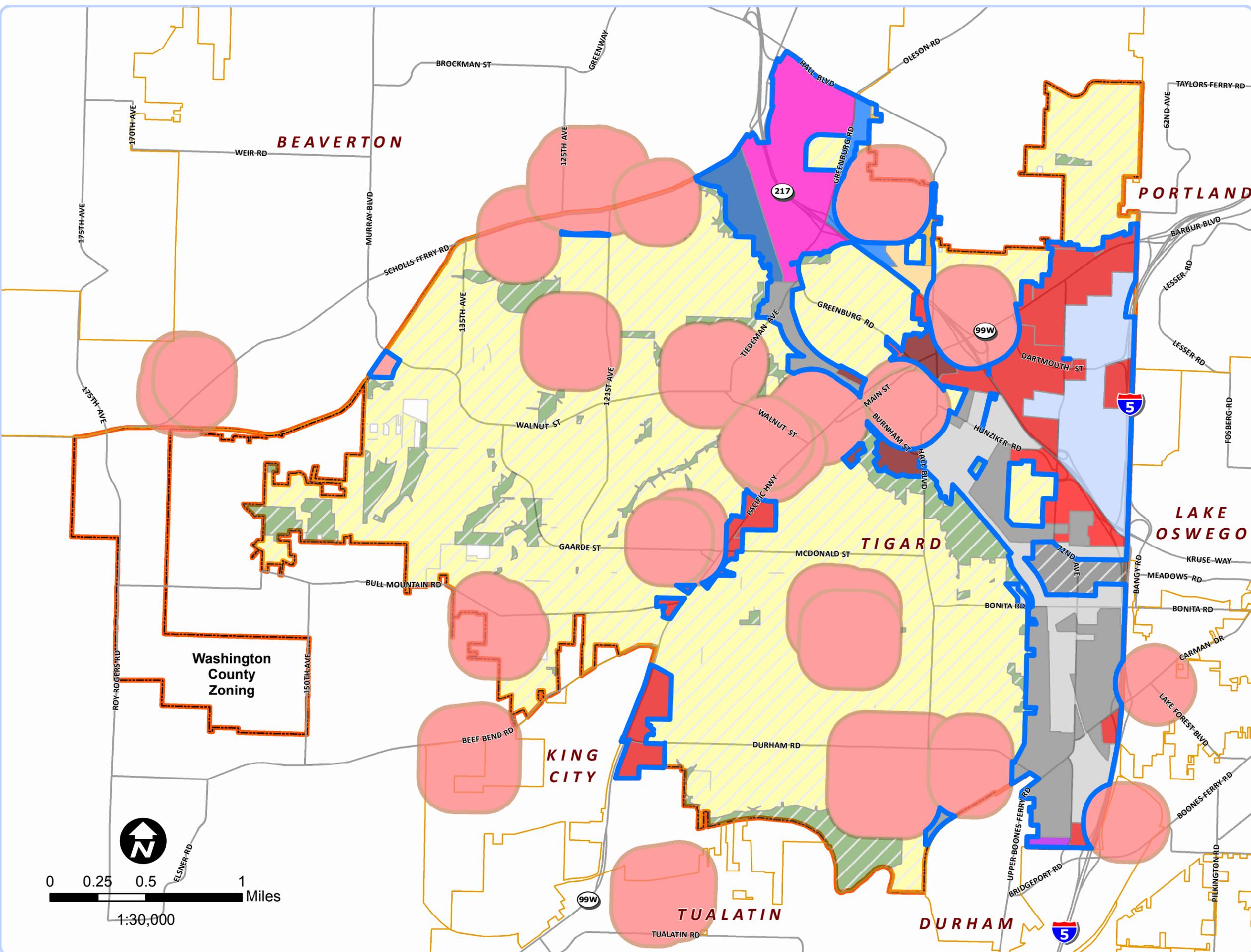


Remaining Areas - Tigard Zoning

-  C-C Community Commercial
-  C-G General Commercial
-  C-N Neighborhood Commercial
-  C-P Professional Commercial
-  I-L Light Industrial
-  I-P Industrial Park
-  MUC Mixed Use Commercial
-  MUC-1 Mixed Use Commercial 1
-  MU-CBD Mixed Use Cen Bus Dist
-  MUE Mixed Use Employment
-  MUE-1 Mixed Use Employment 1
-  MUE-2 Mixed Use Employment 2
-  MUR-1 Mixed Use Residential 1
-  MUR-2 Mixed Use Residential 2
-  Tigard City Boundary

DATA SOURCES:
City of Tigard
Metro
Washington County

13125 SW Hall Blvd
Tigard, Oregon 97223
503 . 639 . 4171
www.tigard-or.gov



*Prohibited Med. Marijuana
Dispensary Locations
Under ORS 475.314 &
Potential Local
Exclusion Areas*

**CONCEPTUAL MAP FOR
DISCUSSION PURPOSES ONLY**

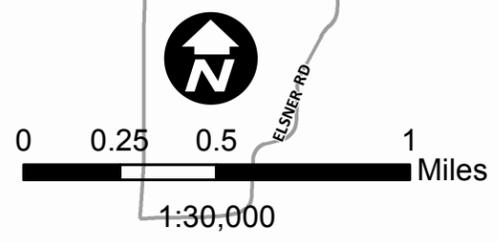
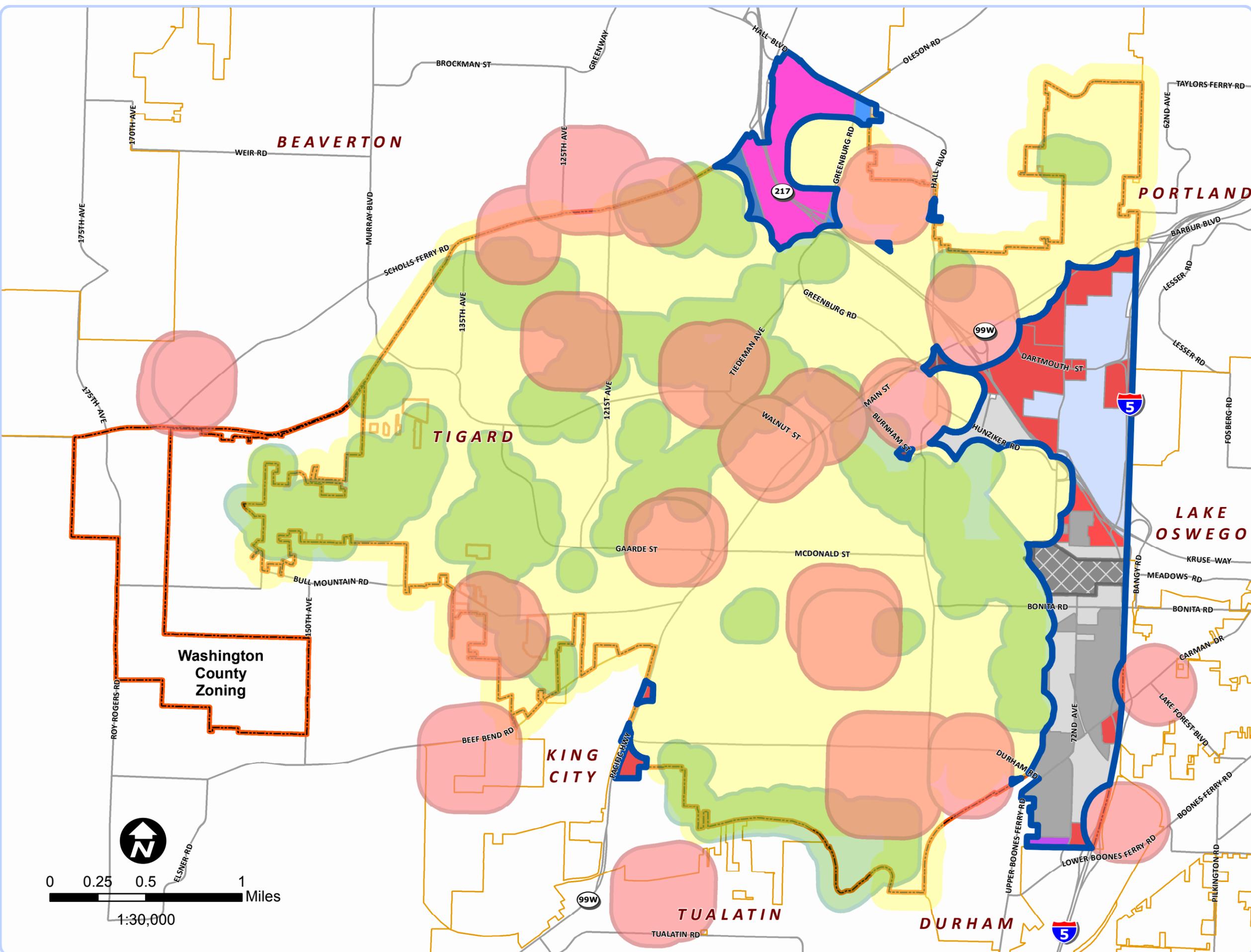
**ORS 475.314 Prohibitions and
Potential Local Exclusion Areas**

- Schools - 1000' Buffer
- Residential Zones - 500' Buffer
- Parks and Recreation Zone - 500' Buffer
- Retail Uses Not Permitted in I-H
- Remaining Areas After All Potential Exclusions

- Remaining Areas - Tigard Zoning**
- C-C Community Commercial
 - C-G General Commercial
 - C-N Neighborhood Commercial
 - C-P Professional Commercial
 - I-H Heavy Industrial
 - I-L Light Industrial
 - I-P Industrial Park
 - MUC Mixed Use Commercial
 - MUC-1 Mixed Use Commercial 1
 - MU-CBD Mixed Use Cen Bus Dist
 - MUE Mixed Use Employment
 - MUE-1 Mixed Use Employment 1
 - MUE-2 Mixed Use Employment 2
 - MUR-1 Mixed Use Residential 1
 - MUR-2 Mixed Use Residential 2
 - Tigard City Boundary

DATA SOURCES:
City of Tigard
Metro
Washington County

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AIS-1823

9.

Business Meeting

Meeting Date: 07/22/2014

Length (in minutes): 15 Minutes

Agenda Title: Develop Tigard's 2015 State Legislative Agenda

Prepared For: Marty Wine, City Management

Submitted By: Carol Krager, City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Council is asked to review and comment on Tigard's priorities for the 2014 State Legislative Session, in two parts. First, provide advice and guidance for the City Manager to respond to the call for priorities for the League of Oregon Cities (LOC)'s list of state legislative issues. Second, Council is asked to identify potential areas or issues for advocacy with the State Legislature and agencies in the upcoming year. This could include ways to partner with neighboring jurisdictions on issues of common interest, or key legislation that will be considered by the Legislature that Tigard should track and communicate about with our state legislative delegation.

STAFF RECOMMENDATION / ACTION REQUEST

1. Review the League of Oregon Cities issues and provide guidance on issues of interest to Tigard. City Departments have reviewed the list of issues and recommend that the following items issues be communicated as Tigard's priority for cities' legislative agenda.

H. Finance and Taxation - Improve the fairness of how new and improved property is added to the tax roll.

I. General Government - Clarify and enhance medical marijuana dispensary regulations.

S. Transportation - Pass a comprehensive transportation funding and policy package.

T. Transportation - Continued or enhanced funding for ConnectOregon.

2. Council is requested to provide suggestions for any additional issues of interest to Tigard to be included or that should be monitored as part of the city's legislative agenda.

KEY FACTS AND INFORMATION SUMMARY

A copy of Tigard's final 2014 legislative agenda is attached as an example of the types of issues that the city monitored and advocated for during the last state legislative session.

OTHER ALTERNATIVES

The City Council could use the League of Oregon Cities' agenda only or develop no agenda for state-level advocacy, or use other information to begin developing an agenda.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Represent Tigard at the regional, state and federal level to advocate for tax reform and other funding opportunities.

DATES OF PREVIOUS COUNCIL CONSIDERATION

6/22/2010

4/26/2011

8/9/2011

3/27/2012

7/10/2012

9/25/2012

10/23/2012

1/10/2013

12/10/2013

1/14/2014

Attachments

LOC Legislative Objectives

2014 Legislative Agenda



P.O. Box 928 • Salem, Oregon 97308
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 2, 2014

Dear Chief Administrative Official:

For the past three months, eight policy committees have worked very diligently to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2015 session. They have identified 22 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

The LOC Board of Directors has made long-term commitments to two issues critical to cities: revenue and land use reform. **As a result of their designation as top legislative priorities on an ongoing basis neither of these issues appear on the enclosed ballot.**

The League will continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option levies outside of compression. Currently, statewide property tax limitations can prevent local voters from supporting the services they demand via local option levy. This amendment would enable voters to determine the level of services they desire and the associated level of taxation. The League will also advocate for a constitutional amendment that will improve the fairness of the property tax system by recalibrating taxes at the time a property is sold. Oregon's property tax system created a new assessed, or taxable, value based on 1995-96 real market values and capped annual growth. As property values have grown at different rates since that time, huge disparities in tax bills have emerged. The League will also continue to engage in legislative efforts to reform land use processes to reduce the burden on cities as they make local decisions about urban growth. Land use requirements have become increasingly difficult for cities to implement – with increased costs, time, and frequency of appeals – and the League will build on recent efforts to reform the urban growth boundary process to ensure that reforms streamline the land use process.

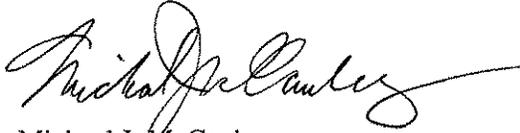
Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2015 legislative agenda. After your city council has had the opportunity to review the 22 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2015 session. **The deadline for response is July 25, 2014.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2015 legislative agenda.

(over, please)

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance for cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. McCauley". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael J. McCauley
Executive Director

cc: Oregon Mayors

City: _____

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2015 legislative agenda.

Community Development

- A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.
- B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.
- C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.
- D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.

Energy

- E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.
- F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.

Finance & Taxation

- G. Phase out the 3% discount for the early payment of property taxes.
- H. Improve the fairness of how new and improved property is added to the tax roll.
- I. Improve clarity and certainty around transient lodging tax statute.

General Government

- J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.
- K. Allow for price comparison when procuring architects and engineers.
- L. Clarify and enhance medical marijuana dispensary regulations.
- M. Enhance mental health services.

Human Resources

- N. Ensure that arbitrator awards are in compliance with state, as well as local policies.
- O. Ensure that collective bargaining agreements trump state mandates on police investigations.
- P. Require earlier submission of last best offer.

Telecommunications

- Q. Support the reintroduction of legislation that repeals ORS 221.515.
- R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.

Transportation

- S. Pass a comprehensive transportation funding and policy package.
- T. Continued or enhanced funding for *ConnectOregon*.

Water/Wastewater

- U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning.
- V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.

Note: As indicated, property tax and land use reform will remain as priority efforts.

LOC Policy Committees' Legislative Recommendations

Priority	Description
Community Development	
A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.	Supports finding funding sources and cost reductions for cleaning up brownfields to support economic development. The Brownfield Redevelopment Fund Program provides gap financing to clean-up industrial sites but has not been recapitalized to address the increasing need for clean-up of brownfield sites. However, the fund is not large enough to address this need on a statewide basis, so further support for efforts to determine alternative means to incentivize brownfield redevelopment will increase available industrial sites and help drive economic development. Overall, increasing tools to redevelop brownfields provides more options to cities looking to redevelop current brownfields into a better use.
B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.	Provides funding for two programs created in 2013 for addressing lands that are zoned industrial but are not being used for industrial purposes: the industrial site readiness program and the industrial site readiness assessment program. The first provides forgivable loans to local governments that bring industrial sites to shovel ready status, such as by placing infrastructure or cleaning up a brownfield. The second allows regions to determine what is preventing land designated for industrial use from being built for industrial use. However, no money was provided to fund either program in the 2013-2015 budget.
C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.	In the last two biennia, the Oregon Department of Land Conservation and Development general fund grant program has seen a significant drop in the money allocated to it with increasing need from local governments to address technical planning issues and update pursuant to periodic review. In addition, the Oregon Seismic Safety Policy Advisory Commission, has released a report related to ongoing need for upgrading resilience in response to a major earthquake and recent natural disasters have raised awareness relating to land use planning. Raising the general fund grant program back to the 2009-2011 budget levels will help more cities address their planning needs and seek technical assistance. This would also alter the uses for these funds to include planning that increases resilience to natural disasters and meet their Goal 7 requirements.
D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.	Changing the appeals requirements for post-acknowledgement plan amendments (PAPAs) will keep decision making for land use policy at the local level first, allowing city official to determine the scope of legislative changes they make to their plans without trying to fight a new issue on appeal. This "raise it or waive it" standard currently exists for quasi-judicial decisions at the local level and insures that local decisions are not attacked on appeal on an issue that a city could have resolved in finalizing its decision. Modifying the PAPA appeal insures more land use decisions start with addressing all issues at the local level first.
Energy	
E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.	<p>Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p>Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and that could provide for increased solar energy production.</p>

LOC Policy Committees' Legislative Recommendations

<p>F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.</p>	<p>Oregon's low carbon fuel standard, also known as the Clean Fuels Program, was initially adopted by the 2009 legislature. The standard would require fuel producers and importers to cut the carbon intensity of gasoline and diesel fuels by ten percent over a 10-year period in order to reduce greenhouse house gas emissions, reduce dependence on imported oil, and expand upon Oregon's renewable fuel industry. Fuel producers and importers can meet the standard through providing additional biofuels, natural gas or electricity, or by purchasing clean fuel credits. The program includes several consumer protection mechanisms to help ensure an adequate fuel supply and competitive fuel pricing.</p> <p>The program, as initially adopted is scheduled to expire, or sunset, on December 31, 2015. The League will work to support efforts to eliminate the sunset on the program.</p>
<p>Finance & Taxation</p>	
<p>G. Phase out the 3% discount for the early payment of property taxes.</p>	<p>Oregon law offers a 3% discount for property owners who pay the full amount due by November 15th. A 2% discount is offered for those that pay two-thirds of the amount due by November 15th.</p> <p>The League will phase out the discount over a period of time and adopt a penalty for failing to pay by November 15th to mitigate any cash flow issues for local governments.</p>
<p>H. Improve the fairness of how new and improved property is added to the tax roll.</p>	<p>New and improved property is brought on the tax rolls by applying an annual county-wide ratio of assessed values (AV) to real market values (RMV) to the new or added value of a property, in an attempt to replicate the property tax discount given to properties via Measure 50.</p> <p>However, significant variation between AV and RMV exist within a county, resulting in the discount often being inequitable compared to neighboring properties, as well as being out of line with the discount originally offered to properties when Measure 50 passed in 1997.</p> <p>As a result, similarly situated and valued properties can have significantly different property tax liabilities.</p> <p>The League will work to modify the property tax system to improve the fairness of how new property is added to the tax roll.</p>
<p>I. Improve clarity and certainty around transient lodging tax statute.</p>	<p>State law limits how transient lodging taxes increased or adopted after July 2003 can be spent, with statute requiring that 70 percent of increased or new transient lodging tax revenues be expended on tourism promotion or tourism-related facilities. There is uncertainty, however, as to what qualifies as a tourism-related facility and the timeline in which such expenditures can be legally challenged.</p> <p>The League will seek to improve the certainty around what qualifies as a tourism-related facility and reasonably limit the timeframe in which such expenditures can be legally challenged.</p>
<p>General Government</p>	
<p>J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.</p>	<p>Under Oregon law, an elected official may be recalled by an initiative petition for any reason after the first six months of their term. Limiting recalls to cases where there has been demonstrated wrong doing by a court or regulatory body (such as the Oregon Government Ethics Commission) would prevent the misuse of recalls without limiting the power of the electorate to reverse a decision. Recalls should be limited to acts of malfeasance or offenses involving moral turpitude.</p>

LOC Policy Committees' Legislative Recommendations

K. Allow for price comparison when procuring architects and engineers.	In 2011 the Oregon Legislature required cities to use a qualifications based selection (QBS) process that prohibits the consideration of price until an initial selection has been made when hiring architects, engineers and photogrammetrists. This requirement prevents local governments from comparing pricing and effectively eliminates price competition when procuring these services.
L. Clarify and enhance medical marijuana dispensary regulations.	Existing restrictions on the placement of medical marijuana dispensaries (MMD) are inconsistent with land use regulations and should be clarified. Additionally, background checks are not required on people who work in MMD and there is no regulation on the manufacture of oils and other liquid marijuana products that use flammable/explosive substances in their processing.
M. Enhance mental health services.	Oregon's police departments have marked an increase in interactions with the mentally ill in recent years. Crisis intervention teams (CIT) have proven effective and deescalating interactions with the mentally ill, but this service model is not available in all parts of the state. Additionally, there is a demonstrated need for "drop-in" mental health services that allow for treatment before a person enters a state of crisis. There should be statewide access of CITs, and emergency access to mental health services to promote patient and community safety. Additionally, mental health services should be examined holistically to ensure that Oregon is providing the best possible care to the mentally ill.
Human Resources	
N. Ensure that arbitrator awards are in compliance with state, as well as local policies.	Currently, an arbitrator's award overturning an employer's disciplinary decision must comply with state policies on issues including, but not limited to: use of force, sexual harassment, or misconduct. Precedent has established that only state policies apply to the enforceability to an arbitrator's award.
O. Ensure that collective bargaining agreements trump state mandates on police investigations.	"The Police Officer's Bill of Rights" was intended to offer protections for officers who were under investigation if there was no collective bargaining contract or the contract was silent on how investigations were to be conducted. Changes made in 2009 have resulted in confusion and manipulation of the bargaining process. The statute needs to be amended to bring it back to the original intent of the bill.
P. Require earlier submission of last best offer.	Under current law, last best offers (LBOs) must be submitted 14 days prior to opening of arbitration in the event parties have declared an impasse, and binding arbitration is being used to settle the contract. Most arbitrators use a 30-day cancellation policy that requires payment even if parties settle prior to the commencement of arbitration. Requiring LBOs to be submitted 35 days prior to the opening of arbitration would provide an opportunity to settle without paying unnecessary fees.
Telecommunications	
<p>Q. Support the reintroduction of legislation that repeals ORS 221.515 (HB 2455 -7 in 2013) removing the franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers, or other legislation that:</p> <ul style="list-style-type: none"> • Does not preempt local authority to manage the public ROW and be compensated for its use; • Maintains or increases the opportunity for revenue growth; and • Is technology neutral. 	<p>Protection of local authority to manage public rights of way (ROW) and receive compensation for any use of those facilities continues to be at the forefront of the League's telecommunications agenda. The League's "Oregon Municipal Policy" generally asserts local government Home Rule authority and specifically refers to the telecom management and compensation authority of Oregon cities.</p> <p>Since 1989 state statute has caused a disparity between certain types of telecommunications providers with regard to how franchise fees are collected. The League's preference is equity between all providers using the ROW, but with continued local ability to negotiate individual franchise agreements with individual service providers.</p> <p>During the 2013 legislative session the League supported efforts by Comcast to enact legislation doing away with the disparity. HB 2455 would have repealed ORS 221.515, thus allowing cities to charge all telecommunications in the same manner. The proposal received a hearing but was not approved in committee.</p> <p>The committee chair may be interested in re-introducing the proposal in 2015. However the telecom industry, this time including Comcast, is likely to introduce legislation</p>

LOC Policy Committees' Legislative Recommendations

	<p>dealing with the disparity in a manner that cities may find objectionable, including rate caps on an overly narrow revenue base and other policies that could infringe upon both management and compensation authority and negatively impact city revenues.</p>
<p>R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW including:</p> <ul style="list-style-type: none"> • Establishment of a “one-size-fits all,” state-wide franchise fee policy and collection system. • Prohibition of a city’s authority to levy franchise fees on other local government entities. 	<p><i>Same as above.</i></p>
<p>Transportation</p>	
<p>S. Pass a comprehensive transportation funding and policy package containing the following elements:</p> <ul style="list-style-type: none"> • A gas tax increase of up to 5 cents/gallon. • Index the gas tax either to the consumer price index or some other accepted and relevant economic index. • Continued development and expansion of the state’s commitment to a transportation user fee based on vehicle miles traveled (VMT). • License plate fee increases to include lightweight trailers. • No change in the constitutional dedication of State Highway Trust Fund dollars to highway, road and street projects (Article 9, Section 3a, Oregon Constitution). • New revenues coming to the State Highway Trust Fund should continue to be split between the state, counties and cities 50%-30%-20% respectively. • Increase in the statutory (ORS 366.805) “Small City Allotment” fund from \$1 million to \$5 million annually, split evenly between the Oregon Department of 	<p>The League of Oregon Cities agrees that the state’s transportation system and the policy and funding programs that support it must be multimodal in scope. The League will therefore support and work to achieve passage of legislation in 2015 that seeks to address funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing addresses such issues as:</p> <ul style="list-style-type: none"> • Connectivity • Safety • Jobs and economic development • Transportation impact on climate change • Active transportation and public health <p>Given the fact that maintenance and preservation needs have outpaced the resources available for streets, roads and highways, and given the threat that represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets.</p> <p>Note: The Small City Allotment has not been increased since its inception in the early 1990’s. The additional revenue to cities from the 2009 Jobs and Transportation Act did not increase road funding for small cities.</p>

LOC Policy Committees' Legislative Recommendations

<p>Transportation (ODOT) and the cities' share of the trust fund.</p> <ul style="list-style-type: none"> • No restriction, moratorium or preemption of local government ability to generate their own revenues for transportation funding. • Adequate funding for the maintenance and preservation of "orphan highways" in Oregon as part of a more robust jurisdictional transfer program. 	
<p>T. Continued or enhanced funding for <i>ConnectOregon</i></p>	<p><i>ConnectOregon</i> is the state's premier multi-modal funding program, and is funded out of lottery revenues.</p>
<p>Water/Wastewater</p>	
<p>U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning</p>	<p>According to the Oregon Water Resources Department, 2013 marked the fourth driest year on record for Oregon, with some areas experiencing their driest year on record yet. Oregon experienced below average precipitation in 2013 and continuing into 2014. As of May 2014, snow measurement sites in many part of Oregon show record lows for snowpack levels. As a result, summer streamflows are expected to be below average and water shortages are likely for many part of Oregon.</p> <p>The League will work in conjunction with the Oregon Water Resources Department to fund programs to address water supply shortages. These efforts will include support for ongoing funding of the Water Conservation, Reuse and Storage Grant program which provides grant funding for water supply project feasibility studies. The League will also support efforts for the Oregon Water Resources Department to establish a place-based planning pilot program to facilitate local collaboration among interested stakeholders and the creation of a blueprint for long-term integrated water resources planning and implementation.</p>
<p>V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.</p>	<p>According to the Oregon Department of Environmental Quality, over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Many of these systems are within the boundaries of a municipal wastewater system, and a number of these systems are in need of repair or replacement. Failing septic systems, especially those within proximity to groundwater resources, create a significant human health hazard. However, significant costs to address failing septic systems often create a burden for homeowners who are unable to pay for costs associated with repair, replacement or conversion over to a public sewer system.</p> <p>The League will work with the Oregon Department of Environmental Quality to establish a revolving loan program that private residents can access in order to address failing septic systems. The League will further advocate that the program include mechanisms to encourage participants to convert over to a municipal wastewater system if conversion is at the request of the impacted municipality.</p>



2014 Legislative Agenda Tigard, Oregon

"She flies with her own wings." –Judge Jessie Quinn Thornton

2014 Policy Issues of Interest:

■ Referral Regarding the Legalization of Marijuana

Should the legislature decide to take up the issue of referring to voters a measure legalizing the recreational use of marijuana, Tigard would like to be involved in those discussions, particularly as they relate to: the governing agency responsible for oversight; public safety; local licensing, siting and zoning authority; production limits and taxation; and revenue distribution.

■ Local Improvement Districts

Cities rely on local improvement districts to complete important upgrades to infrastructure that benefits a local area within the city's boundaries. Tigard would oppose legislation limiting the ability of cities to use this financing mechanism. Tigard supports the beneficiaries of specific improvements bearing the cost of those improvements, instead of the general taxpayer funding these projects from the limited general funds.

■ 9-1-1 Tax on Prepaid Wireless

While the legislature extended the sunset date for the 9-1-1 tax on telecommunication services, the prepaid cellphone market remains outside this important revenue source. With prepaid phones becoming an increasing portion of the industry and such phones being used to access the emergency service system, we believe that the work of finalizing the collection mechanism for such a fee must be finished in the 2014 session and the prepaid cellphone users will thereby pay their fair share for this vital service.

■ Water Supply Development Fund Appropriations

Tigard supports clarifying the appropriation of lottery bonds from the Water Supply Development Fund. This fund was established in 2013 legislation, which included authorization for two specific projects — the state \$1.5 million match for a water reallocation project in the Willamette Basin and a \$750,000 fund for a comprehensive basin study for the Deschutes Basin. In 2013, \$10 million was appropriated to the development fund and the two projects now need a budget note to finalize the funding outside the loan and grant process as laid out in the authorizing bill.

■ Labor and Supervisor Management

Tigard would once again oppose changes to Oregon's collective bargaining law that would place supervisory employees into collective bargaining units and require midterm bargaining to be subjected to binding arbitration. Similarly, Tigard would urge caution in regard to changing Oregon's public contracting code in a short session. Public contracting is an area fraught with complications that require robust deliberations not offered in the time available.

■ Franchise Fees

Tigard supports the League of Oregon Cities' effort to address the differences in franchise fees charged to different types of telecommunication companies. While we appreciate the need for equity, Tigard and the LOC are concerned about proposed legislation that would alter the statutory basis for franchise fees. We prefer that the discussions started in 2013 continue through a work group and present a solution for possible consideration in the 2015 session.

Ongoing Areas of Focus:

- **Economic development/jobs**
Support policies and initiatives that encourage workforce retention.
- **Transportation**
Support additional funding, efficiencies and program support for multimodal transportation projects.
- **Financial stability**
Support policies and legislation that allow local control and maintain and strengthen the state’s commitment to the State Shared Revenue funding formula.
- **Growth and development**
Support urban growth boundary amendment policies and legislation that provide for a more efficient urban growth management system.
- **Vertical Housing Program**
Support the extension of the Vertical Housing Program which encourages mixed-use commercial/residential developments in areas designated by communities.

Oregon’s 2014 Short Legislative Session: February 3 – March 9

Oregon’s bicameral legislature consists of the House of Representatives, which has 60 members elected for two-year terms, and the Senate, whose 30 members are elected to serve for four-year terms.

Oregonians choose their legislators by voting every even-numbered year. The primary election is held on the third Tuesday in May. The general election is held on the first Tuesday (after the first Monday) in November.

Oregon uses a system of single-member districts to elect its legislators. Each of the 90 members represent a designated senatorial or representative district, meaning each Oregonian is represented by a single senator and a single representative. Representative districts have a population of about 63,850; Senate districts contain about 127,700 people. These district lines are redrawn every ten years.



Sen. Ginny Burdick
SENATE DISTRICT 18
900 Court St. NE, S-213
Salem, OR 97301
sen.ginnyburdick@state.or.us



Rep. Margaret Doherty
HOUSE DISTRICT 35
900 Court St. NE, H-282
Salem, OR 97301
rep.margaretdoherty@state.or.us

Tigard City Council



Mayor
John Cook



Council President
Marland Henderson



Councilor
Gretchen Buehner



Councilor
Marc Woodard



Councilor
Jason Snider

~
councilmail@tigard-or.gov

