

**GLADSTONE CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
June 28, 2016 – 6:30 PM**

6:30 p.m.
CALL TO ORDER
ROLL CALL
FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

BUSINESS FROM THE AUDIENCE

Visitors: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the Assistant City Administrator two weeks prior to the Tuesday City Council meeting. Cards are available in the back of the room for anyone who wishes to comment.

CONSENT AGENDA

1. Approval of June 14, 2016 Minutes
2. Approval of Temporary Use of OLCC Annual License – Vogies Bar, LLC, 464 Portland Avenue
3. Approval of Budget to Actual Report

CORRESPONDENCE – None

REGULAR AGENDA

4. Public Hearing – Appeal of Planning Commission Decision – Z0035-16-D - Denial of Manufacture Home/ Watchman’s Quarters on Property at 6005 Duniway Ave
5. Resolution 1082 – Approving Referral to Electors the Question of Prohibiting the Establishment of Marijuana Facilities in the City
6. Resoltuion 1083 – Approval of 2015-16 Budget Transfers
7. Ordinance 1466 – Amending Gladstone Municipal Code Chapter 15.08 - Fire Code
8. Discussion of Issues Related to City’s Involvement in Regional Wastewater Advisory Committees (no attachments)
9. Discussion of Reply to Clackamas County re: Request for Library Capital Funds

BUSINESS CARRIED FORWARD – Update

BUSINESS FROM THE AUDIENCE – This is the second opportunity for the Audience to address Council on any item not on the Agenda.

BUSINESS FROM THE COUNCIL

ADJOURN



CONSENT AGENDA

GLADSTONE CITY COUNCIL MEETING MINUTES of June 14, 2016

Meeting was called to order at 6:30 PM.

ROLL CALL:

Councilor Sieckmann, Councilor Neace, Mayor Mersereau, Councilor S. Johnson, Councilor K. Johnson, Councilor McMahon, Councilor Reisner.

ABSENT:

None.

STAFF:

Eric Swanson, City Administrator; Jolene Morishita Assistant City Administrator; David Doughman, City Attorney; Carolyn Gray, Accounting Manager; Clay Glasgow, City Planner.

Jeff Jolley was sworn in as the new Police Chief by Judge Belooof. Chief Jolley thanked everyone for the opportunity.

AGENDA ADDITIONS OR CORRECTIONS:

Councilor Sieckmann asked the Council to take public testimony on Item #18. The rest of the Council agreed. A time limit of three minutes was agreed upon. Councilor Sieckmann went over the guidelines.

Mr. Swanson asked that Item #19, the July Council meeting, be rescheduled due to a conflict in scheduling.

BUSINESS FROM THE AUDIENCE:

Sharon Alexander asked where the City is getting the money to purchase the property at the end of Glen Echo and Portland Avenue for the new Police Station. Mr. Swanson said that this item is still in negotiations so they really can't address the question at this time.

CONSENT AGENDA:

1. Approval of May 24, 2016 and May 31, 2016 Minutes
2. Approval of Project List
3. Approval of Monthly Financial Reports

Councilor Reisner asked to pull item #3 from the agenda.

Councilor McMahon made a motion to approve items #1 & #2. Motion was seconded by Councilor Neace. Motion passed unanimously.

Councilor Reisner had questions regarding the amounts being paid to Mr. Swanson. Carolyn Gray gave an explanation of the expenses.

Councilor Reisner made a motion to approve Item #3. Motion was seconded by Councilor Sieckmann. Motion passed unanimously.

CORRESPONDENCE:

4. Letter re: Hiring Process for Assistant City Administrator – Colette Umbras
5. Letter re: Assistant City Administrator Position/Clackamas Review Article – Susan Liston

Councilor S. Johnson said he met with Ms. Umbras regarding her letter and it was a positive conversation.

REGULAR AGENDA:

6. **Consideration of Gladstone Downtown Revitalization Plan RFP Award to Johnson Economics:** Mr. Swanson introduced Mr. Johnson from Johnson Economics and Ms. Lipscomb, the Project Manager. He said this is an exciting project for Gladstone. Mr. Swanson feels that Johnson Economics has taken a holistic approach. He went over the staff report and resolution. There will be public outreach such as an information booth at the Community Festival.

Councilor Sieckmann made a motion to approve Resolution 1081 and authorize the City Administrator to finalize the agreements with the proposed \$150,000 contracted amount with Johnson Economics. Motion was seconded by Councilor McMahan.

Discussion: Mr. Swanson wanted to point out that this is a grant from Metro for \$167,000, with the City's portion being \$17,000. Mayor Mersereau said he believes that public outreach is very important. Mr. Swanson said that the recruitment of the people serving on this project is very important.

Ms. Morishita conducted a roll-call vote: Councilor Sieckmann – yes. Councilor Neace – yes. Councilor S. Johnson – yes. Councilor K. Johnson – yes. Councilor McMahan – yes. Councilor Reisner – yes. Mayor Mersereau – yes. Motion passed unanimously.

7. **Appointment to the Planning Commission:**

Ms. Morishita conducted a roll-call vote for the 2-year position: Councilor Sieckmann – Rowlette. Councilor Neace – Hernandez. Councilor S. Johnson – Tracy. Councilor K. Johnson – Rowlette. Councilor McMahan – Hoffman. Councilor Reisner – Hoffman. Mayor Mersereau – Rowlette. Randy Rowlette was selected for the 2-year position.

Ms. Morishita conducted a roll-call vote for the 1-year position: Councilor Sieckmann – Hoffman. Councilor Neace – Hoffman. Councilor S. Johnson – Hoffman. Councilor K. Johnson – Hoffman. Councilor McMahan – Hoffman. Councilor Reisner – Hoffman. Mayor Mersereau – Hoffman. Richard Hoffman was selected for the 1-year position.

8. **Municipal Court Prosecutor Introduction and Brief Overview:**

Mr. Swanson introduced Melissa Jones. Ms. Jones gave some of her background information and discussed her role as a prosecutor.

9. **Public Hearing – Street Vacation – E. Kenmore Street:**

Mayor Mersereau opened the public hearing. Clay Glasgow, City Planner, went over the staff report. He explained that there was a public hearing held before the Planning Commission and that there was no public testimony. There was discussion regarding right-of-ways, easements, taxes, etc. There was no applicant or public testimony. Mayor Mersereau closed the public hearing. There was further discussion regarding easements and structures.

Councilor S. Johnson made a motion to approve the request to vacate the specific segment of East Kenmore Street as described in Z0248-16-I with the condition that proper easement be granted the City to have and maintain the existing storm line. Motion was seconded by Councilors Neace. Motion passed unanimously.

10. Resolution 1080 - Create Funds – Library Capital Fund and City Hall Capital Fund:

Carolyn Gray explained the reasons behind this resolution. There was discussion regarding verbiage.

Councilor Sieckmann made a motion to edit Resolution 1080 to replace City Hall Capital Fund with Civic Buildings Capital Fund and to adopt Resolution 1080 with those amendments. Motion was seconded by K. Johnson. Motion passed unanimously.

11. Resolution 1078 – Adopting Budget and Setting Tax Rate for FY 2016-17:

Carolyn Gray is formally asking for the adoption of the FY 2016-17 budget. Mr. Swanson gave some background information regarding the budget meeting/process/discussions. Mayor Mersereau opened the public hearing. There was no public testimony. The public hearing was closed.

Councilor S. Johnson made a motion to adopt Resolution 1078 adopting the 2016-17 Budget in the sum of \$21,745,408 and unappropriated fund balances of \$1,888,793, totaling \$23,645,201. Motion was seconded by Councilor Neace. Motion passed unanimously.

Councilor S. Johnson made a motion to adopt Resolution 1078 imposing the taxes at a rate of \$4.8174 per \$1,000 of assessed value for the permanent tax rate and at the rate of \$.68 per \$1,000 for the Police and Communications Local Option Tax and \$.31 per \$1,000 for the Fire and Emergency Medical Local Option Tax. Motion was seconded by Councilor Sieckmann. Motion passed unanimously.

Councilor S. Johnson made a motion to adopt Resolution 1078 categorizing the imposed taxes as follows: General Fund - \$4.8174 per \$1,000, excluded from limitations - \$0, Police Communications Fund - \$.68 per \$1,000, excluded from limitations - \$0, Fire and Emergency Medical Fund - \$.31 per \$1,000, excluded from limitations - \$0. Motion was seconded by Councilor Sieckmann. Motion passed unanimously.

RECESS TO URBAN RENEWAL AGENCY MEETING

REGULAR AGENDA:

14. Resolution 1076 – Election to Receive State Revenue Sharing Funds:

Carolyn Gray gave a brief explanation.

Councilor Reisner made a motion to approve Resolution 1076 for the City of Gladstone to continue to receive State Revenue Sharing Funds. Motion was seconded by Councilor McMahon. Motion passed unanimously.

15. Resolution 1077 – Certifying Provision of Four or More Services for State Shared Revenues: Carolyn Gray gave a brief explanation.

Councilor McMahon made a motion to adopt Resolution 1077 certifying that the City of Gladstone provides four or more services listed in ORS 221.760. Motion was seconded by Councilor S. Johnson. Motion passed unanimously.

16. Resolution 1079 – Adopting a Revised Master Fee Schedule – Adding Right of Way Fees:

Mr. Swanson gave a brief history and acknowledged Lance Paulson for his work on this. Nancy Warner contacted via phone for her input. She gave additional background information and explained the various fees.

Mayor Mersereau opened the public hearing.

Annette Mattson and Crystal Lindquist from PGE said that PGE is neutral regarding the increase and they feel it is important for their customers to understand the process of what will happen with what they will see on their bills after October 1st. The fee will be listed as a line item on the bill. They provided sample letters that will go out to their customers. There was discussion regarding the difference between a tax and a fee.

Gary Bauer with NW Natural Gas said they are also neutral regarding the increase. He said they also put the fee as a line item on their bill.

Michael Milch asked if the projected income from these fees was reflected in the budget, what that amount would be, and what will it be used for. Mr. Swanson said that it was not included in the budget. He said the estimated fees would be between \$450,000 and \$475,000 annually and there has not been any discussion regarding what the income would be used for.

The public hearing was closed.

Councilor Sieckmann had a question regarding crediting franchise fees to City customers and would like to address that before October 1st.

Councilor K. Johnson made a motion to adopt Resolution 1079, adopting a revised master fee schedule and repealing Resolution 1073. Motion was seconded by Councilor S. Johnson.

Discussion: Councilor Reisner verified that this covers both public and private utilities. *Motion passed unanimously.*

17. Request to Change Name of Gladstone Senior Center to The Gladstone Community Activity Center:

Colin Black, Assistant Director, went over the staff report, explaining the reasons behind the name change – to expand their focus beyond seniors to include all of Gladstone citizens. He went over some of the programs and activities they are looking at in the future to include young and old. Councilor S. Johnson feels there needs to be some discussion with the Library since there was talk that it was going to be the Community Center. Councilor K. Johnson asked if the programs for youth were still paid for by the County – Mr. Black said they are.

Councilor McMahon made a motion to adopt the name change from Gladstone Senior Center to The Gladstone Community Activity Center. There was no second. There was discussion regarding concerns.

18. Consideration of Interim Assistant City Administrator Appointment:

Mr. Swanson introduced Jacque Betz, candidate for the position. There will be a full recruitment process in the fall. He went over some background information, previous job experience, etc. Mayor Mersereau opened the public hearing.

Bill Osburn read a letter detailing his objections to the hiring of Ms. Betz.

The public hearing was closed.

Councilor S. Johnson made a motion to approve the temporary employment contract with Jacque Betz as Interim Assistant City Administrator and authorize the City Administrator to sign it. Motion was seconded by Councilor McMahan.

Discussion: Councilor Sieckmann said that although he feels Ms. Betz is qualified, he is not sure she is a good fit for Gladstone, he has concerns regarding the salary scale, and he feels there are other options to consider. Councilor Neace feels the hiring process should be opened up now and we need to be selective. Councilor Reisner also has concerns regarding the salary. He asked if the Department Heads had a chance to interview Ms. Betz – Mr. Swanson said they had.

Councilor S. Johnson feels that Mr. Swanson has done due diligence on this and that the Council should support him. Councilor K. Johnson said he is willing to give Ms. Betz a chance to prove herself and he would like to move the hiring process up. Councilor McMahan agreed. Mr. Swanson agreed to move the hiring process up to September 1st.

Councilor Sieckmann made a call to the question. Seconded by Councilor S. Johnson. There was discussion regarding amending the original motion. Ms. Morishita polled the Council: Councilor Sieckmann – yes. Councilor Neace – yes. Councilor S. Johnson – yes. Councilor K. Johnson – yes. Councilor McMahan – yes. Councilor Reisner – yes. Mayor Mersereau – yes. Motion passed unanimously.

Ms. Morishita conducted a roll-call vote of the original motion: Councilor Sieckmann – no. Councilor Neace – no. Councilor S. Johnson – yes. Councilor K. Johnson – yes. Councilor McMahan – yes. Councilor Reisner – no. Mayor Mersereau – yes. Motion passed (4-3).

19. Rescheduling of Next Month's Council Meeting:

There was discussion regarding the necessity of this.

Councilor S. Johnson made a motion to change the July Council meeting from July 19, 2016 to July 20, 2016. Motion was seconded by Councilor Neace. Motion passed unanimously.

BUSINESS CARRIED FORWARD – UPDATE:

None.

BUSINESS FROM THE AUDIENCE:

Greg Alexander feels the meeting format needs to be changed regarding audience participation. He feels the starting pay for the Interim Assistant City Administrator is too high.

BUSINESS FROM THE COUNCIL:

Councilor Sieckmann:

They are still working on the framework for the City's website. There was a very positive discussion with Clackamas County regarding planning/land use which may require changes in the IGA. He attended a meeting with the Clackamas Review.

Councilor Neace:

She attended her first Coffee with a Councilor event and thought it was very nice. She said they felt that the Councilors did not care what the citizens had to say. She wants everyone to keep in mind that even if you disagree with someone you can show respect and work together. She values everyone and is willing to listen.

Councilor S. Johnson:

He said the Councilors care about the community. They are accessible to citizens. It is important to them to hear what the citizens think.

Councilor Reisner:

He feels there should be a City-wide hiring policy to help give direction in the future.

Mayor Mersereau:

He has had a busy week with meetings. He feels the City's website is headed in a good direction. He also wants to hear what citizens have to say, but there are meeting rules that have to be followed.

ADJOURN:

Meeting adjourned.

Approved by the Council President this _____ day of _____, 2016.

ATTEST:

Tom Mersereau, Mayor

Jolene Morishita, Assistant City Administrator



APPLICATION FOR TEMPORARY USE OF AN ANNUAL LICENSE

- **FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**
Allows an Oregon Full On-Premises Sales Licensee to sell wine, cider, malt beverages, and distilled spirits for drinking on the special event licensed premises. There is no license fee.
- **LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**
Allows an Oregon Limited On-Premises Sales Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises. There is no license fee.

Process Time: OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #11 below (some events may need extra processing time). OLCC may refuse to process your application if it is not submitted in sufficient time for the OLCC to investigate it.

License Days: In #11 below, you may apply for a maximum of seven license days per application form. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

1. My annual license is a: FULL ON-PREMISES LIMITED ON-PREMISES
2. Licensee Name (please print): LISA M. Vogel 3. E-Mail: olevogres@gmail.com
4. Trade Name of Business: Vogres Bar LLC 5. Fax: _____
6. Street Address of Annual Business: 4164 Pt. D. Av. 7. City/ZIP: Gladstone 97027
8. Contact Person: Lisa Vogel 9. Contact Phone: 503-657-3121
10. Event Name: Gladstone Festival
11. Date(s) of event (no more than seven days): Aug. 4, 5, 6, 7
12. Start/End hours of alcohol service: 8 AM PM to 12:00 AM PM outside/inside ^{8am} _{to 2:30c}
13. Address of Special Event Licensed Area: 4164 Pt. D. Av. (behind bar) gladstone
(Street) (City/Zip) 97027
14. Is the event outdoors? Yes No
- 14a. If no, in what area(s) of the building is the event located? _____
- 14b. If yes, submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.
15. List the primary activities within the licensed area: Band, food, drinks, games, Fireball, tasting, general, Western
16. Will minors and alcohol be allowed together in the same area? Yes No
17. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? 100

PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA: If your answer to #17 is 501 or more, in addition to your answers to questions 18, 19, and 20, you will need to complete the OLCC's Plan to Manage Special Events form, unless the OLCC exempts you from this requirement.

18. Describe your plan to prevent problems and violations.
extra staff crowd control
Id checkers

Lt. J. Jolley 6/22/16
#52820
Approves

19. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors.

Id checkers, fence can't come in fence, Door person

20. Describe your plan to manage alcohol consumption by adults.

x employees, employee only for crowd control, Alcohol control.

21. List name(s) and service permit number(s) of alcohol manager(s) on-duty and in the licensed area:

Donna Hill
Lisa Vogel

LIQUOR LIABILITY INSURANCE: If the licensed area is open to the public and **expected attendance is 301 or more** per day in the licensed area, you must have at least \$300,000 of liquor liability insurance coverage (ORS 471.168).

22. Insurance Company: everguard Ins. 23. Policy #: _____ 24. Expiration Date: _____

25. Name of insurance agent: Barry Hornstein 26. Agent's phone number: 503 3232-9141

FOOD SERVICE: See the attached sheet for an explanation of this requirement.

27. If you will **NOT** provide distilled spirits, name at least two different substantial food items that you will provide:

① _____ ② _____

28. If you are a Full On-Premises Sales Licensee and will provide distilled spirits, name at least five different substantial food items that you will provide:

① Burgers ② Pizza ③ steak ④ chicken ⑤ fish Full Menu

GOVERNMENT RECOMMENDATION: You must obtain a recommendation from the local city or county named in #29 below before submitting this application to the OLCC.

29. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: gladstone

I affirm that I am authorized to sign this application on behalf of the applicant.

30. Licensee Name (please print): Luisa Vogel

31. LICENSEE SIGNATURE: Luisa Vogel 32. Date: 10/20/14

CITY OR COUNTY USE ONLY	
The city/county named in #29 above recommends:	
<input type="checkbox"/> Grant <input type="checkbox"/> Acknowledge <input type="checkbox"/> Deny (attach written explanation of deny recommendation)	
City/County Signature: _____	Date: _____

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

OLCC USE ONLY	
License is: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
OLCC Signature: _____	Date: _____

464 PORTLAND AVE.
GLADSTONE, OR 97027



PHONE (503) 657-3626
FAX (503) 657-3626

Breakfast Menu

Classic American

choice of meat, ham, sausage links or patties,
bacon, 2 eggs, choice of hashbrowns, homefries,
or fruit & toast
\$5.25

Two by Eight

2 strips of bacon, 2 sausage links,
2 eggs and 2 pieces of french toast
\$6.25

Chicken Fried Steak

2 eggs, with country gravy,
choice of hashbrowns, homefries. or fruit & toast
\$8.75

Steak and Eggs

with choice of hashbrowns, homefries, or
fruit & toast
\$8.50

Eggs Benedict

with choice of hashbrowns or
homefries or fruit
\$7.75

Quarterback Scramble

choice of one meat, homefries
eggs and cheese
\$6.50

Vogies French Toast

2 slices of texas toast dipped in egg,
vanilla, cinnamon, oats and cornflakes
\$5.25

French Toast 1 piece \$3.25
2 pieces \$4.25

Pancakes half stack \$3.75
full stack \$5.00

Breakfast Burrito

bacon, sausage, eggs, cheese and
homefries wrapped in a flour tortilla
\$5.75

Crossiant Sandwich

Sausage patty, egg & cheese
\$5.25

SIDES

Biscuits and Gravy \$3.25
Cottage Cheese & Fruit..... \$4.50
Cup of Fresh Fruit..... \$3.25
Bowl of Fresh Fruit..... \$4.25
Cottage Cheese.....cup \$2.00
Bowl \$3.00

Build your own omelet \$7.75

With hashbrowns, homefries or fruit & toast
(pick one meat, one vegetable and one cheese)

Meat

Bacon
Sausage
Ham
Taco Meat
Shrimp
Extra Meat \$2.50

Vegetables

Green Peppers
Jalapenos
Mushrooms
Onions
Tomatoes
Extra Vegetables \$1.25

Cheese

Cheddar
Swiss
Pepper Jack
Extra Cheese \$1.00

Sides

Bacon (4) \$4.00
Sausage link(4) or (2) patties \$4.00
Ham \$4.00
Eggs (2) \$2.25
Hashbrowns or Homefries \$3.25
Country Gravy \$2.00
Toast (2) \$2.00
English muffin \$2.00
Homemade Biscuit \$2.00

Drinks

Orange Juice S..3.50Lrg..4.25
Grapefruit Juice
Cranberry Juice
Pineapple Juice
Milk
Small ... \$2.25
Large ... \$3.50
Coffee \$1.50
Tea \$1.50
Hot Chocolate \$1.50

**Consuming raw or undercooked meats
poultry, seafood, shellfish or eggs may
increase your risk of food borne illness*

Orders to go add \$.50 per box



APPETIZERS

Pretzel with Cheese	\$ 3.75	Deep Fried Dill Pickles.....	\$ 4.25
French Fries	\$ 3.25	Mozzarella Sticks (5)	\$ 5.25
Tater Tots	\$ 3.25	Spicy Mozzarella Sticks (5).....	\$ 5.25
Munchers (stuffed with Cheddar Cheese).....	\$ 4.50	Jalapeno Poppers (5)	\$ 5.25
Onion Rings	\$ 4.25	Hot Wings (5)	\$ 5.25
Onion Scoopers	\$ 4.00	(with carrots, and celery and choice of sauce)	
Veggie Dish	\$ 3.75	Mini Corn Dogs (10)	\$ 4.25
(celery, carrots, and pepperoncinì w/choice of sauce)		Finger Steaks.....	\$ 4.95
Chips, Cheese & Salsa	\$ 3.75	Shrimp Cocktail.....	\$ 4.75
Deep Fried Mushrooms	\$ 4.75	Appetizer Sampler	\$ 9.00
Deep Fried Green Beans	\$ 4.75	(5 wings, 5 poppers & 5 mozzarella sticks, 5 carrots, 5 celery stick and pepperoncinì with choice of sauce)	

BURGERS AND SANDWICHES

All burgers are 1/3 pound served with mayo, ketchup, lettuce, tomato, onion, and pickles
with chips

Upgrade burger to 1/2 pound for \$ 2.00

Add French fries, tater tots, potato salad, green salad or coleslaw for \$2.00

Hamburger	\$ 5.25	Chicken Parmesan Burger	\$ 7.75
Cheese Burger	\$ 5.75	(chicken breast, mayo, swiss, lettuce and tomato)	
Bacon Cheese Burger	\$ 6.75	French Dip	\$ 7.25
Western Burger	\$ 6.25	(swiss cheese and au jus)	
(BBQ sauce, pepper jack cheese and an onion ring)		Vogies Club	\$ 8.00
Chili Cheese Burger	\$ 6.25	(triple decker w/ham, turkey, mayo, mustard, bacon, cheddar, swiss, lettuce and tomato)	
(open face topped w/cheddar cheese and onions)		Reuben	\$ 8.50
Mushroom Swiss Burger	\$ 6.75	(pastrami, triple decker w/ thousand island, sauerkraut and swiss)	
Gladiator Burger	\$ 6.75	Grilled Turkey Melt	\$ 6.75
(jalapenos and pepper jack cheese)		(turkey, bacon and swiss, served on sourdough)	
Vogies Burger	\$ 9.00	Chicken Ranch Sandwich	\$ 6.75
(1/2 Pound burger with ham, bacon, egg and swiss cheese)		Chicken Strips, served on a hoagie roll, with mayo, cheddar, lettuce, tomato and onion	
Maui Burger	\$ 6.75	Sausage Chili Dog	\$ 6.50
(1/3 burger, with Canadian Bacon, Pineapple, mayo and Teriyaki Sauce)		(cheddar cheese and onion)	
Patty Melt	\$ 7.00	BLT	\$ 5.25
(1/3 burger, thousand island, grilled onions and swiss cheese. Served on rye)		Cold Sandwich	\$ 6.25
		(meat or tuna fish, choice of bread) mayo, mustard, lettuce, onion and tomato	

**Consuming raw or undercooked meats, poultry, seafood, shellfish
or eggs may increase your risk of food borne illness*



FAVORITES

Chicken Fried Steak	\$ 8.75	Beef Burrito with Chips & Salsa ...	\$ 6.00
(served with choice of potato, vegetables or salad with garlic toast)		Chicken Wrap	\$ 6.25
Sirloin Steak	\$ 10.25	Chicken breast, with cheese, lettuce, tomato with your choice of sauce	
(served with choice of potato, vegetables or salad with garlic toast)		Sausage Dog with Chips	\$ 4.25
Chicken Breast	\$ 8.50	2 Beef Tacos	\$ 2.75
(served with choice of potato, vegetables or salad with garlic toast)		2 Chicken Tacos	\$ 4.25
2 Piece Fish & Chips	\$ 9.25	Nacho	
(served with coleslaw and garlic toast)		Taco meat, cheese, lettuce, tomato, olives, refried beans and jalapenos	
Chicken Strip Basket	\$ 7.25	1/2 Order	\$ 7.50
(served with coleslaw and garlic toast)		Full Order	\$ 9.75
Shrimp Basket	\$ 7.75		
(served with coleslaw and garlic toast)			

SALADS AND SOUPS

Small Dinner Salad	\$ 3.25	Soup of day.....	Cup \$ 3.00 ... Bowl \$ 4.00
Chicken Caesar Salad	\$ 8.75	Chili.....	Cup \$ 3.75 ... Bowl \$ 4.25
(served with garlic toast)		(w/cheese and onions)	
Chef Salad	\$ 9.00	Clam Chowder.....	Cup \$ 4.00 ... Bowl \$ 4.75
(mixed greens, ham, turkey, cheddar, swiss, tomato, egg and garlic toast)		(FRIDAYS ONLY)	

SIDES

Baked Potato	\$ 3.25
Mashed Potatoes with Gravy	\$ 3.50
Garlic Toast (2 slices)	\$ 2.25
Potato Salad	Cup \$ 3.00
Coleslaw	Cup \$ 3.00
Extra Side	\$.75

Non Alcoholic DRINKS

Henry's Rootbeer.....	\$2.50
Henry's Orange.....	\$2.50
Milk	sm \$2.25 lrg \$3.50
Ice Tea.....	\$1.50
Coffee or Hot Tea.....	\$1.50
RC, Diet RC, 7up or Squirt.....	\$1.50

FRIDAYS

*PRIME RIB DINNER

served with garlic bread
choice of mashed or baked potato &
Salad or Vegetable

1 for \$10.50

2 for \$15.95

ASK ABOUT OUR DAILY SPECIALS

ORDERS TO GO ADD \$.50 PER BOX

**Consuming raw or undercooked meats, poultry, seafood, shellfish,
or eggs may increase your risk of food borne illness*

464 PORTLAND AVE.
GLADSTONE, OR 97027



PHONE (503) 657-3626
FAX (503) 657-3626

VOGIES PIZZA

16'

Combination	\$16.00
Pepperoni, Canadian Bacon, Sausage, Salami, Bell Peppers, Mushrooms, Onions and Black Olives	
Taco Pizza	\$ 16.00
Refried Beans, Taco Meat, Cheese, Tomatoes, Lettuce, Black Olives and Salsa	
Basic Cheese	\$ 10.00

CREATE YOUR OWN PIZZA

One Meat	\$ 13.00
Two Meats	\$ 14.00
One Meat & One Vegetable	\$ 13.00
Two Meat & One Vegetable.....	\$14.50

EXTRA MEATS

\$3.00 ea
Canadian Bacon
Pepperoni
Taco-Meat
Italian Sausage
Salami

EXTRA CHEESE

\$3.00

EXTRA VEGETABLES

\$2.00 ea
Black Olives
Mushrooms
Bell Peppers
Onion
Tomato
Pepperoncini
Pineapple
Jalapeno

TO GO ORDERS ADD

\$ 1.00

General Ledger
 Year to Date Budgeted to Actual
 July 2015 - May 2016



Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
REVENUES							
Fund 001	GENERAL FUND REVENUES	9,182,443.00	5,556,343.57	5,556,343.57	3,626,099.43	3,626,099.43	
	General Fund Revenue Totals:	9,182,443.00	5,556,343.57	5,556,343.57	3,626,099.43	3,626,099.43	39.49%
Dept 001-021	GENERAL ADMINISTRATION Dept 021 Sub Totals:	1,218,065.00	1,120,074.63	1,120,074.63	97,990.37	97,990.37	8.04%
Dept 001-022	MUNICIPAL COURT Dept 022 Sub Totals:	251,183.00	195,070.86	195,070.86	56,112.14	56,112.14	22.34%
Dept 001-024	POLICE DEPARTMENT Dept 024 Sub Totals:	2,210,143.00	1,718,296.79	1,718,296.79	491,846.21	491,846.21	22.25%
Dept 001-025	FIRE DEPARTMENT Dept 025 Sub Totals:	1,713,249.00	748,504.63	748,504.63	964,744.37	964,744.37	56.31%
Dept 001-026	PARK DEPARTMENT Dept 026 Sub Totals:	757,995.00	218,121.26	218,121.26	539,873.74	539,873.74	71.22%
Dept 001-027	RECREATION DEPARTMENT Dept 027 Sub Totals:	59,661.00	45,087.21	45,087.21	14,573.79	14,573.79	24.43%
Dept 001-028	SENIOR CENTER Dept 028 Sub Totals:	407,309.00	253,042.56	253,042.56	154,266.44	154,266.44	37.87%
Dept 001-029	LIBRARY Dept 029 Sub Totals:	755,550.00	566,028.13	566,028.13	189,521.87	189,521.87	25.08%
Dept 001-099	CONTINGENCY FUNDS						
	Contingency Sub Totals:	400,000.00	0.00	0.00	400,000.00	400,000.00	100.00%
	Unappropriated Ending Fund Balance	1,409,288.00	0.00	0.00	1,409,288.00	1,409,288.00	100.00%
	Fund Revenue Sub Totals:	9,182,443.00	5,556,343.57	5,556,343.57	3,626,099.43		39.49%
	Fund Expense Sub Totals:	9,182,443.00	4,864,226.07	4,864,226.07	4,318,216.93		47.03%
	Fund 001 Sub Totals:	0.00	692,117.50	692,117.50	-692,117.50	0.00	

Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 002	URBAN RENEWAL DISTRICT REVENUES	5,770,874.00	825,868.93	825,868.93	4,945,005.07	4,945,005.07	85.69%
	URBAN RENEWAL REVENUE Sub Totals:	5,770,874.00	825,868.93	825,868.93	4,945,005.07	4,945,005.07	85.69%
EXPENDITURES	URBAN RENEWAL DISTRICT	53,500.00	6,158.38	6,158.38	47,341.62	47,341.62	88.49%
	RENEW PROJECT RESERVE	5,717,374.00	0.00	0.00	5,717,374.00	5,717,374.00	100.00%
	URBAN RENEWAL EXP Sub Totals:	5,770,874.00	6,158.38	6,158.38	5,764,715.62	5,764,715.62	99.89%
	Fund 002 Sub Totals:	5,770,874.00	819,710.55	819,710.55	-819,710.55	5,764,715.62	
REVENUES	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 003	SEWER FUND REVENUES	3,370,563.00	2,231,914.36	2,231,914.36	1,138,648.64	1,138,648.64	
	SEWER FUND Revenue Sub Totals:	3,370,563.00	2,231,914.36	2,231,914.36	1,138,648.64	1,138,648.64	33.78%
EXPENDITURES	SEWER FUND Expense Sub Totals:	3,370,563.00	1,902,836.96	1,902,836.96	1,467,726.04	1,467,726.04	43.55%
	Fund 003 Sub Totals:	3,370,563.00	1,902,836.96	1,902,836.96	1,467,726.04	2,373,406.60	
REVENUES	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 004	WATER FUND REVENUES	2,585,093.00	1,381,537.73	1,381,537.73	1,203,555.27	1,203,555.27	
	WATER FUND Revenue Sub Totals:	2,585,093.00	1,381,537.73	1,381,537.73	1,203,555.27	1,203,555.27	46.56%
EXPENDITURES	WATER DEPARTMENT Expense Sub Totals:	2,585,093.00	794,060.25	794,060.25	1,791,032.75	1,791,032.75	69.28%
	Fund 004 Sub Totals:	2,585,093.00	794,060.25	794,060.25	1,791,032.75	1,791,032.75	
REVENUES	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 005	ROAD & STREET FUND REVENUES	1,051,119.00	704,693.01	704,693.01	346,425.99	346,425.99	
	ROAD & STREET Revenue Sub Totals:	1,051,119.00	704,693.01	704,693.01	346,425.99	346,425.99	32.96%
EXPENDITURES	STREET DEPARTMENT Expense Sub Totals:	1,051,119.00	551,054.94	551,054.94	500,064.06	500,064.06	47.57%
	Fund 005 Sub Totals:	1,051,119.00	153,638.07	153,638.07	-153,638.07		

REVENUES Account Number Fund 006	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
	LIBRARY CAPITAL FUND REVENUES	5,075,000.00	0.00	0.00	5,075,000.00	5,075,000.00	
	LIBRARY CAPITAL FUND Revenue Sub	5,075,000.00	0.00	0.00	5,075,000.00	5,075,000.00	100.00%
EXPENDITURES	LIBRARY CAPITAL FUND Expense Sub Totals:	5,075,000.00	0.00	0.00	5,075,000.00	5,075,000.00	100.00%
	Fund 006 Sub Totals:	5,075,000.00	0.00	0.00	5,075,000.00	5,075,000.00	100.00%
REVENUES Account Number Fund 008	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
	POLICE & COMMUNICATIONS LEVY FUND REVENUES	847,614.00	508,995.72	508,995.72	338,618.28	338,618.28	
	POLICE/COMMUNIC LEVY Revenue Sub	847,614.00	508,995.72	508,995.72	338,618.28	338,618.28	39.95%
EXPENDITURES	POLICE/COMMUNIC LEVY FUND Expense Sub Totals:	489,436.00	437,358.29	437,358.29	52,077.71	52,077.71	10.64%
	Unappropriated Fund Balance	358,178.00	0.00	0.00	358,178.00	358,178.00	100.00%
	Fund 008 Sub Totals:	847,614.00	71,637.43	71,637.43	286,540.57		
REVENUES Account Number Fund 009	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
	FIRE & EMERGENCY SERVICES LEVY FUND REVENUES	534,013.00	233,224.99	233,224.99	300,788.01	300,788.01	
	FIRE/EMERG SERVICES LEVY Revenue Sub	534,013.00	233,224.99	233,224.99	300,788.01	300,788.01	56.33%
EXPENDITURES	FIRE/EMERG SERVICES LEVY FUND Expense Sub Totals:	412,686.00	112,897.30	112,897.30	299,788.70	299,788.70	72.64%
	Unappropriated Fund Balance	121,327.00	0.00	0.00	0.00	121,327.00	100.00%
	Fund 009 Sub Totals:	534,013.00	120,327.69	120,327.69	999.31		
REVENUES Account Number Fund 010	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
	STATE REV. SHARING REVENUES	999,356.00	87,090.03	87,090.03	912,265.97	912,265.97	
	STATE REVENUE SHARING Revenue Sub	999,356.00	87,090.03	87,090.03	912,265.97	912,265.97	91.29%
EXPENDITURES	STATE REV. SHARING Expense Sub Totals:	999,356.00	1,190.00	1,190.00	998,166.00	998,166.00	99.88%
	Fund 010 Sub Totals:	999,356.00	85,900.03	85,900.03	-85,900.03		



REGULAR AGENDA

City of GLADSTONE

SUMMARY

FILE NUMBER: Z0035-16-D

APPLICANT: Bart Kearns

PROPOSAL: Original request was to place a manufactured home on property to be used for watchman's quarters. That request was denied by the Planning Commission, and applicant has appealed the decision to Council.

PLANNING COMMISSION HEARING: The Planning Commission (PC) held public hearings on April 19, and May 17, 2016 to consider the proposal. Substantial testimony and discussion occurred at both hearings. At the conclusion of the second hearing, May 17th, the Planning Commission issued a decision of Denial. Applicant filed an appeal in timely fashion and the proposal is now before City Council.

The subject property is located across the street diagonally from 6005 Duniway. It is currently mostly undeveloped, used for parking and storage in conjunction with RoadRunner Pizza at the 6005 property. Through the application/hearing process, applicant contended a night watchman is necessary to maintain security for the business.

The site proposed for the manufactured home has necessary utilities available. No natural features are present that would prevent development. Please review original application along with the Planning Commission decision for further detail.

Testimony was presented in opposition to the proposal. Much of this testimony was based on experience with a different watchman's quarters on property elsewhere. Apparently the watchman's quarters on that property has caused issues for the neighbors in that other area and several of those testifying expressed concern something similar might happen with this current proposal. Other discussion occurred relative to the fact the property is split – divided in to two parcels by the right-of-way for Duniway. The manufactured home is proposed to be on the vacant parcel, within view of the parcel occupied by the building to be watched, but not technically ON all of the property proposed for surveillance by the occupants of the mobile home.

PC members discussed the proposal, particularly how this proposal might function in light of the issues perceived at the other watchman's quarters/different property of which testimony was offered.

PLANNING COMMISSION ACTION: The Planning Commission, by a vote of 3-1, Denied the request.

ATTACHMENTS:

- Staff report, Planning Commission decision
- Minutes from the Planning Commission hearing, maps

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@
ci.gladstone.or.

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 656-4253
E-Mail: (last name)@
ci.gladstone.or.

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
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Public Library
135 E. Dartmouth
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FAX: (503) 655-2438

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

Swanson
6/22/16

City of GLADSTONE

STAFF REPORT/RECOMMENDATION TO THE GLADSTONE PLANNING COMMISSION

File: Z0035-16-D
Applicant: Bart Kearns
Hearing Date: April 19, 2016
Planning Staff: Clay Glasgow
Report Date: April 8, 2016

I. GENERAL INFORMATION

- A. Proposal: place manufactured home on property to be used for watchman's quarters.
- B. Legal Description: T2S, R2E, Section 19AA, Tax Lot 1900
- C. Location: no site address; south side of Duniway Avenue at the end of Watts Street, northwest of the City Shops.
- D. Zone: LI; Light Industrial
- E. Comprehensive Plan Designation: Industrial
- F. Site Information: The subject property is approximately 0.42 acres in size, and is used in conjunction with property across the street to the northeast, at 6005 Duniway. Applicant describes the use at 6005 as "food processor" with business name being Roadrunner Pizza. This proposal is to use a mobile home for watchman's quarters for both sites. Sanitary sewer, storm sewer and water are available and serve the property. A portion of the site is shown on Metro maps as

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containing Title 3 Wetlands, part of a larger area of wetlands to the north. The property owner was alerted to this fact after submitting the application under review here. The Planning Commission hearing on the item was subsequently delayed. Since that time, the applicant has submitted a detailed site delineation accomplished in 2004 indicating the wetlands do not extend on to the subject property. The Division of State Lands accepted the document. Based on this delineation staff believes there are no jurisdictional wetlands on the subject and should not be a consideration for this request.

- G. Vicinity Description: The subject property is part of small group of properties zoned for and in industrial use along the west side of Portland Avenue. There is the City shops site to the southeast, then RV storage on property adjacent to the east. Northeast is the other part of the subject business, where the buildings are located. North is a wetland in County ownership with residential uses to the west and south.

II. FINDINGS

This request is subject to Chapter 17.24, LI, Light Industrial District; Chapter 17.80, Design Review, and the Development Standards of Title 17 of the Gladstone Municipal Code (GMC).

III. CONCLUSIONS

Planning staff has reviewed this request in reference to the applicable provisions of the GMC. Based upon this review, staff makes the following conclusions:

1. *Chapter 17.80* of the GMC establishes the requirements for design review. Pursuant to *Subsection 17.80.021(1)*, site development in the LI zoning district is subject to design review.

Section 17.80.061 lists submittal requirements for Design Review. The application as submitted satisfies these requirements.

Section 17.80.100(1) provides for approved design plans to remain valid for one year. If construction has not begun by that time, design plan approval may be renewed once by the Planning Commission for not more than one year.

2. *Chapter 17.24* of the GMC establishes allowed uses and basic requirements for the Light Industrial District. *Section 17.24.020* identifies uses permitted outright in the Light Industrial District, and includes uses such as exist on site and proposed through this

application (dwelling for caretaker or night watchman on the property, 17.24.020(4)). This criterion is met.

Section 17.24.060 establishes dimensional standards for the LI district. The proposed manufactured home complies with the 35-foot maximum building height standard, and other dimensional issues discussed here.

Section 17.24.045 discusses screening. The site is screened with vegetation to the south, west and north, and is open to the industrial uses adjacent to the east. The Planning Commission should discuss this proposal relative to 17.24.045.

3. *Chapter 17.44 of the GMC* identifies standards for building siting and design.

These standards apply to all development that is subject to Design Review. *Section 17.44.020(1)* deals with siting specifically, and requires that, where there are no conflicts with other design standards or requirements in Title 17, to site buildings to maximize solar access where practical, using such techniques as maximizing east-west street length; orienting buildings within twenty degrees of true south as well as maximizing their south-facing dimension; placing higher buildings on the north portion of the site while protecting solar access for adjacent sites, and placing major yard spaces on south side of buildings.

The subject property is roughly rectangular in shape. Vehicle access is from the north, off Duniway. There are no buildings on the subject – it is used for parking and storage in conjunction with the buildings at 6005 Duniway. This project deals with siting a manufactured dwelling on the easterly half of the site, as shown on the submitted site plans.

Section 17.44.020(2) requires buildings to have energy efficient designs. The building will be required to meet the energy codes of the Oregon Structural Specialty Code, which will be evaluated through the building permit process. This is consistent with this subsection of the GMC.

Section 17.44.020(3) of the GMC addresses compatibility in building design. This subsection encourages the arrangement of structures and use areas to be compatible with adjacent developments and surrounding land uses. Locating the building as shown will ensure compatibility with existing development.

Section 17.44.020(4) of the GMC deals with building materials. This Section intends for buildings to be constructed using high-image exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood or stucco with limited use of metal siding. The subject property is one of the few in Gladstone zoned for and in

industrial use. The proposed manufactured home will be sited in such a manner as to be visually buffered by existing vegetation on site. Staff does not see any conflict with this code section considering the use of a metal-sided manufactured dwelling in this zone and sited as proposed.

Section 17.44.020(5) of the GMC establishes lighting standards. No changes are proposed to existing onsite lighting.

Section 17.44.020(6) of the GMC establishes illumination level standards. It requires that all on-site lighting shall be designed, located, shielded or deflected so as not to shine into off-site structures or impair the vision of the driver of any vehicle. Again, no changes to onsite lighting are proposed through this application.

Section 17.44.020(7) regarding equipment and facilities establishes that all utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment, which must be installed above ground, shall be visually screened from public view. A condition of approval shall require compliance with this subsection for new utility lines, roof-mounted fixtures, utility cabinets or similar equipment installed aboveground.

Section 17.44.020(8) regarding trash disposal and recycling collection requires new construction to incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source separated recyclables prior to pick-up and removal by haulers. The proposed plan shows no changes to the existing trash/recycling facilities.

3. *Chapter 17.46 of the GMC* identifies landscaping standards and states that these standards are applicable to all developments subject to design review.

Subsection 17.46.020(1) requires a minimum of fifteen percent of the lot area be landscaped. The development appears to meet this requirement/no changes proposed through this application.

4. *Chapter 17.48 of the GMC* regulates off-street parking and loading. The site does not have 20-minute peak hour transit service and is therefore considered Zone B. The site itself is used for parking. No additional parking is proposed or required at this time.

Section 17.48.040(1)(a) requires parking and loading areas to be paved with asphalt and/or concrete meeting city standards, maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.

Section 17.48.040(1)(c) requires areas for standing and maneuvering vehicles, other than for the off-street parking and storage of truck tractors and /or semi trailers, to be paved.

Section 17.48.040(2)(a) states that required parking spaces must be located within two hundred feet of the building or use they are required to serve. The required parking spaces meets this provision.

Section 17.48.040(2)(b) states that required parking shall be provided in the same zoning district or a different zoning district of a more intensive use. Existing/required parking is located in the LI zoning district.

Section 17.48.040(2)(c) prohibits parking for a commercial or industrial use from being located in a residential district except in the case of a conditional use. As noted above, all parking is located in the LI district.

Section 17.48.040(2)(d) requires groups of more than four parking spaces to be permanently marked and so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Section 17.48.040(2)(f),(g) and (i) establish the minimum width of access aisles and the minimum dimensions of parking spaces. No change to parking is anticipated or required through this application.

Section 17.48.040(2)(h) requires parking areas to be designed to the maximum extent practicable, to avoid large, uninterrupted rows of parking spaces. Again, no changes proposed.

Section 17.48.040(3)(b),(c) and (d) establish requirements for loading areas. Met as shown.

Section 17.48.050 establishes requirements for bicycle parking. No change proposed or required through this application.

5. *Chapter 17.50 of the GMC* establishes the requirements for vehicular and pedestrian circulation. Subsection 17.50.020(1) requires that provisions be made for the least amount of impervious surface necessary to adequately service the type and intensity of proposed land uses within developments as well as providing adequate access for service vehicles. No additional impervious surface will result from this proposal. This standard is met.

Subsection 17.50.020(2) requires provisions to be made, when feasible, for a separation of motor vehicular, bicycle and pedestrian traffic.

Separation will remain as is. This standard is met.

Subsection 17.50.020(3) requires curbs, associated drainage and sidewalks within the right-of-way or easement for public roads and streets. The Planning Commission may want to discuss this issue, particularly relative to need/no need for sidewalk along the Portland Avenue frontage.

Subsection 17.50.020(4) requires provisions to be made to accommodate any increased volume of traffic resulting from the development. Applicant does not expect substantial additional traffic as a result of this project. Staff concurs.

Subsection 17.50.020(5) requires provisions to be made for the special needs of the handicapped. This Subsection can be met.

Subsection 17.50.020(6) pertains to pedestrian access. No changes proposed at this time.

6. *Chapter 17.52 of the GMC* establishes sign requirements. No new signs are proposed through this application.
7. *Chapter 17.54 of the GMC* establishes clear vision requirements. These standards will be continue to be met and maintained.
8. *Chapter 17.56 of the GMC* establishes drainage requirements. No changes proposed.
9. *Chapter 17.60 of the GMC* establishes requirements for utilities. All utilities shall be installed consistent with the standards of this Chapter.

REQUEST FOR COMMENTS:

City of Gladstone Public Works, Gladstone Fire, Tri-Cities, Building Department, prop owners within 250 feet

RESPONSES RECEIVED:

Gladstone Fire, Mike Funk comments submitted 2-03-16; attached as an exhibit to this staff report.

IV. RECOMMENDATION

The Planning Commission is authorized to approve design review applications pursuant to *Subsection 17.94.060(2)(c) of the GMC*. Staff recommends the Planning Commission discuss this proposal relative to the intent of the code as far as allowing caretaker/watchman's quarters. If approved, staff suggests the following conditions of approval:

1. This approval shall remain valid for one year following the date of approval. If construction/development has not begun by that date, this approval shall expire unless the Planning Commission pursuant to Section 17.80.100 of the GMC grants an extension.
2. Necessary building permits to be obtained prior to locating mobile home on site.
3. Final Certificate of Occupancy shall not be granted until all conditions of the design review approval have been met.
4. Any changes in the approved design review plans shall be submitted and approved prior to execution. Any departure from the approved design review may cause revocation of building permits or denial of the final certificate of occupancy.



LAND USE APPLICATION

Gladstone planning services are provided by Clackamas County.
Submit all land use applications and correspondence to:
Clackamas County Planning Division, 150 Beaver Creek Road, Oregon City, OR 97045
Phone: 503-742-4520 Fax: 503-742-4550 Email: clayq@co.clackamas.or.us

FOR STAFF USE ONLY

- COMPREHENSIVE PLAN AMENDMENT
- ZONE CHANGE (Z)
- CONDITIONAL USE
- SUBDIVISION SHORT (1-10) (SS)
- SUBDIVISION LONG (11+) (SL)
- PARTITION (M)
- VARIANCE (V)
- LOT LINE ADJUSTMENT
- INTERPRETATION
- ALTERATION/EXPANSION OF NCU
- DESIGN REVIEW
- ADJUSTMENT

File No: 20035-16-D
 Pre-app: Staff _____ Date _____
 Date Received: 1/15/16 Fee 625.00
 Hearing Date: 2 19 16
 Staff Member: _____
 Zone: LI
 Comp. Plan: Ind

APPLICANT INFORMATION

PLEASE TYPE OR PRINT IN BLACK INK ONLY

WHAT IS PROPOSED WATCHMAN'S QUARTERS

NAME OF APPLICANT KEARNS BART
LAST FIRST

MAILING ADDRESS 18200 OATFIELD ROAD CITY GLADSTONE ST OR ZIP 97027

APPLICANT IS: LEGAL OWNER CONTRACT BUYER OPTION BUYER AGENT

NAME OF CONTACT PERSON (if other than applicant) KATHI PREBLE KEARNS

MAILING ADDRESS OF CONTACT SAME AS ABOVE

PHONE NUMBERS OF: APPLICANT: WK 503-655-1854 HM 503-320-2824 CONTACT PERSON: WK: 0 HM 503-320-6715

SITE ADDRESS: 6005 DUNIWAY, GLADSTONE, OR 97027 TOTAL LAND AREA: 1 ACRE

LEGAL DESCRIPTION: T _____ R _____ SECTION _____ TAX LOT(S) _____

ADJACENT PROPERTIES UNDER SAME OWNERSHIP: T 2R 2 SECTION 19AA TAX LOT(S) 1900

PRESENT USE OF PROPERTY: FOOD PROCESSOR

METHOD OF SEWAGE DISPOSAL: CITY SEWER

WATER SUPPLY: CITY WATER

OTHER PERSONS (IF ANY) TO BE MAILED NOTICES REGARDING THIS APPLICATION:

NAME	ADDRESS	ZIP	RELATIONSHIP

NAME	ADDRESS	ZIP	RELATIONSHIP

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

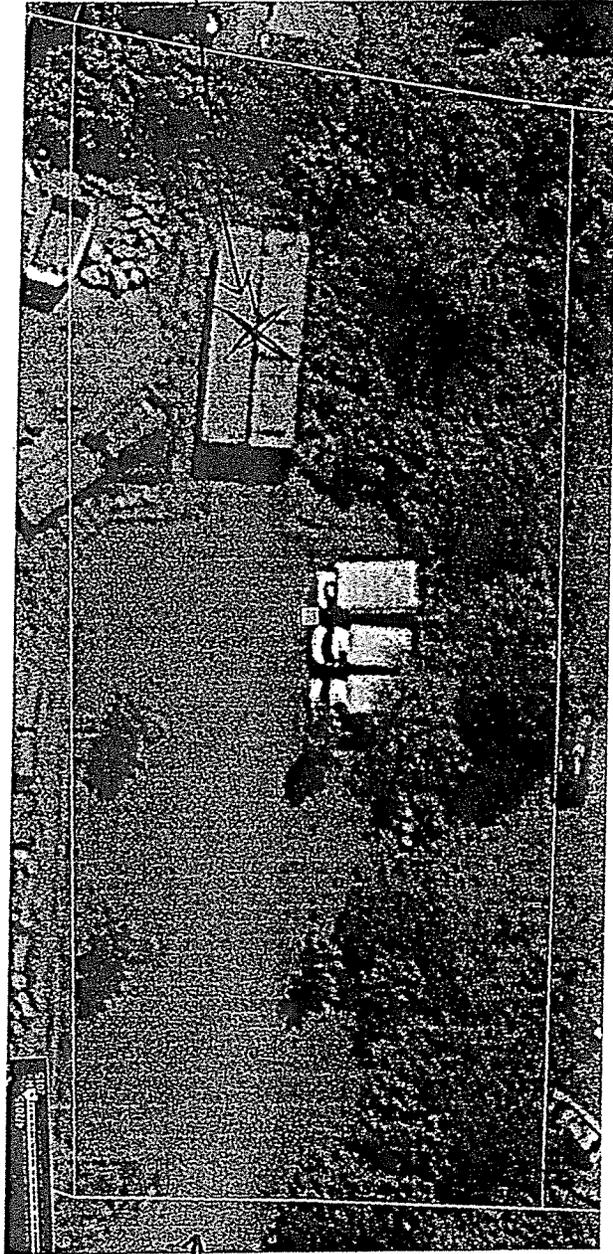
OWNER'S SIGNATURE

APPLICANT'S SIGNATURE

BARTON D. KEARNS
OWNER'S NAME (Print)

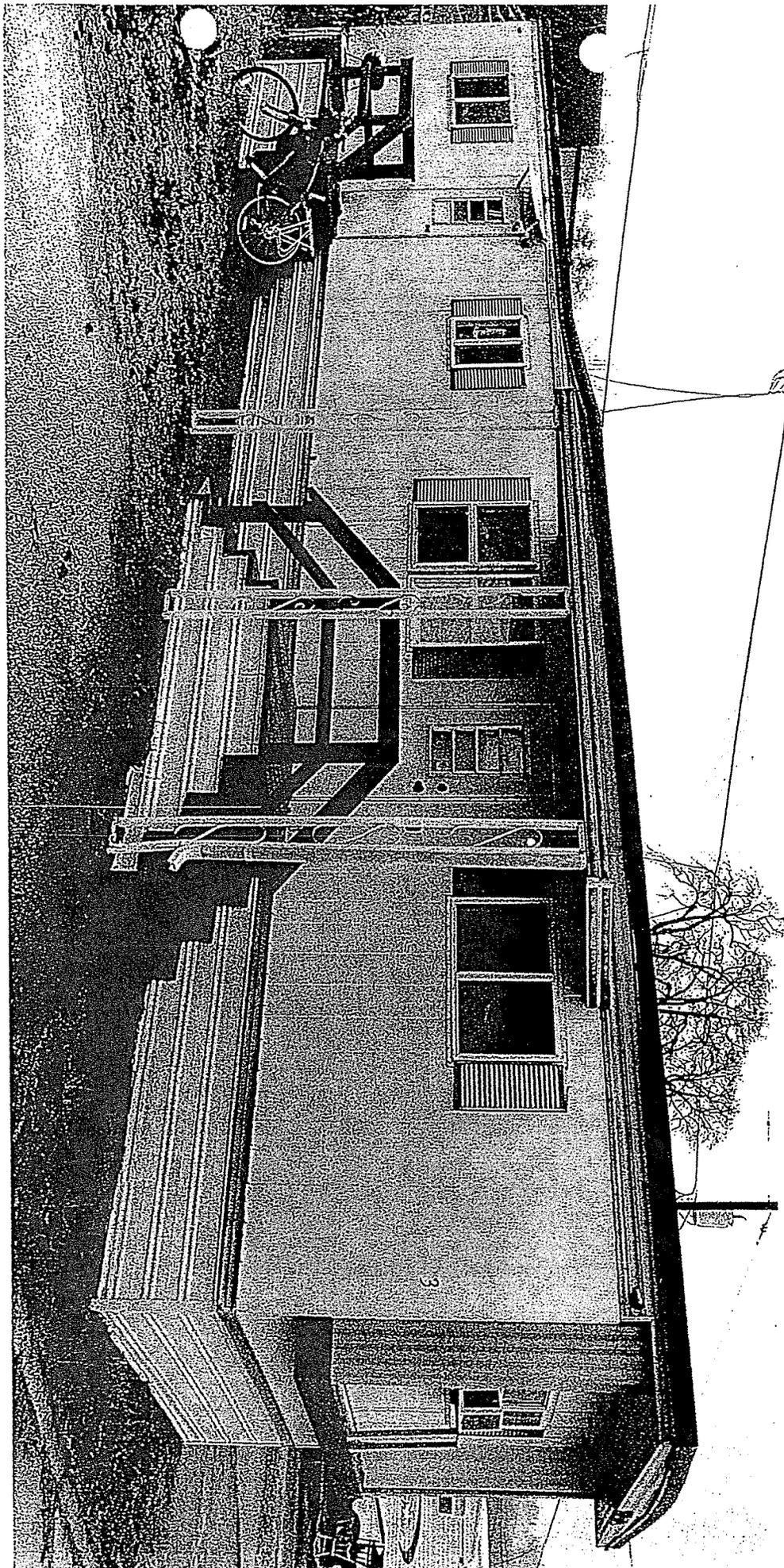
APPLICANT'S NAME (Print)

←
WATTS AVENUE
(SHOULD IT EVER GO THROUGH) →



PROPOSED
SITE

↑
DUNIWAY
STREET ENDS HERE



Glasgow, Clay

From: Mike Funk [funk@ci.gladstone.or.us]
Sent: Wednesday, February 03, 2016 12:29 PM
To: Planning Commission
Cc: Glasgow, Clay
Subject: Comments Z0035-16-D

I have received a request for comments for a watchman's quarters near Duniway and Watts.

This issue is complex. As I understand it, a watchman office may be allowed in situations such as proposed. Recently, Mr. Wheeler placed his home on an industrial lot at the corner of Portland Ave and Glen Echo. As I understand it was deemed as legal by our planning code because he calls it a Watchman office.. I believe the door was opened for more of this misuse of industrial and commercial property – by allowing residences to be occupied in these areas.

I do not agree with code that allows homes to be placed in any area that is not typically residential living. There is an expectation for emergency services to respond in the event of any emergency – but when a residence is placed in a non-residential setting it enhances the likelihood the address will be confused or at least more difficult to locate.

I do not see any reason stating why this home would be placed at the end of this parking lot. Is it placed there to oversee the (questionable) storing and parting of vehicles in that dead end area of the road.

I would suggest that the City look closely at this area to decipher what areas belong to whom, what businesses are being run there, and what is being stored on the street or right-of-way verses on private property. This area is a mess and should be reviewed carefully before allowing a manufactured home there.

I plan to attend this meeting to discuss my concerns and address any questions the commission may have.

Respectfully submitted,

Michael R. Funk
Fire Marshal
City of Gladstone
503-557-2775

PUBLIC RECORDS LAW DISCLOSURE

This email is a public record of the City of Gladstone and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

[Spam](#)

[Not spam](#)

[Forget previous vote](#)

City of GLADSTONE

DECISION

GLADSTONE PLANNING COMMISSION

File: Z0035-16-D
Applicant: Bart Kearns
Hearing Date: May 17, 2016
Planning Staff: Clay Glasgow

City Hall
 525 Portland Avenue
 Gladstone, OR 97027
 (503) 656-5223
 FAX: (503) 650-8938
 E-Mail: (last name)@ci.gladstone.or.us
 Website: www.ci.gladstone.or.us

Municipal Court
 525 Portland Avenue
 Gladstone, OR 97027
 (503) 656-5224 - ext. 1
 E-Mail: municourt@ci.gladstone.or.us

Police Department
 535 Portland Avenue
 Gladstone, OR 97027
 (503) 655-8211
 Website: www.ci.gladstone.or.us

Fire Department
 555 Portland Avenue
 Gladstone, OR 97027
 (503) 557-2776
 Website: www.ci.gladstone.or.us

Public Library
 135 E. Dartmouth
 Gladstone, OR 97027
 (503) 656-2411
 FAX: (503) 655-2438
 E-Mail: qirel@lincc.lib.or.us

Senior Center
 1050 Portland Avenue
 Gladstone, OR 97027
 (503) 655-7701
 FAX: (503) 650-4840

City Shop
 18595 Portland Avenue
 Gladstone, OR 97027
 (503) 656-7957
 FAX: (503) 722-9078

I. GENERAL INFORMATION

- A. Proposal: place manufactured home on property to be used for watchman's quarters.
- B. Legal Description: T2S, R2E, Section 19AA, Tax Lot 1900
- C. Location: no site address; south side of Duniway Avenue at the end of Watts Street, northwest of the City Shops.
- D. Zone: LI; Light Industrial
- E. Comprehensive Plan Designation: Industrial
- F. Site Information: The subject property is approximately 0.42 acres in size, and is used in conjunction with property across the street to the northeast, at 6005 Duniway. Applicant describes the use at 6005 as "food processor" with business name being Roadrunner Pizza. This proposal is to use a mobile home for watchman's quarters for both sites. Sanitary sewer, storm sewer and water are available and serve the property. A portion of the site is shown on Metro maps as containing Title 3 Wetlands, part of a larger area of wetlands to the north. The property owner was alerted to this fact after submitting the application under review here. The Planning Commission hearing on the item

was subsequently delayed. Since that time, the applicant has submitted a detailed site delineation accomplished in 2004 indicating the wetlands do not extend on to the subject property. The Division of State Lands accepted the document. There are no jurisdictional wetlands on the subject and are not a consideration for this request.

- G. Vicinity Description: The subject property is part of small group of properties zoned for and in industrial use along the west side of Portland Avenue. The City shops site lies to the southeast, then RV storage on property adjacent to the east. Northeast is the other part of the subject business, where the buildings are located. North is a wetland in County ownership with residential uses to the west and south.

II. FINDINGS

This request is subject to Chapter 17.24, LI, Light Industrial District; Chapter 17.80, Design Review, and the Development Standards of Title 17 of the Gladstone Municipal Code (GMC).

III. CONCLUSIONS

The Gladstone Planning Commission (PC) held a public hearing April, 19, 2016 to review this request in reference to the applicable provisions of the GMC. The public hearing was continued to May 17th due to time constraints at the April hearing. Based upon review of applicable code provisions along with testimony received through the public hearing process, the PC makes the following conclusions:

1. *Chapter 17.80* of the GMC establishes the requirements for design review. Pursuant to *Subsection 17.80.021(1)*, site development in the LI zoning district is subject to design review.
2. *Chapter 17.24* of the GMC establishes allowed uses and basic requirements for the Light Industrial District. *Section 17.24.020* identifies uses permitted outright in the Light Industrial District. Included in the list of uses permitted outright is “dwelling for caretaker or night watchman on the property”, 17.24.020(4)). Much discussion ensued at the public hearing regarding this Code provision. Part of the concern is that the property is split – divided in to two parcels by the right-of-way for Duniway. The mobile home in question is proposed to be on the vacant parcel (used for parking and outside storage in association with the business), within view of the parcel occupied by the building to be watched, e.g. not technically ON all of the property proposed for surveillance by the occupants. Also, testimony was

received regarding potential difficulty for emergency service vehicles to access a residential use in this industrial area. Other testimony was based on experience with a different watchman's quarters on property elsewhere. Apparently the watchman's quarters on that property has caused issues for the neighbors in that other area and several of those testifying expressed concern something similar might happen with this current proposal. Extensive testimony and discussion occurred with regards to this possibility.

After closing the public hearing the Planning Commission discussed the matter. Discussion remained focused on whether or not the proposal was actually for "dwelling for caretaker or night watchman on the property as intended by the Code. Will this instead simply be a residential intrusion into the Light Industrial Zone? Does the business even NEED such security? (staff notes "need" is not a criterion when considering uses allowed outright.)

IV. DECISION

The Gladstone Planning Commission finds the proposal does not meet the definition/intent of an allowed use in the LI Zone, and therefore the request is DENIED. The Planning Commission concluded consideration of the request at this point. If the decision is appealed and the appellant body finds the use proposed does, in fact meet the intent/definition of the Code relative to "dwelling for caretaker or night watchman on the property" as allowed outright in the LI Zone, then those other criteria pertaining to Design Review and development in general, as noted above, shall also be considered before making decision.

Denied at public hearing May 17, 2016.

Signed this 20th day of May, 2016



Tamara Stempel, Planning Commission Chair

Pursuant to Section 17.92.020 of the Gladstone Municipal Code, the decision of the Planning Commission may be appealed to the City Council within 15 days of the mailing of the Planning Commission's written decision. In order to appeal a decision of the Planning Commission, a party must have appeared orally or in writing before the Planning Commission. The filing fee for the appeal is \$250.00. If no appeal is filed within 15 days, the decision of the Planning Commission shall be final.

GLADSTONE PLANNING COMMISSION MEETING MINUTES of May 17, 2016

Meeting was called to order at 6:30 PM.

ROLL CALL:

The following City officials answered roll call: Commissioner Kirk Stempel, Commissioner Natalie Smith, Commissioner Malachi de AElfweald, and Chairperson Tammy Stempel.

ABSENT:

Commissioner Les Poole.

STAFF:

Jolene Morishita, Assistant City Administrator; David Doughman, City Attorney; Clay Glasgow, City Planner, Jeff Jolley, Police Chief; Mike Funk, Fire Marshal, Jim Whynot, Public Works Director.

Chairperson Tammy Stempel made a few comments regarding the duties of the Planning Commission.

CONSENT AGENDA:

1. Approval of April 19, 2016 Minutes: *Commissioner de AElfweald made a motion to approve the consent agenda. Motion was seconded by Commissioner Smith. Motion passed unanimously.*

REGULAR AGENDA:

2. Continued Public Hearing from April 19th meeting: Z0035-16-D. Design Review. Bart Kearns – Manufactured Home/Watchman’s Quarters in Conjunction with Property Located at 6005 Duniway Avenue. Site is South Side of Duniway at the end of Watts Street. Zone Designation – LI. Light Industrial:

Mr. Doughman wanted to point out that the first hearing on this issue was last month so the right to request a continuance would not apply now. Chairperson Tammy Stempel opened the public hearing at 6:35 PM and went over the procedure. None of the Commissioners wanted to disqualify themselves and all of them have visited the site. None of the audience members had any objections. Mr. Glasgow did not have anything to add to the staff report.

Opponent testimony: None.

Applicant rebuttal: Bart Kearns felt that most of the public’s concerns were related to a different location up the street. He shared some photos of several criminal incidents that have occurred at the business since the last meeting. Chairperson Tammy Stempel has concerns that this will set a precedent for other like businesses. She is also not convinced that this will be a watchman’s quarters but rather just a residence. Commissioner de AElfweald asked if the person living in the quarters will be DPSST certified – Mr. Kearns said he is willing to do that. There was discussion regarding access to fire trucks.

Commissioner Smith made a motion to close the public hearing. Motion was seconded by Commissioner de AElfweald. Motion passed unanimously. Public hearing was closed.

Discussion: Commissioner Kirk Stempel feels that more could have been done regarding security measures prior to putting in a mobile home. Commissioner de AElfweald said he would not have a problem with it if it was shown as being used for security rather than a residence. Mr. Glasgow went over the section of the Code that applies. Mr. Doughman said it is open to

interpretation. Commissioner Smith doesn't feel there is justification for it. Commissioner de AElfweald would like to require the person to be DPSST certified and that the facility be used for security as opposed to a residence. There was further discussion regarding stipulations. *Commissioner Smith made a motion to deny the application. Motion was seconded by Commissioner Kirk Stempel. Ms. Morishita took a roll call vote: Commissioner Stempel: yes. Commissioner Smith: yes. Commissioner de AElfweald: no. Chairperson Tammy Stempel: yes. Motion passed (3-1).*

3. Public Hearing: Z0248-16-I; Casey Cutting – Proposal to vacate a portion of Kenmore Street – that segment from its intersection with Donna Lynn Way west to its terminus – approximately 150 feet in length. This will be the first of two public hearings, the Planning Commission will consider the proposal and make recommendations to City Council. City Council will then hold a public hearing and make a final decision on the proposal.

Mr. Glasgow went over the staff report and the process involved. The Fire Department and Public Works had no issues. There was discussion regarding the easement. A neighbor to the property explained the history of the gate.

Commissioner de AElfweald made a motion to recommend approval of the proposal with the easement language clarified. Motion was seconded by Commissioner Smith. Motion passed unanimously.

BUSINESS FROM THE COMMISSIONERS:

None.

ADJOURN:

Commissioner Kirk Stempel made a motion to adjourn. Motion was seconded by Commissioners de AElfweald. Motion passed unanimously. Meeting adjourned at 7:29 PM.

Minutes approved by the Planning Commission this 21st day of JUN, 2016.


Tamara Stempel, Chair

**NOTICE OF PUBLIC HEARING
GLADSTONE CITY COUNCIL**

DATE & TIME: June 28, 2016. This item will not begin earlier than 6:30 p.m. However, it may begin later depending on the length of preceding items.

PLACE: Council Chambers of Gladstone City Hall, 525 Portland Ave., Gladstone, OR 97027

FILE NO: Z0035-16-D, APPEAL

PURPOSE/PROPOSAL: This is an appeal of Planning Commission **DENIAL** of Planning File Z0035-16-D: request for watchman's quarters in association with Roadrunner Pizza; at Duniway Avenue at end of Watt's Street. Bart Kearns.

SUBJECT PROPERTY: no site address; south side of Duniway Avenue at the end of Watts Street, northwest of the City shops. AKA 22E19AA TLs 1900 and 400

CURRENT ZONING: LI, Light Industrial

APPLICANT: Bart Kearns

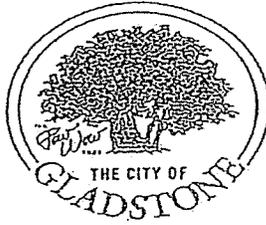
PROPERTY OWNER: Bart Kearns and Kathi Preble

REVIEW STANDARDS: 17.24, 17.80, 17.92 and 17.94 of Title 17 of the Gladstone Municipal Code

You may attend, offer testimony or seek information at the hearing. Any correspondence received in advance of the meeting will be forwarded to the City Council.

The staff report relating to this application is available for inspection at the Clackamas County Planning Division, 150 Beaver Creek Road, Oregon City, OR 97045. Copies will be available for a reasonable cost. For further information, contact Clay Glasgow at 503-742-4520.

Failure to raise an issue in person or by letter at the hearing with sufficient specificity to afford the decision-maker an opportunity to respond will preclude the ability to appeal. Furthermore, failure at the time of the hearing to specify, in person or by letter, to what land use standard(s) your comments or objections are directed, will preclude the ability to raise those issues on appeal.



Gladstone planning services are provided by Clackamas County. Submit all land use applications and correspondence to: Clackamas County Planning Division, 150 Beaver Creek Road, Oregon City, OR 97045
Phone: 503-742-4520 Fax: 503-742-4550 E-Mail: clayg@co.clackamas.or.us

APPEAL REQUEST

NOTE: Appeal must be accompanied by a fee of \$ 250. Additional information may be attached in support of the appeal.

Date Received: <u>6.6.16</u>	For staff use only:	By: <u>Gy</u>
Fee: \$ <u>not included</u>	File No. <u>20035-16-D</u>	Appeal Hearing Date <u>6-28-16</u>

Name of Appellant: KEARNS BART
Last First

Mailing Address: 18200 OATFIELD RD. GLADSTONE 97027 Phone: 503-320-2824
City State Zip

File Number of the Application being Appealed: 20035-16-D Date of the Decision being Appealed: 5-17-16

Site Address or Legal Description of the Property that is the Subject of the Appeal:
T2S, R2E, SECTION 19AA, TAYLOR LOT 1900

If this is an appeal of a Planning Commission decision, indicate how you appeared before the Planning Commission:
 Oral Testimony Written Testimony

Describe the decision or condition of approval being appealed:

THERE WAS A PRECEDENCE MADE FOR A NEIGHBORING PROPERTY. WE WERE DENIED MERELY BECAUSE OF PROBLEMS FROM THE NEIGHBORING PROPERTY THAT PLANNING COMMISSION GRANTED, SO I SHOULD NOT BE PUNISHED FOR THEIR MISTAKES

Identify the reasons for the appeal:

I HEREBY WAIVE THE PROCESSING TIME REQUIREMENT

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge and belief.

Appellant's signature [Signature] Date 6-3-16

Appellant's name (print) BART KEARNS

MEMORANDUM

TO: Gladstone Mayor and City Council
FROM: Ashley Driscoll, Office of the City Attorney
SUBJECT: Marijuana – Next Steps
DATE: June 22, 2016

******Confidential Attorney-Client Privileged Communication******

AGENDA ITEM

History/Background

Under state law, a city may adopt an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers within the city as long as the ordinance is referred to the voters for approval at the next statewide general election.

On September 30, 2015, the Gladstone City Council adopted Ord. No. 1462 prohibiting the establishment of the above listed marijuana facilities and referring the ordinance to the ballot in November 2016. The attached resolution refers to the electorate the question: **Shall Gladstone prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers in the City?**

The resolution also provides the ballot title and explanatory statement. This is the final step the Gladstone City Council must take under state law to prohibit the establishment of certain marijuana facilities.

However, if this measure does not pass by a majority of Gladstone's electorate in November, marijuana facilities will be allowed to establish in the City.

In the event marijuana facilities are allowed to establish, the City has two additional options: (1) the City may impose up to a 3% tax or fee on the sale of marijuana items by marijuana retailers within the City and (2) the City may adopt reasonable regulations for marijuana facilities.

(1) Marijuana Sales Tax or Fee

Any tax the City imposed prior to the state legislature adopting HB 3400 (now codified as ORS chapter 475B) is presumptively preempted by state law and therefore invalid.

5-1

Under ORS 475B.345, cities in Oregon may adopt ordinances imposing up to a three percent tax or fee on the sale of recreational marijuana items in the city by state-licensed marijuana retailers as long as the ordinance is referred to the voters for approval at the next statewide general election and the City does not have a prohibition on marijuana facilities in effect.

In the event marijuana facilities are allowed to establish in Gladstone and Gladstone wished to impose and collect a tax or fee, the City either must do so at the statewide general election in 2016 or wait two additional years to get the tax approved by voters.

Because of this situation, many cities that have adopted a prohibition are also adopting an ordinance imposing a tax or fee and referring both measures to the voters in November 2016. The tax would only take effect if the voters do not approve the prohibition or marijuana facilities are allowed to establish in the future.

In order to refer a potential tax to the voters, the Gladstone City Council should adopt an ordinance imposing the tax and a resolution referring the tax to the voters no later than August 2016.

City Staff is looking for direction from Council on this issue.

(2) Time/Place/Manner Reasonable Regulations

As stated above, if the measure prohibiting the establishment of marijuana facilities is not approved by the voters, facilities will be allowed to establish in Gladstone shortly after the election results are certified.

In that event, the City may want to adopt reasonable regulations for such facilities. If an application is submitted before the City officially adopts regulations, the future regulations will not apply to the application ("goal post rule.") This means if the City wishes to limit certain types of marijuana facilities to certain areas, or impose a buffer around schools, park, etc., those limitations and buffers may not apply to application submitted this fall if the City waits to adopt regulations.

Similar to the tax, many cities have opted to adopt regulations for marijuana facilities operative only if facilities are allowed to establish.

The City does not need to refer time, place and manner regulations to the voters. However, any place or manner regulations that amend the development code must be sent to DLCD at least 35 days before the first evidentiary hearing and thereafter must go through the City's land use process.

If the City would like regulations in place by November 2016, it should begin taking the necessary steps as soon as possible.

City Staff is looking for direction from Council on this issue.

Proposal

The attached resolutions refers ordinance 1462 prohibiting the establishment of marijuana facilities in the City to voters and provides the ballot title and explanatory statement to appear on the ballot.

Options

1. Approve Resolution 1082.
2. Do not approve Resolution 1082.

Cost Impact

Salary for this position.

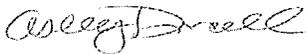
Recommended Staff Action

Approve Resolution 1082.

Suggested Motion:

Move to approve Resolution 1082.

Department Head
Signature



Date

6/22/16

City Administrator
Signature



Date

6/22/16

RESOLUTION NO. 1082

**A RESOLUTION APPROVING REFERAL TO THE ELECTORS OF THE CITY OF
GLADSTONE THE QUESTION OF PROHIBITING THE ESTABLISHMENT OF
MARIJUANA FACILITIES WITHIN THE CITY**

Whereas, ORS 475B.800 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana facilities in the city;

Whereas, the City of Gladstone council adopted Ordinance No. 1462 which prohibits the establishment of such marijuana facilities in the city;

NOW, THEREFORE, THE CITY OF GLADSTONE RESOLVES AS FOLLOWS:

Section 1. An election is hereby called in and for the City of Gladstone, Clackamas County, Oregon, to submit to the legal voters of the City the following question:

Shall Gladstone prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers in the City?

Section 2. Tuesday, November 8, 2016 is hereby designated as the date for holding the election for voting on the measure.

Section 3. The election shall be conducted by the Clackamas County Elections Department.

Section 4. The precincts for said election shall be and do constitute all of the territory included within the corporate limits of the City of Gladstone.

Section 5. The ballot title to appear on the ballots shall read as follows:

CAPTION: Prohibits certain marijuana registrants and licensees in Gladstone

QUESTION: Shall Gladstone prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers in the City?

SUMMARY:

State law allows operation of registered medical marijuana processors, medical marijuana dispensaries and licensed recreational marijuana producers, processors, wholesalers, and retailers. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the city.

If this measure is approved, the city will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the sale of marijuana items by a marijuana retailer.

Section 6. The City Recorder is hereby authorized to submit an impartial explanatory statement for the Clackamas County Voters' Pamphlet on behalf of the City to read something substantially similar to the following:

EXPLANATORY STATEMENT:

Approval of this measure would prohibit the establishment of certain marijuana facilities within the city.

ORS 475B.400 to 475B.525 provides that the Oregon Health Authority will register medical marijuana processors and medical marijuana dispensaries. Medical marijuana processors compound or convert marijuana into concentrates, extracts, edible products, and other products intended for human consumption and use. Medical marijuana dispensaries facilitate the transfer of marijuana and marijuana products between patients, caregivers, processors, and growers. ORS 475B.005 to 475B.399 provides that the Oregon Liquor Control Commission will license recreational marijuana producers (those who manufacture, plant, cultivate, grow or harvest marijuana), processors, wholesalers, and retailers.

A city council may adopt an ordinance prohibiting the establishment of any of those entities within the city, but the council must refer the ordinance to the voters at a statewide general election. The City of Gladstone council has adopted an ordinance prohibiting the establishment of marijuana facilities within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit medical marijuana processors, medical marijuana dispensaries, and/or recreational marijuana producers, processors, wholesalers, and/or retailers within the city.

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities on a per capita basis to assist local law enforcement in performing their duties under ORS 475B.760(2). In subsequent years, such revenues will be distributed based on the number of marijuana facilities located in the jurisdiction. If approved, this measure would make the city ineligible to receive distributions of state marijuana tax revenues.

Currently, under ORS 475B.345, a city may impose up to a three percent tax on the sale of marijuana items by a marijuana retailer in the city. However, a city that adopts an ordinance

prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a local tax or fee on the sale of marijuana times by a marijuana retailer. Approval of this measure would therefore prevent a city from imposing a local tax.

Section 7. The City Recorder shall take any and all steps necessary to place this measure on the ballot at the November 8, 2016 statewide general election including but not limited to publishing a copy of the ballot title in the next available edition of a newspaper of general distribution in the City as well as notice of the seven day challenge ballot title challenge period as required in ORS 250.296.

Section 8. This resolution is effective upon its adoption by the City Council.

ADOPTED BY THE CITY COUNCIL FOR THE CITY OF GLADSTONE this ___th day of June, 2016.

Thomas Mersereau, Mayor

City of Gladstone Staff Report

Report Date: June 21, 2016
Meeting Date: June 28, 2016
To: City Council
From: Carolyn Gray

AGENDA ITEM

Resolution 1083 – A resolution making transfers in the City of Gladstone Budget for Fiscal year 2015-16.

History/Background

Local Budget Law requires appropriation levels not be over spent.

Proposal

In order to be in compliance with Local Budget Law, adopt Resolution 1083.

Options

Do not adopt Resolution 1083.

Cost Impact

There is no fiscal impact to the city. Not adopting Resolution 1083 will result in an audit comment in the Independent Auditor's Report, required by State Regulation in the 2015-16 Audit report, due in September 2016.

Recommended Staff Action

Staff recommends adoption of Resolution 1083.

Suggested Motion:

I move to adopt Resolution 1083 making transfers in the City of Gladstone Budget for fiscal year 2015-16 as presented.

Department Head
Signature

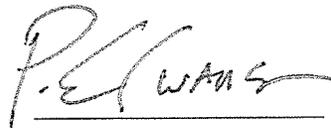
Date

City Administrator
Signature

Date



6/21/16



6-22-16

RESOLUTION 1083

A RESOLUTION MAKING TRANSFERS IN THE CITY OF GLADSTONE BUDGET FOR FISCAL YEAR 2015-16

WHEREAS, the city's budget estimates are prepared about 16 months before the end of the budget's fiscal year, and

WHEREAS, budget categories of personnel services, materials and services and capital outlay within all budget funds should not be overspent at the end of fiscal year 2015-16, and

WHEREAS, there remains a substantial balance within some budget categories in the various funds of the budget for fiscal year 2015-16 and other budget categories will require additional appropriation;

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE that the following amounts be transferred from various line items in the fund:

GENERAL FUND

Transfer From:			Transfer To:		
001-099-23500	Contingency Funds	\$165,000	001-021-105500	City Attorney Hourly	\$12,000
			001-021-106000	Fire & Liability Insurance	7,500
			001-021-107000	County Planning Services	7,500
			001-021-107500	Municipal Audit Contract	2,300
			001-021-110500	Building Maintenance	12,000
			001-021-111500	Council Activities	4,000
			001-021-116000	Surveys & Consultants	11,700
			001-021-116500	Personnel Recruitment	62,000
			001-021-119200	Oberson Property Expense	6,000
			001-021-165500	Misc Equipment	20,000
			001-024-161000	Contractual Services	5,000
			001-027-201500	Field Maintenance Crew	5,000
			001-027-204000	Summer Programs	2,500
			001-027-204500	Special Events	2,500
			001-028-213500	Other Utilities	5,000
	Total	\$165,000			\$165,000

SEWER FUND

Transfer From:			Transfer To:		
003-003-308000	Storm Improvement	200,000	003-003-303500	Connection Turnovers	200,000
	Total	\$200,000			\$200,000

POLICE/COMMUNICATIONS LEVY FUND

Transfer From:			Transfer To:		
008-008-806700	Misc Equipment	5,000	008-008-803200	Proficiency Pay	5,000
	Total	\$5,000			\$5,000

Section 2. Resolution is effective on June 28, 2016.

THIS RESOLUTION ADOPTED BY THE GLADSTONE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS 28th DAY OF JUNE 2016.

Attest:

Mayor

Assistant City Administrator

City of Gladstone Staff Report

Report Date: June 17, 2016
Meeting Date: June 28, 2016
To: City Council
From: Fire Department

AGENDA ITEM

Adopt current Oregon Fire Code 2014 and recommended appendices.

History & Rationale

The current adopted fire code in the City of Gladstone is the 1991 Uniform Fire Code. The State of Oregon adopts a revised or updated fire code on a regular cycle every three years. In 2004 the State Fire Marshal's office adopted a new fire code to be known as the Oregon Fire Code (OFC) 2004 Edition (based on the 2003 International Fire Code). The State is currently using the 2014 Oregon Fire Code based on the 2012 International Fire Code. City officials, including Fire Department staff, are aware that Gladstone Municipal Code (GMC) reflects the old Uniform Fire Code and have expressed an interest in updating this section of GMC. Fire Department staff has been in touch with the Oregon State Fire Marshal's office several times for assistance to be sure that our adoption of the 2014 OFC is done correctly. The City will want to revise the GMC by updating it to reflect the 2014 OFC and specifically adopt the Appendices listed later in the attached documents.

City of Gladstone Fire Marshal Mike Funk is currently certified through the Oregon State Fire Marshal's office as a Fire and Life Safety Specialist 1, which qualifies him to inspect all buildings in Gladstone except Avamere Rehabilitation and Northwest Behavioral Health. These two occupancies are inspected by a Deputy State Fire Marshal with FM Funk in attendance. There are approximately 175 inspectable occupancies in Gladstone and moving forward, GFD will ensure that all of these occupancies are inspected on at least a three year cycle.

Informational Material

- 1) Copy of current GMC 15.08, old language adopting 1991 UFC. This has been provided so you will have the existing code and new language for comparison.
- 2) Summary pages of 2014 OFC Chapters (and Appendices) attached for reference. These few pages contain the title and a brief summary of each chapter of 2014 OFC. The chapters are followed by the Appendices and their summaries. Note: as stated in the staff report, the state has already adopted the fire code but the council needs to adopt the appendices for them to be in effect.
- 3) Codes in current use at Clackamas County building dept. Referenced in GMC 15.08.010 (6)

List of agencies referenced or contacted regarding update to 2014 OFC (no attachments):

- Oregon State Fire Marshal's Office.
- Fire Districts: Clackamas Fire District #1, Tualatin Valley Fire & Rescue.
- City fire departments: Lake Oswego, Portland, Bend, Gresham, Hillsboro, Astoria, Albany, Salem, Cornelius.
- Clackamas County Building Department.

Proposal

The following documents are suggested changes (revised –updated language) and a sample ordinance to implement these changes.

- 4) New revised version (proposed new language) for adoption of the 2014 Oregon Fire Code. This is the revised GMC 15.08 for your approval. Most of the revisions contained herein are somewhat minor and simply reflect the name of the new 2014 OFC.

15.08.010 lists the new appendices to be adopted. You will note some missing letters- please note E, G, J are informational and not intended for adoption. While not listed in the appendices we should adopt appendix K, L and N. I have not recommended adoption of M as there are no airports in Gladstone.

15.08.010 (6) language reflects our relationship with Clackamas County and the need to reflect like code adoption.

15.08.010 the old language in (6) (7) and (8) has been deleted. We feel this is old and outdated language that is no longer needed or has been covered in other sections.

15.08.020 Definitions –minor changes only.

15.08.030 Minor changes, with added language similar to that found in the City of Lake Oswego code. “Not allowed in residential zones including areas with split zones that includes residential areas.”

15.08.040 Minor changes, with added language similar to that found in the City of Lake Oswego code. “Not allowed in residential zones including areas with split zones that includes residential areas.”

15.08.050 Minor changes, with added language similar to that found in the City of Lake Oswego code. “Not allowed in residential zones including areas with split zones that includes residential areas.”

15.08.060 2014 OFC – future amendments

15.08.070 Minor changes only

15.08.080 Penalties –discussed with Gladstone code enforcement officer. Revised to come in line with Gladstone court system.

15.08.090 No changes

15.08.100 Minor changes- OFC

- 5) Sample Ordinance 1466, amending GMC 15.08

Options

- 1) Decide to take no action on this matter, retain the current outdated language in GMC 15.08.
- 2) Follow the Fire Department staff recommendation to adopt the 2014 OFC with the recommended appendices.

Cost Impact

Cost impacts to include staff time to implement fire code plus any incidental costs related to changes to code book and on-line version updates.

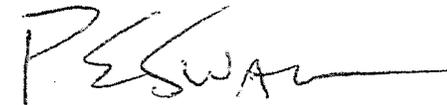
Recommended Staff Action

Staff recommends City Council adopt Ordinance 1466 to amend Chapter 15.08, Fire Code, of the Gladstone Municipal Code.

Recommended Motion: "I move to adopt Ordinance 1466 to amend Chapter 15.08 - Fire Code of the Gladstone Municipal Code."

Department Head
Signature

Date



City Administrator
Signature

Date 6/22/16

ORDINANCE NO. 1466

AN ORDINANCE AMENDING GLADSTONE MUNICIPAL CODE CHAPTER 15.08 FIRE CODE

WHEREAS, it has been identified that chapter 15.08 of Gladstone Municipal Code is outdated;

WHEREAS, the last adopted fire code in the City is the Uniform Fire Code -edition 1991;

WHEREAS, Oregon Fire services across the State are adopting an Oregon Fire Code;

WHEREAS, The Oregon State Fire Marshal's office adopted the 2014 Oregon Fire Code based on the 2012 International Fire Code;

WHEREAS, the City wishes to be in compliance with current Fire Code;

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

Section 1. Gladstone Municipal Code Chapter 15.08, FIRE CODE, is amended as follows:

1.1 Section 15.08.010 -Adoption of Fire Code

(1) The whole of this Chapter, including the codes hereby adopted, shall be filed and maintained in the records of the City of Gladstone and with the State Fire Marshal's Office.

(2) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the city adopts the 2014 Oregon Fire Code based on the 2012 edition International Fire Code, published by the International Code Council. (hereinafter referred to as "OFC"), together with appendices A, B, C, D, F, H, I, K, L, N only.

(3) The city adopts the 2014 Oregon Fire Code based on the 2012 edition International Fire Code, published by the International Code Council.

(4) The city adopts the 2014 edition of the Oregon Structural Specialty Code (hereinafter referred to as "OSSC") as promulgated by the 2012 International Building Code, as amended and adopted by the State of Oregon.

(5) The city adopts the 2014 edition of the Oregon Mechanical Specialty Code (hereinafter referred to as "OMSC") as promulgated by the 2012 International Mechanical Code, as amended and adopted by the State of Oregon.

(6) As long as the City of Gladstone contracts with Clackamas County for services like Planning, Plan Review, Inspections and other Building Services, the City of Gladstone will attempt to use the Fire and Building codes as adopted by County Building official in regular 3 year cycles.

1.2 Section 15.08.020 -Definitions

(1) No change

(2) Wherever the terms "Code," "Fire Code" or "Oregon Fire Code" are used, they shall be held to mean the Oregon Fire Code, 2014 Edition, as amended by the State of Oregon and this ordinance, the 2014 Edition of the Oregon Structural Specialty Code, as amended by the State of Oregon, and the 2014 Edition of the Oregon Mechanical Specialty Code, as amended and adopted by the State of Oregon.

(3) Whenever the term "City Attorney" is used in the Fire Code, it shall be held to mean the City Attorney for the city.

(4) Whenever the words "Fire Prevention Officer" or "Chief of Fire Prevention" or similar terms are used, they shall be held to mean "Fire Marshal" of the city.

(5) Whenever the words "jurisdiction," "city" or "municipality" are used in the Fire Code, it shall mean the city.

(6) Wherever the term "State Fire Marshal," is used, it shall be held to mean the Fire Marshal of the State of Oregon or his duly authorized representative.

1.3 **Section 15.08.030 -Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited.**

(1) The limits referred to in Chapter 57 of the OFC in which storage of the flammable or combustible liquids in outside above-ground tanks is prohibited are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal. Not allowed in residential zones including areas with split zones that include residential areas.

1.4 **Section 15.80.040 -Establishment of limits in which bulk storage of Liquefied Petroleum Gases is to be restricted.**

(1) The limits referred to in OFC Chapter 61 in which bulk storage of liquefied petroleum gas is restricted, are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal. Not allowed in residential zones including areas with split zones that include residential areas.

1.5 **Section 15.08.050 -Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.**

(1) Explosives and Fireworks are to be governed by OFC Chapter 56, Gladstone Municipal Code 15.16 Blasting, are hereby adopted and made a part herein as if printed in their entirety. The limits referred to in which the storage of these materials is restricted, are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal. Not allowed in residential zones including areas with split zones that include residential areas.

1.6 **Section 15.08.060 -Oregon Fire Code -amendments**

(1) This section is reserved for future use.

1.7 **Section 15.08.070 -Appeals**

(1) Whenever the Chief, or designee, disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief, or designee, to an Appeals Board within 30 days from the date of the decision appealed.

Appeal process is outlined in 2014 Oregon Fire Code, Appendix A.

1.8 **Section 15.08.080 -Penalties**

(1) Violations of the provisions of this Code may be prosecuted under ORS 455.156 and 455.157. Pursuant to ORS 478.990, continued violation of the Code, or refusal to remove a fire hazard by one responsible for conformity to the Code, is punishable by a fine listed as a Class A infraction. Each day's continued refusal to conform to the Code or remove a fire hazard after notice by the inspecting officer is a separate offense.

1.9 **Section 15.08.090 -Conflicting ordinances or resolutions**

(1) No changes

1.10 **Section 15.08.100 -Savings clause**

(1) If any part of this chapter of the Oregon Fire Code adopted hereby shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance or the Code, which shall continue in force without the invalid part.

Section 2. The City Administrator or designee shall amend the Gladstone Municipal Code in accordance with this ordinance once it is effective.

Adopted by the Gladstone City Council this _____ day of _____, 2016.

ATTEST:

Thomas Mersereau, Mayor

Jolene Morishita, Assistant City Administrator

**Chapter 15.08
FIRE CODE**

Sections:

15.08.010 Adoption of Fire Code.

15.08.020 Definitions.

15.08.030 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited.

15.08.040 Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.

15.08.050 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

15.08.060 Uniform Fire Code—1991 edition amendments.

15.08.070 Appeals.

15.08.080 Penalties.

15.08.090 Conflicting ordinances or resolutions.

15.08.100 Savings clause.

15.08.010 Adoption of Fire Code. 

(1) The whole of this Chapter, including the codes hereby adopted, shall be filed and maintained in the records of the city and with the State Fire Marshal's Office.

(2) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the city adopts the Fire Code known as the Uniform Fire Code, 1991 edition, published by the Western Fire Chiefs Association and the International Conference of Building Officials and the whole thereof, (hereinafter referred to as "UFC"), together with appendices I-C, I-D, I-E, I-F, II-A, II-B, II-C, II-D, II-F, III-A, III-B, III-C, III-D, III-E, IV-A, V-A, V-B, W-A, W-B, W-C, W-D, VI-E, and VI-F only, and except as provided by Section 15.08.060 of this Chapter, which Code is incorporated herein by this reference.

(3) The city adopts the 1991 edition of the Uniform Fire Code Standards as promulgated by the Western Fire Chiefs Association and the International Conference of Building Officials.

(4) The city adopts the 1992 edition of the Structural Specialty Code (hereinafter referred to as "SSC") as promulgated by the International Conference of Building Officials, as amended and adopted by the State of Oregon.

(5) The city adopts the 1992 edition of the Mechanical Specialty Code (hereinafter referred to as "MSC") as promulgated by the International Conference of Building Officials, as amended and adopted by the State of Oregon.

(6) The city adopts the 1991 edition of the Uniform Code for the Abatement of Dangerous Buildings as promulgated by the International Conference of Building Officials.

(7) The city adopts the following State Fire marshal Administrative Rules as part of the Code:

(a) OAR 837-12-005 through 837-12-675 ("Public Display of Fireworks in Oregon")

(b) OAR 837-30-005 through 837-30-015 (National Fire Protection Association Standard No. 58 "Liquefied Petroleum Gas")

(c) OAR 837-40-100 through 837-40-110 (National Fire Protection Association Standard No. 13 "Installation of Sprinkler Systems")

(d) OAR 837-45-005 through 837-45-025 ("Smoke Detector Rule")

(e) OAR 837-61-005 through 837-61-015 ("Standardization of Fire Protection Equipment")

(f) OAR 837-80-005 through 837-80-015 (National Fire Protection Association Standard No. 59A "Liquefied Natural Gas.")

(8) The city adopts the following National Fire Protection standards:

(a) NFPA Standard No. 46, Storage of Forest Products, 1990 Edition.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §1, 1977; Ord. 1173 §1, 1993; Ord. 1179 §8, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.020 Definitions.

(1) Wherever the term "Chief" is used in this Code, it shall mean the Fire Chief, or his authorized representative, for the city.

(2) Wherever the terms "Code," "Fire Code" or "Uniform Fire Code" are used, they shall be held to mean the Uniform Fire Code, 1991 Edition, as amended by the State of Oregon and this ordinance, the 1992

Edition of the Structural Specialty Code, as amended by the State of Oregon, and the 1992 Edition of the Mechanical Specialty Code, as amended and adopted by the State of Oregon.

(3) Whenever the term "City Attorney" is used in the Fire Code, it shall be held to mean the City Attorney for the city.

(4) Whenever the words "Fire Prevention Engineer" or "Chief of the Bureau of Fire Prevention" are used, they shall be held to mean "Fire Marshal" of the city.

(5) Whenever the words "jurisdiction," "city" or "municipality" are used in the Fire Code, it shall mean the city.

(6) Wherever the term "State Fire Marshal," is used, it shall be held to mean the Fire Marshal of the State of Oregon or his duly authorized representative.

Statutory Reference: ORS [478.910](#) to [478.965](#)

History: Ord. 895 §3, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

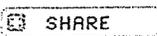
15.08.030 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited. 

The limits referred to in UFC Section 79.501 and 79.1001 in which storage of the flammable or combustible liquids in outside above-ground tanks is prohibited are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal.

Statutory Reference: ORS [478.910](#) to [478.965](#)

History: Ord. 895 §2, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

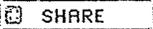
15.08.040 Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted. 

The limits referred to in UFC Section 82.104(a) in which bulk storage of liquefied petroleum gas is restricted, are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §4, 1977; Amended during 1980 codification; Ord. 1173§1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

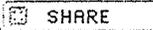
15.08.050 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited. 

Explosives and Blasting Agents are to be governed by ORS 480.200 through 480.280 and NFPA 495; Code for Explosive Materials, 1992 Edition, excluding Chapter 2 and are hereby adopted and made a part herein as if printed in their entirety. The limits referred to in which the storage of these materials is restricted, are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §5, 1977; Amended during 1980 codification; Ord. 1173§1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.060 Uniform Fire Code—1991 edition amendments. 

The City Code varies from the UFC in the following respects:

- (1) The Code incorporates amendments (to the provisions of UFC, as amended by the State of Oregon) which are set forth in Exhibit 'A' attached hereto and by reference made a part hereof and herein incorporated as if set forth in full at this point;
- (2) The Code incorporates provisions for plan review at the agency of the Jurisdiction responsible for the issuance of building permits in accordance with ORS 476.030(4) and OAR 837-39-001 which are also incorporated into the Code by this reference.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §6, 1977; Ord. 1173 §1, 1993

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.070 Appeals.

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent an meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Appeals Board within 30 days from the date of the decision appealed.

Statutory Reference: ORS 221.410

History: Ord. 895 §7, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.080 Penalties.

Violations of the provisions of this Code may be prosecuted under ORS 198.660. Pursuant to ORS 478.990, continued violation of the Code, or refusal to remove a fire hazard by one responsible for conformity to the Code, is punishable upon conviction by a fine of not less than \$10 nor more than \$100 for each offense. Each day's continued refusal to conform to the Code or remove a fire hazard after notice by the inspecting officer is a separate offense.

Statutory Reference: ORS 221.410, 478.990

History: Ord. 895 §8, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.090 Conflicting ordinances or resolutions.

All previously adopted ordinances, resolutions or parts thereof in conflict with this ordinance to the extent of such conflict and not further, are hereby repealed; provided further that provisions of this ordinance, insofar as they are substantially the same as existing ordinances or resolutions and/or ordinances or resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

Statutory Reference: ORS 221.410

History: Ord. 895 §9, 1977; Ord. 1173 §1, 1993.

15.08.100 Savings clause.

If any part of this chapter of the Uniform Codes adopted hereby shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance or the Code, which shall continue in force without the invalid part.

Statutory Reference: ORS 221.410

History: Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Fire Code*:

PART I—ADMINISTRATIVE

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the regulations contained in the body of the code. Only through careful observation of the administrative provisions can the code official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in *italics* wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code are also provided.

PART II—GENERAL SAFETY PROVISIONS

Chapter 3 General Requirements. The open burning, ignition source, vacant building, miscellaneous storage, roof gardens and landscaped roofs and hazards to fire fighters requirements and precautions, among other general regulations, contained in this chapter are intended to improve premises safety for everyone, including construction workers, tenants, operations and maintenance personnel and emergency response personnel. As with other chapters of the *International Fire Code*, Section 302 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 4 Emergency Planning and Preparedness. This chapter addresses the human contribution to life safety in buildings when a fire or other emergency occurs. The requirements for continuous training and scheduled fire, evacuation and lockdown drills can be as important as the required periodic inspections and maintenance of built-in fire protection features. The level of preparation by the occupants also improves the emergency responders’ abilities during an emergency. The *International Building Code* (IBC) focuses on built-in fire protection features, such as automatic sprinkler systems, fire-resistance-rated construction and properly designed egress systems whereas this chapter fully addresses the human element. As with other chapters of the *International Fire Code*, Section 402 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

PART III—BUILDING AND EQUIPMENT DESIGN FEATURES

Chapter 5 Fire Service Features. The requirements of this chapter apply to all buildings and occupancies and pertain to access roads; access to building openings and roofs; premises identification; key boxes; fire protection water supplies; fire command centers; fire department access to equipment and emergency responder radio coverage in buildings. As with other chapters of the *International Fire Code*, Section 502 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 6 Building Services and Systems. This chapter focuses on building systems and services as they relate to potential safety hazards and when and how they should be installed. This chapter brings together all building system- and service-related issues for convenience and provides a more systematic view of buildings. The following building services and systems are addressed: fuel-fired appliances (Section 603), emergency and standby power systems (Section 604), electrical equipment, wiring and hazards (Section 605), mechanical refrigeration (Section 606), elevator recall and maintenance (Section 607), stationary storage battery systems (Section 608) and commercial kitchen hoods (Section 609). As with other chapters of the *International Fire Code*, Section 602 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 7 Fire-resistance-rated Construction. The maintenance of assemblies required to be fire-resistance rated is a key component in a passive fire protection philosophy. Chapter 7 sets forth requirements to maintain required fire-resistance ratings of building elements and limit fire spread. The required maintenance of fire-resistance-rated assemblies and opening protectives is described in Section 703 while Section 704 covers the enclosure requirements for shafts in existing buildings. As with other chapters of the *International Fire Code*, Section 702 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 8 Interior Finish, Decorative Materials and Furnishings. The overall purpose of Chapter 8 is to regulate interior finishes, decorative materials and furnishings in new and existing buildings so that they do not significantly add to or create fire hazards within buildings. The provisions tend to focus on occupancies with specific risk characteristics, such as vulnerability of occupants, density of occupants, lack of familiarity with the building and societal expectations of importance. This chapter is consistent with Chapter 8 of the *International Building Code* (IBC), which regulates the interior finishes of new buildings. As with other chapters of the *International Fire Code*, Section 802 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 9 Fire Protection Systems. Chapter 9 prescribes the minimum requirements for active systems of fire protection equipment to perform the functions of detecting a fire, alerting the occupants or fire department of a fire emergency, controlling smoke and controlling or extinguishing the fire. Generally, the requirements are based on the occupancy, the height and the area of the building, because these are the factors that most affect fire-fighting capabilities and the relative hazard of a specific building or portion thereof. This chapter parallels and is substantially duplicated in Chapter 9 of the *International Building Code*; however, this chapter also contains periodic testing criteria that are not contained in the IBC. In addition, the special fire protection system requirements based on use and occupancy found in Chapter 4 of the IBC are duplicated in Chapter 9 of the IFC as a user convenience. As with other chapters of the *International Fire Code*, Section 902 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 10 Means of Egress. The general criteria set forth in Chapter 10 regulating the design of the means of egress are established as the primary method for protection of people in buildings by allowing timely relocation or evacuation of building occupants. Both prescriptive and performance language is utilized in this chapter to provide for a basic approach in the determination of a safe exiting system for all occupancies. It addresses all portions of the egress system (i.e., exit access, exits and exit discharge) and includes design requirements as well as provisions regulating individual components. The requirements detail the size, arrangement, number and protection of means of egress components. Functional and operational characteristics also are specified for the components that will permit their safe use without special knowledge or effort. The means of egress protection requirements work in coordination with other sections of the code, such as protection of vertical openings (see Chapter 7), interior finish (see Chapter 8), fire suppression and detection systems (see Chapter 9) and numerous others, all having an impact on life safety. Sections 1002 through 1029 are duplicated text from Chapter 10 of the IBC; however, the IFC contains an additional Section 1030 on maintenance of the means of egress system in existing buildings. Retroactive minimum means of egress requirements for existing buildings are now found in Chapter 11 (which was formerly Chapter 46). As with other chapters of the *International Fire Code*, Section 1002 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 11 Construction Requirements for Existing Buildings. Chapter 11 (which was formerly Chapter 46) applies to existing buildings constructed prior to the adoption of the code and intends to provide a minimum degree of fire and life safety to persons occupying existing buildings by providing for alterations to such buildings that do not comply with the minimum requirements of

the *International Building Code*. Prior to the 2009 edition, its content existed in the IFC but in a random manner that was neither efficient nor user-friendly. In the 2007/2008 code development cycle, a code change (F294-07/08) was approved that consolidated the retroactive elements of IFC/2006 Sections 607, 701, 704, 903, 905, 907 and 3406 (then 2506) and all of then-Section 1027 (Means of Egress for Existing Buildings) into a single chapter for easier and more efficient reference and application to existing buildings. As with other chapters of the *International Fire Code*, Section 1102 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapters 12 through 19. Reserved for future use.

PART IV—SPECIAL OCCUPANCIES AND OPERATIONS

Chapter 20 Aviation Facilities. Chapter 20 (which was formerly Chapter 11) specifies minimum requirements for the fire-safe operation of airports, heliports and helistops. The principal nonflight operational hazards associated with aviation involve fuel, facilities and operations. Therefore, safe use of flammable and combustible liquids during fueling and maintenance operations is emphasized. Availability of portable Class B:C-rated fire extinguishers for prompt control or suppression of incipient fires is required. As with other chapters of the *International Fire Code*, Section 2002 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 21 Dry Cleaning. The provisions of Chapter 21 (which was formerly Chapter 12) are intended to reduce hazards associated with use of flammable and combustible dry cleaning solvents. These materials, like all volatile organic chemicals, generate significant quantities of static electricity and are thus readily ignitable. Many flammable and nonflammable dry cleaning solvents also possess health hazards when involved in a fire. As with other chapters of the *International Fire Code*, Section 2102 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 22 Combustible Dust-producing Operations. The requirements of Chapter 22 (which was formerly Chapter 13) seek to reduce the likelihood of dust explosions by managing the hazards of ignitable suspensions of combustible dusts associated with a variety of operations including woodworking, mining, food processing, agricultural commodity storage and handling and pharmaceutical manufacturing, among others. Ignition source control and good housekeeping practices in occupancies containing dust-producing operations are emphasized. As with other chapters of the *International Fire Code*, Section 2202 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 23 Motor Fuel-dispensing Facilities and Repair Garages. This chapter (which was formerly Chapter 22) provides provisions that regulate the storage and dispensing of both liquid and gaseous motor fuels at public and private automotive, marine and aircraft motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities and repair garages. As with other chapters of the *International Fire Code*, Section 2302 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 24 Flammable Finishes. Chapter 24 (which was formerly Chapter 15) requirements govern operations where flammable or combustible finishes are applied by spraying, dipping, powder coating or flow-coating processes. As with all operations involving flammable or combustible liquids and combustible dusts or vapors, controlling ignition sources and methods of reducing or controlling flammable vapors or combustible dusts at or near these operations are emphasized. As with other chapters of the *International Fire Code*, Section 2402 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 25 Fruit and Crop Ripening. Chapter 25 (which was formerly Chapter 16) provides guidance that is intended to reduce the likelihood of explosions resulting from improper use or handling of ethylene gas used for crop-ripening and coloring processes. This is accomplished by regulating ethylene gas generation; storage and distribution systems and controlling ignition sources. Design and construction of facilities for this use are regulated by the *International Building Code* to reduce the impact of potential accidents on people and buildings.

Chapter 26 Fumigation and Insecticidal Fogging. This chapter (which was formerly Chapter 17) regulates fumigation and insecticidal fogging operations which use toxic pesticide chemicals to kill insects, rodents and other vermin. Fumigants and insecticidal fogging agents pose little hazard if properly applied; however, the inherent toxicity of all these agents and the potential flammability of some makes special precautions necessary when they are used. Requirements of this chapter are intended to protect both the public and fire fighters from hazards associated with these products. As with other chapters of the *International Fire Code*, Section 2602 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 27 Semiconductor Fabrication Facilities. The requirements of this chapter (which was formerly Chapter 18) are intended to control hazards associated with the manufacture of electrical circuit boards or microchips, commonly called semiconductors. Though the finished product possesses no unusual hazards, materials commonly associated with semiconductor manufacturing are often quite hazardous and include flammable liquids, pyrophoric and flammable gases, toxic substances and corrosives. The requirements of this chapter are concerned with both life safety and property protection. However, the fire code official should recognize that the risk of extraordinary property damages is far more common than the risk of personal injuries from fire. As with other chapters of the *International Fire Code*, Section 2702 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 28 Lumber Yards and Woodworking Facilities. Provisions of this chapter (which was formerly Chapter 19) are intended to prevent fires and explosions, facilitate fire control and reduce exposures to and from facilities storing, selling or processing wood and forest products, including sawdust, wood chips, shavings, bark mulch, shorts, finished planks, sheets, posts, poles, timber and raw logs and the hazard they represent once ignited. This chapter requires active and passive fire protection features to reduce on- and off-site exposures, limit fire size and development and facilitate fire fighting by employees and the fire service. As with other chapters of the *International Fire Code*, Section 2802 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 29 Manufacture of Organic Coatings. This chapter (which was formerly Chapter 20) regulates materials and processes associated with the manufacture of paints as well as bituminous, asphaltic and other diverse compounds formulated to protect buildings, machines and objects from the effects of weather, corrosion and hostile environmental exposures. Paint for decorative, architectural and industrial uses comprises the bulk of organic coating production. Painting and processes related to the manufacture of nonflammable and noncombustible or water-based products are exempt from the provisions of this chapter. The application of organic coatings is covered by Chapter 24. Elimination of ignition sources, maintenance of fire protection equipment and isolation or segregation of hazardous operations are emphasized. As with other chapters of the *International Fire Code*, Section 2902 contains a term that is defined in Chapter 2 and is applicable to the chapter contents.

Chapter 30 Industrial Ovens. This chapter (which was formerly Chapter 21) addresses the fuel supply, ventilation, emergency shutdown equipment, fire protection and the operation and maintenance of industrial ovens, which are sometimes referred to as industrial heat enclosures or industrial furnaces. Compliance with this chapter is intended to reduce the likelihood of fires involving industrial ovens which are usually the result of the fuel in use or volatile vapors given off by the materials being heated or to manage the impact if a fire should occur. As with other chapters of the *International Fire Code*, Section 3002 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 31 Tents and Other Membrane Structures. The requirements in this chapter (which was formerly Chapter 24) are intended to protect temporary as well as permanent tents and air-supported and other membrane structures from fire by regulating structure location and access, anchorage, egress, heat-producing equipment, hazardous materials and operations, combustible vegetation, ignition sources, waste accumulation and requiring regular inspections and certifying continued compliance with fire safety regulations. As with other chapters of the *International Fire Code*, Section 3102 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 32 High-piled Combustible Storage. This chapter (which was formerly Chapter 23) provides guidance for reasonable protection of life from hazards associated with the storage of combustible materials in closely packed piles or on pallets, in racks or on shelves where the top of storage is greater than 12 feet in height. It provides requirements for identifying various classes of commodities; general fire and life safety features including storage arrangements, smoke and heat venting, fire department access and housekeeping and maintenance requirements. The chapter attempts to define the potential fire severity and, in turn, determine fire and life safety protection measures needed to control, and in some cases suppress, a potential fire. This chapter does not cover miscellaneous combustible materials storage regulated in Section 315. As with other chapters of the *International Fire Code*, Section 3202 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 33 Fire Safety During Construction and Demolition. Chapter 33 (which was formerly Chapter 14) outlines general fire safety precautions for all structures and all occupancies during construction and demolition operations. In general, these requirements seek to maintain required levels of fire protection, limit fire spread, establish the appropriate operation of equipment and promote prompt response to fire emergencies. Features regulated include fire protection systems, fire fighter access to the site and building, means of egress, hazardous materials storage and use and temporary heating equipment and other ignition sources. With the 2012 reorganization, this chapter now correlates with Chapter 33 of the IBC.

Chapter 34 Tire Rebuilding and Tire Storage. The requirements of Chapter 34 (which was formerly Chapter 25) are intended to prevent or control fires and explosions associated with the remanufacture and storage of tires and tire byproducts. Additionally, the requirements are intended to minimize the impact of indoor and outdoor tire storage fires by regulating pile volume and location, segregating the various operations, providing for fire department access and a water supply and controlling ignition sources.

Chapter 35 Welding and Other Hot Work. This chapter (which was formerly Chapter 26) covers requirements for safety in welding and other types of hot work by reducing the potential for fire ignitions that usually result in large losses. Several different types of hot work would fall under the requirements found in Chapter 35, including both gas and electric arc methods and any open-torch operations. Many of the activities of this chapter focus on the actions of the occupants. As with other chapters of the *International Fire Code*, Section 3502 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 36 Marinas. Chapter 36 (which was formerly Chapter 45) addresses the fire protection and prevention requirements for marinas. It was developed in response to the complications encountered by a number of fire departments responsible for the protection of marinas as well as fire loss history in marinas that lacked fire protection. Compliance with this chapter intends to establish safe practices in marina areas, provide an identification method for mooring spaces in the marina, provide fire fighters with safe operational areas and fire protection methods to extend hose lines in a safe manner. As with other chapters of the *International Fire Code*, Section 3602 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapters 37 through 49. Reserved for future use.

PART V—HAZARDOUS MATERIALS

Chapter 50 Hazardous Materials—General Provisions. This chapter (which was formerly Chapter 27) contains the general requirements for all hazardous chemicals in all occupancies. Hazardous chemicals are defined as those that pose an unreasonable risk to the health and safety of operating or emergency personnel, the public and the environment if not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal or transportation. The general provisions of this chapter are intended to be companion provisions with the specific requirements of Chapters 51 through 67 (which were formerly Chapters 28 through 44) regarding a given hazardous material. As with other chapters of the *International Fire Code*, Section 5002 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 51 Aerosols. Chapter 51 (which was formerly Chapter 28) addresses the prevention, control and extinguishment of fires and explosions in facilities where retail aerosol products are displayed or stored. It is concerned with both life safety and property protection from a fire; however, historically, aerosol product fires have caused property loss more frequently than loss of life. Requirements for storing aerosol products are dependent on the level of aerosol product, level of sprinkler protection, type of storage condition and quantity of aerosol products. As with other chapters of the *International Fire Code*, Section 5102 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 52 Combustible Fibers. Chapter 52 (which was formerly Chapter 29) establishes the requirements for storage and handling of combustible fibers, including animal, vegetable and synthetic fibers, whether woven into textiles, baled, packaged or loose. Operations involving combustible fibers are typically associated with salvage, paper milling, recycling, cloth manufacturing, carpet and textile mills and agricultural operations, among others. The primary hazard associated with these operations is the abundance of materials and their ready ignitability. As with other chapters of the *International Fire Code*, Section 5202 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 53 Compressed Gases. This chapter (which was formerly Chapter 30) regulates the storage, use and handling of all flammable and nonflammable compressed gases, such as those that are used in medical facilities, air separation plants, industrial plants, agricultural equipment and similar occupancies. Standards for the design, construction and marking of compressed gas cylinders and pressure vessels are referenced. Compressed gases used in welding and cutting, cryogenic liquids and liquefied petroleum gases are also regulated under Chapters 35, 55 and 61, respectively. Compressed gases that are classified as hazardous materials are also regulated in Chapter 50, which includes general requirements. As with other chapters of the *International Fire Code*, Section 5302 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 54 Corrosive Materials. Chapter 54 (which was formerly Chapter 31) addresses the hazards of corrosive materials that have a destructive effect on living tissues. Though corrosive gases exist, most corrosive materials are solid and classified as either acids or bases (alkalis). These materials may pose a wide range of hazards other than corrosivity, such as combustibility, reactivity or oxidizing hazards, and must conform to the requirements of the code with respect to all their known hazards. The focus of this chapter is on materials whose primary hazard is corrosivity; that is, the ability to destroy or irreparably damage living tissue on contact. As with other chapters of the *International Fire Code*, Section 5402 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 55 Cryogenic Fluids. This chapter (which was formerly Chapter 32) regulates the hazards associated with the storage, use and handling of cryogenic fluids through regulation of such things as pressure relief mechanisms and proper container storage. These hazards are in addition to the code requirements that address the other hazards of cryogenic fluids such as flammability and toxicity. These other characteristics are dealt with in Chapter 50 and other chapters, such as Chapter 58 dealing with flammable gases. Cryogens are hazardous because they are held at extremely low temperatures and high pressures. Many cryogenic fluids, however, are actually inert gases and would not be regulated elsewhere in the code. Cryogens are used for many applications but specifically have had widespread use in the biomedical field and in space programs. As with other chapters of the *International Fire Code*, Section 5502 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 56 Explosives and Fireworks. This chapter (which was formerly Chapter 33) prescribes minimum requirements for the safe manufacture, storage, handling and use of explosives, ammunition and blasting agents for commercial and industrial occupancies. These provisions are intended to protect the general public, emergency responders and individuals who handle explosives. Chapter 56 also regulates the manufacturing, retail sale, display and wholesale distribution of fireworks, establishing the requirements for obtaining approval to manufacture, store, sell, discharge or conduct a public display, and references national standards for regulations governing manufacture, storage and public displays. As with other chapters of the *International Fire Code*, Section 5602 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 57 Flammable and Combustible Liquids. The requirements of this chapter (which was formerly Chapter 34) are intended to reduce the likelihood of fires involving the storage, handling, use or transportation of flammable and combustible liquids. Adherence to these practices may also limit damage in the event of an accidental fire involving these materials. These liquids are used for fuel, lubricants, cleaners, solvents, medicine and even drinking. The danger associated with flammable and combustible liquids is that the vapors from these liquids, when combined with air in their flammable range, will burn or explode at temperatures near normal living and working environment. The protection provided by the code is to prevent the flammable and combustible liquids from being ignited. As with other chapters of the *International Fire Code*, Section 5702 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids. Chapter 58 (which was formerly Chapter 35) sets requirements for the storage and use of flammable gases. For safety purposes, there is a limit on the quantities of flammable gas allowed per control area. Exceeding these limitations increases the possibility of damage to both property and individuals. The principal hazard posed by flammable gas is its ready ignitability, or even explosivity, when mixed with air in the proper proportions. Consequently, occupancies storing or handling large quantities of flammable gas are classified as Group H-2 (high hazard) by the *International Building Code*. As with other chapters of the *International Fire Code*, Section 5802 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 59 Flammable Solids. This chapter (which was formerly Chapter 36) addresses general requirements for storage and handling of flammable solids, especially magnesium; however, it is important to note that several other solid materials, primarily metals including, but not limited to, such metals as titanium, zirconium, hafnium, calcium, zinc, sodium, lithium, potassium, sodium/potassium alloys, uranium, thorium and plutonium which, under the right conditions, can be explosion hazards. Some of these metals are almost exclusively laboratory materials but because of where they are used, fire service personnel must be trained to handle emergency situations. Because uranium, thorium and plutonium are also radioactive materials, they present still more specialized problems for fire service personnel. As with other chapters of the *International Fire Code*, Section 5902 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 60 Highly Toxic and Toxic Materials. The main purpose of this chapter (which was formerly Chapter 37) is to protect occupants, emergency responders and those in the immediate area of the building and facility from short-term, acute hazards associated with a release or general exposure to toxic and highly toxic materials. This chapter deals with all three states of toxic and highly toxic materials: solids, liquids and gases. The code does not address long-term exposure effects of these materials which are addressed by agencies such as the Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA). As with other chapters of the *International Fire Code*, Section 6002 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 61 Liquefied Petroleum Gases. Chapter 61 (which was formerly Chapter 38) establishes requirements for the safe handling, storing and use of LP-gas to reduce the possibility of damage to containers, accidental releases of LP-gas and exposure of flammable concentrations of LP-gas to ignition sources. LP-gas (notably Propane) is well known as a camping fuel for cooking, lighting, heating and refrigerating and also remains a popular standby fuel supply for auxiliary generators as well as being widely used as an alternative motor vehicle fuel. Its characteristic as a clean-burning fuel having resulted in the addition of propane dispensers to service stations throughout the country. As with other chapters of the *International Fire Code*, Section 6102 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 62 Organic Peroxides. This chapter (which was formerly Chapter 39) addresses the hazards associated with the storage, handling and use of organic peroxides and intends to manage the fire and oxidation hazards of organic peroxides by preventing their uncontrolled release. These chemicals possess the characteristics of flammable or combustible liquids and are also strong oxidizers. This unusual combination of properties requires special storage and handling precautions to prevent uncontrolled release, contamination, hazardous chemical reactions, fires or explosions. The requirements of this chapter pertain to industrial applications in which significant quantities of organic peroxides are stored or used; however, smaller quantities of organic peroxides still pose a significant hazard and, therefore, must be stored and used in accordance with the applicable provisions of this chapter and Chapter 50. As with other chapters of the *International Fire Code*, Section

6202 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 63 Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids. Chapter 63 (which was formerly Chapter 40) addresses the hazards associated with solid, liquid, gaseous and cryogenic fluid oxidizing materials, including oxygen in home use, and establishes criteria for their safe storage and protection in indoor and outdoor storage facilities, minimizing the potential for uncontrolled releases and contact with fuel sources. Although oxidizers themselves do not burn, they pose unique fire hazards because of their ability to support combustion by breaking down and giving off oxygen. As with other chapters of the *International Fire Code*, Section 6302 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 64 Pyrophoric Materials. This chapter (which was formerly Chapter 41) regulates the hazards associated with pyrophoric materials, which are capable of spontaneously igniting in the air at or below a temperature of 130°F (54°C). Many pyrophoric materials also pose severe flammability or reactivity hazards. This chapter addresses only the hazards associated with pyrophoric materials. Materials that pose multiple hazards must conform to the requirements of the code with respect to all hazards. As with other chapters of the *International Fire Code*, Section 6402 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 65 Pyroxylin (Cellulose Nitrate) Plastics. This chapter (which was formerly Chapter 42) addresses the significant hazards associated with pyroxylin (cellulose nitrate) plastics, which are the most dangerous and unstable of all plastic compounds. The chemically bound oxygen in their structure permits them to burn vigorously in the absence of atmospheric oxygen at a rate 15 times greater than comparable common combustibles. Strict compliance with the provisions of this chapter, along with proper housekeeping and storage arrangements, help to reduce the hazards associated with pyroxylin (cellulose nitrate) plastics in a fire or other emergencies.

Chapter 66 Unstable (Reactive) Materials. This chapter (which was formerly Chapter 43) addresses the hazards of unstable (reactive) liquid and solid materials as well as unstable (reactive) compressed gases. In addition to their unstable reactivity, these materials may pose other hazards, such as toxicity, corrosivity, explosivity, flammability or oxidizing potential. This chapter, however, intends to address those materials whose primary hazard is unstable reactivity. Materials that pose multiple hazards must conform to the requirements of the code with respect to all hazards. Strict compliance with the provisions of this chapter, along with proper housekeeping and storage arrangements, help to reduce the exposure hazards associated with unstable (reactive) materials in a fire or other emergency. As with other chapters of the *International Fire Code*, Section 6602 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapter 67 Water-reactive Solids and Liquids. This chapter (which was formerly Chapter 44) addresses the hazards associated with water-reactive materials that are solid or liquid at normal temperatures and pressures. In addition to their water reactivity, these materials may pose a wide range of other hazards, such as toxicity, flammability, corrosiveness or oxidizing potential. This chapter addresses only those materials whose primary hazard is water reactivity. Materials that pose multiple hazards must conform to the requirements of the code with respect to all hazards. Strict compliance with the requirements of this chapter, along with proper housekeeping and storage arrangements, helps to reduce the exposure hazards associated with water-reactive materials in a fire or other emergency. As with other chapters of the *International Fire Code*, Section 6702 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Chapters 68 through 79. Reserved for future use.

PART VI—REFERENCED STANDARDS

Chapter 80 Referenced Standards. The code contains several references to standards that are used to regulate materials and methods of construction. Chapter 80 (which was formerly Chapter 47) contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard (see Section 102.7). Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with

the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 80 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

PART VII—APPENDICES

Appendix A Board of Appeals. This appendix contains optional criteria that, when adopted, provides jurisdictions with detailed appeals, board member qualifications and administrative procedures to supplement the basic requirements found in Section 108 of the code. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix B Fire-flow Requirements for Buildings. This appendix provides a tool for the use of jurisdictions in establishing a policy for determining fire-flow requirements in accordance with IFC Section 507.3. The determination of required fire flow is not an exact science, but having some level of information provides a consistent way of choosing the appropriate fire flow for buildings throughout a jurisdiction. The primary tool used in this appendix is a table which presents fire flow based on construction type and building area based on the correlation of the Insurance Services Office (ISO) method and the construction types used in the *International Building Code*. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix C Fire Hydrant Locations and Distribution. This appendix focuses on the location and spacing of fire hydrants which is important to the success of fire-fighting operations. The difficulty with determining the spacing of fire hydrants is that every situation is unique and has unique challenges. Finding one methodology for determining hydrant spacing is difficult. This particular appendix gives one methodology based on the required fire flow that fire departments can work with to set a policy for hydrant distribution around new buildings and facilities in conjunction with IFC Section 507.5. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix D Fire Apparatus Access Roads. This appendix contains more detailed elements for use with the basic access requirements found in IFC Section 503 which gives some minimum criteria, such as a maximum length of 150 feet and a minimum width of 20 feet, but in many cases does not state specific criteria. This appendix, like Appendices B and C, is a tool for jurisdictions looking for guidance in establishing access requirements and includes criteria for multiple-family residential developments, large one- and two-family subdivisions, specific examples for various types of turn-arounds for fire department apparatus and parking regulatory signage. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix E Hazard Categories. This appendix contains guidance for designers, engineers, architects, code officials, plans reviewers and inspectors in the classifying of hazardous materials so that proposed designs can be evaluated intelligently and accurately. The descriptive materials and explanations of hazardous materials and how to report and evaluate them on a Material Safety Data Sheet (MSDS) that are contained in this appendix are intended to be instructional as well as informative. Note that this appendix is for information purposes and is not intended for adoption.

Appendix F Hazard Ranking. The information in this appendix is intended to be a companion to the specific requirements of Chapters 51 through 67 which regulate the storage, handling and use of all hazardous materials classified as either physical or health hazards. These materials pose diverse hazards, including instability, reactivity, flammability, oxidizing potential or toxicity; therefore, identifying them by hazard ranking is essential. This appendix lists the various hazardous mate-

rials categories that are defined in the code, along with the NFPA 704 hazard ranking for each. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix G Cryogenic Fluids—Weight and Volume Equivalents. This appendix gives the fire code official and design professional a ready reference tool for the conversion of the liquid weight and volume of cryogenic fluid to their corresponding volume of gas and vice versa and is a companion to the provisions of Chapter 55 of the code. Note that this appendix is for information purposes and is not intended for adoption.

Appendix H Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions. This appendix is intended to assist businesses in establishing a Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) based on the classification and quantities of materials that would be found on site in storage and/or use. The sample forms and available Material Safety Data Sheets (MSDS) provide the basis for the evaluations. It is also a companion to IFC Sections 407.5 and 407.6 which provide the requirement that the HMIS and HMMP be submitted when required by the fire code official. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix I Fire Protection Systems—Noncompliant Conditions. The purpose of this IFC appendix, which was developed by the ICC Hazard Abatement in Existing Buildings Committee, is to provide the fire code official with a list of conditions that are readily identifiable by the inspector during the course of an inspection utilizing the *International Fire Code*. The specific conditions identified in this appendix are primarily derived from applicable NFPA standards and pose a hazard to the proper operation of the respective systems. While these do not represent all of the conditions that pose a hazard or otherwise may impair the proper operation of fire protection systems, their identification in this adoptable appendix will provide a more direct path for enforcement by the fire code official. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

Appendix J Building Information Sign. This new appendix replaces the emergency responder communications facilities provisions which previously occupied Appendix J and that have been relocated to Section 510 in the 2012 edition. It provides design, installation and maintenance requirements for a Building Information Sign (BIS), a fire service tool to be utilized in the crucial, initial response of fire fighters to a structure fire. The BIS placard is designed to be utilized within the initial response time frame of an incident to assist fire fighters in their tactical size-up of a situation as soon as possible after arrival on the scene of a fire emergency. The BIS design is in the shape of a fire service Maltese Cross symbol and includes five spaces (the four wings plus the centerpiece of the cross symbol) in which information is placed about the tactical considerations of construction type and hourly rating, fire protection systems, occupancy type, content hazards and special features which could affect tactical decisions and operations. Note that the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance (see sample ordinance on page xxi).

APPENDIX K

FIRE PREVENTION GUIDELINES FOR HAUNTED HOUSES AND SIMILAR TEMPORARY INSTALLATIONS

The provisions contained in this appendix are adopted by the State of Oregon.

SECTION K101 GENERAL

K101.1 Scope. Haunted or fun houses or other similar installations set up for 90 days or less inside a structure not designed for this specific use shall comply with Appendix K.

Haunted or fun houses or other similar installations set up for more than 90 days or installations that alter the building such that permits are required shall conform to the *Oregon Structural Specialty Code* and Appendix K.

SECTION K102 PERMITS

K102.1 Permits. When an operational permit is required, as specified in Section 105.6.2, to operate a haunted house or similar installation, it shall be obtained from the fire code official before the facility is opened to the public.

SECTION K103 GENERAL REQUIREMENTS

K103.1 Requirements. Haunted houses and similar temporary installations shall comply with all the following:

1. In any facility using the maze concept, there shall be no dead-end corridors and there shall be an obvious exit out of any maze every 50 feet (15 240 mm) of linear travel. All aisles shall be a minimum of 4 feet (1219 mm) wide and 6 feet, 8 inches (2032 mm) high. All stairways shall be illuminated at a level of at least 1 foot-candle (10.8 lux).
2. The total number of occupants in the facility at any time shall be limited to a number determined by the *fire code official*. Groups shall consist of not more than 20 persons. Each group of children age 12 and under shall be accompanied and supervised by a staff person who is 18 years of age or older. The staff person shall have in his/her possession an operable flashlight and be completely familiar with the facility and the approved emergency plan.
3. Smoking is prohibited inside the occupancy as noted in Section 310.2.
4. All electrical installations shall meet the requirements of the *Oregon Electrical Specialty Code*.

5. The *fire code official* shall be contacted for an inspection and the approval of the evacuation and operational procedures (emergency plan) prior to opening the facility to the public. A floor layout shall be provided to the *fire code official* at the time of inspection.
6. No open-flame devices or temporary heaters are allowed in the occupancy.
7. Use of untreated combustible material is prohibited. All combustible material shall be treated or protected in accordance with Chapter 8. This includes all harvest decorations such as cornstalks, dry branches and hay.
8. Exits shall be a minimum of 3 feet (914 mm) wide and 6 feet, 8 inches (2032 mm) high. Each exit shall have exit signage as per local *fire code official's* requirements. Blocking, locking or in any way impeding ready access to any marked or required exit is prohibited. All exit ways shall be kept clear of any obstructions or storage.
9. Sufficient numbers of fire extinguishers shall be provided to ensure that the maximum travel distance to any extinguisher does not exceed 50 feet (15 240 mm). The minimum acceptable rating (size) is 2A:10B:C. All fire extinguishers shall be mounted in a conspicuous location. Staff shall be instructed in the proper use of the extinguishers.
10. If required by the *fire code official*, staff guides shall be provided with two-way communications that have been demonstrated to be capable of being heard throughout the entire facility. A central public address system or a portable system can be used in place of the two-way communications, provided that it has the ability to be controlled in a central location. Communications shall be used for the purpose of giving directions during emergency situations.

APPENDIX L

ADULT FOSTER HOMES

The provisions contained in this appendix are adopted by the State for inspection purposes in accordance with Oregon Revised Statute (ORS) 476.030(6).

SECTION L101 GENERAL

L101.1 Scope. The purpose of Appendix L is to provide a reasonable degree of safety to persons occupying adult foster homes by outlining minimum requirements necessary for continued licensing of the home.

SECTION L102 DEFINITIONS

L102.1 Definitions. For the purpose of this appendix, certain terms are defined as follows:

ADULT FOSTER HOME (AFH). Any family home or facility in which residential care is provided in a homelike environment to five or fewer who are not related to the provider by blood or marriage (ORS 443.705).

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or similar device that provides a means of escape and access for rescue in the event of an emergency (2011 Oregon Residential Specialty Code).

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts:

1. The exit access.
2. The exit.
3. The exit discharge.

PROVIDER. As defined in ORS 443.705, any person operating an adult foster home and includes a resident manager. "Provider" does not include the owner or lessor of the building in which the adult foster home is located or the owner or lessor of the land on which the adult foster home is situated, unless the owner or lessor is also the operator of the adult foster home.

RESIDENT. Any person, age 18 years of age or older, who receives room, board, care, and services in an adult foster home.

RESIDENTIAL CARE. Residential care means the provisions of care on a 24-hour a day basis [Oregon Administrative Rule OAR 411-050.0400].

SELF-PRESERVATION. In relation to fire and life safety means the ability of residents to respond to an alarm without

additional cues and reach a point of safety without assistance (OAR 411-050.0400).

SECTION L103 CONSTRUCTION

L103.1 General buildings. Construction of general buildings shall be of sound construction, meeting all applicable state and local codes for fire and life safety in effect at the time of construction.

L103.2 Mobile home. Mobile home units must have been built since 1976 and designed for use as a home rather than a travel trailer. The units shall have a manufacturer's label permanently affixed to the unit, which states it meets the requirements of the Department of Housing and Urban Development (HUD) or the authority having jurisdiction.

SECTION L104 EXITS AND EMERGENCY EGRESS

L104.1 Exits. All adult foster homes shall have approved exits, the use of which is within the capabilities of the persons the homes are to serve.

1. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue. Windows must have a minimum net clear opening of 5.7 square feet (0.53 m²) or 821 square inches (529 676 mm²). The minimum net clear opening height dimensions of windows shall be 24 inches (610 mm). The minimum net clear opening width of windows shall be 20 inches (508 mm). Where windows are provided as a means of egress, they shall have a sill height of not more than 44 inches (1118 mm) above the floor.

Exception: Grade floor windows with a clear opening of not less than 5 square feet (0.46 m²) or 720 square inches (464 515 mm²) with sill heights of 44 inches (1118 mm) may be accepted when approved by the authority having jurisdiction.

2. Exterior exit doors shall have latching knob hardware. All doors in the means of egress shall have an obvious method of operation. The means of egress shall be maintained clear and unobstructed. Hasp, sliding bolt, hood and double-key dead bolts shall not be permitted.
3. Only ambulatory residents capable of self-preservation shall be housed on a second floor or in a basement.

4. Hallways and exitways shall be a minimum 36 inches (914 mm) wide or as approved by the authority having jurisdiction.
5. Split-level homes shall be evaluated according to accessibility, emergency egress and the evacuation capability of residents.
6. Lifts or elevators shall not be used as a substitute for a resident's capability to ambulate stairs.
7. Permanently attached ladders, rope and chain ladders, and other devices shall not be used as a substitute for an emergency escape or rescue.

**SECTION L105
FLAME SPREAD AND SMOKE DENSITY**

L105.1 Flame spread. The maximum flame spread index of finished materials used on interior walls and ceilings in sleeping rooms and exit ways shall not exceed 200.

L105.2 Smoke development index. Smoke developed-index shall not be greater than 450.

**SECTION L106
SMOKE ALARMS**

L106.1 Location. Smoke alarms shall be installed in each sleeping room, adjacent hallways, common living areas, basements and in multi-level homes at the top of each stairway.

L106.2 Connections. All alarms shall be connected to a sounding device or interconnected to other alarms to provide, when actuated, an alarm which is audible in all sleeping rooms.

L106.3 Hearing impaired. If an occupant is hearing impaired, a smoke alarm(s) for hearing impaired persons shall be provided.

L106.4 Power source. Smoke alarms may be battery operated when installed in existing buildings. In new construction, smoke alarms shall receive their primary power from the building wiring.

L106.5 Installation. All smoke alarms shall be approved and shall be installed in accordance with manufacturer's instructions and the *Oregon Residential Specialty Code* as adopted by Oregon Administrative Rule (OAR) 918-480-0005 or other nationally recognized standards.

L106.6 Testing and maintenance. The facility shall test and maintain all smoke alarms as required by manufacturer's published instructions at least monthly.

**SECTION L107
PORTABLE FIRE EXTINGUISHERS**

L107.1 Fire extinguishers. At least one 2-A:10-B:C rated fire extinguisher shall be visible and readily accessible in a location on each floor, including basements and maintained in accordance with Section 906 of the *Oregon Fire Code*.

**SECTION L108
HEATING EQUIPMENT**

L108.1 Equipment. Heating equipment, including wood stoves, shall be installed according to manufacturer's specifications and in accordance with applicable building and mechanical codes, and under permit where applicable.

L108.2 Screens. Approved and listed protective glass screens or metal mesh screens anchored top and bottom shall be required on fireplaces and solid-fuel-burning appliances.

L108.3 Unvented heaters. Unvented oil, gas or kerosene heaters shall not be used.

L108.4 Electric heaters. Sealed electric transfer heaters may be used when approved by the *fire code official*.

1. Portable electric heaters shall be listed and labeled.
2. Portable electric heaters shall not be used with electrical extension cords.
3. Portable electric heaters shall be plugged directly into an approved receptacle.

**SECTION L109
ELECTRICAL EQUIPMENT AND WIRING**

L109.1 Equipment and wiring. Electrical equipment and wiring shall be in accordance with Chapter 6 of the *Oregon Fire Code* and other nationally recognized standards. The use of UL approved relocatable power taps with circuit breaker protection is permitted.

**SECTION L110
EMERGENCY PROCEDURES**

L110.1 Evacuation procedures. An emergency evacuation procedure shall be developed, posted and practiced with occupants. Drills shall be held at least once every 90 days with at least one drill practice per year occurring during sleeping hours.

L110.2 Records. Drill records shall be maintained for a minimum of three years and include date, time of day, length of time to evacuate the facility, and names of residents requiring assistance.

L110.3 New residents. Within 24 hours of arrival, new residents shall be shown how to respond to a fire alarm and how to exit from the facility in an emergency.

L110.4 Evacuation. Providers shall be required to demonstrate the ability to evacuate all residents from the facility within 3 minutes to a point of safety which is exterior to, and away from, the structure, and has access to a public way. If the facility fails to meet this requirement, the authority having jurisdiction shall notify the licensing authority.

L110.5 Floor plans. The provider shall provide, keep updated and post a floor plan containing room size, location of each resident's sleeping room, resident manager or provider's sleeping room, fire exits, smoke alarms, fire extinguishers and escape routes.

L110.6 **Emergency lighting.** There shall be, on each floor, including the basement of the facility, at least one plug-in rechargeable flashlight, readily accessible, or other approved emergency lighting.

SECTION L111 SPECIAL HAZARDS

L111.1 **Hazardous material storage.** Flammable and combustible liquids and hazardous materials shall be safely and properly stored in the original labeled container or in an approved and listed safety container in accordance with the *Oregon Fire Code*.

L111.2 **Oxygen.** Medical oxygen cylinders in service or storage shall be adequately secured in accordance with the *Oregon Fire Code* to prevent cylinders from falling or being knocked over.

L111.3 **Ignition sources.** Areas where oxygen cylinders are used or stored shall be posted NO SMOKING. In accordance with the *Oregon Fire Code*, oxygen cylinders shall not be used or stored in rooms where wood stoves, fireplaces or open flames are located.

L111.4 **Smoking.** Smoking regulations shall be adopted to allow smoking only in designated areas. Smoking shall be prohibited in sleeping rooms and upon upholstered crevasse furniture. Ashtrays shall be of noncombustible materials.

APPENDIX M

TANK VEHICLE TO TANK VEHICLE FUEL TRANSFER AT AIRPORTS

The provisions contained in this appendix are adopted by the State of Oregon.

SECTION M101 GENERAL

M101.1 Scope. The scope of this appendix is for Category IV and V public use and private use airports, as published by the Oregon Department of Aviation, that do not have a fixed fueling facility.

M101.2 Purpose. The purpose of Appendix M is to provide minimum safety standards when transferring flammable and combustible liquids from the distributor tank vehicle into the tanks of tank vehicles at airport sites. Personnel, equipment and sites shall be approved for this activity.

SECTION M102 DEFINITIONS

M102.1 Definitions. For the purpose of Appendix M, certain terms are defined as follows:

QUALIFIED PERSONNEL. Those who have been thoroughly trained in the operation of fuel transfer when utilizing vehicles or equipment within their responsibility.

SECTION M103 SITE REQUIREMENTS

M103.1 Approval. Sites shall be approved, permanent locations that meet the intent of this appendix.

M103.2 Separation requirements. There shall be separations from the nearest important building and from property or lease lines of not less than 100 feet (30 480 mm) when transferring fuel from tank vehicle to tank vehicle.

Exception: The distance may be reduced to not less than 50 feet (15 240 mm) when the fuel transfer is accomplished through sealed vapor hose-tight connections such as bottom loading.

M103.3 Fire extinguishing equipment. A minimum rating of 40 B:C fire protection equipment shall be provided during fuel transfer.

M103.4 Spill and drainage control. Flammable and combustible liquids shall not be discharged onto the surface/grade. In locations where fuel is transferred, spill and drainage control shall be provided with impounding, slopes of at least 1 percent, or other approved methods to prevent unauthorized discharges from reaching sidewalks, streets, highways, drainage canals, ditches, storm drains, sewers, flood-control channels, lakes, rivers or tidal water-ways.

M103.5 Ignition sources. Smoking or other ignition sources shall not be permitted within 50 feet (15 240 mm) of fuel transfer operations.

M103.6 Tank vehicle separation. A minimum separation of 10 feet (3048 mm) shall be provided between tank vehicles.

SECTION M104 PERSONNEL REQUIREMENTS

M104.1 Personnel. Qualified personnel shall be in attendance of fuel transfer operation.

M104.2 Qualifications. Personnel shall be trained in the methods of proper use and operation and shall be qualified in the use of fuel transfer equipment. The minimum level of training shall include:

1. All aspects of the tank vehicle relating to the movement or placement of the vehicle for the purpose of transferring fuel.
2. The operating features associated with transferring fuel.
3. The use of emergency equipment or devices.
4. Safety aspects of the fuel products being transferred.

M104.3 Records. Records shall be maintained to verify current qualifications of fuel transfer personnel.

M104.4 Personnel location. Personnel shall be assigned to each vehicle and shall be stationed at the control valves during fuel transfer. Personnel shall not be located at the dome areas during fuel transfer.

SECTION M105 VEHICLE AND EQUIPMENT REQUIREMENTS

M105.1 Approvals. Vehicles and equipment used for fuel transfer shall be approved in accordance with recognized standards and this appendix.

M105.2 Maintenance. Tank vehicles shall be maintained in proper repair and free of accumulations of grease, oil or other combustible material.

M105.3 Fuel transfer. Tank vehicles shall be maintained a minimum of 10 feet (3048 mm) apart while transferring fuel.

M105.4 Transfer equipment. Equipment used for fuel transfer shall be approved and shall include the following minimum safety equipment.

1. High level shutoff devices shall be tested during start up.
2. A positive means shall be provided for loading a predetermined quantity of liquid, together with a minimum of two approved control devices that will shut down the flow of fuel. The devices shall consist of:

- 2.1. An automatic secondary shutoff device, and

2.2. A primary valve located ahead of the hose connection.

3. Approved bonding devices shall be provided in accordance with nationally recognized standards. The bonding device shall be attached to create an electrical connection between the tank vehicles prior to making any hose connections and shall be maintained until all hoses are disconnected.
4. Only certified transfer hose in accordance with nationally recognized standards shall be used for fuel transfer.
5. Vapor recovery equipment shall be used when required.
6. Transport pressure systems shall have a pressure gauge.
7. Flow rates shall not exceed 200 gallons (757 L) per minute for 3 inch (76.2 mm) hose and 100 gallons (378.5 L) per minute for 2 inch (50.8 mm) hose.

M105.5 Connections. Dry-break connections (single point or equivalent) shall be provided for bottom loading.

M105.6 Top filling. Existing top filling operations may be permitted to continue when approved by the authority having jurisdiction and when in compliance with the following:

1. Approved downspouts are provided and extend to within 6 inches (152 mm) of the bottom of the tank.
2. Top filling operations shall be in accordance with this appendix.

APPENDIX N

FIRE WATCH

The provisions contained in this appendix are guidelines intended to assist the fire code official and are not adopted by the State of Oregon

SECTION N101 GENERAL

N101.1 Scope. When a fire watch is required by this code and/or the *fire code official* in an existing structure(s) or portions thereof, or for a fire protection system that is out of service, or other fire hazard situation, it shall be in accordance with this appendix.

SECTION N102 DEFINITIONS

N102.1 Definitions. For the purpose of this appendix, certain terms are defined as follows:

FIRE CODE OFFICIAL. See Section 202.

FIRE WATCH. See Section 202.

SECTION N103 REQUIREMENTS

N103.1 Fire watch. A fire watch shall have all of the elements listed in this section.

N103.2 Dedicated person(s). At least one dedicated person is required to conduct patrols. Additional personnel shall be added as necessary to meet the interval requirements of Section N103.3. All personnel shall meet the following criteria and be:

1. At least 18 years of age.
2. Competent to identify fire hazards.
3. Capable of effectively communicating the need for a fire department response.

4. Physically capable to perform patrols and self-preservation.

5. Familiar with the structure and the emergency plan for the structure.

N103.3 Patrol intervals. The structure or portions thereof shall be checked for fire hazards every 15 minutes or as required by the *fire code official*.

N103.4 Notification. At least one method of communication to initiate a fire department response is required. Fire watch personnel shall have a cellular phone or other means of communication acceptable to the *fire code official*. In the event of a fire, fire watch personnel shall alert occupants and take appropriate action.

N103.5 Activity log sheet. An activity log sheet is required to document the activities of the fire watch. The log shall list the name of the person(s) who conducted the fire watch, time of each activity, and description of activity performed.

N103.6 Termination. A fire watch shall continue until the initiating circumstances have been abated and the *fire code official* has been notified.

SECTION N104 DOCUMENTATION

N104.1 Documentation. The fire code official may use Figure N104.1A to order a fire watch and require Figure N104.1B to be used by fire watch personnel as documentation of the duty.

Figure N104.1A

FIRE WATCH NOTICE

Location Address: _____

Business Name: _____

BY ORDER OF THE FIRE MARSHAL

_____ is hereby notified that you are
Responsible Person

responsible to conduct a fire watch throughout the building or property. Failure to follow this order will make you subject to prosecution. If a fire or injuries result from a failure to comply with this order, you may be liable for damages to persons or property under provisions of ORS 479.190 and the Oregon Fire Code as adopted.

Inspected by: _____ Date: _____ Time: _____

REQUIREMENTS

Definition. A fire watch is a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

Dedicated person or personnel. At least one dedicated person is required to conduct patrols. Additional personnel shall be added as necessary to meet the interval requirements of FW103.3. All personnel shall meet the following criteria and be:

- a. At least 18 years of age.
- b. Competent to identify fire hazards.
- c. Capable of effectively communicating the need for a fire department response.
- d. Physically capable to perform patrols and self-preservation.
- e. Familiar with the structure and the emergency plan for the structure.

Patrol Intervals. The structure or portions thereof shall be checked for fire hazards every 15 minutes or as required by the fire code official.

Notification. At least one method of communication to initiate a fire department response is required. Fire watch personnel shall have a cellular phone or other means of communication acceptable to the fire code official. In the event of a fire, fire watch personnel shall alert occupants and take appropriate action.

Activity Log Sheet. An activity log sheet is required to document the activities of the fire watch. The log shall list the name of the person who conducted the fire watch, time of each activity, and description of activity performed.

Termination. A fire watch shall continue until the initiating circumstances have been abated and the fire code official has been notified.

Call _____ to leave a message that the problem has been abated.

Call _____ to arrange a re-inspection.

Comments:

Code Books/Codes In Effect

Clackamas
County

2014 Oregon Residential Specialty Code (ORSC)

Effective: July 1, 2014

2014 Oregon Structural Specialty Code (OSSC)

Effective: July 1, 2014

2014 Oregon Energy Efficiency Specialty Code (OEESC)

Effective: July 1, 2014

2014 Oregon Mechanical Specialty Code (OMSC)

Effective: July 1, 2014

2014 Oregon Plumbing Specialty Code (OPSC)

Effective: October 1, 2014

2014 Oregon Electrical Specialty Code (OESC)

Effective: October 1, 2014

2002 Oregon Manufactured Dwelling and Park Specialty Code (MD&P)

Effective: April 1, 2002

The requirements for manufactured dwelling Park construction can still be found in the MD&P. However, installation requirements for manufactured dwellings are now contained in the new 2010 Oregon Manufactured Dwelling Installation Specialty Code (MDISC).

2010 Oregon Manufactured Dwelling Installation Specialty Code (MDISC)

Effective: April 1, 2010

The requirements found in the 2010 MDISC for the installation of manufactured dwellings replace the requirements previously found in the 2002 MD&P. The requirements in the 2002 MD&P will remain in effect for manufactured dwelling park construction.

2010 Oregon Solar Installation Specialty Code (OSISC)

Effective: October 1, 2010

This code was specifically developed for Oregon by the Building Codes Division to be administered consistently with Oregon's other building codes.

2014 Oregon Fire Code (OFC)

Effective: July 1, 2014

The OFC is based on the 2009 International Fire Code with Oregon amendments.

To view current codes adopted by the State, visit the State of Oregon Building Codes Division web site.

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Chapter 15.08

FIRE Code

Sections:

15.08.010	Adoption of Fire Code
15.08.020	Definitions
15.08.030	Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited.
15.08.040	Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.
15.08.050	Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.
15.08.060	Oregon Fire Code – 2014 amendments.
15.08.070	Appeals.
15.08.080	Penalties.
15.08.090	Conflicting ordinances or resolutions.
15.08.100	Savings clause.

Chapter 15.08 FIRE CODE

15.08.010 Adoption of Fire Code.

(1) The whole of this Chapter, including the codes hereby adopted, shall be filed and maintained in the records of the City of Gladstone and with the State Fire Marshal's Office.

(2) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the city adopts the 2014 Oregon Fire Code based on the 2012 edition International Fire Code, published by the International Code Council. (hereinafter referred to as "OFC"), together with appendices A, B, C, D, F, H, I, K, L, N only.

(3) The city adopts the 2014 Oregon Fire Code based on the 2012 edition International Fire Code, published by the International Code Council.

(4) The city adopts the 2014 edition of the Oregon Structural Specialty Code (hereinafter referred to as "OSSC") as promulgated by the 2012 International Building Code, as amended and adopted by the State of Oregon.

(5) The city adopts the 2014 edition of the Oregon Mechanical Specialty Code (hereinafter referred to as "OMSC") as promulgated by the 2012 International Mechanical Code, as amended and adopted by the State of Oregon.

(6) As long as the City of Gladstone contracts with Clackamas County for services like Planning, Plan Review, Inspections and other Building Services, the City of Gladstone will attempt to use the Fire and Building codes as adopted by County Building official in regular 3 year cycles.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §1, 1977; Ord. 1173 §1, 1993; Ord. 1179 §8, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.020 Definitions.

(1) Wherever the term “Chief” is used in this Code, it shall mean the Fire Chief, or his authorized representative, for the city.

(2) Wherever the terms “Code,” “Fire Code” or “Oregon Fire Code” are used, they shall be held to mean the Oregon Fire Code, 2014 Edition, as amended by the State of Oregon and this ordinance, the 2014 Edition of the Oregon Structural Specialty Code, as amended by the State of Oregon, and the 2014 Edition of the Oregon Mechanical Specialty Code, as amended and adopted by the State of Oregon.

(3) Whenever the term “City Attorney” is used in the Fire Code, it shall be held to mean the City Attorney for the city.

(4) Whenever the words “Fire Prevention Officer” or “Chief of Fire Prevention” or similar terms are used, they shall be held to mean “Fire Marshal” of the city.

(5) Whenever the words “jurisdiction,” “city” or “municipality” are used in the Fire Code, it shall mean the city.

(6) Wherever the term “State Fire Marshal,” is used, it shall be held to mean the Fire Marshal of the State of Oregon or his duly authorized representative.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §3, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.030 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited.

The limits referred to in Chapter 57 of the OFC in which storage of the flammable or combustible liquids in outside above-ground tanks is prohibited are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal. Not allowed in residential zones including areas with split zones that include residential areas.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §2, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.040 Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.

The limits referred to in OFC Chapter 61 in which bulk storage of liquefied petroleum gas is restricted, are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal. Not allowed in residential zones including areas with split zones that include residential areas.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §4, 1977; Amended during 1980 codification; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.050 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

Explosives and Fireworks are to be governed by OFC Chapter 56, Gladstone Municipal Code 15.16 Blasting, are hereby adopted and made a part herein as if printed in their entirety. The limits referred to in which the storage of these materials is restricted, are as follows: All areas other than those described by the city Zoning Ordinance and subject to the approval of the Fire Marshal. Not allowed in residential zones including areas with split zones that include residential areas.

Statutory Reference: ORS 478.910 to 478.965

History: Ord. 895 §5, 1977; Amended during 1980 codification; Ord. 1173§1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.060 Oregon Fire Code -2014 amendments

This section is reserved for future use.

15.08.070 Appeals.

Whenever the Chief, or designee, disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent an meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief, or designee, to an Appeals Board within 30 days from the date of the decision appealed.

Appeal process is outlined in 2014 Oregon Fire Code, Appendix A.

Statutory Reference: ORS 221.360

History: Ord. 895 §7, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.080 Penalties.

Violations of the provisions of this Code may be prosecuted under ORS 455.156 and 455.157. Pursuant to ORS 478.990, continued violation of the Code, or refusal to remove a fire hazard by one responsible for conformity to the Code, is punishable by a fine listed as a Class A infraction. Each day's continued refusal to conform to the Code or remove a fire hazard after notice by the inspecting officer is a separate offense.

Statutory Reference: ORS 221.410, 478.990

History: Ord. 895 §8, 1977; Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

15.08.090 Conflicting ordinances or resolutions.

All previously adopted ordinances, resolutions or parts thereof in conflict with this ordinance to the extent of such conflict and not further, are hereby repealed; provided further that provisions of this ordinance, insofar as they are substantially the same as existing ordinances or resolutions and/or ordinances or resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

Statutory Reference: ORS 221.410

History: Ord. 895 §9, 1977; Ord. 1173 §1, 1993.

15.08.100 Savings clause.

If any part of this chapter of the Oregon Fire Code adopted hereby shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance or the Code, which shall continue in force without the invalid part.

Statutory Reference: ORS 221.410

History: Ord. 1173 §1, 1993.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

From: Steve Johnson
Sent: Wednesday, June 22, 2016 2:43 PM
To: Gladstone Library Board; marac@comcast.net; moma@gpl-foundation.org; sundhara@serenity-tax.com; Colette Umbras
Cc: Eric Swanson; Linda Lewis
Subject: Reply to Clackamas County in Regard to Library

Hello Everyone-

Gladstone has now officially replied to the Clackamas County Board of County Commissioners in regard to their requests for additional information. I have attached our original request letter to the BCC from 2/22/16, the BCC's reply with requests from 3/8/16, our reply with requested information from 6/21/16, a copy of the Gladstone Library Ballot Measure from 11/14, both the Capital and District IGAs and a legible Preliminary Project Schedule. The Preliminary Project Schedule will of course be updated with new dates when the project starts.

Clackamas County now has 60 days (8/20/16) in which to transfer the funds to Gladstone.

As I'm sure you're aware by the tone of our response and the fact that it came from our attorney, there are legal connotations to all of this which makes it difficult for me to realistically add more information or provide meaningful answers to any questions that you may have at this time. Still, I will do my best and will keep you posted as I know more.

Thank you.

Steve Johnson
Gladstone City Councilor



BOARD OF COUNTY COMMISSIONERS
PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

March 8, 2016

Mr. Thomas Mersereau, Council President
Gladstone City Council
525 Portland Ave.
Gladstone, OR 97027

Dear Council President Mersereau and Councilors:

The Board of County Commissioners ("BCC") has received and reviewed the request dated February 22, 2016 (the "City Letter") from the Gladstone City Council on behalf of the City of Gladstone ("City") requesting disbursement of funds in support of a library construction plan. This letter was discussed at the BCC policy session held February 23, 2016 and subsequently, and remains a topic of significant concern. In particular, the BCC is receiving reports from unincorporated residents regarding a lack of engagement by the City and protesting the significantly changed plans of the City with respect to a library facility. To ensure that all parties are clear about expectations, below is a summary of the BCC's concerns regarding the current agreements and public process, followed by a prospective path forward.

Current Agreements

The City Letter presented several arguments for why the City is entitled to receive a minimum of \$2.6 million from Clackamas County ("County"), mainly pursuant to the agreement between the City and the County dated April 2011 (the "Capital IGA") and partially pursuant to the Library District Master IGA entered into by the City in August 2009 (the "Master IGA"). The Master IGA's language is conditional on fulfillment by the City of its obligations as described in the Capital IGA, so for clarity we will focus on that document. In reviewing the current situation, it appears that the City has not fulfilled its obligations under the Capital IGA in several ways.

The demand for \$1.5 million under the Capital IGA references Section 1.1, which provides for the distribution of such funds. However, Section 1.3 clearly states that the City must submit a "...capital plan identifying how the city will use the capital contribution." This plan is to be reviewed and approved by the County for sufficiency. The City Letter provided, as a purported capital plan, a ballot measure that was submitted to voters in November 2014 and a timeline. This does not provide sufficient clarity regarding the City's approach to the facility. Of particular concern would be a specific plan to address how costs would be split out between the library facility and the city hall, which are proposed to be co-located at the same location. The Capital IGA is designed to ensure the financial integrity of the use of the funds for only library purposes, and given the proposed mixed use as discussed by the City, it is our expectation that, at a minimum, the City would have an answer to that important issue.

We also require more clearly articulated designs and plans regarding the level of service, amenities, and staff that would be provided at that facility, as promised in the 2014 ballot language. This is especially important given the unusual ratio of service population that could theoretically apply to the Gladstone library if the Oak Lodge library closes, where the unincorporated patrons would represent approximately seventy percent of those served. Therefore the BCC finds that Gladstone has not met its initial obligation to provide a sufficient capital plan as required under the IGA, and the County is not obligated to deliver funds at this time.

Second, the County Administrator has provided in an email to the City Manager, per the Capital IGA's Section 2.3, a request for an accounting of the \$1,000,000 previously distributed to the City and reportedly spent on library purposes. The information provided in the City Letter does not speak to the availability of those funds or how they were used. It is difficult for this Board to distribute additional funds to the City until it has conducted a diligence review about whether or not prior funds distributed to the City per the Capital IGA were properly used. It is the BCC's expectation that the City would appreciate this point and have responded promptly to this request. To date this accounting has not been sent, nor has the County received notice that the City is working on the request.

Third, Section 5.1 of the Capital IGA specifically references that the library being constructed by the City will be located on Webster Road. The BCC has tried to keep an open mind as the City has shifted plans several times, including in discussion of July 2014, since it was possible that the replacement proposal would be equal to or superior to the original concept. However, that does not seem to be the case. Our best understanding at this point is that the proposed library will be located on Portland Avenue further away from unincorporated customers, is now a combination facility with a new City Hall instead of a standalone structure, and be ~6,500 square feet smaller, or over one third less than originally anticipated. These changes were made without significant input of library patrons outside the City who will constitute more than a majority of those receiving service from the proposed library. Rather, it seems to have been driven by City votes in which unincorporated residents could not participate.

Another significant change is the withdrawal of any city funds to the construction of the city library. The original plan, upon which the Master IGA and Capital IGA were premised, assumed \$2.5 million from the County pursuant to the Capital IGA and over \$6 million from the City, as well as other funding sources for a total project effort of over \$10 million for a facility of over 19,000 square feet. This would have placed it in the middle of Clackamas County libraries in terms of square footage per customer served. In subsequent disclosures from City staff, it appears that the City is reducing its contribution to the project by over six million dollars, and seeking to use only funds contributed by the County or the Library District of Clackamas County (either as reserves or debt service) for the facility that has been significantly reduced in scope and size. Indeed, it seems that at this point the funding plan as suggested by the City relies completely on outside revenues, calling into question whether the facility need be located within the City. The demand of the City to be the final maker of decisions regarding the library and its services seems inconsistent with its unwillingness to contribute funds to the effort. Together, these changes raise grave doubts in the BCC's mind that the library service levels envisioned at the time of execution of the Master IGA and Capital IGA upon which the closure of the Oak Lodge library was premised remains accurate.

Finally, Section 2.4 of the Capital IGA obligates the City to provide for “fair” representation of library patrons, including specifically unincorporated residents. The City’s current service area includes a substantial unincorporated population from the Jennings Lodge area, nearly one third of the City’s current library patron base. We have heard reported that, and would like the City to speak to the truth of, the current City library board does not have any unincorporated residents serving. If this is true, it is inconsistent with the City’s current obligations under the Capital IGA. It also appears that the City has not been sending even a member of this truncated board to the Library District Advisory Committee, but rather an elected official to press for the official City position. We understand that is now being corrected after it having been called to the City’s attention. These actions are not supportive of citizen engagement and oversight over the expenditure of library funds. Further, it would represent, together with the above, a consistent pattern of the City not meeting its obligations under the agreements.

Public Process

The Master IGA and the Capital IGA are premised on the theory that a city desires to provide quality library services to both its own residents and nearby unincorporated citizens. The Master IGA provides operational funds, and the Capital IGA provides a one-time infusion of capital funds from the County, to support that effort. One of the key requirements for this effort, as enshrined in both IGAs, is the idea of unincorporated resident participation in library decisions. It is incumbent upon a Library City to involve its entire service population in the decision-making process. To date it does not appear that the City has had a robust engagement of the unincorporated area. At the February 23 policy session, the BCC requested that the City undertake an engagement effort in a fair manner with the unincorporated residents who would be served by the Gladstone library if the Oak Lodge library closes. This has not occurred to date. The BCC strongly recommends that the City take up this effort consistent with the purpose and vision of the Library District and the concept of a Library City. The City should further look to meet its basic obligations of involving unincorporated residents currently within its service area in the local library board. These are not new conditions, but rather normal expectations for community engagement for a public body facing decisions of this magnitude. We encourage the City to assume the leadership role that being a library city requires and involve all affected citizens in a process around the future of the Gladstone City Library.

A Path Forward

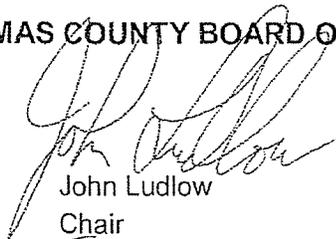
As shown by the above discussion, the current proposal from the City is materially different from that contemplated by the County when first entering into the Master IGA and the Capital IGA. Indeed, it would seem that the fundamental “basis of the bargain” that lies at the heart of the agreements pertaining to the Oak Lodge closure and Gladstone expansion are no longer true. We cast no blame on anyone for shifting priorities and needs that have been reflected by City votes. However, the County’s interest was and remains ensuring that all citizens in Clackamas County receive at least a “threshold” level of library services through appropriate facilities, professional staff, quality collections and integrated systems. The City may choose to meet those interests for its residents as it sees fit. It is the County’s obligation to ensure they are equally met for unincorporated residents who do not have a vote in City affairs. The closure of the Oak Lodge library was premised on the city’s facility being able to meet those obligations. That premise is now in significant doubt.

The failure of the basis of the bargain seems to have given rise to great concerns from both City and unincorporated voices about a path forward. All sides are clamoring for changes to the Capital IGA, with the City demanding a distribution greater than \$1.5 million, and unincorporated residents opposing giving the City any money for their library project. To date the City as the library city for the potential service area has not led a conversation about reconciling the different viewpoints about the issue. To motivate all parties to engage in a constructive dialogue, the BCC feels that it is important to change the current status quo. Therefore, for that reason, the reasons regarding the City's performance above, and for other good and sufficient reasons, the County hereby gives the City official notice pursuant to Section 3.2 of the Capital IGA that the County is exercising its unilateral right to terminate that agreement. According to the terms thereof, the agreement will officially be terminated as of Sunday September 4, 2016, or 180 days from the date of this letter.

It is our hope that the ending of the Capital IGA will shift the focus away from claims for money to support a materially reduced library facility plan, to an engagement effort led by the City that fairly and proportionately involves the voices of unincorporated residents in the decision making process. We ask that the City lead that process to a successful conclusion, which includes (i) clarity on how capital funds would be used for library purposes exclusively; (ii) meaningful involvement and outreach in a fair and proportional form to involve multiple perspectives and addressing concerns from all affected citizens, city or unincorporated; and (iii) some level of agreement between City and unincorporated residents regarding the final size, location and service levels of the Gladstone library. Once the City has reached those agreements, we encourage it to then provide a full report back to the BCC. If the BCC concurs in the proposed solution, it would be pleased to have staff prepare a new agreement that would reflect the changed understanding of the new basis of the bargain. We look forward to a positive report and the City's leadership in ensuring that quality library services are being provided to all affected residents of Clackamas County.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS



John Ludlow
Chair



Jim Bernard
Commissioner



Paul Savas
Commissioner



Martha Schrader
Commissioner



Tootie Smith
Commissioner

June 21, 2016

SENT VIA EMAIL AND FIRST-CLASS MAIL

Gary Barth, Director
Clackamas County Business and Community Services
150 Beaver Creek Road, 4th Floor
Oregon City, OR 97045
GaryBar@co.clackamas.or.us

Re: City of Gladstone Proof of Use Certification and Capital Plan for New Library

Dear Mr. Barth:

This office serves as city attorney for the City of Gladstone. As you know, the county previously provided to the city \$1,000,000 (of a total obligated amount of \$2.5M) as a "Capital Contribution" in accordance with the April 2011 IGA between the city and the county (the "Capital IGA"). Per the county's request under Section 2.3 of the Capital IGA, I am enclosing documentation regarding the capital expenditures the city made relative to the initial \$1M Capital Contribution.

As you will see, the city spent most of the money on designs for a new library (TNA Architecture). The balance of the \$1M (plus additional city monies) was spent on related professional services (civil engineering, planning services through Clackamas County, construction management services and financing services). As such, on behalf of the city, I certify that Gladstone spent the previous \$1M Capital Contribution for purposes permitted by Section 2.2 of the Capital IGA.

In addition, please find enclosed a capital plan identifying how the city will spend the remaining \$1,500,000 the county owes it in accordance with the Capital IGA. Having submitted this capital plan, pursuant to Section 1.3 of the Capital IGA the city expects to receive the remaining \$1.5M from the county no later than 60 days from the date of this letter (August 20, 2016).

Sincerely,


David F. Doughman

DFD/yh

Enclosures

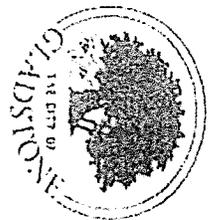
cc: Eric Swanson (via email)
Linda Lewis (via email)
Chris Storey (via email)

9-6

General Ledger

Detailed Trial Balance

User: gray
 Printed: 04/14/2016 - 10:23 AM
 Period: 01 to 14, 2011



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
006	LIBRARY CAPITAL FUND					
EXPENSE						
006-006	NEW LIB - ARCHITECT	200,000.00				
8/31/2010 AP	2 11 08401P - THA Architectures			32,012.60	0.00	
9/30/2010 AP	3 14 08401P - THA Architectures			8,233.48	0.00	
11/30/2010 AP	5 13 08401P - THA Architectures			49,845.75	0.00	
2/28/2011 AP	8 9 04669J - Mackay & Sposito			6,684.00	0.00	
2/28/2011 AP	3 8 08401P - THA Architectures			36,216.91	0.00	
2/28/2011 AP	8 9 08401P - THA Architectures			49,858.95	0.00	
2/28/2011 AP	8 9 08401P - THA Architectures			20,924.31	0.00	
2/28/2011 AP	8 9 04669J - Mackay & Sposito			6,262.00	0.00	
2/28/2011 AP	8 9 04669J - Mackay & Sposito			960.90	0.00	
3/31/2011 AP	9 11 01576 - Chickamas, County of			27,535.83	0.00	
3/31/2011 AP	9 12 08401P - THA Architectures			58,618.42	0.00	
3/31/2011 AP	9 12 08401P - THA Architectures			86,771.52	0.00	
5/31/2011 AP	11 3 08401P - THA Architectures			81,587.37	0.00	
5/31/2011 AP	11 12 04378 - Lanecise Engineering			814.00	0.00	
6/30/2011 AP	12 16 08401P - THA Architectures			77,605.53	0.00	
6/30/2011 AP	12 16 08401P - THA Architectures			78,009.37	0.00	
006-006-634300 Totals:				601,739.64	0.00	601,739.64
NEW LIB - CONSTR PROJECT MNGR						
12/31/2010 AP	0 9 03550L - Heery International Inc	200,000.00	0.00	11,405.00	0.00	
12/31/2010 AP	6 9 03550L - Heery International Inc			22,810.00	0.00	
2/28/2011 AP	8 9 03550L - Heery International Inc			11,405.00	0.00	
2/28/2011 AP	8 9 03550L - Heery International Inc			11,405.00	0.00	
3/31/2011 AP	9 12 03550L - Heery International Inc			2,850.00	0.00	
3/31/2011 AP	11 3 03550L - Heery International Inc			3,480.00	0.00	
5/31/2011 AP	11 3 03550L - Heery International Inc			11,405.00	0.00	
5/31/2011 AP	11 12 03550L - Heery International Inc			11,405.00	0.00	
6/30/2011 AP	12 16 03550L - Heery International Inc			11,405.00	0.00	
Var: -401,739.64						

GL - Detailed Trial Balance (04, 14/2016 - 10:23 AM)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
006-006-634400	006-006-634300 Totals: NEW LIB - FINANCIAL ADVISOR	200,000.00 70,000.00	0.00	97,570.00	0.00	97,570.00
	Var: 102,430.00					
006-006-634500	006-006-634400 Totals: NEW LIB - CONSTRUCTION	70,000.00 9,000,000.00	0.00	0.00	0.00	0.00
	Var: 70,000.00					
006-006-634700	006-006-634500 Totals: NEW LIB - FURNITURE & EQUIP	9,000,000.00 400,000.00	0.00	0.00	0.00	0.00
	Var: 9,000,000.00					
006-006-634900	006-006-634700 Totals: NEW LIB - MISCELLANEOUS	400,000.00 130,000.00	0.00	0.00	0.00	0.00
	Var: 400,000.00					
5/31/2011 AP	11 3 01146 - Carlson Tasting Inc			8,890.00	0.00	
	CK# 67581					
5/31/2011 AP	11 3 04260 - Kirtelson & Assoc			1,753.78	0.00	
	CK# 67584					
5/31/2011 AP	11 3 04378 - Lancaster Engineering			654.00	0.00	
	CK# 67585					
5/31/2011 AP	11 3 04378 - Lancaster Engineering			5,200.00	0.00	
	CK# 67585					
5/31/2011 AP	11 3 04669J - MueKey & Spostio			550.00	0.00	
	CK# 67586					
6/30/2011 AP	12 15 02811M - Family Homes of Oregon			450.00	0.00	
	CK# 67685					
6/30/2011 AP	12 16 04260 - Kirtelson & Assoc			770.22	0.00	
	CK# 68036					
6/30/2011 AP	12 16 04260 - Kirtelson & Assoc			1,076.00	0.00	
	CK# 68036					
6/30/2011 AP	12 16 04669J - MueKey & Spostio			550.00	0.00	
	CK# 68041					
006-006-634900 Totals:		130,000.00	0.00	19,894.00	0.00	19,894.00
	Var: 110,106.00					
006-006 EXPENSE Totals:		10,000,000.00	0.00	719,203.64	0.00	719,203.64
EXPENSE Totals:		10,000,000.00	0.00	719,203.64	0.00	719,203.64
006 Totals:		-10,000,000.00	0.00	719,203.64	0.00	719,203.64
Report Totals:		-10,000,000.00	0.00	719,203.64	0.00	719,203.64

General Ledger

Detailed Trial Balance

User: gray
 Printed: 04/14/2016 - 10:23AM
 Period: 01 to 14, 2012



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
006	LIBRARY CAPITAL FUND					
006-006	EXPENSE					
006-006-634200	NEW LIB - ARCHITECT	888,919.00				
2/29/2012	AP 8 08401P - THA Architectures			19,570.38	0.00	
						0.00
2/29/2012	AP 8 08401P - THA Architectures			24,161.60	0.00	
						0.00
3/31/2012	AP 9 08401P - THA Architectures			115,451.24	0.00	
						0.00
4/30/2012	AP 9 08401P - THA Architectures			6,630.00	0.00	
						0.00
5/31/2012	AP 11 08401P - THA Architectures			121,048.01	0.00	
						0.00
5/31/2012	AP 11 08401P - THA Architectures			18,536.45	0.00	
						0.00
				72,420.17		
						0.00
006-006-634300	NEW LIB - CONSTR PROJECT MNGR	888,919.00	0.00	377,817.85	0.00	377,817.85
8/31/2011	AP 2 03550L - Heery International Inc					0.00
						0.00
9/30/2011	AP 3 03550L - Heery International Inc			11,405.00	0.00	
						0.00
11/30/2011	AP 5 03550L - Heery International Inc			2,780.90	0.00	
						0.00
2/29/2012	AP 8 03550L - Heery International Inc			7,345.00	0.00	
						0.00
2/29/2012	AP 8 03550L - Heery International Inc			11,405.00	0.00	
						0.00
4/30/2012	AP 10 03550L - Heery International Inc			11,405.00	0.00	
						0.00
4/30/2012	AP 10 03550L - Heery International Inc			4,070.00	0.00	
						0.00
5/31/2012	AP 11 03550L - Heery International Inc			11,405.00	0.00	
						0.00
5/31/2012	AP 11 03550L - Heery International Inc			14,007.50	0.00	
						0.00
				11,405.00		
						0.00
006-006-634400	NEW LIB - FINANCIAL ADVISOR	130,540.00	0.00	85,227.50	0.00	85,227.50
8/31/2011	AP 2 07777 - Seattle-Northwest Securities					0.00
						0.00
2/29/2012	AP 8 07777 - Seattle-Northwest Securities			958.50	0.00	
						0.00
2/29/2012	AP 13 07777 - Seattle-Northwest Securities			1,650.75	0.00	
						0.00
				1,321.50		
						0.00
006-006-634500	NEW LIB - CONSTRUCTION	50,000.00	0.00	3,930.75	0.00	3,930.75
						0.00
				7,932,770.00		
						0.00

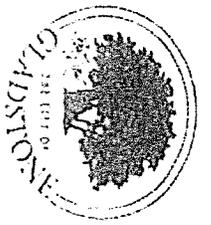
G1 - Detailed Trial Balance (04/14/2016 - 10:23 AM)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
006-006-634700	006-006-634500 Totals: NEW LIB - FURNITURE & EQUIP	7,932,770.00 301,512.00	0.00	0.00	0.00	0.00
	Var: 7,932,770.00					
006-006-634900	006-006-634700 Totals: NEW LIB - MISCELLANEOUS	301,512.00 239,046.00	0.00	0.00	0.00	0.00
	Var: 301,512.00					
8/31/2011 AP	2 11 00507M - Arts Action Alliance Foundatio					
	CK# 68513					
10/31/2011 AP	4 9 04260 - Kittelson & Assoc			1,542.00	0.00	
	CK# 69072			356.44	0.00	
5/31/2012 AP	11 9 01146 - Carlson Testing Inc			1,200.00	0.00	
	CK# 70668					
006-006-634900 Totals:	Var: 235,947.56	239,046.00	0.00	3,098.44	0.00	3,098.44
006-006 EXPENSE Totals:		9,542,787.00	0.00	470,074.54	0.00	470,074.54
EXPENSE Totals:		9,542,787.00	0.00	470,074.54	0.00	470,074.54
006 Totals:		-9,542,787.00	0.00	470,074.54	0.00	470,074.54
Report Totals:		-9,542,787.00	0.00	470,074.54	0.00	470,074.54

General Ledger

Detailed Trial Balance

User: gray
 Printed: 04/14/2016 - 10:25 AM
 Period: 01 to 14, 2013



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
006	LIBRARY CAPITAL FUND					
EXPENSE						
006-006						
006-006-634200	NEW LIB - ARCHITECT	501,961.00	0.00	3,370.00	0.00	3,370.00
10/31/2012 AP	NEW LIB - ARCHITECT					
	108401 P - THAArchitectures	501,961.00		3,370.00	0.00	
	006-006-634200 Totals:	501,961.00	0.00	3,370.00	0.00	3,370.00
	NEW LIB - CONSTR PROJECT MNGR	69,398.00				
006-006-634300	NEW LIB - FINANCIAL ADVISOR	69,398.00	0.00	0.00	0.00	0.00
	006-006-634300 Totals:	69,398.00	0.00	0.00	0.00	0.00
	NEW LIB - CONSTRUCTION	46,070.00	0.00	0.00	0.00	0.00
006-006-634400	NEW LIB - FINANCIAL ADVISOR	7,912,753.00	0.00	1,500,000.00	0.00	1,500,000.00
	006-006-634400 Totals:	46,070.00	0.00	0.00	0.00	0.00
	NEW LIB - CONSTRUCTION	7,912,753.00				
5/31/2013 AP	11 79 01641 - Clackamas County Library District	7,912,753.00				
	006-006-634500 Totals:	7,912,753.00	0.00	1,500,000.00	0.00	1,500,000.00
	NEW LIB - FURNITURE & EQUIP	360,000.00				
006-006-634700	NEW LIB - MISCELLANEOUS	360,000.00	0.00	0.00	0.00	0.00
	006-006-634700 Totals:	360,000.00	0.00	0.00	0.00	0.00
	NEW LIB - MISCELLANEOUS	224,633.00				
006-006-634900	REIMBURSE URBAN REVIEW FUND	393,186.00	0.00	0.00	0.00	0.00
	006-006-634900 Totals:	224,633.00	0.00	0.00	0.00	0.00
	REIMBURSE URBAN REVIEW FUND	393,186.00				
006-006-635100		393,186.00	0.00	0.00	0.00	0.00
	006-006-635100 Totals:	393,186.00	0.00	0.00	0.00	0.00
	EXPENSE Totals:	9,508,001.00	0.00	1,503,370.00	0.00	1,503,370.00
	EXPENSE Totals:	9,508,001.00	0.00	1,503,370.00	0.00	1,503,370.00
	006 Totals:	-9,508,001.00	0.00	1,503,370.00	0.00	1,503,370.00

GL - Detailed Trial Balance (04/14/2016 - 10:25 AM)

Account Number

Description

Budget

Beginning Balance

Debit This Period

Credit This Period

Ending Balance

Report Totals:

-9,508,001.00	0.00	1,503,370.00	0.00	1,503,370.00
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New Library Development Design Expenditures 2001 - 2013

2011		2012	
Architect:		Architect:	
Company	amount	THA Architectures	19,570.38
THA Architectures	32,012.60	THA Architectures	24,161.60
THA Architectures	8,233.48	THA Architectures	115,451.24
THA Architectures	49,845.75	THA Architectures	6,630.00
THA Architectures	6,684.00	THA Architectures	121,048.01
THA Architectures	36,216.91	THA Architectures	18,536.45
THA Architectures	49,858.95	THA Architectures	72,420.17
THA Architectures	20,924.31		
MacKay & Sposito	6,262.00	Total:	377,817.85
MacKay & Sposito	960.00		
Clackamas County	27,535.83	Construction:	
THA Architectures	58,618.42	Heery International	11,405.00
THA Architectures	66,771.32	Heery International	2,780.00
THA Architectures	81,387.37	Heery International	7,345.00
Lancaster Engineering	814.00	Heery International	11,405.00
THA Architectures	77,605.33	Heery International	11,405.00
THA Architectures	78,009.37	Heery International	4,070.00
Total	601,739.64	Heery International	11,405.00
		Heery International	11,405.00
Construction:		Total:	85,227.50
Heery International	11,405.00		
Heery International	22,810.00	Financial Advisor:	
Heery International	11,405.00	Seattle-Northwest Securities	958.50
Heery International	11,405.00	Seattle-Northwest Securities	1,650.75
Heery International	2,850.00	Seattle-Northwest Securities	1,321.50
Heery International	3,480.00	Total:	3,930.75
Heery International	11,405.00		
Heery International	11,405.00	Miscellaneous:	
Heery International	11,405.00	Arts Action alliance foundation	1,542.00
Total	97,570.00	Kittelson & Assoc.	356.44
		Carlson Testing Inc.	1,200.00
Miscellaneous:		Total:	3,098.44
Carlson Testing, Inc.	8,890.00	Total in 2012:	470,074.54
Kittelson & Assoc.	1,753.78		
Lancaster Engineering	654.00		
Lancaster Engineering	5,200.00		
MacKay & Sposito	550.00		
Family Homes of Oregon	450.00		
Kittelson & Assoc.	770.22		
Kittelson & Assoc.	1,076.00		
MacKay & Sposito	550.00		
Total:	19,894.00		
Total in 2011:	719,203.64		

New Library Development Design Expenditures 2001 - 2013

2013	
Architect:	
THA Architectures	3,370.00
Total in 2013:	3,370.00
Grand total:	1,192,648.18

MACKENZIE.

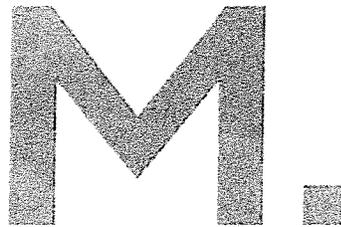
DESIGN DRIVEN | CLIENT FOCUSED

Gladstone Library and City Hall

Capital Plan

City of Gladstone, Oregon

5/27/2016



OUR HISTORY. OUR FUTURE. OUR PROMISE.

The values of our founder, Tom Mackenzie, remain the hallmarks of our firm.

Upon this foundation we have, steadily and intentionally, built leaders in architecture, interiors, engineering, and planning, focused on delivering the highest level of design excellence in service to our clients.

This mark is our signature and our promise.

PROJECT OVERVIEW/ SCOPE

EXECUTIVE SUMMARY

Public facility design, specifically city halls and libraries, are unique in that the building and all its functions are integral to efficient and effective operations. It is imperative that the building is designed not only for the staff that work in the facility, but the customers visiting city staff, paying bills or using library resources.

The following encompasses the primary tasks requested by the City of Gladstone to validate the proposed project:

- Existing Facility Assessment
- Program Validation
- Site Plan Development and General Building Configuration
- Cost Development
- Project Schedule

Following is a schedule outlining major phases, tasks and critical milestones and their approximate durations, based on an understanding that the City is interested in having project completed as expeditiously as possible.

PROCESS AND METHODOLOGY

Mackenzie employed programming, communication, consensus-building, and goal-setting techniques to establish the preliminary findings of this plan. These elements will be expanded and refined as the design process broadens and includes more stakeholders, particularly through public outreach and engagement with the Oaklodge Library staff and Oaklodge Library Patrons.

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EXISTING FACILITY ASSESSMENT

Mackenzie toured the existing facilities for the City Hall and Library as part of previous efforts to examine and document current space deficiencies, operations, building systems, and the structural integrity of the existing buildings.

The primary focus of this effort concentrated on examination and documentation of existing infrastructure, building access and circulation, parking, ADA compliance and life safety compliance.

Primary concerns noted through evaluation of the existing facility include:

- Several areas are deficient meeting ADA requirements
- The existing facilities have inadequate space and there is limited ability to expand in their current configuration

PROGRAM VALIDATION

In conjunction with examination of present conditions, Mackenzie worked with the City of Gladstone staff to better understand the current space needs and those projected based on future need. Area requirements for the City Hall portion of the building were defined based on direction from City staff and the Library portion of the building were developed with specialty library consultant, Fred Gast and Librarian Linda Lewis. The team developed a program matrix that identified the required spaces, and their associated required square footage requirements. The program takes into account specific functional spaces, and support areas, adding a grossing factor for circulation space, interior wall thicknesses and exterior wall assembly to provide an overall building size. It has been determined that the building will be 3-stories, with 7,500sf floor plates to achieve approximately 22,500sf. Once the project moves into the next phase, the program will be refined with a greater level of detail to help steer development of the design of the facility.

BUILDING REQUIREMENTS SUMMARY

City Hall	6,578 SF
Library	13,338 SF
Building Support (Elec. & HVAC)	2,584 SF
TOTAL	22,500 SF

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Space / Room Use	Staffing Requirements		Space Requirements		Space Size			Room Type	Total Required Square Footage		Comments
	Exist	Future	Exist	Future	W	L	Area		Exist	Future	
Gladstone City Hall Library											
City Hall										6,578	
Library										13,338	
Collections										4,470	
Services										3,200	
Library Support										4,030	
Building Support										2,584	
TOTAL BUILDING SQUARE FOOTAGE										22,500	
BUILDING FOOTPRINT										7,500	Based on a three story building
TOTAL EXTERIOR REQUIREMENTS										53,448	1.23
TOTAL SITE REQUIREMENTS										60,948	1.40

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Space / Room Use	Staffing Requirements		Space Requirements		Space Size		Room Type	Total Required Square Footage		Comments
	Exist	Future	Exist	Future	W	L		Area	Exist	
City Hall										
Administration										
Council Chamber							1,200			1,200
Open Staff Office							3,370			3,370
Public Waiting							800			800
<i>Group Total</i>										5,370
Support										
Public Restrooms							400			400
<i>Group Total</i>										400
SUBTOTAL										5,770
CIRCULATION AND GROSSING										808
TOTAL SQUARE FOOTAGE (Administration and Support)										6,578
Library										
Collections										
Collections/ Reading							3,370			3,370
Children's/ Reading Area							1,100			1,100
<i>Group Total</i>										4,470
Services										
Programs Room							700			700
Library Services/ Study Room							2,500			2,500
<i>Group Total</i>										3,200
Library Support										
Public Restrooms							400			400
Staff/ Work Rooms							2,000			2,000
Atrium/ Entry							630			630
Library Support/ Storage							1,000			1,000
<i>Group Total</i>										4,030
SUBTOTAL										11,700
CIRCULATION AND GROSSING										1,638
TOTAL SQUARE FOOTAGE (Collections, Services, and Library Support)										13,338
Building Support										
Mechanical/ Electrical										
Equipment/ Housekeeping							1,000			1,000
Electrical							250			250
Elevator Machine							150			150
Mechanical, HVAC							450			450
<i>Group Total</i>										1,850
SUBTOTAL										1,850
CIRCULATION AND GROSSING										734
TOTAL SQUARE FOOTAGE (Mechanical/ Electrical)										2,584

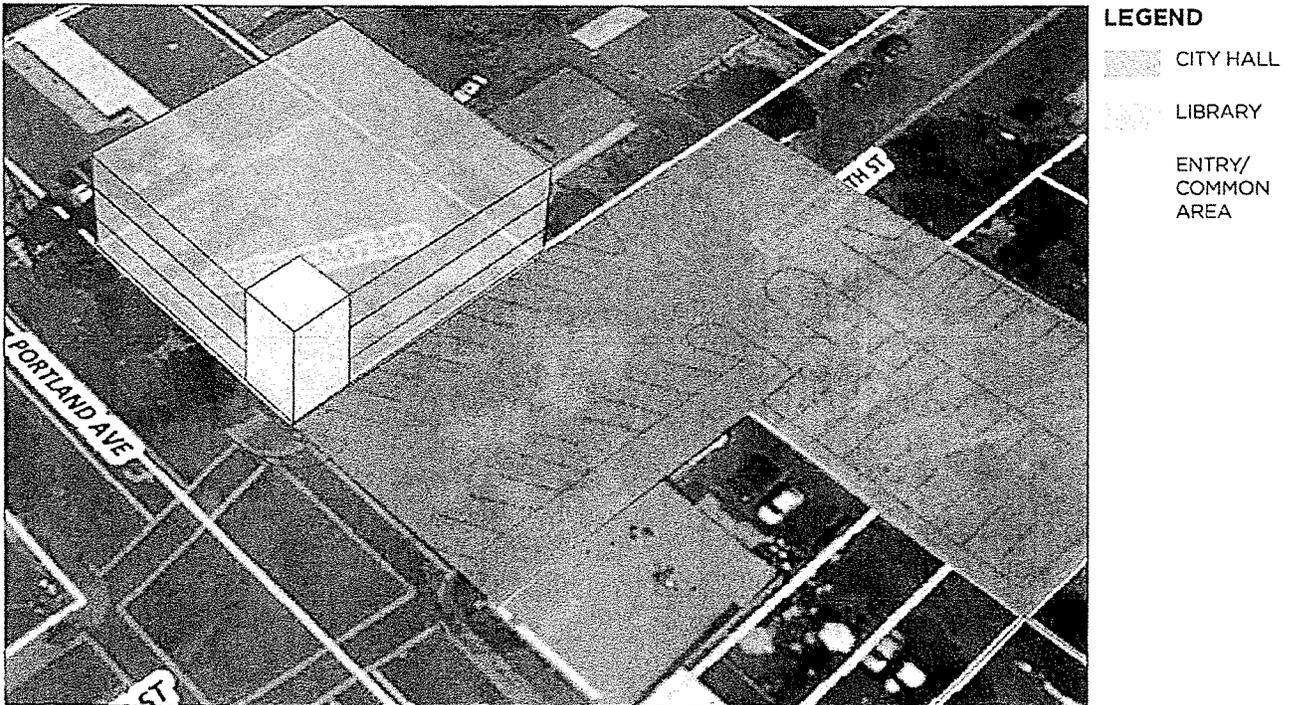
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Space / Room Use	Staffing Requirements		Space Requirements		Space Size		Room Type	Total Required Square Footage		Comments
	Exist	Future	Exist	Future	W	L		Area	Exist	
Exterior Requirements										
Parking										
Parking			70		9	18	162			11,340
<i>Group Total</i>			70							11,340
Site Elements										
Generator							480			480
Trash / Recycling							192			192
Plaza							1,350			1,350
<i>Group Total</i>										2,022
SUBTOTAL										13,362
GENERAL CIRCULATION (300%)										40,066
TOTAL SQUARE FOOTAGE (Exterior Requirements)										53,448

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SITE PLAN DEVELOPMENT AND GENERAL BUILDING CONFIGURATION

Based on the outcome of the building program and selection of the existing City Hall and Library sites, a preliminary site plan concept and building configuration was developed to illustrate the proposed site layout. The general strategy is to locate City Hall program elements on the third floor, with the Library functions on the first and second floor. A common entry and lobby will allow users to enter building and orient themselves before deciding to enter into the library or continue up to the City Hall offices.



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COST AND SCHEDULE

Based on the findings of Mackenzie’s analysis, the overall projected facility costs are forecast to be \$10,371,881.

A schedule outlining major phases has been provided with tasks, critical milestones and their approximate durations, based on an understanding that the City is interested in having the project completed as expeditiously as possible.

The following cost summary outlines the estimated total development cost, including construction costs, design costs and owner costs.

Development costs of a project are not limited to construction costs alone and require consideration of other variables. These variables differ between new construction and renovation or expansion, and invariably change from one project to the next depending on site conditions, existing building conditions, building codes, seismic zones and the environment of the construction industry. Differences between estimates arise depending on the design approach, construction costs, and design and engineering costs. Owner costs for furniture, fixtures and equipment are often constant, based on a predetermined budget set by the Owner. The costs have been forecast and distributed to City Hall and Library based on costs attributed by square footage or specific allocation.

GLADSTONE LIBRARY AND CITY HALL	Demolition Cost - Building	\$248,400
	Construction Cost - Building	\$5,568,750
	Construction Cost - Site	\$218,896
	Construction Cost - Street Improvements	\$515,958
	TOTAL CONSTRUCTION COST	\$8,299,555
	Contingency	\$1,310,401
	Inflation	\$314,496
	15% For Green Technology	\$122,654
	Total Consultant Cost	\$1,251,574.00
	Total Owner Cost	\$820,753
TOTAL PROJECT COST RANGE		\$10,371,881

Source of Money

Funding for the project is anticipated to come from essentially three sources: 1. \$1.5M from the "Capital IGA"; 2. The approximate \$1.1M in savings the county has accumulated, relative to the Oak Lodge Library; 3. The City's issuance of debt for the remaining Library costs, to be paid back over a twenty-year period utilizing district tax revenues. Costs for Library and City Hall will be tracked and kept separate to ensure proper allocation of funding sources.

Construction costs reflect the raw costs incurred by a general contractor for overhead and profit, bonding and insurance, securing of materials, and general construction of the site and building. In addition to the identified construction costs, a design contingency is recommended to ensure dollars are carried through construction for owner changes, design omissions, unforeseen conditions or jurisdictional requirements, among others. A Construction Cost contingency has been calculated in the Project Cost Summaries, shown on the following page.

Consultant costs reflect the costs incurred for project management and design of the project from concept through construction administration. Though design fees can vary, these costs are generally factored using a fee based on the construction costs for the project. In addition to architectural and engineering services, costs include marketing materials and required services such as topographical surveys and special inspections. A contingency is provided for this category for any unforeseen or additionally requested design services throughout the project.

Owner costs reflect the costs generally incurred directly by the owner throughout the project. This includes all items the owner may wish to contract separately from the general construction of the project. Additional owner-related costs include relocation into the new facility, legal documentation and counsel for project documents and issuances, and jurisdictional fees associated with design review, building permits, SDCs, TIF fees and BOLI fees. A contingency is provided in this category for any unforeseen or undefined costs not currently represented.

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Gladstone Public Facility Improvements Cost Summary

New Public Library and City Hall

5/13/2016

Comments

Construction Cost of Facility	Library	City Hall	Total	Comments
Demolition Hardcost*	\$176,637	\$71,763	\$248,400	\$11.04 per BLDG SF
Construction Hardcost*	\$3,959,938	\$1,608,812	\$5,568,750	\$247.50 per BLDG SF
Site Development Hardcost*	\$155,657	\$63,239	\$218,896	\$9.73 per BLDG SF
Offsite Improvement Hardcost*	\$366,898	\$149,060	\$515,958	\$22.93 per BLDG SF
Total Hard Costs*	\$4,659,130	\$1,892,874	\$6,552,004	\$291.20 per BLDG SF
Design and Construction Contingency	\$931,826	\$378,575	\$1,310,401	20% of Combined Hard Costs
Inflation	\$223,638	\$90,858	\$314,496	4% of GC Cost (1 year)
1.5% for Green Technology	\$87,219	\$35,435	\$122,654	State of Oregon Requirement
Total Construction Costs	\$5,901,813	\$2,397,741	\$8,299,555	\$368.87 per BLDG SF
Consultants Costs				
A/E Design and Construction - Base Services	\$663,954	\$269,746	\$933,700	11.25% of Total Construction Cost
A/E LEED Design and Documentation	\$66,395	\$26,975	\$93,370	10% of A/E Design and Construction - Base Services
Reimbursables	\$33,198	\$13,487	\$46,685	5% of fee
Marketing Materials	\$3,556	\$1,445	\$5,000	Allowance
Topo and Boundary Survey	\$5,333	\$2,167	\$7,500	Allowance
Special Inspections	\$17,778	\$7,223	\$25,000	Allowance
Geotechnical Services	\$10,667	\$4,334	\$15,000	Allowance
Environmental Services	\$0	\$0	\$0	N/A
Hazardous Material Survey/Testing	\$5,689	\$2,311	\$8,000	Allowance
Commissioning	\$21,333	\$8,667	\$30,000	Recommended, Not required
Arborist	\$0	\$0	\$0	N/A
Subtotal - Consultants	\$827,902	\$336,353	\$1,164,255	
Consultants Contingency	\$62,093	\$25,226	\$87,319	7.50%
Total Consultants Costs	\$889,994	\$361,580	\$1,251,574	\$55.63 per BLDG SF
Owner Costs				
Land Acquisition	\$0	\$0	\$0	N/A
Fixtures, Furniture & Equipment (FF&E)	\$215,997	\$87,753	\$303,750	\$13.50 per SF Allowance
Shelving	\$124,443	\$50,558	\$175,000	Allowance
Fitness Equipment	\$0	\$0	\$0	N/A
Telephone/Data Equipment	\$71,999	\$29,251	\$101,250	\$4.50 per SF Allowance
LEED Registration	\$1,778	\$722	\$2,500	
Moving Allowance	\$10,667	\$4,334	\$15,000	Allowance
Temporary Facilities	\$0	\$0	\$0	TBD
Permit / SDC Fees	\$118,036	\$47,955	\$165,991	Building Permits - 2% of Total Construction Cost
Subtotal - Owner Costs	\$542,919	\$220,573	\$763,491	
Owner Contingency	\$40,719	\$16,543	\$57,262	7.50% of Owner Costs
Total Owner Costs	\$583,637	\$237,116	\$820,753	\$36.48 per BLDG SF
Total Project Cost	\$7,375,445	\$2,996,437	\$10,371,881	\$460.97 per BLDG SF

Building Size: 22,500 SF**

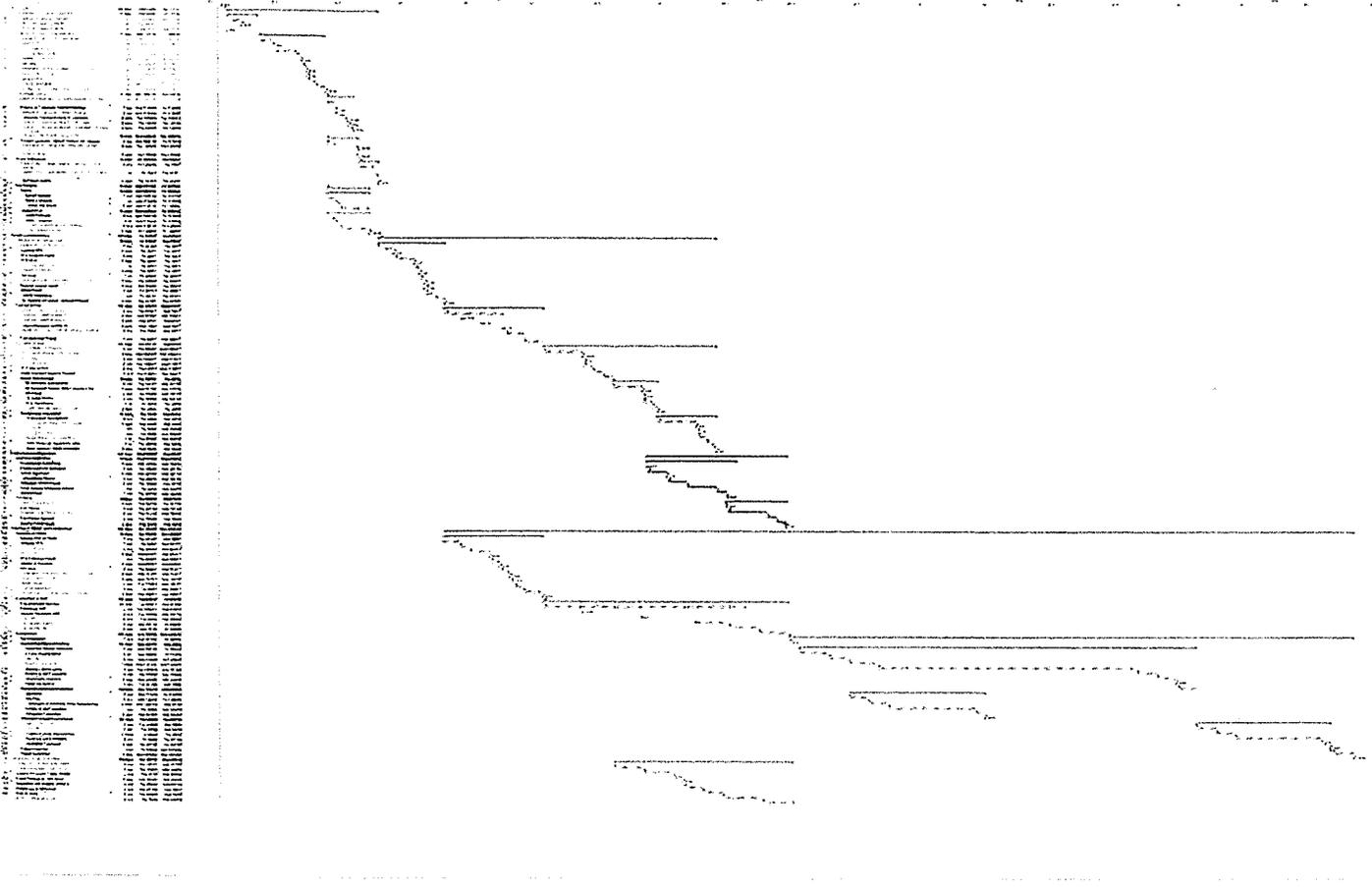
*Includes General Contractor Margins

** Original Cost Estimate based on 20,250 sf. Total Cost has been fixed, and per sf allowances have been adjusted.

Gladstone Library and City Hall
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City of GLADSTONE

February 22, 2016

Chair John Ludlow
Clackamas County
Board of County Commissioners
2051 Kaen Road
Oregon City, OR 97045

Dear Chair Ludlow and Commissioners:

The City of Gladstone requests Clackamas County release funds to which Gladstone is entitled per existing IGAs for the purpose of building a new library to serve Gladstone and surrounding unincorporated areas.

The history of Clackamas County's plans to stop operating retail libraries, while long and colorful, is beyond the scope of this request. Clackamas County has committed to funding the new joint library in Gladstone both in the Library District Master IGA of 8/20/09 (Master IGA) and in the Capital Compensation IGA between Gladstone and Clackamas County of 4/11/2011 (Capital IGA).

City representatives met with County staff on January 12, 2016. County staff invited our City representatives to submit a timeline (see attached).

The following funds are specifically requested:

- \$1M per the Capital IGA, Section 1.1.
- \$500K in initial savings from Oak Lodge per the Capital IGA Section 1.1.
- All savings from Oak Lodge per the Master IGA Section 1.6 when construction of the new library in Gladstone starts and as reaffirmed by the Board of County Commissioners on July 8, 2014.
- All remaining savings after the closing of Oak Lodge per Master IGA Section 1.6.

This request includes the \$875K of savings noted by the BCC on July 8, 2014 and \$225K of savings noted by Clackamas County Staff on January 12, 2016 for a total of \$2.6M plus any remaining savings that exist when the Oak Lodge Library is closed.

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@
ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 656-4253
E-Mail: (last name)@
ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
E-Mail: (last name)@
ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

Per section 5.1 and 5.2 of the Capital IGA, the City of Gladstone proposes to transfer operations and employees to the city as soon as possible so long as all current funding for Oak Lodge is transferred to Gladstone at the same time. Per section 5.1 of the Capital IGA, Gladstone will continue to operate the Oak Lodge Library until the completion of the new library in Gladstone at which time the Oak Lodge Library will be closed.

All funds as listed are requested in full and as available per IGAs, without further delay or new conditions. The City is ready to move forward understanding more time results in additional costs to complete the project. We trust Clackamas County will honor these commitments.

Sincerely,



Thomas Mersereau, Gladstone Council President



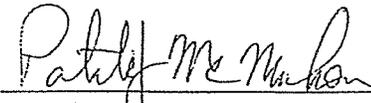
Kim Sieckmann, Gladstone City Council



Steve Johnson, Gladstone City Council



Neal Reisner, Gladstone City Council



Patrick McMahon, Gladstone City Council

c: Don Krupp, Clackamas County Administrator

**City of Gladstone
Measure 3-446**

BALLOT TITLE

AUTHORIZATION TO CONSTRUCT AND INCUR DEBT TO FINANCE NEW LIBRARY

QUESTION: Shall Gladstone authorize the construction and incurrence of debt to finance a new library projected to cost over \$1,000,000?

SUMMARY: This measure authorizes the Gladstone City Council to incur debt by issuing municipal bonds to finance and construct a new Gladstone library.

Funding sources:

- Clackamas County Capital Contribution - One time contribution \$1 million
- Library District Funds - One time contribution \$1,375 million
- Library District Funds - Continuing library support of approximately \$1.2 million annually, increased from \$631,000 the City currently receives. Annual Library District Funds will be used for library operating costs and to pay down library project debt estimated to total \$3.99 million (\$2.7 million principal and \$1.29 million interest)

Estimated budget for the project would be \$8,365 million. This includes \$5,075 million to design, construct, finance, and acquire property for the new library plus \$1.26 million in interest. The \$8,365 million budget may increase if additional non-city/urban renewal funds are acquired. The approximately 13,000 to 16,000 square foot library would be constructed in the Portland Avenue area between Gladstone High School and Clackamas River. There are no new taxes associated with this proposal. No City/urban renewal funds may be used to construct/operate new library.

EXPLANATORY STATEMENT

If approved by the City of Gladstone voters, this referral would authorize the Gladstone City Council to construct and incur debt to finance a new library. The new library will be located in the Portland Avenue area between Gladstone High School and the Clackamas River and will be approximately 13-16,000 square feet depending on final project costs.

The Gladstone City Charter requires voter approval for public projects costing more than \$1,000,000 and/or which require the City to incur debt to finance.

A City Council appointed Library Advisory Committee, comprised of 37 people held six meetings February-May, 2014

The estimated budget for the project is \$8,365 million. This includes \$5,075 to design, construct, finance and acquire property for the new library plus \$1.29 million in interest. The \$8,365 million budget may increase only if additional non-city/urban renewal agency funds are acquired for the project. No City or urban renewal funds can be used for this project or operation of the library in the future.

Funding sources:

- Clackamas County Capital Contribution - one time contribution of \$1,000,000
- Clackamas County Library District Funds - one time contribution of \$1,375,000
- Clackamas County Library District Funds - continuing library support of \$1.2 million per year increased from \$631,000 the City currently receives. These annual Library District Funds will be used for library operating costs and to pay down library project debt estimated to total \$3.99 million (\$2.7 million principal and \$1.29 million interest)

No City or Gladstone Urban Renewal Agency funds will be used for the new library project. The City's general fund contribution to library operations would be discontinued and instead a special

revenue fund will be created. The special revenue fund will be comprised of Clackamas County Library District Funds in the amount of \$1.2 million per year that are received by City twice yearly. The amount in excess of the operating expenses will be used to pay down the debt (principal and interest) acquired to build the new library. Given the timing of when the City receives the County Library Funds, a cash reserve on behalf of the City may need to be considered and City funds may be needed upfront to cover real property acquisition costs which will be reimbursed to the City after County funds are received. There will be no tax increase for the Gladstone residents.

The above-mentioned Clackamas County Capital Contribution and part of the Library District funds are conditioned on the City's agreement to build a new library and provide library services to Gladstone and Oak Lodge library patrons. The City will work with the County to amend the current intergovernmental Agreement between the City and the County governing County Library Funds and Capital Contributions to (1) reflect new library parameters if this referral passes and (2) ensure that the City receives the estimated Library District operating funds until any debt incurred for the new library is paid off.

More detailed plans on financing and constructing the library will be available if referral is approved by voters.

**City of Gladstone
Measure 3-446**

ARGUMENT IN FAVOR

The Save Gladstone group has been actively involved in helping to shape a fiscally responsible Library Ballot Measure and in the choice of a Portland Ave. location. Five members of our group were members of the Library Advisory Committee. We agree with the Library Advisory Committee's recommendations to remove the problematic Webster Rd. site from consideration and to specify the Portland Ave. area as the preferred location for a new library.

After the Library Advisory Committee completed its work, Save Gladstone members created a responsible financial plan for a new library that exclusively uses Clackamas County Library District funding for all capital costs, operating costs and debt repayment. The Gladstone City Council adopted the majority of our plan as the current Library Ballot Measure.

All Clackamas County residents pay the Library District tax, which means everyone in Gladstone and in the expanded library service area in the unincorporated areas pays this tax. Exclusively using this funding for construction costs, operations and debt repayment distributes the costs fairly to all who are served without using current Gladstone funds or raising taxes.

Save Gladstone remains concerned about our city's other important priorities, including: The structural condition of our Police Department and City Hall, and the need to repair or replace large portions of our water and sewer systems. The Library Ballot Measure will use Library District funds that can only be used for the library. It will not use funds that can be used for our city's other important priorities.

A new library in the Portland Ave. area will help to revitalize the downtown Gladstone area. It will also continue to provide a safe learning environment for all of our citizens. It will meet current ADA and seismic standards. It will remain in the Portland Ave. area, will not increase taxes and will not use any city funding. Save Gladstone encourages Gladstone Voters to consider this fiscally responsible Library Ballot Measure in the November election.

The above information has not been verified for accuracy by the county.



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RECORDING MEMO

X	New Agreement/Contract
	Amendment/Change Order Original Number _____
	Policy, Reports,

ORIGINATING COUNTY

DEPARTMENT: Business and Community Services, Library

PURCHASING FOR: N/A

OTHER PARTY TO

CONTRACT/AGREEMENT: The City of Gladstone

BOARD AGENDA DATE: April 7, 2011

AGENDA ITEM NUMBER: D.1.

PURPOSE: Intergovernmental Agreement (IGA) between
Clackamas County and the City of Gladstone for
Capital Contribution.

Clackamas County Official Records
Sherry Hall, County Clerk
Commissioners' Journals
Agreements & Contracts

2011-3400

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Please return to County Library, Debbie Smith after recording.
Thank you.

COOPERATIVE INTERGOVERNMENTAL AGREEMENT
BETWEEN
CLACKAMAS COUNTY
AND
THE CITY OF GLADSTONE

THIS COOPERATIVE INTERGOVERNMENTAL AGREEMENT (this "Agreement"), is entered into this 7 day of April, 2011, by and between the Clackamas County (the "County") a political subdivision of the State of Oregon, and the City of Gladstone, a municipal corporation (the "City").

WHEREAS, the County has formed the Library District of Clackamas County (the "District"), a county service district dedicated to supporting the provision of library services within its boundaries; and

WHEREAS, as part of the preparatory process for the formation of the District, the Board of County Commissioners proposed a one-time contribution from the County general fund to each city providing library services in the District for the sole purpose of capital improvements to the libraries therein (the "Capital Contribution"); and

WHEREAS, the City and other cities within the District have entered into a separate intergovernmental agreement dated August 20, 2009 with the District for the distribution of District funds for the purposes of operating, maintaining and enhancing services at the libraries within the District (the "District IGA"); and

WHEREAS, the County is entering into similar intergovernmental agreements with city library service providers ("Library Cities") for their respective Capital Contributions; and

WHEREAS, the parties desire to enter into this Agreement to reflect the terms of the Capital Contribution by the County;

NOW, THEREFORE, the County and City each covenant and agree to the following:

Section 1 Obligations of the County

- 1.1 County Capital Contribution. The County shall provide a one-time capital contribution of Two Million Five Hundred Thousand and No/100 Dollars (\$2,500,000.00) to the City for the purposes set forth in Section 2.2 (the "Capital Contribution"), which will be distributed in one or more distributions pursuant to Section 1.3 hereof. The goal of distributing such capital funds is to assist libraries in meeting the Service Standards as defined in the District IGA. The Capital Contribution shall consist of \$1 million from the County general fund as with all other Library Cities as defined in the District IGA, \$1 million

from the County Library Capital Fund originally intended for capital improvements to County-operated libraries, and \$500,000 from anticipated savings in County Library operations.

- 1.2 Library Capital Trust Fund. The County shall allocate a guaranteed amount per fiscal year to a County-managed dedicated library capital trust fund (the "Capital Fund") as scheduled and set forth in Exhibit A (the "Disbursement Schedule").
- 1.3 Capital Fund Distribution. The County shall disburse the Capital Contribution from the Capital Fund to the City and other Library Cities based on the Disbursement Schedule. The County shall make distributions up to the maximum available amount for that fiscal year. Such distribution will be made by the County no earlier than January of such fiscal year and no later than 60 days after the City submits to the County a capital plan identifying how the City will use the Capital Contribution. If requests for distributions in a given fiscal year are for a total amount less than the total amount in the Capital Fund, the County shall carry forward such balance to the next fiscal year for distribution as requested. The Parties intend that City shall receive its disbursement in February 2011.
- 1.4 Changes In Capital Fund Disbursement Schedule. To the extent the City desires a change in the schedule of disbursement, the City shall meet with representatives of the other Library Cities as constituted by the Library District Advisory Committee or otherwise and arrive at a mutually agreeable reordering of the Disbursement Schedule, which shall then be presented to the County Board for its approval. The City hereby consents to an alteration of the Disbursement Schedule without requiring the adoption of a specific amendment upon presentation of a resolution agreed to by a majority of the representatives of the Library Cities consenting to such change and upon approval of the requested change by the Board of County Commissioners.
- 1.5 Library Network. The County currently funds and operates the Library Network of Clackamas County (the "Network") to support the provision of services by the libraries in Clackamas County. The County shall fund the Network to provide the following services at an overall service level at least equal to that being provided by Network in fiscal year 2008/2009:
 - 1.5.1 Automated library system and related telecommunications and technical support;
 - 1.5.2 Courier services;
 - 1.5.3 Administration;
 - 1.5.4 Database management services including creating/acquiring MARC format bibliographic records;
 - 1.5.5 Inter-library loan services;
 - 1.5.6 Inter and intra-regional cooperative library planning;

- 1.5.7 Shared online databases for public use; and
- 1.5.8 Internet Service Provider for member libraries.

The County shall not be financially or otherwise responsible for the provision of new services requested or added to Network at the request of the City. To the extent the City or Library Cities generally request new or additional services, such requesting provider(s) will be billed back on separate contracts initiated as services are added. Such agreements shall not modify or restrict the covenants and agreements of the parties hereto.

Section 2 **Obligations of the City**

- 2.1 Capital Fund Disbursement. The City shall receive its Capital Contribution pursuant to Sections 1.3 and 1.4 hereof.
- 2.2 Use of Funds. The City shall expend the Capital Contribution solely for library purposes such as library construction, remodel, expansion, building and site improvements, library construction bonded debt service, and/or collection development.
- 2.3 Proof of Use. After distribution, the County may monitor the use of the Capital Contribution to ensure that these County general funds are used for purposes permitted by Section 2.2. Upon request of the County the City shall provide a certification that the Capital Contribution has been so used to the head of the Business and Community Services Department of Clackamas County or his or her designee.
- 2.4 Library Board Representation. The City shall provide for fair representation of served library patrons on the City's Library Board, including patrons from unincorporated Clackamas County.

Section 3 **Term and Termination**

- 3.1 Term. This Agreement shall commence on July 1, 2010 and automatically renew annually thereafter, unless otherwise terminated as set forth herein.
- 3.2 Termination. This Agreement shall terminate upon the agreement of both parties, or upon one hundred eighty (180) days prior written notice from one party to the other.
- 3.3 Amendment. This Agreement may be amended at any time upon the agreement of both parties.

- 3.4 Failure of the City to use Capital Contribution for Library Purpose. If the City at any time uses the Capital Contribution other than for purposes permitted in Section 2.2., the City will be in material breach of this Agreement and shall promptly repay to the County that portion of the Capital Contribution not so used plus accrued interest on such sum calculated from the date of disbursement to the date of repayment at a rate of 6% per annum.

Section 4 General Provisions

- 4.1 Indemnification. Each party shall release, defend, indemnify and/or hold harmless the other, its officers, commissioners, councilors, elected officials, employees, and agents, from and against all damages, claims, injuries, costs, or judgments that may in any manner arise as a result of the party's performance under this contract, subject to Oregon Tort claims limitations.
- 4.2 Governing Law. This Agreement shall be construed and governed in all respects in accordance with laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- 4.3 Savings. Should any portion of this Agreement or amendment thereto be adjudged by a Court of appropriate final jurisdiction to be in violation of any local, state or federal law, then such portion or portions shall become null and void, and the balance of the Agreement shall remain in effect. Both parties shall immediately renegotiate any part of this Agreement found to be in such violation by the Court and to bring it into compliance with said laws.
- 4.4 Reasonable Attorney's Fees. In the event any action is brought to enforce, modify or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys fees and costs incurred in connection with such action or on appeal or review; said amount to be set by the court before which the matter is heard.
- 4.5 Notices. Formal notices, demands and communications between the Parties shall be deemed given three (3) business days after being sent by registered or certified mail, postage prepaid, return receipt requested to the principal offices of the Agency and the City as designated herein. Such written notices, demands and communication may be sent in the same manner to such other addresses and to such other persons and entities as either party may from time to time designate by mail as provided in this section. Notices shall be sent to the addresses shown below and to the attention of the person indicated.

The principal offices and mailing address of the Parties are:

Clackamas County
Attn: Board of County Commissioners

2051 Kaen Road
Oregon City, Oregon 97045

With a copy to:
Clackamas County Libraries
Attn: Doris Grolbert, Library Director
150 Beavercreek Road, 4th Floor
Oregon City, OR 97045

City of Gladstone
Attn: Pete Boyce, City Administrator
525 Portland Avenue
Gladstone, Oregon 97027

- 4.6 No Personal Liability. No member, official, agent, or employee of the County or any City shall be personally liable to the other or any successor-in-interest thereto in the event of any default or breach by such entity.
- 4.7 No Agency. Neither anything in this Agreement nor any acts of the parties hereto shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between any of the parties to this Agreement. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 4.8 Entire Agreement. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties or the predecessors in interest with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the party granting such waiver.
- 4.9 Further Action. The parties hereto shall, without additional consideration, acknowledge, execute, and deliver from time to time such further instruments as a requesting party may reasonably require to accomplish the purposes of this Agreement.
- 4.10 Non-Waiver of Rights. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right, power or remedy upon a breach of any provision of this Agreement shall not constitute a waiver of any provision of this Agreement or limit the party's right thereafter to enforce any provision or exercise any right.
- 4.11 Time is of the Essence. A material consideration of the parties entering into this Agreement is that the parties will perform all obligations under this Agreement

in a timely manner. Time is of the essence as to each and every provision of this Agreement.

- 4.12 Restricted Assignment. No party hereto may assign its rights, responsibilities or obligations hereunder to another party, by operation of law or otherwise, without (i) seeking and receiving an amendment of this Agreement and (ii) having said party join this Agreement on the terms, conditions and covenants herewith.
- 4.13 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.
- 4.14 Library Authority. Clackamas County operates public libraries pursuant to a board order creating public libraries for all Clackamas County residents dated July 9, 1938, as amended and updated pursuant to Board Order 85-1221 dated October 31, 1985. The Library Cities operate or in future plan to operate public libraries under state law within their boundaries. Under the District IGA, the Library Cities have agreed to provide public library services in unincorporated areas of the County as well as within City boundaries. Clackamas County nonexclusively delegates the authority to operate public libraries for the benefit of incorporated and unincorporated residents of Clackamas County to the City.

Section 5 **Transition of Oak Lodge Library**

- 5.1 Transfer of Operations. The County currently operates the Oak Lodge Public Library for the benefit of unincorporated residents in the Oak Lodge Service Area as defined in the District IGA. The City operates the Gladstone Public Library for the benefit of its citizens and a number of unincorporated residents in the surrounding area. Upon completion of a new Public Library located at 18235 Webster Road, the Oak Lodge Library will close and the City's service population will change as specified in the District IGA to include areas of the Oak Lodge service population. The City shall provide for fair representation of served library patrons on the City's library board, including patrons from unincorporated Clackamas County to comply with Section 2. .4.
- 5.2 Transfer of Employees. County employees of the Oak Lodge Public Library may be transferred to the employ of the City pursuant to ORS 236.605-640. No later than ninety (90) days before the opening of the new public library both parties agree to enter into a separate agreement regarding the transition of materials, resources and labor from the Oak Lodge Public Library to the new Public Library.
- 5.3 Transfer of Assets. The County will transfer or assign, as appropriate, to the City all assets of the Oak Lodge Public Library desired by the City as agreed by

March 2011

the parties. No later than ninety (90) days before the opening of the new public library both parties agree to enter into a separate agreement regarding the transition of materials, resources and labor from the Oak Lodge Public Library to the new Public Library.

[Signature Page Follows]

Exhibit A**Disbursement Schedule**

	Year 1 2009/10	Year 2 2010/11	Year 3 2011/12	Year 4 2012/13	Year 5 2013/14	TOTAL
Annual Distribution	3,500,000	3,000,000	2,500,000	2,000,000	1,250,000	12,250,000
Prior Year Carryover	--	1,350,000	350,000	850,000	--	
Total Funds Available	3,500,000	4,350,000	2,850,000	2,850,000	1,250,000	
Library Cities:						
<i>Canby</i>				1,000,000		1,000,000
<i>Estacada</i>	1,000,000					1,000,000
<i>Gladstone</i>		2,500,000				2,500,000
<i>Happy Valley</i>		2,000,000				2,000,000
<i>Lake Oswego</i>			1,000,000			1,000,000
<i>Milwaukie</i>				1,000,000		1,000,000
<i>Molalla</i>	150,000			850,000		1,000,000
<i>Oregon City</i>		1,000,000				1,000,000
<i>Sandy</i>			1,000,000		250,000	1,250,000
<i>West Linn</i>	1,000,000					1,000,000
<i>Wilsonville</i>					1,000,000	1,000,000
Total						13,750,000
Carryover:	1,350,000	350,000	850,000	--	--	

March 2011

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

THE CITY OF GLADSTONE	CLACKAMAS COUNTY
By: <u>Wade Byers</u>	By: <u>Charlotte J. La</u>
Title: Mayor	Title: Chair
ATTEST: <u>[Signature]</u>	ATTEST: <u>Mary Rietke</u> 4-7-11 D.1

RECORDING MEMO

<input checked="" type="checkbox"/> New Agreement/Contract
Amendment/Change Order Original Number _____
Policy, Reports, _____

ORIGINATING COUNTY
DEPARTMENT: Business and Community Services, Library

PURCHASING FOR: N/A

OTHER PARTY TO
CONTRACT/AGREEMENT: The City of Gladstone

BOARD AGENDA DATE: August 20, 2009

AGENDA ITEM NUMBER: VI, 1.

PURPOSE: Intergovernmental Agreement (IGA) between
Library District and the City of Gladstone for
District revenue.

Clackamas County Official Records
Sherry Hall, County Clerk
Commissioners' Journals
Agreements & Contracts

2009-4169

08/24/2009 09:20:03 AM

Please return to County Library, Debbie Smith after recording.
Thank you.



Dan Zinzer
Director

BUSINESS AND COMMUNITY SERVICES

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

August 20, 2009

Library District Board
Clackamas County

Members of the Board:

Cooperative Intergovernmental Agreement between the Library District of Clackamas County
and the City of Gladstone for District Revenue

Attached please find an Intergovernmental Agreement, (IGA) between the Library District of Clackamas County and the City of Wilsonville for the City to receive District revenue to provide public library service. This Agreement shall commence on July 30, 2009 and continue until terminated.

In November 2008 the eligible citizens of Clackamas County voted to authorize the creation of a county service district to support libraries at a property tax rate of \$0.3975 per \$1,000 AV, and in December 2008 the Library District of Clackamas County (the "District") was formed. The county service district structure requires the Board of County Commissioners to act as the District governing body. The Library District was formed to provide stable funding for library services throughout Clackamas County by collecting District-wide property taxes and distributing those funds directly to library service providers. This attached Library District Intergovernmental Agreement, was developed for the purpose of distributing operating funds from the newly formed Library District to library service providers. The approval of the IGA completes the process to authorize distribution of District revenue to the library cities who have also approved and signed the agreement.

Business and Community Services recommends the Library District Board approve the Library Intergovernmental Agreement between the Library District of Clackamas County and the City of Gladstone.

RECOMMENDATION:

The Business and Community Services respectfully recommends that the District Board approve and sign the attached IGA.

Sincerely,

Dan Zinzer, Director
Business and Community Services

PROPOSED FINAL MASTER IGA v.5
LIBRARY DISTRICT
2 March 2009

COOPERATIVE INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE LIBRARY DISTRICT OF CLACKAMAS COUNTY
AND
MEMBER CITIES

THIS COOPERATIVE INTERGOVERNMENTAL AGREEMENT (this "Agreement"), is entered into this ____ day of _____, 2009, by and between the Library District of Clackamas County (the "District") a county service district formed under ORS Chapter 451, and each of the Cities of Barlow, Canby, Estacada, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Molalla, Oregon City, Rivergrove, Sandy, West Linn, and Wilsonville (each, a "City" and collectively, the "Cities").

WHEREAS, voters approved formation of the District to provide financial support to the library service providers of Clackamas County (the "Library Cities"); and

WHEREAS, the Parties desire to work in a cooperative manner to support and provide library services to their residents; and

WHEREAS, many of the Cities participate in the Clackamas County-supported Library Network of Clackamas County, which is discussed in an intergovernmental agreement by and between the participating Cities and Clackamas County; and

WHEREAS, the Cities desire funding by the District and to provide the levels of service described herein;

NOW, THEREFORE, the District and Cities each covenant and agree to the following:

Section 1 Obligations of the District

- 1.1 District Board. The Board of County Commissioners acting under the provisions of ORS 451 is the governing body of the District and shall be known as the District Board.

- 1.2 District Advisory Committee. The District Board shall organize and appoint a District Advisory Committee consisting of one nominee from each Library City consistent with the policies and procedures of Clackamas County and/or the District for advisory committees. The District Board shall appoint the individual nominated by the Library City governing body to fill the service area's representative seat. The District Advisory Committee shall be responsible for meeting at least annually to consider: (i) the evaluation reports of participating libraries as submitted pursuant to Section 2.3, (ii) any proposed changes to this Agreement pursuant to the amendment process described in Section 3.3, and (iii) any impact of the annexation or withdrawal of territory from the District pursuant to Sections 3.4 and 3.5 hereof.

- 1.3 District Budget Committee. State law also requires that the District constitute a Budget Committee consisting of the members of the District Board and an equal number of citizens, who may be nominated pursuant to existing County budget committee procedures. The role and responsibilities of the Budget Committee shall be as set forth in the applicable statutes.
- 1.4 District Revenue. The District has a permanent tax rate of \$0.3974 per \$1,000 of assessed value, collected from all parcels of real property in the District.
- 1.5 Distribution of Revenue. Revenues generated by the District permanent rate, including delinquent taxes, are allocated, appropriated and expended pursuant to the budget adopted by the District Board. The District Board agrees to allocate, appropriate, and distribute the funds of the District pursuant to the formula as defined on Attachment A (the "Formula") for the service areas as shown on the maps included as Attachment B ("Service Area Maps"). The Formula may be reevaluated as necessary by the Parties to this Agreement. Any change to the Formula shall occur as an amendment to this Agreement.
- 1.6 Transition Payments. The parties hereto acknowledge and agree that the District shall distribute funds to Clackamas County for the operation of the Clackamas Corner and Oak Lodge Libraries pursuant to the alternative Service Area Maps described on Attachment B until such time as the City of Happy Valley and the City of Gladstone construct facilities sufficient to serve such area. During the term of such distributions, the Parties anticipate that the County libraries will be operated in a manner consistent with the Service Standards. Upon completion of such facilities, distributions shall be made based on the indicated Service Area Maps. To the extent the annual distribution of funds to Clackamas County is greater than the annual need to operate such libraries, the District shall retain such funds in trust for the Cities of Gladstone and/or Happy Valley, respectively, for distribution at such time as such City is constructing new library facilities.
- 1.7 Library Authority. Clackamas County operates public libraries pursuant to a board order creating public libraries for all Clackamas County residents dated July 9, 1938, as amended and updated pursuant to Board Order 85-1221 dated October 31, 1985. The District has received a delegation of such authority from Clackamas County to operate as a public library for the benefit of incorporated and unincorporated residents of Clackamas County pursuant to an Intergovernmental Agreement. To the extent necessary to insure the legal and effective functioning of the public libraries of Clackamas County but in no way intended to limit or otherwise restrict the powers or abilities of the City service providers to operate public libraries, the District hereby delegates such authority to operate public libraries for the benefit of incorporated and unincorporated residents of Clackamas County to each City service provider a party hereto or as may join this Agreement from time to time.

Section 2 Obligations of the Cities

- 2.1 Use of Funds. The Library Cities will use District revenue to provide public library service, and shall expend the entire library revenue paid under this Agreement in accordance with the purpose for which it was provided by implementing a plan to achieve the Service Standards. For the purposes of this Agreement, "Service Standards" shall mean (i) the standards described on Attachment C, (ii) the provision of services to all District residents on the same terms, and (iii) the proper expenditure of funds as described in this Section 2.1. District funds may not be used to support general overhead or administrative costs of Cities except to the extent such overhead or administrative costs are directly related to the provision of library services and/or the operation of a public library. It is the intention of the parties to work cooperatively in helping each city make progress in meeting the Service Standards.
- 2.2 Library Management. Library Cities retain administrative control over the library and library services in its service population. Each such City is responsible for developing library services based on the needs of its service population and the available revenue. The Library Cities will cooperate with the District Advisory Committee to assist in the review of library services to District residents.
- 2.3 Cooperation and Reporting. Each Library City will cooperate to the maximum extent practicable with other participating Cities to form standardized rules, procedures, and programs that affect the District and the provision of library services in Clackamas County as a whole. Each Library City will provide the District with (i) copies of its annual report to the State of Oregon regarding the provision of library services, (ii) a report on its efforts to meet OLA Threshold Standards as defined on Attachment C, and (iii) any supplemental reports that the District through both the District Advisory Committee and the District Board may require.

Section 3 Term and Amendment

- 3.1 Term. This Agreement shall commence on July 1, 2009 and continue until terminated as set forth herein.
- 3.2 Termination. This Agreement shall terminate upon the dissolution of the District.
- 3.3 Amendment. Except as specifically provided in Section 4.14, this Agreement may be amended at any time upon the agreement of the District and two-thirds of the Library Cities; *provided, however*, that any amendment that would amend that portion of the Formula providing for the return of one hundred percent (100%) of revenue collected within a City service provider's boundaries to such City service provider shall require the unanimous consent of all Cities serving on the District Advisory Committee.

- 3.4 Changes in District Territory. The parties hereto recognize that during the term of this Agreement changes in the District territory may occur, such as (i) territory outside the District may annex into the District, (ii) territory currently in the District may withdraw by annexation into a non-participating City, or (iii) unincorporated territory currently in the District may annex into a participating City. The District shall inform the District Advisory Committee of any such changes, and the District Advisory Committee shall review the Service Area Maps and the Formula and recommend any amendments to this Agreement necessary to adjust for such changes.
- 3.5 Incorporation of a City within District Boundaries. Should an unincorporated area within the District choose to incorporate during the life of the District, the District Advisory Committee shall make a recommendation to the District Board of whether the newly-incorporated city qualifies as a service provider as such term is generally used in this Agreement, and if so to what extent the Formula should be adjusted to allow for a distribution to such new service provider. If the newly-incorporated city does not qualify as a service provider, the District Advisory Committee shall make a recommendation to the District Board regarding the impact, if any, of the new city on the provision of library services. Any proposed changes shall be addressed as an amendment to this Agreement.

Section 4 General Provisions

- 4.1 Indemnification. Each party shall release, defend, indemnify and/or hold harmless the other, its officers, commissioners, councilors, elected officials, employees, and agents, from and against all damages, claims, injuries, costs, or judgments that may in any manner arise as a result of the party's performance under this contract, subject to Oregon Tort claims limitations.
- 4.2 Governing Law. This Agreement shall be construed and governed in all respects in accordance with laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- 4.3 Savings. Should any portion of this Agreement or amendment there to be adjudged by a Court of appropriate final jurisdiction to be in violation of any local, state or federal law, then such portion or portions shall become null and void, and the balance of the Agreement shall remain in effect. All Parties shall immediately renegotiate any part of this Agreement found to be in such violation by the Court and to bring it into compliance with said laws.
- 4.4 Reasonable Attorney's Fees. In the event any action is brought to enforce, modify or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys fees and costs incurred in connection with such action or on appeal or review; said amount to be set by the court before which the matter is heard.

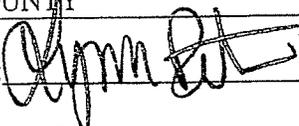
- 4.5 Notices. Formal notices, demands and communications between the Parties shall be deemed given three (3) business days after being sent by registered or certified mail, postage prepaid, return receipt requested to the principal offices of the party hereto, or upon confirmation of receipt via facsimile, electronic transmission, or hand delivery. Such written notices, demands and communication may be sent in the same manner to such other addresses and to such other persons and entities as either party may from time to time designate by mail as provided in this section.
- 4.6 No Personal Liability. No member, official, agent, or employee of the County, the District, or any City shall be personally liable to the other or any successor-in-interest thereto in the event of any default or breach by such entity.
- 4.7 No Agency. Neither anything in this Agreement nor any acts of the parties hereto shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between any of the parties to this Agreement. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 4.8 Entire Agreement. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties or the predecessors in interest with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the party granting such waiver.
- 4.9 Further Action. The parties hereto shall, without additional consideration, acknowledge, execute, and deliver from time to time such further instruments as a requesting party may reasonably require to accomplish the purposes of this Agreement.
- 4.10 Non-Waiver of Rights. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right, power or remedy upon a breach of any provision of this Agreement shall not constitute a waiver of any provision of this Agreement or limit the party's right thereafter to enforce any provision or exercise any right.
- 4.11 Time is of the Essence. A material consideration of the parties entering into this Agreement is that the parties will perform all obligations under this Agreement in a timely manner. Time is of the essence as to each and every provision of this Agreement.
- 4.12 Restricted Assignment. No party hereto may assign its rights, responsibilities or obligations hereunder to another party, by operation of law or otherwise, without (i) seeking and receiving an amendment of this Agreement, (ii) having said party join this Agreement on the terms, conditions and covenants herewith, and (iii) with a demonstration that such new party has the capability and

durability to meet or exceed the levels of library service currently being provided by the party seeking to assign. The District Advisory Committee shall evaluate any request for assignment and make a recommendation to the District Board regarding the granting or denial of the same based on the above criteria, including the District Advisory Committee's determination of criteria (iii) above.

4.13 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

4.14 Enforcement of Terms. The Parties hereto recognize that the District is relying on the good faith and commitments of the Library Cities to utilize the funding provided by the District in the promised manner. The Parties expect that to the extent there is any noncompliance or breach of this Agreement, the Parties will discuss such noncompliance or breach in the District Advisory Committee and encourage an effort towards compliance. If discussions and encouragement do not remedy the continued failure of a party to meet the Service Standards or other term of this Agreement, then the District Advisory Committee shall meet to consider an amendment to this Agreement to create incentives for compliance, including but not limited to withholding of District funds, reallocation of unincorporated residents to neighboring service areas, or other such actions as may be deemed appropriate. The Parties hereto agree that in an event of a material breach of this Agreement by one of the Parties, an amendment proposed to specifically address such breach shall require a two-thirds vote of the Library Cities, including but not limited to any amendment which would reduce the breaching City's 100% return on assessments within such City's boundaries, either via a Formula amendment or otherwise.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS, AS THE GOVERNING BODY OF THE
LIBRARY DISTRICT OF CLACKAMAS COUNTY
By: 
Title: Chair
ATTEST: 

8-20-09 VII.1

THE CITY OF BARLOW	THE CITY OF CANBY
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF ESTACADA	THE CITY OF GLADSTONE
By: _____	By: <i>Wade Byers</i>
Title: _____	Title: <i>Mayor</i>
ATTEST: _____	ATTEST: <i>[Signature]</i>

THE CITY OF HAPPY VALLEY	THE CITY OF LAKE OSWEGO
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF MILWAUKIE	THE CITY OF MOLALLA
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF OREGON CITY	THE CITY OF RIVERGROVE
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF SANDY	THE CITY OF WEST LINN
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF WILSONVILLE	
By: _____	
Title: _____	
ATTEST: _____	

Attachment A

1. For the purposes of this Agreement, the "Formula" shall be calculated consistent with the following concepts:
 - a. The District rate is \$0.3974 per \$1000 of assessed value.
 - b. Each year the District will receive the amount collected for the year plus delinquent taxes recovered from the previous year. The District will distribute funds when received using the formula described below and shown in the example.
2. The Formula has two components:
 - a. City Assessed Value Component: The annual distribution to a Library City for properties within its boundaries shall equal the assessed value of such Library City's properties, as established annually by the Clackamas County Assessor, divided by the total assessed value of all properties in the District. This determines the Assessed Value Percentage Rate for each Library City. Each Library City will receive funds equal to the Assessed Value fund amount multiplied by its individual Assessed Value Percentage Rate.
 - b. Unincorporated Population Served Component: After calculation of each Library City's Assessed Value fund amount, the District shall calculate the remaining funds to be distributed (the "Remainder Amount") and distribute those funds based on the Unincorporated Population Served Percentage Rate based on the Service Area Maps attached to this Agreement as Attachment B. The term "Unincorporated Population" will also include residents of those cities that do not provide library services.

The Unincorporated Population Served Percentage Rate is determined by the number of unincorporated residents served by each City as allocated on the Service Area Maps divided by the total number of unincorporated residents within the District. Each Library City will receive funds equal to the Remainder Amount multiplied by its individual Unincorporated Service Area Percentage Rate.
3. Prior year recovered delinquencies and interest earned: Recovered delinquent taxes combined with any interest earned will be distributed to Library Cities based on the distribution percentage allocations calculated in the previous tax year.

Below are examples of the distribution of funds based on 2008 assessed values and population figures. The spreadsheet assumes the new Gladstone/Oak Lodge and Happy Valley libraries have not yet been constructed.

Library District Distribution Formula

Assessed Value 2008		
Total County Assessed Value (AV)	\$32,936,836,893	100%
Less: Non-Participating City AV	\$(1,239,770,249)	-4%
Equals: Total Library District AV	\$31,697,066,644	96%
Participating Cities:	Assessed Value	
Canby	\$999,941,295	6%
Estacada	\$179,662,976	1%
Gladstone	\$635,886,719	4%
Happy Valley	\$1,508,430,197	9%
Lake Oswego	\$4,756,391,295	28%
Milwaukie	\$1,467,817,328	9%
Molalla	\$409,821,923	2%
Oregon City	\$2,002,572,357	12%
Sandy	\$551,473,814	3%
West Linn	\$2,655,549,376	16%
Wilsonville	\$1,652,437,025	10%
Total Participating Cities AV	\$16,819,984,305	100%
Total Library District AV	\$31,697,066,644	100%
Less: Participating Cities AV	\$(16,819,984,305)	-53%
Equals: Unincorporated AV in District	\$14,877,082,339	47%

Unincorporated Population Served 2008		
Canby	10,221	6%
Estacada	16,802	9%
Gladstone	8,506	5%
Happy Valley (Town Center)	32,373	18%
Lake Oswego	3,305	2%
Milwaukie	10,756	6%
Molalla	15,001	8%
Oregon City	28,015	15%
Sandy	22,236	12%
West Linn	5,691	3%
Wilsonville	3,421	2%
Oak Lodge	28,036	15%
	184,363	100%

Example Distribution Calculation Assuming \$12 million in tax receipts		
Total District Tax Receipts		
Total Tax Collected	\$12,000,000	100%
City Assessed Value	\$6,367,776	53%
Unincorporated Population Served	\$5,632,224	47%

City Distribution of Receipts				
	Assessed Value	Pop Served	Total	%
			\$	
Canby	\$378,562	\$312,248	\$690,810	6%
Estacada	\$68,018	\$513,295	\$581,313	5%
Gladstone	\$240,736	\$259,855	\$500,592	4%
Happy Valley (Town Center)	\$571,067	\$988,984	\$1,560,051	13%
Lake Oswego	\$1,800,693	\$100,967	\$1,901,660	16%
Milwaukie	\$555,692	\$328,592	\$884,284	7%
Molalla	\$155,152	\$458,275	\$613,427	5%
Oregon City	\$758,142	\$855,848	\$1,613,990	13%
Sandy	\$208,779	\$679,302	\$888,081	7%
West Linn	\$1,005,348	\$173,858	\$1,179,206	10%
Wilsonville	\$625,586	\$104,510	\$730,096	6%
Oak Lodge	\$-	\$856,490	\$856,490	7%
	\$6,367,776	\$5,632,224	\$12,000,000	100%

Attachment B

Service population maps are included as Attachment B.

1. The maps divide Clackamas County into library service areas. These areas are based on distance, roads, rivers, travel patterns, etc. and are intended to define where people are most likely to receive library service, and to give a Library City the ability to meet the library threshold standards in Attachment C. Each Library City's service area has been constructed by assigning Census tracts into library service areas. Based on census data compiled every 10 years, the population in each census tract will be verified and then the total unincorporated population within each service area will be used to calculate the Formula.
2. For the continuation of library service to the citizens in the Oak Lodge and Clackamas Corner areas, the service area boundaries and population served totals will not change until the new Happy Valley Library is open and the new Gladstone/Oak Lodge Library is open. As each new facility is opened to the public, the service population will be adjusted to the new agreed-upon boundaries found in this Attachment. The population service area changes and resulting increase in payments for unincorporated population served will take place in the fiscal year following the library opening.

[See attached maps]

Attachment C
Service Standards

The Parties agree that all library service providers shall strive to meet OLA Threshold Standards, with a particular emphasis on:

STAFFING: Provide qualified staff employed by the library as outlined in the table below:

Population Served	Threshold Staffing Level
0 - 2,499	0.5 FTE, with high school diploma
2,500 - 4,999	0.35 FTE/1,000 served. Director has B.A.
5,000 - 9,999	0.35 FTE/1,000 served. Director has B.A.
10,000 - 24,999	0.35 FTE/1,000 served. Director has MLS.
25,000 - 49,999	0.35 FTE/1,000 served. Director has MLS. 1/5 of staff has MLS.
50,000 - 499,999	0.33 FTE/1,000 served. Director has MLS. 1/5 of staff has MLS.

MATERIALS: Provide the number of volumes in the library's total collection as spelled out in the table below:

Population served	Threshold Materials
0 - 49,999	Material collection of 5,000 items or two items per capita, whichever is greater.
50,000+	Material collection of two items per capita.

ACCESS: Provide and post open hours which fit the community's need, including evening and weekend hours, and provide the minimum standards listed in the table below:

Population served	Threshold
0 - 4,999	20 hours
5,000 - 9,999	30 hours
10,000 - 24,999	40 hours
25,000 +	50 hours

NOTE: Total staffing levels and material volumes may be constrained by current facility size limitations. The Parties understand and agree that a strategic plan that recognizes such size limitations and adjusts staff and material goals accordingly is an acceptable implementation of this standard.

City of **GLADSTONE**

August 5, 2009

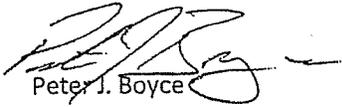
Doris Grolbert
Oak Grove Library
16201 SE McLoughlin Blvd.
Oak Grove, OR 97267

Re: Library District IGA

Dear Doris:

The Gladstone City Council approved the Cooperative Intergovernmental Agreement between the Library District of Clackamas County and Member Cities at its meeting on July 14, 2009. Please find enclosed a signed copy of the IGA.

Sincerely,


Peter J. Boyce
City Administrator

enc

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.us
Website:
www.ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@
ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 655-8211
Website:
www.ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
Website:
www.ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438
E-Mail: qire@lincc.lib.or.us

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

Preliminary Project Schedule (February 1, 2016)
 Gladstone City Hall and Library
 Gladstone, Oregon

ID	Task Name	Start	End	Duration	Notes
1	Project Kick-off Meeting	Feb 01 2016	Feb 01 2016	0 days	
2	Pre-Design	Feb 01 2016	Feb 01 2016	159 days	
3	City Council Approval #1	Feb 01 2016	Feb 01 2016	3 days	
4	City Council Approval #2	Feb 01 2016	Feb 01 2016	0 days	
5	Develop RFP for Architect	Feb 01 2016	Feb 01 2016	3 weeks	
6	Architect RFP	Feb 01 2016	Feb 01 2016	2 weeks	
7	RFP Response Period	Feb 01 2016	Feb 01 2016	4 weeks	
8	RFP Evaluation Period	Feb 01 2016	Feb 01 2016	1 week	
9	Interviews & Proposals	Feb 01 2016	Feb 01 2016	0 days	
10	Presentations of Recommendations to City	Feb 01 2016	Feb 01 2016	0 days	
11	Notice of Intent to Award	Feb 01 2016	Feb 01 2016	2 weeks	
12	Appeal Period	Feb 01 2016	Feb 01 2016	2 weeks	
13	Contract Negotiation	Feb 01 2016	Feb 01 2016	0 days	
14	City Approval of Contract Notice to Proceed	Feb 01 2016	Feb 01 2016	29 days	
15	Community Outreach	Feb 01 2016	Feb 01 2016	2 weeks	
16	Prepare for Community Outreach Meetings	Feb 01 2016	Feb 01 2016	2 weeks	
17	Advertise for Community Outreach Meetings	Feb 01 2016	Feb 01 2016	2 weeks	
18	Community Outreach Meeting #1 - Gladstone	Feb 01 2016	Feb 01 2016	0 days	
19	Community Outreach Meeting #2 - Oak Lodge	Feb 01 2016	Feb 01 2016	0 days	
20	Community Outreach Meeting #3 - Presentation of Findings to Community	Feb 01 2016	Feb 01 2016	0 days	
21	Review Community Outreach Findings and Schedule	Feb 01 2016	Feb 01 2016	2 weeks	
22	Outreach Findings from Community	Feb 01 2016	Feb 01 2016	0 days	
23	Present Findings to City Council	Feb 01 2016	Feb 01 2016	0 days	
24	Outreach Findings Report Based on Reflected Project Program	Feb 01 2016	Feb 01 2016	2 weeks	
25	City Council Update	Feb 01 2016	Feb 01 2016	1 week	
26	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
27	Request Proposals	Feb 01 2016	Feb 01 2016	45 days	
28	Request Proposals	Feb 01 2016	Feb 01 2016	2 weeks	
29	Request Proposals	Feb 01 2016	Feb 01 2016	6 weeks	
30	Request Proposals	Feb 01 2016	Feb 01 2016	45 days	
31	Request Proposals	Feb 01 2016	Feb 01 2016	2 weeks	
32	Request Proposals	Feb 01 2016	Feb 01 2016	6 weeks	
33	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
34	Request Proposals	Feb 01 2016	Feb 01 2016	333 days	
35	Request Proposals	Feb 01 2016	Feb 01 2016	45 days	
36	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
37	Request Proposals	Feb 01 2016	Feb 01 2016	4 weeks	
38	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
39	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
40	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
41	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
42	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
43	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
44	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
45	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
46	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
47	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
48	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
49	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
50	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
51	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
52	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
53	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
54	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
55	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
56	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
57	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
58	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
59	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
60	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
61	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
62	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
63	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
64	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
65	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
66	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
67	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
68	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
69	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
70	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
71	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
72	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
73	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
74	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
75	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
76	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
77	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
78	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
79	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
80	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
81	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
82	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	
83	Request Proposals	Feb 01 2016	Feb 01 2016	0 days	

Preliminary Project Schedule (February 1, 2016)
 Gladstone City Hall and Library
 Gladstone, Oregon

ID	Task Name	Start	Finish	Duration	Notes
84	Addressing the Project Needs	01/20/16	Wed 02/20/16	1 wk	
85	Order Review of Advertisements	01/20/16	Wed 02/20/16	1 wk	
86	Submit Advertisements	01/20/16	Wed 02/20/16	1 wk	
87	Land Use Map Revisions	01/20/16	Wed 02/20/16	1 wk	
88	Proprietary Land Use Application	01/20/16	Wed 02/20/16	1 wk	
89	Application Review Period	01/20/16	Wed 02/20/16	1 wk	
90	Public Hearing (Public)	01/20/16	Wed 02/20/16	1 wk	
91	Final Review	01/20/16	Wed 02/20/16	1 wk	
92	Respond to Plan Review Comments	01/20/16	Wed 02/20/16	1 wk	
93	Final Review	01/20/16	Wed 02/20/16	1 wk	
94	Building Permit Issued	01/20/16	Wed 02/20/16	1 wk	
95	Selection of CM@RISK and Construction	01/20/16	Wed 02/20/16	1 wk	
96	Start of Construction	01/20/16	Wed 02/20/16	1 wk	
97	Advertise RFP	01/20/16	Wed 02/20/16	1 wk	
98	RFP Issues Final	01/20/16	Wed 02/20/16	1 wk	
99	RFP Evaluation Period	01/20/16	Wed 02/20/16	1 wk	
100	Shortlist of Proposals	01/20/16	Wed 02/20/16	1 wk	
101	Preparation of Recommendations to City Council	01/20/16	Wed 02/20/16	1 wk	
102	City Council Approval	01/20/16	Wed 02/20/16	1 wk	
103	Contract Negotiation	01/20/16	Wed 02/20/16	1 wk	
104	City Approval of Contract (Notice to Proceed)	01/20/16	Wed 02/20/16	1 wk	
105	Development of GUP	01/20/16	Wed 02/20/16	1 wk	
106	Updated Preliminary GUP	01/20/16	Wed 02/20/16	1 wk	
107	Subcontractor Bidding	01/20/16	Wed 02/20/16	1 wk	
108	Subcontractor Bid-Out	01/20/16	Wed 02/20/16	1 wk	
109	Construction	01/20/16	Wed 02/20/16	1 wk	
110	New Library/City Hall Building	01/20/16	Wed 02/20/16	1 wk	
111	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
112	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
113	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
114	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
115	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
116	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
117	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
118	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
119	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
120	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
121	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
122	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
123	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
124	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
125	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
126	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
127	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
128	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
129	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
130	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
131	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
132	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
133	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
134	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
135	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
136	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
137	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
138	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
139	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
140	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
141	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
142	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
143	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
144	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
145	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
146	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
147	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
148	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
149	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
150	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
151	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
152	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
153	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
154	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
155	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	
156	Neighborhood Abatement	01/20/16	Wed 02/20/16	1 wk	

