

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON
REGULAR MEETING
March 26, 2019 – 6:00 P.M.
Warrenton City Commission Chambers – 225 South Main Avenue
Warrenton, OR 97146

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. Commission Regular Meeting Minutes – 2.26.19
- B. Commission Regular Meeting Minutes – 3.12.19
- C. Police Department Monthly Statistics – Feb. 2019
- D. Monthly Finance Report – Feb. 2019

4. **COMMISSIONER REPORTS**

Mayoral Proclamation – Child Abuse Prevention Month

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card, and submit to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. **PUBLIC HEARINGS** – None

7. **BUSINESS ITEMS**

- A. Consideration of Nuisance Determination – 165 SE 2nd Street (Moore)
- B. Consideration of Headstart Siding Repair Project

C. Consideration of Low Pressure Sewer Systems Policy

D. Consideration of Tansy Point Third Party Use

8. **DISCUSSION ITEMS**

A. Burn Policy

9. **GOOD OF THE ORDER**

10. **EXECUTIVE SESSION**

Under the authority of ORS 192.660(2)(h); to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation to be filed.

11. **ADJOURNMENT**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

3-A

MINUTES
Warrenton City Commission
Regular Meeting – February 26, 2019
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:04 p.m., and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Rick Newton, Tom Dyer, Pam Ackley, and Mark Baldwin

Staff Present: City Manager Linda Engbretson, Finance Director April Clark, Community Development Director Kevin Cronin, Building Official Bob Johnston, Police Chief Mathew Workman, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. Commission Regular Meeting Minutes – 2.12.19
- B. Police Department Monthly Statistics – Jan 2019
- C. Fire Dept. Activity Report – Jan 2019
- D. Monthly Finance Report – Jan 2019

Brief discussion followed on consent calendar item clarifications, and delinquent marina accounts. City Recorder Dawne Shaw noted several corrections made to the 2.12.19 regular meeting minutes; there were no objections to the corrections.

Commissioner Baldwin made the motion to approve the consent calendar as amended. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

COMMISSIONER REPORTS

Commissioner Newton stated he went to the Port of Astoria budget meeting, and noted he was impressed with the members selected for this board. He stated if the Port of Astoria goes under it affects Warrenton; the airport also affects Warrenton. He also noted he has been working with the Fire Department to help recruit 5 volunteers; he gave a brief update on the “brown building” on S. Main Ave.

Commissioner Dyer stated Ms. Brenda Hoxsey provided forms for the volunteers on the downtown cleanup task force. He gave a brief update, noting they have been working with citizens on cleanup. Mayor Balensifer thanked him for the progress.

Commissioner Ackley gave an update on RDI; noting there will be a postcard sent out to residents in downtown Hammond and Warrenton, to ask what they would like to see to revitalize the core areas. She noted the next meeting is March 6. City Manager Engbretson noted the new city logo and stated the City has ordered new letterhead; will use up what items are on hand; and order new as needed. Commissioner Ackley noted she would like to incorporate the new logo on the RDI postcard. Mayor Balensifer stated Justin Kobe will now be serving on the Parks Advisory Board, and he and Mrs. Kobe are interested in serving on the RDI committee as well.

Mayor Balensifer stated Oregon Solutions has completed their interviews with stakeholders, registered interested parties and large land owners; and will be submitting an application to the Governor's office to ask for some regional solutions designation on the wildlife issue.

PUBLIC COMMENT

Lisa Lamping spoke in favor of the Spur 104 zone change. She stated the Mayor has publicly discussed his position, noting he is right to be concerned, however the residents have paid for water and sewer improvements, and should see the benefits of their efforts. She stated she felt the zone change should go through, but not as a blank check.

Mike Balensifer spoke in regards to traffic concerns around the zone change; he noted he was concerned about the matter of Commercial Mixed Use (CMU) and urged the city to make some kind of mitigation for the problems at that dangerous intersection, before making a major zone change. He thanked the Commission for their time and accessibility.

Ken Yuill stated the issues noted by Mike Balensifer were addressed in the TSP. He noted he gave the Mayor a tour of the area. He said the statements about traffic on Spur 104 are not true; there is very little traffic most of the time. He suggested the media do an article on alternative ways to get around the area.

Mayor Balensifer noted an amendment to the agenda; to move item 7-E and 7-F to the beginning of the business items – before item 7-A; there were no objections.

BUSINESS ITEMS

Building Official Bob Johnston discussed an Intergovernmental Agreement (IGA) between the City and Clatsop County for reciprocal inspection and plan review services. He stated this agreement provides both the City and County backup when Building Officials/inspectors are on vacation, out of the office at training, or when either is in need of additional support. Commissioner Baldwin noted it is a great idea. Mr. Johnston explained the reciprocity and the benefits. Brief discussion continued.

Commissioner Ackley made the motion to authorize the Mayor's signature on the IGA between Clatsop County and the City of Warrenton for Building Inspection and Plan Review Services. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

City Manager Linda Engbretson distributed a revised Exhibit B for the Building Permit Fees Resolution, and noted there were a few changes to better match the county's fees. She stated the county uses a different methodology, but they are now within pennies of what the county charges. Building Official Bob Johnston noted the process and adjustments, and stated these changes bring the City up to be more consistent with neighboring jurisdictions. Brief discussion followed on the increases. Mr. Johnston stated with the increased fees they would like to fund a new full time inspector in the next fiscal year. Discussion continued on a new group of inspectors graduating in July, and a good applicant pool. Mayor Balensifer noted staff shortage issues and the volume of work; he asked if there are plans to get Community Development Director Kevin Cronin some help as well. Ms. Engbretson stated she is in the process of budget crunching; and noted the Planning Department is a general fund department. Brief discussion continued.

Commissioner Ackley made the motion to adopt Resolution No. 2538, A Resolution Modifying Building Permit Fees. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Community Development Director Kevin Cronin gave an update on 826 NE 1st Street and stated he had good news; Ms. Secord has substantially cleaned up the property. She worked very hard, and there is only one vehicle left to be moved. He recommended postponing the declaration until the next meeting.

Commissioner Newton made the motion to table the nuisance determination at 826 NE 1st Street until the next meeting. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Community Development Director Kevin Cronin presented Ordinance No. 1229 for the first reading. He noted this has been discussed over the past few months, and the City Commission reviewed a draft ordinance at its February 12 meeting. Changes were made to address the comments made at that meeting, in particular the goals and objectives, as well as the other issues that were previously noted. Discussion followed on Section 8.28.060 Vacant Buildings, subsection L-7, Buildings Located in Commercial Areas – storefront window displays. Mayor Balensifer asked for the record about one specific house on S. Main, which has been a business but has gone to residential, is in the CMU zone and is for sale – will they be required to put something in the storefront windows? Mr. Cronin clarified that if it is not an active commercial store front, he does not see the point; however he noted that he does have other tools to address the other issues. Commissioner Dyer noted concerns about a potential “Big Brother” aspect in regards to Section 8.28.050 Property Maintenance Standards. Mayor Balensifer stated he would like to make sure it is clear and on the record, the point is to provide a standard to work towards, not to go around and look for nuisances. Discussion followed on mold/mildew standards in rentals, and testing requirements. Mr. Cronin noted this code amendment is directed to exterior matters. He stated he will research and see what other agencies are doing in regards to mold. Brief discussion continued.

Commissioner Newton made the motion to conduct the first reading of Ordinance No. 1229 by title only. Motion was seconded and passed unanimously.

Baldwin – aye Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Mayor Balensifer conducted the first reading of Ordinance No. 1229; *An Ordinance Amending City of Warrenton Municipal Code Section 8.16.120 and Adding a New Section 8.28 Property Maintenance, Vacant Building, Derelict Building, & Chronic Nuisances.*

Community Development Director Kevin Cronin discussed the Spur 104 Zone Change, noting the first reading was held at the February 12, 2019 City Commission meeting. He stated there no changes to the agenda summary. Commissioner Newton asked for clarification on the Planning Commission review and approval process; Mr. Cronin clarified. Commissioner Newton noted he was worried about what happens and he has to assume the Planning Commission has control over what develops there. Mayor Balensifer noted Commissioner Newton brings up a good point. The same process that is supposed to safeguard the city, made Wendy's an outright use, under 10,000 square feet, so it never made it to the Planning Commission for review; if it meets the criteria it gets put through. He noted his concern is that without any type of controls "one lot will develop this, one will develop that." He stated they have a responsibility to look at the mistakes of past and determine how we go from there. He stated he thinks a master plan or planned unit development is probably the only tool we have. Discussion continued.

Commissioner Baldwin said he feels the same way; and noted he is not opposed to it, but thinks there are a few things they need to discuss and come up with solutions to. He stated he would like to stop and hear more about it before the second reading. Mayor Balensifer noted the Commission doesn't hear Planning Commission decisions unless they are appealed or there is a legal requirement; the City Commissions' control is in the policy that sets the table for the decisions. Discussion continued. Mr. Cronin noted the development code needs to be updated to reflect minimum and maximum densities; he noted there will be a work session on the housing study where they can discuss what changes to the code can be done to increase housing opportunities. He noted Commercial Mixed Use (CMU) defaults to High Density Residential standards, and there is a minimum lot size for multi-family at 10,000 square feet, but you can still put in a duplex. He stated a master plan would allow the city to set a minimum density for new development. After further discussion Mayor Balensifer stated he would be fine with the City or Urban Renewal Agency paying for the master plan, provided there is a time frame for it to be completed, and with cost limits. Mr. Cronin estimated the cost at \$75,000. Commissioner Ackley asked for clarification on development applications that are reviewed after a zone change; noting safety issues and traffic impacts are taken into consideration. Mr. Cronin confirmed. Commissioner Ackley stated the city needs housing and CMU includes housing. Discussion continued. Mr. Cronin discussed the master plan, noting the need to scope it. He said he is thinking about something that we can do in 60 days; a quick workshop to invite the public and hash it out; get it done as a team, instead of us versus them; a community process. Ms. Engbretson clarified that the city does have some control; the development team, what is currently under the development code and the TSP; the impacts are carefully looked at for all developments. Mayor Balensifer stated the policies that exist have holes in them, and that has been shown clearly in some developments over the last ten years; not staff's fault. It is the commission's job to set the policy; as a result some bad choices were made because of a lack of policy. Brief discussion followed. Mr. Cronin clarified the reason to do a master plan is to

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maximize the value of the land; the highest and best use, not to create some Disneyland. After further discussion consensus was to require a master plan to be completed within 90 days.

Commissioner Newton made the motion based on the Planning Commission record, public testimony, staff report and findings of fact, to conduct the second reading by title only of Ordinance No. 1228 approving application DCA 18-2 to rezone multiple properties along Spur 104 from R-10 Intermediate Residential to CMU Commercial Mixed Use; with the condition to require a Master Plan to be developed within 90 days prior to any development. Motion was seconded.

Mayor Balensifer asked about the industrial property not included in the motion. Mr. Cronin stated it was not included as it is only one small piece. Mayor Balensifer stated he would like to include it. Ms. Engbretson also noted for clarity that the City or the Urban Renewal is paying for the cost of the master plan.

Commissioner Newton moved to amend the motion to include the General Industrial Zone within the Spur 104 development to also be rezoned to Commercial Mixed Use, and for the City or the Urban Renewal Agency to pay for the Master Plan. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Mayor Balensifer conducted the second reading of Ordinance No. 1228, by title only; *An Ordinance Amending City of Warrenton Zoning Map to Reclassify the Zoning of Multiple Properties Along Spur 104 from R10 Intermediate Density Residential and I-1 General Industrial to CMU Commercial Mixed Use, With the Condition that a Master Plan is Developed within 90 Days, and the Master Plan is to be funded by Public Funds.*

Community Development Director Kevin Cronin stated the city received an unsolicited offer to purchase city owned property adjacent to 295 SE Galena Avenue. Carrie Dorning, who resides next to the subject property, would like to preserve it as open space. Mr. Cronin said there are no apparent plans for the property, is not listed in any parks inventory, and is compromised by the presence of wetlands. The property was deeded for open space and recreation to the City of Warrenton from David E. Palmberg in 1982, with a deed restriction that lasted until 1990. Ms. Engbretson clarified that there is a public process that has to happen – they are looking for direction to add it to the list of property appraisals. Brief discussion continued.

Commissioner Newton made the motion to direct staff to conduct an appraisal of the property adjacent to 295 SE Galena, and present a proposal at a future City Commission meeting. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Public Works Operations Manager Kyle Sharpsteen presented a contract for backup generators for pump stations. He stated the city has a program of adding backup onsite power for sanitary pump stations. For the current fiscal year, the city budgeted to obtain generators with automatic transfer switches (ATS) for two pump stations – 205 Hwy 104 (Skipanon Bridge) and 1696 SE

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19th Street (OYA). He noted additionally, 1749 SE Ensign (Walmart) currently has a generator but only a manual transfer switch. There are sufficient funds in the current budget to also obtain an automatic switch for this location. He said installing these units will give the city a continuous chain of stations from North Coast Business Park all the way to the treatment plant with automatic switching backup power. Brief discussion continued.

Commissioner Ackley made the motion to allow Public Works to enter into a contract with Cummins, Inc., for the amount of \$68,820.74, to obtain backup generators with ATS for the 205 Highway 104, and 1696 SE 19th Street sanitary pump stations, and an ATS for the 1749 SE Ensign sanitary pump station. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

DISCUSSION ITEMS

Ms. Engbretson stated there will be a work session on March 12 at 5:15 p.m. for the Capacity and I&I discussion item.

GOOD OF THE ORDER

Commissioner Ackley commented on the county housing study, noting she disagrees in a few places; she noted the big development happening in Seaside; and discussed available homes in Warrenton, noting that the supply does not meet the demand. She stated the biggest issue is affordable housing and noted the need to look at a community land trust to solve that issue.

Commissioner Dyer stated his group is making progress with the beautification of downtown; they are looking at couple other properties to clean up.

Commissioner Newton stated he is looking into a sign for in front of the library; he noted the traffic concerns on Second Street, and a thank you letter will be forthcoming. He briefly discussed the passage of House Bill 608; and rent increases. Brief discussion followed on the “brown building” on S. Main.

Mayor Balensifer stated beyond a community land trust, some things we can do more immediately is require smaller denser lots to encourage denser, more affordable housing. He noted there is currently no policy that moves towards affordable housing. Ms. Engbretson said Mr. Cronin is looking into scheduling a joint work session on the City’s housing needs assessment. Discussion continued.

At 8:13 p.m., Mayor Balensifer announced they will now meet in executive session under the authority of ORS 192.660(2)(h); to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

At 8:30 p.m. Mayor Balensifer reconvened the regular meeting.

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Commissioner Newton made the motion to appoint Tommy Smith to the Planning Commission. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:31 p.m.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, City Recorder

DRAFT

3-B

MINUTES
Warrenton City Commission
Regular Meeting – March 12, 2019
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:09 p.m., and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Rick Newton, Tom Dyer, Pam Ackley, and Mark Baldwin

Staff Present: City Manager Linda Engbretson, Police Chief Mathew Workman, Fire Chief Tim Demers, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, and City Recorder Dawne Shaw

Mayor Balensifer made a special mention of Timothy Prior, a Warrenton High School student that recently died, and asked for a moment of silence, in remembrance of him.

CONSENT CALENDAR

- A. Community Library Board Meeting Minutes – June 2018
- B. Community Library Board Meeting Minutes – Sept. 2018
- C. Community Center Advisory Board Annual Meeting Minutes – Jan. 2019
- D. Community Center Advisory Board Regular Meeting Minutes – Jan. 2019

Mayor Balensifer asked if the Community Center Board is currently planning any events; Ms. Engbretson noted they are. Commissioner Newton noted a date error in the Library Board minutes; and also stated the Community Center numbers look better.

Commissioner Baldwin made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

COMMISSIONER REPORTS

Commissioner Newton discussed the PSCC meeting and noted the “failure to appear” numbers have improved; he also stated he met with Harbormaster Jane Sweet regarding the past due numbers, noting the numbers have decreased due to her great job. He stated they found the money for the library signs and are moving ahead. He noted his letter to the editor regarding the Port. Mayor Balensifer thanked Commissioner Newton for his work on the library signs.

Commissioner Dyer gave an update on the downtown cleanup task force, noting with better weather coming things will pick up. He stated the next area they would like to focus on is from downtown down to 4th Street. Mayor Balensifer noted the great work being done in that group.

Commissioner Ackley added to that, noting there was a question about decorative lighting options and stated she has some information she will send out to the group. She also noted the next joint task force meeting is 11:30 March 19 at the Hammond marina. Mayor Balensifer asked if there was a timeline for the task force recommendations, none was given. Commissioner Dyer also stated his task force discussed the 1st Street trail; cleaning it up, possibly putting in decorative lights in the future, and posting signage.

Commissioner Ackley stated she has been working with Regina Wilkie on a plaque for the marina that notes Free Willy was filmed there. Brief discussion continued.

Mayor Balensifer noted he will be gone next week; Commissioner Newton will be acting as Mayor Pro tem.

PUBLIC COMMENT

Thomas Churchill spoke in regards to his neighbor, who is a city volunteer staff member. He has been storing vehicles and working on them in the right-of-way. He stated there are leaking fluids and noxious fumes, and this has been going on since 2012. Mr. Churchill noted the person has been notified and cited yet still continues. He stated he also holds the city responsible for allowing this, and he had hoped this would be fixed internally.

Jim Ray spoke in regards to the nuisance code, and stated he would like to see it amended and expanded to include areas in the city limits where property is deforested/logged and slash piles are left. He stated the slash piles are an eyesore; and noted two areas in particular. He stated he would like to see a new ordinance or an extension of the nuisance code. Mr. Ray suggested that whoever does the logging should be responsible for the cleanup.

Mayor Balensifer noted the Commission has received quite a few comments about the slash piles and burning, and asked Fire Chief Tim Demers to comment on the status of burns within city limits. Chief Demers noted burning is done by permit only, and a permit was secured in this instance. He met today with the neighboring property owners; the contractor; and Mr. Kujala, and they came to an agreement about how the burning should be done. If there are more complaints, it will be shut down. Discussion continued on commercial burning within 3 miles of city limits, and city ordinances. Mayor Balensifer asked if the Commission would like to add this to the agenda. Brief discussion followed. Chief Demers noted slash burning is an ongoing issue, and he is looking for direction. There were no objections to add Burn Decision as agenda item 7-D.

BUSINESS ITEMS

City Manager Linda Engbretson presented Ordinance No. 1229 for a second reading and adoption. She noted the changes were made per previous Commission discussions; the first reading was held at the February 26 City Commission meeting. Commissioner Newton noted

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concerns regarding 828.070 D.3a, (evictions) noting the need to match House Bill 608's language, to make sure our law does not conflict with State law. Mayor Balensifer noted state code supersedes city code. Discussion continued. Commissioner Ackley referenced Mr. Ray's concerns about nuisances, and the burning issue will be discussed in item 7-D.

Commissioner Ackley made the motion to conduct a second reading of Ordinance No. 1229, by title only. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Mayor Balensifer conducted the second reading of Ordinance No. 1229; *An Ordinance Amending City of Warrenton Municipal Code Section 8.16.120 and Adding a New Section 8.28 Property Maintenance, Vacant Building, Derelict Building, & Chronic Nuisances.*

Commissioner Ackley made the motion to adopt Ordinance No. 1229. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Mayor Balensifer noted in regards to Mr. Churchill's comments, this ordinance will help the city address chronic nuisances, and his complaint put it officially on the nuisance radar. Ms. Engbretson stated the city has been addressing several properties in this area, and noted that particular individual has been cited into court several times, and he is not getting any favoritism. Discussion continued.

Mayor Balensifer discussed the adoption of Ordinance No. 1228, and noted the changes made; he suggested the master plan address traffic on Spur 104. Commissioner Dyer asked if the other zone change will be addressed; Mayor Balensifer noted since it will be a separate application, it will be done separately and addressed at the time. Discussion continued on getting the master plan done within 90 days. Mayor Balensifer stated the ordinance does not adequately address traffic. Ms. Engbretson noted the TSP has been adopted; if the Commission wants a master plan that specifically addresses traffic, she would like some clarification. Mayor Balensifer clarified, stating there should be a target for that development in general, instead of doing it piece meal; basically its own mobility standard for that section of the city. He noted for the record that traffic has, and always was the issue that requires this master plan. Brief discussion followed.

Commissioner Ackley made the motion to adopt Ordinance No. 1228; *An Ordinance Amending City of Warrenton Zoning Map to Reclassify the Zoning of Multiple Properties from Intermediate Density Residential and General Industrial to Commercial Mixed Use and Open Space Institutional, and adopting the findings and conclusions of File No. DCA 18-2.* Motion was seconded and passed unanimously.

Baldwin – aye Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Public Works Director Collin Stelzig stated the Public Works department has several pieces of equipment and materials that are to be decommissioned and need to be declared surplus property.

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He presented photos of the involved equipment, as outlined in the agenda memo. Brief discussion followed.

Commissioner Newton made the motion to declare the listed Public Works materials as “Surplus” and disposed of according to current administrative policies. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye

Mayor Balensifer noted there have been quite a few phone calls on the burning; he stated it makes sense to at least declare a public health hazard and do a moratorium until there is a new ordinance on the books, or at least discuss the policy further. Fire Chief Demers noted years ago, if you were in the three mile range, you could go to ODF and get a permit; ODF would allow you to make a huge pile and burn it for a week. He noted if we put a moratorium in place, it may cause people to go back to ODF, and the city will lose control. ODF maintains forested lands/land clearing. Discussion followed on the amount of smoke from this burn. Ms. Engbretson noted a person from ODF came to see her last week, and stated they had issued a permit for another land clearing within the city limits. Mayor Balensifer reviewed the ordinance; discussion followed on the issues and conditions of this burn. After continued discussion the consensus was to revoke the burn permit based on noncompliance; the Commission will revisit the burn policy in the future.

DISCUSSION ITEMS

Public Works Director Collin Stelzig discussed the SW 4th Street reconstruction/realignment. He noted the Commission asked Public Works to provide a letter that discusses alignment options; Public Works has contracted with OTAK to design the road improvements along SW 4th Street and prepare construction documents. They prepared six different options. These street improvements extend from S. Main Avenue to SW Alder Avenue, and include sidewalks on both sides of the street with stormwater improvements. Mr. Stelzig discussed the various options, noting he prefers option 3. Discussion followed on the different options and parking issues; Mr. Stelzig noted he would look into the issue to see if there is enough room for truck parking. Mayor Balensifer stated he felt comfortable going with option 3, with moving it to the south, and requested Mr. Stelzig report back on parking, with an actual diagram. Consensus was to go with option 3.

GOOD OF THE ORDER

Commissioner Newton noted concerns about a House Bill that prohibits reviewing criminal histories for rental applicants.

Mayor Balensifer also noted a House Bill that will prohibit cities from charging SDCs for marijuana businesses. He noted there are some interesting bills and is surprised some have been moving through public hearings and work sessions. Brief discussion continued.

Commissioner Baldwin noted his displeasure with the “ignore the constitution” business, and corporations getting behind gun control. He stated if businesses would do their jobs to run, and politicians would do theirs, the world would be in a better place. He noted he is fed up with it all.

There being no further business, Mayor Balensifer adjourned the regular meeting at 7:24 p.m.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, City Recorder

DRAFT

3-C



WARRENTON POLICE DEPARTMENT FEBRUARY 2019 STATISTICS



MARCH 26, 2019

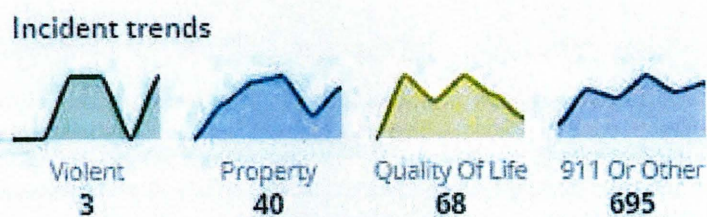
February Statistics (% changes are compared to 2018)							
Category	2019	2018	%Chg	2017	%Chg	2016	%Chg
Calls for Service	643	497	29%	488	32%	623	3%
Incident Reports	157	138	14%	135	16%	125	26%
Arrests/Citations	171	49	249%	70	144%	69	148%
Traffic Events	236	161	47%	144	64%	231	2%
DUII Calls	2	1	100%	8	-75%	3	-33%
Traffic Accidents	15	17	-12%	17	-12%	15	0%
Property Crimes	89	58	53%	57	56%	68	31%
Disturbances	60	58	3%	47	28%	58	3%
Drug/Narcotics Calls	10	5	100%	6	67%	4	150%
Animal Complaints	15	17	-12%	9	67%	18	-17%
Officer O.T.	106	223	-52%	137	-22%	237	-55%
Reserve Hours	25.5	24	6%	28.5	-11%	82	-69%

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Calls for Service	727	643							
Incident Reports	210	157							
Arrests/Citations	210	171							
Traffic Events	254	236							
DUII Calls	6	2							
Traffic Accidents	25	15							
Property Crimes	116	89							
Disturbances	71	60							
Drug/Narcotics Calls	13	10							
Animal Complaints	22	15							
Officer O.T.	93.73	106.5							
Reserve Hours	37.5	25.5							

Oct	Nov	Dec	2019 YTD	2019 Estimate	2018	2019 v 2018	2017	2019 v. 2017	2016	2019 v. 2016
			1370	8220	9332	-12%	7538	9%	7689	7%
			367	2202	2551	-14%	2028	9%	1749	26%
			381	2286	1731	32%	1098	108%	925	147%
			490	2940	3101	-5%	2094	40%	2353	25%
			8	48	55	-13%	52	-8%	15	220%
			40	240	271	-11%	226	6%	291	-18%
			205	1230	1187	4%	902	36%	805	53%
			131	786	953	-18%	778	1%	781	1%
			23	138	108	28%	79	75%	42	229%
			37	222	325	-32%	301	-26%	311	-29%
			200.22	1201.3	1731.7	-31%	2400.3	-50%	1249	-4%
			63	378	359.5	5%	290	30%	901.75	-58%

The following is a graphic representation of statistics for February 2019 using our [CrimeReports.com](https://www.crimereports.com) membership. If you go to the website you can zoom in on each incident for more details.

- Violent**
 - Assault
 - Assault with Deadly Weapon
 - Homicide
 - Kidnapping
 - Robbery
 - Other Sexual Offense
 - Sexual Assault
 - Sexual Offense
- Property**
 - Breaking & Entering
 - Property Crime
 - Property Crime Commercial
 - Property Crime Residential
 - Theft
 - Theft from Vehicle
 - Theft of Vehicle
- Quality Of Life**
 - Disorder
 - Quality of Life
 - Drugs
 - Liquor
- 911 & Other**
 - Alarm
 - Arson
 - Death
 - Family Offense
 - Missing Person
 - Other
 - Pedestrian Stop
 - Vehicle Recovery
- Vehicle Stop
 - Weapons Offense
 - Community Policing
 - Proactive Policing
 - Emergency
 - Fire
 - Traffic



CITY OF WARRENTON

FINANCE DEPARTMENT

3-D

Volume 12, Issue 8

Monthly Finance Report February 2019

March 26, 2019

Economic Indicators

	Current	1 year ago
◆ Interest Rates:		
LGIP :	2.75%	1.85%
Prime Rate:	5.50%	4.50%
◆ CPI-U change:	1.5%	2.2%
◆ Unemployment Rates:		
Clatsop County:	not avail.	4.1%
Oregon:	4.4%	4.2%
U.S.:	3.8%	4.1%

Department Statistics

◆ Utility Bills mailed	3,331
◆ New Service Connections	1
◆ Reminder Letters	370
◆ Door Hangers	82
◆ Water Service Discontinued	18
◆ Walk-in counter payments	682
◆ Mail payments	1,072
◆ Auto Pay Customers/pmts	591
◆ Online (Web) payments	618
◆ Phone payments	114

Current and Pending Projects

- ◆ 2019-2020 Budget Preparation
- ◆ 2020-2025 Capital Improvement Program

Financial Narrative as of February 28, 2019

Note: Revenues and expenses should track at 8/12 or 66.7% of the budget.

General Fund: Year to date revenues amount to \$2,825,596, which is 70.4% of the budget, compared to the prior year amount of \$2,849,996, which was 73.8% of the budget and are down by \$24,400. Increases are shown in property taxes, franchise fees, municipal court, community development fees, miscellaneous, interest and lease receipts and are offset by decreases in transient room tax, state revenue sharing, police charges, and fire charges.

Expenses year to date amount to \$2,909,144, which is 62.8% of the budget, compared to the prior year amount of \$2,681,350, which was 61.3% of the budget. All departments are tracking at or under budget. Year to date transfers of \$204,578 were made to other funds as budgeted.

WBA: Business license revenue amounts to \$57,050, compared to \$50,710 last year at this time, a difference of \$6,340. The number of business licenses issued year to date is 644 compared to 547 at this time last year.

Building Department: Permit revenues this month amount to \$12,621 and \$100,181 year to date, which is 63.9% of the budgeted amount. Last year to date permit revenue was \$171,155.

State Tax Street: State gas taxes re-

ceived this month amount to \$34,379 for fuel sold in January and \$237,440 year to date. City gas taxes received this month amount to \$27,735 for fuel sold in December and are \$196,720 year to date.

Warrenton Marina: Total revenues to date are \$507,985, 80.4% of the budgeted amount, compared to the prior year amount of \$458,168, which was 86.1% of the budgeted amount. There is \$29,860 in moorage receivables outstanding.

Hammond Marina: Total revenues to date are \$338,962, 84.8% of the budgeted amount, compared to the prior year amount of \$290,735, which was 101% of the budgeted amount. There is \$2,104 in moorage receivables outstanding.

Of the total outstanding receivables :

\$16,041 is current, 50%

\$2,666 is 30-60 days over, 8%

\$1,847 is 60-90 days over, 6%

\$11,410 is over 90 days old, 36%

Water Fund: Utility fees charged this month are \$140,101 and \$74,000, and \$1,307,296 and \$958,053 year to date for in-city and out-city respectively and totals \$2,265,349 and is 74.8% of the budget. Last year at this time year to date fees were \$1,202,305 and \$898,618, for in-city and out-city, respectively, and totaled \$2,100,293.

Sewer Fund: Utility fees charged this month are \$186,282 and \$1,518,149 year to date, which is 69.3% of the budget. Last year at this time year to date fees were \$1,427,390. Shoreline Sanitary fees year to date are \$86,849. Septage revenue year to date is \$186,362 and is 61.5% of the budget. Total revenues year to date are \$1,901,881 compared to \$2,221,819 at this time last year. Last year revenue included loan proceeds for the Core Conveyance Project.

Storm Sewer: Utility fees (20% of sewer fees) this month are \$37,256 and \$303,666 year to date and is 69.5% of the budget. Last year to date revenues were \$285,441 which was 70.4% of the budget.

Sanitation Fund: Service fees charged this month for garbage and recycling are \$79,110 and \$16,088, and \$643,625 and \$128,198, year to date, and are 70.2% and 69.2% of the budget respectively.

Community Center: Rental revenue to date is \$13,718 and represents 98% of the budget. Last year at this time rental revenue was \$12,449 and was 99.6% of the budget. Total expenses are \$15,032 and total revenues are \$18,096, increasing fund balance by \$3,064. A budgeted transfer of \$2,000 was made to the Community Center Capital Reserve Fund this month for future improvements.

Financial data as of February 2019

	General Fund			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	1,320,984	1,337,045	908,000	147.25
Plus: Revenues	189,440	2,825,596	4,013,541	70.40
Less: Expenditures				
Municipal Court	10,044	83,356	139,198	59.88
Admin/Comm/Fin(ACF)	64,259	746,538	1,142,969	65.32
Planning	15,644	137,329	219,607	62.53
Police	113,671	1,135,477	1,894,677	59.93
Fire	44,424	520,607	868,783	59.92
Parks	8,885	81,259	163,659	49.65
Transfers	-	204,578	204,578	100.00
Total Expenditures	256,927	2,909,144	4,633,471	62.79
Ending Fund Balance	1,253,497	1,253,497	288,070	435.14

(see details of revenue, page 4)

	WBA			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	62,573	65,586	53,000	123.75
Plus: Revenues	768	64,510	63,000	102.40
Less: Expenditures	1,247	68,002	98,692	68.90
Ending Fund Balance	62,094	62,094	17,308	358.76

	Building Department			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	248,286	272,657	200,000	136.33
Plus: Revenues	13,086	104,340	158,682	65.75
Less: Expenditures	15,394	131,019	315,577	41.52
Ending Fund Balance	245,978	245,978	43,105	570.65

	State Tax Street			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,050,540	1,809,511	1,500,000	120.63
Plus: Revenues	66,456	465,556	753,057	61.82
Less: Expenditures	16,181	174,252	1,572,100	11.08
Ending Fund Balance	2,100,815	2,100,815	680,957	308.51

	Warrenton Marina			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	381,156	195,211	190,000	102.74
Plus: Revenues	17,415	507,985	631,700	80.42
Less: Expenditures	159,635	464,260	711,179	65.28
Ending Fund Balance	238,936	238,936	110,521	216.19

Financial data as of February 2019, continued

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	260,867	122,905	119,000	103.28	2,022,142	1,337,636	1,100,000	121.60
Plus: Revenues	3,361	338,962	399,751	84.79	236,984	2,525,820	4,821,100	52.39
Less: Expenditures	50,826	248,465	457,137	54.35	877,491	2,481,821	5,297,243	46.85
Ending Fund Balance	<u>213,402</u>	<u>213,402</u>	<u>61,614</u>	<u>346.35</u>	<u>1,381,635</u>	<u>1,381,635</u>	<u>623,857</u>	<u>221.47</u>

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,590,128	1,939,250	1,700,000	114.07	741,427	596,394	375,000	159.04
Plus: Revenues	243,140	1,901,881	2,698,919	70.47	38,505	311,982	439,800	70.94
Less: Expenditures	1,181,788	2,189,651	3,235,301	67.68	14,590	143,034	602,036	23.76
Ending Fund Balance	<u>1,651,480</u>	<u>1,651,480</u>	<u>1,163,618</u>	<u>141.93</u>	<u>765,342</u>	<u>765,342</u>	<u>212,764</u>	<u>359.71</u>

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	478,707	417,570	380,000	109.89	19,450	14,375	10,000	143.75
Plus: Revenues	96,637	784,502	1,109,100	70.73	1,563	18,096	18,020	100.42
Less: Expenditures	190,003	816,731	1,301,768	62.74	3,574	15,032	26,241	57.28
Ending Fund Balance	<u>385,341</u>	<u>385,341</u>	<u>187,332</u>	<u>205.70</u>	<u>17,439</u>	<u>17,439</u>	<u>1,779</u>	<u>-</u>

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	153,685	40,842	40,000	102.11	288,305	297,770	234,692	126.88
Plus: Revenues	1,728	204,300	226,925	90.03	562	4,402	1,897,622	0.23
Less: Expenditures	17,274	107,003	183,285	58.38	650	13,955	2,132,314	0.65
Ending Fund Balance	<u>138,139</u>	<u>138,139</u>	<u>83,640</u>	<u>165.16</u>	<u>288,217</u>	<u>288,217</u>	<u>-</u>	<u>-</u>

Financial data as of February 2019, continued

(\$) Cash Balances as of February, 2019

General Fund	1,491,966	Warrenton Marina	224,913	Storm Sewer	716,878
WBA	62,174	Hammond Marina	213,575	Sanitation Fund	283,128
Building Department	247,535	Water Fund	848,091	Community Center	19,672
State Tax Street	2,109,927	Sewer Fund	1,318,702	Library	144,169

Warrenton Urban Renewal Agency

Capital Projects	288,867
Debt Service	1,770,922

General Fund Revenues	Collection Frequency	2018-2019 Budget	Actual as	Collections/Accruals		(over) under budget
			% of Current Budget	Year to date		
				February 2019	February 2018	
Property taxes-current	AP	955,270	97.01	926,663	880,896	28,607
Property taxes-prior	AP	35,000	62.50	21,875	23,051	13,125
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	551,000	55.41	305,292	298,149	245,708
COW - franchise fees	M	146,621	70.88	103,922	96,983	42,699
Transient room tax	Q	532,696	50.68	269,972	345,211	262,724
Liquor licenses	A	700	89.29	625	700	75
State revenue sharing	MQ	162,745	43.54	70,867	79,634	91,878
Municipal court	M	104,400	87.83	91,698	62,970	12,702
Community development fees	I	50,000	62.00	30,998	24,263	19,002
Police charges	I	8,500	145.25	12,346	44,911	(3,846)
Fire charges	SM	97,582	72.18	70,432	113,489	27,150
Park charges	I	-	0.00	50	125	-
Miscellaneous	I	1,200	1112.58	13,351	12,241	(12,151)
Interest	M	15,000	124.05	18,607	10,427	(3,607)
Lease receipts	M	209,858	67.84	142,358	140,271	67,500
Sub-total		2,870,572	72.43	2,079,056	2,133,321	791,516
Transfers from other funds	I	-	0.00	-	25,629	-
Overhead	M	1,142,969	65.32	746,539	691,046	396,430
Total revenues		4,013,541	70.40	2,825,595	2,849,996	1,187,946

M - monthly

Q - quarterly

SM - Semi-annual in November then monthly

AP - As paid by taxpayer beginning in November

MAQ - Century Link & NW Nat-quarterly, Charter annually in March,
all others monthly

S - semi-annual

I - intermittently

MQ - Monthly, cigarette and liquor and Quarterly, revenue sharing

R - renewals due in July and new licenses intermittently

A - annual

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2018. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.

PROCLAMATION
CHILD ABUSE PREVENTION MONTH
April 2019

WHEREAS, every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the dangers and harmful effects of child abuse and neglect; and

WHEREAS, child abuse and neglect impacts our entire society and can cause traumatic psychological, emotional and physical harm, resulting in long-term economic and societal costs; and

WHEREAS, child-focused prevention and intervention programs offer positive alternatives and outcomes for children and encourage families to develop strong, durable ties to their communities; and

WHEREAS, child abuse prevention succeeds through partnerships among parents, child-welfare agencies, mental and physical health care providers, schools, law enforcement agencies, faith-based organizations, businesses and community members by fostering loving, supportive and violence-free homes; and

WHEREAS, all citizens need to be more aware of the effects of child abuse, neglect, and prevention in order to encourage healthy parenting in healthy communities;

NOW, THEREFORE, I, Henry A. Balensifer III, Mayor of Warrenton, Oregon, do hereby declare the month of April, 2019, as **Child Abuse Prevention Month** in the City of Warrenton, Oregon, and I do urge everyone to join in this observance.

IN WITNESS WHEREOF, I have here unto set my hand and caused to be affixed the Seal of the City of Warrenton, Oregon to be affixed this 26th day of March, 2019.

Henry A. Balensifer III, Mayor

7-A

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, Community Development Director
DATE: For the agenda of March 26, 2019
SUBJ: Determination of nuisance—165 SE 2nd Street (“Moore”)

SUMMARY

Warrenton Municipal Code 8.16.020 states that “No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person.” Nuisances listed in this section include accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the City.

WMC 8.16.040 Attractive Nuisances states that no owner, or person in charge of property shall permit “unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.

WMC 8.16.060 Scattering rubbish prohibits persons from depositing on public or private property, rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling on a public way.

WMC 8.16.120 Junk prohibits keeping junk outdoors on a street, lot, or premises. “Junk” means and includes all old motor[s], old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, parts, old iron or other metal, glass paper, lumber, wood or other waste or discarded material.

WMC 8.16.140 Unenumerated nuisances declares that the conditions described above are public nuisances and may be abated as established in WMC 8.16.150 through 8.16.210. In addition to the nuisances specifically enumerated in this chapter, every other thing, substance or act that is determined by the City Commission to be injurious or detrimental to the public health, safety or welfare of the City can be declared a nuisance and may be abated.

The yard at the subject property is chronically filled with rubbish, trash, junk, junk vehicles, construction debris, broken trailers, and the like. The attached photographs, taken March 14, 2019, show three junk vehicles and a trailer on the subject property. All of this material in the yard which is unfenced and unprotected from the public generally and neighborhood children specifically. We conclude that conditions at the subject address are consistent with and meet the intent of the descriptions of various nuisances, both enumerated and unenumerated.

The City Commission is charged with the responsibility and authority to determine whether a nuisance exists. This must be done in a public meeting, and after five days notice by letter to the owner or person in charge of the property. Staff provided a courtesy “yellow tag” on February 4, 2019 and spoke with the property owner about cleanup. No progress has been made to date. A letter of notification was sent on March 5, 2019 by certified mail to the owner as identified in Clatsop County Assessor’s records that this would be an agenda item at the March 26 City Commission meeting. The Police Department posted the site on March 5.

RECOMMENDATION/SUGGESTED MOTION

I move to declare that enumerated and unenumerated nuisances exist at 165 SE 2nd Street, and direct staff to commence actions to notify the owner of record and person responsible for the property to abate the nuisances within 10 days as prescribed in WMC 8.16.160.

ALTERNATIVE

None recommended

FISCAL IMPACT

A potential fiscal impact exists, but cannot be quantified at this time. Should the owner or person responsible not abate the nuisance within the time allowed by code, the Commission may cause the nuisance to be abated by city personnel. The cost of performing that action would be based on the amount of time for collecting the material and the cost of disposal. This expense may be recovered by providing an invoice for the expense to the owner and persons responsible. WMC 8.16.200 authorizes the city place a lien on the property for the amount of the invoice if the invoice is not paid.

Approved by City Manager:

 _____

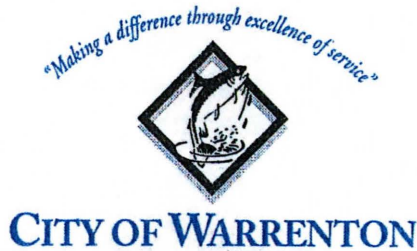
All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.







7-B



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Collin Stelzig, Public Works Director
DATE: March 26, 2019
SUBJ: Headstart Siding Repair

Summary:

Per Chapter IX of the City of Warrenton Charter, contracts for greater than \$5,000 require prior approval of the plans and specifications by the City Commission. Public Works seeks to request sealed competitive bids for the Headstart Siding Repair Project. Proposed Plans & Specifications are attached to this memo.

Recommendation

Staff recommends the following motions;

"I move to approve the plans & specifications for bidding purposes for the Headstart Siding Repair project.

Alternative

- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

Fiscal Impact

Thirty Thousand (\$30,000) dollars is budgeted for this project in the Facilities Maintenance Fund, line item 035-410-371007.

Approved by City Manager: _____



AGENDA MEMORANDUM - EDIT

TO: The Warrenton City Commission
FROM: Collin Stelzig, Public Works Director
DATE: March 26, 2019
SUBJ: Headstart Siding Repair (7-B) – Edit to Contract Documents

Public Works proposes the following changes to the submitted Contract Documents:

1. Bid Form – Change description from “Mobilization and Materials” to “Mobilization”
2. Supplemental Provision – Item 2 – Remove the following sentence “The City of Warrenton will be responsible for the permit building fees”.
3. General Specifications – Change the following “Windows that are removed shall be flashed with flexible FortiFlash membrane or equal” to “All windows shall be re-flashed per building code and manufactures recommendations, FortiFlash is the City’s preferred flexible membrane”
4. General Specifications – Add the following “OSB is not allowed to be used in dry rot repair”
5. Construction Specifications – Change the following “ALL STRUCTURAL DETAILS SHALL CONFORM TO THE ORIGINAL CONSTRUCTION DRAWINGS. MCM ARCHITECTS/ HEAD START PROJECT 94084/ JUNE 15, 1995 OR CURRENT BUILDING CODES AS REQUIRED BY THE CITY OF WARRENTON BUILDING DEPARTMENT.” to “ALL STRUCTURAL DETAILS SHALL CONFORM TO THE ORIGINAL CONSTRUCTION DRAWINGS (MCM ARCHITECTS/ HEAD START PROJECT 94084/ JUNE 15, 1995), CURRENT BUILDING CODES, AND AS REQUIRED BY THE CITY OF WARRENTON BUILDING DEPARTMENT. IF THERE IS A CONFLICT BETWEEN SUCH DETAILS THE BUILDING DEPARTMENT REQUIREMENTS SHALL PREVAIL.”

CONTRACT DOCUMENTS

FOR THE

CITY OF WARRENTON

HEADSTART SIDING REPAIR PROJECT-2019

**PUBLIC NOTICE
SOLICITATION FOR BIDS**

**CITY OF WARRENTON
HEADSTART BUILDING SIDING REPAIR PROJECT-2019**

Notice is hereby given that sealed bids will be received by Linda Engbretson, City Manager, for the City of Warrenton, at her office at P.O. Box 250, 225 South Main Street, Warrenton, OR 97146, until the hour of 2:00 p.m. Wednesday **###/###/####**, for the Headstart Building siding repair project, at which time the bids will be publicly opened and read aloud. Any bids received after the time for opening will not be considered.

The work to be performed includes the material, labor, equipment and permits, in accordance with specifications for the Headstart building siding repair project. Refer to bid documents for additional technical information. The total project cost is estimated at \$30,000. Therefore, this work will not be subject to the Prevailing Wage Statue 279C.800 to 279C.870. The complete date is **###/###/####**.

Bid packets, including specifications, are available at the office of City of Warrenton City Hall, P.O. Box 250, 225 South Main Street, Warrenton, OR, 97146, or downloaded from the City of Warrenton web page (www.ci.warrenton.or.us).

Bidders are advised that a mandatory pre-bid meeting for all prime contractors is scheduled to promptly begin at 2:00 p.m. on **###/###/####** at the Warrenton Headstart Building.

Authorized by:
Mrs. Linda Engbretson, City Manager
Advertisement Date: **###/###/####**

BIDDER'S CHECKLIST

CITY OF WARRENTON HEADSTART BUILDING SIDING REPAIR PROJECT-2019

FORMS TO EXECUTE FOR SUBMISSION OF BID:

The bidder's attention is especially called to the following forms which must be executed in full before bid is submitted:

- (a) Bid Form: The bid sheet is to be filled in and signed by the bidder and returned with bid.
- (b) Bond Accompanying Bid: a 5% bid bond is required for this project.
- (c) It is anticipated that the contract amount for this project will be less than \$100,000. Therefore, First-Tier Subcontractor disclosure requirements will not be required.
- (d) Facsimile and electronic transmissions of bids will not be accepted.
- (e) Demonstration of Bidders responsibility under ORS 279C.375(3)(b).

FORMS TO EXECUTE AFTER AWARD OF BID:

- (a) Contract: The agreement provided within this package is to be executed by the successful bidder within ten (10) calendar days of award of the contract.
- (b) Comprehensive general liability insurance shall be combined single limit for broad form liability property damage and bodily injury, with at least the minimum limit of \$2,000,000. A copy of insurance listing the City of Warrenton as additional insured must be delivered to the City at the same time the contract is signed.
- (c) The Contractor shall furnish a performance bond and a payment bond in an amount equal to one hundred percent (100%) of the contract price as security for the faithful performance of this contract and for the protection of claimants under ORS 279C.600.
- (d) The Contractor shall provide completed Certificate of Non-Discrimination
- (e) The Contractor shall provide completed Employee Drug Testing Program
- (f) The Contractor shall deliver to the City a copy of his Warrenton business license prior to entering into the Contract.

BIDDERS CHECKLIST

GENERAL INSTRUCTIONS TO BIDDERS

1 GENERAL

Bids must be delivered to Linda Engbretson, City Manager, to her office at 225 South Main Street, P. O. Box 250, Warrenton, Oregon, 97146, by 2:00 PM, **###/###/####**, after which bids will not be received.

2 SCOPE OF WORK

The work includes all labor and materials required by the contract documents to complete the work. Contractors are instructed to thoroughly familiarize themselves with all aspects of the work.

3 PROJECT DESCRIPTION

The work to be performed includes the material, labor, equipment and permits, in accordance with specifications, for the removal of existing siding and trim, replacement with new siding and trim, repair of dry rot, and re-painting etc. for the Head Start Building 200 SW 3rd Street Warrenton Oregon 97146. Refer to bid documents for additional technical information. Completion date is **###/###/####**. This project is funded with local City of Warrenton funds.

4 PUBLIC SAFETY DURING CONSTRUCTION

Pedestrian safety and traffic control shall be provided for by Contractor in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

5 STREET/SIDEWALK CLOSURE REQUIREMENTS

Street and sidewalk closures shall be kept to a minimum during construction. Access to local residence and businesses shall be maintained at all times for pedestrian traffic. Any disruptions to pedestrian traffic to local businesses shall be coordinated between the Contractor and business owner to their mutual satisfaction. Disruption to vehicle traffic shall be kept to a minimum. The Contractor shall notify the City Engineer and Emergency Services before closing any streets.

6 ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO BE OBSERVED

In compliance with ORS 279C.525, the following is a list of federal, state and local agencies, of which the City has knowledge, that have enacted ordinances or regulations relating to environmental pollution and the preservation of natural resources that may affect the performance of the Contract:

FEDERAL AGENCIES

Department of Agriculture
 Forest Service
 Soil Conservation Service
Department of Defense
 Army Corps of Engineers
Department of Energy
 Federal Energy Regulatory Commission
 Environmental Protection Agency
Health and Human Services
 Department of Housing & Urban
Development
Department of Interior
 Bureau of Land Management
 Bureau of Reclamation

Geological Survey
U.S. Fish and Wildlife Service
Department of Labor
Occupation Safety and Health Administration
Water Resources Council

LOCAL AGENCIES

City Councils
Board of County Commissioners

STATE AGENCIES

Department of Agriculture
Soil and Water Conservation Commission
Department of Energy
Department of Environmental Quality

Department of Fish and Wildlife Department of
Forestry
Division of State Lands
Water Resources Department

7 ADDITIONAL CONTRACTOR RESPONSIBILITIES

- 1) Contractor is responsible for obtaining and paying for all necessary permits.
- 2) Contractor shall verify existing conditions and locations of all utilities and shall notify the Engineer of any discrepancies that may affect the work.
- 3) Contractor is responsible for contacting the utilities to have the lines relocated or repaired as necessary.

8 PRE-BID MEETING

A mandatory pre-bid meeting will be held on ##### at 2:00 PM at the Head Start Building 200 SW 3rd Street Warrenton Oregon 97146. Attendance is required to be a qualified bidder. Statements made by a City representative at a pre-bid meeting are not binding on City unless confirmed by written addendum.

9 INTERPRETATION OF PLANS & SPECIFICATIONS

If the bidder finds discrepancies, omissions or is in doubt as to the true meaning of any part of the contract documents, the bidder shall submit to the City Engineer of Record a written request for a clarification or interpretation. Requests shall be submitted at least seven days prior to the date set for bid opening.

All clarification or interpretation of the contract documents or approval of equivalent products will be made by addendum. All addenda shall be considered in the bid. The City is not responsible for any explanation, clarification or interpretation given in any manner except by addendum.

10 ADDENDA

City will make changes to a solicitation document only by written addenda. An Offeror shall provide written acknowledgement of receipt of issued addenda with its offer unless the City otherwise specifies in the addenda. City will provide notice of addenda by mail or facsimile, and in a reasonable time so as to allow prospective Offerors to consider the addenda in preparing their offer. City may extend closing if City determines prospective Offerors need additional time to review and respond to addenda. City will not, except to the extent required by a countervailing public interest, issue addenda less than 72 hours before closing unless the addendum also extends closing.

11 BID SECURITY

A 5% bid security will be required for this project.

12 RESIDENT BIDDER

Each bid must contain a statement as to whether the bidder is a resident bidder, as defined in ORS 279A.120.

13 ASBESTOS LICENSE

A Contractor or subcontractor need not be licensed under ORS 468A.720 (Asbestos Abatement License)

14 CONSTRUCTION CONTRACT BOARD REGISTRATION

No bid will be considered unless bidder is registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board as required by ORS 671.530, as may be required.

15 EXECUTION OF BID

Bids must be made on the bid form provided to prospective bidders.

All prices must be in figures, in ink or typewritten.

No alterations in the proposal, specifications or contract will be allowed.

The bid shall be executed in the name of the firm followed by the signature of the officer authorized to sign for the firm and the printed or typewritten designation of the office head, together with certification that the bid has been authorized by the firm's controlling members.

The address of the bidder shall be typed or printed on the bid form. No bid can be withdrawn after having been opened by the City Manager.

16 PRICES - FOB DESTINATION

All prices must be FOB destination, with all transportation and handling paid by the bidder.

17 SUBMISSION OF BID

Each bid shall be sealed in a separate envelope, addressed to Linda Engbretson, City Manager, at her office at the City of Warrenton, 225 South Main Street, P. O. Box 250, Warrenton, Oregon, 97146, 503-861-2233. Date of opening and nature of bid must be plainly marked on the outside of the sealed envelope preceded by the words "sealed bid". Facsimile and electronic submissions of bids will not be accepted. Bids will be publicly opened immediately after 2:00 pm, #####.

Bidder is responsible for insuring that the City receives the bid at the time and place required for bid submission regardless of method used to submit the bid. The US Post Office is the agent of the bidder.

Bids received will be considered by the City Council within 45 days of opening of the bid. The successful bidder must execute a contract within 10 days from the date of notification.

All bids must be made upon blank forms furnished by the City. Each bid must be accompanied by a demonstration of the bidder's responsibility under ORS 279C.375(3)(b)

18 NOTICE OF INTENT TO AWARD

The City will at least seven (7) days before the award of a public contract, unless the City determines that seven days is impractical under rules adopted under ORS 279A.065, post or provide to each bidder or proposer notice of the contracting agency's intent to award a contract.

The Bidder will provide sufficient information with the bid to allow the City to promptly make its intention known. Refer to attached Required Responsibility Determination Information form.

19 ACCEPTANCE OR REJECTION OF BIDS

The award of contract, or the rejection of all bids, will be made by the City within 45 calendar days of the bid opening date.

The City reserves the right in its sole discretion to reject any or all bids and to waive any irregularities or formalities. The City may reject any bid not in compliance with public bidding procedures and requirements, including the requirement to demonstrate the bidder's responsibility under ORS 279C.375(3)(b), and may reject, for good cause, all bids upon a finding of the City it is in the public interest to do so.

In selecting the lowest responsive bid, the City reserves the right to take into consideration any or all alternatives called for in the bid form.

A materially unbalanced bid is defined as, "a bid which generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the City." A bid will be considered irregular and may be rejected if the City determines that any of the unit prices are significantly or materially unbalanced to the potential detriment of the City. The City will place specific emphasis on its review of bids that appear to be unbalanced, as it may be to the detriment of the City. If the City finds that a bid is a detriment to the City or not in the best interest of the public, the City will act by rejecting all such unbalanced bids.

Bids which are incomplete or which are conditioned in any way, or which contain erasures or alterations, may be rejected.

The City of Warrenton is an equal opportunity employer.

The successful bidder must enter into a contract within ten (10) calendar days after the award of the contract.

20 START UP

The successful bidder must begin work on the site within five calendar days of receiving the Notice to Proceed. The contract time commences on the day the Notice to Proceed is delivered. The Contractor may, in lieu of beginning work within five days, submit a detailed schedule of the first 30 days of the contract which is acceptable to the City.

21 CERTIFIED INSURANCE

Contractor shall obtain and maintain insurance as described in the attached Public Improvement Contract.

Such insurance shall not be canceled or its limits of liability reduced without thirty (30) days prior notice to City. A copy of an insurance certificate in a form satisfactory to City certifying the issuance of such insurance shall be furnished to City. The City shall be named as additional insured.

22 CITY BUSINESS LICENSE

Successful bidder shall have current business license (occupational tax) with the City of Warrenton prior to entering into an agreement.

23 GUARANTEE

The equipment, materials, or other items proposed and delivered to the City of Warrenton job site shall be complete in every respect and ready for operation and use in accordance with the specifications, with inspection submitted at time of delivery.

24 PERFORMANCE AND PAYMENT BOND

Successful bidder will be required to furnish a performance bond and a payment bond in approved forms each in the amount of 100% for the full performance and payment of the terms of this contract.

25 CERTIFIED PAYROLL REPORTS

The project improvement value is not expected to exceed \$50,000. Therefore, the Contractor will not need to submit certified payroll reports with the applications for payment.

26 CERTIFICATION OF NON DISCRIMINATION

Contractor will be required to provide a certification of non discrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4).

**City of Warrenton
Headstart Siding Repair Project 2019**

PROPOSED PROJECT SCHEDULE

<u>Date</u>	<u>Event and Responsibility</u>
##/##/####	Advertise for Bids (City)
##/##/#### at 2:00 PM	Job site pre-bid walk through at the Head Start Building (Bidders/City). Attendance is required to pre-qualify bidders
##/##/#### at 2:00 PM	Bid Opening at City Hall
##/##/####	City to Post Intent to Award
##/##/####	Deadline for Submission of Bid Protest (Bidders)
##/##/####	City Commission to Award Bid
##/##/####	Submit bonds, insurance certificates, signed Agreement and all required paperwork to City of Warrenton. (Contractor)
May 1 st , 2019	Pre-construction meeting with City of Warrenton and Contractor. Anticipated Notice to Proceed issued to Contractor. Begin construction.
June 30,2019	Deadline for Completing All Improvements.

Required Responsibility Determination Information

Project Name: **HEADSTART SIDING REPAIR PROJECT-2019**

Business Entity Name: _____

CCB License Number: _____

Information must be submitted to the City to establish the following:

1. The bidder has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.
2. The bidder has a satisfactory record of performance.
3. The bidder has a satisfactory record of integrity.
4. The bidder is qualified legally to contract with the contracting agency.
5. The bidder will supply any additional information in connection with a City inquiry concerning responsibility.

As may be required, the City of Warrenton will provide the completed information with attachments, if any, to the State of Oregon Construction Contractors Board within 30 days after the date of contract award.

CITY OF WARRENTON
HEADSTART SIDING REPAIR PROJECT-2019
CERTIFICATE OF NON-DISCRIMINATION

I certify that _____ (name of organization/individual) is in full compliance with ORS 279A.110, designed to prohibit discrimination against a subcontractor in awarding a subcontract because the subcontractor is a minority, women or emerging small business enterprise certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225.

Signature/Printed Name

Date

BID FORM
CITY OF WARRENTON
HEADSTART SIDING REPAIR PROJECT 2019

BASE BID ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL AMT
Mobilization and Materials	1	Lump Sum	\$	\$
South Wing, East Wall: Tear off and disposal of old siding and trim. Install new fiber cement siding and trim. (per manufactures specs) Including all materials	1	Lump Sum	\$	\$
East Wing, South Wall: Tear off and disposal of old siding and trim. Install new fiber cement siding and trim. (per manufactures specs) including all materials	1	Lump Sum	\$	\$
Replace In-kind Interior Window Trim	200	Lineal Ft	\$	\$
Dry Rot repair (Sheathing Only)	800	Sqft	\$	\$
Dry Rot Repair (Sheathing, Framing, Interior, Sheetrock, Trim, insulation, electrical, plumbing, sill plates, etc.)	200	Sqft	\$	\$
Paint all restored trim and siding	1	Lump Sum	\$	\$
TOTAL				\$

ADDITIVE BID ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL AMT
Additional exterior trim that needs to be replaced on other parts of the building (non-South Wing, East Wall or East Wing, South Wall) Approx. 100'	100	Lineal Ft		
Repair/ replace failing windows 4'6"-2'6" X 3 4.5'-2.5' with slider X 1 1'3"-5'7" X 1 1'6"-4'6" X 3 (See Bid Photos for actual Window Locations)	1	Lump Sum	\$	\$
TOTAL				\$

The undersign bidder hereby represents as follows: That this bid is made without connections with any person, firm or corporation making a bid for same, and is in all respects fair and without collusion or fraud.

The undersigned is ___ YES ___ NO a resident bidder, as defined in ORS 279A.120 (Check One)

The bidder acknowledges receiving and incorporating changes described in Addenda No. _____ through _____.

BIDDING COMPANY

DATE

BIDDER'S SIGNATURE

TITLE

BIDDING COMPANY MAILING ADDRESS: _____

CITY, STATE, ZIP CODE: _____

TELEPHONE NUMBER: _____

CORPORATION: ___ YES ___ NO

TAX NUMBER OR SOCIAL SECURITY NUMBER: _____

CONTRACTOR BOARD NO. _____

**SUPPLEMENTAL PROVISIONS
CITY OF WARRENTON
HEADSTART BUILDING SIDING REPAIR PROJECT-2019**

- 1. Notice to Proceed:** The Contractor shall obtain a Notice to Proceed from the City before work can commence and before materials should be ordered. The Notice to Proceed will be issued upon proof that the Contractor has obtained the necessary building permit, has the required State of Oregon and City licenses, provides proof of necessary minimum insurance, and has completed the necessary Contract Agreement.

All sub-contractors shall be subject the requirements of licensing and insurance.

- 2. Building Permit:** The Contractor shall be required to obtain a building permit from the City of Warrenton and is a condition of the Notice to Proceed. The City of Warrenton will be responsible for the permit building fees.
- 3. Available Work Time:** The Warrenton Head Start building is a City building that is leased to the Head Start Organization to operate a preschool facility and will be actively using the building. Therefore, part or all the Contractor's work activities may be impacted. A list of dates and times of concern will be available to the Bidders at the Pre-Bid Meeting.
- 4. Progress of Construction Work:** To minimize possible weather damage and vandalism during construction, the Contractor will schedule the removal of the existing siding to one quarter of a wall line at a time. Once the siding has been removed, the underlying sheathing will be inspected for possible dry-rot. If there are no signs of rot, then the work of laying up building paper and new siding may proceed. The Contractor shall take all necessary precautions to prevent weather damage to the existing structure, both inside and outside. The schedule for progressing work from one wall to another will depend upon the number of laborers and materials available, weather, and the work time restrictions.

The Contractor shall inspect the underlying wall sheathing for possible dry-rot, once the old siding has been removed. The Contractor shall promptly notify the Project Manager if dry-rot has been discovered, or if a problem exists that may create a situation for a Change Order. A Change Order will be required for the repair, removal and replacement of damage caused by dry-rot. The contractor will provide a cost per square foot for dry rot repair.

The South wall of the East wing is the wall that has the most obvious issues that need addressed followed by the East wall of the South wing which has similar damage but is not as directly impacted by the weather. Both walls will need the existing siding and trim torn off and disposed of. The walls will need inspected for dry rot any repairs to the structure will need made at this time. The Siding and trim shall be replaced with fiber cement trim and siding installed to the manufacture's specifications. The contractor will provide lump sum costs for each wing including tear off, disposal installation of new siding and trim per manufactures specs with all materials included in the unit price.

The siding on the remainder of the building appears to be in decent condition however, there is approximately 100' +/- of additional trim that needs to be repaired on other walls. The contractor will provide a cost per foot for this additional trim replacement.

Sheetrock will also need to be repaired and finished back to existing condition. Cost for restoration of any sheet rock will be provided in cost per square foot.

Several windows on the structure are failing. The contractor will provide a lump sum price to replace the failed windows. There are 8 windows that have blown seals.

The failed windows types and quantities are:

- 4'6"-2'6"X Three
- 4.5'-2.5' with slider X One
- 1'3"-5'7"X One
- 1'6"-4"6" X One

The Contractor will begin work on the south wall of the east wing. Then, the Contractor will begin work on the east wall of the south wing.

5. Change Order: The Contractor may request and/or the City may order changes in the work or the timing or the sequencing of the work that impacts the contract price or the contract time. All such changes in the work that effect contract price or contract time shall be formalized in a Change Order. The Contractor and the City shall negotiate in good faith an appropriate adjustment to the contract price and/or the contract time, concluding their negotiations as expeditiously as possible. Acceptance of the Change Order shall not be unreasonably withheld.

An increase or decrease in the contract price and/or contract time shall be determined by one or more of the following methods:

1. Utilizing unit prices as set forth within this Agreement;
2. A mutually accepted, itemized lump sum;
3. Costs calculated on a basis agreed upon by the City and the Contractor, plus a fee to which they agree;
4. If an increase or decrease cannot be agreed to as set forth in item 1-3 above and the City issues an Interim Directed Change, the cost of the change in the work shall be determined by the reasonable actual expense and savings of the performance of the work resulting from the change.

6. Payments: The Contractor will submit his application for payment based upon the itemized Bid Form. Application for payment will be made to the Project Manager, for his approval. Payment will be made at the end of each month for the percentage of work completed during that particular month. The Project Manager will forward the approved application to the City Finance Director.

The Contractor will submit his monthly invoice to the City via US Mail – do not hand deliver.

Invoices received by the City by the 5th of the month will be paid by the 15th of that month. Payment checks will be sent to the Contractor via US Mail – will not be hand delivered.

Approved payment requests will include a five (5%) retainage. The accumulated retainage will be paid to the Contractor on the final payment.

Payments for materials is included in the associated bid items and only include building materials to be used for this project, delivered and securely stored. The Contractor shall take all necessary precautions to protect the building material from vandalism, weather, and theft.

Final payment will require a Lien Release signed and notarized.

7. **Completion Date:** The completion date shall be **June 30,2019**. Completion will require all the work to be completed and the site cleaned up.
8. **Liquated Damages:** The agreed upon amount of liquated damages shall be one-hundred dollars (\$100.00) per calendar day. Liquated damages shall commence on the first calendar day after the specified completion date and shall continue thereafter each and every calendar day until all of the work is satisfactorily completed and accepted by the City.
9. **Delays and Extensions of Time:** If the Contractor is delayed at any time in the commencement or progress of the work by an act of neglect of the City, or by changes ordered in the work, by and industry-wide labor dispute, fire, unusual delay in delivers, unavoidable casualties or causes beyond the Contractor's control, or by delay authorized by the City, then the Contract time will be extended by Change Order for such reasonable time as the City may determine. No extension of time for completion will be allowed for delays or suspensions to the extent caused by or contributed by the fault or negligence of the Contractor, subcontractors, or anyone for whom the Contractor is responsible.
- 10.**Building Paint Color:** All the replaced siding and trim shall be primed before receiving a minimum of two top coats of 100% acrylic exterior grade paint. The paint shall be color matched to the existing paint schemes currently on the building. The Contractor is to submit color samples and product information to the City for approval, before ordering products.
- 11.**Clean-up and Protection of Landscaping:** The Contractor shall take all necessary precautions to protect the trees, shrubs, the roof, adjacent property, and adjacent structures from paint overspray and damage by his construction. Clean-up of building materials and work tasks shall be a daily and on-going work task, the cost of which shall be part of the Contractors overall work duties.

**CITY OF WARRENTON
CONTRACT FOR SERVICES**

CONTRACT:

This Contract, made and entered into this ____ day of _____, 2019, by and between the City of Warrenton, a municipal corporation of the State of Oregon, hereinafter called "CITY," and _____, hereinafter called "CONTRACTOR", duly authorized to do business in Oregon.

WITNESSETH

WHEREAS, the CITY requires services which CONTRACTOR is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONTRACTOR is able and prepared to provide such services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. CONTRACTOR SERVICES: (Title: _____)
 - A. CONTRACTOR shall provide services for the CITY, as outlined in its attached quote, dated _____ from _____, and is attached hereto as Exhibit A.
 - B. CONTRACTOR'S obligations are defined solely by this Contract, **the RFP, or solicitation document**, and its attachment and not by any other contract or agreement that may be associated with this project.

2. COMPENSATION
 - A. The CITY agrees to pay CONTRACTOR a total not-to-exceed price of \$ _____ for providing goods and performance of those services provided herein;
 - B. The CONTRACTOR will submit a final invoice referencing _____ for all services rendered to: City of Warrenton, Attention: Accounts Payable, PO Box 250, Warrenton, Oregon 97146, OR, CONSULTANT may submit invoice via email to ap@ci.warrenton.or.us. City pays net 21 upon receipt of invoice.
 - C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONTRACTOR IDENTIFICATION

CONTRACTOR shall furnish to the CITY the CONTRACTOR'S employer identification number, as designated by the Internal Revenue Service, or CONTRACTOR'S Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Linda Engbretson, City Manager.

5. CONTRACTOR'S REPRESENTATIVE

For purposes hereof, the CONTRACTOR'S authorized representative will be _____.

6. CONTRACTOR IS INDEPENDENT CONTRACTOR

- A. CONTRACTOR'S services shall be provided under the general supervision of City's project director or his designee, but CONTRACTOR shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,
- B. CONTRACTOR acknowledges that for all purposes related to this contract, CONTRACTOR is and shall be deemed to be an independent CONTRACTOR and not an employee of the CITY, shall not be entitled to benefits of any kind to which an employee of the CITY is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that CONTRACTOR is found by a court of law or an administrative agency to be an employee of the CITY for any purpose, CITY shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to CONTRACTOR under the terms of the contract, to the full extent of any benefits or other remuneration CONTRACTOR receives (from CITY or third party) as result of said finding and to the full extent of any payments that CITY is required to make (to CONTRACTOR or a third party) as a result of said finding.
- C. The undersigned CONTRACTOR hereby represents that no employee of the City of Warrenton, or any partnership or corporation in which a City of Warrenton employee has an interest, has or will receive any remuneration of any description from the CONTRACTOR, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

7. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONTRACTOR breaches any of the terms herein or in the event of any of the following: Insolvency of CONTRACTOR; voluntary or involuntary petition in bankruptcy by or against CONTRACTOR; appointment of a receiver or trustee for CONTRACTOR, or any assignment for benefit of creditors of CONTRACTOR. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONTRACTOR may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

8. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of contract as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

9. FORCE MAJEURE

Neither CITY nor CONTRACTOR shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disabled provided the party so disabled shall within ten (10) days from the beginning

such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

10. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by CONTRACTOR of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

11. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

12. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

13. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the CONTRACTOR, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

14. INDEMNIFICATION

CONTRACTOR agrees to indemnify and hold harmless the CITY, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to CITY, contractor, or others resulting from or arising out of CONTRACTOR'S negligent acts, errors or omissions in the supply of goods or performance of services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONTRACTOR and The CITY this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONTRACTOR.

15. INSURANCE

Prior to starting work hereunder, CONTRACTOR, at CONTRACTOR'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance:

A. **Commercial General Liability.** Contractor shall obtain, at Contractor's expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage with limits of not less than \$1,000,000 per occurrence and the annual aggregate of not less than \$2,000,000. Coverage shall include contractors, subcontractors and anyone directly or indirectly employed by either. This insurance will include personal and Advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the combined

single limit per occurrence will not be less than \$1,000,000 for each job site or location. Each annual aggregate limit will not be less than \$2,000,000.

B. Automobile Liability. Contract shall obtain, at Contractor's expense and keep in effect during the term of the resulting Contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000, and annual aggregate not less than \$2,000,000.

C. Additional Insured. The liability insurance coverage shall include City and its officers and employees as Additional Insured but only with respect to Contractor's activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, Contractor shall furnish a certificate to City from each insurance company providing insurance showing that the City is an additional insured, the required coverage is in force, stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.

D. Notice of Cancellation or Change. There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from Contractor or its insurer(s) to City. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

16. WORKMEN'S COMPENSATION

The CONTRACTOR, its subcontractors, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

17. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES

Contractor shall make payment promptly, as due, to all persons supplying CONTRACTOR labor or material for the prosecution of the work provided for this contract.

Contractor shall pay all contributions or amounts due the Industrial Accident Fund from CONTRACTOR or any subcontractor incurred in the performance of the contract.

Contractor shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

Contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

18. PAYMENT OF MEDICAL CARE

Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONTRACTOR, of all sums which the CONTRACTOR agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or

CITY OF WARRENTON HEADSTART SIDING PROJECT 2019

WORK TASKS

REMOVE AND DISPOSE OF EXISTING SIDING AND TRIM, INSTALL NEW BUILDING WRAP, INSTALL FIBER-CEMENT SIDING AND TRIM, CAULK JOINTS AND OPENINGS, PAINT AS SPECIFIED WITH TWO (2) TOP COATS.

GENERAL SPECIFICATIONS

EXISTING BUILDING CONSTRUCTION INCLUDES 2x6 STUD FRAMING AT 16" ON-CENTER, COVERED WITH 1/2-INCH PLYWOOD SHEATHING, COVERED WITH 15-LB PAPER, COVERED WITH COMPOSITE LAP SIDING WITH 6" EXPOSURE.

CONTRACTOR TO INSPECT THE UNDERLYING WALL SHEATHING FOR POSSIBLE DRY ROT. NOTIFY PROJECT MANAGER IF DRY ROT IS FOUND.

THE PROJECT MANAGER IS KYLE SHARPSTEEN. THE CONTRACTOR SHALL SCHEDULE HIS WORK AND REQUIRED INSPECTIONS WITH THE PROJECT MANAGER. THE CONTRACTOR SHALL PROCESS PAYMENTS AND REQUESTS FOR CHANGE ORDERS AND DEVIATIONS FROM THE REQUIRED WORK WITH THE PROJECT MANAGER.

WINDOWS THAT ARE REMOVED SHALL BE FLASHED WITH FLEXIBLE FORTIFLASH MEMBRANE OR EQUAL.

CONSTRUCTION SPECIFICATIONS

ALL STRUCTURAL DETAILS SHALL CONFORM TO THE ORIGINAL CONSTRUCTION DRAWINGS. *MCM ARCHITECTS/HEAD START PROJECT 94084/ JUNE 15, 1995* OR CURRENT BUILDING CODES AS REQUIRED BY THE CITY OF WARRENTON BUILDING DEPARTMENT.

CONTRACTOR TO REMOVE AND REPLACE SIGNS, LIGHTS, SWITCHES, GUTTERS, DOWN SPOUTS, AND LIKE ITEMS ATTACHED TO THE BUILDING, AS IS NECESSARY, IN ORDER TO COMPLETE THE RE-SIDING AND PAINTING WORK.

USE COMPARABLE FIBER CEMENT TRIM ON THE EXTERIOR CORNERS, AROUND WINDOWS, AND AROUND DOORS. INSTALL 30-LB. BUILDING WRAP AS PER MANUFACTURER'S RECOMMENDATION.

CAULK SIDING AT ENDS AND AT CUTS. CAULK BUTT JOINTS, IN ADDITION TO WHAT THE MANUFACTURER MAY REQUIRE FOR "BUTT JOINT FLASHING".

"BLIND" NAIL SIDING, WITH NAILING AT LOCATION OF EXISTING STUDS. "FACE" NAILING ONLY AS MAY BE NECESSARY. TRIM TO BE "FACE" NAILED. ALL EXPOSED NAILS SHALL BE STAINLESS STEEL.

REPLACE EXISTING METAL FLASHING, AND INSTALL NEW METAL FLASHING AS MAY BE REQUIRED, USING STAINLESS STEEL FLASHING

MATERIAL SPECIFICATIONS

SIDING MATERIAL SHALL BE FIBER-CEMENT LAP TYPE SIDING, EITHER "HARDI PLANK" TYPE OR "CERTAINTEED" LAP FIBER-CEMENT TYPE SIDING.

SIDING MATERIAL SHALL BE "PRE-PRIMED".

SIDING MATERIAL SHALL BE 5/16 x 7-1/4" TEXTURE CEMENT BOARD, INSTALLED WITH 6" EXPOSURE, APPEARANCE AND LAYOUT TO MATCH THE SIDING ON THE EXISTING WALLS.

TRIM MATERIAL SHALL BE 5/4" FIBER CEMENT TRIM.

BUILDING WRAP SHALL BE BLACK 30-LB FELT PAPER, INSTALLED AS PER THE BUILDING CODE EXCEPTION WITH THE REQUIRED FLASHING AROUND DOORS AND WINDOWS.

CAULKING SHALL BE "VULKUM" TYPE FLEXIBLE CAULKING, OR SIMILAR.

PAINTING SHALL INCLUDE THE USE OF LATEX PRIMER AND 100% ACRYLIC EXTERIOR PAINT. TWO (2) TOP COATS OF FINISH ACRYLIC EXTERIOR PAINT SHALL BE REQUIRED ON THE SIDING AND TRIM. PAINT COLOR WILL BE COLOR MATCHED TO THE EXISTING COLORS SCHEME. THE COLOR SAMPLES AND SPECIFICATIONS MUST BE APPROVED BEFORE ORDERING.

NAILS USED FOR "BLIND" NAILING WILL BE GALVANIZED. NAILS USED FOR "FACE" NAILING WILL BE STAINLESS STEEL.

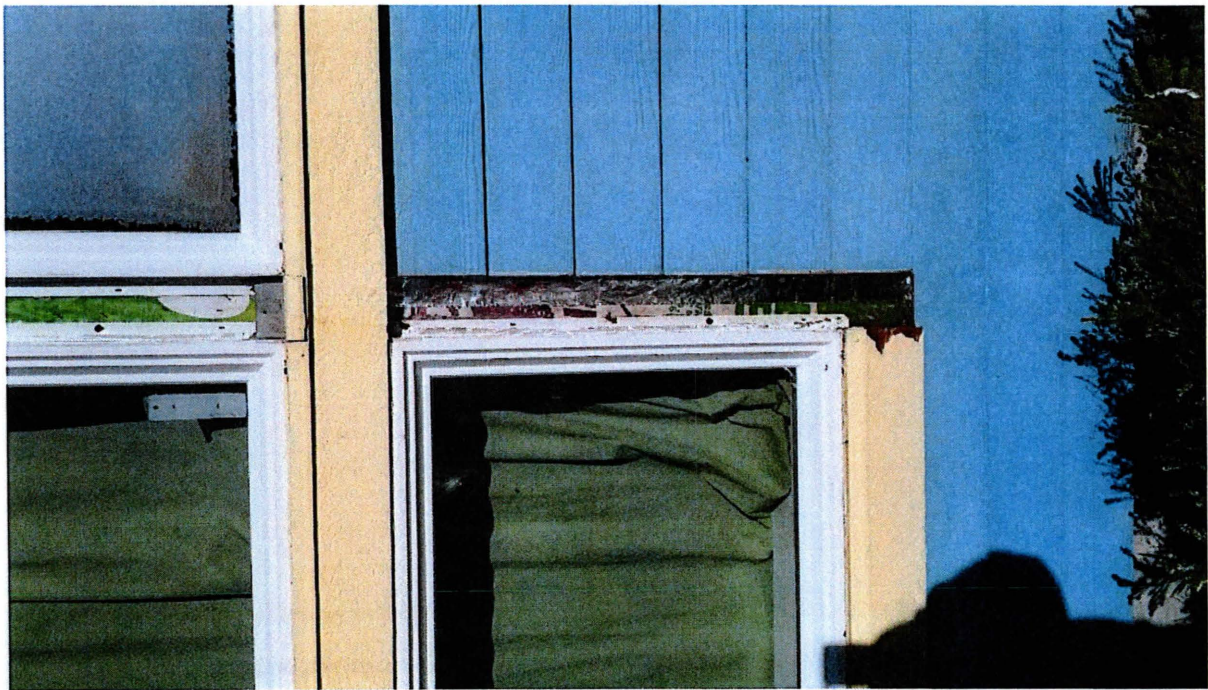
Project Bid Photos



South Wall East Wing (Failed windows in yellow)

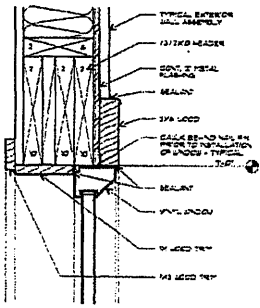


East Wall South Wing (Failed windows in yellow)

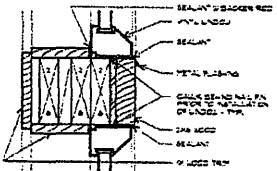




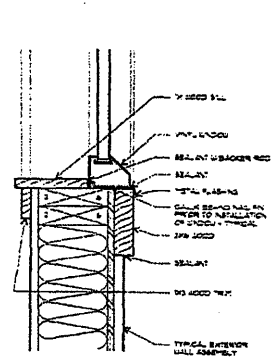




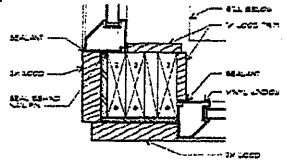
B1 WINDOW HEAD
3'-0\"/>



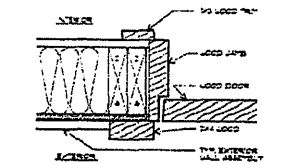
C1 HORIZONTAL WINDOW MULLION
3'-0\"/>



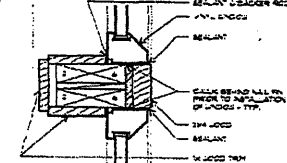
E1 WINDOW SILL
3'-0\"/>



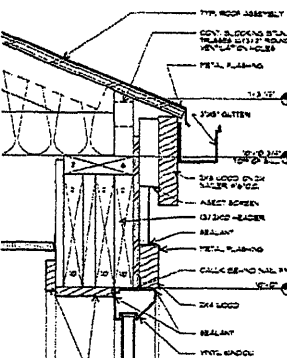
A2 WINDOW JAMB AT CORNER
3'-0\"/>



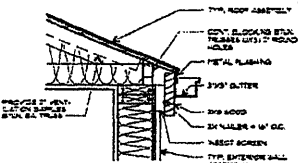
B2 EXTERIOR DOOR JAMB
3'-0\"/>



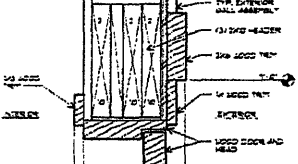
C2 VERTICAL WINDOW MULLION
3'-0\"/>



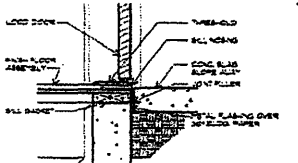
E2 WINDOW HEAD AND FAVE DETAIL
3'-0\"/>



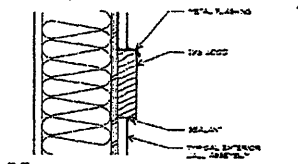
A3 FAVE DETAIL
1'-1/2\"/>



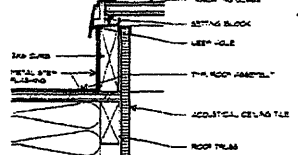
B3 EXTERIOR DOOR HEAD
3'-0\"/>



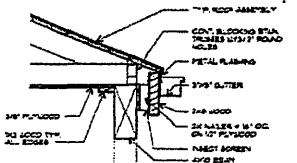
C3 DOOR THRESHOLD
1'-1/2\"/>



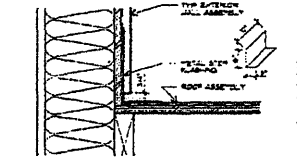
D3 6\"/>



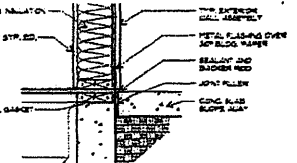
E3 SKYLIGHT DETAIL
3'-0\"/>



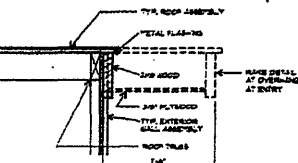
A4 FAVE AT BREZEWAY
1'-1/2\"/>



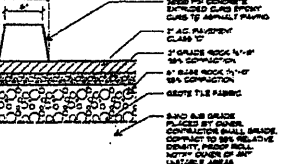
B4 ROOF AT WALL - TYPICAL
3'-0\"/>



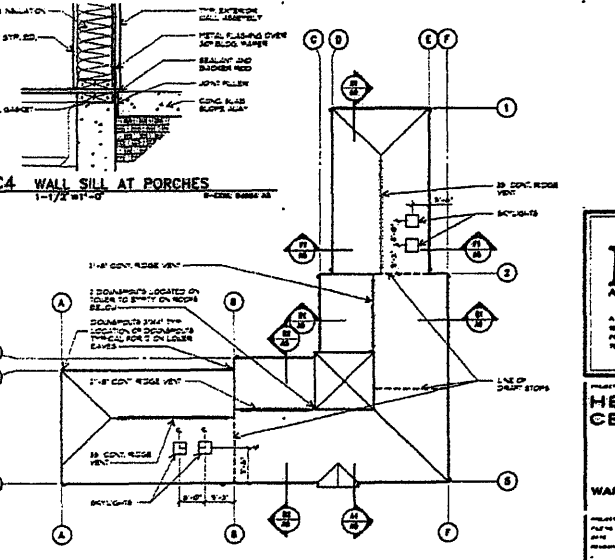
C4 WALL SILL AT PORCHES
1'-1/2\"/>



A5 RAKE DETAIL
1'-1/2\"/>



B5 TYPICAL CURB & PAVING DETAIL
1'-1/2\"/>



E4 ROOF PLAN
1/16\"/>

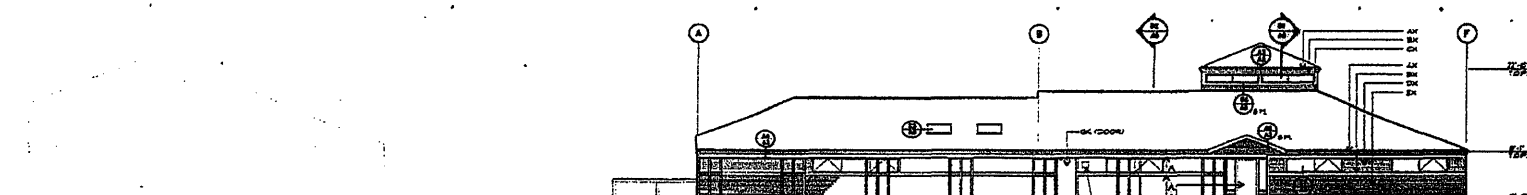


A PROFESSIONAL CORPORATION
 1000 WASHINGTON STREET, SUITE 200
 WARRENTON, OREGON 97146-3000
 PHONE 503-862-5400 FAX 503-862-5401

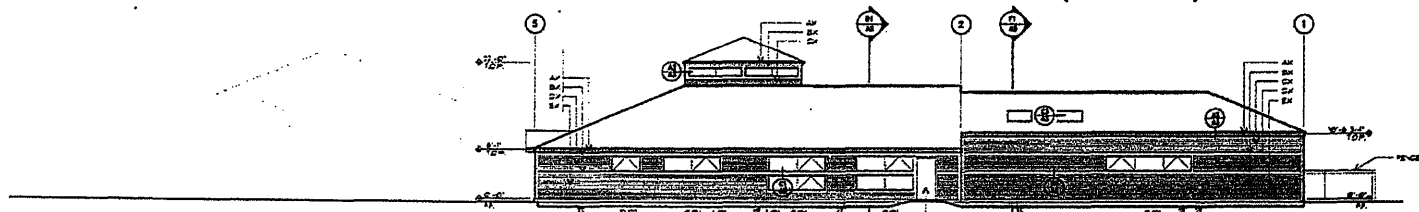
WARRENTON/ASTORIA

PROJECT: 0006
 PLAN: A3
 DATE: JUNE 16, 1999
 DRAWN BY: [Signature]

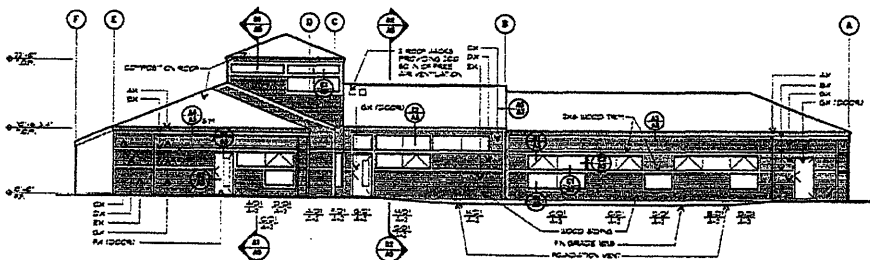
ROOF PLAN & EXT. DETAILS
 A3



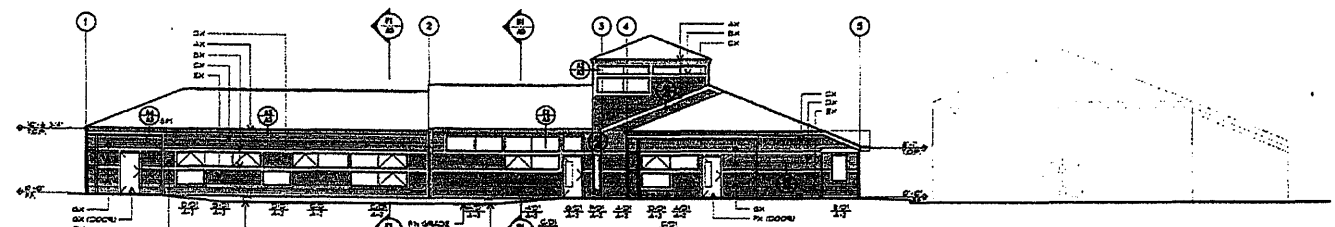
A1 NORTH ELEVATION
 1/8" = 1'-0" SEE C1 FOR ADDITIONAL NOTES



B1 WEST ELEVATION
 1/8" = 1'-0" SEE C1 FOR ADDITIONAL NOTES



C1 SOUTH ELEVATION
 1/8" = 1'-0" TYPICAL ELEVATION



D1 EAST ELEVATION
 1/8" = 1'-0" SEE C1 FOR ADDITIONAL NOTES

EXTERIOR COLORS
 (SHERWIN WILLIAMS NUMBERS)

- AK GOLDEN BLEN 2231
- BK IMPRESSIVE IVORY 2353
- CK BAYSIDE 1361
- DK SWAN LAKE 7389
- EK LA JOLLA BLUE 1484
- FK RED BLISS 1391
- GK RIVERIA WATER 2384

NOTE: ALL TRIM & CORNBOUTS TO BE (BU)



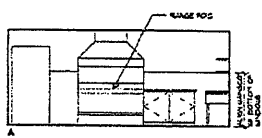
PROJECT:
HEAD START CENTER

WARRENTON/ASTORIA

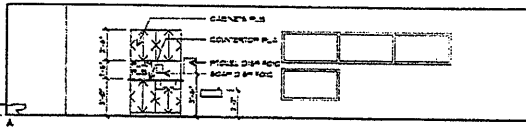
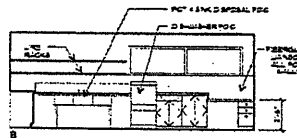
PROJECT NO. 0000
 DATE: AUGUST 1988
 DRAWING NO. 101

EXTERIOR ELEVATIONS
 A4

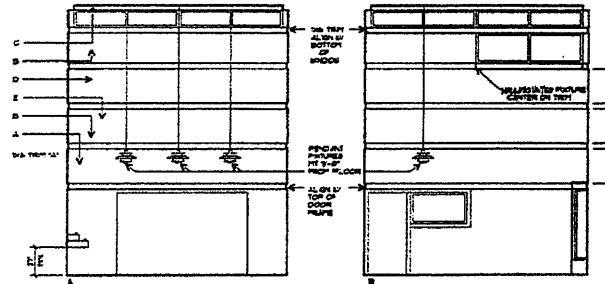
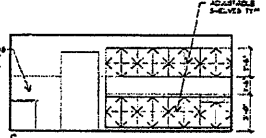




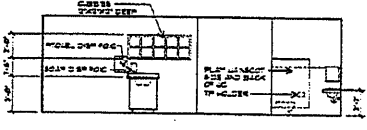
A1 102 KITCHEN
1/2" = 1'-0"



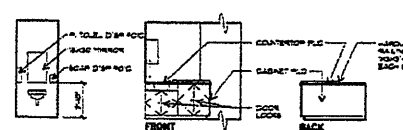
B1 105 CLASSROOM
1/2" = 1'-0"



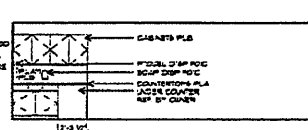
B4 108 ENTRY/LOBBY
1/2" = 1'-0"



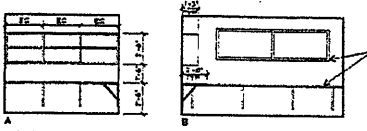
C1 112 CHILD CARE
1/2" = 1'-0"



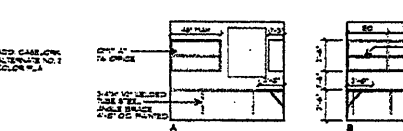
C3 114 ADULT CLASSROOM
1/2" = 1'-0"



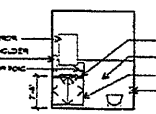
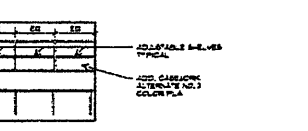
C4 115 THERAPY
1/2" = 1'-0"



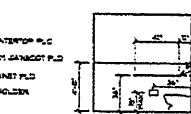
D1 117 TEACHER
1/2" = 1'-0"



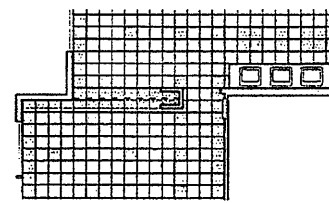
D2 120 TEACHER - 116 OFFICE (SIMILAR)
1/2" = 1'-0"



E1 121 WC
1/2" = 1'-0"



E2 122 HC WC
1/2" = 1'-0"



E3 109 LUNCHROOM/110 CLASSROOM FLOOR PATTERN DETAIL
1/2" = 1'-0"

INTERIOR COLORS
ALL PAINT COLOR SELECTIONS BASED ON 3M-PAINT
SCHEDULE COLORS. PLASTIC LAMINATE COLORS ARE
BASED ON PROTEA BRAND COLORS.

DESCRIPTION	NUMBER	DWG CODE
COLLECTION DATE	1827	P. LUTHE
APPROVAL SHEET	1124	
NET BATH	1124	
NOVA PAPER	1124	
FRENCH PLUMBING	1124	
BRIDGE PAPER / CONTROL BOARD	1124	
FULLY SCHEDULED FROM	1124	
ALL WORK COMPLETED	1124	
REVISIONS (DATE / NAME)		
VELOC (DATE / NAME)		

NOTE: ALL INTERIOR WALLS & CEILING SHALL BE 1/2" UNLESS OTHERWISE NOTED. ALL INTERIOR DOORS ARE 1/2" UNLESS OTHERWISE NOTED.

LEGEND

- TARGET 'SHALLS' COLOR 1827 'PLUMBING DATE'
- TARGET 'SHALLS' COLOR 1124 'VELOC DATE'

REFERRAL TO RIGHT LAYOUT DRAWING FOR REVISIONS AND APPROVAL FROM TO INSTALLATION



HEAD START CENTER

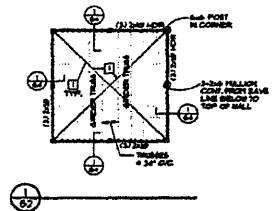
WARRENTON/ASTORIA

PROJECT NO. 04000
DATE: JUNE 1988
DRAWN BY: [Name]

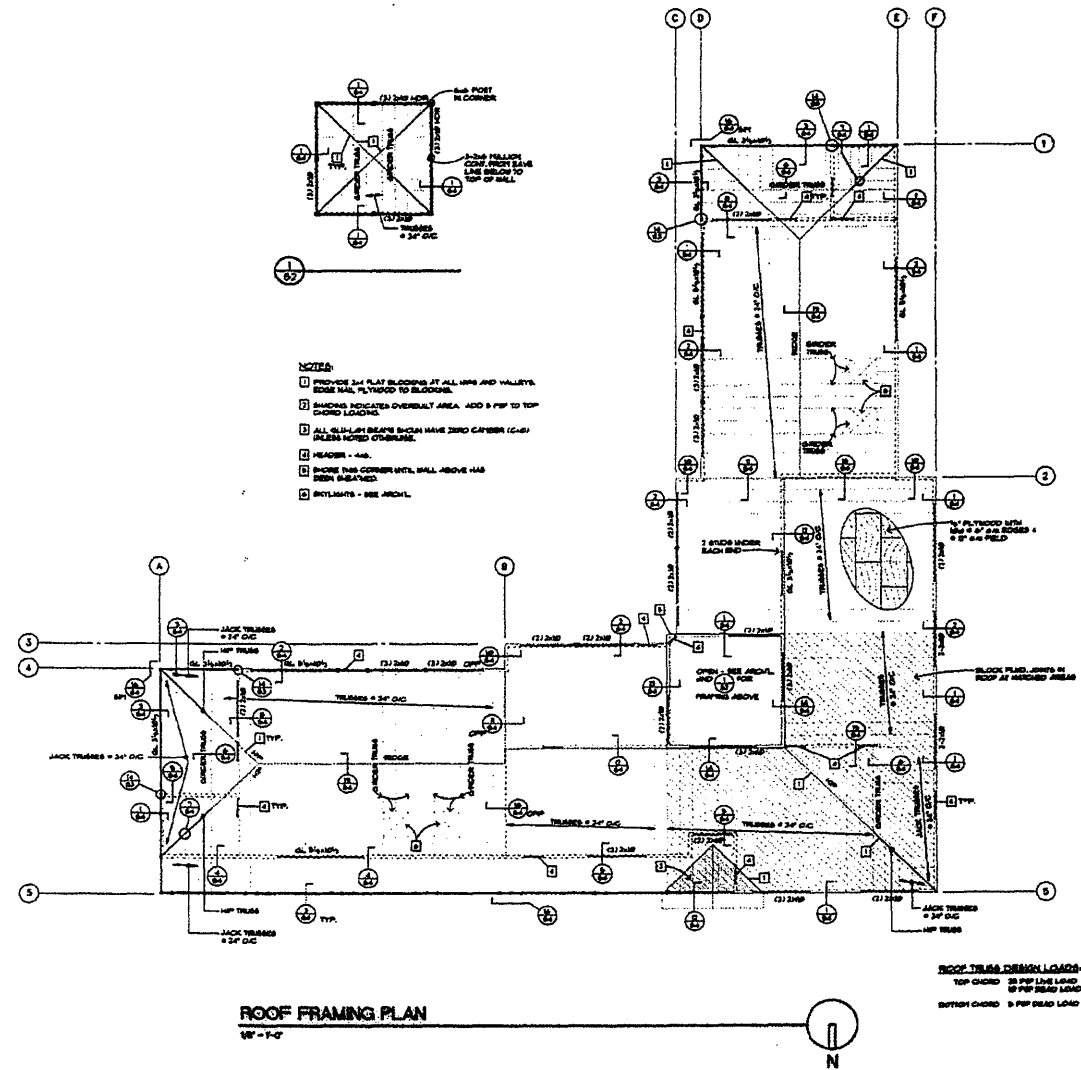
INT ELEVATIONS & DETAILS

A6





- NOTES:**
- 1 PROVIDE 2x4 PLAT BLOTTING AT ALL RISES AND VALLEYS. EDGE NAIL, PLYWOOD TO BLOTTING.
 - 2 SHADING INDICATES OVERLAP AREA. ADD 3 PIP TO TOP CHORD JOINTS.
 - 3 ALL GULL-LAY BENTS SHOULD HAVE ZERO GAP (C-4) UNLESS NOTED OTHERWISE.
 - 4 HEADERS - 4x6.
 - 5 SHOW THIS CORNER UNTIL WALL ABOVE HAS BEEN DELAYED.
 - 6 BUTTLANTS - SEE ARCH.



ROOF FRAMING PLAN
1/8" = 1'-0"



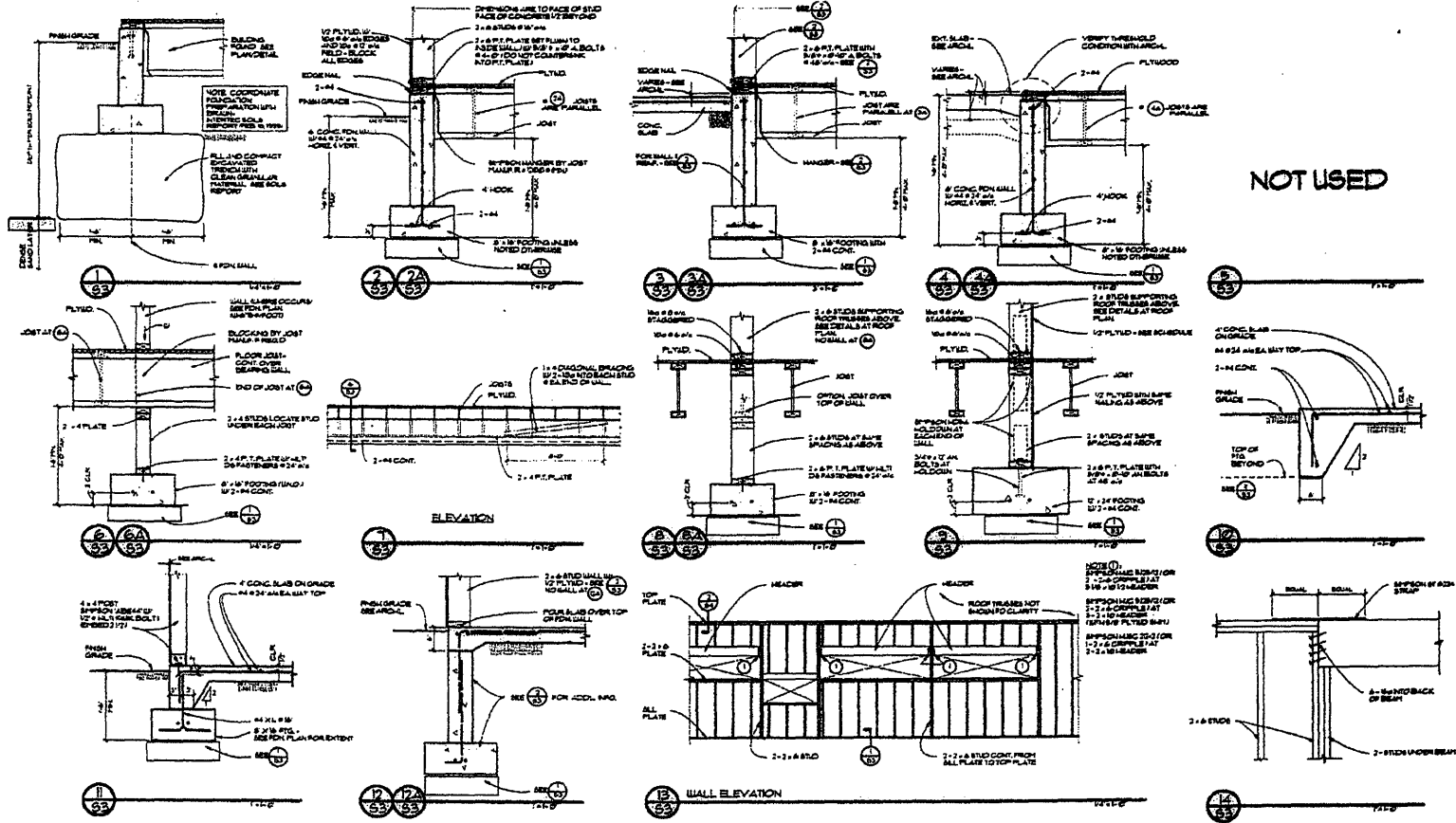
HEAD START CENTER

WARRENTON / ASTORIA

DATE: 01-20-88
BY: J.S.S.
AND R.S.S.

ROOF FRAMING PLAN





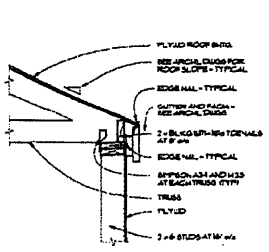
HEAD START CENTER

WARRENTON/ASTORIA

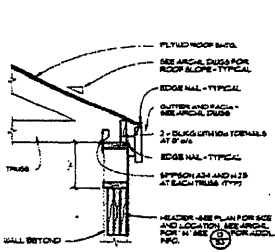
NO.	DATE	BY	REVISION

DETAILS

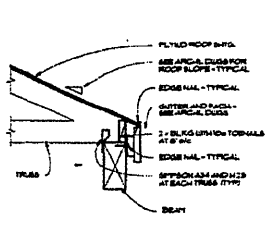




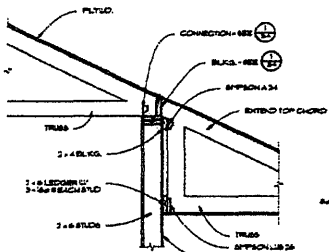
1-1 PLYD



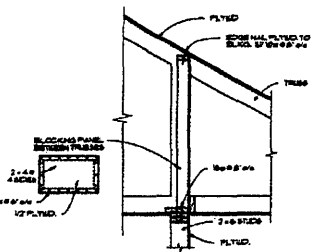
2-1 PLYD



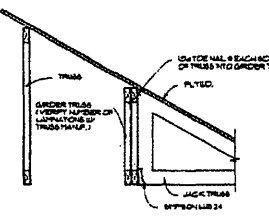
3-1 PLYD



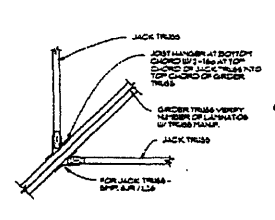
4-1 PLYD



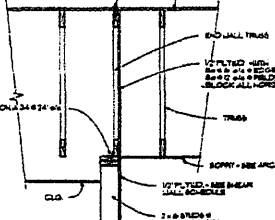
5-1 PLYD



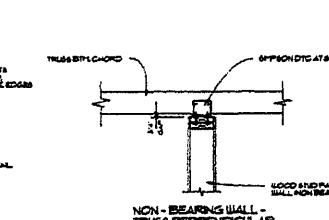
6-1 PLYD



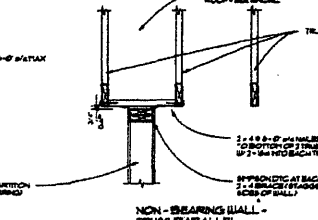
7-1 PLYD



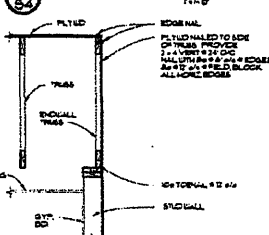
8-1 PLYD



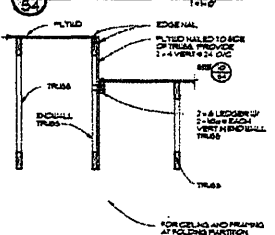
9-1 PLYD



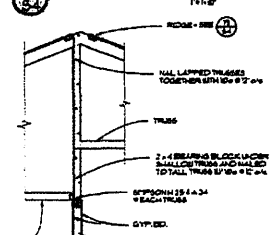
10-1 PLYD



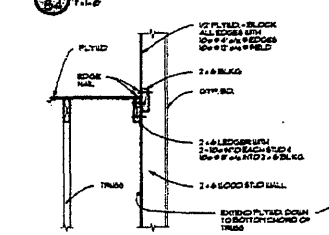
11-1 PLYD



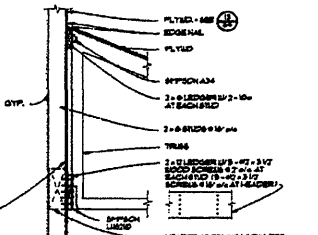
12-1 PLYD



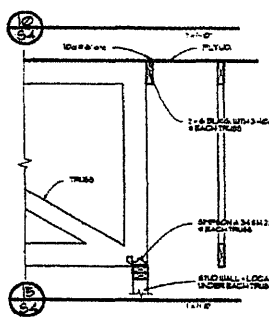
13-1 PLYD



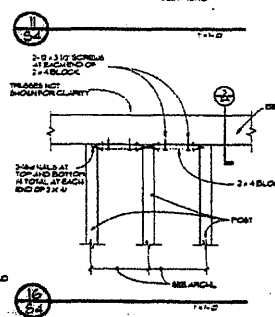
14-1 PLYD



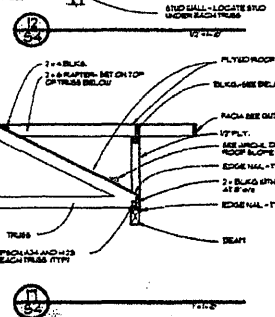
15-1 PLYD



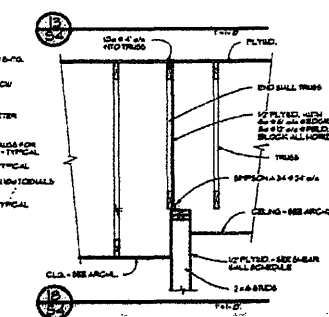
16-1 PLYD



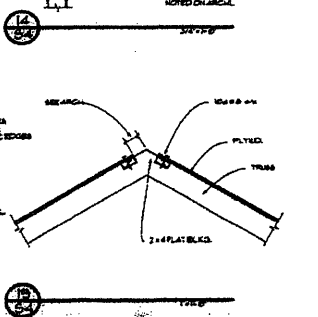
17-1 PLYD



18-1 PLYD



19-1 PLYD



20-1 PLYD

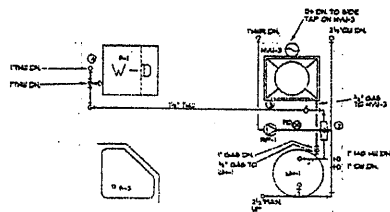
WARRENTON ASTORIA

HEAD START CENTER

WARRENTON/ASTORIA

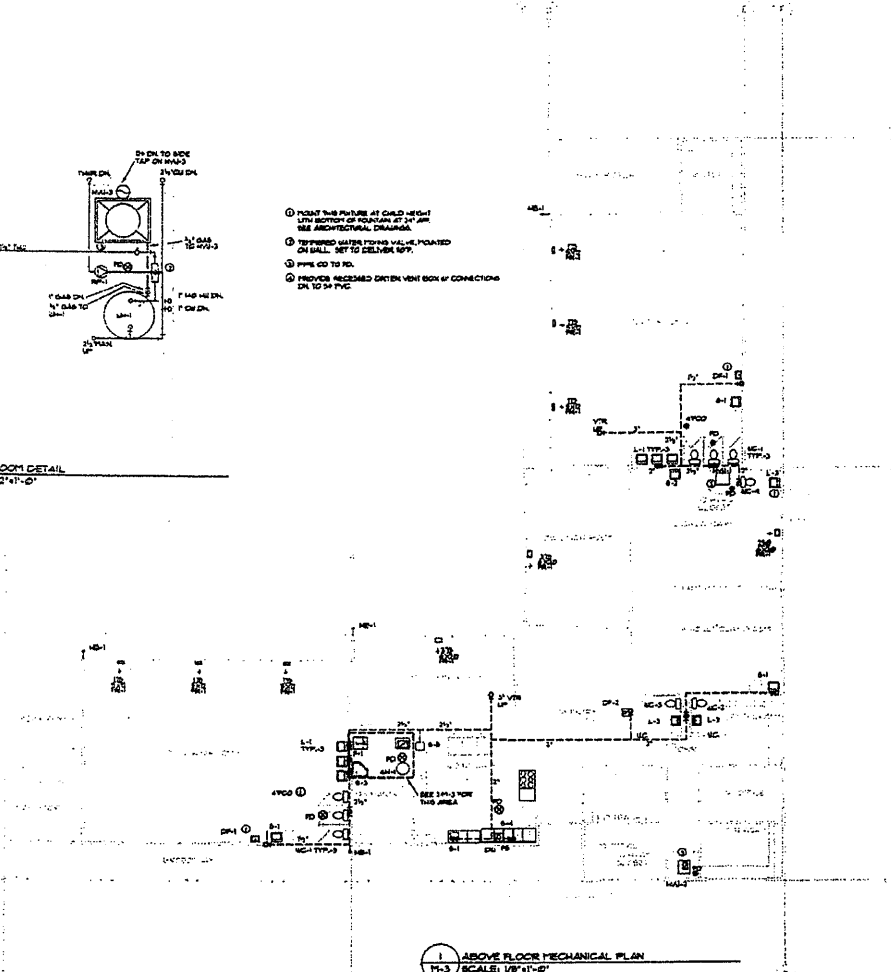
DETAILS

S4



2 UTILITY ROOM DETAIL
 M-3
 SCALE: 1/2"=1'-0"

- 1 POINT THE PIPES AT GILD HEIGHT WITH BOTTOM OF FLOOR AT 24" AFF. SEE ARCHITECTURAL DRAWING.
- 2 TYPED WATER TONG VALVE POINTED ON BALL. SET TO DELIVER 80°F.
- 3 PIPES GO TO RD.
- 4 PROVIDE ACCUMULATED DRAIN VENT BOX AT CONNECTIONS DN TO 24" PVC.



1 ABOVE FLOOR MECHANICAL PLAN
 M-3
 SCALE: 1/8"=1'-0"

CHRIS BILLINGS & ASSOCIATES
 CONSULTING ENGINEERS
 4445 S.W. BARBER BLVD
 PORTLAND, OR 97201
 DR. 503/255-0000
 FX. 503/255-0000

PROJECT
HEAD START CENTER

WARRENTON/ASTORIA

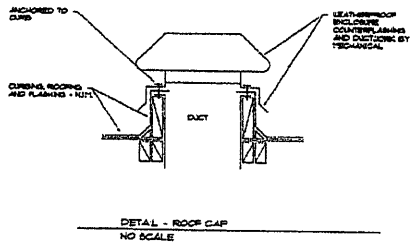
PROJECT NO. 88-0030
 PLAN NO. M-3-2-000
 DATE: JUNE 11, 1988
 DRAWN BY: [signature]

MECHANICAL
FLOOR PLAN MECHANICAL
 SCALE: 1/8"=1'-0"
 SHEET NO. M-3



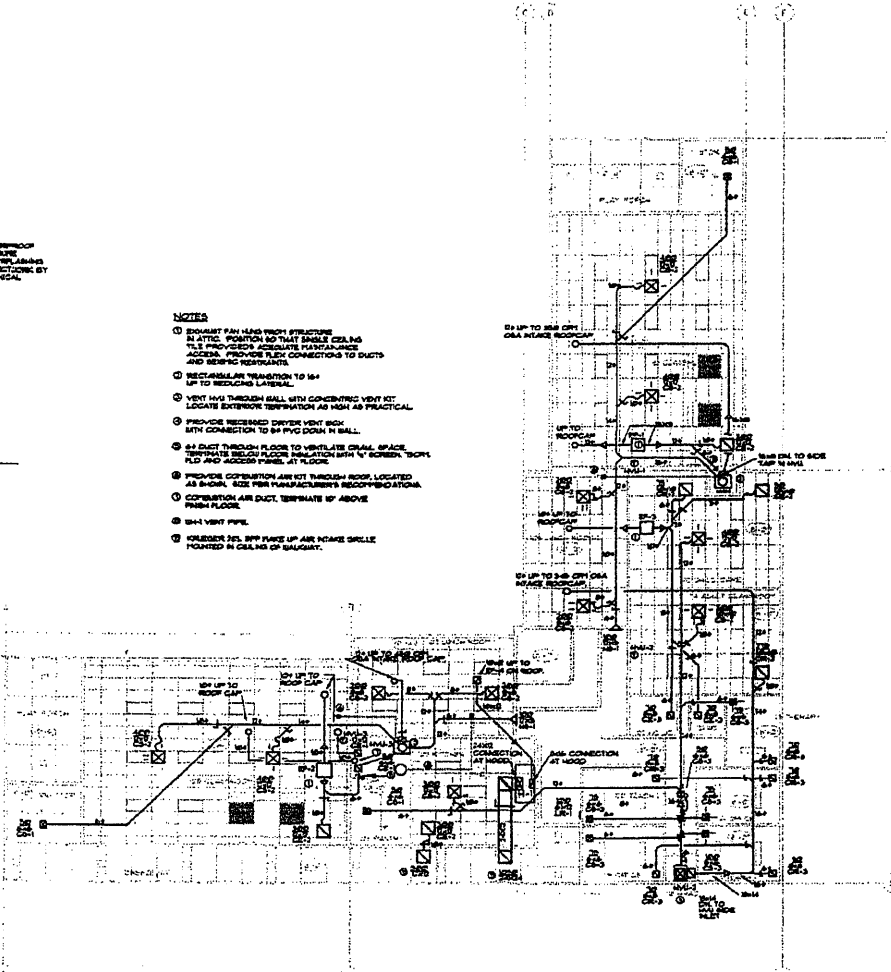
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GENERAL NOTE:
 DUCTWORK ROUTING IS SCHEMATIC. ROUTE AS CLOSE AS POSSIBLE
 TO THIS SCHEDULE WITH A PRECEDENCE OF EFFICIENCY AND SIMPLICITY. PROVIDE
 ROUTING TO AVOID STRUCTURAL COMPONENTS.



NOTES

- 1) EXHAUST FAN HANDS FROM STRUCTURE IN ATTIC. POSITIONED THAT SHALL CEILING. PROVIDE SLOPE FOR DRAINAGE. PROVIDE FLEXIBLE CONNECTIONS TO DUCTS AND SECURE RESTRAINTS.
- 2) RECTANGULAR TRANSITION TO 18\"/>



CHRIS BILLINGS & ASSOCIATES
 CONSULTING ENGINEERS
 4445 S.W. BARBER BLVD
 PORTLAND, OR 97201
 P.O. BOX 2000
 TEL 503/255-2200
 FAX 503/255-2200

HEAD START CENTER

WARRENTON/ASTORIA

**CEILING/ATTIC PLAN
 HVAC**










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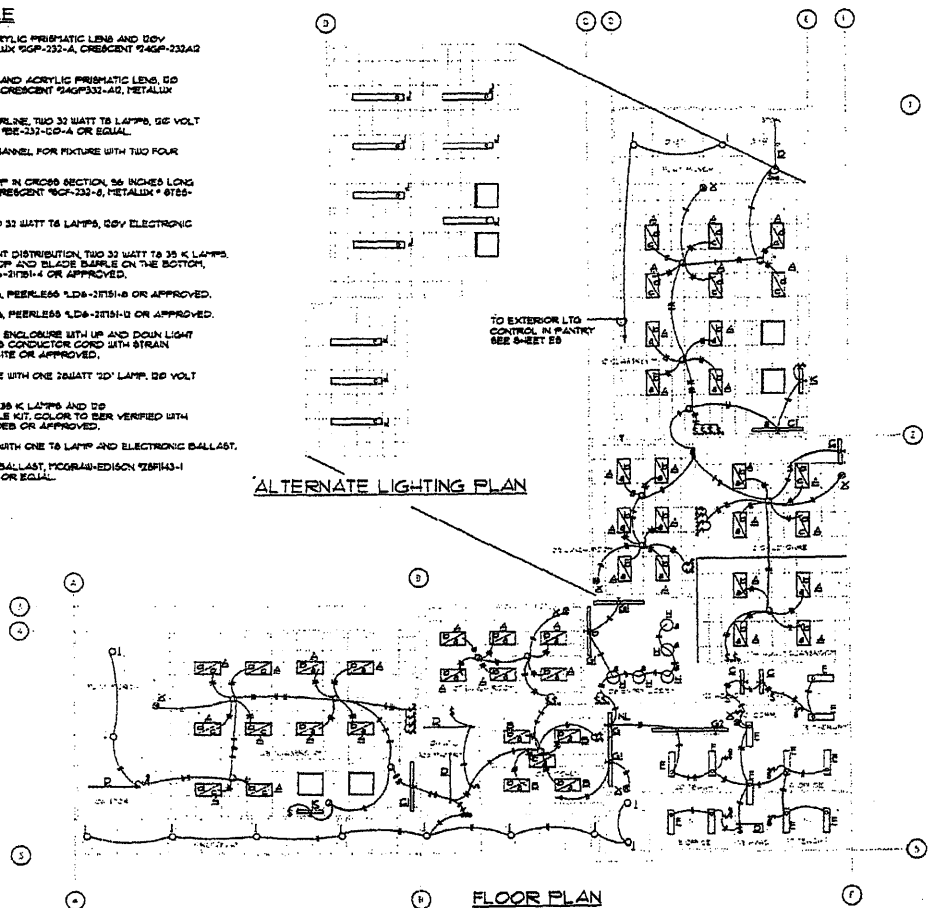
FIXTURE SCHEDULE

- A RECESSED TWO LAMP FLUORESCENT FIXTURE WITH ACRYLIC PRISMATIC LENS AND 100V ELECTRONIC BALLAST, LITHONIA 920P3-232-A2, METALUX 920P-232-A, CRESCENT 926P-232A2 OR APPROVED.
- B RECESSED FLUORESCENT FIXTURE WITH THREE LAMPS AND ACRYLIC PRISMATIC LENS, 120 VOLT ELECTRONIC BALLAST, LITHONIA 920P6-332-A2, CRESCENT 926P332-A2, METALUX 920P-332-A OR APPROVED.
- C WALL MOUNTED FLUORESCENT FIXTURE AT 7'-0" CENTERLINE, TWO 32 WATT T8 LAMPS, 95 VOLT ELECTRONIC BALLAST, UP AND DOWN LIGHT, METALUX 92E-237-02-A OR EQUAL.
- D SIMILAR TO TYPE C ABOVE EXCEPT 8 FOOT LONG CHANNEL FOR FIXTURE WITH TWO FOUR FOOT LONG PIECES OF LENSES.
- E SURFACE MOUNTED FLUORESCENT STRIP WITH TWO LAMP IN CROSS SECTION, 56 INCHES LONG, 30 WATT T8 LAMPS, 120VOLT ELECTRONIC BALLAST, CRESCENT 92CF-232-0, METALUX 92ES-232, LITHONIA 92TC-232 OR EQUAL.
- F SURFACE MOUNTED ENCLOSED FLUORESCENT WITH TWO 32 WATT T8 LAMPS, 120V ELECTRONIC BALLAST, ACRYLIC PRISMATIC LENS, CRESCENT 92
- G WALL MOUNTED FLUORESCENT WITH UP AND DOWN LIGHT DISTRIBUTION, TWO 32 WATT T8 LAMPS, 120 VOLT ELECTRONIC BALLAST, ACRYLIC LENS ON TOP AND BLAZE BUMPER ON THE BOTTOM, COLOR AS SELECTED BY ARCHITECT, PEERLESS LDB-21751-D OR APPROVED.
- H SIMILAR TO TYPE G ABOVE EXCEPT 66 INCHES LONG, PEERLESS LDB-21751-D OR APPROVED.
- I SIMILAR TO TYPE G ABOVE EXCEPT 144 INCHES LONG, PEERLESS LDB-21751-D OR APPROVED.
- J SUSPENDED INCANDESCENT FIXTURE WITH WHITE LAMP ENCLOSURE WITH UP AND DOWN LIGHT 200WATT 243 3000H HOUR LAMP, 12 FOOT LONG WHITE 3 CONDUCTOR CORD WITH STRAIN RELIEF TOP AND BOTTOM, LOUIS ROUSSON 945-JEWELITE OR APPROVED.
- K SURFACE FLUORESCENT POLYCARBONATE ENCLOSURE WITH ONE 20WATT T8 LAMP, 120 VOLT ELECTRONIC BALLAST, KENALL 94-30-26 OR EQUAL.
- L SUSPEND FLUORESCENT FIXTURE WITH TWO 32 WATT T8 LAMPS AND 120 ELECTRONIC BALLAST, SUSPEND WITH AIRCRAFT CABLE KIT, COLOR TO BE VERIFIED WITH ARCHITECT, LITECONTROL TUBE 94-11-04-26-6PL-100E8 OR APPROVED.
- M UNDERCABINET LIGHT WITH SWITCH, CRESCENT 9245A WITH ONE T8 LAMP AND ELECTRONIC BALLAST.
- N POST LIGHT, 17 1/2 METAL HALIDE WITH 120 VOLT CBA BALLAST, MCGRAW-HILL EDISON 928F143-1 WITH 5420K POLE, ANCHORS BOLTS AND NUT COVER OR EQUAL.

- SYMBOL LIST**
-  RECESSED FLUORESCENT FIXTURE
 -  SURFACE OR SUSPENDED FLUORESCENT FIXTURE
 -  WALL MOUNTED FLUORESCENT FIXTURE
 -  CANOPY FLUORESCENT FIXTURE
 -  EXIT LIGHT
 -  LIGHT SWITCH, MOTION DETECTION TYPE
 -  STANDARD LIGHT SWITCH
 -  JUNCTION BOX
 -  FLUORESCENT STRIP FIXTURE

ALTERNATE LIGHTING PLAN

FLOOR PLAN





COLLUMBA CONSULTING ENGINEERS, INC.
720 NW 42ND AVENUE, SUITE 200 PORTLAND, OREGON 97208

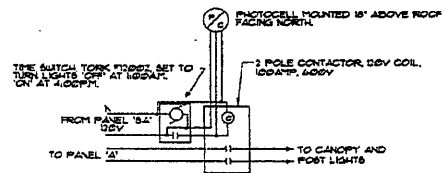
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WARRENTON/ASTORIA
WARRENTON, OREGON

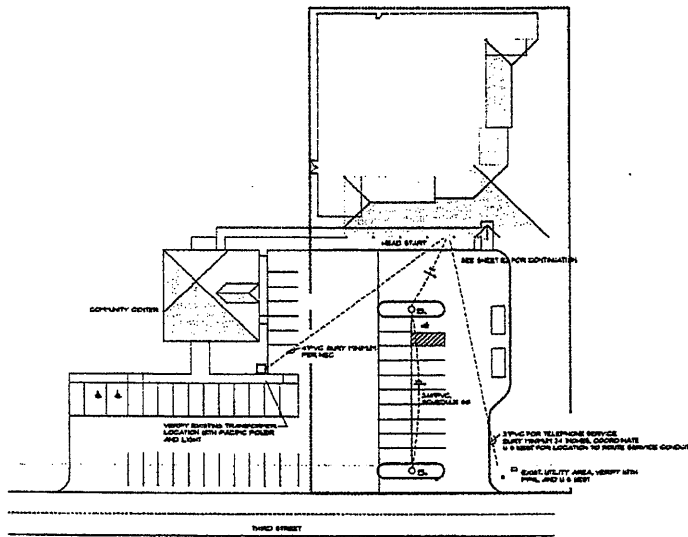
PROJECT NO. 4214
DATE: JUNE 28, 1999
DRAWN BY: [Signature]

LIGHTING

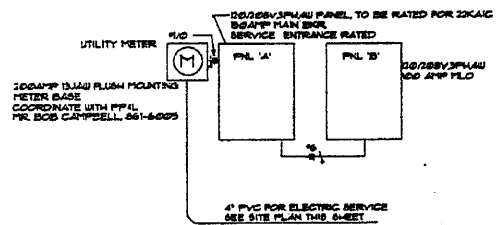
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EXTERIOR LIGHTING CONTROL DIAGRAM



SITE PLAN



120/240V 1PH 3W ONE-LINE DIAGRAM

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COLUMBIA CONTROL INC. ENGINEERS INC.
P.E. IN THE STATE OF OREGON, NO. 1000

PROJECT: **HEAD START CENTER**

WARRENTON/ASTORIA WARRENTON, OREGON

DATE: MAY 14, 1984

NO. 21, 1989

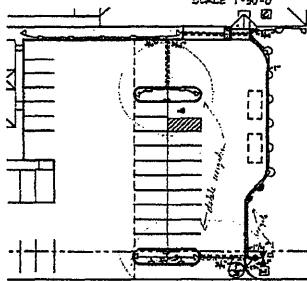
DATE: JUNE 21, 1989

PROJECT: **SITE PLAN ELECTRICAL**

DATE: ES

IRRIGATION PLAN

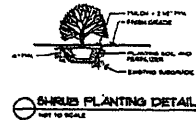
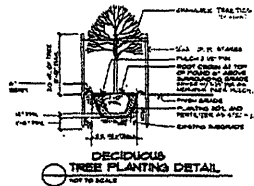
SCALE 1"=30'-0"



LEGEND

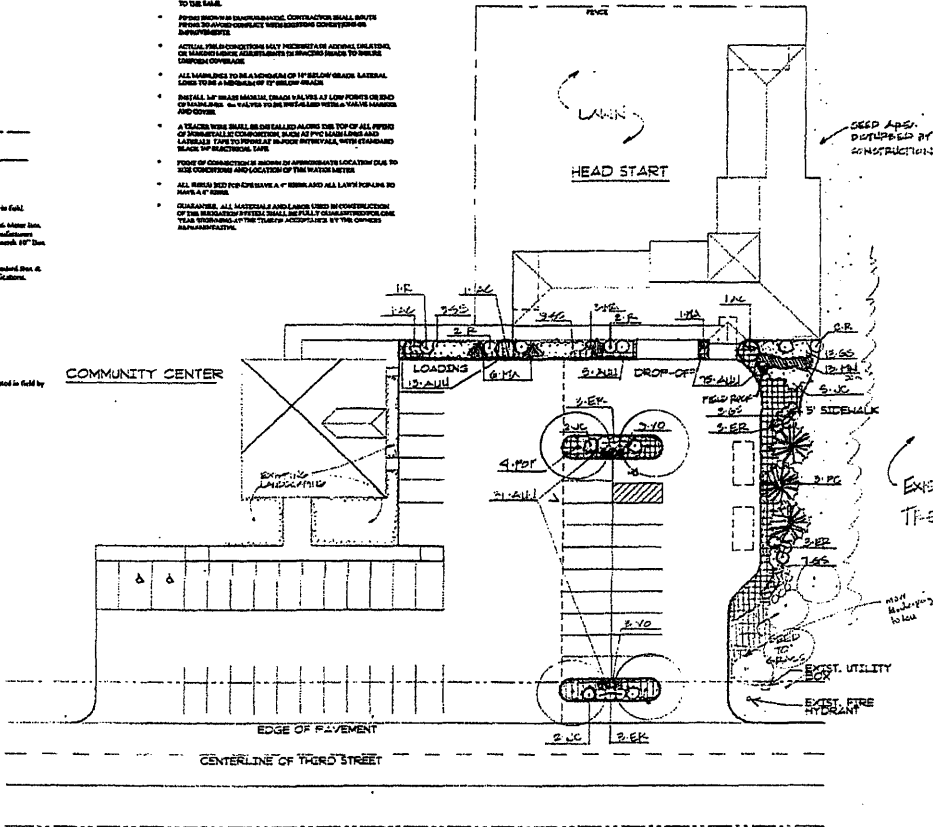
- (R) Existing Water Meter, Location is approximate, verify in field.
- (M) 1" Polys PVC Schedule 40 Pressure or Anonak 4110016 Water Iron, with Class "C" cover installed per local codes and manufacturer's specifications. With a 1/2" NPT Tee Gate Valve in Anonak 4110016 4" Class. Location is approximate, verify in field.
- (G) 1" Wheelmaster 11024 Valve in Anonak 4110016 Standard Box & Cover installed per local codes & manufacturer's specifications.
- (D) 2" PVC Series 4-EST-PC
- (T) 2" PVC Series 4-EST-PC
- (P) 2" PVC Series 4-QJ-PC
- (U) 2" PVC Series 4-KT-PC
- (A) 2" PVC Series 4-QC
- (C) CONTROL VALVE, NELSON 8421 (Consider to be located in field by Landscape Architect).

PLANTING DETAILS



GENERAL NOTES

- 1. THE CONTRACTOR SHALL EXAMINE THE SITE AND MAKE SURE IT IS READY FOR ALL UTILITIES TO BE INSTALLED IN THE FIELD.
- 2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE LOCATION OF ALL UTILITIES, STRUCTURES AND OTHER BUILDINGS TO BE MAINTAINED.
- 3. PRIOR TO ANY CONSTRUCTION, CONTRACTOR SHALL VERIFY FROM THE OWNER'S SURVEY THE EXISTING UTILITIES AND STRUCTURES TO BE MAINTAINED.
- 4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE OWNER PRIOR TO CONSTRUCTION.
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PLANTING SCHEDULE

NO.	DESCRIPTION	QTY	REMARKS
1	1" POLYS PVC SCHEDULE 40 PRESSURE OR ANONAK 4110016 WATER IRON	1	1 GAL. 1" GAL.
2	1" WHEELMASTER 11024 VALVE IN ANONAK 4110016 STANDARD BOX & COVER	2	2 GAL. 2" GAL.
3	2" PVC SERIES 4-EST-PC	1	1 GAL. 2" GAL.
4	2" PVC SERIES 4-QJ-PC	1	1 GAL. 2" GAL.
5	2" PVC SERIES 4-KT-PC	1	1 GAL. 2" GAL.
6	2" PVC SERIES 4-QC	1	1 GAL. 2" GAL.
7	CONTROL VALVE, NELSON 8421	1	1 GAL. 2" GAL.
8	DECIDUOUS TREE PLANTING DETAIL	1	1 GAL. 2" GAL.
9	SHRUB PLANTING DETAIL	1	1 GAL. 2" GAL.

OTTE & ASSOCIATES, INC.
LANDSCAPE ARCHITECTS

1000 10TH AVENUE, SUITE 1000
DENVER, COLORADO 80202

(303) 733-1111

WWW.OTTEANDASSOCIATES.COM

LANDSCAPE PLAN

MARRINGTON HEAD START
MARRINGTON, COLORADO

SHEET NO. 1

7-C

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Collin Stelzig, Public Works Director
DATE: March 26, 2019
SUBJ: Low Pressure Sewer Systems Policy

SUMMARY

During the commission meeting on January 8th, 2019 there was a discussion regarding allowing low pressure sewer systems within the City limits. The Public Works Department has now drafted a Low Pressure Sewer System policy to guide how and where low-pressure sewer systems could be used in the City of Warrenton.

Items that will be developed after receiving Commission support for this policy include; Design Standards, Pump System Selection, List of Service Providers, Permit, Fee Schedule, Home Owner's Manual, and standard Submittal Form.

RECOMMENDATION/SUGGESTED MOTION

"I move to approve the low pressure sewer system policy."

ALTERNATIVE

- 1) Other actions as deemed appropriate by the City Commission.
- 2) None Recommended

FISCAL IMPACT

None

Approved by City Manager: _____



Low Pressure Sewer System Policy

1 PURPOSE

The City of Warrenton Commission has developed this policy statement to provide a clear guide as to where and how low pressure sewers can be used in the City of Warrenton.

2 SCOPE

The City of Warrenton Commission has a clear preference for its sewers to be conventional gravity systems but it also recognizes that this is not always possible and therefore will permit the limited use of Low Pressure Sewer Systems within the City, where conventional gravity sewers are not environmentally or physically feasible.

3 DEFINITIONS

Boundary Kit: Valve at the property boundary incorporating an isolation valve, check valve and inspection tee piece, which allows the property to be isolated from the low pressure sewer main in the right-of-way.

City: City of Warrenton

Commission: City of Warrenton Commission

Control Panel: The box incorporating the electrical controls, high level alarms, switches for pumps, and telemetry.

Emergency Storage: The capacity in the storage vessel above the high level alarm point.

Equivalent Dwelling Unit (EDU): An Equivalent Dwelling Unit (EDU) is the basic unit of measure used to quantify the demand or loading on water supply or sewer services respectively. One EDU represents the equivalent demand or loading from a single-family residence.

Low Pressure Sewer Lateral: Line from the sewer main to the property boundary kit.

Preferred Service Provider: Service providers who are known to provide service in the City, to a low pressure system through a maintenance contract.

Private delivery line: Pipeline connecting the property boundary kit to pump unit.

Pump Unit: Comprises of grinder pump, storage vessel, control panel, pressure switches, and ancillary equipment.

Sanitary Sewer Overflow (SSO): A condition in which untreated (raw) sewage is discharged from a sanitary sewer into the environment prior to reaching a treatment facility.

Standard connection: Single dwelling equivalent to 1 EDU.

4 POLICY STATEMENT

The purpose of this policy is to define where and when low pressure sewer systems will be allowed within the City boundary, whose is responsible the installation and maintenance and what systems will be permissible.

5 ROLES AND RESPONSIBILITIES

The Public Works Director or their designee (authorized representative) will be responsible for approving all new low pressure sewer installations.

The Public Works Director or their designee (authorized representative) will be responsible for investigating if a land owner/tenant has inadvertently, through introducing banned substances (as set out in the home owner's manual) or willfully, damaged a low pressure system, including downstream systems. They will also determine whether the land owner/tenant will be billed for the repairs to the unit and the relevant cost.

6 POLICY DETAIL

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6.2 Low Pressure Sewer Systems

6.2.1 WHAT IS A LOW PRESSURE SEWER SYSTEM

A low pressure sewer system is broadly defined as a system where macerated sewer is conveyed under pressure generated by a pump unit located on each property to a low pressure sewer main.

A low pressure sewer system as covered in this Policy is defined as comprising of:

- a) A pumping unit containing a grinder pump, specifically designed for low pressure sewer applications, installed on each property to drain sewer from an individual property. These pumping units will only be those that have been approved by the City of Warrenton Public Works Department for that purpose;
- b) An alarm system built within the overall pumping unit to warn residents, who in turn will be required to contact the Preferred Service Provider either during work hours or after hours, that the pump is no longer working and to allow maintenance to occur within an acceptable timeframe;
- c) Connections of these pumping units to City of Warrenton's public low pressure sewer main, via a specially designed Boundary Kit;
- d) A public sewer system specifically designed for low pressure sewer applications, and capable of supporting a number of individual pumping units to transport the sewer to the system discharge point.

6.2.2 WHERE CAN LOW PRESSURE SEWER SYSTEMS BE USED

Use of low pressure sewer systems will only occur where designated by the Public Works Department.

Low pressure sewer system will only be considered where thorough studies of all alternatives clearly indicate a gravity collection and disposal system with (or without) a central sewage pump station is not practical. No pressure sewer laterals will be ran parallel to and inside the right-of-way. Pressure sewer laterals must be connected to public pressure sewer main.

6.2.3 LIMITED LOW PRESSURE SEWER PUMP TECHNOLOGIES

Public Works Department will advise the type of low pressure sewer system to be used in the City. After evaluation of proven reliable systems, one system will be established in the City Engineering Specifications and Design Standards.

6.2.4 SUPPORTING DOCUMENTATION

Public Works Department will, in support of this Policy Statement, prepare the following supporting documentation:

- a) City Engineering Specifications and Design Criteria to regulate the nature of all low pressure sewer pumping units purchased and detail the manner in which they are to be installed and maintained.
- b) A Home Owner's Manual to inform the resident what is expected of them and what

they can and cannot do in relation to the low pressure sewer system on their property. It will also contain instructions on what to do if their system should fail.

c) A preferred service provider list with known service providers that have proven they provide a standard level of service within the City.

6.3 General Responsibilities

6.3.1 OWNERSHIP OF THE RESIDENTIAL PUMPING UNITS

The basic configuration for approved pressure applications will be a separate single pumping unit provided for each separate property and this will be based on a uniform sized tank. The ownership of the pumping unit, in this standard configuration, will reside with the property owner and includes the following:

- a) Pump;
- b) Storage vessel;
- c) Control panel and ancillary fittings;
- d) Private delivery lines;
- e) Boundary Kit.

The hydraulic termination point for City ownership of the low pressure sewer system will be the first valve on the ROW side of property boundary. The point for electrical termination will be the connection to the dwelling's circuit panel where a separate circuit is to be used.

The City requires an access easement over any part of the "on- property" installation of the low pressure sewer system, to inspect safe ongoing operation of the system, the minimization of any health concerns, or the protection of any City property. This access easement will allow the city to provide emergency service in the event of an imminent or active SSO – fees will apply.

For non-standard connection (larger than 1 EDU), i.e. commercial connection, see section 6.4.2.

6.3.2 MAINTENANCE OF THE RESIDENTIAL PUMPING UNIT

Property owners with low pressure sewer systems will be responsible for the costs associated with repair and maintenance of the pumping unit and the items called out in section 6.3.1. When the resident is not also the property owner, the responsibility nonetheless falls to the property owner.

It will be a condition of being connected to the City's sewer system that the property owner enters into a service agreement with a preferred service provider. This agreement will define what is expected of both parties in the operation and maintenance of the low pressure sewer system.

6.3.3 POWER FOR THE PUMPING UNIT

The pumping unit's power connection will not be metered separately, and the residents will be responsible for the power costs for the low pressure sewer pumping unit. The pumping unit will be installed on a separate electrical circuit breaker.

6.3.4 DISCOVERING THE PROPERTY HAS A LOW PRESSURE SEWER SYSTEM

The property will be marked, by deed or other legal document, to indicate that the property is served by a low pressure sewer system. This is specifically required to allow a prospective land purchaser to discover prior to their purchase that the property is serviced by a low pressure sewer unit.

In addition to this notification, an access easement reinforcing the City's right of access to the property to inspect the unit will also be required.

6.4 Installing Low Pressure Sewers – General

6.4.1 DESIGN SERVICES

The design of low pressure sewer system shall be completed by a registered professional engineer, or other qualified and duly authorized representative of the applicant, with verification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations and the City Engineering Specifications and Design Criteria. All improvements require review and approval by the Public Works Department before build out. The low pressure sewer system must be reviewed and approved by the Oregon Department of Environmental Quality (ODEQ)

For new systems or developments, design shall be checked by the City's nominated supplier of Low Pressure Sewer System pump units.

6.4.2 NUMBER OF PUMP UNITS PER PROPERTY/NON STANDARD CONNECTION

Developments for commercial or industrial properties or residential properties which are greater than 1 EDU are classified as NON-STANDARD connections.

Any internal sewer system within the property boundary of the non-standard connection will be the responsibility of the property owner and will require City approval. The sizing of the pumping units and the overall design of these non-residential systems needs to be carried out by an experienced designer, based upon the actual anticipated sewer output and the capacity of the receiving sewer system.

The ownership of these systems including design, installation, replacement and payment of all City charges and fees will be the responsibility of the owner.

6.5 Installation on the Property

The units will be installed by an accredited installer of low pressure sewer system to ensure warranty.

The units are to be installed to the requirements of the electric and plumbing codes.

Where a pressure unit is to be installed, to service an existing dwelling the accredited installer will first undertake a full audit of the existing dwelling circuit breaker and sewer connections. The installer will then advise the property owner what needs to be done to upgrade these connections if necessary to allow a pumping unit to be installed. The property owner will be responsible for the costs associated with these upgrades.

6.6 Installation of the Sewer Mains

Prior to construction of the sewer system, the design of low pressure sewer systems shall be undertaken by an appropriately qualified individual or company. The design plans shall be completed by a registered professional engineer and duly authorized representative of the applicant, with verification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

Construction will then be in accordance with these design plans and will be from acceptable pipe materials, generally laid at the minimal depths as defined in the City's Engineering Specifications and Design Criteria.

The low pressure sewer lateral will be extended from the public sewer main to just inside of the property boundaries. A valve arrangement known as the Boundary Kit will be placed at this termination point, to allow the connection of the property at a later date. The valving arrangement within the boundary kit should allow for the isolation of the property.

6.7 Application of the Technology

6.7.1 EXISTING ON-SITE SYSTEMS

Owners of properties that have existing on site systems on the fringe of a sewer system area are NOT covered in this policy.

Any existing property that discharges into a sewer main through a private pumping arrangement (pump up) may continue to operate their private system. They remain the responsibility of the property owner and resident.

Existing Step Systems shall not be allowed to connect to the low pressure sewer system. When an existing step system needs replaced, the property owner must comply with the requirements of this policy by installing the approved low pressure sewer system pump unit.

6.7.2 NEW DEVELOPMENT – SINGLE LOT

Where allowed by this policy, installation of a low pressure unit to service a new lot will be allowed. However the installation, running costs and maintenance will be the responsibility

of the land owner. The City will not accept the asset or carry out any repairs or maintenance.

Developers will be required to pay System Development Charges (SDCs), connection charges and any other applicable charge or fee prior to release of final plans the proposed development.

6.8 Operation and Maintenance of the Low Pressure Sewer System

6.8.1 CITY RESPONSIBILITIES

The City is responsible for the public sewer system. The City will only respond to emergency conditions, such as:

- a) Threats to human health and the environment.
- b) Sanitary Sewer Overflows (SSO) - these are required to be reported to ODEQ,

The City will also provide one Home Owner's Manual to the original developer – this manual will also be available online via the City's website.

6.8.2 RESIDENT RESPONSIBILITIES

The Resident's primary role is to notify their contracted Preferred Service Provider if their system's alarm sounds or if the system overflows. If the system overflows, the City must be notified immediately. The resident is also required to:

- a) Avoid discharging into the pumping unit any of those substances identified in the Home Owner's Manual as inappropriate for low pressure sewers;
- b) Comply with the other requirements set out in the Home Owner's Manual;
- c) Not interfere with the electrical operation of the pumps in accordance with what is detailed in the Home Owner's Manual;
- d) Comply with the low pressure sewer permit and conditions;
- e) Properly maintain and operate the system.

6.8.3 PROPERTY OWNER RESPONSIBILITIES

The property owner is responsible to ensure that the resident (if different from the property owner), understands that the property is serviced by a low pressure sewer system and that they have a copy of the Home Owner's Manual. Property owners will be required to sign a user agreement confirming that they have read and agree to the terms set out in this policy and the Home Owners Low Pressure Sewer Manual.

6.8.4 EMERGENCY ACCESS FOR CITY MAINTENANCE EMPLOYEES

It will be a condition of being connected to the City low pressure sewer system that the property owner's consent will be given to allow the City or its agents to enter the property and inspect the pumping unit. The City will attempt to contact the homeowner prior to system inspections. The City may also respond in the event of an imminent or active SSO.

6.8.5 IDENTIFICATION OF MAINTENANCE EMPLOYEES AND CONTRACTORS

Any City employee (or contractor) entering private property should have photographic identification and appropriate authorization to enter the property.

6.9 Modifications or Household Additions

Building over the low pressure sewers system will not be allowed. Any modifications to the approved system must be completed with approval and permits from City Planning, Building and Public Works Departments, subject to:

- a) The hydraulics on the property allow for the pumping unit to be moved;
- b) There being a suitable alternative route/s for the property delivery pipeline;
- c) The associated costs for the relocation works being paid by the property owner;
- d) All technical requirements, as set out in City's Engineering Specifications and Design Criteria, being met;
- e) Full details of the "as constructed" works being provided to the City;
- f) Any modifications being carried out by an accredited installer.

Residents wanting to relocate the pumping unit or property delivery line are required to contact the Public Works Department for advice on what will be required.

Residents interfering with delivery lines or pumping units without the City's approval may be subject to relevant fines. Residents will also be required to meet all costs arising from the loss of warranty on that pumping unit, and/or damage to that unit and/or, all other costs associated with such unauthorized work.

6.10 Change of Ownership

Properties in low pressure sewer areas will be required to enter into an agreement for maintenance of the "on property" pumping system and be specified on the property deed or other legal document. The annual permit is not transferable to new property owners.

6.11 Annual Permit

Property owners connected to a low pressure sewer system will be required to apply for and pay a fee for an annual permit through the Public Works Department. If the property owner is found to be in violation of the permit or without a permit, the water service to the property will be locked-off until such time as the violation has been addressed to the satisfaction of the City. The permit shall be renewed annually with a copy of the operations records (6.11.1) submitted at renewal. The annual permit is not transferable to new property owners.

6.11.1 OPERATION RECORDS

Property owners will maintain records of the operation of the low pressure sewer system, and include them with the annual permit renewal. This requirement includes:

- a) All alarms on the system and the solution
- b) All sewer overflows and the response
- c) Any modifications to the system and the approval documentation
- d) All maintenance performed
- e) Verification of a service agreement
- f) Acknowledgment of review and compliance of Home Owner's Manual

6.11.2 PROPERTY DIAGRAMS

Property owners must maintain a copy of all house service details for their records and provide copies to the City when requested.



Operation and Maintenance Guide

What is Operation and Maintenance?

Operation and maintenance (O&M) refers to the care and maintaining of your septic system. Without proper O&M, septic systems are more likely to malfunction – and that can be a VERY costly problem. You wouldn't weld the hood of your car shut, right? Cars, just like septic systems, require periodic maintenance – otherwise they will malfunction prematurely.

Also, under Oregon Administrative Rule (OAR) 340-071-0130, owners of pressure distribution, sandfilter, recirculating gravel filter and Alternative Treatment Technology (ATT) systems must maintain a Service Contract with a certified maintenance provider for the life of the system.

Why does my system require O&M?

Owners of ATT, sand filters, recirculating gravel systems and pressure distribution systems, installed after January 1, 2014, must maintain a Service Contract with a certified maintenance provider. The maintenance provider must inspect the system at least once every year and submit a report and required fees to Clatsop County.

What do I need to do?

Once you have an approved construction plan for a septic system that requires O&M, you must obtain a Service Contract with a certified provider. Clatsop County maintains a list of currently-certified O&M providers. The Service Contract must be submitted to Clatsop County prior to the release of a Certificate of Satisfactory Completion. In other words, the system will not be completely permitted until that Service Contract is submitted.

Where do I go for more information?

Please contact Clatsop County Onsite Septic System Program, a Division of the Clatsop County Public Health Department at 503-325-9302.

Submit signed O&M contracts to:

Clatsop County
Onsite Septic System Program
820 Exchange Street, Suite 100
Astoria, OR 97103
Phone: 503-325-9302
health@co.clatsop.or.us
<http://www.co.clatsop.or.us>

Current Licensed Operation and Maintenance Providers in Clatsop County

A&B Septic Service

PO Box 444
Albany, OR 97321
541-924-0851
866-927-1156
541-917-1861 FAX
Email: a_b_septic@hotmail.com

Aerobic Septic Systems

Randy Arts
PO Box 731
Sutherlin, OR 97479
541-580-4100
866-283-2928 FAX
Email: rarts@ymail.com

Ed's Septic Tank Cleaning Services, LLC

Paul McDonald
808 Glasgow Ave
Astoria, OR. 97103
503-741-6484
Email: eds_septic@yahoo.com

Environmental Management Systems, Inc

Robert Sweeney
4080 SE International Way, Suite B112
Milwaukie, OR 97222
503-353-9691 or 503-322-2700
503-353-9695 FAX
Email: info@envmgtsys.com

Complete Septic Service

Jerry Lebo
41092 Ziak-Gnat Creek Lane
Astoria, OR 97103
503-458-6870 or 503-338-8722
503-458-5289 FAX
Email: jeffreyrlebo@gmail.com

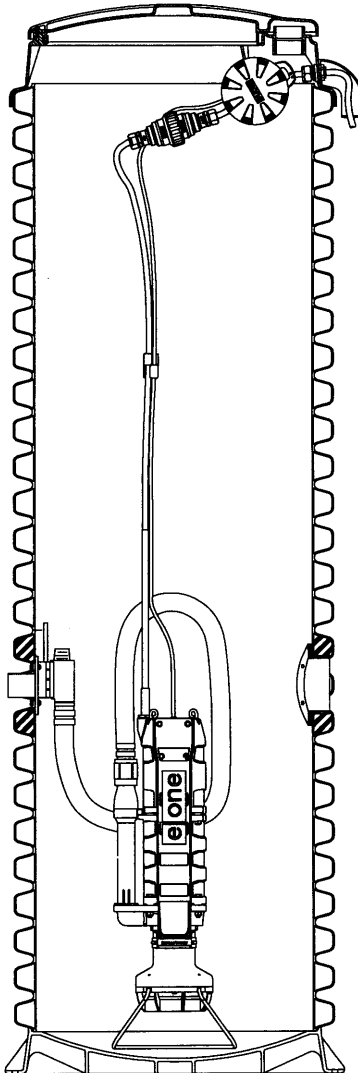
SepTech, Inc.

Steve Rose
PO Box 444
Albany, OR 97321
541-928-1721
503-235-1777
503-235-1888 FAX
Email: office@septechoregon.com

Terry's Septic

Chris Lampien
2095 Marine Drive
Astoria, OR 97103
503-325-5180 or 503-791-9547
chris@terryssepticllc.om

WH101/WR101



General Features

The model WH101 or WR101 grinder pump station is a complete unit that includes: the grinder pump, check valve, HDPE (high density polyethylene) tank, controls, and alarm panel. A single WH101 or WR101 can accommodate the sewage flow from two, average single-family homes.

- Rated for flows of 700 gpd (2650 lpd)
- 70 gallons (265 liters) of capacity
- Standard outdoor heights range from 60 inches to 159 inches

The WH101 is the “hardwired,” or “wired,” model where a cable connects the motor controls to the level controls through watertight penetrations.

The WR101 is the “radio frequency identification” (RFID), or “wireless,” model that uses wireless technology to communicate between the level controls and the motor controls.

Operational Information

Motor

1 hp, 1,725 rpm, high torque, capacitor start, thermally protected, 120/240V, 60 Hz, 1 phase

Inlet Connections

4" PVC inlet flange for Schedule 40 pipe

Discharge Connections

Pump discharge terminates in 1.25-inch NPT female thread. Can easily be adapted to 1.25-inch PVC pipe or any other material required by local codes.

Discharge

15 gpm at 0 psig (0.95 lps at 0 m)
11 gpm at 40 psig (0.69 lps at 28 m)
7.8 gpm at 80 psig (0.49 lps at 56 m)

Accessories

E/One requires that the Uni-Lateral, E/One's own stainless steel check valve, be installed between the grinder pump station and the street main for added protection against backflow.

Alarm panels are available with a variety of options, from basic monitoring to advanced notice of service requirements.

The Remote Sentry is ideal for installations where the alarm panel may be hidden from view.

Patent Numbers: 5,752,315
5,562,254 5,439,180

E/One Sentry™

Alarm Panel — Protect Plus Package

Description

The E/One Sentry panels are custom designed for use with Environment One grinder pump stations. They can be configured to meet the needs of your application, from basic alarm indication to advanced warning of pending service requirements.

E/One Sentry panels are supplied with audible and visual high level alarms. They are easily installed in accordance with relevant national and local codes. Standard panels are approved by UL, CSA, CE and NSF to ensure high quality and safety.

The panel features a corrosion-proof, NEMA 4X-rated, thermoplastic enclosure. A padlock is provided to prevent unauthorized entry (safety front).



Standard Features

Includes all features of the basic configuration of the E/One Sentry panel, including circuit breakers, 240 or 120 VAC service, terminal blocks and ground lugs, audible alarm with manual silence, manual run feature and run indicator, redundant "Start" function with high level alarm, safety front, conformal-coated board and overload protection.

Includes all of the features of the E/One Sentry Protect package, including a Trouble indication that shuts down the pump temporarily in the event of an unacceptable operating condition (brownout, system overpressure, run dry), as well as:

Predictive status display module

Pre-alarm indication for major operating parameters

Alarm indications for major operating parameters

Hour meter, cycle counter and alarm delay

LCD display and user-friendly interface

Inner cover (dead front)

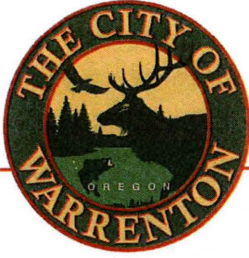
Contact group — dry and Remote Sentry

Optional Features

Generator receptacle with auto transfer

GFCI

Main service disconnect



7-D

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Linda Engbretson, City Manager
DATE: March 26, 2019
SUBJ: Tansy Point Third Party Use

SUMMARY

The Lease between the City of Warrenton and Warrenton Fiber Company, Section 8.1., restricts the use of the premises by any third party without the prior written consent of the City (see attached). I believe it's been understood that any use in direct connection with their operations is allowable; however, technically, vendor deliveries and pickups, tire sales, bark sales, chip barges, and trucks are in fact often third parties. It is staff's recommendation, and Warrenton Fiber's request for clarification that we approve this type of use as a "blanket" pre-approval for these uses moving forward.

Nygaard Logging/Warrenton Fiber has also informed the City they expect to have an agreement with J.E. McAmis for barges delivering jetty rock at the dock beginning this spring. The City is entitled to dockage for vessels shipping or delivering commodities not processed by Lessee on the premises, which includes this use by J.E. McAmis.

RECOMMENDATION/SUGGESTED MOTION

"I move that log deliveries, chip and hog fuel truck hauling, vendor deliveries and pickups, tire sales, bark sales, chip barges and tug boats using the Tansy Point property in direct connection with Nygaard Logging/Warrenton Fiber general operations are hereby approved activities and are not required to have additional prior written approval from the city, unless a sublease or assignment is considered."

"Making a difference through excellence of service"

"I move to approve the third party use of the dock by J.E. McAmis for delivery of jetty rock, upon final approval of a License Agreement by legal counsel, between Warrenton Fiber and J.E. McAmis."

ALTERNATIVE

Other action as deemed appropriate by the City Commission.

FISCAL IMPACT

The City received \$1,821.60 from Warrenton Fiber for dockage in 2018, related to delivery of jetty rock by J.E. McAmis. They are submitting the required quarterly dock reports per Section 2.3. of the lease, Payment for Third Party Use (dockage).

and (ii) in the event of any act of God or force majeure which is not covered by insurance required under this lease and damages or destroys the premises to such an extent that Lessee's business operations cannot continue and reconstruction of the premises is not economically reasonable, Lessee may terminate this lease upon not less than sixty (60) days prior written notice to Lessor.

7.3. Effect of Termination. In the event of termination by Lessor for Lessee's default, Lessee shall have no rights of relocation.

7.4 Delivering Up Premises on Termination.

Subject to Section 5, at the expiration of said term or upon any sooner termination thereof, Lessee will quit and deliver up said leased premises and all future erections or additions to or upon the same, in good and safe operating condition and repair, to Lessor or those having Lessor's estate in the premises, peaceably and quietly.

7.5 Survival.

Lessee's obligation in this Lease to indemnify defend, reimburse and hold harmless, Lessor shall extend as well to Lessor's officers, directors, agents, and employees and shall, together with Lessee's other obligations under this Lease not then fully performed, shall survive any expiration or other termination of this Lease and be fully enforced thereafter.

Section 8. LIMITATION OF ASSIGNMENT:

8.1 Restrictions on Assignment/Sublet.

Lessee shall not in whole or in part, voluntarily or involuntarily, encumber, assign or otherwise transfer Lessee's interest in this lease or the estate created by this lease or sublet or allow the use by any third party of any portion of the Premises, without the prior written consent of Lessor, which consent may be granted, conditioned or withheld in Lessor's sole discretion provided such discretion shall be exercised in good faith, as that term is defined in ORS 71.2010(19). No consent in one instance shall remove or waive the requirement for consent in a subsequent instance. No assignment, subletting or other transfer shall relieve Lessee of full and direct liability to Lessor for the Lessee's obligations under this lease. In the event of any assignment, Lessor may thereafter deal directly with such assignee and may agree to any amendment, modification, extension of this lease or the release of any party, or the waiver of any right or remedy under this lease without notice or the consent of Lessee and without releasing or relieving Lessee from any liability under this lease and Lessee hereby waives any and all suretyship defenses related thereto.

8.2 Assignment of Ownership Interest. For purposes of this Section, the sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of either Warrenton Fiber Company, or Nygaard Logging Company, Inc., to any person or entity other than Martin Nygaard, David Nygaard, John Nygaard, or their spouses, or children, shall be construed to be an assignment of this lease requiring Lessor's consent.



Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax 503/861-2351

G.A

MEMORANDUM

To: The Honorable Mayor and Members of the Warrenton City Commission
Copy: Linda Engbretson, City Manager
Date: March 25, 2019
From: Tim Demers, Fire Chief
Re: Outdoor burning

Attached you will find the Department of Environmental Quality Chapter 340, Division 264 – Rules For Open Burning.

I called DEQ on Thursday the 21st of March, 2019. I talked with a lady named, Tina. I told her who I was and that I was the Fire Chief for the City of Warrenton. I initially asked her if I had cut down two trees in my backyard, could I limb them and burn them in my backyard. She said I could not burn them without a DEQ letter permit.

I explained that we had a burn permit system that allows 10x10x4 piles; she then referred me to Ingrid. Ingrid called me back a short time later. Ingrid referred me to the web site and the DEQ Outdoor Burn Regulations. I asked her the same question that I had asked Tina.

1. If I were burning for agricultural purposes it would generally be allowed around the state.
2. If I were burning slash for a logging operation it would be permitted by the Oregon Department of Forestry. Slash is a specific term for the debris burnt post a logging operation on forested land (land used for a forest purpose and would generally require replanting). Not clearing my backyard.
3. If I were clearing trees from my yard it would be considered Demolition Debris, not slash (because slash only applies to forest projects). We would fall into OAR Chapter 340, Division 264-0100(4) and Clatsop County (and the Cities of Astoria, Warrenton and Seaside). This section lists open burning of Construction and Demolition Debris as prohibited within 3 miles of the three Cities.
4. If I were burning Domestic Waste (paper, cardboard, clothing, yard debris or other material generated in or around a dwelling of four or fewer family living units) I could burn that waste based on the current burn regulations set forth by the local jurisdiction.

The problem with my question was it contained trees and trees are considered land clearing debris by 340-264-0030. She agreed that most accumulated yard debris like grass and berry vines would fall into Domestic Waste as long as they were burnt on the same lot as the four or fewer living units were on. The debris is also not allowed to be transported off the lot unless it is taken to a transfer station as it is now considered solid waste.

Ingrid also advised me that the DEQ was not in the practice of giving out letter permits for any kind of clearing projects.

Department of Environmental Quality

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Writer Login](#)

Chapter 340

Division 264

RULES FOR OPEN BURNING

340-264-0010

How to Use These Open Burning Rules

(1) This division classifies all open burning into one of seven classes: Agricultural; Commercial; Construction; Demolition (which includes land clearing); Domestic (which includes burning commonly called "backyard burning" and burning of yard debris); Industrial; or Slash. Except for field burning within the Willamette Valley regulated through OAR 340 division 266 and slash burning administered by the forest practices smoke management plan of the Oregon Department of Forestry, this division prescribes requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. In addition, some practices specifically mentioned in OAR 340-264-0040 are exempted from this division.

(2) Organization of rules:

- (a) OAR 340-264-0020 is the Policy statement of the EQC setting forth the goals of this division;
- (b) OAR 340-264-0030 contains definitions of terms that have specialized meanings within the context of this division;
- (c) OAR 340-264-0040 lists specific types of open burning and practices that are not governed by this division;
- (d) OAR 340-264-0050 lists general requirements that usually apply to any open burning governed by this division;
- (e) OAR 340-264-0060 lists general prohibitions that apply to most open burning;
- (f) OAR 340-264-0070 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468A.570;
- (g) OAR 340-264-0075 allows the delegation of some or all of the open burning authority to be administered by a local jurisdiction;
- (h) OAR 340-264-0078 contains the legal description of Open Burning Control Areas and maps that generally depict these areas;
- (i) OAR 340-264-0080 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county;
- (j) OAR 340-264-0100 through 340-264-0170 are rules that give specific restrictions to open burning for each class of open burning in the counties named in each rule;
- (k) OAR 340-264-0180 provides for a letter permit authorization for open burning under certain circumstances in which open burning otherwise would be prohibited.

(3) Use of this division will be made easier by the following procedure:

- (a) Read OAR 340-264-0050 and 340-264-0060 to understand general requirements and prohibitions that apply to all burning governed by this division;
- (b) In OAR 340-264-0030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning of concern. Also read 340-264-0040 to determine if the type of burning is exempted from this division;

- (c) Locate the rule in OAR 340-264-0100 through 340-264-0170 that governs the county in which burning is to take place. OAR 340-264-0090 is an index to the county rules;
- (d) Read the sections of the county rules that apply to the type of burning to be accomplished;
- (e) If not prohibited by this division, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning;
- (f) If the type of burning proposed is prohibited by this division, refer to OAR 340-264-0180, Letter Permits, for a possible alternative.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0022

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1981, f. & ef. 9-8-81

340-264-0020

Policy

In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the EQC:

- (1) To eliminate open burning disposal practices where alternative disposal methods are feasible and practicable;
- (2) To encourage the development of alternative disposal methods;
- (3) To emphasize resource recovery;
- (4) To regulate specified types of open burning;
- (5) To encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and
- (6) To require specific programs and timetables for compliance with this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A.025

Statutes/Other Implemented: ORS 468A.025, 468A.035 & 468A.460 - 468A.515

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0025

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1981, f. & ef. 9-8-81

DEQ 123, f. & ef. 10-20-76

340-264-0030

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

- (1) "Agricultural burning for disease or pest control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.
- (2) "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by raising and selling livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. Agricultural operation also means activities conducted by not-for-profit agricultural research organizations, which activities are necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.

- (3) "Agricultural open burning" means the open burning of any agricultural waste, except as provided in OAR 340-264-0040(5).
- (4) "Agricultural waste" means any waste material generated or used by an agricultural operation, excluding those materials described in OAR 340-264-0060(3).
- (5) "Animal disease emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.
- (6) "Auxiliary combustion equipment" includes, but is not limited to fans.
- (7) "Combustion promoting materials" include, but are not limited to, propane, diesel oil, or jellied diesel.
- (8) "Commercial open burning" means the open burning of any commercial waste.
- (9) "Commercial waste" means:
- (a) Any material except:
 - (A) Agricultural waste;
 - (B) Construction waste;
 - (C) Demolition waste;
 - (D) Domestic waste;
 - (E) Industrial waste; and
 - (F) Slash.
 - (b) Examples of commercial waste are waste material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, domestic waste removed from the property of origin, and dwellings containing more than four family living units, such as apartments, condominiums, hotels, motels or dormitories.
- (10) "Construction open burning" means the open burning of any construction waste.
- (11) "Construction waste" means any waste material generally used for, resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of a construction site.
- (12) "Daylight hours" means the time between 7:30 a.m. and two hours before sunset.
- (13) "Demolition open burning" means the open burning of demolition waste.
- (14) "Demolition waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any man-made structure, or the clearing of any site for land improvement or cleanup, excluding yard debris (domestic waste) and agricultural waste.
- (15) "Domestic open burning" means the open burning of any domestic waste.
- (16) "Domestic waste" means household waste material, which includes paper, cardboard, clothing, yard debris, or other material generated in or around a dwelling of four-or-fewer-family-living units, or on the real property appurtenant to the dwelling. Such waste materials generated in or around a dwelling of more than four-family-living units are commercial wastes. Once domestic waste is removed from the property of origin, it becomes commercial waste.
-
- (17) "Fire hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.
- (18) "Hazard to public safety" means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.
- (19) "Industrial open burning" means the open burning of any industrial waste.
- (20) "Industrial waste" means any waste material, including process waste, produced as the direct result of any manufacturing or industrial process.
- (21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man-made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.

(22) "Letter permit" means an authorization issued pursuant to OAR 340-264-0180 to burn select materials at a defined site and under certain conditions.

(23) "Local jurisdiction" means:

- (a) The local fire permit issuing authority; or
- (b) The local governmental entity having authority to regulate by law or ordinance.

(24) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

(25) "Open burning" means:

- (a) Burning in open, outdoor fires;
- (b) Burning in burn barrels; and
- (c) Any other outdoor burning when combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(26) "Open burning control area" means an area established to control specific open burning practices or to maintain specific open burning standards that may be more stringent than those established for other areas of the state. Open burning control areas in the state are described in OAR 340-264-0078.

(27) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(28) "Slash" means forest debris or woody vegetation to be burned that is related to the management of forest land used for growing and harvesting timber.

(29) "Special open burning control area" means an area in the Willamette Valley where DEQ restricts the practice of open burning. These areas are described in OAR 340-264-0078(6).

(30) "Ventilation index" means a number calculated by DEQ relating to the ability of the atmosphere to disperse regulated pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed in knots through the mixed layer.

(31) "Waste" includes any useless or discarded materials. Each waste is categorized in this division as one of the following types:

- (a) Agricultural;
- (b) Commercial;
- (c) Construction;
- (d) Demolition;
- (e) Domestic;
- (f) Industrial; or
- (g) Slash.

(32) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. Yard debris is included in the definition of domestic waste.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0030

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1991, f. & cert. ef. 11-13-91

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

340-264-0040

Exemptions, Statewide

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this division does not apply to:

- (1) Recreational fires and ceremonial fires, for which a fire is appropriate.
- (2) Barbecue equipment used in connection with any residence.
- (3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or for instruction of employees in the methods of firefighting, which in the opinion of the public agency is necessary. Every effort will be made by the public agency to conduct this burning during good smoke dispersal conditions and specifically avoiding periods during Air Pollution Advisories. The agency will adjust its schedule for setting such fires for better smoke dispersal if necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshall.
- (4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR 340 division 266, Rules for Field Burning.
- (6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.
- (7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of firefighting, or for civil defense instruction.
- (8) Fires set for the purpose of disposal of dry tumbleweed plants, typically Russian Thistle and Tumbleweed Mustard plants, that have been broken off, and rolled about, by the wind.
- (9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.
- (10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 181-2018, minor correction filed 04/16/2018, effective 04/16/2018

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

DEQ 12-2008, f. & cert. ef. 9-17-08

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0035

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

340-264-0050

General Requirements Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, order or decree of the EQC or other agency having jurisdiction:

- (1) The following persons are considered a responsible person for open burning in violation of this rule:
 - (a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any

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(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(d) For purposes of this rule, a public agency in its official capacity that has issued the permit for burning is not considered a responsible person.

(2) A responsible person, or an expressly authorized agent, must constantly attend all open burning. This person must be capable of and have the necessary equipment for extinguishing the fire. This person also must completely extinguish the fire before leaving it.

(3) A responsible person must promptly extinguish any burning that is in violation of any rule of the Commission or of any permit issued by DEQ, unless DEQ has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production, and the responsible person complies with the requirements in the written approval. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3).

(4) To promote efficient burning and prevent excessive emissions of smoke, a responsible person must:

(a) Assure that all combustible material is dried to the extent practicable. This includes covering the combustible material when practicable to protect the material from moisture in any form, including precipitation or dew. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3);

(b) Loosely stack or windrow the combustible material to eliminate dirt, rocks and other noncombustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment to accomplish this;

(c) Periodically re-stack or feed the burning pile, insure that combustion is essentially completed and smoldering fires are prevented, and provide the necessary tools and equipment to accomplish this.

(5) Notwithstanding OAR 340-264-0040(4), each person sanitizing perennial or annual grass seed crops by open burning in counties outside the Willamette Valley must pay DEQ \$4 for each acre burned:

(a) DEQ may contract with counties, rural fire protection districts, or other responsible individuals for the collection of the fees;

(b) All fees collected under this section must be deposited in the State Treasury to the credit of the Department of Agriculture Service Fund.

(6) Open burning in compliance with this division does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

(7) If any commercial, construction, or demolition debris burning allowed in OAR 340-264-0100 through 340-264-0170 violates 340-264-0060(2), the open burning must be immediately extinguished. Any future burning of this material or similar material by the responsible person is prohibited unless DEQ issues a letter permit pursuant to 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0040

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 27-1981, f. & ef. 9-8-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

340-264-0060

General Prohibitions Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, or order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are strictly liable for open burning in violation of this rule:

- (a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;
- (b) Each person who is in ownership, control or custody of the material that is burned; and
- (c) Any person who causes or allows open burning to be initiated or maintained.
- (2) No person may cause or allow to be initiated or maintained any open burning that creates a nuisance or a hazard to public safety.
- (3) No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.
- (4) No person may cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-264-0070.
- (5) No agency may issue any fire permit authorizing any open burning of any material at any location on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions. If an agency issues a permit in violation of this rule, the permit does not excuse any person from complying with this section.
- (6) No person may cause or allow to be initiated or maintained any open burning authorized by this division during hours other than specified by DEQ.
- (7) No person may cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-093-0050.
- (8) No person may cause or allow to be initiated or maintained any open burning of debris removed from the property of origin unless the person receives a letter permit pursuant to OAR 340-264-0180. A letter permit is not required to burn agricultural waste removed from the property of origin provided the waste remains under control of the same responsible person.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 459.205, 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15
 DEQ 21-2000, f. & cert. ef. 12-15-00
 DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0042
 DEQ 9-1996, f. & cert. ef. 7-10-96
 DEQ 4-1993, f. & cert. ef. 3-10-93
 DEQ 10-1984, f. 5-29-84, ef. 6-16-84
 DEQ 27-1981, f. & ef. 9-8-81

340-264-0070

Open Burning Conditions

Pursuant to ORS 468A.570, 476.380, 477.520 and 478.960, the following open burning conditions apply:

(1) Mandatory Prohibition Based on Adverse Air Quality Conditions:

- (a) DEQ will notify the State Fire Marshal that all open burning is prohibited in all or a specified part of the state when DEQ declares:
- (A) A particulate or sulfur dioxide alert pursuant to OAR 340-206-0030(2);
- (B) A particulate or sulfur dioxide warning pursuant to OAR 340-206-0030(3); or
- (C) An emergency for any air contaminant pursuant to OAR 340-206-0030(4).

(b) All open burning is prohibited until DEQ notifies the State Fire Marshal that the episode and prohibition are terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions:

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(a) DEQ may notify the State Fire Marshal that all or specified types of open burning are prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

- (A) An air stagnation event as determined by DEQ;
- (B) The daily maximum ventilation index calculated by DEQ for Willamette Valley Open Burning Control Areas or Umpqua Basin Open Burning Control Area is less than 200;
- (C) The daily maximum ventilation index calculated by DEQ for the Rogue Basin Open Burning Control Area is less than 400 for all regulated open burning;
- (D) DEQ determines there is poor ventilation;
- (E) For regulation of burning of yard debris in urban areas, the amount of precipitation expected during the day; or
- (F) Any other relevant factor.

(b) Such prohibitions or limits remain in effect until DEQ notifies the State Fire Marshal that the prohibition or limitation has been terminated;

(c) In deciding whether to prohibit or limit open burning pursuant to this section, DEQ will consider:

- (A) The policy of the state set forth in ORS 468A.010;
- (B) The relevant criteria set forth in ORS 468A.025(2);
- (C) The extent and types of materials available to be burned;
- (D) In the case of Agricultural open burning, the recommendations received from any local agricultural smoke management organization; and
- (E) Any other relevant factor.

(d) In deciding whether to prohibit or limit any open burning pursuant to this section DEQ must give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless prohibited or limited pursuant to section (1) or (2), open burning will be allowed only during daylight hours, and must be conducted consistent with the other rules in this division and the requirements and prohibitions of local jurisdiction and the State Fire Marshal.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0043

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1991, f. & cert. ef. 11-13-91

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

340-264-0075

Delegation of Authority

Whenever DEQ finds that any city, county, fire protection district, forest protection district or state agency is capable of effectively administering the issuance and/or enforcement of permits under any or all of the open burning authority outlined within this division and is desirous of doing so, DEQ may delegate powers necessary for the issuance and/or enforcement of open burning permits to that entity. DEQ, upon finding that the entity is not effectively administering the program, may withdraw such delegation.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A.575

Statutes/Other Implemented: ORS 468A.575

History:

DEQ 7-2015, f. & cert. ef. 4-16-15
 DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0078

Open Burning Control Areas

Generally, areas around the more densely populated locations in the state and valleys or basins that restrict atmospheric ventilation are designated "Open Burning Control Areas". The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these open burning control areas are listed in OAR 340-264-0100 through 340-264-0170 by county. The general locations of open burning control areas are depicted in Figures 2 through 5. The open burning control areas of the state are defined as follows:

- (1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.
- (2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 Coos Bay Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13W, and the coastline of the Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean, thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.
- (3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 Rogue Basin Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian, thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence north to the NW corner of T36S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.
- (4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 Umpqua Basis Open Burning Control Area. The area is enclosed by a line beginning at a point approximately four miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence south to the SE corner of T25S, R5W; thence east to the NE Corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.
- (5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 1 Willamette Valley Open Burning Control Area and Figure 2 Open Burning Control Areas. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.
- (6) The Klamath Basin Open Burning Control Area is located in Klamath County with boundaries generally depicted in Figure 6 Klamath Basin Open Burning Control Area. The area is enclosed by a line beginning at the corner common to northwest corner of Section 31, Township 37 South; Range 9 East of the Willamette Meridian and southwest corner of Section 30 T37S, R9E W.M.; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E W.M.; thence east approximately one mile to the southwest corner of Section 15.; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E W.M.; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section 16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence

west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(7) "Special Open Burning Control Areas" are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special open burning control areas are determined as follows:

- (a) Any area in or within three miles of the boundary of any city of more than 1,000 but less than 45,000 population;
- (b) Any area in or within six miles of the boundary of any city of 45,000 or more population;
- (c) Any area between areas established by this rule where the boundaries are separated by three miles or less;
- (d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) and the municipal boundaries of each of the cities must be used to determine the limit of the special open burning control area.

(8) A domestic burning ban area around the Portland metropolitan area is generally depicted in Figure 1A Metropolitan Area Backyard Burning Boundaries. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-264-0120(5), 340-264-0130(5) and 340-264-0140(5). Domestic burning is prohibited in this area except as allowed pursuant to 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0115

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

340-264-0080

County Listing of Specific Open Burning Rules

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-264-0050 and 340-264-0060, specific prohibitions of agricultural, commercial, construction, demolition, domestic, and industrial open burning are listed in separate rules for each county. The following list identifies the rule containing prohibitions of specific types of open burning applicable to a given county:

- (1) Baker County – OAR 340-264-0100.
- (2) Benton County – OAR 340-264-0110.
- (3) Clackamas County – OAR 340-264-0120.
- (4) Clatsop County – OAR 340-264-0100.
- (5) Columbia County – OAR 340-264-0150.
- (6) Coos County – OAR 340-264-0170.
- (7) Crook County – OAR 340-264-0100.
- (8) Curry County – OAR 340-264-0100.
- (9) Deschutes County – OAR 340-264-0100.
- (10) Douglas County – OAR 340-264-0170.
- (11) Gilliam County – OAR 340-264-0100.
- (12) Grant County – OAR 340-264-0100.

(14) Hood River County – OAR 340-264-0100.

(15) Jackson County – OAR 340-264-0170.

(16) Jefferson County – OAR 340-264-0100.

(17) Josephine County – OAR 340-264-0170.

(18) Klamath County – OAR 340-264-0175.

(19) Lake County – OAR 340-264-0100.

(20) Lane County – OAR 340-264-0160.

(21) Lincoln County – OAR 340-264-0100.

(22) Linn County – OAR 340-264-0110.

(23) Malheur County – OAR 340-264-0100.

(24) Marion County – OAR 340-264-0110.

(25) Morrow County – OAR 340-264-0100.

(26) Multnomah County – OAR 340-264-0130.

(27) Polk County – OAR 340-264-0110.

(28) Sherman County – OAR 340-264-0100.

(29) Tillamook County – OAR 340-264-0100.

(30) Umatilla County – OAR 340-264-0100.

(31) Union County – OAR 340-264-0100.

(32) Wallowa County – OAR 340-264-0100.

(33) Wasco County – OAR 340-264-0100.

(34) Washington County – OAR 340-264-0140.

(35) Wheeler County – OAR 340-264-0100.

(36) Yamhill County – OAR 340-264-0110.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0045

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1981, f. & ef. 9-8-81

DEQ 8-1981(Temp), f. & ef. 3-13-81

DEQ 7-1981(Temp), f. & ef. 2-17-81

DEQ 1-1981(Temp), f. & ef. 1-9-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

340-264-0100

Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties

Open burning requirements for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

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- (2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning:
- (a) Commercial open burning is prohibited within Lincoln County except as provided in OAR 340-264-0180.
 - (b) Commercial open burning is allowed outside of open burning control areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, commercial open burning is prohibited in any area meeting the test in OAR 340-264-0078(1):
 - (c) In Baker County, the City of Baker City;
 - (d) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;
 - (e) In Crook County, the City of Prineville;
 - (f) In Curry County, the City of Brookings;
 - (g) In Deschutes County, the Cities of Bend and Redmond;
 - (h) In Hood River County, the City of Hood River;
 - (i) In Jefferson County, the City of Madras;
 - (j) In Malheur County, the City of Ontario;
 - (k) In Tillamook County, the City of Tillamook;
 - (l) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;
 - (m) In Union County, the City of La Grande;
 - (n) In Wasco County, the City of The Dalles.
 - (4) Construction and demolition open burning outside of an open burning control area is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060, and 340-264-0070. Construction and demolition open burning, unless authorized pursuant to 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, construction and demolition burning is prohibited in any area meeting the standard in 340-264-0078(1):
 - (a) In Baker County, the City of Baker City;
 - (b) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;
 - (c) In Crook County, the City of Prineville;
 - (d) In Curry County, the City of Brookings;
 - (e) In Deschutes County, the Cities of Bend and Redmond;
 - (f) In Hood River County, the City of Hood River;
 - (g) In Jefferson County, the City of Madras;
 - (h) In Lincoln County, the Cities of Lincoln City and Newport;
 - (i) In Malheur County, the City of Ontario;
 - (j) In Tillamook County, the City of Tillamook;
 - (k) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;
 - (l) In Union County, the City of La Grande;
 - (m) In Wasco County, the City of The Dalles.
 - (5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, and OAR 340-264-0050, 340-264-0060 and 340-264-0070.
 - (6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Plan is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0055

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 27-1981, f. & ef. 9-8-81

340-264-0110

Benton, Linn, Marion, Polk, and Yamhill Counties

Open burning requirements for Benton, Linn, Marion, Polk, and Yamhill Counties that form a part of the Willamette Valley Open Burning Control Area described in OAR 340-264-0078:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
- (2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.
- (4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060 and 340-264-0070. Unless authorized pursuant to 340-264-0180, construction and demolition open burning is prohibited within special open burning control areas, including the following:
 - (a) Areas in or within six miles of the corporate city limit of:
 - (A) In Benton County, the City of Corvallis;
 - (B) In Marion County, the Cities of Salem and Keizer;
 - (C) In Polk County, the City of Salem.
 - (b) Areas in or within three miles of the corporate city limit of:
 - (A) In Benton County, the Cities of Albany, and Philomath;
 - (B) In Linn County, the Cities of Albany, Brownsville, Harrisburg, Lebanon, Lyons, Mill City, Tangent and Sweet Home;
 - (C) In Marion County the Cities of Aumsville, Gervais, Hubbard, Jefferson, Mill City, Mt. Angel, Silverton, Stayton, Sublimity, Turner and Woodburn;
 - (D) In Polk County, the Cities of Dallas, Falls City, Independence, Monmouth and Willamina;
 - (E) In Yamhill County, the Cities of Amity, Carlton, Dayton, Dundee, Lafayette, McMinnville, Newberg, Sheridan and Willamina.
- (c) Any areas that meet the test in OAR 340-264-0078(6).
- (5) Domestic open burning:
 - (a) As generally depicted in Figure 1 Willamette Valley Open Burning Control Area of OAR 340-264-0078, domestic open burning is prohibited in the special open burning control areas named in section (4), except open burning of yard debris is allowed beginning March first and ending June 15th, inclusive, and beginning Oct. 1st and ending Dec. 15th, inclusive, subject to 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;
 - (b) Domestic open burning is allowed outside of special open burning control areas named in section (4), subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;
 - (c) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours, unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

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DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

340-264-0120

Clackamas County

Open burning requirements for Clackamas County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and demolition open burning is allowed outside of special open burning control areas, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Unless authorized pursuant to 340-264-0180, Construction and demolition open burning is prohibited within the following:

(a) Areas in or within six miles of the corporate city limits of Gladstone, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tualatin, West Linn and Wilsonville;

(b) Areas in or within three miles of the corporate city limits of Canby, Estacada, Molalla and Sandy.

(c) Any areas that meet the test in OAR 340-264-0078(7).

(5) Domestic open burning:

(a) Those areas where domestic burning is always prohibited (unless authorized under OAR 340-264-0180): Beginning at the trisection of the Clackamas-Multnomah-Washington County Line; thence east and then northerly and then east following the Clackamas-Multnomah County Line to the intersection with the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe (Oregon National Guard); thence west approximately 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River and the Metro Boundary as defined in Portland Metro Ordinance 12-1313; thence following the Metro Boundary first southerly and then westerly to the intersection with the Willamette River, excepting that portion listed in subsection (b)(2); thence northeasterly along the Willamette River to the confluence with the Tualatin River; thence northwesterly along the Tualatin River to the intersection with U.S. Interstate Highway 205 (I-205); thence westerly along I-205 to the intersection with the Clackamas-Washington County Line; thence north along the Clackamas-Washington County Line to the trisection of the Clackamas-Multnomah-Washington County Line, the point of beginning.

(b) Those areas where domestic open burning is prohibited except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas that lie within both Clackamas County and the Metro Boundary and are not included in paragraph (a). Specifically, those areas are listed as follows:

(A) The area beginning at the point on the Clackamas-Washington County Line where it is intersected by I-205; thence easterly along I-205 to the intersection with the Tualatin River; thence southeasterly along the Tualatin River to the confluence with the Willamette River; thence southerly along the Willamette River to the intersection with the

northern boundary of Section 15, T3S, R1E; thence west to the northwest corner of Section 15, T3S, R1E; thence north to the northwest corner of section 10, T3S, R1E; thence west to the northwest corner of Section 9, T3S, R1E; thence north to the northwest corner of Section 4, T3S, R1E; thence west to the intersection with the Clackamas-Washington County Line; thence north to the intersection with I-205, the point of beginning.

(B) The area bounded by Henrici Road on the south; Highway 213 on the west; Beaver Creek Road on the east; and the southern boundary of Clackamas Community College on the north.

(C) The area beginning at the point where the Clackamas-Multnomah County Line intersects the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe; thence west 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River; thence easterly along the Clackamas River to the intersection with the western boundary of Section 18, T2S, R3E; thence north to the northwest corner of Section 18, T2S, R3E; thence east to the northwest corner of Section 14, T2S, R3E; thence north to the northwest corner of Section 11, T2S, R3E; thence east to the intersection with Epperson Road; thence north-northwesterly along Epperson Road to the intersection with the Clackamas-Multnomah County Line at the northern boundary of Section 29, T1S, R2E; thence west along the county line to the northwest corner of Section 27, T1S, R2E, the point of beginning.

(c) Domestic open burning is allowed in all other areas of Clackamas County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 11-2017, minor correction filed 10/30/2017, effective 10/30/2017

DEQ 7-2015, f. & cert. ef. 4-16-15

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DEQ 14-1995, f. & cert. ef. 5-25-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

340-264-0130

Multnomah County

Open burning requirements for Multnomah County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited west of the Sandy River but is allowed east of the Sandy River, subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) Those areas where open burning is always prohibited (unless authorized by 340-264-0180):

(A) The area encompassed by the line beginning at the point where the Multnomah, Clackamas, and Washington County lines meet at a trisection; thence east and then north and then east along the Multnomah-Clackamas County Line to the intersection with SE 162nd Avenue; thence north along SE 162nd Avenue to the intersection with SE Foster Road; thence southeasterly along SE Foster Road to the intersection with Jenne Road; thence northeasterly along Jenne Road to the intersection with SE 174th Avenue; thence north along SE 174th Avenue to the intersection with SE Marie Street; thence north along SE Marie Street to the intersection with SE 182nd Avenue; thence north along SE 182nd Avenue and

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continuing north as SE 182nd Avenue merges into SE 181st Avenue and then turns into NE 181st Avenue to the intersection with NE Sandy Boulevard; thence easterly along NE Sandy Boulevard to the intersection with NE 185th Drive; thence north along NE 185th Drive to the intersection with Marine Drive; thence continuing on a line due north to the Columbia River and the state line; thence following the Columbia River and the state line; thence following the Columbia River and the state line to the confluence of the Columbia and the Willamette Rivers; thence along the Willamette River to the Confluence with the Multnomah Channel and the Portland City Limits; thence following the Portland City Limits generally southerly to the intersection with Section 27, T1N, R1W and the Multnomah-Washington County Line; thence following the Multnomah-Washington County Line southwesterly and then south to the trisection of the Multnomah-Clackamas-Washington County Line, the point of beginning.

(B) All areas in northwest Multnomah County that are not contained within a Fire Protection District.

(C) The Burlington Water District.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between Oct. 1 and Dec. 15 and subject to OAR 340-264-0050 through 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal, are the areas within Multnomah County that lie west of the Sandy River and are not included in 340-264-0130(5)(a).

(c) Domestic open burning is allowed east of the Sandy River, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

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DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

340-264-0140

Washington County

Open burning requirements for Washington County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) The area where open burning is always prohibited (unless authorized by OAR 340-264-0180): Beginning at the point where U.S. Interstate Highway 205 (I-205) intersects the Washington-Clackamas County Line; thence west along I-205 to the Tualatin City Limits; thence following along the Tualatin City Limits westerly, southerly, westerly and northerly to the intersection with U.S. Highway 99; thence northerly along U.S. Highway 99 to the intersection with the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary generally northerly and westerly to the intersection with the Tualatin Valley Highway; thence westerly along the Tualatin Valley Highway to the intersection with the western boundary of Section 11, T1S, R2W; thence north to the

the intersection with U.S. Highway 26; thence northwesterly along U.S. Highway 26 to the intersection with Cornelius Pass Road; thence northeasterly along Cornelius Pass Road to the intersection with the northern boundary of Section 23, T1N, R2W; thence east approximately 1/5 mile along the northern boundary of section 23, T1N, R2W to the southernmost point of the Orchard; thence north following the eastern boundary of the Orchard to the intersection with West Union Road; thence southeasterly and then easterly along West Union Road approximately 1.1 miles to a point approximately 1/4 mile west of the eastern boundary of Section 24, T1N, R2W; thence north on a line approximately 1000 feet; thence northeasterly on a line approximately 1/4 mile to the intersection of NW 185th Avenue and NW Springville Road; thence northeasterly along NW Springville Road approximately 1/4 mile to the one-quarter point of the northern boundary of Section 19, T1N, R1W; thence north approximately 400 feet; thence east to the intersection with NW 185th Avenue; thence north along 185th Avenue approximately 800 feet to the one-quarter point of the western boundary of Section 18, T1N, R1W; thence gradually northeasterly such that the Rock Creek Campus of Portland Community College is within the boundary approximately 1/2 mile to the midpoint of Section 18, T1N, R1W; thence south following the eastern boundary of the Rock Creek Campus of Portland Community College and continuing on a line due south to the intersection with NW Springville Road and the southern boundary of Section 18, T1N, R1W; thence northeasterly along NW Springville Road to the intersection with the Washington-Multnomah County Line; thence following the Washington County line southeasterly and then southerly to the point where the Washington-Clackamas County Line intersects I-205, the point of beginning.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between Oct. 1 and Dec. 15, subject to OAR 340-264-0050 through 340-262-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) All incorporated areas in Washington County not listed in OAR 340-264-0140(5)(a) or 340-264-0140(5)(c).

(B) All unincorporated areas within municipal or rural fire districts.

(c) Those areas where domestic burning is allowed, subject to OAR 340-264-0050, and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) The area enclosed by a line beginning at the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W; thence north to the northwest corner of Section 13, T2N, R4W; thence east to the midpoint of the northern boundary of Section 16, T2N, R3W; thence on a line south to the middle of Section 21, T2N, R3W; thence east to the intersection with the midpoint of the western boundary of Section 22, T2N, R3W; thence south to the southwest corner of Section 22, T2N, R3W; thence continuing south to the northern boundary of Washington County Donation Land Claim (DLC) #44; thence southeast and east following the northern boundary of Washington County DLC #44 to the eastern boundary of Washington County DLC #44; thence southwesterly along the eastern boundary of DLC #44 to the intersection with DLC Plot #76; thence continuing southwesterly along the eastern boundary of DLC #76 to the intersection with the Burlington Northern Railroad Line; thence northwesterly along the Burlington Northern Railroad Line to the intersection with the southern boundary of Section 32, T2N, R4W; thence west to the southwest corner of Section 36, T2N, R4W; thence north to the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W, the point of beginning.

(B) All unincorporated areas of Washington County outside of municipal or rural fire districts.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0075

DEQ 14-1995, f. & cert. ef. 5-25-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

Open burning requirements for Columbia County:

- (1) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.
- (2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.
- (4) Construction and demolition open burning:
 - (a) Unless authorized pursuant to OAR 340-264-0180, construction and demolition open burning is prohibited within three miles of the open burning control areas of Clatskanie, Rainier, St. Helens, Scappoose, and Vernonia and any other area that meets the standard in OAR 340-264-0078(1);
 - (b) Construction and demolition open burning is allowed in all other parts of Columbia County subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0080

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1981, f. & ef. 9-8-81

340-264-0160**Lane County**

Open burning requirements for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley Open Burning Control Area as generally described in OAR 340-264-0078(5) and depicted in Figure 2 Open Burning Control Areas:

- (1) The rules and regulations of LRAPA apply to all open burning in Lane County, provided such rules are no less stringent than the provisions of this division. LRAPA may not regulate agricultural open burning.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.
- (3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (4) Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within all fire districts and other areas specified in this section but is allowed elsewhere in Lane County, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Areas where open burning of construction and demolition waste is prohibited include:
 - (a) Bailey-Spencer RFPD;
 - (b) Coburg RFPD;
 - (c) Cottage Grove/South Lane Fire District;
 - (d) Creswell RFPD;
 - (e) Dexter RFPD except that portion east of the Willamette Meridian;

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- (f) Eugene RFPD No. 1;
- (g) Goshen RFPD;
- (h) Junction City Fire District;
- (i) Junction City RFPD;
- (j) Lane County Fire District #1;
- (k) Lane RFPD No. 1 outside the Eugene-Springfield Urban Growth Boundary;
- (l) Lowell RFPD;
- (m) Marcola RFPD;
- (n) McKenzie RFPD outside the Eugene-Springfield Urban Growth Boundary;
- (o) Monroe RFPD that portion within Lane County;
- (p) Oakridge RFPD;
- (q) Pleasant Hill RFPD;
- (r) Santa Clara RFPD outside the Eugene-Springfield Urban Growth Boundary;
- (s) Westfir RFPD;
- (t) Willakenzie RFPD;
- (u) Zumwalt RFPD.
- (6) Domestic open burning:
 - (a) Domestic open burning outside the fire districts listed in section (5) is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;
 - (b) Domestic open burning is prohibited within all fire districts listed in section (5) except that open burning of yard debris is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;
 - (c) Refer to LRAPA open burning rules for specific seasons and hours for domestic open burning.
- (7) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.135, 468A.140, 468A.155, 468A.575 & 468A.595
Statutes/Other Implemented: ORS 468A.025, 468A.100- 468A.180, 468A.555 - 468A.620, 477.515 & 477.520
History:

- DEQ 7-2015, f. & cert. ef. 4-16-15
- DEQ 21-2000, f. & cert. ef. 12-15-00
- DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0085
- DEQ 4-1993, f. & cert. ef. 3-10-93
- DEQ 6-1992, f. & cert. ef. 3-11-92
- DEQ 10-1984, f. 5-29-84, ef. 6-16-84
- DEQ 27-1981, f. & ef. 9-8-81

340-264-0170
Coos, Douglas, Jackson and Josephine Counties

Open burning requirements for Coos, Douglas, Jackson and Josephine Counties:

- (1) Open burning control areas:
 - (a) The Coos Bay open burning control area, as described in OAR 340-264-0078(2) and generally depicted in Figure 3 Coos Bay Open Burning Control Area of OAR 340-264-0078, is located in Coos County;

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- (b) The Umpqua Basin open burning control area, as described in OAR 340-264-0078(4), and generally depicted in Figure 5 Umpqua Basin Open Burning Control Area of OAR 340-264-0078, is located in Douglas County;
- (c) The Rogue Basin open burning control area, as described in OAR 340-264-0078(3) and generally depicted in Figure 4 Rogue Basin Open Burning Control Area of OAR 340-264-0078, is located in Jackson and Josephine Counties.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.
- (3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (4) Commercial open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Commercial open burning is allowed in all other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Construction and demolition open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Construction and demolition open burning is allowed in other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7), and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0090

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1991, f. & cert. ef. 11-13-91

DEQ 27-1981, f. & ef. 9-8-81

340-264-0175

Klamath County

Open burning requirements for Klamath County:

- (1) Open burning control areas: The Klamath Basin open burning control area as generally described in OAR 340-264-0078(6) and depicted in Figure 6 is located in Klamath County.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.
- (3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (4) Commercial open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Commercial open burning is allowed in all other areas of this county subject to 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Construction and Demolition open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Construction and Demolition open burning is allowed in other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

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(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7) of this rule, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: The figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

340-264-0180

Letter Permits

(1) Open Burning of commercial, industrial, slash, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris that is otherwise prohibited, may be permitted by a letter permit issued by DEQ in accordance with this rule and subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. OAR 340-014-0025 and 340 OAR division 216 do not apply.

(2) A letter permit may only be issued on the basis of a written application for disposal of material by burning that has been approved by DEQ. Each application for a letter permit must contain the following items:

- (a) The quantity and type of material proposed to be burned;
- (b) A listing of all alternative disposal methods and potential costs that have been identified or investigated;
- (c) The expected amount of time that will be required to complete the burning (not required for yard debris);
- (d) The methods proposed to be used to insure complete and efficient combustion of the material;
- (e) The location of the proposed burning site;
- (f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto;
- (g) The expected frequency of the need to dispose of similar materials by burning in the future;
- (h) If the application is for prescribed burning of standing vegetation for the purpose of creating or restoring wetlands or for promoting or enhancing habitat for indigenous species of plants or animals, the application must also include a citation to the federal or state law or program requiring or authorizing such conversion or enhancement. The application must also include a statement from the appropriate agency responsible for implementing the law or program that open burning is the most practicable alternative for the conversion or enhancement;
- (i) Any other information that the applicant considers relevant or DEQ may require;

(j) For open burning of yard debris:

(A) A "Hardship Permit Application" completed on a form supplied by DEQ; and

(B) Either payment of the appropriate fee pursuant to section (10) or a "waiver request" completed on a form supplied by DEQ.

(3) Upon receipt of a written application, DEQ may approve the application if it is satisfied that:

(a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and

(b) The proposed burning will not cause or contribute to significant degradation of air quality.

(c) For locations within Clackamas, Columbia, Multnomah and Washington counties, where open burning is otherwise prohibited, the following conditions must also be met. Letter permits may be issued only for disposing of:

- (B) Material originating as yard debris that has been collected and stored by governmental jurisdictions, provided that no other reasonable means of disposal are available;
- (C) Yard debris excluding grass clippings and leaf piles, on the property of a private residence where the inability to burn creates a significant hardship due to:
- (i) An economic burden because the estimated cost of alternative means of yard debris disposal presents a financial hardship in relation to household income and expenses of the applicant;
 - (ii) A physical handicap, personal disability, chronic illness, substantial infirmity or other physical limitation substantially inhibiting the ability of the applicant to process or transport yard debris; or
 - (iii) Inaccessibility of yard debris, where steepness of terrain or remoteness of the debris site makes access by processing or transportation equipment unreasonable.
- (4) DEQ may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:
- (a) Any material misstatement or omission in the application or a history of such misstatements or omissions by the applicant;
 - (b) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment or decree.
- (5) In making its determination under section (3), DEQ may consider:
- (a) The conditions of the airshed of the proposed burning;
 - (b) The other air pollution sources in the vicinity of the proposed burning;
 - (c) The availability of other methods of disposal, and special circumstances or conditions that may impose a hardship on an applicant;
 - (d) The frequency of the need to dispose of similar materials in the past and expected in the future;
 - (e) The applicant's prior violations, if any;
 - (f) The projected effect upon persons and property in the vicinity; and
 - (g) Any other relevant factor.
- (6) Each letter permit issued by DEQ pursuant to section (2) must contain at least the following elements:
- (a) The location where burning is permitted to take place;
 - (b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven. Burning pursuant to a permit for yard debris must be limited to three days per season unless satisfactory justification for more burning is provided by the applicant;
 - (c) The period during which the permit is valid, not to exceed a period of 30 consecutive days, except a permit for yard debris. The actual period in the permit must be specific to the needs of the applicant. DEQ may issue specific letter permits for shorter periods;
 - (d) A letter permit for yard debris is valid for a single burning season or for both the spring and fall burning seasons during a calendar year, as appropriate to the application and the fee paid pursuant to the schedule in section (10). The spring burning is from March 1 to June 15, inclusive, and the fall burning season is from Oct. 1 to Dec. 15, inclusive;
 - (e) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production;
 - (f) The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris must be limited to the hours and times that limit seasonal domestic yard debris burning permitted in the county where the burning under the letter permit is to occur;
 - (g) Reporting requirements for both starting the fire each day and completion of the requested burning, (optional for permits for yard debris);
 - (h) A statement that OAR 340-264-0050 and 340-264-0060 are fully applicable to all burning under the permit;
 - (i) Such other conditions as DEQ considers to be desirable.
- (7) Regardless of the conditions contained in any letter permit, each letter permit, except permits for yard debris, will not be valid for more than 30 consecutive calendar days of which a maximum of seven can be used for burning. DEQ may issue specific letter permits for shorter periods.

(8) Letter permits are not renewable. Any request to conduct additional burning requires a new application and a new permit.

(9) No person may violate any condition, limitation, or term of a letter permit.

(10) All applications for a letter permit for yard debris must be accompanied by a permit fee payable to DEQ, or approved delegated authority, and become non-refundable upon issuance of the permit. The fee to be submitted is:

(a) For a single burning season, spring or fall – \$20;

(b) For a calendar year – \$30.

(11) DEQ may waive the single season permit fee if the applicant shows that the cost of the yard debris permit presents an extreme financial hardship in relation to the household income and expenses of the applicant.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0100

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

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