

## NOTICE OF CITY COUNCIL MEETING

The City Council of the City of King City will hold a **Regular Session at 5:30 PM**, Wednesday, January 20, 2021, by teleconference at City Hall 15300 SW 116<sup>th</sup> Ave, King City, Oregon 97224 – Please see instructions below.

**Posted Date:** Friday, January 15, 2020, at 3:00 PM

Location: (teleconference – Email comments to [rsmith@ci.king-city.or.us](mailto:rsmith@ci.king-city.or.us))

The King City Council will hold a meeting on Wednesday, January 20 at 5:30 PM.

Councilors will be calling into the meeting via conference call. Members of the public will be able to listen to the meeting on the teleconference line or watch the meeting via video link. Minimal staff will be in the City Hall Conference Room, 15300 SW 116<sup>th</sup> Ave, King City, Oregon 97224. To avoid the potential spread of the COVID-19 virus, members of the public will not be allowed in the room. The packet can be found online at: [http://www.ci.king-city.or.us/government/mayor\\_and\\_council/agendas\\_and\\_minutes.php#](http://www.ci.king-city.or.us/government/mayor_and_council/agendas_and_minutes.php#)

The City has taken steps to utilize current technology to make meetings available to the public without increasing the risk of exposure. The public can participate by emailing public comments to City Recorder at [rsmith@ci.king-city.or.us](mailto:rsmith@ci.king-city.or.us) or leaving a voicemail that can be played during the meeting. The audio/Video recording of the meeting will be posted to the City website within two to three days of the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/86335547229?pwd=OXhJY0h5V1h5ZWl3SU45bmhtcFRjUT09>

**Meeting ID: 863 3554 7229**

**Passcode: 923757**

One tap mobile

+12532158782,,86335547229# US (Tacoma)

+13462487799,,86335547229# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 863 3554 7229

Find your local number: <https://us02web.zoom.us/j/86335547229?pwd=OXhJY0h5V1h5ZWl3SU45bmhtcFRjUT09>

Live broadcast coverage of the King City Council Meetings can now be seen on TVCTV cable channel 30 and live-streaming on [MACC TVCTV's](#) YouTube page.

*{Next Page for Agenda}*

AGENDA		Action Item
<b>***REGULAR SESSION***</b>		
<i>Administer Oath of Office to Newly Elected Council Members</i>		Time:
<i>Moment of Silence</i>		Time:
5:30 PM	<b>1. CALL TO ORDER</b> <b>2. ROLL CALL</b> <b>3. APPROVAL OF MINUTES:</b> 3.1 May 13, 2020 3.4 November 18, 2020	M   S   A
5:40 PM	<b>4. SPECIAL PRESENTATION:</b> 4.1 Washington County Tobacco Retail Licensing - A prevention strategy to reduce youth access to tobacco and nicotine products.	
5:40 PM	<b>5. OPEN FORUM:</b> We welcome public comment. At this time, the Council will be happy to receive your comment pertaining to items on the agenda (including questions, suggestions, complaints, and items for the future). Each person's time will be limited to three minutes.	
5:50 PM	<b>6. UNFINISHED BUSINESS:</b> NONE	
5:50 PM	<b>7. NEW BUSINESS:</b> 7.1 Officer Appointment <ul style="list-style-type: none"> <li>○ Mayor</li> <li>○ President</li> <li>○ Secretary</li> <li>○ Treasurer</li> </ul> 7.2 Consider Committee Appointments 7.3 Resolution R-2021-01 A Resolution Approving the Fire Codes and Standards of TVF&R. 7.4 Second Reading of Ordinance - O-2020-2 An Ordinance Amending City of King City Municipal Code Chapter 15 (Building and Construction). 7.5 IGA for the Resiliency Project (aka Mental Health Community Psyche Program)	M   S   A M   S   A
6:30 PM	<b>8. POLICE CHIEF'S REPORT</b>	M   S   A
6:35 PM	<b>9. CITY MANAGER'S REPORT</b>	Time:
6:40 PM	<b>10. MAYOR'S AND COUNCILOR'S REPORTS</b>	
7:30 PM	<b>11. ADJOURN</b>	
<b>NEXT MEETING</b> <b>FEBRUARY 17, 2021, REGULAR MEETING</b> The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Ronnie Smith, City Recorder, 503-639-4082.  M=Motion   S=Second   A=Action		

3. APPROVAL OF MINUTES:

3.1 May 13, 2020

3.4 November 18, 2020

**CITY OF KING CITY  
CITY COUNCIL MEETING MINUTES**

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**Call to Order:** A regular meeting of the King City – City Council was held on ZOOM and at the City Hall in the Council Chambers with limited staff due to COVID-19: located at 15300 SW 116th Ave, King City, Oregon beginning at 5:00 P.M. on Wednesday, May 20, 2020. Mayor Gibson requested a moment of silence then proceeded to call the meeting to order at 5:01 P.M., followed by roll call and the Pledge of Allegiance.

**Roll Call Video Time (0:26):**

**The following City Council members were present:**

Councilor Jaimie Fender  
Councilor Smart Ocholi  
Councilor Micah Paulsen  
Councilor David Platt  
Councilor Gretchen Buehner  
Mayor Ken Gibson  
One seat open

**Absent:**

None

**Staff present included:**

City Manager (CM) Mike Weston  
City Recorder (CR) Ronnie Smith  
Chief of Police (CP) Ernie Happala,

**Agenda Item 4 Video Time (2:12):**

**Approval of Minutes:**

4.1 February 19, 2020, Work Session

Video time (2:23)

**MOTION MADE BY COUNCILOR PLATT TO APPROVE THE MINUTES FROM FEBRUARY 19, 2020, SECONDED BY COUNCILOR FENDER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED  
THE MOTION CARRIED 6-0.**

**Agenda Item 5 Video Time (2:56):**

**Special Presentation:** None.

**Agenda Item 6 video Time (3:02):**

**Open Forum:** None.

**Agenda Item 7 Video Time (3:35):**

**Unfinished Business:** None

**Agenda Item 8 Video Time (3:41):**

**New Business:**

Video Time (3:44)

**8.1 Resolution R-2020-07: A Resolution declaring the City's Election to Receive State Revenues.**

The council and staff discussed the resolution.

Video time(5:53)

**MOTION MADE BY COUNCILOR BUEHNER TO APPROVE RESOLUTION R-2020-07: A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES, SECONDED BY COUNCILOR FENDER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.**

Video time (6:54)

## **8.2 Resolution R-2020-08 City Providing Services**

Council and staff discussed the resolution and the services that the City provides.

Video time (7:16)

**MOTION MADE BY COUNCILOR BUEHNER TO APPROVE RESOLUTION 2020-08 CITY PROVIDING SERVICES, SECONDED BY COUNCILOR PAULSEN.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.**

Video time (8:04)

## **8.3 Resolution R-2020-09 A Resolution Adopting the Budget for FY 2020-2021.**

The council and staff discussed the resolution. The Budget Committee recommended approval of the 2020-2021 budget as presented.

Video time (19:01)

**MOTION MADE BY COUNCILOR PLATT TO APPROVE RESOLUTION R-2020-09 A RESOLUTION ADOPTING THE BUDGET FOR FY 2020-2021, SECONDED BY COUNCILOR PAULSEN.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.**

Video time (20:24)

## **8.4 CDBG Letter of Assignment.**

Staff and council discussed that Councilor Paulsen and Councilor Fender are the best individuals for CDBG Policy Board.

Video time (22:00)

**MOTION MADE BY COUNCILOR BUEHNER TO APPOINT COUNCILOR PAULSEN AS PRIMARY AND COUNCILOR FENDER AS ALTERNATE TO THE CDBG POLICY BOARD, SECONDED BY COUNCILOR PLATT.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.**

Video time (22:39)

## **8.5 Consider City Council Appointment:**

- a. Shawna C. Thompson
- b. Katherine L. Mohr
- c. Heather L. Wakem

The City manager spoke about the process used to interviewed applicants for the open set on the city council.

Staff and city council briefly discussed and considered the top two that were recommended by staff. Staff also recommended that all members interested in the city council position should also run in the 2020 November election.

[Video time\(38:52\)](#)

**MOTION MADE BY COUNCILOR FENDER TO APPOINT SHAWNA THOMPSON TO THE VACANT SET ON THE CITY COUNCIL, SECONDED BY COUNCILOR BUEHNER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.**

[Video time\(50:31\)](#)

**8.6 Union Agreement**

Staff and councilors discussed the union agreement.

[Video time\(57:37\)](#)

**MOTION MADE BY COUNCILOR BUEHNER TO APPROVE THE UNION AGREEMENT AND AUTHORIZE THE CITY MANAGER TO SIGN, SECONDED BY COUNCILOR PAULSEN.**

**VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 7-0.**

[Agenda Item 9 Video Time \(59:41\):](#)

**Police Chief's Report:**

Thanked the KCCF for putting on the National Police Week.  
Gave recognition to the Sheriff's department and Tigard PD.  
Call volume is low at this time.  
PPE is still stocked.

Staff added a Mental Health Month Proclamation read by City Manager Mike Weston.

[Agenda Item 10 Video Time \(1:05:52\):](#)

**City Manager's Report:**

Mentioned a few ongoing projects: TSP, Master planning.  
Has a meeting to review the RFP for the Master plan.  
CM discussed the States Phase One plan for opening pertaining to COVID-19.

[Agenda Item 11 Video Time \(1:13:27\):](#)

**Mayors and Councilors Reports:**

Councilor Jaimie Fender – Some King City Residents are making masks to help out with COVID-19. Councilor Fender also mentioned that we should somehow honor the residents for their volunteerism. She also mentioned that the KCCF is working on a task force to help out the business. Wrote a newsletter to the KCCA for connecting to King City.

Councilor Micah Paulsen – CDBG meeting was last week.

Councilor David Platt – Welcomed the newly appointed councilor.

Councilor Smart Ocholi – No Report.

Councilor Gretchen Buehner – McCanns is moving to the Columbia Bank building. Reported that she attended a meeting for ODOT pertaining to speed signs.

Mayor Ken Gibson – attended a meeting for Tigard, Tualatin School District, where they talked about COVID-19 policies for online or in-school classes. He also mentioned that the school is dealing with vandalism of school property. Mayor Gibson mentioned that the City would do a virtual State of the City address for 2020.

**[Agenda Item 12 Video Time \(1:59:45\):](#)**

**Adjournment**

**MOTION MADE BY COUNCILOR BUEHNER TO ADJOURNMENT,  
SECONDED BY COUNCILOR THOMPSON.  
THE MEETING ADJOURNED AT 7:34 P.M.**

Respectfully Submitted by:

Attested by:

\_\_\_\_\_  
Ronnie Smith  
City Recorder

\_\_\_\_\_  
Mike Weston  
City Manager

**CITY OF KING CITY  
CITY COUNCIL MEETING MINUTES**

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**Call to Order:** A regular meeting of the King City – City Council was held on ZOOM and at the City Hall in the Council Chambers with limited staff due to COVID-19: located at 15300 SW 116th Ave, King City, Oregon beginning at 5:30 P.M. on Wednesday, November 18, 2020. Mayor Gibson requested a moment of silence then proceeded to call the meeting to order at 5:36 P.M., followed by roll call and the Pledge of Allegiance.

**Roll Call Video Time (0:26):**

**The following City Council members were present:**

Councilor Smart Ocholi  
Councilor David Platt  
Councilor Micah Paulsen  
Councilor Gretchen Buehner  
Councilor Shawna Thompson  
Mayor Ken Gibson

**Absent:**

Councilor Jaimie Fender

**Staff present included:**

City Manager (CM) Mike Weston  
City Recorder (CR) Ronnie Smith  
Chief of Police (CP) Ernie Happala,

**Agenda Item 3 Video Time (2:00):**

**Approval of Minutes:**

4.1 April 21, 2020

**Video time (2:05)**

**MOTION MADE BY COUNCILOR PAULSEN TO APPROVE THE MINUTES FROM FEBRUARY 19, 2020, SECONDED BY COUNCILOR BUEHNER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED  
THE MOTION CARRIED 6-0.**

**Agenda Item 5 video Time (2:57):** This agenda item was moved up one.

**Open Forum:** None.

**Agenda Item 4 Video Time (5:26):**

**Special Presentation:** Metro Update - Councilor Dirksen gave a brief update on 2020 investments; some of the highlights were the Metro Affordable Housing Bond, Parks and Nature bond, and regional Waste and Recycling.

**Agenda Item 6 Video Time (34:34):**

**Unfinished Business:** None

**Agenda Item 7 Video Time (34:35):**

**New Business:**



Video Time (34:38)

### **7.1 Resolution R-2020-22 A Resolution allowing a supplemental budget increase and decrease pursuant to ORS 294.338.**

Council and staff discussed the resolution and the budget.

Video time (49:50)

### **MOTION MADE BY COUNCILOR PAULSEN TO APPROVE RESOLUTION R-2020-22: A RESOLUTION R-2020-22 A RESOLUTION ALLOWING A SUPPLEMENTAL BUDGET INCREASE AND DECREASE PURSUANT TO ORS 294.338., SECONDED BY COUNCILOR BUEHNER.**

#### **ROLL CALL VOTE:**

Councilor Gretchen Buehner - Yes  
Councilor Micah Paulsen - Yes  
Councilor David Platt - Yes  
Councilor Smart Ocholi - Yes  
Councilor Shawna Thompson - Yes  
Mayor Ken Gibson - Yes

**6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED  
THE MOTION CARRIED 6-0.**

Video time (51:51)

### **7.2 Resolution R-2020-23 A Resolution Authorizing Bond Funding**

Council and staff discussed the resolution and the purpose of the bond funding.

Video time (54:01)

### **MOTION MADE BY COUNCILOR PAULSEN TO APPROVE RESOLUTION 2020-08 CITY PROVIDING SERVICES, SECONDED BY COUNCILOR BUEHNER.**

#### **ROLL CALL VOTE:**

Councilor Shawna Thompson - Yes  
Councilor Micah Paulsen – Yes  
Councilor Smart Ocholi - Yes  
Councilor Gretchen Buehner - Yes  
Councilor David Platt - Yes  
Mayor Ken Gibson - Yes

**6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED  
THE MOTION CARRIED 6-0.**

Video time (54:48)

### **7.3 Elected Essentials Workshops – League of Oregon Cities**

The staff mentioned that the League of Oregon Cities would be having a workshop for elected officials in December and encouraged counselors to register.

Staff and Councilors also thanked Counselor Greaten Buehner for her years of service to the City and the region.

### **Agenda Item 8 Video Time (1:00:04):**

Video time (1:00:17)

### **Police Chief's Report:**

Hiring for the Sergeant positions is going slow.  
Working on policies on COVID-19 and Calls

**Agenda Item 9 Video Time (1:05:13):**

**City Manager's Report:**

Working on policies on COVID-19.  
Updated Councilors on COVID-19 Relief funding.  
iPads will be here or around December 2020.

**Agenda Item 10 Video Time (1:19:30):**

**Mayors and Councilors Reports:**

Councilor Gretchen Buehner – Reported that she is attending the NLC meeting.

Councilor Smart Ocholi – No Report.

Councilor Shawna Thompson - is working on the Resilience project.

Councilor Micah Paulsen – No Report.

Councilor David Platt – No Report, but highly recommend councilors to attend the LOC workshop for elected officials.

Mayor Ken Gibson – attended a meeting for Tigard, Tualatin School District where they talked about COVID-19 policies.

**Agenda Item 11 Video Time (1:29:29):**

**Adjournment**

**MOTION MADE BY COUNCILOR PAULSON TO ADJOURNMENT,  
SECONDED BY COUNCILOR BEUHNER.  
THE MEETING ADJOURNED AT 7:48 P.M.**

Respectfully Submitted by:

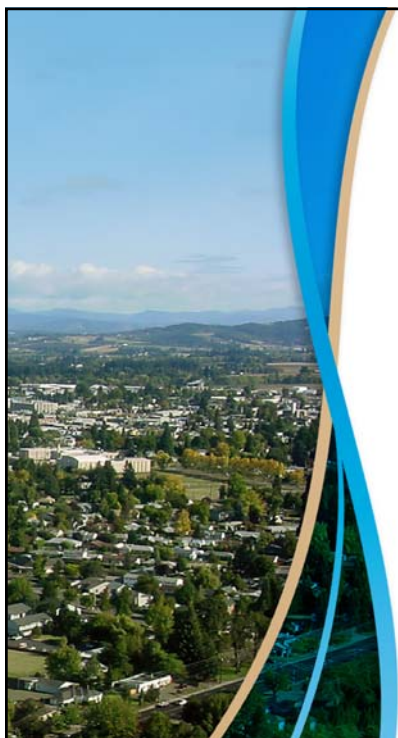
Attested by:

\_\_\_\_\_  
Ronnie Smith  
City Recorder

\_\_\_\_\_  
Mike Weston  
City Manager

#### 4 SPECIAL PRESENTATION:




4.1 Washington County Tobacco Retail Licensing - A prevention strategy to reduce youth access to tobacco and nicotine products.




# Preventing Youth Access to Tobacco

Gwyn Ashcom, MPH, MCHES  
Tobacco Prevention Coordinator

King City – City Council Meeting  
January 20, 2021




1



## Agenda

- Discuss evidence based strategies
- Landscape
- Data
- Where we are now



2

## Youth Prevention Strategies That Work

- Tobacco retail licensure
- Penalties for sales of tobacco or nicotine products to minors
- Regulate flavors
- Determine zoning – set restrictions on the amount of retailers near schools
- ✓ Establish a vape tax
- Raise the price of tobacco products
- ✓ Raise the purchasing age from 18 to 21



3

## Changing the Trend



*“Tobacco 21 works by putting the legal purchasers outside the social circles of most high school students, making it more difficult for 15 to 17 year-olds to pass as legal purchasers or have legal purchasers as a friend.”*

Rob Crane, MD  
President  
Preventing Tobacco Addiction Foundation



4

## Tobacco and Alcohol Retail Assessment



1 in 2 advertised tobacco or e-cigarettes outside the store



1 in 2 offered price promotions/discounts



94% sold flavored products (menthol, candy, etc.)



55% of those that sold cigarillos or small cigars advertised them for less than \$1



31% sold products within 12 inches of toys, candy, gum, slushy/soda machines or ice cream



5

## Electronic Cigarette Use Among Oregon Youth

	2017		2019
8 <sup>th</sup> grade	6%	→	12%
11 <sup>th</sup> grade	13%	→	23%



6

## Who Uses Flavored Products?

- 63% of 8<sup>th</sup> graders
- 75% of 11<sup>th</sup> graders
- 50% of Young adults (18-24)
- 18% of Adults (25+)



7

## Tobacco Retail Licensing (TRL)

- Requires businesses to purchase a license to sell tobacco and nicotine products
- Retailer education and support
- Annual license fee
- Enforcement system
- Strengthens Indoor Clean Air Act (ICAA)



8

## Why TRL?

- Opportunity for relationships with retailers (similar to restaurant inspections)
- Enforce Tobacco 21 and other tobacco laws
- TRL effectively decreases illegal tobacco sales to youth



9

## Potential Components of TRL

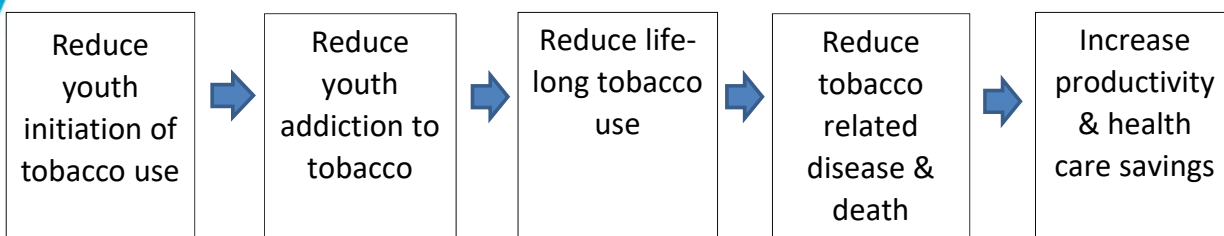
- Flavor Restrictions
- Zoning/Density
- Restriction on price discounts
- Advertising guidelines



10



## Predicted Impact of TRL



No significant adverse economic impact

	Total	Reduction
<b>Employees (FTE)</b>	370,880	-5.89
<b>Labor income</b>	\$31,008,794,624	-\$198,697

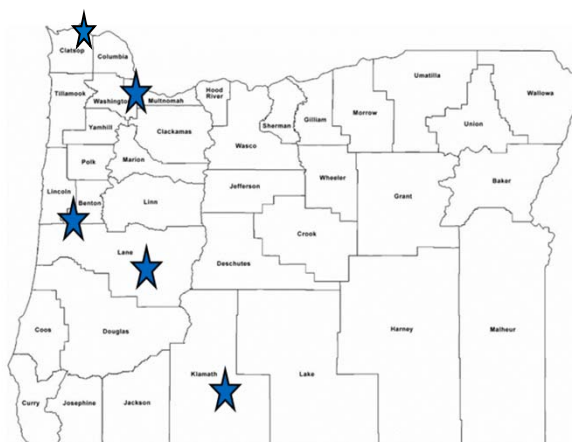


11

## TRL in Oregon

Jurisdictions that have passed TRL:

- Benton
- Klamath
- Lane
- Multnomah
- Clatsop



12



## Potential City Partnerships

- Cities adopt model ordinance aligned with the County ordinance.
- Enforcement options
  - IGA with Public Health (similar to what cities have with Animal Services)
  - Cities enforce their TRL ordinance



13



## Community and Stakeholder Support and Engagement

- Washington County Board of Commissioners
- Advocate Support
  - Substance Use Prevention Collaborative
  - Public Health Advisory Council
- Community survey



14

Thank you!

Gwyn Ashcom  
Tobacco Prevention Coordinator  
503-846-4544

[Gwyn\\_Ashcom@co.washington.or.us](mailto:Gwyn_Ashcom@co.washington.or.us)



# Tobacco Retail Licensing: Economic & Community Impact



In January 2018, Oregon increased the age to purchase tobacco and nicotine products from age 18 to 21 (Tobacco 21). Tobacco Retail Licensing (TRL) is a policy we can adopt in Washington County to enforce laws like Tobacco 21. Combined, TRL and Tobacco 21 are part of Washington County's plan to prevent youth from using nicotine and end tobacco-related disease.

TRL requires every business that sells tobacco and nicotine products, like gas stations and grocery stores, to have a license. A license to sell tobacco and nicotine products is similar to the licenses required to sell alcohol and marijuana. TRL is a necessary tool to enforce existing federal, state and local laws and to ensure that the health and well-being of our community is being addressed.

Washington County Public Health asked the Northwest Economic Research Center (NERC) to look at the potential economic impacts of countywide TRL to inform decision-makers and stakeholders.

## How much is a license? How will the fee be used?

A Tobacco Retail License may cost \$600 -\$700 each year. Specifically, the funds will be used to:

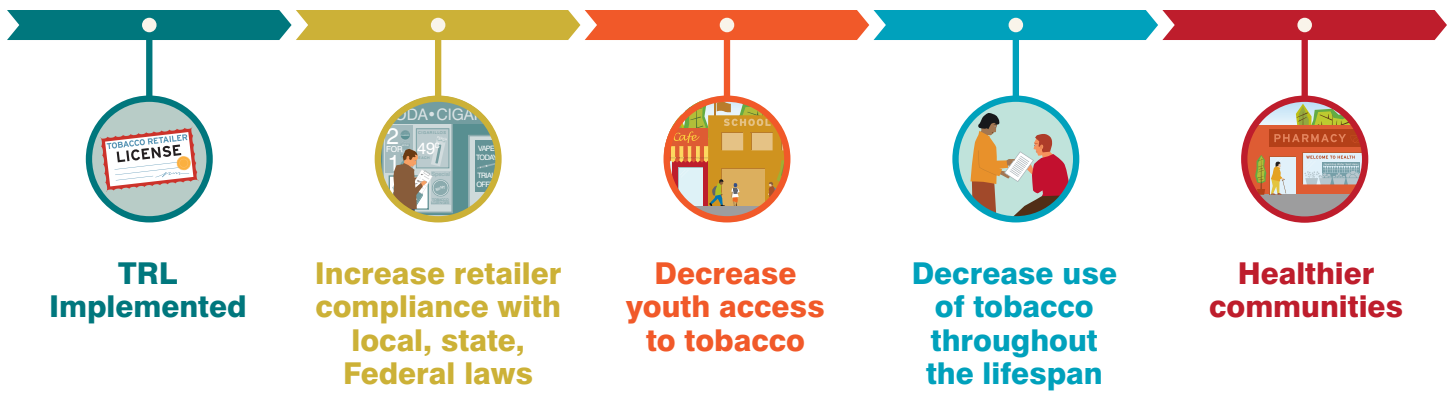
- Identify retailers, issue licenses, track compliance with laws, and enforce penalties if tobacco is sold to persons under the age of 21.
- Provide education to retailers and personalized technical assistance about laws and consequences if tobacco is sold illegally.
- Perform compliance checks twice per year.

## How will the fee impact the economy?

Tobacco Retail License fees are not likely to have a big impact on the retail job market. If implemented, the County may see a total loss of 5.89 full-time jobs out of the 9,664 full-time employees in the impacted industries. Total loss in wages from TRL is estimated to be \$198,697. This is a small fraction of the \$292 million in labor income represented by employees in the impacted industries.

The table below shows the potential loss in full-time equivalent (FTE) employment positions and income (Labor Income) for each jurisdiction within Washington County.

Jurisdiction	FTE	Labor Income
Banks	-0.0	-\$2,104
Beaverton	-1.6	-\$52,845
Cornelius	-0.14	-\$4,965
Forest Grove	-0.30	-\$9,199
Gaston	-0.02	-\$761
Hillsboro	-0.98	-\$32,394
North Plains	-0.05	-\$1,826
Sherwood	-0.14	-\$4,609
Tigard/King City	-0.96	-\$30,331
Tualatin	-0.17	-\$5,577
Unincorporated	-0.84	-\$26,614
Total County	-5.89	-\$198,697



### Dynamic Price Adjustment

Tobacco, like many addictive products, does not see a very big change in demand when there is an increase in price. Demand only decreases by 0.4% for a 1% increase in price. This means that retailers make more money by increasing the price of a product than they would lose from any loss in demand. The annual license fee of \$600-\$700 would cost \$1.64-\$1.92 per day. A small increase in the price of tobacco and nicotine products is one-way retailers can offset the cost of TRL.

### Long-Term Health Effects

TRL has the potential to improve quality of life for future generations, and Washington County retailers could be part of the solution to keep our youth safe and healthy. Tobacco is associated with cancer, respiratory diseases and cardiovascular diseases, which are known to increase medical costs and decrease quality of life. Additionally, chronic disease and early death caused by tobacco contribute to work absenteeism and decreased economic activity.

### Community Impact

When TRL was adopted in 33 California communities, sales to underage youth dropped by an average of 26%. In Minnesota, 14 communities with TRL saw sales to underage youth drop from 39% to 5%. They also reported a 28% drop among youth who smoked daily.

In Oregon, the current youth smoking rate is 7.7%. If that rate were reduced to 3.5% – which is Connecticut's rate and the lowest in the nation – this small decline means 38,000 fewer children would grow up to become regular smokers, resulting in 12,000 lives saved.

Using TRL to enforce laws like Tobacco 21, youth will have less access to tobacco products and will smoke less over their lifespan, resulting in decreased tobacco-related disease and long-term medical care costs.

“Despite all the progress in tobacco prevention, there is still more work to be done. **Every day 3,200 youth under 18 smoke their first cigarette, and another 2,100 youth and young adults who were occasional smokers become daily smokers.** TRL is a strategy proven to work. By reducing youth access and use, we can save millions of lives in the coming decades and eliminate smoking as the leading preventable cause of death and disease.”

– Leticia Vitela, Chair, Washington County Public Health Advisory Council



**For more information contact the Washington County Tobacco Prevention Coordinator [Gwyn\\_Ashcom@co.washington.or.us](mailto:Gwyn_Ashcom@co.washington.or.us)**

# Tobacco Retail Licensing

A policy ensuring fairness and equity for tobacco retailers to legally conduct business in compliance with state and local laws as well as protect the health of our community.



## Protecting Our Youth from Tobacco



The 2014 Surgeon General Report states that “**the tobacco industry continues to position itself to sustain its sales by recruiting youth and young adults...** as consumers of all their nicotine-containing products including cigarettes.”

**Youth tobacco use is increasing.** Statewide youth vaping a nicotine product, like JUUL, has increased nearly 80% between 2017 and 2019. In Washington County, 16% of 11th graders reported using an electronic nicotine delivery product. More youth are starting earlier, and becoming addicted to nicotine at a younger age, which makes it more difficult to quit. About 9 in 10 adults who smoke started before age 18, and 9 in 10 regret ever having started. This is why a tobacco retail license law that includes other effective policies, such as the prohibition of redemption of tobacco coupons and price promotions, and the restriction of tobacco retailer proximity to schools, is a crucial part of an effective, comprehensive program to reduce the number of children who become addicted to tobacco.

Youth Accessing Tobacco –

**17% of Washington County retailers sold tobacco to a minor.**

## Tobacco marketing targets

**kids.** In 2018 the Tobacco Industry spent more than \$100 million dollars promoting tobacco in Oregon. This translates to just over \$270,000 a day, and \$11,415 an hour. In Washington County, 1 in 2 retailers display tobacco or e-cigarette ads outside the store, 36% displayed flavored ads inside the store, and 31% sold products within twelve inches of toys, candy, gum, slushy/soda or ice-cream. Seeing such a high prevalence of advertising in stores normalizes the presence of tobacco, encourages initiation and impulse purchasing all the while discouraging cessation.



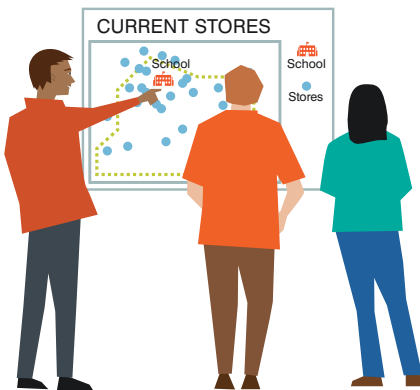
**Tobacco retail licensing.** Oregon is one of only nine states that does not have tobacco retail licensing. The main goal of a tobacco retailer licensing program in Washington County is to provide adequate enforcement for the laws that make it illegal to sell tobacco and nicotine products to those below the minimum legal sales age. The program also provides appropriate penalties for retailers who continuously break those laws.



**What can be developed.** The purpose of a tobacco retail licensing program in Washington County can

- 1) reduce illegal sales of tobacco and nicotine products to those under the minimum legal sales age and
- 2) reduce the number of youth who become addicted to nicotine.

This can be achieved by including the following elements:



- Require a tobacco retail license with fees for every tobacco retailer location, with a cap on the number of licenses available. Include inhalant delivery systems (vaping products) containing or delivering nicotine.
- Emphasize that violation of any tobacco control law is a violation of tobacco retail licensing and may lead to civil penalties.
- Prohibit mobile sales, price promotions, free samples, pharmacy sales and flavored tobacco products.
- Determine restrictions on zoning (the number, location, density and types of tobacco retail outlets), as well as advertising and product placement.
- Require retailers to post quit line information.

To ensure a sustainable and effective licensing system, licensing fees and fines can be designated to fully cover all program costs, including administration, inspection, education and enforcement.



**For more information contact the Washington County Tobacco Prevention Coordinator [Gwyn\\_Ashcom@co.washington.or.us](mailto:Gwyn_Ashcom@co.washington.or.us)**

7. NEW BUSINESS:
  - 7.2 Consider Committee Appointments



Governmental Organizations Related to King City Council Representatives. Meetings will be held virtually until further notice from the agency/program.					
Name and Description of Committee		Representative	Meeting Information	Meeting Contacts	
WCCCA-Washington Co. Consolidated Communication Assoc	Board (BOC)	(P) (A)	Loc: Zoom or Phone WCCCA Bldg Quarterly	Kelly Dutra – kdutra@waccca.com	
	Technical Committee (Users)	(P) (A)	Monthly	Kelly Dutra – kdutra@waccca.com	
WCCC-Washington Co. Coordinating Committee-Consists of elected and appointed officials who represent Washington County and the 13 cities within the county. Main responsibility; discussion and development of recommendations on issues associated with transportation.	Policy Committee	(P) (A)	Loc: ZOOM or Phone Beav. Library Day: 2 <sup>nd</sup> Monday Time: 12 to 1:30 PM	Whitney Hergert – Whitney_hergert@co.washington.or.us	For Agenda, go to the <a href="#">Washington County Coordinating Committee website.</a>
	Transportation Advisory Committee (TAC)	(P) (A)	Loc: Beav. Library Day: Last Thursday Time: 1:30 to 3 PM	Whitney Hergert – Whitney_hergert@co.washington.or.us	For Agenda, go to the <a href="#">Washington County Coordinating Committee website.</a>
Washington Co. Community Development Block Grant (CDBG)	Policy Advisory Board (PAB)	(P) (A)	Loc: ZOOM or Phone Rotating Day: 2 <sup>nd</sup> Thursday of the Month. Time: 7:00 PM	Jennie Proctor - Program Manager 503-846-8663 Jennie_proctor@co.washington.or.us	See attached for meeting dates. January has two dates and long time commitment.
King City Master Plan	Technical Advisory Committee (TAC)	(P) (A)		Steve Faust, AICP   Community Planning Director   3J Consulting 9600 SW Nimbus Ave, Suite 100   Beaverton, OR 97008 O: 503.946.9365 x.207   C: 971.409.2045 steve.faust@3j-consulting.com	
	Stakeholders Advisory Committee (SAC)	(P) (A)		Steve Faust, AICP   Community Planning Director   3J Consulting 9600 SW Nimbus Ave, Suite 100   Beaverton, OR 97008 O: 503.946.9365 x.207   C: 971.409.2045 steve.faust@3j-consulting.com	
MACC-Metropolitan Area Communication Commission-Monitors cable and telecommunications	MACC-Board	(P) (A)	Loc: Rotating Meets in June and December	Kristiyn Reimers Administrative Assistant 503.207.7123 kreimers@maccor.org	To find the Agenda and meeting dates go to <a href="#">MACC page.</a>
City of Tigard Water Advisory Board (WAB)	Water Advisory Board (WAB)	(P) (A)	Loc: Zoom or Phone Tigard Water Bldg Day: 2 <sup>nd</sup> Wed. Time: 5:30 PM	STAFF LIAISON: John Goodrich   503-718-2609   johng@tigard-or.gov	To find the Agenda and bylaws go to <a href="#">WAB Records.</a>
Small Cities Group		(P) (A)	Loc: Zoom or Phone Meets quarterly on the 3rd Thursday of the 3rd	Denise Nanke, Communications Specialist: dnanke@orcities.org	Small Cities Website: <a href="#">Click here.</a>

(P) = Primary Representative/Member (A) = Alternate Representative/Member (L) = Council Liaison (Updated 1/15/2021 RS)

			Month – Rotating cities		
LOC		(P) (A)	<ul style="list-style-type: none"> <li>Leadership Calls – Fridays</li> <li>Annual Conference 10/23/2021- Bend</li> <li>2021 Spring Conference Canceled</li> </ul>		
WA County Transportation Options		Mike Weston			
Greater Portland Inc		(P) (A) (L) Weston	2 <sup>nd</sup> Wednesday of Every Month. Tualatin Library 1:30 PM		
Metro Council	General Represtion	(P) (A)	Loc: Zoom or Phone Meet on: Tuesdays – 2 PM Work Session Thursdays – 2 PM Regular Session	Legislative and Engagement Coordinator 503-797-1916 legislativecoordinator@oregonmetro.gov	<a href="#">Go to Metro Calendar page.</a>
Joint Policy Advisory Committee on Transportation (JPACT)	JPACT	(P) (A)	<b>Loc:</b> Zoom or Phone <b>Meeting on:</b> 3 <sup>rd</sup> Thursday of Every Month. 7:30-9:00am	Legislative and Engagement Coordinator 503-797-1916 <a href="mailto:legislativecoordinator@oregonmetro.gov">legislativecoordinator@oregonmetro.gov</a>	Go to Metro web page. See attached schedule.
METRO Policy Advisory Committee (MPAC)	MPAC	(P) (A)	Loc: Zoom or Phone 4 <sup>th</sup> Wednesday of Every Month. 5:00-7:00pm	Legislative and Engagement Coordinator 503-797-1916 legislativecoordinator@oregonmetro.gov	<a href="#">Go to Metro web page.</a> See attached schedule.  (with the exception of December's meeting which will be on the 2nd Wednesday)
Water Consortium		(P) (A)	Metro 3x a year		
Homeowners Association's					
	Edgewater	(P) (A)			
	Highlands	(P)			

(P) = Primary Representative/Member (A) = Alternate Representative/Member (L) = Council Liaison (Updated 1/15/2021 RS)

		(A)			
	Royal Gardens Condominium Association	(P) (A)			
	King City Community Association	(P) (A)			
	Castle Oaks South	(P) (A)			
	River Edge	(P) (A)			
	Roseberry	(P) (A)			
	Association of King City Condominium	(P) (A)			
	Arden Village	(P) (A)			
	Garden Villa	(P) (A)			
CPO4k	General Rep	(P) (A) (L)	Loc: Zoom or Phone Meeting on 4 <sup>th</sup> Mondays monthly at 7:00 PM		<a href="#">Go to the CPO4K Website.</a>
Town Hall Mtgs for Congressional Delegates	General rep	All	When Announced		
Mayor and President Assignments/Committees					
Oregon Mayors Association		(P) Mayor Gibson (A) Pres. Fender			
Westside Economic Alliance		(P) Mayor Gibson (A) Pres. Fender			<a href="#">Go to Events Calendar</a>
Greater Portland Inc		(P) (A)			

(P) = Primary Representative/Member (A) = Alternate Representative/Member (L) = Council Liaison (Updated 1/15/2021 RS)



# WASHINGTON COUNTY OREGON

## 2021 WCCC & WCCC TAC MEETING SCHEDULE

<b><u>Washington County Coordinating Committee</u></b> <b>12 – 1:30 p.m.</b>	
	Monday, <u>January 11</u> *
	Monday, <u>February 8</u> *
	Monday, March 15
	Monday, April 12
	Monday, May 17
	Monday, June 14
	Monday, July 12
	Monday, August 16
	Monday, September 13
	Monday, October 18
	Monday, November 15
	Monday, December 13

<b><u>WCCC Transportation Advisory Committee</u></b> <b>1:30 – 3 p.m.</b>	
	Thursday, January 7
	Thursday, February 4
	Thursday, March 4
	Thursday, April 1
	Thursday, May 6
	Thursday, June 3
	Thursday, July 8
	Thursday, August 5
	Thursday, September 2
	Thursday, September 30
	Thursday, November 4
	Thursday, December 2

*\*Schedule adjusted for observance of legal holiday*

### **Meeting Locations**

**Meetings will be held virtually until further notice**

**Department of Land Use & Transportation**  
**Administrative Services • Office of the Director**  
155 N First Avenue, Suite 350, MS 16, Hillsboro, OR 97124-3072  
phone: 503-846-4530 • fax: 503-846-4412  
[www.co.washington.or.us/lut](http://www.co.washington.or.us/lut) • [lutdir@co.washington.or.us](mailto:lutdir@co.washington.or.us)

## **CDBG Public Advisory Board (PAB) Meeting Dates**

Regular meetings occur every month on the second Thursday, with January typically being a longer meeting and having an additional date (during the day) for presentations. The September meeting usually occurs on the third Thursday of the month to allow for a comment period before the Public Hearing on CAPER. Sometimes meetings may go longer, and CDBG staff will request the PAB to be available earlier so that they can end earlier, but this is rare. Sometimes, PAB has additional meetings to allow for Public Hearings that were unplanned (for example: Public Hearings for CARES Act Funding).

The dates are as follows (End times are estimates):

-January 14th 6pm-9pm

-January 28th Application Presentations 9am-2pm

-February 11th 7-9pm

-March 11th 7-9 pm

-April 8th 7-9pm

-May 13th 7-9pm

-June 10th 7-9pm

-July 8th 7-9pm

-August 12th 7-9pm

-September 16th 7-9pm

-October 14th 7-9pm

-November 11th 7-9pm

-December 9th 7-9pm

# Memo

Date: December 2020  
To: JPACT Members, Alternates and Interested Parties  
From: Jaye Cromwell, Metro  
Subject: 2021 Joint Policy Advisory Committee on Transportation (JPACT) Meeting Schedule

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**Please mark your calendars with the following 2021 JPACT meeting dates. JPACT meetings will be held on the third Thursday of the month, from 7:30 a.m. to 9 a.m. on Zoom (until otherwise notified):**

- January 21, 2021
- February 18, 2021
- March 18, 2021
- April 15, 2021
- May 20, 2021
- June 17, 2021
- July 15, 2021
- August 19, 2021
- September 16, 2021
- October 21, 2021
- November 18, 2021
- December 16, 2021

**Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public. JPACT meetings in 2021 will be held electronically until further notice.**

You can join the meeting on your computer or other device by using this link: <https://zoom.us/j/91720995437> or by calling +1 346 248 7799 or 888 475 4499 (toll free).

# Memo



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

Date: December 2020  
To: MPAC Members, Alternates and Interested Parties  
From: Jaye Cromwell, Metro  
Subject: 2021 Metro Policy Advisory Committee (MPAC) Meeting Schedule

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**Please mark your calendars with the following 2021 MPAC meeting dates. MPAC meetings will be held monthly on the 4<sup>th</sup> Wednesday of the month (*with the exception of December's meeting which will be on the 2<sup>nd</sup> Wednesday*) from 5:00 p.m. to 7:00 p.m. on Zoom (until otherwise notified):**

- January 27, 2021
- February 24, 2021
- March 24, 2021
- April 28, 2021
- May 26, 2021
- June 23, 2021
- July 28, 2021
- August 25, 2021-CANCELLED
- September 22, 2021
- October 27, 2021
- November 24, 2021- CANCELLED
- December 8, 2020

**Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public. MPAC meetings in 2021 will be held electronically until further notice.**

You can join the meeting on your computer or other device by using this link:  
<https://zoom.us/j/95889916633> or by calling +1 669 900 6833 or 877 853 5257 (Toll Free)

7. NEW BUSINESS:

- 7.3 Resolution R-2021-01 A Resolution Approving the Fire Codes and Standards of TVF&R.



# Tualatin Valley Fire & Rescue

## Fire Code Ordinance 2020-01

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### **Q If TVF&R's elected board of directors already adopted this ordinance, why do cities and counties served by TVF&R need to pass a resolution approving it?**

ORS 478.910 requires a fire district board to adopt their fire prevention code in accordance with ORS 198.510-198.600. Following adoption by TVF&R's board, ORS 478.924 further mandates that any city or county within the district must also approve the fire code by resolution. If not adopted in a city or county, a legal uncertainty could exist about fire code enforcement, plan review services, application of local amendments, appeals board proceedings, and other related issues. The resolution is the mechanism required by state law to ensure that TVF&R has coordinated with city or county governments.

### **Q Why did TVF&R adopt a new fire code ordinance?**

TVF&R reviews and updates its fire code ordinance periodically to reflect changes in state codes, laws, and regulations. For TVF&R to maintain 'exempt' fire district status with the State of Oregon, OAR 837-039-0015 requires adoption of regulations that are consistent with minimum state fire code standards. TVF&R Ordinance 2020-01 does that.

### **Q What is "Exempt Status?"**

TVF&R is an "Exempt Jurisdiction" per OAR 837, Division 39, meaning that TVF&R has enacted adequate regulations conforming to state and national standards concerning fire prevention, fire safety measures, and building construction requirements for safety. TVF&R provides enforcement of those regulations.

Exempt status allows TVF&R to maintain local delivery of all services related to fire code compliance within TVF&R's service area, including: Building official support, fire and arson investigation, fire code enforcement, and fire inspections. If TVF&R were not an "Exempt Jurisdiction", the State Fire Marshal's Office would have final jurisdiction over all matters related to fire code and fire investigations. Fire investigation services are best delivered at the local level to provide the highest degree of customer service for local government partners, residents, and businesses.

### **Q Does TVF&R have local amendments or deviations from the Oregon Fire Code?**

No. An amendment was removed from TVF&R's previous 2014 ordinance related to fire alarm verification since it is now captured in the adopted state code. (Alarm verification can reduce nuisance false alarms.)

### **Q Does approval of TVF&R's ordinance give a city/county authority to enforce the fire code?**

No. A resolution approving TVF&R's ordinance does not transfer any authority for fire code enforcement to a city or county. Authority to administer and enforce the fire code is statutorily designated to the State Fire Marshal and local fire officials who serve as "deputies" to the State Fire Marshal.

*City of King City, Oregon*

**RESOLUTION NUMBER R-2021-01**

**A RESOLUTION OF THE CITY OF KING CITY, OREGON APPROVING THE FIRE CODES AND STANDARDS OF TUALATIN VALLEY FIRE & RESCUE, A RURAL FIRE PROTECTION DISTRICT, AND PROVIDING FOR THE BUILDING OFFICIAL TO INTERPRET CERTAIN PROVISIONS OF THE STATE BUILDING CODE, THE MUNICIPAL CODE AND THE FIRE CODE.**

**WHEREAS**, the **Council** of City of King City has received and reviewed Tualatin Valley Fire & Rescue's (the "Fire District") Ordinance 20-01 (the "Fire Code"); and

**WHEREAS**, the **City Council** has determined it to be in the best interest of their residents to approve the provisions of the Fire District's Fire Code; and

**WHEREAS**, certain provisions of the Fire Code may be subject to interpretation related to provisions of the State Building Code and the Municipal Code, the **Council** finds it necessary to determine a method for resolving interpretation difficulties; and

**WHEREAS**, ORS 478.924 requires a city to approve, by resolution, a fire prevention code adopted by a rural fire protection district if that city desires to have the adopted fire prevention code apply within that city.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, THAT:**

Section 1. The **Council** hereby approves Tualatin Valley Fire & Rescue's Ordinance 20-01 as shown in Exhibit "A" attached hereto; and

Section 2. In the event that a provision of the State Building Code or the Municipal Code and the Fire Code are at variance or require interpretation, the determination of the City Building Official shall be final and binding, except as to matters of firefighting water supplies and fire apparatus access, which shall be determined by the Fire District as enforced by the Fire Marshal.

**PASSED AND ADOPTED** by the City Council on the 20th day of January 2021

City of King City, Oregon

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Mayor

**ATTEST:**

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Ronnie Smith, City Recorder

[Date] \_\_\_\_\_

# **ORDINANCE 2020-01**

**AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 14-02.**

**WHEREAS**, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

**WHEREAS**, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

## **IT IS ORDAINED AS FOLLOWS:**

### **TITLE AND FILING:**

This ordinance, including the codes hereby adopted, shall be filed with Oregon State Fire Marshal's office and shall be posted at each fire station as prescribed by ORS 478.940. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924.

### **SCOPE:**

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910.

### **SECTION I – ADOPTION OF THE DISTRICT'S FIRE CODE:**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except as amended under Sections II, the Oregon Fire Code adopted by the Oregon State Fire Marshal, as it is replaced and amended from time to time, is hereby adopted as the District's Fire Code. It is the intention of this ordinance that the District automatically adopts the latest Oregon Fire Code including any amendments as adopted by the Office of the State Fire Marshal without any additional action necessary by the District. Such codes and amendments are adopted on the effective date of the administrative rule adopted by the Office of State Fire Marshal.

### **SECTION II – ENFORCEMENT OF FIRE CODE**

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises, issuance of permits, review of plans testing of fire protection systems and equipment, or provisions providing for enforcement of the Code, such inspections, plan review, permits, testing, and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire,

rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections, plan review, permits or testing only so often as, and where necessary, to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections, plan review, issuance of permits and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

### **SECTION III – AMENDMENTS TO THE OREGON FIRE CODE:**

There are no amendments to the Oregon Fire Code adopted by the Oregon State Fire Marshal

### **SECTION IV – FEES**

Cost based fees may be imposed for plan review, inspections, permits or other fire code related services the District is authorized or required to provide under the Fire Code or other applicable statute or regulation, as prescribed in the District's Master Fee Schedule.

### **SECTION V – PENALTIES**

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage, or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

Reinspection fees may be applied for failure to correct violations in accordance with the District's Master Fee Schedule in addition to any other penalties.

### **SECTION VI – FIRE CODE BOARD OF APPEALS**

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and standard operating guidelines adopted by the District.

### **SECTION VII – REPEAL OF CONFLICTING ORDINANCES**

The provisions of this ordinance, i.e., the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. If an existing fire code ordinance has been approved within any city or county within the District, the District

desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective on the effective date of this ordinance; provided, however, that Ordinance 10-02, 14-01 or 14-02 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 2020-01. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

### SECTION VIII – VALIDITY

The District hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

### SECTION IX – DATE OF EFFECT

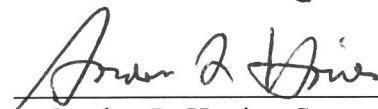
The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 28<sup>th</sup> day of January, 2020.

Second reading by Title only this 25<sup>th</sup> day of February, 2020.

PASSED by the District this 25<sup>th</sup> day of February, 2020.

  
Clark I. Balfour, President

  
Gordon L. Hovies, Secretary-Treasurer

## 7 NEW BUSINESS

- 7.4 Second Reading of Ordinance - O-2020-2 An Ordinance Amending City of King City Municipal Code Chapter 15 (Building and Construction).

**ORDINANCE NO. O-2020-02**  
**AN ORDINANCE AMENDING CITY OF KING CITY MUNICIPAL CODE**  
**CHAPTER 15 (BUILDINGS AND CONSTRUCTION).**

**WHEREAS**, the City is proposing amendments to be adopted as part of the King City Municipal Code; and

**WHEREAS**, the City Council supports the following amendments to the King City Municipal Code.

NOW, THEREFORE, the City of King City ordains as follows:

**Section 1. Title 15 Amended.** City of King City Municipal Code, Title 15 is hereby amended as follows:

Title 15 - BUILDINGS AND CONSTRUCTION<sup>[1]</sup>

**Chapters:**

Footnotes:

--- (1) ---

**Editor's note**— \*Editor's Note: Former Chapters 15.08 through 15.20 are incorporated within a separate volume entitled "King City Community Development Code."

Chapter 15.10 - BUILDING CODES

15.10.010 - Title.

This chapter shall be known as the King City building code.

(Ord. 99-07 § 1 (part), 1999)

15.10.020 - Definitions.

For the purpose of Sections 15.10.020 through 15.10.050 of this chapter, the following terms shall mean:

"Building official" means the designee appointed by the city manager or city council, either directly or through an intergovernmental agreement authorized by Section 15.10.040 of this chapter, and is the person responsible for building inspections and enforcement of the state building code.

"State building code" means the combined specialty codes listed in Section 15.10.030 of this chapter.

(Ord. 99-07 § 1 (part), 1999)

15.10.030 - State codes adopted.

A. ~~The following codes, standards and rules are adopted and shall be in force and effect as part of this code:~~ The following state specialty codes and regulations are adopted and shall be in full force and effect as part of this code, pursuant to ORS 455.153:

~~1. The Oregon Structural Specialty Code (2007 Ed.), as adopted by OAR Chapter 918, Division 460, including Oregon amendments;~~

- ~~2. The 2007 Oregon Mechanical Specialty Code, as adopted by OAR Chapter 918, Division 440, including Oregon amendments;~~
  - ~~3. The Plumbing Specialty Code, as adopted by OAR Chapter 918, Division 750, including Oregon amendments;~~
  - ~~4. The Oregon State Electrical Specialty Code (2008 Ed.), Chapter 918, Division 305, including Oregon amendments;~~
  - ~~5. The Oregon One and Two Family Dwelling Specialty Code, as adopted by OAR Chapter 918, Division 480, including Oregon amendments;~~
  - ~~6. The standards for mobile or manufactured dwellings, as adopted by OAR Chapter 918, Division 500 and Division 520 and the Recreational Park and Organizational Camps rules adopted by OAR Chapter 918, Division 650.~~
1. The state of Oregon Structural Specialty Code, as authorized by ORS 455.010 through 455.040, and adopted in OAR Division 918-460, with the additions identified below:
    - a) Scope: Section 101.2 is amended to include provisions for the following:
      1. Pursuant to the regulation of dangerous building, seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but may be less than the standards for new buildings;
      2. Abatement of nuisances and dangerous buildings;
      3. Fire safety during construction;
      4. Demolition;
      5. Protection of adjoining property;
      6. Retaining walls not otherwise regulated under the provisions of the state of Oregon Structural Specialty Code;
      7. Fences over seven feet in height;
      8. Tanks that are located exterior to and not attached to or supported by a regulated building;
      9. Cellular phone, radio, television and other telecommunications towers that are not attached to or supported by a regulated building;
      10. Ground mounted flagpoles exceeding twenty-five feet in height;
      11. Signs not attached to or supported by a regulated building;
      12. Equipment shelters not intended for human occupancy with a building area two hundred fifty square feet or less, designated as Risk Category I or II;
      13. Administration and implementation of a National Flood Insurance Program (NFIP);
      14. Transitional housing accommodations; and



15. Matters not encompassed by this code but determined by the building official to be similar to those regulated.
- b) Section 105.1 shall be amended to read; Required. Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.
- c) Section 116, Unsafe Structures and Equipment;
2. The state of Oregon Mechanical Specialty Code, as authorized by ORS 455.020 to 455.040 and ORS 455.1 10, and adopted in OAR Division 918-440.
3. The state of Oregon Plumbing Specialty Code, as authorized by ORS 455.020 to ORS 455.040, and adopted in OAR Division 918-750.
4. The state of Oregon Electrical Specialty Code, as authorized by ORS 479.730, and adopted in OAR Division 918-305.
5. The state of Oregon Residential Specialty Code, as authorized by ORS 455.610, and adopted in OAR Division 918-480.
6. The state of Oregon Regulations for mobile home and manufactured dwelling parks; temporary parks, manufactured dwelling installation, support and tie down requirements; park or camp requirements as authorized by ORS 446.062, and adopted in OAR Division 918-500 and OAR Division 918-650.
7. The state of Oregon Solar Installation Specialty Code as authorized by ORS 455.010 to 455.895.
- ~~B. —To the extent permitted by law, the city adopts any amendment(s) to the above listed specialty codes as those amendments are lawfully adopted by the Building Codes Division of the Oregon Department of Consumer and Business Services without further action by the council.~~
- B. Appendices: In addition to appendices already adopted as part of the individual codes cited in Section A above, the following appendices are adopted and made part of the associated code by the City of King City:
1. Oregon Structural Specialty Code; Appendix J “Grading”
- C. At least one copy of each of these specialty codes shall be kept by the building official and shall be available for inspection upon request.

(Ord. 99-07 § 1 (part), 1999)

(Ord. No. O-01-10, § 1, 2-17-2010)

15.10.040 - Administration.

- A. The city shall provide either directly, or through an intergovernmental agreement, a program of building code administration, including plan review, permit issuing and inspection for structural, mechanical, electrical and plumbing work. The program shall be administered by the building official. The program shall operate pursuant to the state specialty codes listed in Section 15.10.030 and the remainder of this chapter.
- B. Administration and enforcement of Appendix Chapter 33, Excavation and Grading, as adopted by Section 15.10.030(A)(1) of this chapter shall be by the building official and city engineer. Where the term "building official" is used in Chapter 33, it shall mean either the building official or the city engineer.
- C. The city manager may enter into intergovernmental agreement(s) (consistent with the terms of ORS 190.003 to ORS 190.125) to administer the terms of the state building code on behalf of and for the city.
- D. Building Inspections. The building official is authorized to make inspections, take actions, and make interpretations of this chapter as may be required to enforce the provisions of this chapter.
- E. Right of Entry. Whenever necessary to make an inspection to enforce any provision of this code, or whenever the building official has reasonable cause to believe that any dangerous or unsafe building conditions exist, the building official may enter the building, structure or property at all reasonable times to inspect the same or to carry out any provision of this chapter. If the building or premises is occupied, the building official shall first present proper credentials and request entry of the property owner or person in charge. If the building or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or person in charge of the building or premises and request entry. If entry is refused, or the owner or person in charge is unlocatable, the building official shall seek an appropriate warrant from municipal, district or circuit court authorizing entry.
- F. Posting of Property and Restriction of Access. The building official, upon a finding that a building, structure or property constitutes a dangerous or unsafe building may post the property with notices notifying the public of the dangerous or unsafe conditions. The building official may also delimit the area of danger and prohibit all persons from entering onto, occupying or inhabiting the dangerous building area. Violation by any person of such notice and access restriction shall constitute trespass, a misdemeanor offense under this Code.
- DG. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (1) to (10) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.
  - 1. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.
  - 2. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an

immediate threat to health safety, environment, or public welfare, the time for correction shall be not less than five calendar days.

3. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to whom an order to correct was issued.
4. Notwithstanding subsections (1) and (2) of this section, the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.
5. In imposing an administrative civil penalty authorized by this section, the building official shall consider:
  - a. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation:
  - b. Any prior violations of statutes, rules, orders, and permits:
  - c. The gravity and magnitude of the violation;
  - d. Whether the violation was repeated or continuous;
  - e. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
  - f. The violator's cooperativeness and efforts to correct the violation; and
  - g. Any relevant rule of the building official.
6. Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:
  - a. Reference to the particular code provision, ordinance number, or rule involved;
  - b. A short and plain statement of the matters asserted or charged;
  - c. A statement of the amount of the penalty or penalties imposed;
  - d. The date on which the order to correct was issued and time by which correction was to be made, or, if the penalty is imposed pursuant to subsection (4) of this section, a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
  - e. A statement of the party's right to appeal the administrative civil penalty to the city manager or the manager's designee; a description of the process the party may use to appeal the administrative civil penalty; and the deadline by which such an appeal must be filed.
7. Any person, firm, corporation or other entity however organized who is issued a notice of administrative civil penalty may appeal the penalty to city manager or the manager's designee.

The city manager's designee shall not be the building official or building inspector. The provisions of Section 15.10.060 of this code shall govern any requested appeal of the imposition of an administrative civil penalty.

8. An administrative civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the city manager or the manager's designee pursuant to, and within the time limits established by Section 15.10.060.
9. Each day the violator fails to remedy the code violation shall constitute a separate violation.
10. The administrative civil penalty authorized by this section shall be in addition to and not in lieu of:
  - a. Assessments or fees for any costs incurred by the city in remediation, cleanup, or abatement, and
  - b. Any other actions authorized by law, provided that the city shall not issue a citation to municipal court for a violation of this chapter.

(Ord. 99-07 § 1 (part), 1999)

(Ord. No. O-01-10, § 2, 2-17-2010)

15.10.050 - Violation—Penalty—Remedies.

- A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, occupy or maintain a building or structure in the city, or cause the same to be done contrary to, or in violation, of this chapter.
- B. No person shall install, alter, replace, improve, convert, equip or maintain any mechanical equipment, electrical equipment or related system(s) in the city, or cause the same to be done contrary to, or in violation, to this chapter.
- C. No person shall install, alter, replace, improve, convert, equip or maintain any plumbing or drainage piping work or any fixture or water heating or treating equipment in the city, or cause the same to be done contrary to or in violation of this chapter.
- D. Each day that a violation of a provision of this chapter exists constitutes a separate violation.
- E. Notwithstanding any other remedies available under the terms of this code or state statute, if the building official determines in his sole discretion that any building under construction, mechanical work, electrical or plumbing work on any building or any structure within the city poses an immediate threat to the public health, safety or welfare, he is hereby authorized to order the work halted and the building or structure vacated pending further action by the city.
- F. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under this code or state statute.

(Ord. 99-07 § 1 (part), 1999)

15.10.60 - Appeal procedures.

- A. A person aggrieved by a decision of the building official may choose whether to appeal through the local appeals process, or through the state Building Codes Division. If the appeal relates to an inspection pursuant to the Electrical Specialty Code, the appeal shall be processed according to Oregon Administrative Rule 918-251-0040. A person aggrieved by the decision of the City's building official or designee may, in lieu of using the local appeals process, appeal to the appropriate specialty code chief according to the process in Oregon Administrative Rule OAR 918-001-0130. The aggrieved person may not change from one process to the other on the same issue. The aggrieved person, or the person whose decision generated the appeal, may appeal the decision of the specialty code chief to the appropriate state advisory board according to Oregon Administrative Rule OAR 918-001-0130.

15.19.65 – Local appeals process.

- A. A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within fifteen days after the date of notice of the action, appeal in writing to the building official. The written appeal shall be accompanied by an appeal fee as set by council and shall include:
1. The name and address of the appellant;
  2. The nature of the determination being appealed;
  3. The reason the determination is incorrect; and
  4. What the correct determination of the appeal should be.

If a person, firm, corporation or other entity however organized appeals an administrative civil penalty to the city manager or the manager's designee, the penalty shall become final, if at all, upon issuance of the city manager or the manager's designee's decision affirming the imposition of the administrative civil penalty.

- B. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.
- C. Unless the appellant and the city agree to a longer period, an appeal shall be heard by the city manager or the manager's designee within thirty days of the receipt of the notice of intent to appeal. At least ten days prior to the hearing, the city shall mail notice of the time and location thereof to the appellant.
- D. The city manager or the manager's designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the city manager or the manager's designee deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.
- E. The city manager or the manager's designee shall issue a written decision within ten days of the hearing date. The written decision of the city manager or the manager's designee is final.
- F. Other than as provided in this subsection, the appeal fee is not refundable. The city manager or the manager's designee may make a determination on the motion of the appellant that the appeal fee

shall be refunded to the appellant upon a finding by the city manager or the manager's designee that the appeal was not frivolous.

- G. Failure to pay a penalty imposed hereunder within ten days after the penalty becomes final as provided in subsection A. shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by Section 15.10.080 other provisions of this code, or state statutes.

(Ord. No. O-01-10, § 3, 2-17-2010)

15.10.080 - Unpaid penalties.

- A. Failure to pay an administrative civil penalty imposed pursuant to this code within ten days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection B. below, other provisions of this code, or state statutes.
- B. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid thirty days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the city lien docket. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the city lien docket. The lien shall be enforced in the same manner as all city liens. Interest shall commence from the date of entry of the lien in the lien docket.
- C. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(Ord. No. O-01-10, § 4, 2-17-2010)

**Section 2. Severance Clause.** If any phrase, clause, or other part or parts of this Ordinance are found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and other part or parts shall remain in full force and effect.

ADOPTED BY THE CITY COUNCIL OF KING CITY this \_\_\_\_ day of \_\_\_\_\_, 2020.

City of King City

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ken Gibson, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jaimie A. Fender, Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronnie Smith, City Recorder

APPROVED TO FORM:

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Edward H. Trompke, City Attorney

## APPENDIX J

# GRADING

Appendix J is not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*, consistent with the purpose and scope of application authorized in ORS 455.020.

Local *municipalities* are permitted to enact local ordinances for the grading.

### SECTION J101 GENERAL

**J101.1 Scope.** The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

**J101.2 Flood hazard areas.** Unless the applicant has submitted an engineering analysis, prepared in accordance with standard engineering practice by a *registered design professional*, that demonstrates the proposed work will not result in any increase in the level of the base flood, grading, excavation and earthwork construction, including fills and embankments, shall not be permitted in *floodways* that are in *flood hazard areas* established in Section 1612.3 or in *flood hazard areas* where design flood elevations are specified but *floodways* have not been designated.

### SECTION J102 DEFINITIONS

**J102.1 Definitions.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**BENCH.** A relatively level step excavated into earth material on which fill is to be placed.

**COMPACTION.** The densification of a fill by mechanical means.

**CUT.** See "Excavation."

**DOWN DRAIN.** A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

**EROSION.** The wearing away of the ground surface as a result of the movement of wind, water or ice.

**EXCAVATION.** The removal of earth material by artificial means, also referred to as a cut.

**FILL.** Deposition of earth materials by artificial means.

**GRADE.** The vertical location of the ground surface.

**GRADE, EXISTING.** The grade prior to grading.

**GRADE, FINISHED.** The grade of the site at the conclusion of all grading efforts.

**GRADING.** An excavation or fill or combination thereof.

**KEY.** A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

**SLOPE.** An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**TERRACE.** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

### SECTION J103 PERMITS REQUIRED

**J103.1 Permits required.** Except as exempted in Section J103.2, grading shall not be performed without first having obtained a *permit* therefor from the *building official*. A grading *permit* does not include the construction of retaining walls or other structures.

**J103.2 Exemptions.** A grading *permit* shall not be required for the following:

1. Grading in an isolated, self-contained area, provided that the public is not endangered and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided that such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a *registered design professional*.

Exemption from the *permit* requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

### SECTION J104 PERMIT APPLICATION AND SUBMITTALS

**J104.1 Submittal requirements.** In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

**J104.2 Site plan requirements.** In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to



indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

**J104.3 Geotechnical report.** A geotechnical report prepared by a *registered design professional* shall be provided. The report shall contain not less than the following:

1. The nature and distribution of existing soils.
2. Conclusions and recommendations for grading procedures.
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading.
4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

**Exception:** A geotechnical report is not required where the *building official* determines that the nature of the work applied for is such that a report is not necessary.

**J104.4 Liquefaction study.** For sites with mapped maximum considered earthquake spectral response accelerations at short periods ( $S_s$ ) greater than 0.5g as determined by Section 1613, a study of the liquefaction potential of the site shall be provided and the recommendations incorporated in the plans.

**Exception:** A liquefaction study is not required where the *building official* determines from established local data that the liquefaction potential is low.

## SECTION J105 INSPECTIONS

**J105.1 General.** Inspections shall be governed by Section 110 of this code.

**J105.2 Special inspections.** The *special inspection* requirements of Section 1705.6 shall apply to work performed under a grading permit where required by the *building official*.

## SECTION J106 EXCAVATIONS

**J106.1 Maximum slope.** The slope of cut surfaces shall be not steeper than is safe for the intended use, and shall be not more than one unit vertical in two units horizontal (50-percent slope) unless the owner or the owner's authorized agent furnishes a geotechnical report justifying a steeper slope.

### Exceptions:

1. A cut surface shall be permitted to be at a slope of 1.5 units horizontal to one unit vertical (67-percent slope) provided that all of the following are met:
  - 1.1. It is not intended to support structures or surcharges.
  - 1.2. It is adequately protected against erosion.
  - 1.3. It is not more than 8 feet (2438 mm) in height.
  - 1.4. It is approved by the building code official.
  - 1.5. Ground water is not encountered.

2. A cut surface in bedrock shall be permitted to be at a slope of one unit horizontal to one unit vertical (100-percent slope).

## SECTION J107 FILLS

**J107.1 General.** Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this section.

**J107.2 Surface preparation.** The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

**J107.3 Benching.** Where existing grade is at a slope steeper than one unit vertical in five units horizontal (20-percent slope) and the depth of the fill exceeds 5 feet (1524 mm) benching shall be provided in accordance with Figure J107.3. A key shall be provided that is not less than 10 feet (3048 mm) in width and 2 feet (610 mm) in depth.

**J107.4 Fill material.** Fill material shall not include organic, frozen or other deleterious materials. Rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall not be included in fills.

**J107.5 Compaction.** All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

**J107.6 Maximum slope.** The slope of fill surfaces shall be not steeper than is safe for the intended use. Fill slopes steeper than one unit vertical in two units horizontal (50-percent slope) shall be justified by a geotechnical report or engineering data.

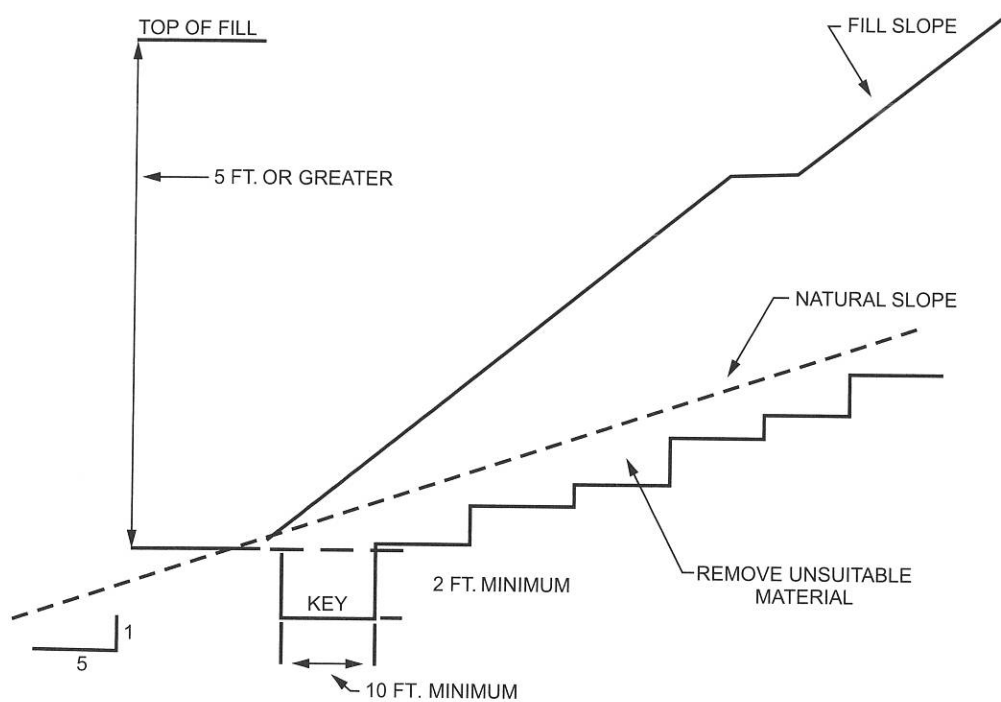
## SECTION J108 SETBACKS

**J108.1 General.** Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks.

**J108.2 Top of slope.** The setback at the top of a cut slope shall be not less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

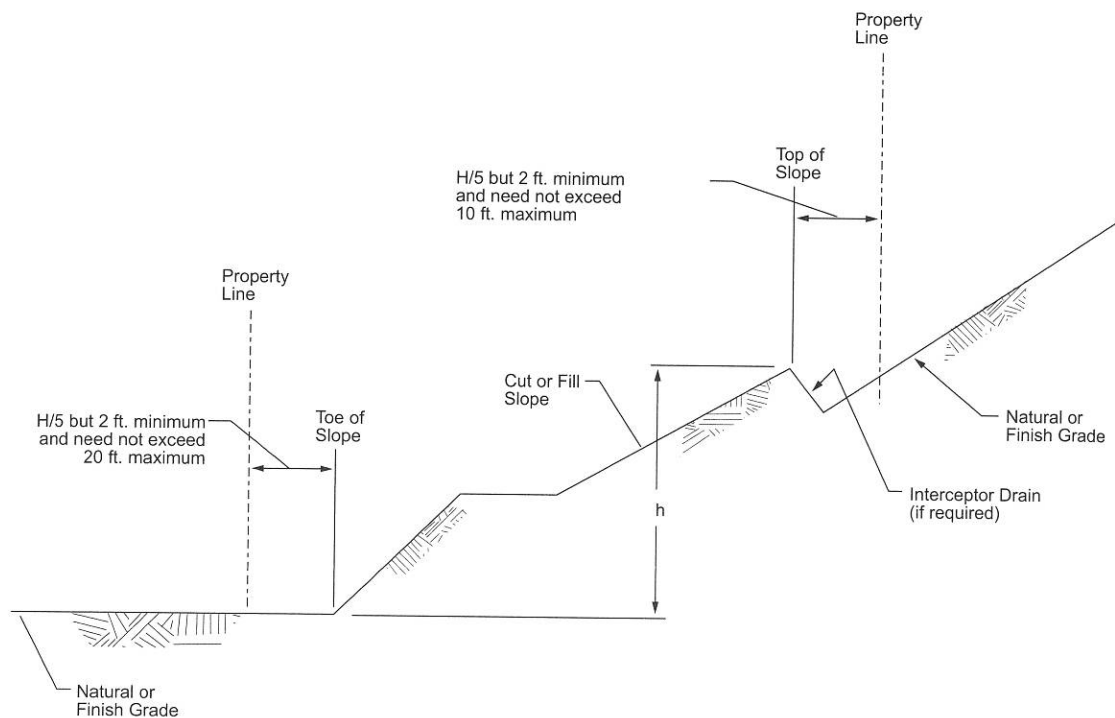
**J108.3 Slope protection.** Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the *building official*, shall be included. Examples of such protection include but are not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.



For SI: 1 foot = 304.8 mm.

**FIGURE J107.3  
BENCHING DETAILS**



For SI: 1 foot = 304.8 mm.

**FIGURE J108.1  
DRAINAGE DIMENSIONS**

## SECTION J109 DRAINAGE AND TERRACING

**J109.1 General.** Unless otherwise recommended by a *registered design professional*, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

**Exception:** Drainage facilities and terracing need not be provided where the ground slope is not steeper than one unit vertical in three units horizontal (33-percent slope).

**J109.2 Terraces.** Terraces not less than 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be not less than 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of one unit vertical in 20 units horizontal (5-percent slope) and shall be paved with concrete not less than 3 inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a depth not less than 12 inches (305 mm) and a width not less than 5 feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m<sup>2</sup>) (projected) without discharging into a down drain.

**J109.3 Interceptor drains.** Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the *building official*, but shall be not less than one unit vertical in 50 units horizontal (2-percent slope). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the *building official*.

**J109.4 Drainage across property lines.** Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

## SECTION J110 EROSION CONTROL

**J110.1 General.** The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

**Exception:** Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

**J110.2 Other devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

## SECTION J111 REFERENCED STANDARDS

ASTM  
D1557-12

Test Method for Laboratory  
Compaction Characteristics of  
Soil Using Modified Effort  
[56,000 ft-lb/ft<sup>3</sup> (2,700 kN-m/m<sup>3</sup>)].

J107.5

## 7. NEW BUSINESS

### 7.5 IGA for the Resiliency Project (aka Mental Health Community Psyche Program)



## INTERGOVERNMENTAL AGREEMENT

This Agreement ("Agreement") is made by and between the City of Tigard, a municipal corporation of the State of Oregon ("City"), and the City of King City ("Agency"), a municipal corporation of the State of Oregon. City and Agency may be jointly referred to herein as the "Parties" or individually as a "Party."

### RECITALS

1. WHEREAS, ORS 190.010 authorizes units of local government to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and
2. WHEREAS, on March 8, 2020 the Governor of Oregon declared an emergency under ORS 401.165 *et. seq.* due to the public health threat posed by the novel infectious coronavirus (COVID-19); and
3. WHEREAS, on March 11, 2020, COVID-19, which spreads person-to-person through coughing, sneezing and close personal contact, was declared a pandemic by the World Health Organization; and
4. WHEREAS on March 13, 2020 the President of the United States declared the COVID-19 outbreak a national emergency; and
5. WHEREAS on March 23, 2020, Oregon Governor Kate Brown issued Executive Order 20-12 (EO 20-12) which, among other things, prohibited non-essential social and recreational gatherings of individuals outside of home or place of residence and imposed social distancing requirements that curtailed traditional committee gatherings and events; and
6. WHEREAS, on March 27, 2020 the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") became law and established the \$150 billion Coronavirus Relief Fund (Fund) from which the U.S. Department of the Treasury made payments to eligible units of local government, including the County; and
7. WHEREAS, Washington County ("County") received a payment from the Fund which, subject to the requirements of the CARES Act and 2 CFR 200, can be used to reimburse necessary expenses associated with the COVID-19 Public Health Emergency; and
8. WHEREAS, on June 2, 2020, the Washington County Board of Commissioners approved the distribution of \$1,000,000.00 from the County's allocation of the Fund for building Public Mental Health and Community Psyche as one of the four principles for the utilization of the County's allocation of the Fund. Included in the Public Mental Health and Community Psyche allocation was \$150,000 identified

for Washington County District 3 cities of Tigard, King City, and Durham. The City was identified as the convener of the District 3 cities of King City and City of Durham; and

9. WHEREAS, on the same day, the Washington County Board of Commissioners approved the distribution of \$7,000,000.00 from the County's allocation of the Fund ("Cities and Special Districts Assistance Program") to provide economic relief and reimburse cities and special districts within Washington County for necessary expenses related to COVID-19 public health emergency; and

10. WHEREAS the City has applied and is eligible for an allocation of a portion of the Cities and Special Districts Assistance Program funds as a Subrecipient under the CARES Act to cover expenses already incurred or to be incurred in the form of unbudgeted necessary expenses due to the COVID-19 public health emergency; and

11. WHEREAS, in the process of collaborating with the County on the Public Mental Health and Community Psyche Program, City indicated that the County's goal of building public mental health and community psyche could be met with programs financed with unrestricted funds of the City;

12. WHEREAS, the County, in recognition of City's commitment to fund programs supporting the County's Public Mental Health and Community Psyche Program with unrestricted City funds, desired to increase City's allocation of funds under the County's Cities and Special Districts Assistance Program in an equal amount in a fund exchange agreement;

13. WHEREAS, on August 4, 2020 the Washington County Board of Commissioners reallocated \$1,000,000.00 from the Public Mental Health and Community Psyche Program to the Protect Public Health – Cities and Special Districts Assistance Program;

14. WHEREAS, on December 1, 2020 the Washington County Board of Commissioners allocated funding under the Cities and Special Districts Assistance Grant Program to the City in exchange for obligations associated with the Public Mental Health and Community Psyche Program; and

15. WHEREAS, the County and the City entered into an intergovernmental agreement on December 11, 2020, setting forth City's obligations associated with the Public Mental Health and Community Psyche Program (the "County IGA");

16. WHEREAS, the City agreed to act as convener for District 3 of Washington County, and allocate up to \$47,333 in support of events convened by the City of King City under the Public Mental Health and Community Psyche Program.

The Parties agree as follows:

#### **TERMS AND CONDITIONS**

1. TERM. This Agreement is effective upon signature by both Parties and will continue until April 30, 2021. The Agreement may be terminated earlier or term may be extended, as provided in this Agreement.

2. CITY OF TIGARD RESPONSIBILITIES.

- A. In exchange for carrying out Agency's obligations set forth in this Section 3 of this Agreement ("Agency's Responsibilities") City will reimburse up to \$47,333 to Agency for costs that Agency incurs in carrying out Agency's Responsibilities.
- B. City will review, verify, and approve all reporting submissions described in this Section 3 of this Agreement from Agency, prior to reimbursement of costs.

3. AGENCY RESPONSIBILITIES.

- A. Agency will conduct or cause the events and activities provided in Exhibit A (the "Activities"), made and incorporated herein, to be conducted in accordance with this Agreement. The Activities have been identified and planned to satisfy the requirements of the County's Public Mental Health and Community Psyche Program. Any supplement or amendment of Exhibit A will be submitted to the City, together with corresponding estimated or actual budget, which will be submitted by the City for County prior approval and will:
  - i. Aim to supplant and replace other community events and activities that have been cancelled, restricted, or postponed due to the COVID-19 public health crises; and
  - ii. Be designed and implemented in a manner that complies with all applicable federal, state, or local regulations or orders pertaining to the safe operation of events or activities, including regulations or orders that require gatherings to be limited or restricted in occupancy or size; and
  - iii. Be planned and carried out with a focus on diversity, equity, and inclusiveness of County residents within District 3 cities of Tigard, King City, and Durham.
  - iv. Agency will complete the events for the purposes described herein between March 1, 2020 and March 31, 2021.
  - v. Agency will provide two written reports to City, which will be included in the City's reports to County, describing in reasonable detail all Activities-related expenditures during the reporting period and provide documented proof of said expenditures.
    - (a) The first report will cover the period of March 1, 2020 through December 31, 2020 and will be submitted to City no later than January 8, 2021.
    - (b) The second and final report shall cover the period of January 1, 2021 through March 31, 2021 and shall be submitted to City no later than April 8, 2021. The final report should contain a list of all the programs executed, the final amount spent on each program, and the community impact of the program.
- B. Agency will supervise or cause the proper supervision of any Activities and be responsible for all Activities participants. Agency is responsible for all Activities being conducted in a safe and careful manner. Safe and careful manner includes Agency's obligation to ensure the Activities comply with all Federal, State, and local laws, regulations and orders applicable to the Activities.
- C. Agency will promptly provide any documentation requested by City in relation to the expenditure of the funds or other obligations under this Agreement.
- D. Agency expressly assumes toward City all duties, obligations, and responsibilities that City

assumed toward County under the County IGA within the scope of City's obligations.

4. **COMPLIANCE WITH APPLICABLE LAWS.** Each Party will comply with all applicable federal, state, and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or handicap. In addition, each Party agrees to comply with all federal, state, and local laws, regulations, and orders that are applicable to the services provided under this Agreement.

5. **INDEPENDENT CONTRACTOR.** Each Party is an independent contractor with regard to each other Party and agrees that the performing Party has no control over the work or the manner in which it is performed. No Party is an agent or employee of any other. Nothing herein is intended, nor may it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.

6. **TERMINATION.**

- A. Termination for convenience. Subject to any limitations in Exhibit A regarding repayment of funds, this Agreement may be terminated, with or without cause and at any time, by a Party upon 30 days' written notice of intent to the other Party.
- B. Termination for cause. Either Party may terminate this Agreement, in whole or in part, immediately upon notice, or at such later date as may be established in such a notice, to the other Party upon the occurrence of the following events: One Party commits any material breach or default of any covenant, warranty, obligation, certification or agreement under this Agreement, fails to perform the work or services under this Agreement within the time specified herein or any extension thereof, or so fails to pursue the work or services as to endanger the performance under this Agreement in accordance with its terms.

7. **CHANGES.** Modifications to this Agreement are valid only if made in writing and signed by all Parties.

8. **INDEMNIFICATION.** Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each Party agrees to hold harmless, defend, and indemnify each other, including their officers, agents, and employees, against all claims, demands, penalties, actions, and suits (including the cost of defense thereof and all attorney fees and costs, through all appeals) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the acts or omissions of that Party or its officers, employees, or agents.

9. **ACTION, SUITS OR CLAIMS.** Each Party will give the other immediate written notice of any action or suit filed or any claim made against that Party that may result in claims or litigation in any way related to this Agreement.

10. **INSURANCE.** Each Party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 to 30.274.



11. NO THIRD-PARTY BENEFICIARIES. Except as set forth herein, this Agreement is between the Parties and creates no third-party beneficiaries. Nothing in this Agreement gives or may be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless such third parties are expressly described as intended to be beneficiaries of its terms.

12. REMEDIES, NON-WAIVER. The remedies provided under this Agreement are not exclusive. The Parties are entitled to any other equitable and legal remedies that are available. No waiver, consent, modification or change of terms of this Agreement will bind the Parties unless in writing and signed by all Parties. Such waiver, consent, modification or change, if made, will be effective only in the specific instance and for the specific purpose given. The failure of a Party to enforce any provision of this Agreement will not constitute a waiver by a Party of that or any other provision.

13. OREGON LAW, DISPUTE RESOLUTION AND FORUM. This Agreement will be construed according to the laws of the State of Oregon. The Parties will negotiate in good faith to resolve any dispute arising out of this Agreement. If the Parties are unable to resolve any dispute within fourteen (14) calendar days, the Parties are free to pursue any legal remedies that may be available. Any litigation between the Parties arising under this Agreement or out of work performed under this Agreement will occur, if in the state courts, in the Washington County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.

14. ASSIGNMENT. No party may assign its rights or obligations under this Agreement, in whole or in part, without the prior written approval of the other Party.

15. SEVERABILITY/SURVIVAL OF TERMS. If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless will remain in full force and effect and the provision will be stricken. All provisions concerning indemnity survive the termination of this Agreement.

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

17. INTERPRETATION OF AGREEMENT. This Agreement will not be construed for or against any Party by reason of the authorship or alleged authorship of any provision. The section headings contained in this Agreement are for ease of reference only and will not be used in construing or interpreting this Agreement.

18. INTEGRATION. This document constitutes the entire agreement between the Parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject.

19. NOTICE. Except as otherwise expressly provided in this Agreement, any communications between the Parties hereto or notices to be given hereunder will be given in writing by personal delivery or mailing

with postage prepaid to Agency or City at the address set forth below. Any communication or notice so addressed and mailed will be deemed to be given five (5) days after mailing. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

For City:           Attn: Nicole Hendrix  
                      13125 SW Hall Blvd.  
                      Tigard, OR 97223  
                      (503) 718-2416  
                      nicoleh@tigard-or.gov

For Agency:       Attn: \_\_\_\_\_

20. COUNTERPARTS/INTEGRATION. This Agreement may be executed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. This writing is intended both as the final expression of the Agreement between the Parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

The aforementioned is hereby agreed upon by the Parties and executed by the duly authorized representatives.

FOR THE CITY OF TIGARD:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

FOR THE CITY OF KING CITY:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_