

**UMATILLA CITY COUNCIL
SPECIAL MEETING
A G E N D A
COUNCIL CHAMBERS
JUNE 18, 2019
6:00 P.M.**

1. MEETING CALLED TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. CITY MANAGER'S REPORT

5.1 West County Housing Study Results *pages 1-43*

6. NEW BUSINESS

6.1 Resolution No. 78-2019 – A Resolution Authorizing Electronic Advertising for all City Contracts *pages 44-46*

6.2 Resolution No. 79-2019 – A Resolution to Award Contractor Jesse Rodriguez a Contract in the Amount of \$2,342,073 for Construction of the City of Umatilla Industrial Discharge Facility Project and to Delegate Authority to City Manager Stockdale to Sign all Contract Documents and any Future Amendments Associated with this Agreement *pages 47- 68*

6.3 Resolution No. 80-2019 – A Resolution Authorizing City Manager Stockdale to Sign an Easement for Kiwanis Park *pages 69- 73*

7. DISCUSSION ITEMS

7.1 Code 4-1-5-18 Discussion (Poultry) *pages 74-92*

7.2 Council Goals *pages 93-101*

7.3 Downtown Revitalization Grant Application *pages 102-114*

7.4 Water Management & Conservation Plan *pages 115-160*

8. ADJOURN

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JUNE 7, 2019

HOUSING STRATEGIES REPORT

CITY OF UMATILLA, OREGON

FINAL



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This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

1. Introduction and Overview

Having affordable, quality housing in safe neighborhoods with access to community services is essential for all Oregonians. Like other cities in Oregon, the City of Umatilla is responsible for helping to ensure that its residents have access to a variety of housing types that meet the housing needs of households and residents of all incomes, ages and specific needs. Towards that end, the City participated in the 2019 West Umatilla County Housing Study project with the Cities of Echo and Stanfield. The Housing Study included two reports, a Housing and Residential Land Needs Assessment and a Residential Buildable Lands Inventory (BLI). Findings from these reports can be used to inform future amendments to the City's Comprehensive Plan and Zoning Ordinance to support housing needs, consistent with Statewide Planning Goal 10 (Housing). Goal 10 states that the City must:

“encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”

This report includes the following information intended to help the City update its Comprehensive Plan:

- Findings associated with existing and future housing needs that can be incorporated into narrative sections of the City's Comprehensive Plan.
- Recommended new or updated Comprehensive Plan policies for housing.
- Recommended measures that the City can consider in the future and use to help meet future housing needs.

The first two elements above have been drafted for incorporation into the City's Comprehensive Plan Housing Element as part of a subsequent legislative update. This report, the Housing and Residential Land Needs Assessment, and the Residential BLI can be referenced in the Comprehensive Plan as technical, ancillary documents that support the housing-related findings and policy direction in the Comprehensive Plan.

This report, along with the accompanying Housing and Residential Land Needs Assessment and the BLI maps, was prepared in coordination with Umatilla City staff and a Project Advisory committee that included representatives from the regional real estate and development community. Members of the community also provided input on existing conditions, opportunities, and constraints related to housing and the findings of the draft reports at two public open houses. The project was funded by a grant from the Oregon Department of Land Conservation and Development (DLCD) and DLCD staff participated in managing the grant and reviewing materials prepared for the project.

2. Housing Conditions and Trends (Comprehensive Plan Findings)

The following is introductory information, a summary of data and findings from the Housing and Residential Land Needs Assessment Report, and a brief summary of potential housing strategies that can ultimately be incorporated into the Umatilla Comprehensive Plan as supporting narrative for Chapter 10 - Housing. Unless otherwise noted, the following findings refer to the Umatilla Urban Growth Boundary (UGB) area, not the city limits.

INTRODUCTION

Having affordable, quality housing in safe neighborhoods with access to community services is essential for all Oregonians. Like other cities in Oregon, the City of Umatilla is responsible for helping to ensure that its residents have access to a variety of housing types that meet the housing needs of households and residents of all incomes, ages, and specific needs. The City does this primarily by regulating residential land uses within the City, and working with and supporting non-profit and market rate developers, and other housing agencies in developing needed housing.

The City sought and received grant funding from the State of Oregon in 2019 to undertake a Housing Needs Analysis project and to proactively plan for future housing needs in Umatilla. The City has undertaken and will continue to implement and update a variety of activities to meet current and future housing needs:

- Conduct and periodically update an analysis of current and future housing conditions and needs. The City most recently conducted this analysis in 2019 through the Housing Needs Analysis planning project. The results are summarized in this element of the Comprehensive Plan and described in more detail in a supporting Housing and Residential Land Need Assessment Report.
- Conduct and periodically update an inventory of buildable residential land (BLI) to ensure that the City has an adequate supply of land zoned for residential use to meet projected future needs. The City most recently conducted this analysis in 2019. The results are summarized in this element of the Comprehensive Plan and described in more detail in a supporting Buildable Lands Inventory Report.
- Adopt and amend, as needed, a set of housing-related Comprehensive Plan policies to address future housing needs.
- Regularly update and apply regulations in the City's Zoning and Subdivision Ordinances to meet housing needs identified in the Comprehensive Plan and supporting documents.
- Implement additional strategies to address housing needs in partnership with State and County agencies and other housing organizations. Potential strategies are described in more detail in the 2019 City of Umatilla Housing Strategies Report.

The remainder of this chapter summarizes these topics in more detail.

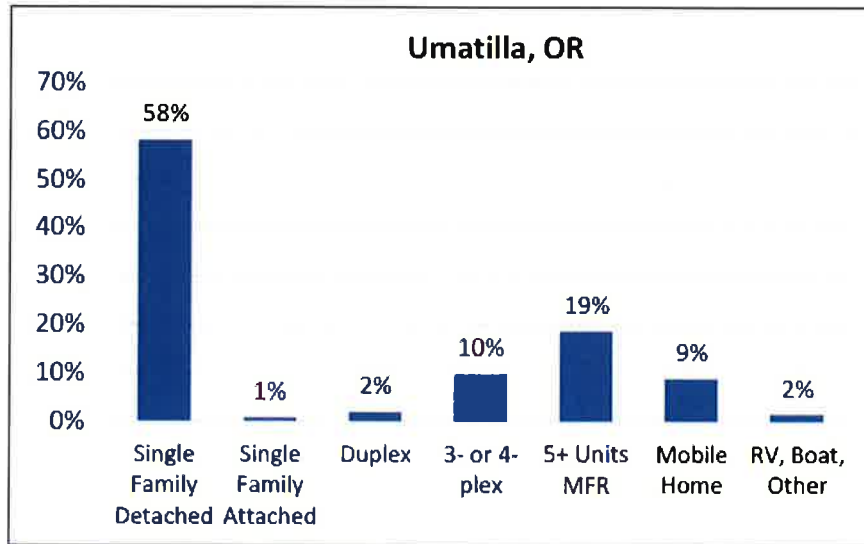
DEMOGRAPHIC CONDITIONS AND TRENDS

- Umatilla is a City of an estimated 7,320 people (City), and 8,834 people (UGB), located in Umatilla County in Northeastern Oregon. An estimated 17% of the population in the UGB lives outside the city limits.
- Umatilla has experienced rapid growth, growing over 47% in population since 2000. In contrast, Umatilla County and the state experienced population growth of 14% and 21% respectively. The City of Hermiston grew 37% over this period. (US Census and PSU Population Research Center).
- Umatilla's population is forecasted to grow to 12,664 by 2039, an increase of 3,830 people, or about 43% from the 2018 population estimate.
- The Umatilla was home to an estimated 2,247 households in 2018, an increase of roughly 550 households since 2000. The percentage of families fell slightly between 2000 and 2018 from 78% to 74% of all households. The City has a larger share of family households than Umatilla County (68%) and the state (63%).
- Umatilla's estimated average household size is 3.15 persons, holding stable since 2000. This is higher than the Umatilla County average of 2.67 and the statewide average of 2.47.

HOUSING CONDITIONS AND TRENDS

- **Housing Tenure.** Umatilla has a close to even divide between owner households than renter households. The 2017 American Community Survey estimates that 51% of occupied units were owner occupied, and 49% renter occupied. The ownership rate in Umatilla has fallen from 60% since 2000. During this period the statewide rate fell from 64% to 62%. Nationally, the homeownership rate has nearly reached the historical average of 65%, after the rate climbed from the late 1990's to 2004 (69%). The estimated ownership rate is higher in Umatilla County (66%) and statewide (61%).
- **Housing Stock.** Umatilla UGB had an estimated 2,240 housing units in 2018, with a very low estimated vacancy rate (includes ownership and rental units). Figure 1 shows the estimated number of units by type in 2017. Detached single-family homes represent an estimated 58% of housing units. Units in larger apartment complexes of 5 or more units represent 19% of units, and other types of attached homes represent an additional 13% of units. Note that in this analysis attached homes, or "attached single family" housing types generally includes townhomes, some condo flats, and complexes which are separately metered. Mobile homes represent 9% of the inventory.

Figure 1. Estimated Share of Units, By Property Type, 2017



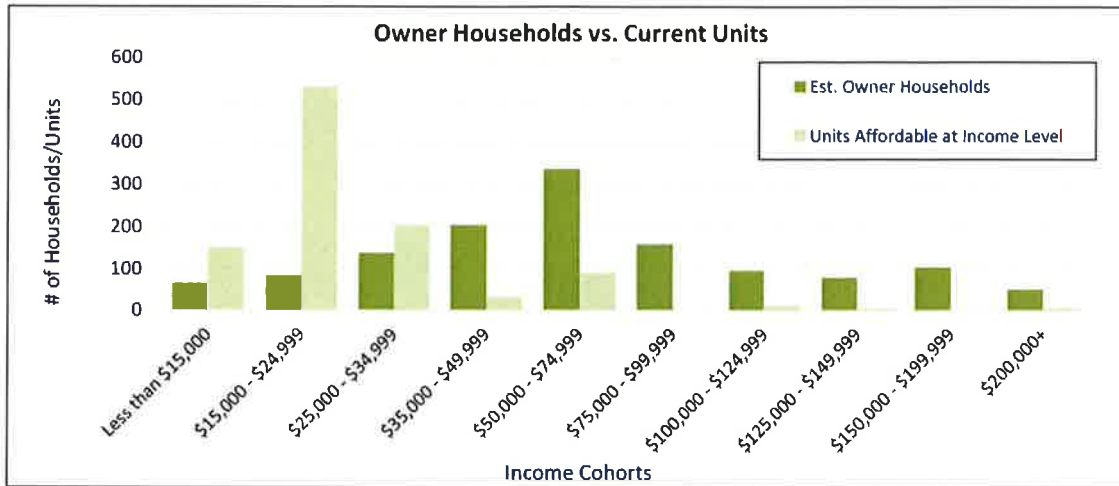
SOURCE: City of Umatilla, Census ACS 2017

CURRENT HOUSING NEEDS

A comparison of estimated current housing demand with the existing supply identifies the existing discrepancies between needs and the housing that is currently available. Figures 2 and 3 compare the estimated number of households in given income ranges, and the supply of units currently affordable within those income ranges. The data is presented for owner and renter households.

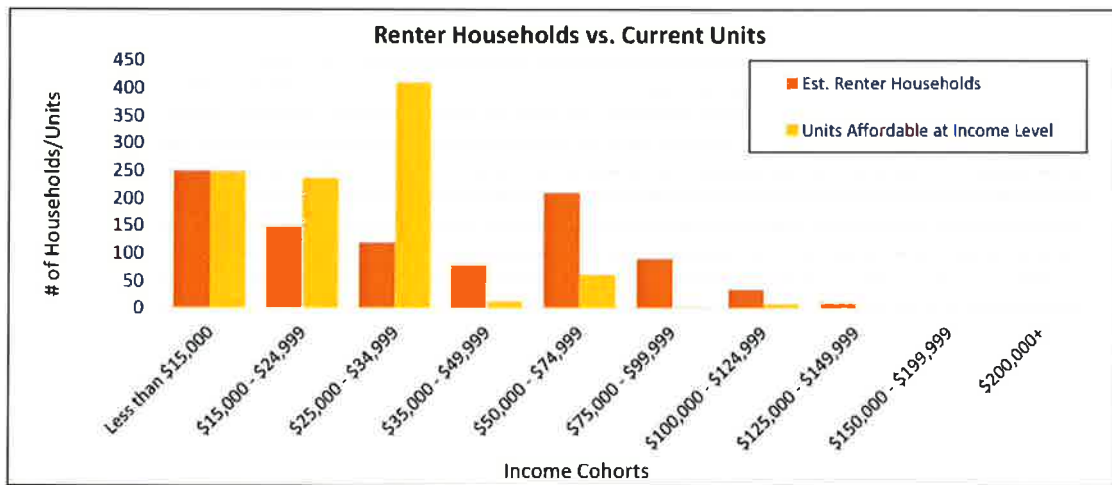
- In general, this identifies that there is currently support for more ownership housing at price ranges above \$200,000. This is because most housing in Umatilla is clustered at the low to middle price points, while analysis of household incomes and ability to pay indicates that some could afford housing at higher price points.
- The analysis finds that most rental units are currently found at the lower end of the rent spectrum, therefore the supply of units priced at \$900 or lower is estimated to be sufficient. This represents the current average rent prices in Umatilla, where most units can be expected to congregate. There is an indication that some renter households could support more units at higher rental levels. Rentals at more expensive levels generally represent single family homes for rent.
- In general, these findings demonstrate that there are sufficient housing opportunities at lower price points than might be considered “affordable” for many owner or renter households, while the community may be able to support some new single-family housing at a higher price point, or newer units at a higher rent point.

Figure 2. Comparison of Owner Household Income Groups to Estimated Supply Affordable at Those Income Levels



Sources: PSU Population Research Center, City of Umatilla, Census, JOHNSON ECONOMICS

Figure 3. Comparison of Renter Household Income Groups to Estimated Supply Affordable at Those Income Levels



Sources: PSU Population Research Center, City of Umatilla, Census, JOHNSON ECONOMICS

PROJECTED HOUSING NEEDS

The projected future (20-year) housing profile in the study area is based on the current housing profile (2018), multiplied by an assumed projected future household growth rate. The projected future growth is the official forecasted annual growth rate (1.73%) for 2040 generated by the PSU Oregon Forecast Program. This rate is applied to the year 2039. The profile of occupied future housing demand was

compared to the current housing inventory to determine the total future need for new housing units by type and price range.

- Figure 4 shows a projected increase of 58% in homeownership rates in Umatilla over the next 20 years, which would remain lower than the current statewide average (62%). The shift to older and marginally higher income households is moderate but is projected to increase the homeownership rate somewhat. At the same time, the number of lower income households seeking affordable rentals is also anticipated to grow.
- As shown in Figure 5, the results show a need for 1,151 new housing units by 2039. Of the new units needed, roughly 66% are projected to be ownership units, while 34% are projected to be rental units. This is due to the forecast of a slightly higher homeownership rate.
- In keeping with development trends, and the buildable land available to Umatilla, single family units are expected to make up the greatest share of new housing development over the next 20 years. 61% of the new units are projected to be single family detached homes, while 28% is projected to be some form of attached housing, and 10% are projected to be mobile homes, and 1% are expected to be RV or other temporary housing.
- There is new need at the lowest end of the rental spectrum (\$400 and less).
- Projected needed ownership units show that the supply at the lowest end of the spectrum is currently sufficient. (This reflects the estimated value of the total housing stock, and not necessarily the average pricing for housing currently for sale.) And the community could support more housing at higher price points, mostly in ranges above \$200,000

Figure 4 Projected Occupied Future Housing Demand by Income Level (2039)

Ownership				
Price Range	# of Households	Income Range	% of Total	Cumulative
\$0k - \$90k	92	Less than \$15,000	4.9%	4.9%
\$90k - \$130k	118	\$15,000 - \$24,999	6.4%	11.3%
\$130k - \$190k	192	\$25,000 - \$34,999	10.3%	21.7%
\$190k - \$210k	289	\$35,000 - \$49,999	15.6%	37.2%
\$210k - \$340k	476	\$50,000 - \$74,999	25.6%	62.9%
\$340k - \$360k	224	\$75,000 - \$99,999	12.1%	75.0%
\$360k - \$450k	135	\$100,000 - \$124,999	7.3%	82.2%
\$450k - \$540k	111	\$125,000 - \$149,999	6.0%	88.2%
\$540k - \$710k	146	\$150,000 - \$199,999	7.9%	96.1%
\$710k +	72	\$200,000+	3.9%	100.0%
Totals:	1,855		% of All:	57.6%

Rental				
Rent Level	# of Households	Income Range	% of Total	Cumulative
\$0 - \$400	360	Less than \$15,000	26.4%	26.4%
\$400 - \$600	213	\$15,000 - \$24,999	15.6%	42.0%
\$600 - \$900	173	\$25,000 - \$34,999	12.6%	54.6%
\$900 - \$1000	116	\$35,000 - \$49,999	8.5%	63.1%
\$1000 - \$1600	307	\$50,000 - \$74,999	22.4%	85.6%
\$1600 - \$1700	132	\$75,000 - \$99,999	9.6%	95.2%
\$1700 - \$2100	49	\$100,000 - \$124,999	3.6%	98.8%
\$2100 - \$2500	15	\$125,000 - \$149,999	1.1%	99.9%
\$2500 - \$3300	1	\$150,000 - \$199,999	0.1%	100.0%
\$3300 +	1	\$200,000+	0.0%	100.0%
Totals:	1,366		% of All:	42.4%

All Units
3,222

Sources: Census, Environics Analytics, JOHNSON ECONOMICS

Figure 5. Projected Future Need for NEW Housing Units (2039), Umatilla

OWNERSHIP HOUSING									
Unit Type:	Single Family Detached	Single Family Attached	Multi-Family			Mobile home	Boat, RV, other temp	Total Units	% of Units
			2-unit	3- or 4-plex	5+ Units MFR				
Totals:	621	51	0	0	0	90	0	763	66.3%
Percentage:	81.4%	6.7%	0.0%	0.0%	0.0%	11.8%	0.0%	100%	

RENTAL HOUSING									
Unit Type:	Single Family Detached	Single Family Attached	Multi-Family			Mobile home	Boat, RV, other temp	Total Units	% of Units
			2-unit	3- or 4-plex	5+ Units MFR				
Totals:	79	8	24	86	157	22	12	388	33.7%
Percentage:	20.4%	2.0%	6.1%	22.1%	40.5%	5.8%	3.1%	100%	

TOTAL HOUSING UNITS									
Unit Type:	Single Family Detached	Single Family Attached*	Multi-Family			Mobile home	Boat, RV, other temp	Total Units	% of Units
			2-unit	3- or 4-plex	5+ Units MFR				
Totals:	701	59	24	86	157	113	12	1,151	100%
Percentage:	60.9%	5.1%	2.0%	7.4%	13.7%	9.8%	1.1%	100%	

Sources: PSU, City of Umatilla, Census, Environics Analytics, JOHNSON ECONOMICS

- Figure 6 presents estimates of need at key low-income affordability levels in 2018 and new need. There is existing and on-going need at these levels, based on income levels specified by Oregon Housing and Community Services for Umatilla County, and the recent City of Umatilla Income Survey (2018). An estimated 56% of households qualify as at least “low income” or lower on the income scale, while 16% of household qualify as “extremely low income”. (The income survey used a different terminology of “low and moderate income” for these same income segments.)

Figure 6. Projected Need for Housing Affordable at Low Income Levels, Umatilla

Affordability Level	Income Level		Current Need (2018)		NEW Need (20-Year)	
			# of HH	% of All	# of HH	% of All
Extremely Low Inc.	30% AMI	\$16,650	354	16%	153	13%
Very Low Income	50% AMI	\$27,600	613	27%	266	23%
Low Income	80% AMI	\$44,160	1,256	56%	545	47%

Sources: OHCS, Environics Analytics, JOHNSON ECONOMICS

* Income levels are based on OHCS guidelines for a family of four.

AGRICULTURAL WORKER HOUSING

The State of Oregon identifies 58 units dedicated agricultural workforce housing located in four properties the City of Umatilla. This is an estimated 2.6% of the current housing supply.

Assuming that this segment of housing grows at a similar rate to all housing types, this implies a 2039 total of 88 units for the agricultural workforce, or addition of 30 units in this time.

At the same time, the State estimates numbers of migrant and seasonal farm workers (MSFW) in Umatilla County far in excess of the number of units available dedicated to this population. It is fair to estimate that the City of Umatilla, and the rest of the county, could support as much of this housing as can practically be developed given resource limitations. Therefore, continued support for such housing is appropriate.

COMPARISON OF PROJECTED NEED AND BUILDABLE LAND SUPPLY

The projected housing needs were compared with the supply of buildable residential land within the City of Umatilla UGB.

- Figure 7 presents the estimated new unit capacity of the buildable lands identified in the City of Umatilla UGB. There is a total remaining capacity of 3,493 units of different types within the study area. Much of this capacity is within the single family and medium density residential zones.
- There is a total forecasted need for roughly 1,150 units over the next 20 years based on the PSU forecasted growth rate. This is well below the estimated capacity of nearly 3,500 units. There is sufficient capacity to accommodate all projected new unit types. After this need is accommodated, there is an estimated remaining capacity of over 2,100 additional units, mostly in the high-density residential zone.
- Figure 8 shows forecasted residential need and capacity by acres, rather than units. There is a projected need for 193 acres of new residential development, but a buildable capacity of 1,253

acres. There is currently sufficient buildable capacity within Umatilla to accommodate projected need.

For more detail on these findings please refer to the Housing and Residential Land Needs Assessment Report and the Buildable Lands Inventory (BLI) maps prepared for the City.

Figure 7. Estimated Buildable Lands Capacity by Acreage and No. of Units (2019)

Jurisdiction and Zone	Projected Density (units/net acre)	Unconstrained Acres				Housing Unit Capacity			
		Partially Vacant	Vacant	Total	Share of Total	Partially Vacant	Vacant	Total	Share of Total
DR: Downtown Residential	18	0	4	4	0%	0	41	41	2%
F-2: General Rural	0.05	1	40	41	3%	0	1	1	0%
R-1: Agricultural Residential	0.25	163	63	226	18%	20	4	24	1%
R1: Single-Family Residential	5	11	558	569	45%	34	2,017	2,051	58%
R-1A: Two Acre Residential	0.5	117	36	153	12%	25	12	37	1%
R2: Medium Density Residential	8	3	200	203	16%	14	1,150	1,164	33%
R-2: Suburban Residential	1	36	1	37	3%	16	0	16	0%
R3: Multi-Family Residential	18	5	5	10	1%	60	70	130	4%
R-3: Urban Residential	5	5	5	10	1%	17	12	29	1%
Subtotal		340	912	1,253	--	186	3,307	3,493	--

Figure 8. Comparison of Forecasted Future Land Need (2039) with Available Capacity

LAND INVENTORY VS. LAND NEED	Unit Type			TOTAL
	Single Family Detached	Medium-Density Attached	Multi-Family	
Buildable Land Inventory (Acres):	1,036	203	14	1,253
Estimated Land Need (Acres):	163	21	9	193
Land Surplus (Inventory - Need:)	873	182	5	1,060

Sources: Angelo Planning Group, Johnson Economics

STRATEGIES TO ACCOMMODATE FUTURE HOUSING NEEDS

The Housing and Residential Land Needs Assessment conducted for the City in 2019 indicated that the City had an adequate supply of buildable residential land within its urban growth boundary (UGB) to meet projected housing needs during the next 20 years. If population growth occurs at a faster rate than projected at that time, the City could find that the land supply is less than projected and additional land for residential uses may be needed in the future.

Although the City is not anticipated to need to expand its UGB during the planning period, it can continue to consider and implement a variety of strategies in the future to further provide opportunities for a wide range of housing choices, efficient land use, and development of housing affordable to people with low and moderate incomes. For the planning purposes, “affordable housing” is defined as housing that is affordable to a household that spends 30% or less of its income on housing, including rent or mortgage payments and utilities. Households with low incomes are those who make 80% or less of median household income. Those with moderate incomes make 81-95% of median household income.

The City is already implementing a variety of land use and other strategies that help provide for a wide range of housing options in Umatilla. Potential strategies either not already being undertaken by the City, or with the potential to be strengthened or enhanced, are summarized in the following table. The ability to implement them will depend on available resources, community priorities and other factors.

These strategies are described in more detail in the Housing Strategies Report prepared by the City as part of its Housing Needs Analysis project in 2019.

Table 1. Overview of Recommended Housing Strategies

Potential Strategies	Primary Goal(s)
Land Supply and Regulatory Strategies	
<p>1. Urban Growth Boundary (UGB) Amendment or Adjustment (Swap) If there is a deficit of residential land and efficiency measures have been adopted to utilize existing land within the UGB, an expansion may be warranted. If land within the existing UGB is less suitable for residential development than other land outside the UGB, the City could apply to modify the UGB boundary to swap these lands.</p>	Expand the supply of land available for housing.
<p>2. Rezone Land Rezone land from a non-residential zone to a residential zone if there is a deficit of residential land and surplus of commercial, industrial, or other non-residential land. Rezone land from one residential zone to another residential zone to address a deficit in a certain density range or housing type.</p>	Expand the supply of land available for housing.
<p>3. Increase Allowed Density in Existing Zones Increase the allowed density or reduce the minimum allowed size of lots in one or more zones to allow for more compact development and/or a wider range of housing types in specific areas.</p>	Use residential land efficiently, encourage diversity of housing types.
<p>4. Establish Minimum Density Standards In order to ensure that land in medium or higher density zones is not consumed by lower density development, the City could consider adopting minimum</p>	Use residential land efficiently, encourage diversity of housing types.

density requirements.

5. Code Updates to Support a Variety of Housing Types

Zoning code and other regulatory amendments to increase housing choices and reduce barriers to development for accessory dwelling units (ADUs), cottage clusters, townhomes, and other “missing middle” housing types.

Encourage diversity of housing types.

6. Reduce Unnecessary Barriers to Housing Development

Some regulations may constrain housing development to a degree that the corresponding public benefits of the regulation do not outweigh the effect on housing development. These regulations may include off-street parking requirements, architectural design standards, landscaping standards, or other development standards such as setbacks and height regulation

Reduce housing development costs and barriers.

7. Regulatory Incentives for Affordable or Workforce Housing

Creates incentives to developers to provide a community benefit (such as affordable housing), in exchange for ability to build a project that would not otherwise be allowed by the development code

Reduce housing development costs and barriers, promote construction of new affordable housing

Incentives for Housing Development

1. System Development Charge (SDC) Reductions, Exemptions, or Deferrals

Exemption or deferred payment of SDCs for affordable housing. Can be applied to regulated affordable housing and/or specific housing types (such as ADUs).

Reduce housing development costs and barriers.

2. Expedited Development Review

Variety of strategies to reduce review and processing times for regulated affordable housing development, such as formally adopting shortened review timelines for applications or giving priority in scheduling hearings and meetings with staff.

Reduce housing development costs and barriers.

3. Tax Exemptions and Abatements

Tax exemptions or abatements offer another financial incentive to developers that can improve the long-term economic performance of a property and improve its viability. This can be a substantial incentive, but the City will forego taxes on the property, generally for ten years. Other taxing jurisdictions are not included, unless they agree to participate. Tax exemption programs are authorized by the state for specific purposes: Vertical Housing; Multiple-Unit Housing; Non-Profit Low-Income Housing.

Reduce housing development costs and barriers.

Funding Sources and Uses

1. Public-Private Partnerships (PPPs) and Community Land Trusts

Arrangements between public and private entities to create more and/or affordable housing. PPPs can promote a variety of affordable housing programs or projects and include partnerships from multiple entities (public, private, and non-profit). A Community Land Trust is a model wherein a community organization owns land and provides long-term leases to low or moderate income households to purchase the homes on the land, agreeing to purchase prices, resale prices, equity capture, and other terms.

Promote construction of new affordable housing.

2. Land Acquisition and Banking

Reduce housing development costs and barriers, promote

- Land acquisition is a tool to secure sites for affordable housing. Public agencies can identify locations where prices are going up and acquire land before the market becomes too competitive, with the intention to use the land for affordable housing.
- Land banking is the acquisition and holding of properties for extended periods without immediate plans for development, but with the intent that properties eventually be developed for affordable housing. Land banks are often are quasi governmental entities created by municipalities to effectively manage and repurpose an inventory of underused, abandoned, or foreclosed property.

construction of new affordable housing.

3. Construction Excise Tax

Adopt a tax on new construction of between 1 and 3% to help pay for other affordable housing strategies identified here. The tax is a one-time tax assessed on new construction. State law requires it to be spent on specific types of programs and activities.

Provide source of funding for other affordable housing programs.

4. Tenant Protection Programs and Policies

Local regulations and enforcement programs that provide protections for tenants of existing affordable housing and low cost market rate housing against evictions, excessive rent increases, discrimination, and health and safety violations.

Protect affordable units and reduce displacement

5. Subsidized Affordable Housing

Subsidized affordable housing is most often offered through a government or non-profit agency that has established the provision of housing to low-income households as part of their stated mission. Like many communities across the state, the cities of Umatilla County have a significant unmet need for more affordable rental housing. The incentives and tools discussed in this report can be used by cities to provide some funding or cost reductions to agencies that are building affordable housing.

Promote construction of new affordable housing.

6. Financial Assistance or Homebuyer Education Programs

A range of tools that can be used to maintain housing affordability or to help keep residents in their homes. Possible tools include rent assistance, home buyer education classes, loans for homeowners, or assistance to low-cost apartment owners for repairs and upgrades.

Protect affordable units, reduce displacement, promote homeownership.

3. Comprehensive Plan Housing Policies

It is essential that the Comprehensive Plan of every city in Oregon include a robust set of policies directed at meeting the current and future housing needs of each community. The consultant team reviewed the Comprehensive Plan to assess whether it includes the following types of supportive policies:

- **Supports Statewide Planning Goal 10.** Comprehensive Plans typically do and should include a general policy that mirrors Statewide Planning Goal 10 (Housing), stating that the overall goal of the jurisdiction is to *“encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”*
- **Emphasizes affordable housing needs.** Given that meeting the needs of low and moderate income households often requires public intervention or subsidy, it is important to include policies emphasizing the needs of these households.
- **Supports partnerships.** Most Comprehensive Plan housing elements include policies aimed at supporting other public agencies, non-profits and market rate developers who focus on meeting the needs of low and moderate income households and community members with special housing needs.
- **Encourages a variety of housing types.** In addition to a broad goal or policy about meeting a full range of housing needs, Plans often include policies noting the need for a variety of housing types, including single family attached housing, duplexes, triplexes, multi-family housing and townhomes, as well as less traditional forms of housing such as cottage cluster housing and accessory dwelling units.
- **Affirms Fair Housing goals.** Local governments are required to ensure that their housing policies and standards do not discriminate against or have adverse effects on the ability of “protected classes” to obtain housing, consistent with the federal Fair Housing Act.
- **Supports mixed use development.** Some Plans explicitly support the development of mixed use projects, which typically include upper story housing located above retail or commercial uses.
- **Supports accessory dwelling units.** Comprehensive Plans may include policies specifically referencing support for this form of housing. Recent Oregon legislation requires all cities above a certain size to allow for this form of housing outright in all zones where single-family detached housing is allowed.
- **Supports flexible zoning.** Some Plans include policies which emphasize the need for zoning to be flexible enough to meet a variety of housing needs and keep costs for such housing down, particularly for housing affordable to low and moderate income households.

- **Addresses land supply goals.** Many Comprehensive Plans include policies which reference the need to ensure that adequate land is zoned to meet identified housing needs, and to periodically update the jurisdiction’s inventory of such lands.
- **Supports maintenance and rehabilitation of existing housing.** Many comprehensive plans emphasize maintenance of existing housing stock as a method to prevent unsafe conditions and keep affordable housing available within the community.
- **Supports development of manufactured homes.** Oregon law requires that all zones that allow for “stick built” single family detached homes also allow for manufactured homes on individual lots. Each jurisdiction must also allow for manufactured home parks in at least one residential zone.
- **Regulates short term rentals.** Many communities, particularly those with high levels of tourism, regulate short-term rental housing to reduce its impact on the supply and affordability of long-term rental housing.

ASSESSMENT OF EXISTING GOAL 10 HOUSING POLICIES

The following housing policies are in the adopted Umatilla Comprehensive Plan Goal 10 Housing Element.

SECTION 10.9 HOUSING POLICIES

- 10.9.101 Future residential development will continue to provide prospective buyers with a variety of residential lot sizes greater than minimums, a diversity of housing types, and a range in prices.*
- 10.9.102 Building permits will not be issued until final plat approval has been given.*
- 10.9.103 Federal programs that provide monies for housing assistance will be utilized as needed.*
- 10.9.104 Housing to accommodate senior citizens will be located within easy walking distance of business and commercial areas.*
- 10.9.105 The City will re-assess Housing Needs at each Periodic Review. (Ord. 544)*

Table 1 is an evaluation of current Umatilla Housing Plan Policies, as compared to these policy topic areas. Table 1 also provides examples of policy language that can be used to amend or adopt new local policies. This initial assessment is intended to facilitate community discussion about housing and to help articulate City policy direction.

Table 1. Comprehensive Plan Policy Evaluation and Recommendation

Policy Topic	Existing Goal Language	Example Additional or Alternative Language to Consider
Supports Statewide Planning Goal 10.	N/A	The City will support Statewide Planning Goal 10, “encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”
Emphasizes affordable housing needs	10.9.103: Federal programs that provide monies for housing assistance will be utilized as needed.	The City will emphasize affordable housing needs, given that meeting the needs of low and moderate income households often requires public interventions.
Supports partnerships	N/A	The City will maintain and/or develop partnerships aimed at supporting other public agencies, non-profits, and market rate developers who focus on meeting the needs of low and moderate income households and community members with special housing needs.
Encourages a variety of housing types	10.9.101: Future residential development will continue to provide prospective buyers with a variety of residential lot sizes greater than minimums, a diversity of housing types, and a range in prices.	A variety of housing types will be encouraged, including single family attached housing, duplexes, triplexes, multi-family housing and townhomes, as well as less traditional forms of housing such as cottage cluster housing and accessory dwelling units.
Supports mixed use development	N/A	Mixed use development will be supported. These developments typically include upper story housing located above retail or commercial uses.
Affirms Fair Housing Goals	10.9.104: Housing to accommodate senior citizens will be located within easy walking distance of business and commercial areas.	Fair housing goals will be supported to ensure that housing policies and standards do not discriminate against or have

Policy Topic	Existing Goal Language	Example Additional or Alternative Language to Consider
		adverse effects on the ability of “protected classes” to obtain housing, consistent with the federal Fair Housing Act.
Supports ADUs	See 10.9.101	The City will allow and support the development of Accessory Dwelling Units in all residential zones in accordance with Oregon law. Accessory Dwelling Units are an important housing option that can help meet the need for affordable rental units, reduce housing costs for homeowners, and enable multi-generational living.
Supports Flexible Zoning	N/A	Flexible zoning will be utilized to respond to a variety of housing needs and keep the costs for such housing down, particularly for housing affordable to low and moderate income households.
Addresses Land Supply Goals	10.9.105: The City will re-assess Housing Needs at each Periodic Review. (Ord. 544)	Land supply goals will ensure that adequate land is zoned to meet identified housing needs, and to periodically update the jurisdiction’s inventory of such lands.
Supports Development of Manufactured Homes	See 10.9.101	Development of manufactured homes will be supported, as Oregon law requires that all zones that allow for “stick built” single family detached homes also allow for manufactured homes on individual lots.
Supports maintenance and rehabilitation of existing housing	N/A	Maintenance and rehabilitation of existing housing will be a method used to prevent unsafe conditions and keep affordable housing available within the community.
Regulates Short Term Rentals	N/A	Short term rentals will be regulated to reduce their impact on the supply and affordability of long-term housing.

PROPOSED GOAL 10 HOUSING POLICIES

The following is the proposed legislative amendments for Umatilla's "adoption ready" Goal 10 Housing Element in the Comprehensive Plan:

~~SECTION 10.8 HOUSING FINDINGS~~

- ~~10.8.101 Housing should be developed in areas that reinforce and facilitate orderly and compatible community development.~~
- ~~10.8.102 The City should evaluate proposals for new housing construction in terms of the additional numbers of people with respect to impact on the natural environment, community services, utility support systems, projected housing needs, and the City's capital improvement programming.~~
- ~~10.8.103 There is currently sufficient buildable capacity within Umatilla to accommodate projected need. The character of this supply can help guide housing policy.~~

[this section, along with Section 10.1 – Housing Background and Discussion, is proposed to be removed and replaced with the "Housing Conditions and Trends" content in Section 2 of this report]

SECTION 10.9 HOUSING POLICIES

- 10.9.101 Future residential development will continue to provide prospective buyers with a variety of residential lot sizes greater than minimums, a diversity of housing types, and a range in prices. A variety of housing types will be encouraged, including single-family attached housing, duplexes, triplexes, multi-family housing and townhomes, as well as less traditional forms of housing such as cottage cluster housing and accessory dwelling units.
- 10.9.102 Building permits will not be issued until final plat approval has been given.
- 10.9.102 Federal programs that provide monies for housing assistance will be utilized as needed. The City will emphasize affordable housing needs, given that meeting the needs of the low- and moderate-income households often requires public intervention or subsidy.
- 10.9.103 Housing to accommodate senior citizens will be located within easy walking distance of business and commercial areas. Fair Housing goals will be supported to ensure that housing policies and standards do not discriminate against or have adverse effects on the ability of "protected classes" to obtain housing, consistent with the federal Fair Housing Act.
- 10.9.104 The City will re-assess Housing Needs at each Periodic Review. (Ord. 544) Land Supply goals will ensure that adequate land is zoned to meet identified housing needs and the City will periodically update the inventory of residential lands to ensure that supply keeps pace with growth.
- 10.9.105 The City will support Statewide Planning Goal 10, "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

- 10.9.106 The City will allow for levels of residential density that encourage efficient use of the supply of residential land while maintaining compatibility with the character of existing neighborhoods and ensuring that appropriate standards are in place to mitigate the impacts of development.
- 10.9.107 The City will maintain and/or develop partnerships aimed at supporting other public agencies, non-profits and market rate developers who focus on meeting the needs of low and moderate income households and community members with special housing needs.
- 10.9.108 Mixed use development will be supported. These developments typically include upper story housing located above retail or commercial uses.
- 10.9.109 The City will allow and support the development of Accessory Dwelling Units in all residential zones. Accessory Dwelling Units are an important housing option that can help meet the need for affordable rental units, reduce housing costs for homeowners, and enable multi-generational living.
- 10.9.110 Flexible zoning will be utilized to respond to a variety of housing needs and keep costs for such housing down, particularly for housing affordable to low and moderate income households.
- 10.9.111 The City will periodically evaluate zoning and development code requirements for opportunities to lessen or eliminate unnecessary barriers to residential development and identify alternative regulatory approaches to achieving policy goals.
- 10.9.112 Maintenance and rehabilitation of existing housing will be a method used to prevent unsafe conditions and keep affordable housing available within the community.
- 10.9.113 The City will support development of manufactured home parks in appropriate locations in order to fulfill the need for this form of housing for people with lower or moderate incomes, consistent with state law.
- 10.9.114 Short term rentals will be regulated to reduce their impact on the supply and affordability of long-term rental housing.

4. Housing Measures

The consultant team has identified a variety of measures that the City can undertake to address current and future housing needs identified in the Housing and Residential Land Needs Assessment and BLI. Housing Needs Assessment and Buildable Lands Inventory reports. These measures have been organized into the following categories.

Land Supply and Regulatory Strategies

1. UGB Expansion or Adjustment (“Swap”)
2. Rezone Land
3. Increase Allowed Density in Existing Zones
4. Establish Minimum Density Standards
5. Code Updates to Support a Variety of Housing Types
6. Reduce Unnecessary Barriers to Housing Development
7. Regulatory Incentives for Affordable and Workforce Housing

Financial Incentives

1. System Development Charge Exemptions or Deferrals
2. Expedited Development Review
3. Tax Exemptions and Abatements

Funding Sources and Uses

1. Public-Private Partnerships (PPPs) and Community Land Trusts
2. Land Acquisition and Banking
3. Construction Excise Tax
4. Tenant Protection Programs and Policies
5. Subsidized Affordable Housing
6. Financial Assistance Programs

The remainder of this section describes these potential measures in more detail.

LAND SUPPLY AND REGULATORY STRATEGIES

1. Urban Growth Boundary Expansion or Adjustment (“Swap”)

UGB Expansion

The findings of our study do not indicate the need for a UGB expansion to accommodate projected housing needs in Umatilla between 2018 and 2038. However, in the long term, an expansion could be an option beyond the currently planning horizon or if growth rates increase beyond those currently projected. Prior to applying for a UGB expansion, the City would need to complete the following steps:

- Consider and adopt efficiency measures to ensure that land inside the UGB is being used efficiently. Many of the code update recommendations identified below are efficiency measures.
- Demonstrate that there is an insufficient supply of buildable land inside the UGB. Due to relatively low projected growth rates and new housing unit needs, the City likely will need to demonstrate that existing vacant or partially vacant land in the UGB cannot be served with public facilities.

UGB Adjustment (“Swap”)

Although the findings of the study do not demonstrate the need for a UGB expansion, anecdotally, the city has faced limitations on the current supply of buildable land because owners of large parcels are uninterested or unwilling to develop or sell their properties for future residential development. In small communities with a limited number of large developable properties, this can create a significant barrier to development, at least during the short and medium term. If owners hold onto their properties without a willingness to development over the longer term (e.g., decades), it effectively reduces the community’s supply of buildable land. At the same time, because property ownership and/or owners’ desires to develop can shift, the state of Oregon’s land use planning framework does not allow cities to exclude such land from their BLIs.

One way to address this situation is to remove such parcels from the UGB and add other properties whose owners are more willing or likely to develop their land for housing. State statutes and administrative rules allow for these UGB “swaps.” These exchanges are possible through a process of simultaneously removing and adding land to the UGB to make up for capacity lost by removing land. This process is guided by Oregon Revised Statutes (ORS) 197.764. This ORS section provides specific eligibility requirements and standards for land removed; subsection (3)(b) of this section states that “A local government that approves an application under this section shall either expand the urban growth boundary to compensate for any resulting reduction in available buildable lands or increase the development capacity of the remaining supply of buildable lands.” In exchanging land inside the UGB for land outside the boundary, cities must identify an equivalent supply of land in terms of the land’s

capacity for residential development, considering the presence of natural resource constraints and zoning or allowed density.

While permitted, UGB swaps must comply with several requirements applied to other UGB amendments or expansions, including the following:

- **Location of expansion areas.** The location of the land to be added to replace the land being removed must use OAR 660-024-0065 to determine appropriate study areas. For a city with a UGB population less than 10,000, the city must consider all land within ½ mile of the existing UGB boundary.
- **Exclusion areas.** In considering expansion areas, the city can exclude areas that cannot be reasonably serviced with public facilities, are subject to significant natural hazards, have some a high level of environmental or natural resource value, or are owned by the federal government.
- **Prioritization.** The city needs to prioritize potential expansion areas in terms of rural residential “exception” lands vs. farm and forest lands, with exception lands having first priority, and farm and forest land having the maximum protection from development.
- **Criteria for evaluating expansion areas.** Cities must look at alternative expansion areas and evaluate them using the four locational factors found in Goal 14. These include 1) efficient urban form, 2) public facilities, 3) Economic, Social, Environmental, and Energy (ESEE) consequences, and 4) impact on adjacent farm and forest activities in rural areas. The city’s analysis must consider and analyze all four factors, but the city can weigh and balance those factors based upon a set of findings and policy judgments which, unless they are without merit, will be upheld on judicial review.

In addition to meeting these state requirements, the City will want to consider other factors in this process such as:

- Will potential expansion areas have direct access to roads, sewer or water lines or will they be even more difficult or costly to serve with these facilities than land proposed to be removed from the UGB?
- Will areas proposed for inclusion be in relative proximity to commercial and other services? This is particularly important if new areas are proposed for higher density development.
- Will the areas have any other practical barriers or impediments to residential development or conflict with other strategies to meet future housing needs?

2. Rezone Land

One potential strategy to address a deficit of residential land, or of a certain category of residential land, is for the City to initiate a rezoning process. As identified in the Housing and Residential Land Needs Assessment, the City of Umatilla does not have a deficit of residential land in general or in a specific category of residential land, so there is not a basis for rezoning land to meet citywide residential land

supply needs. However, there is a relatively smaller surplus of land available for multi-family development. There is a projected need for 10 acres of land for multi-family housing, and there are 14 acres of buildable land, primarily in the R3 – Multi-Family Residential Zone. If growth rates are higher than projected, then it is more likely the City will experience a deficit of land zoned for multi-family housing than for single-family detached or medium density housing.

It is recommended that the City research opportunities to rezone land from the R1 or R2 zone to the R3 zone in order to expand the supply of land for multi-family housing. In considering the most appropriate location for rezoning land, the city should use the following criteria or factors:

- **Proximity to existing high-density areas.** Extending an existing area of high-density land would reduce impacts on the transition between lower and higher density areas and could increase the level or potential for support from surrounding property owners.
- **Proximity to services.** Ideally, higher density areas should be close to supporting commercial areas (such as downtown Umatilla) and other services (schools, parks, etc.) to help ensure that residents can easily access these services and daily needs.
- **Size and ownership.** The City should prioritize relatively large sites (3-10 acres) and sites under a single ownership or smaller number of owners. Larger sites will be more attractive for development and provide more flexibility for site design. Sites with fewer owners will make it easier to acquire land.

An alternative to rezoning lands into the R3 zone is to increase the allowed density of the R2 zone to ensure that larger multi-family developments (more than 5 units) can also be built in this zone. This alternative is addressed under Strategy #3, below.

3. Increase Allowed Density in Existing Zones

This study found that the City of Umatilla has a sufficient supply of residential land if land is built at or near the planned density levels, based on existing zoning. Increasing allowed density in existing zones is not strictly necessary to meet projected housing needs within the existing UGB, however, there are two key benefits to allowing higher densities that should be considered:

- **Housing affordability.** Smaller lot sizes and higher densities allow for some of the major costs of development—such as acquiring land and building infrastructure—to be divided among more units. This decreases the per-unit cost of development and can enable lower sale prices or rental rates.
- **Efficiency of land use and infrastructure provision.** Higher density also helps to ensure that residential land is used efficiently. If growth rates accelerate more quickly than projected, then it will be more important for the City to efficiently use land within the existing UGB. It is also more efficient for the City to provide and maintain roads, sewer, and water systems (on a per-unit basis) to higher density development.

The City’s Zoning Ordinance regulates density primarily through minimum lot size requirements in residential zones. Potential amendments to minimum lot size standards are presented in Table 2. These amendments are intended to allow for higher density development while considering the existing character and stated purpose of the zone. Minimum lot width, lot depth, or setback standards may also need to be modified to ensure they are consistent with any changes to minimum lot size standards.

Table 2. Potential Minimum Lot Size Amendments

Zone	Existing Minimum Lot Size	Proposed Minimum Lot Size
R1 – Single-Family Residential	Single-Family Detached: 8,000 sq. ft.	Single-Family Detached: 5,000-7,000 sq. ft. Duplex: 5,000-7,000 sq. ft. (same as SFD) ²
R2 – Medium Density Residential	Single-Family Detached: 5,000 sq. ft. Duplex and Multi-Family: 1 dwelling per 3,500 sq. ft	Single-Family Detached: 5,000 sq. ft. Duplex: 5,000 sq. ft. Triplex: 5,000 sq. ft. ¹ Multi-Family: 1 dwelling per 2,500 sq. ft
R3 – Multi-Family Residential	Single-Family Attached: 5,000 sq. ft. Multi-Family: 1 dwelling per 2,000 sq. ft	Single-Family Attached: 2,000 sq. ft. Duplex: 4,000 sq. ft. ² Triplex: 4,000 sq. ft. ¹ Multi-Family: 1 dwelling per 1,500 sq. ft
R4 – Downtown Residential	Single-Family Attached: 2,000 sq. ft. Multi-Family: 1 dwelling per 2,000 sq. ft	Single-Family Attached: 2,000 sq. ft. Duplex: 4,000 sq. ft. ² Triplex: 4,000 sq. ft. ¹ Multi-Family: 1 dwelling per 1,500 sq. ft

¹Triplexes currently defined as Multi-Family, recommendation is to define separately, see Strategy #5

² Duplexes not currently permitted. Recommendation is to make a permitted use, see Strategy #5.

4. Establish Minimum Density Standards

As identified in this study, the City of Umatilla has a sufficient supply of residentially zoned land to meet the projected 20-year housing needs. However, it remains important that the buildable land be used efficiently by developing at or near the maximum density of the zoning district, particularly if there is a chance that growth rates will exceed the projections.

The most direct method to ensure land is used efficiently is to adopt minimum density standards for each residential zone. A minimum density standard would prohibit residential developments that do not meet the intent of the zone.¹ For example, large lot, detached homes would be prohibited in a higher density residential zone, but the minimum density standard may allow for smaller lot detached houses,

¹ Additionally, the City may prohibit housing types that are not consistent with the purpose of the zone. For example, in the City’s higher density zones, such as the R3 – Multi-Family Residential and R-4 Downtown Residential zone, the City prohibits detached single-family dwellings and manufactured dwellings on individual lots.

cottage cluster housing, or townhomes. The minimum density standard can be tailored to local conditions and needs but is most effective if it is set at between 50 and 80 percent of the maximum density standard in the zone. Potential minimum density standards for each of Umatilla’s zones is presented in Table 3.

Table 3. Potential Minimum Density Standards

Zone	Existing Minimum Lot Size	Proposed Minimum Density
R1 – Single-Family Residential	Single-Family Detached: 8,000 sq. ft. <i>Equivalent density: ~4 units/net acre</i>	Minimum Density: 3 units/net acre
R2 – Medium Density Residential	Single-Family Detached: 5,000 sq. ft. Duplex and Multi-Family: 1 dwelling per 3,500 sq. ft <i>Equivalent density: ~9 units/net acre</i>	Minimum Density: 6 units/net acre
R3 – Multi-Family Residential	Single-Family Attached: 5,000 sq. ft. Multi-Family: 1 dwelling per 2,000 sq. ft <i>Equivalent density: ~16 units/net acre</i>	Minimum Density: 12 units/net acre
R4 – Downtown Residential	Single-Family Attached: 2,000 sq. ft. Multi-Family: 1 dwelling per 2,000 sq. ft <i>Equivalent density: ~16 units/net acre</i>	Minimum Density: 12 units/net acre

5. Code Updates to Support a Variety of Housing Types

This study found that the City of Umatilla has sufficient land zoned for single-family detached housing, medium density housing, and multi-family housing. However, there are opportunities to support development of a variety of housing types by reducing unnecessary barriers, providing more flexibility, and tailoring standards to fit a variety of housing types.

There are some housing types that are can be more difficult to develop because development code standards do not address unique characteristics of this housing type or the standards are unnecessarily restrictive. These types include Accessory Dwelling Units (ADUs), cottage cluster housing, duplexes, triplexes, and townhomes. These housing types are considered part of “missing middle housing” because they fall between high density apartments and low density, detached single-family housing. If regulated appropriately, these housing types can be compatible with detached, single-family houses and, therefore, could be permitted outright in most residential zones.

Another common characteristic of these housing types is that they are often smaller individual dwelling units. Given the demographic trends summarized in this study, and the ongoing challenge of providing enough housing options for people with moderate incomes, smaller sized, modest housing units will

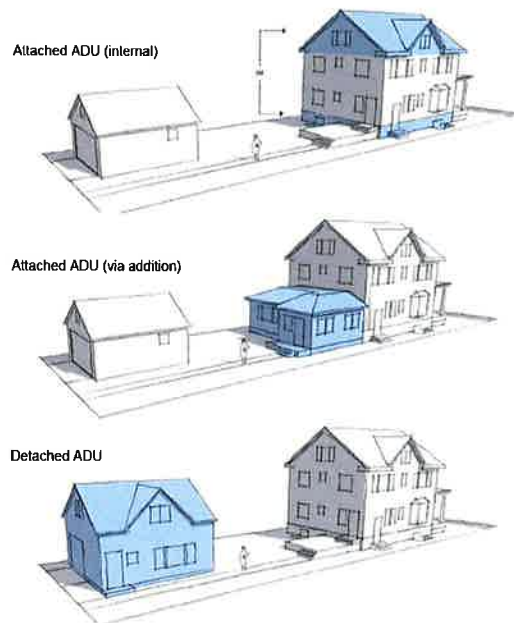
continue to be an important need in the City of Umatilla. As demonstrated by the Housing and Residential Land Needs Assessment, there is a need for ownership housing options for households with incomes between \$35,000-\$100,000. Due to the costs of land, infrastructure, and construction, it can be difficult for builders to produce new single-family detached housing that is affordable to households at this income level. These “middle housing” types can be more feasible to provide for this income level because they require less land per unit and can be more efficient to serve with infrastructure.

Accessory Dwelling Units

An Accessory Dwelling Unit (ADU) is a secondary dwelling unit on the same lot as a single-family house that is smaller than the primary dwelling. ADUs can come in three forms: a detached structure, an attached addition, or a conversion of internal living space in the primary dwelling (Figure 9). As ADUs are often invisible from the street or may be perceived as a part of the primary dwelling, they offer a method of increasing density with minimal visual impact on the character of the neighborhood.

Figure 9. Types of ADUs

ADUs in blue; main residence in white



Source: City of St. Paul, MN

ADUs are a viable housing option with several benefits:

- Building and renting an ADU can raise income for a homeowner and help offset the homeowner’s mortgage and housing costs.
- ADUs can add to the local supply of rental units and can provide a relatively affordable rental option for a person or household that prefers living in a detached unit rather than an apartment or other attached housing.

- ADUs offer flexibility for homeowners to either rent the unit or to host a family member. The proximity to the main house can be particularly beneficial for hosting an elderly family member that may need care and assistance.

The state legislature recently adopted a statute that requires cities with a population of over 2,500 and counties with a population over 10,000 to allow ADUs outright on any lot where single-family housing is allowed. This requirement applies to the City of Umatilla. The City complies with this requirement by allowing ADUs in the R1 and R2 zones, where single-family detached houses are allowed.

The Oregon Department of Land Conservation and Development has published a model code for ADUs. The model code is intended to provide basic regulations while ensuring that the standards do not present unnecessary barriers. Umatilla’s standards are generally supportive of ADU development; however, the following two amendments are recommended to better support development of ADUs:

- **Number of ADUs (10-11-11.A).** Consider allowing two ADUs on the same lot if one of the ADUs is internal or an attached addition. In these cases, the internal ADU would not be visible from the street and would have a minimal impact on the visual character of the property.
- **Off-Street Parking (10-11-11.E).** Do not require an off-street parking space for the ADU in addition to the spaces required for the primary dwelling. On some lots, it can be difficult or costly to provide an additional parking space if the house and lot were not designed to provide more parking spaces than required at the time of construction.

Cottage Clusters

Cottage clusters are groups of small, detached homes, usually oriented around a common green or courtyard. The units may be located on individual lots that are individually owned or the property may be structured as a condominium with common ownership of the land and private ownership of the houses.

Figure 10. Example of a Cottage Cluster Development



Cottage clusters are growing more popular and their development potential is significant. They provide many of the same features of conventional detached houses, but in a smaller footprint, with shared common areas, and arranged in a way that can facilitate a more community-oriented environment (see Figure 10). Cottage clusters can be developed on relatively small lots, as access and parking is shared and the units are relatively small, usually between 500 and 1,200 square feet. The visual character of cottage clusters—detached dwellings with substantial shared yard space—is generally compatible with neighborhoods of detached homes.

A cottage cluster project would be difficult to develop in the City of Umatilla today because it would need variances or adjustments to multiple standards, such as minimum lot size, minimum lot width, setbacks, and density. To support cottage cluster development, it is recommended that cottage cluster housing be defined as an allowed housing type and a specific set of standards developed. Cottage clusters should be permitted through an administrative review process with clear and objective standards. The following are some best practices for creating cottage cluster standards:

- **Density bonus in exchange for maximum unit size.** Allow for increased densities over the base zone in exchange for a cap on the size of individual dwelling units. This combination allows for more dwelling units while ensuring an efficient use of land and compatibility with detached houses on larger lots.
- **Low minimum unit size.** Given maximum house sizes of 1,000-1,200 square feet, allow a wide range of sizes—even as small as 400 square feet—and consider allowing both attached and detached housing.
- **Flexible ownership arrangements.** Do not require a single ownership structure; allow the site to be divided into individual lots, built as rental units on one lot, or developed as condominiums.
- **Supportive lot standards.** Ensure that minimum lot size, setbacks and building coverage requirements do not prohibit cottage cluster development on smaller lots.
- **Balanced design standards.** Draft basic design requirements that ensure neighborhood compatibility and efficient use of land, but that are not so specific as to restrict the ability to adapt to varying neighborhood contexts.

Duplexes, Triplexes, and Townhomes

Duplexes, triplexes, and townhomes are forms of attached housing that can be compatible with detached, single-family housing while allowing for smaller, more affordable units. The City of Umatilla defines duplexes as “Two-Family Dwellings,” includes triplexes in the definition of “Multi-Family Dwellings,” and uses the term “attached single-family residences” for townhomes. In addition to the minimum lot size adjustments identified under Strategy #3, the following code updates are recommended to better support development of these housing types:

- **Permit Duplexes in the R1 Zone.** There is substantial amount of buildable land that is zoned R1 (approximately 570 acres). There may be opportunities to provide more flexibility in this zone by

allowing duplexes along with single-family housing. Additionally, as identified above in relation to Strategy #3, it is recommended to allow duplexes on the same minimum size of lot as single-family detached houses but to limit the overall size of the building through a maximum lot coverage, maximum Floor Area Ratio (FAR), or maximum unit size standard. If the City requires duplexes to be built on larger lots then this can result in a structure that is larger than most detached houses in the area, because the builder is likely to maximize the floor area of the structure. Allowing duplexes on the same size lots while limiting the size of the structure encourages smaller individual dwelling units and building sizes that are more compatible with single-family houses.

- **Permit Duplexes in the R3 and R4 Zones.** Duplexes are not currently permitted in the R3 and R4 zones, though these zones permit townhomes and multi-family development. A duplex can be built at density level equivalent to a townhome or even a lower density apartment development if it is allowed to be built on a smaller lot. Thus, it is appropriate to allow duplexes in these zones to provide this option where existing lot sizes or market demand may call for this housing type.
- **Regulate Triplexes separately from Multi-Family.** It is recommended to separate triplexes from the definition of Multi-Family Dwellings so they may be regulated separately, where appropriate. This approach is used in the recommended minimum lot size amendments under Strategy #3.

Tiny Homes

Tiny homes have no formal definition, but generally are considered detached dwellings that are less than 400 square feet in size. The demand for tiny houses has grown considerably in recent years and they appeal to a diverse range of people and households. Some are attracted to the prospect of a low-cost, low-impact lifestyle, even if they could potentially afford a conventional home. Local governments and non-profits have also begun to experiment with using tiny homes as either temporary/transitional or permanent shelter for people with very low incomes or those experiencing homelessness.

From a regulatory perspective, one of the key challenges for tiny homes is how they are classified and permitted under the building code. Tiny homes can be built to comply with several different construction standards, and the construction standard they are built to should be considered in determining where and how they can be sited pursuant to the zoning and development code. Broadly, tiny homes can be classified as either intended to be sited permanently or temporarily.²

- Permanent tiny homes are attached to an approved foundation. Permanent tiny homes may be built either to the conventional building code—the Oregon Residential Specialty Code (ORSC)—

² For more information on building codes and tiny homes, see this policy brief from the state Legislative and Policy Research Office: <https://www.oregonlegislature.gov/lpro/Publications/Background-Brief-Tiny-Home-Regulation-2018.pdf>

or to the standards that apply to manufactured homes, the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards (HUD).

- Temporary tiny homes are mounted to a chassis or frame which may have wheels and is intended to be relatively mobile. Temporary tiny homes designed for movement on public highways are built to the standards that apply to Recreational Vehicles (RVs), particularly “Park Trailer” or “Park Model” recreational vehicles.

Figure 11. Proposed Tiny House Cluster in Bend, Oregon (The Hiatus)



Additionally, tiny homes may be proposed to be sited as a primary dwelling on an individual lot, as an Accessory Dwelling Unit (ADU), or in a cluster with other tiny homes. Table 1 lays out the various scenarios under which a tiny home may be proposed and identifies key land use and development code considerations. These scenarios should be reviewed with consultation from the local building official as to the appropriate siting for tiny homes. Additionally, public input should be sought on the standards that will guide the location and design of tiny homes in the community under each scenario.³

Table 1. Land Use and Development Code Considerations for Tiny Homes

		Construction Standard	
		Permanent (ORSC/HUD)	Temporary (RV/Park Model Standards)
Proposed Siting	Primary dwelling unit	<ul style="list-style-type: none"> • If built to ORSC standard, then it is equivalent to a “stick-built” single-family dwelling, but smaller. • If built to HUD standard for manufactured homes, must be permitted wherever “stick-built” single-family homes are permitted. 	<ul style="list-style-type: none"> • Typically prohibited by municipal ordinances related to residential occupancy of vehicles. • The City has discretion to allow temporary siting of individual tiny homes, but should address number allowed, location,

³ More information about the regulation of tiny homes is available in this American Planning Association Knowledge Base article: <https://planning.org/knowledgebase/tinyhousing/>

		Construction Standard	
		Permanent (ORSC/HUD)	Temporary (RV/Park Model Standards)
	Accessory dwelling unit	<ul style="list-style-type: none"> If built to ORSC standard, then it is equivalent to a “stick-built” ADU, but smaller. If built to HUD standard for manufactured homes, City has discretion as to whether to allow manufactured homes to be sited as ADUs. If aesthetics of conventional manufactured homes is a concern, then City may adopt design standards addressing features such as roof pitch and siding materials. 	sanitation, and electricity. For example, the City of Portland has deprioritized enforcement of the city’s zoning code to allow the siting of temporary tiny homes in specified locations. ⁴
	Cluster/village	<ul style="list-style-type: none"> This format is equivalent to the “cottage cluster” development type. It is recommended that Cities adopt a specific set of standards for cottage clusters. If the City desires to support tiny homes within clusters, then it should evaluate if any standards present barriers to tiny homes, such as minimum unit size standards. The City has discretion as to whether to allow tiny homes built to the HUD standard to be sited in a cottage cluster. However, if the development is proposed to be classified as a manufactured dwelling park, consistent with state requirements, then it must be permitted wherever multi-family dwellings are permitted. 	This format is functionally equivalent to a Recreational Vehicle (RV) park. The City has discretion to define where RV parks are allowed and under what standards. If the City desires to support more widespread use of temporary tiny homes in clusters, then the City should develop standards that are consistent with the standards that apply to RV parks, while allowing for adjustments necessary for tiny home clusters, where appropriate.

6. Reduce Unnecessary Barriers to Housing Development

Some code standards can present unnecessary barriers to housing development by restricting options and adding costs to a project where more efficient solutions may be feasible. These standards often include minimum parking requirements, maximum height restrictions, architectural design standards, minimum open space requirements, or public works design standards. Based on a preliminary review of the City of Umatilla’s zoning code, the following standards may present barriers and should be reviewed more closely:

- Maximum Height – R3 and R4 Zones (10-3C-4.D and 10-3D-4D).** The maximum height in the R3 and R4 zones is 35 feet. This height allowance will allow for 3-story buildings, though it may be difficult for some building types and roof designs to fit within this limit. Given that the R3 and R4 zones are intended to higher density development, it may be appropriate to increase the height limit to 45 feet, which would allow for all types of 3-story buildings and most 4-story buildings.

⁴ See here for more information: <https://www.portlandoregon.gov/bds/article/659268>

- **Minimum parking requirements (10-9-3).** Many developers will include off-street parking as a marketable amenity regardless of the code requirement. However, in some cases, the level of off-street parking required may exceed what the market would otherwise provide and may be unnecessary to effectively accommodating parking needs. This can become an obstacle to housing development because off-street parking lots consume land, reducing developable area on a site and net density, and can render a project economically infeasible. The City requires 2 spaces per single-family detached dwelling and 1 space per unit in a single-family attached dwelling. For duplexes, triplexes, and multi-family development, the City requires 2 spaces for the first 4 units, then 1.5 spaces for each additional dwelling unit in the same structure. A general reduction to 1 space per unit for all dwellings would reduce the potential for parking standards to present a barrier to new development. The City may also consider allowing on-street parking along the frontage of a development to be credited toward off-street parking requirements.
- **Street widths.** Street right-of-way consumes land, reducing the area within a site for housing development, and required street dedication and construction is a significant expense associated with development. Street standards are found in Chapter 4, Design and Improvement Requirements, in the Umatilla Land Division Ordinance. The typical local residential street is expected to have a 60 foot right-of-way with 36 feet of pavement.⁵ The required standard local street width in Umatilla is slightly wider than the “best practices” standards provided in the Model Development Code and User’s Guide for Small Cities (Model Code).⁶ The Model Code recommends minimum local street widths, where parking is permitted on both sides, be 28 feet of pavement within a 44- to 64-foot right-of-way. The City may consider reviewing this standard as part of a public process that considers transportation needs.

7. Regulatory Incentives for Affordable or Workforce Housing

As noted above, some development regulations can present obstacles or add costs to housing developments. These obstacles are particularly challenging for developments built by housing authorities, non-profit developers, or even for-profit developers that are attempting to build units affordable to people with lower or moderate incomes.⁷ In order to support developments that include units affordable to moderate- or low-income households, the City can offer concessions on regulatory standards. The concessions should be offered in exchange for the development dedicating a minimum

⁵ Note that pursuant to the City’s Minimum Street Standards (Land Division Ordinance Section 11-4-2(C)), rights-of-way and pavement widths may be reduced when a low density (R-1 and R-2) development’s anticipated traffic volume is less than 500 vehicle trips per day for.

⁶ See <https://www.oregon.gov/LCD/TGM/Pages/Model-Code.aspx>. State model code standards are similar to the recommended widths illustrated in the Transportation Growth Management Neighborhood Street Design Guidelines https://www.oregon.gov/lcd/Publications/NeighborhoodStreetDesign_2000.pdf

⁷ For classification of low or moderate income, see the Housing and Residential Land Needs Assessment, p. 24

proportion of the units to be regulated as affordable to people with lower or moderate income. The incentives typically include relief from certain development standards such as parking, setbacks, or density. Examples include the following:

- **Parking reductions.** In general, research shows that households with lower incomes tend to have lower car ownerships and driving rates, particularly when residents have ready access to shopping and other opportunities and services. A number of jurisdictions in Oregon provide reductions in off-street parking requirements for developments that are affordable to households with low or moderate incomes. Typically, developments must commit to providing affordable units over a significant length of time (20-60 years).
- **Height or density bonuses.** Some cities allow higher density or greater height in exchange for a commitment to provide housing units that are affordable to households with low or moderate incomes. Height bonuses are typically in terms of number of stories (e.g., one story in an area with an existing height limit of 35 or 45 feet). Density bonuses are typically stated in terms of a percentage of units (e.g., 10-20% is a common threshold). The amount of the bonus can be tied to the affordability levels provided and/or to the number of affordable units. Additionally, setback and bulk standards may be allowed to vary to accommodate the added density or to reduce development costs.
- **Allow flexibility in how affordable units are provided.** In some cases, it may be advantageous to construct the affordable units on a different site than the primary development that is receiving the concession. It may also make sense for the development to purchase existing market-rate units and convert them to affordable units. Allowing flexibility in how the units are provided can also widen the appeal of the program.

INCENTIVES

Described below are a variety of incentives related to housing development. The City of Umatilla should identify local goals for the types of housing the community is trying to incentivize when weighing the merits of pursuing the following incentives.

1. System Development Charge (SDC) Reductions, Exemptions, or Deferrals

Waiver, exemption or deferment of SDC's or development fees directly reduces the soft costs of development to applicants for desired housing types. Development fees are not regulated by state law and cities have significant leeway to waive, reduce, or defer these fees. These fees may typically be applied by planning, building or engineering departments. SDC's face more statutory limitations and other hurdles to implementation. Generally, the reductions should be applied to housing types that demonstrate a similar reduction in demand for services or impacts (e.g. smaller units, multi-family vs. single family, ADU's, housing types that generate less traffic, etc.) However, state law does not directly address reductions that are not justified on these bases. The impacts of SDC or fee waivers will differ by

jurisdiction depending on the size of the local charges. The magnitude of the fiscal impact will mirror how much of a benefit this incentive really provides to the developer.

Some jurisdictions offer full or partial SDC exemptions for affordable housing developments or subsidize them with funding from another source (e.g. urban renewal or general fund). A related type of program can allow developers of affordable housing to defer or finance payment of SDCs, which can reduce up-front costs and financing costs for the developer.

With deferral or financing of SDCs, the fiscal impacts to the City and its partners is minimal because charges are eventually paid. The period of repayment should not be a detriment to public agencies that operate on indefinite timelines. A financing program can be more beneficial to the property owner because SDC's are paid gradually, rather than in a lump sum soon after the completion of the project. However, a financing program also brings additional administrative requirements and costs to the City to track and collect payments over time.

2. Expedited Development Review

Jurisdictions can search for ways to reduce time and costs of the review and permitting process to developers building desired housing types. This incentive can be accomplished by reducing review times, consolidating steps in the process, and reducing or simplifying submittal requirements. In few industries is the old adage that "time is money" more true than in the development industry. The developer is often tying up capital and/or paying interest on loans during the pre-development process. Any reduction in process time translates into reduced costs and greater certainty to the developer and their partners.

Streamlining the process can involve an internal audit of the process to ensure it is efficient for both staff and applicants. This might involve making all permits available in one location with one main contact, providing clear and accessible information on requirements, and also allowing enough flexibility to consider innovative or new forms of development. Streamlining the review and permitting process is usually administratively feasible, though the greatest obstacle is often staff resources to expedite some projects when staff is already busy and/or limited in size. While City review processes could be streamlined, other regulatory review processes also impact the length of the permitting process. For example, state permitting of wetland fill or removal would also need to be streamlined to have a meaningful impact on permit review processes where wetlands are potentially impacted.

Recent statewide legislation also requires that cities with a population over 5,000, and counties with a population over 25,000 allow for 100-day review and decision on qualified affordable housing applications. This applies to the city of Umatilla and to the extent the city has not already complied with these requirements, they should update their land use application and review procedures to provide for the shortened timeline for qualified applications.

3. Tax Exemptions and Abatements

Tax exemptions or abatements offer another financial incentive to developers that can improve the long-term economic performance of a property and improve its viability. This can be a substantial incentive, but a city or county will forego taxes on the property, generally for ten years. Other taxing jurisdictions are not included, unless they agree to participate. Tax exemption programs are authorized by the state for specific purposes:

- Non-profit Low Income Housing (ORS 307.540 – 307.548): Exemptions for non-profit suppliers of affordable housing
- Low-Income Rental Housing (307.515 – 307.523): Broader exemption for projects that include affordable housing that can apply to private developers.
- Homeownership, Rehabilitation in Cities (307.651 – 307.687): An exemption to encourage new development and home renovation for owner (not rental) units of 120% median home price or less.
- Tax Freeze for Property Rehabilitation (ORS 308.450 – 308.481): A program that allows the owner of single-family or multi-family properties to complete renovations on a property, while freezing the assessed value at the prior level.
- Vertical Housing (ORS 307.841 – 307.867): An incentive for housing developments of two or more stories. This partial exemption grows larger with each additional floor of housing provided.
- Multiple-Unit Housing (in transit areas) (ORS 307.600 – 307.637): Intended for town centers and transit areas. May have limited use in rural counties, but may apply where there is regular transit service.

Tax abatements or exemptions alleviate property taxes on certain types of development, often for a set period of time. Exemptions can be a very strong tool to incentivize affordable housing and make proposed projects more viable, depending on how the exemptions are structured

FUNDING SOURCES AND USES

1. Public-Private Partnerships (PPPs) and Community Land Trusts

Most of the strategies discussed below fall under the umbrella of **public/private partnerships** that include a broad range of projects where the public contributes to private or non-profit development. The public involvement usually entails providing some financial incentive or benefit to the development partner in return for the partner's agreement that the development will provide some public benefit for a specified length of time. These partnerships can be used to encourage a wide range of public goals, including certain development forms, affordability levels, public space (plazas, parks), environmental features, mixed uses, etc.

A key barrier to meeting housing needs in Umatilla County has been the lack of development capacity to build the types of housing needed to serve local workers. In addition, owners of large developable properties have not been ready to sell or develop their land for housing. These factors have limited the pace and volume of housing development in the County. Partnerships with local or regional developers, builders and property owners will be a key to encouraging and realizing housing development goals in the area.

The benefit of public/private partnerships is that a city or county does not have to build internal expertise in development, property management, or complicated affordable housing programs. Partner agencies or companies with experience in these types of projects benefit from public contributions, making the projects more feasible.

Public contributions to partnerships with other agencies or companies tend to take the form of a financial contribution (grant or loan), fee or SDC waivers, building adjacent off-site improvements, or tax exemptions or abatements. Many of these tools are detailed in this report. Potential partners in the area include Umatilla County Housing Authority, Habitat for Humanity, CAPECO, the Port, active builders in the region, and key landowners.

Community Land Trusts (CLT) is a model wherein a community organization owns land and provides long-term ground leases to low-income households to purchase the homes on the land, agreeing to purchase prices, resale prices, equity capture, and other terms. This model allows low-income households to become homeowners and capture some equity as the home appreciates, but ensures that the home remains affordable for future homebuyers. CLTs may also lease land to affordable housing developers for the development of rental housing or may develop and manage rental housing themselves. Land trusts are typically run as non-profits, with support from the public sector and philanthropy, and could be linked to a land bank. Land trusts can be focused on homeownership or rental units.

Given the distinctive legal structure of CLT's it is likely best for public agencies and its cities to consider partnering with a non-profit community organization to administer this program. The cities can help identify key opportunities for this model and help to capitalize the efforts of its partner. Other CLT's working in different parts of Oregon include Proud Ground and Habitat for Humanity. The latter organization is not a CLT per se but uses a similar approach to maintaining the affordability of the homes it builds largely through volunteer labor. Initial inquiries to these organizations regarding their interest in operating in Umatilla County and the type of support they typically seek from local governments would be an important first step in implementing this strategy.

2. Land Acquisition and Banking

Land acquisition is a tool to secure sites for affordable housing. Public agencies can identify locations where prices are going up and acquire land before the market becomes too competitive, with the intention to use the land for affordable housing. The ability to identify promising sites within these

locations and act quickly and efficiently in acquiring them can tip the scales to make an affordable housing development financially feasible.

Land banking is the acquisition and holding of properties for extended periods without immediate plans for development, but with the intent that properties eventually be developed for affordable housing. Land banks are often quasi-governmental entities created by municipalities to effectively manage and repurpose an inventory of underused, abandoned, or foreclosed property. Public agencies or larger nonprofits may be better equipped than small community development corporations to do both land acquisition and banking.

Control of a key site gives a public agency ultimate say in what happens in that location. Typically, a development partner is eventually identified to develop the site, and the value of the property provides a significant incentive that the city can contribute to the project. Through reduced property transfer, the city can ensure that the development meets public goals such as affordable housing, multi-family housing, mixed uses, etc. The discounted land may also allow development forms that would not typically be economically feasible to become viable. Acquisition of new land may be expensive, but reuse of surplus public land may be possible with little new cost to the public agency.

3. Construction Excise Tax

A construction excise tax (CET) is a tax on construction projects that can be used to fund affordable housing. According to state statutes, the tax may be imposed on improvements to real property that result in a new structure or additional square footage in an existing structure. Cities and counties may levy a CET on residential construction for up to 1% of the permit value; or on commercial and industrial construction, with no cap on the rate of the CET.

The allowed uses for CET funding are defined by the state statutes. The City may retain 4% of funds to cover administrative costs. The funds remaining must be allocated as follows, if the City uses a residential CET:

- 50% must be used for developer incentives (e.g. fee and SDC waivers, tax abatements, etc.)
- 35% may be used flexibly for affordable housing programs, as defined by the jurisdiction.
- 15% flows to Oregon Housing and Community Services (OHCS) for homeowner programs.

If the City implements a CET on commercial or industrial uses, 50% of the funds must be used for allowed developer incentives and the remaining 50% are unrestricted.

To date, eight jurisdictions (Portland, Corvallis, Cannon Beach, Hood River County, Hood River City, and Newport) have passed local CETs under the new state statutes, and many others are considering adopting the tool.

The primary advantage of a CET is that it would provide a source of funding for other programs or measures aimed at helping subsidize the cost of affordable housing in the community, either through

city-led programs or those implemented by private or non-profit partners. In addition, once a CET is established, it would be straightforward to administer through the development permitting process. On the down side, CET increases development costs in an environment where many developers are already seeking relief from systems development charges, so it could impact development feasibility and increase the costs of housing more generally. However, by structuring the policy with offsetting incentives or tools to reduce development barriers, the City could potentially limit the impact on feasibility for certain projects.

Establishing a construction excise tax would necessitate that the City Council pass a new City ordinance. The City should work closely with the development and housing community in developing the fee structure. Implementing programs would need to be developed, and possibly coordinated with housing partners.

4. Tenant Protection Programs and Policies

Tenant protections include local regulations and enforcement programs that provide protections for tenants of existing affordable housing and low-cost market rate (LCMR) housing against evictions, excessive rent increases, discrimination, and health and safety violations. Tenant protections can also provide various types of assistance to renters. The purpose of these protections is help tenants of affordable units to access and retain their housing, particularly for very low-income and other vulnerable community members. Tenant protections can be implemented through policies and/or programs. The Oregon State Legislature is currently in the process of reviewing Senate Bill 608, which would regulate some tenant protection policies statewide. With the exception of rent regulation, local jurisdictions have the ability create tenant protection regulations that go beyond state requirements as long as they do not conflict with them. Homeowner protection programs could include education as well as financial and technical assistance to stabilize and combat predation of low- and moderate-income homeowners. Rent stabilization legislation was adopted by the State of Oregon during the 2019 legislative session and the state will essentially administer associated programs. The remainder of this section focuses on other types of tenant protection programs.

Notification for No-Cause Evictions. Under the provisions of ORS 90.427, landlords are required to give 30- or 60-day notification of no-cause evictions. Previously, some jurisdictions, including Portland and Milwaukie, increased the no-cause eviction notice to 90-day. However, Senate Bill 608, mandates a 90-day notice for no-cause eviction statewide. Senate Bill 608 was passed on February 28, 2019 and is effective immediately.

Renter Relocation Assistance. These programs require landlords to pay a set amount to assist tenants when lease conditions change—such as no-cause eviction, substantial rent increase, or not receiving the option to renew a lease. Relocation assistance programs have been implemented by the cities of Portland, OR and Vancouver, BC during the last several years. Recent state legislation also addresses these programs.

Rental Registration. These programs allow jurisdictions to keep an accurate inventory of residential rentals. A well-maintained inventory can help improve notification of changes to local landlord-tenant laws. Also, the program helps monitor and protect tenants while requiring more responsibility and accountability from landlords.

Rental Inspection Program. Rental inspection programs monitor rentals to protect tenants and require more accountability from landlords. Inspection programs can be combined with a registration program or stand-alone. Also, the types of housing or dwellings that are required to register for the program can vary to all housing, affordable housing, multi-family housing, or other criteria. Several Oregon jurisdictions have rental inspection programs, including the cities of Gresham and Salem.

Several of these programs require relatively significant administrative time and resources and may not be appropriate for the City as this time but could be considered for implementation in the future.

5. Subsidized Affordable Housing

For the lowest-income renters to secure housing that is affordable typically requires some type of rental subsidy to reduce the cost of rent. These programs typically take the form of affordable properties, where the rent of all or a portion of the units is maintained at a lower-than-market level or the renter is only required to pay a set percentage of their income towards rent despite the nominal rent level. Another form of subsidy is through a housing choice voucher assigned to the household which is portable.

Subsidized affordable housing is most often offered through a government or non-profit agency that has established the provision of housing to low-income households as part of their stated mission. Housing Authorities such as Umatilla County Housing Authority are often one of the largest, if not the largest providers of affordable housing in any given area. Housing Authorities administer many of the largest HUD affordable housing programs including public housing, project-based Section 8, and Section 8 vouchers. Housing Authorities also often serve the lowest income renters, often qualifying as “extremely low income” or earning 30% or less of the Area Median Income.

Other non-profit agencies also specialize in providing subsidized rental housing. Often these properties or units are affordable to those at somewhat higher income levels than public housing, and may focus on a specific population such as seniors or farmworkers. Properties built by non-profit housing agencies often require a complex combination of programs, tax credits, and other financing to complete the development.

Like many communities across the state, the cities of Umatilla County have a significant unmet need for more affordable rental housing. Cities can support the development and maintenance of subsidized affordable housing by ensuring that the Comprehensive Plan states support and that the zoning code and other standards do not place obstacles to the development of affordable housing where similar

market-rate structures are permitted. The incentives and tools discussed in this report can be used by cities to provide some funding or cost reductions to agencies that are building affordable housing.

6. Financial Assistance & Homebuyer Education Programs

There is a wide range of programs intended to provide incentives to property owners and builders to build and maintain housing stock (in addition to the state-authorized tax incentives discussed above). These tools can be used to maintain housing affordability or to help keep residents in their homes. These programs are typically aimed at property owners or renters, but public agencies can be well versed in these resources and ensure that public incentives can dovetail with these programs to have maximum impact. These programs include:

Homebuyer Education Classes (CAPECO)

- Classes for first time homebuyers are offered throughout the state sponsored by Oregon Housing and Community Services. In Umatilla County, CAPECO offers classes and one-on-one counseling to teach the basics of the home buying process, including housing choice, spending plan, and financing.

Greater Eastern Oregon Development Corporation (GEODC)

- Northeast Regional Housing Rehabilitation Loan Program: This program provides 0% interest, deferred payment loans to qualified homeowners to rehabilitate and maintain housing so households can stay in place and lower-cost housing stock can remain in service. This program is funded through Community Development Block Grant funding among other sources.

USDA Housing Programs

The USDA provides a wide range of rural housing and community development grants and loans that may be applicable in some or all of Umatilla County. Many of these programs are aimed directly at providing financing in areas and for projects that have difficulty gaining financing from other sources.

- Farm Labor Direct Loans and Grants
- Housing Preservation & Revitalization Demonstration Loans and Grants
- Housing Preservation Grants
- Multi-Family Housing Direct Loans
- Multi-Family Housing Loan Guarantees
- Multi-Family Housing Rental Assistance
- Single Family Housing Direct Loans
- Single Family Housing Loan Guarantees

-
- Mutual Self-Help Housing Technical Assistance Grants (to orgs to implement Habitat-for-Humanity model)
 - Rural Housing Site Loans (to purchase sites for low- and moderate-income housing)

Regional or local housing coordinators should maintain familiarity with these programs and consider the ways that other programs can leverage these resources to amplify the total incentives

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Resolution No. 78-2019 – A Resolution
Authorizing Electronic Advertising for
all City Contracts

Meeting Date:

June 18, 2019

Department:

Finance

Director:

Melissa Ince

Contact Person:

Melissa Ince

Phone Number:

541-922-3226 x
104

Cost of Proposal:

N/A

Amount Budgeted:

N/A

Fund(s) Name and Number(s):

N/A

Reviewed by Finance Department:

Yes

Previously Presented:

No

Attachments to Agenda Packet Item:

Res 78-2019

JUB Memorandum

Summary Statement:

The Oregon Administrative Rules state that the City must advertise every solicitation for competitive bids or competitive proposals for a public improvement project. In most cases, this advertisement includes publishing in the local newspaper. However, the City may publish by electronic advertisement if the City Council, acting as the Local Contract Review Board, finds it cost effective. I have attached a memo from J-U-B Engineers discussing the cost savings and practicality of electronic advertisement. This resolution approves electronic advertisement for all City contracts.

Consistent with Council Goals:

RESOLUTION NO. 78 – 2019

A RESOLUTION AUTHORIZING ELECTRONIC ADVERTISING FOR ALL CITY CONTRACTS

WHEREAS, the City of Umatilla has designated the City Council as the Local Contract Review Board for all contract concerns of the City; and

WHEREAS, the City must advertise every solicitation for competitive bids or competitive proposals for a public improvement contract; and

WHEREAS, the City’s engineer of record, J-U-B Engineers, has provided evidence that electronic advertisement is cost effective and widely used for solicitation of competitive bids in a report to the City dated May 10, 2019 which report is adopted by the City and incorporated into this resolution; and

WHEREAS, the City has determined it is cost effective to advertise competitive bids by electronic advertisement; and

NOW, THEREFORE BE IT RESOLVED, the City Council, acting as the Local Contract Review Board, authorizes solicitation of competitive bids by electronic advertising for all City contracts which require competitive bids, and;

BE IT RESOLVED, this authorization to use electronic advertising is ratified to May 10, 2019.

PASSED by the Council and **SIGNED** by the Mayor this 18th day of June, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



**THE
LANGDON
GROUP**



**GATEWAY
MAPPING
INC.**

May 10, 2019

Dave Stockdale
City Manager
City of Umatilla
700 Sixth Street
Umatilla, OR 97882 (Via Email)

RE: Electronic Advertisement

Dear Mr. Stockdale,

The City of Umatilla (City) requested J-U-B Engineers, Inc. (J-U-B) evaluate the cost effectiveness of electronic advertisement to provide public notice of solicitation documents in accordance with OAR 137-049-210. Bid advertisements in a newspaper of general circulation typically range in cost from \$250 - \$750 for a single ad published in the legals section. Various electronic advertisement websites require no fee or a minimal fee (less than \$250) to publish solicitations. Electronic advertisement on public contracting sites adequately provides notice to prospective bidders to foster competition. QuestCDN is a widely used electronic public contracting site which requires no fee for project solicitations. Therefore, it is cost effective to publish solicitations on electronic public contracting sites, such as QuestCDN.

Sincerely,

J-U-B ENGINEERS, Inc.

Shae Talley, P.E.
Area Manager

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Resolution No. 79-2019 – A Resolution to Award Contractor Jesse Rodriguez a Contract in the Amount of \$2,342,073 for Construction of the City of Umatilla Industrial Discharge Facility Project and to Delegate Authority to City Manager Stockdale to Sign all Contract Documents and any Future Amendments Associated with this Agreement

Meeting Date:

June 18, 2019

Department:

Finance

Director:

Melissa Ince

Contact Person:

Melissa Ince

Phone Number:

541-922-3226

Cost of Proposal:

\$2,342,073

Amount Budgeted:

Full Amount Loan Proceeds

Fund(s) Name and Number(s):

N/A

Reviewed by Finance Department:

Yes

Previously Presented:

Yes, CWSRF Loan Authorized 11/2017

Attachments to Agenda Packet Item:

Res 79-2019, JUB Bid Evaluation, Draft Contract Documents

Summary Statement:

This resolution authorizes City Manager Stockdale to execute all contract documents related to the Industrial Discharge Facility Project which will consist of a concrete outfall structure, a diversion structure and approximately 2.3 miles of industrial wastewater (IWW) pipeline. This project is funded through a loan from Oregon DEQ's Clean Water State Revolving Loan Fund (CWSRF) that was authorized by City Council in November 2017. As a condition of funding, this award is contingent upon DEQ approval. The City received one bid from Jesse Rodriguez Construction in the amount of \$2,342,073. This is higher than the original construction estimates from 2017 of \$1,910,820. However, the

actual engineering costs will be \$200,000 less than estimated, which will help offset the construction costs. Actual expenditures in excess of the original loan will be handled through a loan increase.

Consistent with Council Goals:

RESOLUTION NO. 79 – 2019

A RESOLUTION TO AWARD CONTRACTOR JESSE RODRIGUEZ A CONTRACT IN THE AMOUNT OF \$2,342,073 FOR CONSTRUCTION OF THE CITY OF UMATILLA INDUSTRIAL DISCHARGE FACILITY PROJECT AND TO DELEGATE AUTHORITY TO CITY MANAGER STOCKDALE TO SIGN ALL CONTRACT DOCUMENTS AND ANY FUTURE AMENDMENTS ASSOCIATED WITH THIS AGREEMENT

WHEREAS, the City of Umatilla has publically advertised request for proposals for the Umatilla Industrial Discharge Facility Project; and

WHEREAS, J-U-B Engineers and the City of Umatilla reviewed bids submitted on June 6, 2019; and

WHEREAS, J-U-B Engineers reviewed the bid tabulation; and

WHEREAS, the City of Umatilla recognizes that the award is contingent upon Oregon Department of Environmental Quality (DEQ) approval; and

WHEREAS, based on the review, the Jesse Rodriguez Construction bid was the lowest responsive and responsible bid for \$2,342,073.

NOW, THEREFORE BE IT RESOLVED, the City of Umatilla awards Jesse Rodriguez a contract in the amount of \$2,342,073 for construction of the City of Umatilla Industrial Discharge Facility Project contingent upon DEQ approval, and;

BE IT RESOLVED, the City Council hereby delegates authority to City Manager Stockdale to sign all contract documents and any future amendments associated with this agreement.

PASSED by the Council and **SIGNED** by the Mayor this 18th day of June, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

June 13, 2019

Dave Stockdale
City Manager
City of Umatilla
700 6th St
Umatilla, OR 97882 (Via Email)

RE: City of Umatilla Industrial Discharge Facility Project - Bid Evaluation

Dear Dave:

J-U-B evaluated the one (1) bid received on June 6, 2019 for the Industrial Discharge Facility Project. The evaluation endeavors to determine compliance with bidding process and requirements outlined in the Oregon Administrative Rules (OAR), Oregon Revised Statutes (ORS), and the Contract Documents. The bid tabulation is attached and the result of the proposal is as follows:

	Engineers Estimate	Jesse Rodriguez Construction
Base Bid	\$2,009,561.25	2,342,073.00

The responsiveness of the bidder is documented in the attached Bid Evaluation Summary. **Based on this evaluation, J-U-B recommends award of the contract to the lowest responsible bidder, Jesse Rodriguez Construction, in the amount of \$2,342,073.00, contingent upon Department of Environmental Quality (DEQ) approval. The DEQ approval of the Contractor's bid is contingent on the Contractor and all subcontractors having current registration on the System for Award Management.**

Review of the bid identified the following modifications required by the bidder:

- Contractor's Registration – list Labor and Industries Registration Number.
- Debarment and Suspension form – fill in for all subcontractors and ensure System for Award Management registrations are active.

These modifications are considered informalities and should not affect the responsiveness of the bid.

The City should work with legal counsel to review the bids, conduct any further review that is warranted, consider irregularities that may be present based on your review, waive any informalities, and make a final recommendation to the City Council for contract award.

Upon Council approval, the Intent to Award will be posted for a minimum of seven days prior to issuing the Notice of Award and execution of the Contract.

Sincerely,

J-U-B ENGINEERS, Inc.

Shae Talley, P.E.
Project Manager

Attachments:

- Bid Evaluation Summary
- Bid Tabulations
- Draft Notice of Intent to Award
- Draft Agreement for Construction
- Draft Performance and Payment Bond
- Draft Notice of Award for Construction
- Draft Notice to Proceed

CITY OF UMATILLA - INDUSTRIAL DISCHARGE FACILITY PROJECT
Bid Evaluation Summary



THE LANGDON GROUP
A J.U.B. Company



GATEWAY MAPPING INC.
A J.U.B. Company

June 13, 2019

J-U-B ENGINEERS, INC.

OTHER J-U-B COMPANIES

Criteria No.	Evaluation Criteria	Jesse Rodriguez
1	Bid received on time in a properly sealed envelope?	Yes
2	Bid proposal contains all contents listed in the bidders checklist?	Yes
3	Addenda properly acknowledged?	Yes
4	Bid schedule completed in general conformance with the Instructions to Bidders?	Yes
5	Oregon Contractor's License Number included and verified?	Yes
6	Bid Signed?	Yes
7	First-Tier Subcontractor Disclosure submitted?	Yes
8	Bid bond and warranty included and signed?	Yes
9	Loan forms included and signed?	Yes - SAM registrations pending
10	Reference check satisfactory?	n/a - J-U-B has direct experience and knowledge of this Contractor and has experienced satisfactory performance in the past. Reference check was completed on recent project.
Total Bid Amount		\$2,342,073.00
Is Bid Responsive?		Yes



JUB ENGINEERS, INC.

CLIENT: City of Umatilla

CLIENT PROJECT: Industrial Discharge Facility

BID TABULATIONS

DATE: 6/6/2019

JUB PROJECT NO. 33-18-006

PROJECT BID ITEM NUMBER	OREGON STANDARD SPEC BID ITEM NUMBER	ITEM DESCRIPTION	UNIT	QUANTITY	ENGINEERS ESTIMATE			TOTAL
					UNIT PRICE	UNIT PRICE	UNIT PRICE	
1	0210-010000A	MOBILIZATION	LS	1	\$115,000	\$115,000.00	\$200,000.00	\$200,000.00
2	0225-0101000A	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS	1	\$10,000	\$10,000.00	\$32,700.00	\$32,700.00
3	0280-010000A	EROSION CONTROL	LS	1	\$5,000	\$5,000.00	\$5,600.00	\$5,600.00
4	0305-010000A	CONSTRUCTION SURVEY WORK	LS	1	\$20,000	\$20,000.00	\$20,000.00	\$20,000.00
5	0310-0119000F	ASPHALT PAVEMENT SAW CUTTING	FOOT	1725	\$1.25	\$2,156.25	\$4.00	\$6,900.00
6	0320-010000A	CLEARING AND GRUBBING	LS	1	\$5,000	\$5,000.00	\$44,000.00	\$44,000.00
7	0405-010000K	ROCK EXCAVATION	CY	1005	\$100	\$100,500.00	\$250.00	\$251,250.00
8	0411-0200000F	SLIP LINING, 8 INCH	FOOT	1510	\$35	\$52,850.00	\$99.00	\$149,490.00
9		ABANDON PIPE IN PLACE	EACH	3	\$2,000	\$6,000.00	\$500.00	\$1,500.00
10		ABANDON MANHOLE	EACH	5	\$1,500	\$7,500.00	\$1,450.00	\$7,250.00
11	0495-010000J	TRENCH RESURFACING	SQYD	4535	\$25	\$113,375.00	\$22.00	\$99,770.00
12	0815-010000E	BOLLARDS	EACH	36	\$850	\$30,600.00	\$900.00	\$32,400.00
13	1030-0128000R	NATIVE PLANT SEEDING	ACRE	1	\$5,000	\$5,000.00	\$5,000.00	\$5,000.00
14	1050-0240000F	REMOVING AND REBUILDING FENCE	FOOT	60	\$25	\$1,500.00	\$24.00	\$1,440.00
15	1050-0162000F	72 INCH CHAIN LINK FENCE WITH 3-STRAND BARBED WIRE	FOOT	84	\$65	\$5,460.00	\$85.00	\$7,140.00
16	1050-0192000E	8 FOOT X 72 INCH CHAIN LINK SINGLE GATES	EACH	1	\$3,000	\$3,000.00	\$1,500.00	\$1,500.00
17		2 INCH HDPE AIR PIPE	FOOT	110	\$24	\$2,640.00	\$28.00	\$3,080.00
18		2 INCH GALV STL AIR PIPE	FOOT	15	\$25	\$375.00	\$21.00	\$315.00
19		3 INCH GALV STL AIR PIPE	FOOT	65	\$30	\$1,950.00	\$39.00	\$2,535.00
20		4 INCH GALV STL AIR PIPE	FOOT	20	\$65	\$1,300.00	\$50.00	\$1,000.00
21		4 INCH DI IWW PIPE	FOOT	51	\$50	\$2,550.00	\$99.00	\$5,049.00
22		8 INCH PVC IWW PIPE	FOOT	23	\$87	\$2,001.00	\$112.00	\$2,576.00
23		8 INCH HDPE IWW PIPE	FOOT	52	\$67	\$3,484.00	\$168.00	\$8,736.00
24		18 INCH DI IWW PIPE	FOOT	115	\$833	\$95,795.00	\$760.00	\$87,400.00
25		18 INCH PVC IWW PIPE	FOOT	10925	\$93	\$1,016,025.00	\$90.00	\$983,250.00
26	1140-0300000E	8 INCH CONNECTION TO 6 INCH EXISTING MAIN	EACH	1	\$3,500	\$3,500.00	\$2,200.00	\$2,200.00
27	1150-0100000E	2 INCH CORPORATION STOP VALVE	EACH	3	\$800	\$2,400.00	\$867.00	\$2,601.00



J-U-B ENGINEERS, INC.

CLIENT: City of Umatilla

CLIENT PROJECT: Industrial Discharge Facility

BID TABULATIONS

DATE: 6/6/2019

J-U-B PROJECT NO. 33-18-006

PROJECT BID ITEM NUMBER	OREGON STANDARD SPEC BID ITEM NUMBER	ITEM DESCRIPTION	UNIT	QUANTITY	ENGINEERS ESTIMATE			BIDDER 1	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
28	1150-0100000E	2 INCH CURB STOP VALVE	EACH	3	\$1,200	\$3,600.00	\$1,225.00	\$3,675.00	
29	1150-0100000E	3 INCH GATE VALVE	EACH	4	\$1,000	\$4,000.00	\$965.00	\$3,860.00	
30	1150-0100000E	4 INCH GATE VALVE	EACH	6	\$1,100	\$6,600.00	\$1,072.00	\$6,432.00	
31	1150-0100000E	8 INCH GATE VALVE	EACH	1	\$2,500	\$2,500.00	\$1,575.00	\$1,575.00	
32	1150-0100000E	18 INCH PLUG VALVE WITH ELECTRIC ACTUATOR	EACH	2	\$16,000	\$32,000.00	\$32,385.00	\$64,770.00	
33	1150-0600000E	2 INCH COMBINATION AIR RELEASE / AIR VACUUM VALVE ASSEMBLY	EACH	3	\$4,500	\$13,500.00	\$2,425.00	\$7,275.00	
34	1150-0600000E	3 INCH COMBINATION AIR RELEASE / AIR VACUUM VALVE ASSEMBLY	EACH	4	\$8,000	\$32,000.00	\$7,844.00	\$31,376.00	
35	1150-0600000E	4 INCH COMBINATION AIR RELEASE / AIR VACUUM VALVE ASSEMBLY	EACH	2	\$12,000	\$24,000.00	\$8,776.00	\$17,552.00	
36		DRAIN ASSEMBLY	EACH	3	\$2,800	\$8,400.00	\$4,644.00	\$13,932.00	
37		OUTFALL STRUCTURE AND CANAL IMPROVEMENTS	LS	1	\$55,000	\$55,000.00	\$42,250.00	\$42,250.00	
38		DIVERSION STRUCTURE	LS	1	\$63,000	\$63,000.00	\$87,900.00	\$87,900.00	
39		ELECTRICAL, INSTRUMENTATION AND CONTROLS	LS	1	\$150,000	\$150,000.00	\$96,794.00	\$96,794.00	
				BID TOTAL (2019 Dollars)		\$2,009,561.25		\$2,342,073.00	

**NOTICE OF INTENT TO AWARD
Industrial Discharge Facility Project**

The City of Umatilla announces its intent to award the contract for the Industrial Discharge Facility Project to Jesse Rodriguez Construction for the amount of TWO MILLION, THREE HUNDRED FORTY-TWO THOUSAND, SEVENTY-THREE Dollars and ZERO Cents (\$ 2,342,073.00).

This Notice of Intent to Award is subject to execution of a written contract and, as a result, this Notice does NOT constitute the formation of a contract between the City of Umatilla and the apparent successful bidder. The bidder shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to the City of Umatilla is executed. If the apparent successful bidder fails to negotiate and execute a contract with the City of Umatilla, the City of Umatilla may revoke the award and award the contract to the next lowest bidder or withdraw the Sealed Bid. The City of Umatilla further reserves the right to cancel this Notice of Intent to Award at any time prior to the execution of a written contract.

This Notice of Intent to Award starts the seven (7) day period in which an unsuccessful bidder may file a bidder appeal pursuant to ORS 279C.375.

Thank you for participating in the competitive selection process.

Dated this ___ day of _____, 2019.

By: Dave Stockdale

Title: City Manager

for The Owner: City of Umatilla

AGREEMENT FOR CONSTRUCTION

THIS AGREEMENT, made on the _____ day of _____, 2019, by and between the City of Umatilla, party of the first part, hereinafter called the Owner, and _____, party of the second part, hereinafter called the Contractor.

WITNESSETH, that the Contractor and the Owner, for the consideration hereinafter named, agree as follows:

ARTICLE I - SCOPE OF THE WORK

The Contractor hereby agrees to furnish: All labor, materials, equipment and incidentals, and to perform all work shown on the drawings and described in the specifications for the project as prepared by **J-U-B ENGINEERS, Inc.**, hereinafter referred to as the Engineer entitled: **INDUSTRIAL DISCHARGE FACILITY**.

The work shall include those items named in the Proposal dated _____, 2019, and shall be in accordance with the requirements and provisions of the Contract Documents enclosed herein, and hereby a part of this Agreement.

The Contractor also agrees to comply with all applicable state laws, municipal ordinances, and rules and regulations of all authorities having jurisdiction over the construction, and specifically, the applicable provisions of Oregon law relating to public contracts (ORS Chapter 279) which by this reference are incorporated in the Contract and made a part hereof.

ARTICLE II - CONTRACT TIME

The work to be performed under this contract shall be commenced within 7 calendar days after the date of written notice by the Owner to the Contractor to proceed. All work shall be completed by February 1, 2020, unless the period for completion is extended in accordance with the General Conditions of the Contract (*Part 00100 – GENERAL CONDITIONS of the 2018 Oregon Standard Specifications for Construction*).

In addition to the liquidated damages above, the Contractor shall reimburse the Engineer for the cost incurred for inspection and project management services required beyond the set time limit. If the Contractor fails to reimburse the Engineer directly, the cost will be deducted from the Contractor's final pay request by the Owner.

ARTICLE III – PAYMENT

The Owner shall pay to the Contractor for the performance of the work the total amounts determined by lump sum and unit prices listed in the Proposal. Based on the estimated quantities and the stated unit prices, the total Contract sum is _____ (\$ _____).

Progress payments shall be made in accordance with *Section 00195.50 of the 2018 Oregon Standard Specifications for Construction*, contained in the Technical Specifications and Contract Provisions or as modified in the Special Conditions section of these Contract Documents.

ARTICLE IV – CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between Owner and Contractor are attached to this agreement, made a part hereof, and consist of the following: Advertisement for Bids, Invitation to Bid, Information to Bidders, Bidder's Checklist, Proposal, Bid Schedule, Proposal Guarantee - Bid Bond, Bidder's Warranty, Contractor's Registration, First Tier Subcontractor Disclosure, Agreement for Construction, Performance Bond, Payment Bond, Addenda, Notice to Award, Notice to Proceed, Special Provisions, Supplemental Technical Specifications, 2018 Oregon Standard Specifications for Construction, and Construction Drawings.

ARTICLE V – ADMINISTRATION OF THE CONTRACT

5.01 Authority and Relationships of the Owner and the Engineer – The following provisions shall govern the authority of the various officers, agents, representatives, consultants and employees of the Owner, and the Engineer. Except as specifically provided in this section, no individual acting or purporting to act as an officer, agent, representative, consultant, or employee of the Owner or the Engineer shall have any authority to make representations, statements or decisions of whatever nature binding the Owner or the Engineer regarding any aspect of this Contract. Except as specifically provided in this Article, the Contractor shall have not right to, and shall not rely on any such representation, statement or decision. Any reference to action by the Owner in this Contract requires the written approval of the Owner or a person who is designated in writing by the Owner as having authority to act for the Owner but only to the extent that such authority is expressly delegated in writing.

5.01.01 Authority of the Owner– Except as otherwise provided herein, the Owner shall determine the amount, quality, acceptability, fitness, and progress of the Work covered by the Contract. The Owner and the Engineer will not be responsible for and will not have control or charge of construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work, and they will not be responsible for the Contractor's failure to carry out the Work in accordance with the Construction Documents. The Owner and the Engineer will not be responsible for or have control over the acts or omissions of the Contractor, Subcontractors, or any of their agents or employees, or any other persons performing any of the Work. Nothing contained in this Contract is intended nor shall be construed to create any third-party beneficiary relationship between the Owner and the Contractor's subcontracting agents or employees.

It shall be the duty of the Contractor to comply with all procedures established and/or implemented by the Owner as stated above. In the event any such procedures are at variance with other provisions of these Documents, such procedures shall prevail.

The Owner may call for meetings of the Contractor, the Contractor's Subcontractors and Suppliers as the Owner deems necessary for the inspection of the Work. Such meetings shall be held at the Site on regular working days during regular working hours, unless otherwise directed by the Owner. Attendance shall be mandatory for all parties notified to attend.

The Contractor shall immediately comply with any and all orders and instructions given in accordance with the terms of this Contract by the Owner.

Contractor has not right to, and shall not, rely on representations of whatever nature made by any individual, whether or not employed by or purporting to represent the Owner or the Engineer, unless such individual has been specifically and expressly delegated authority to make such representations pursuant to these Contract Documents. Likewise the Contractor has no right, and shall not rely on any representation of authorized changes on the Contract of whatever size or nature unless such change is in writing and signed by the Owner.

Nothing contained in the Paragraph shall obligate the Owner or Engineer to supervise the Contractor's Work under this Contract and the Contractor shall remain fully responsible for the complete and proper supervision of the Work.

- 5.02 Clarifications – Should it appear that the Work to be done or any of the matters relative to the Contract Documents are not sufficiently detailed or explained in the Contract Documents, or should there be any questions which may arise as the meaning or intent of the Contract Documents, the Contractor shall immediately submit to the Owner a written Request for Clarification which shall fully describe the information sought. It is the Contractor's responsibility to request information under this Paragraph in sufficient time for review by the Engineer and the Owner so that the orderly progress and prosecution of the Work is not delayed.

The Engineer, in consultation with the Owner, shall interpret the meaning and intent of the Contract Documents and shall issue, within ten (10) days of receiving a Request for Clarification from the Contractor, a written Clarification describing such meaning and intent. Additionally, the Engineer, after consulting with the Owner, may at any time issue written Clarifications as deemed necessary to carry out the Work included in the Contract Documents. Notwithstanding any dispute or disagreement which the Contractor may have concerning any such Clarifications, the Contractor shall perform the Work as prescribed and in accordance with all such Clarifications.

If notified by the Owner that a Clarification is forthcoming, any related Work done before the receipt of the Clarification shall be coordinated with the Owner so as to minimize the effect of the Clarification on Work in progress. Any related Work not coordinated with the Owner done before receipt of the Clarification shall be at the Contractor's risk and at no cost to the Owner if that Work does not conform to the Clarification.

If the Contractor proceeds with the Work which is not sufficiently detailed or explained in the Contract Documents without requesting and obtaining a Clarification pursuant to this Paragraph, the Contractor shall do so at its own risk and shall, at no cost to the Owner, perform any additional Work which may be required by the Owner to bring the Work into conformance with the intent of the Contract Documents.

- 5.03 Contractor's Claims

5.03.01 Generally – No claims of any sort by the Contractor shall be considered or allowed under this Contract except as specifically provided and prescribed under this Paragraph. Failure to make a claim as specifically provided and prescribed under this Paragraph or failure to perform disputed Work, if any, as directed by the Owner shall bar the Contractor from any recovery of any sort or extension of time resulting from the facts surrounding the claim. The Contractor’s full and complete compliance with is Paragraph shall be a condition precedent to any right of the Contractor to further prosecute any claim against the Owner arising out of or related to Work described in the Contract Documents. Every decision of action pursuant to this Paragraph.

5.03.02 Types of Claims – The types of claims which the Contractor may make are limited to the following:

1. Claims based upon justifiable delays as described in **Subparagraph 5.03.03**.
2. Claim based upon differing site conditions as described in **Subparagraph 5.03.04**.
3. Claims based upon clarifications or change orders issued by the Owner or any other decision, action or failure to act by the Owner as described in **Subparagraph 5.03.05**.

As a condition precedent to any such claim, the Contractor shall comply with all applicable procedural and substantive requirements of this Contract.

The Contractor may make claims which include request for extensions of the Contract Time and/or request for increases in the Contract Amount. If the Contractor believes that a single circumstance or set of facts gives rise to both a claim for an extension of the Contract Time and an increase in the Contract Amount, the Contractor must state both allegations in one written claim or waive the unstated allegation.

5.03.03 Claims for Justifiable Delay

5.03.03.01 Definition of Justifiable Delay – If the Contractor is significantly and justifiably delayed in the prosecution of the Work due to any of the acts, events, or conditions described as justifiable delays below, the Contractor may make a claim for an increase in the Contract Time and/or Contract Amount pursuant to Clause 5.03.03.02.

“Justifiable Delay” shall mean, and is limited to, the acts, events, or conditions described in **Sections 4a.** through **4i.** below, if such act, event, or condition has a materially adverse effect on the ability of the Contractor to obtain the benefits of such rights or to perform such obligations and if such act, event, or condition and its effect:

1. Are beyond the reasonable control of the Contractor (or any third party for whom the Contractor is directly responsible).
2. Do not arise out of:

City of Umatilla – Industrial Discharge Facility

- a. Strikes, labor disputes, or other labor difficulties involving the Contractor or its Subcontractors or Suppliers or entities providing transportation of the Contractor or its Subcontractors or Suppliers.
 - b. Labor shortages.
 - c. Changing economic conditions; and
3. Could not have been reasonably anticipated by the Contractor.
4. The acts, events, and conditions are:
- a. An act of God.
 - b. Inclement Weather.
 - c. Acts of public enemy, war (whether or not declared) or governmental intervention resulting therefrom, blockage, embargo, insurrection, riot and civil disturbance.
 - d. The failure to issue or renew, or the suspension, termination, interruption or denial of any permit, license, consent, authorization or approval essential to the Work, if such act or event shall not be the result of the willful or negligent actions or inaction of the Contractor, or of any third party of whom the Contractor is directly responsible, and if the Contractor shall be taking or have taken action (it being understood that the contesting in good faith of any such action shall not constitute or be construed as a willful or negligent act of the Contractor).
 - e. The failure of any appropriate Federal, State, Municipal, County or other public agency or authority or private utility having operation jurisdiction over the Work or Site to provide and maintain utilities, services, water and sewer lines and power transmission lines to the Site, which are required for and essential to the Work.
 - f. Epidemics or quarantines.
 - g. Material, equipment or fuel shortages or freight embargoes.
 - h. Priorities or privileges established for the manufacture, assembly or allotment of material by order, decree, or otherwise by any department, bureau, commission, committee, agent or administrator of any legally constituted public authority.

City of Umatilla – Industrial Discharge Facility

- i. The prevention by the Owner of the Contractor from commencing or prosecuting the Work.
5. No claim for extension of the Contract Time or increase in the Contract amount will be considered for Inclement Weather unless the Contractor submits documentation that such weather conditions are abnormal for the area and period of time in question; that they could not have been reasonably anticipated; and that the Inclement Weather had a significant adverse effect on the Construction Schedule.
 6. Delays in delivery of equipment or materials purchased by the Contractor or its Subcontractors or Suppliers (including Owner-selected equipment) shall not be considered as a just cause for delay if timely ordering would have made the equipment available. The Contractor shall be fully responsible for the timely ordering, scheduling, expediting, delivery, and installation of all equipment and materials.
 7. The term “delay” shall specifically not include and no extension of the Contract Time or increase in the Contract Amount shall be allowed for:
 - a. Any delay which could have been avoided by the exercise of care, prudence, foresight and diligence on the part of the Contractor;
 - b. Any delay in the prosecution of parts of the Work, which may in itself be unavoidable but which does not necessarily prevent or delay the prosecution of other parts of the Work, nor the Substantial Completion of the Work of this Contract within the time specified;
 - c. Any reasonable delay resulting from the time required by the Owner for review of Submittal or Shop Drawings submitted by the Contractor and for the making of surveys, measurements and inspections;
 - d. Any delay arising from an interruption in the prosecution of the Work on account of the reasonable interference of the Owner or others which does not necessarily prevent the Substantial Completion of the Work of this contract within the time specified; and
 - e. Any delay resulting in any manner from labor disputes, strikes, or difficulties or any delay resulting in any manner from any labor-related event, act or condition whether or not the Contractor has any control over such events, act or condition.

5.03.03.02 Justifiable Delay Claims Procedure – The Contractor shall, within twenty-four (24) hours of the start of the occurrence or the Contractor’s first knowledge of the occurrence

which is the basis of the claim for the justifiable delay, whichever is earlier, notify the Owner in writing of such delay. The written notice by the Contractor shall indicate the cause of the delay and shall estimate the possible time extension requested. Within ten (10) days after the cause of the delay has been remedied, the Contractor shall give written notice to the Owner of any actual time extension and any increase in the Contract Amount requested as a result of the aforementioned occurrence in accordance with this Contract.

Within twenty-one (21) days after the Contractor submits to the Owner such a written notice for an extension of time and/or increase in Contract Amount, the Owner will issue the decision on each request. If the Contractor is dissatisfied with such decision, the Contractor may preserve its claim as provided and prescribed by **Subparagraph 5.03.06**.

5.03.04 Claims for Differing Site Conditions – The Contractor shall promptly, and before the conditions are disturbed, give a written notice to the Owner of:

1. Subsurface or latent physical conditions at the Site which differ materially from those indicated in this Contract; or
2. Unknown physical conditions at the Site, of an unusual nature which differ materially from those ordinarily encountered and generally recognized as inherent in Work of the character provided for in the Contract.

The Owner shall investigate the Site conditions promptly after receiving the notice. If the conditions do materially differ so as to cause an increase or decrease in the Contractor's cost to, or the time required to perform any part of the Work under this Contract, whether or not it has changed as a result of the conditions, an equitable adjustment shall be made and a Change Order shall be issued.

If the Contractor is dissatisfied with the decision of the Owner under this Subparagraph, the Contractor may preserve its claim as provided and prescribed by **Subparagraph 5.03.06**.

5.03.05 Other Contractor Claims – Contractor claims based upon Clarifications or Change Orders issued by the Owner or any other decision, action or failure to act by the Owner shall be made according to this Subparagraph.

The Contractor shall, within twenty-four (24) hours following the discovery of the facts, which give rise to its claim, notify the Owner in writing of its intent to make the claim. Within ten (10) days following discovery of the facts, which give rise to the claim and prior to commencing the Work or conforming to the Clarification on which the claim is based, if any, the Contractor shall submit its formal written claim to the Owner. The Contractor's written notice shall include a description of:

1. The factual occurrences upon which the Contractor bases the claim including the decision, action or failure to act by the Owner or its authorized representatives that allegedly give rise to the claim.

2. How the Owner's decision, action or failure to act has affected the Contractor's performance or otherwise affected the Contractor.
3. Whether the claim is for an extension of Contract Time, or an increase in the Contract Amount, or both, and the specified extension or increase requested.
4. The provisions of the Contract upon which the claim is based.

Submission of written notice of claim as specified above shall be mandatory and failure to comply shall be conclusive waiver to any claim by the Contractor. Oral notice or statement will not be sufficient nor will notice or statement after commencing Work in question.

After the written notification is submitted by the Contractor (if the claim is not resolved or withdrawn in writing) and only upon written direction by the Owner, the Contractor shall proceed without delay to perform the Work pursuant to the direction of the Owner. While the Work on an unresolved claim is being performed, the Contractor shall keep track of costs and maintain records in the manner set forth in Section on Force Account Work, at no cost to the Owner. Such notice by the Contractor and the fact that the Contractor is keeping track of costs and maintaining records shall not in any way be construed as proving the validity of the claim not the costs thereof.

Provided the claim or claims have been submitted in accordance with the requirement of this Article, the Owner will consider and investigate the claim or claims of the Contractor. Within twenty-one (21) days of receipt of the above-described written notification of claim the Owner will advise the Contractor of the Owner's decision to accept or reject the claim or claims, if full or part. If the Contractor is dissatisfied with the decision of the Owner under this Subparagraph, the Contractor may preserve its claim as provided and prescribed by Subparagraph 5.03.06.

5.03.06 Preservation of Claims – Within forty-five (45) days after a rejection of claim, in whole or in part, the Owner under Subparagraph 5.03.03, 5.03.04, or 5.03.05, the Contractor may preserve its claim by submitting a fully documented claim package to the Owner. That package shall include substantiating documentation with an itemized breakdown of the Contractor's and Subcontractor's cost on a daily basis which shall include, but not limited to, labor, material, equipment, supplies, services, overhead and profit. All documentation that the Contractor believes is relevant to the claim shall be provided in the claim package including without limitation, payroll records, purchase orders, quotations, invoices, estimate, correspondence, profit and loss statements, daily logs, ledgers and journals. Failure to submit the claim package in full compliance with this requirement, and/or maintain cost records as herein required will constitute a waiver of the claim.

If the Contractor elects to pursue any claims by filing a lawsuit against the Owner, it must commence such lawsuit within six (6) months after the date of Substantial Completion. Failure to commence a lawsuit within this time limit shall constitute a waiver of all such claims by the Contractor.

5.04 The Owner's Rights to Damages

- 5.04.01 Liquidated Damages for Delay – Time is of the essence for the performance of the Work under this Contract. If the Contractor fails to substantially complete the Work within the Contract Time, the actual damage to the Owner for the delay will be substantial but will be difficult or impractical to determine. It is therefore agreed that the Contractor will pay to the Owner, not as a penalty but as liquidated damages, the amount of seven hundred and fifty dollars (\$750) per day for each and every calendar day afterwards that the project remains uncompleted beyond the time limit set. An additional one time lump sum liquidated damages amount of \$200,000 will apply against the Contractor if the outfall construction is not complete by March 1, 2020. An extension of the March 1, 2020 completion date for the outfall construction will not be considered for any reason to include delays in receipt of materials, adverse weather, and unforeseen change of conditions.
- 5.04.02 Payment of Liquidated Damages Not a Bar to the Owner’s Right to Other Damages – Payment of liquidated damages shall not release the Contractor from obligations in respect to the complete performance of the Work, nor shall the payment of such liquidated damages constitute a waiver of the Owner’s right to collect any additional damages which it may sustain by failure of the Contractor to fully perform the Work, it being the intent of the parties that the aforesaid liquidated damages by full and complete payment only for failure of the Contractor to complete the Work on time. The Owner expressly reserves the right to make claims for any and all other damages which the Owner may incur due to the Contractor’s failure to perform in strict accordance with this Contract.
- 5.05 Arbitration – Both parties shall, in good faith, attempt to negotiate resolutions to all disputes arising out of this Contract. Subject to the conditions and limitations of this Paragraph, any controversy or claim arising out of or relating to this Contract which remains unresolved after such negotiations, shall be exclusively settled by arbitration under the laws of the State of Oregon in accordance with the *Commercial Arbitration Rules of the American Arbitration Association*. All disputes shall be held in Umatilla, Oregon. However, all disputes concerning the Owner’s right to the equitable remedy of specific performance shall not be subject to arbitration, but shall be decided exclusively by a court of competent jurisdiction in Union County, Oregon, under the laws of the State of Oregon.

The Contractor agrees to consolidation of any arbitration between the Owner and the Contractor with any or other arbitration involving, arising from, or relating to this Contract or otherwise involving the transfer, transport, collection or disposal of waste by the Owner.

In the event that the Owner determines, in its sole opinion, that the public interest requires a speedy resolution of any controversy or claim regardless of the amount, the Owner shall have the option of electing resolution of the controversy or claim by the Expedited Procedures of the *Commercial Arbitration Rules of the American Arbitration Association (Rules 54 through 58)*.

In no event shall submission of a dispute arising out of this Contract, by either party, relieve the Contractor of its obligation to fully perform the requirements of the Contract as directed by the Owner, pending resolution of the dispute pursuant to the procedures set forth in this Article. In the event the Contractor, in the Owner’s opinion, fails to perform the requirements of the Contract pending resolution of a dispute,

City of Umatilla – Industrial Discharge Facility

the Owner shall be entitled to exercise its rights to impose liquidated damages pursuant to **Subparagraph 5.04.01**, or terminate the Contract altogether.

Each party hereto and the Contractor's Surety accept jurisdiction of the courts of the State of Oregon for the purposes of commencing, conducting and enforcing such arbitration proceedings and agrees to accept notice in writing set by certified letter addressed to said party of intention with the same effect as though personally served therewith in the State of Oregon. The decision of the arbitrator shall be final and findings upon both parties and the Contractor's Surety who here by agree to proceed to enforce any decision or award made by an arbitrator under this section.

ARTICLE VI – OTHER PROVISIONS

This agreement shall be binding on all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement in Three (3) copies each of which shall be deemed an original on

this date of _____, 2019.

City of Umatilla, Owner

By: _____ By: _____

Name/ Title: Daren Dufloth, Mayor

Name/Title: David Stockdale, City Manager

Contractor: _____

By: _____ By: _____

Name/Title: _____

Name/Title: _____

PERFORMANCE AND PAYMENT BOND

Know all persons by these presents, that _____, hereinafter called the PRINCIPAL, and _____ a CORPORATION or partnership duly authorized to do a general surety business in Oregon, as SURETY, are jointly and severally held and bound unto the City of Umatilla, Oregon, hereinafter called the OBLIGEE in the sum of

_____ (\$ _____)

for the payment of which we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that, whereas,

(Contractor)

the PRINCIPAL herein, on the _____ Day of _____, entered into a contract with the OBLIGEE, for "INDUSTRIAL DISCHARGE FACILITY" for which contract documents consist of the following:

- "Invitation to Bid"
- "Instructions to Bidders"
- "Bid Proposal"
- "Bid Schedule"
- "Proposal Guaranty – Bid Bond"
- "Bidder's Warranty"
- "Contract Forms"
- "Agreement for Construction"
- "Performance and Payment Bond"
- "Wage Requirements"
- "CWSRF Forms"
- "Special Provisions"
- "Supplemental Technical Specifications"
- "Standard Specifications"
- "Construction Drawings"
- "Addenda"

as hereunto attached and made a part hereof, whereby said PRINCIPAL undertakes to furnish all labor and equipment, and materials in accordance with all the terms and conditions set forth in said contract documents; to promptly make payment for all labor, services, material, and sums due the Workmen's Compensation Board or equivalent, The Collector of Internal Revenue, and the Treasurer of the State of Oregon; to save harmless the OBLIGEE from any claim for damages or injury to property or persons arising by reason of said work, as set out more fully in said contract documents; to do and perform all things in said contractor documents required, in the time and manner under the terms and conditions therein set forth; and in conformity with all laws, state and national, applicable thereto.

Now, therefore, if said PRINCIPAL herein; shall promptly pay all persons furnishing labor, services and material, and Workmen's Compensation Insurance or equivalent, and Social Security and unemployment compensation, to him/her and to his/her subcontractors, or to their assigns, on or about said work; shall, commencing with the date hereof and continuing for one (1) year after the complete performance of the contract and the final acceptance of the work in the contract, save harmless the OBLIGEE, its officers and agents, from all claims therefore, or from any claim for damages or injury to property or persons arising by reason of said work; shall, in the time and manner, and under the terms and conditions prescribed, will and faithfully do, perform and furnish all matters and things as by them in said contract undertaken, and as by law state and national, prescribed, then this obligation shall be void; but otherwise it shall remain in full force and effect.

Provided, however, that this bond is subject to the following further conditions:

- (a) All material, men, and all persons who shall supply such laborers, mechanics or subcontractors with material, supplies, or provisions for carrying on such work, shall have a direct right of action against the PRINCIPAL and SURETY on the bond, second only to the right of the OBLIGEE under this bond, which right of action shall be asserted in proceedings instituted in the appropriate court of the State of Oregon, and insofar as permitted by the laws of Oregon, such right of action shall be asserted in a proceedings instituted in the name of the OBLIGEE to the use and benefit of the person, firm, or corporation instituting such action and of all other persons, firms, or corporations having claims hereunder, and any other person, firm, or corporation having a claim hereunder shall have the right to be made a party to such proceeding (but not later than one year after the complete performance of said contract and final acceptance of the work in the contract) and to have such claim adjudicated in such action and judgement rendered thereon.
- (b) In no event shall the SURETY be liable for a greater sum than the penalty of this bond.
- (c) The said SURETY for the value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specification accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.
- (d) The principal herein shall faithfully and truly observe and comply with the terms of the contract, and shall well and truly perform all matters and things by him/her undertaken to be performed under said

NOTICE OF AWARD FOR CONSTRUCTION

To: Jesse Rodriguez Construction (Contractor)
Date: June 18, 2019 (Council Approval) June xx, 2019 (Issued)

Address: PO Box 1945 Silverton, OR 97381 Phone: 503-874-4233

Regarding Notice Of Award for Construction of The Project:

The City of Umatilla Industrial Discharge Facility Project

You are hereby notified that your bid submitted in the amount of TWO MILLION, THREE HUNDRED FOURTY-TWO THOUSAND, SEVENTY-THREE Dollars and ZERO Cents (\$ 2,342,073.00)

has been accepted for the above named Project to be constructed in accordance with the Contract Documents.

You are required to complete the form below acknowledging Acceptance of Notice of Award for Construction and return the form to the Contracting Agency/Owner.

Should you fail to execute the Agreement for Construction and fail to furnish the required Bonds within fourteen (14) calendar days from the date of this Notice of Award, the Contracting Agency/Owner is entitled to consider your rights as abandoned with regard to this Project and as forfeiture of your Bid Bond, in addition to such other rights as may be granted by Law.

Dated this ___ day of _____, 2019.

By: Dave Stockdale

Title: City Manager

for The Owner: City of Umatilla

ACCEPTANCE OF NOTICE OF AWARD FOR CONSTRUCTION

Receipt of the above Notice of Award for Construction of The Project is hereby acknowledged.

Dated this _____ day of _____, 2019.

By: _____

Name/Title: _____

for The Contractor: _____

NOTICE TO PROCEED

To: Jesse Rodriguez Construction Date: _____
(Contractor)

Address: PO Box 1945 Silverton, OR 97381 Phone: 503-874-4233

Regarding Notice Of Award for Construction of The Project:

The City of Umatilla Industrial Discharge Facility Project

You are hereby notified that the Contract Time for construction of the above named Project will commence on the _____ day of _____ 2019, at which time Work for the Project shall start in accordance with the Contract Documents.

Dated this _____ day of _____, 2019.

By: _____

Name: _____

Title: _____

for The Owner: City of Umatilla

ACCEPTANCE OF NOTICE TO PROCEED

Receipt of the above Notice to Proceed with Construction of The Project is hereby acknowledged.

Dated this _____ day of _____, 2019.

By: _____

Name/Title: _____

for The Contractor: _____

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Resolution No. 80-2019 – A Resolution Authorizing City Manager Stockdale to Sign a 25-Year Easement for Kiwanis Park

Meeting Date:

June 18, 2019

Department:

Community Development

Director:

Tamra Mabbott

Contact Person:

Dave Stockdale or
Tamra Mabbott

Phone Number:

(541) 922-3226 x101

Cost of Proposal:

Processing costs and Engineer Field surveying. Estimated to be approximately \$3,000 total.

Fund(s) Name and Number(s):

General Fund 01-71-3-88

Reviewed by Finance Department:

Yes

Previously Presented:

No

Attachments to Agenda Packet Item:

- 1) Exhibit A – Legal Description of Proposed Easement
- 2) Map of proposed easement
- 3) Resolution authorizing City Manager to sign and accept easement

Summary Statement:

City was granted an easement in 1989 of a portion of land directly adjacent to the northwest section of Kiwanis park to be used as part of Kiwanis Park. That easement runs in “perpetuity” but has a 30-day notification clause stating that either party may cancel the easement with such notice. The City has a grant application pending with Oregon Parks and Recreation Department (OPRD) and their rules require the entire park be owned outright, or that any easements run a minimum of 25 years. Staff first pursued the possibility of purchasing the easement area, as well as some additional adjacent areas; but the owner is not ready to make that commitment at this time. However, the owner is amicable to agreeing to our request for a 25-year easement that cannot be revoked except by both parties for the first 25 years, then resolves to run in perpetuity with a 30-day notice thereafter. In his support of our grant project, owner has graciously elected to not charge the City for use of the easement.

Consistent with Council Goals: N/A

RESOLUTION NO. 80 -2019

A RESOLUTION AUTHORIZING CITY MANAGER STOCKDALE TO SIGN AN EASEMENT FOR KIWANIS PARK

WHEREAS, City of Umatilla (City) owns Kiwanis Park, located in the McNary neighborhood; and

WHEREAS, City obtained an easement on adjacent land in 1989 for purposes of managing as part of Kiwanis Park; and

WHEREAS, City desires to continue to maintain the easement area, as well as some additional areas as part of Kiwanis Park, and

WHEREAS, the landowner is willing to provide the city with a 25 year easement; and

WHEREAS, City desires to develop and maintain parks in each neighborhood for the enjoyment of residents and visitors; and

WHEREAS, City has applied for a grant from the Oregon Parks and Recreation Department, funds for which will be dedicated for improvements to Kiwanis Park, but said grant requires either ownership or a minimum of a 25-year easement or lease agreement.

NOW, THEREFORE BE IT RESOLVED, that the Umatilla City Council hereby authorizes City Manager, David Stockdale, to sign an easement agreement with J&A Groups LLC, Kiwanis Park adjacent property owner.

PASSED by the Council and **SIGNED** by the Mayor this 18th day of June, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

EXHIBIT A

LEGAL DESCRIPTION FOR THE CITY OF UMATILLA KIWANIS PARK EASEMENT

A portion of Tract II of the J & A Groups LLC parcel as described in Instrument No. 2013-6120020, Records of Umatilla County, Oregon, lying in a portion of the Southeast quarter of the Northeast quarter of Section 15, Township 5 North, Range 28 East, Willamette Meridian, City of Umatilla, Umatilla County, Oregon and described as follows;

BEGINNING at a 2 1/2" Umatilla County Brass cap marking the Northeast corner of said Section 15 (from which a Umatilla County Brass cap marking the Southeast corner of the Northeast quarter of said Section 15 bears South 01°29'15" East, 2693.61 feet);

Thence South 05°01'18" West, 2127.42 feet to the Northeast corner of the City of Umatilla parcel as described on Reel 180, page 615, Records of Umatilla County, Oregon;

Thence South 79°28'06" West along the Northerly boundary of said City of Umatilla parcel for a distance of 65.09 feet to the Northwest corner thereof, said point also being the Northeast corner of said Tract II and the **TRUE POINT OF BEGINNING** of the easement to be described, said point is also the Northeast corner of that certain Park easement as described on Reel 185, page 1478, Records of Umatilla County, Oregon;

Thence continuing South 79°28'06" West along the Northerly boundary of said Tract II and the Northerly boundary of said Park easement for a distance of 35.00 feet to the Northwest corner of said Park easement;

Thence leaving the Northerly boundary of said Park easement and continuing South 79°28'06" West along the Northerly boundary of said Tract II for a distance of 11.68 feet;

Thence leaving the Northerly boundary of said Tract II, South 07°46'30" East, 150.24 feet to the Southerly boundary of said Tract II, said point also being on the Northerly boundary of Tract I of the J & A Group, LLC parcel as described under Instrument No. 2013-6120020;

Thence North 79°26'39" East along the common boundary line of said Tracts I and II for a distance of 18.97 feet to the Northeast corner of said Tract I, said point also being the Southwest corner of said Park easement and the most Westerly Northwest corner of said City of Umatilla parcel;

Thence leaving common boundary line of said Tracts I and II, North 79°33'19" East along the common boundary line of said Tract II, said Park easement and said City of Umatilla parcel for a distance of 35.00 feet to the Southeast corner of said Tract II and said Park easement, said point also being an interior corner of said City of Umatilla parcel;

Thence North 10°33'21" West along the common boundary line of said Tract II, said Park easement and said City of Umatilla parcel for a distance of 150.11 feet to the Northeast corner of said Tract II and the **TRUE POINT OF BEGINNING** and the end of this easement description.

Containing: 2,299.10 square feet (0.5 acres), more or less.

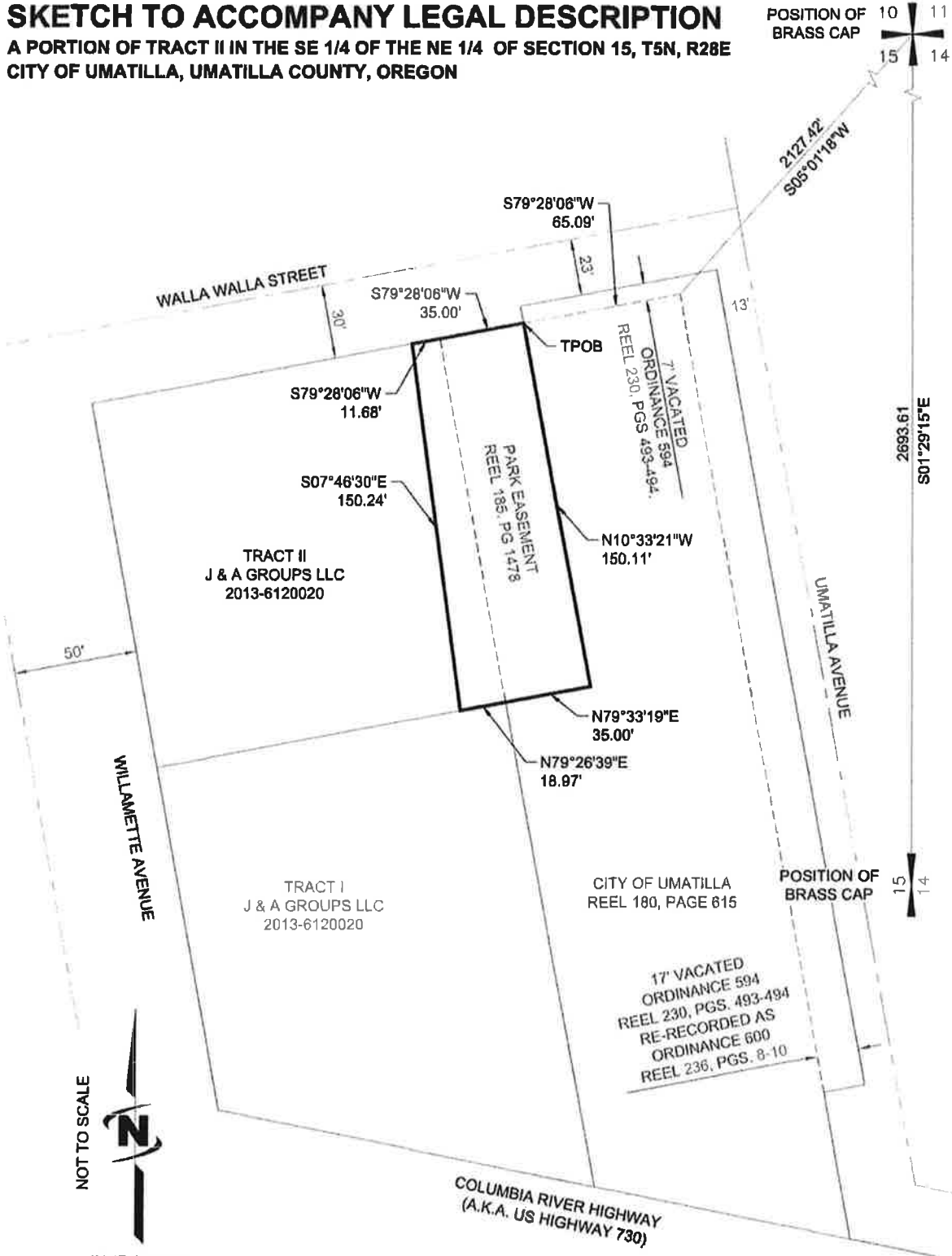
ALSO TOGETHER WITH AND SUBJECT TO easements, reservations, covenants and restrictions apparent or of record.



EXHIBIT A-1
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF TRACT II IN THE SE 1/4 OF THE NE 1/4 OF SECTION 15, T5N, R28E
 CITY OF UMATILLA, UMATILLA COUNTY, OREGON

POSITION OF BRASS CAP



NOT TO SCALE



JUNE 13, 2019

TPOB=TRUE POINT OF BEGINNING

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:
Code 4-1-5-18 Poultry

Meeting Date:
June 18, 2019

Department:
Community
Development

Director:
Tamra Mabbott

Contact Person:
Tamra Mabbott or
Brandon Seitz

Phone Number:
(541) 922-3226 x101

Or 103

Cost of Proposal:
N/A

Fund(s) Name and Number(s):
N/A

Reviewed by Finance Department:
Yes

Previously Presented:
No

Attachments to Agenda Packet Item:
League of Oregon Cities Model Code for animals and poultry

Summary Statement:
Several residents have expressed an interest in having chickens or a small chicken coop at their residence. Current City Code does not allow poultry. The League of Oregon Cities model code is attached for consideration and discussion.

Consistent with Council Goals:
N/A



Model Animal Ordinance for Oregon Cities

MAY 2019

Foreword

In the scope of issues facing cities, animal control may seem minor. However, roaming or barking dogs – to say nothing of other kinds of animals – can be a major livability issue in city neighborhoods and create administrative headaches. The rising popularity of keeping backyard livestock creates additional concerns, including odor and sanitation issues. As a general rule, animals – including dogs – are considered personal property. As such, a city wishing to regulate animals within its jurisdiction is empowered to do so under the city’s police power. However, the city must not violate an individual’s constitutional due process rights by failing to establish proper hearing and appeal procedures. This model animal ordinance provides a starting point for cities wishing to address animal-related concerns within their community.

Disclaimer

Any model document provided by the LOC is intended to be used as a starting point in an individual city’s development of its own documents. Each city is unique, and any adopted document or policy should be individually tailored to meet a city’s unique needs.

This model is not intended as a substitute for legal advice. Cities should consult with their city attorney before adopting an animal ordinance to ensure that the ordinance submitted complies with all aspects of federal, state, and local law.

MODEL ANIMAL ORDINANCE

SECTIONS

1. Purpose
2. Definitions
3. Livestock
4. Dogs
5. Potentially Dangerous Dogs; Dangerous Dogs
6. Public Nuisance
7. Appeals
8. Severability Clause
9. Savings Clause
10. Effective Date

[Insert your City's Ordaining Clause, e.g., "*The People of the City of _____ ordain as follows*"]

Section 1. Purpose. The purpose of this ordinance is to establish certain requirements for keeping animals within the City and to avoid issues which might otherwise be associated with animals in populated areas.

Section 2. Definitions.

- A. Altered Dog: A female dog that has been spayed. A male dog that has been neutered.
- B. Animal. Any live vertebrate creature, domestic or wild.
- C. Animal Control Authority: The animal control enforcement authority appointed by the City Manager.
- D. Animal Control Officer: Any person employed or appointed by the City Manager who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance.
- E. At Large: A dog or other animal inside the corporate limits of the City, off the premises of the owner, and not under complete control by adequate leash or voice command. Excepted from this definition are dogs in obedience or field training exercises under the direct supervision of a handler in areas designated and posted by the City.
- F. City: The City of [insert your city name], Oregon.
- G. Dangerous Dog: A dog that without provocation or justification bites or attacks a person and causes serious physical injury or death or is declared dangerous under this title. A dog which has bitten a human being or other animal on two occasions without provocation is presumed to be a "dangerous dog."
- H. Exotic Animal: (1) Any member of the family Felidae not indigenous to Oregon, except the species *Felis catus* (domestic cat); (2) any nonhuman primate; (3) any nonwolf member of the family Canidae not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); (4) any bear; and (5) any member of the order Crocodylia.

- I. Household Animal: Any animal other than livestock or equines, that is owned or possessed by a person.
- J. Impoundment: Seizing and confining a dog by any police officer, animal control officer, or any other public officer under the provisions of this Ordinance.
- K. Leash. Any humane device constructed of rope, leather strap, chain or other sturdy material not exceeding six feet in length, being held in the hand of a person capable of controlling the animal to which it is attached.
- L. Livestock: Includes, but is not limited to horse, mule, donkey, cattle, sheep, goat, goose or other poultry, llama, ostrich, rabbit, excluding swine, but including fur-bearing animals bred and maintained commercially or otherwise.¹
- M. Muzzle: A device constructed of strong, soft material or of metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.
- N. Owner: Any person, partnership, or corporation having a right of property in an animal or who harbors an animal or who has it in the care of the person, or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by the person. "Owner" does not include veterinarians or kennel operators temporarily maintaining on their premises animals owned by other persons for a period of not more than 30 days.
- O. Person: Includes any natural person, association, partnership, organization or corporation.
- P. Potentially Dangerous Dog: A dog that *while at large*: 1) behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or household animal or livestock; or 2) causes injury to a household animal or livestock.
- Q. Provocation: Any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.
- R. Sanitary Condition: A condition of good order and cleanliness to minimize the possibility of disease transmission.
- S. Serious Physical Injury: Disfigurement, protracted impairment of health, or impairment of the function of any bodily organ.
- T. Wild Animal: A species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with humans, including species which are *ferae naturae*. Wild animals include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, deer, and cougars.

¹ The city should determine which types of animals and livestock are appropriate to be allowed in the city. For example, in more urban cities it may only be appropriate to allow chickens and small breed goats. These definitions should be modified accordingly to avoid inadvertently allowing unintended species of animals.

Section 3. Livestock.

- A. Permits Required. No person shall cause or allow the keeping of any livestock on real property within the City without a current, valid permit.
- B. Prohibited Animals. No person shall cause or allow the keeping of the following animals on real property within the City:
 - a. Swine;
 - b. Rosters over the age of 6 months;
 - c. Exotic animals; or
 - d. Wild animals.

C. Issuance. The animal control authority, or designee, shall issue a permit for keeping livestock upon application on a form prescribed by the City and payment of the permit fee as set by Council resolution, upon finding that:

- a. The premises where the livestock will be kept are maintained in a sanitary condition and adequately enclosed from other persons' property.
- b. The premises lie not less than 200 feet from any structure used for human occupancy or, in the alternative, the occupant and owner of such structure have agreed in writing to the applicant's keeping of livestock.
- c. The premises where the livestock will be kept do not violate any City zoning or development ordinances.
- d. The following limits are met:

i. For the keeping of horses, cows, llamas, sheep and goats:

# of Adult Animals	Minimum Lot Size
1	20,000 square feet
2 or more	+20,000 square feet/each animal

ii. For the keeping of miniature horses and pygmy goats:

# of Adult Animals	Minimum Lot Size
Not to exceed 2	20,000 square feet
3 or more	+10,000 square feet/each animal

iii. For the keeping of chickens

# of Adult Animals	Minimum Lot Size
1-4	None
5	10,000 square feet
6 or more	+ 1,000 square feet/each animal

- iv. The number of permitted young shall be limited to two times the number of permitted adult animals.
- v. As a condition of the issuance of a permit, the premises shall remain open for inspection at reasonable times by the City for compliance with this chapter.²

D. Revocation. A permit shall be revoked if the animal control officer finds that the premises no longer comply with the necessary permitting requirements, or if livestock present an unreasonable risk of danger to other persons or property. Any permittee whose permit is revoked shall have ten days to relocate or otherwise dispose of the livestock, unless the animal control officer finds that the livestock pose an unreasonable threat to the health or safety of the public, in which case any revocation shall be effective immediately.

E. Appeal of Revocation or Denial:

- a. An appeal of a decision of the animal control authority or officer pursuant to this section must follow the appeals procedure set out in Section 7 of this Ordinance.
- b. If a written appeal from a revocation is timely filed, the permittee shall be allowed to continue to keep the livestock for which the permit was obtained, pending the determination of the appeal, unless the animal control officer determines that the livestock present an unreasonable threat to the public health or safety, in which case the revocation of the permit shall become effective immediately.

Section 4. Dogs.

- A. Licenses required. Every owner of a dog that has a set of permanent canine teeth or has attained the age of six months, whichever event occurs first, shall immediately obtain a license for the dog.³
- B. Issuance. The animal control authority shall issue a dog license upon application on a form prescribed by the City and payment of the license fee.
- C. Period of Licensure. Dog licenses are valid for 1 year. No license shall be issued until a certificate of vaccination for rabies, valid for the license period, is presented.
- D. License Fee. The license fee shall be determined by Council resolution in such amount as it finds necessary to enable the City to carry out the provisions of this section.⁴
 - a. Reduced fee. Altered dogs may be licensed at a reduced fee, to be determined by Council resolution. Applicants must present a certificate from a licensed veterinarian stating that the dog to be licensed has been altered.
 - b. Exceptions to fee. No license fee shall be required for a guide/service dog that is trained to provide services to a visually impaired person or that is used as an assistance animal as

² Additionally, the city may choose to limit the keeping of livestock to certain zoning districts.

³ In the alternative, the city may choose to not regulate dog licenses and defer to the county licensing provisions. Language may include: "Every owner of a dog that has a set of permanent canine teeth or has attained the age of six months, which ever event occurs first, shall license said dog pursuant to the ordinances of the county therein the dog is kept."

⁴ Pursuant to ORS 609.100, a license fee may not be less than \$25 for each dog and not less than \$3 for each altered dog.

defined in ORS 659A.143. A license shall be issued for the dog upon proper proof of rabies vaccination and upon filing of a statement by the impaired person showing the dog to come within this exemption. The statement shall be filed with the City Manager, or designee.

- E. Number of Dogs Permitted. A maximum number of three adult dogs and their offspring of any number up to the age of 6 months may be kept on each residential lot. No more than one female dog may be used for breeding purposes at any one time.
- F. Running at Large Prohibited. No dog shall be permitted to run at large.
- G. Impoundment. The animal control officer or law enforcement officer may impound a dog that is in violation of this code for a period of time hereinafter specified. A daily record of dogs shall be kept at the place of impoundment and shall be made available to the public.
 - a. Notice. The animal control officer or law enforcement officer shall personally notify the owner of the dog of the impoundment. If the animal control officer or law enforcement officer is unable to contact the owner or if the owner of the dog impounded is not reasonably ascertainable at the time of impoundment, the animal control officer shall immediately notify the owner by certified mail, return receipt requested sent to the owner's last known address. The notice of impoundment shall inform the owner of the day that he or she may request, in writing, a hearing to contest the impoundment within 5 business days of receipt of notice.
 - b. Period of impoundment:
 - i. An unlicensed dog or a dog for which the owner is unknown which has not been redeemed within 72 hours after impoundment will be deemed property of the animal shelter, or may be sold or humanely euthanized.
 - ii. A licensed dog or a dog for which the owner is known, which has not been redeemed within 120 hours of notification of the owner by telephone contact or by mailing of the impoundment notice may be deemed property of the animal shelter, or may be sold or humanely euthanized.
 - c. Fee. A fee charged against the owner of a dog who has be impounded shall be in the amount set by Council resolution.
 - d. Redemption. Redemption of impounded dogs shall be made by exhibiting satisfactory proof that the person is the owner, and by paying the following required fees and charges:
 - i. Impoundment fee;
 - ii. Daily care fee;
 - iii. License and rabies vaccination fees, if required; and
 - iv. Medical care fees, if required.
 - e. Appeal. An appeal of a decision of the animal control or law enforcement officer pursuant to this section must state the information set out in Section 7 of this ordinance except that the written appeal must be received by the City within 5 business days of receipt of the notice of impoundment. For the purposes of this section, receipt of the notice of impoundment is

complete 3 days after mailing or immediately upon personal notice. An owner of the impounded dog may request a hearing be held within 10 business days after receipt of the request for hearing. Otherwise, the City Council shall hold a meeting within 30 days of receipt of the notice to determine if a violation of this ordinance occurred by a preponderance of the evidence. If the Council determines that a violation of this ordinance did not occur, the dog shall be immediately released back to the owner and no impoundment charges shall be made. The decision of the Council is final.

- f. If a notice of appeal has not been timely filed or if dog which has not been redeemed after 5 business days of notification of the owner if known, or within 5 business days after impoundment if the owner is not known, the dog may be deemed property of the animal shelter, sold, or humanely euthanized.
- g. No impoundment charge shall be made for dogs released after the City Council's determination that no violation of this ordinance has occurred.

H. Dog Bites.

- a. The owner of a dog that bites a human being shall immediately file a report with the animal control officer and provide the time and circumstances of the bite and name and address of the person bitten, if known.
- b. Any person who is bitten by a dog shall immediately file a report with the animal control officer describing such bite giving the description of the dog, the time and circumstances of the bite and the name and address of the dog owner, if known.
- c. Upon notice of a dog bite, the animal control officer shall deliver written notice to the owner of the dog, if known. The owner shall thereupon be required to quarantine the dog for ten days.
- d. An owner who is required to quarantine a dog shall:
 - i. Prevent the dog from being in contact with any other animal or person; or
 - ii. At the owner's expense, quarantine the animal in a licensed veterinary hospital, local animal humane society, or a kennel approved by the City Manager, or designee.
- e. If the dog exhibits symptoms of rabies, the owner or person in possession of the dog shall handle or dispose of the dog pursuant to ORS 433.345.⁵

⁵ ORS 433.345 provides:

"(1) If an animal bites a person and the bite causes a break in the skin, or if an animal is suspected of rabies and has been in close contact with an animal suspected of rabies, the facts shall be immediately reported to the local health officer by any person having direct knowledge.

(2) The Oregon Health Authority, in consultation with the State Department of Agriculture, shall promulgate rules relating to the handling and disposition of animals that have bitten a person or are suspected of rabies or that have been in close contact with an animal suspected of rabies. Such rules may include requirements for confinement, isolation and inoculation. Owners or persons in possession of animals subject to such rules, shall handle or dispose or allow the handling or disposal of such animals strictly in accordance with such rules."

Section 5. Potentially Dangerous Dogs; Dangerous Dogs

A. Determination of Status.

- a. The animal control officer may find and declare a dog potentially dangerous or dangerous if the officer has probable cause to believe that the dog falls within the definition of “dangerous dog” or “potentially dangerous dog”. The finding must be based upon:
 - i. The written complaint of a person who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of “dangerous dog” or “potentially dangerous dog”;
 - ii. Dog bite reports filed with the animal control officer as required by City ordinance or state law;
 - iii. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
 - iv. Other substantial evidence admissible in court.
- b. A dog may be declared dangerous under this section if the dog has within a twelve-month period attacked or killed a household animal, or livestock on more than one occasion. For purposes of this subsection only, a household animal, or livestock does not include any feral animal or does not apply where the attack was upon a household animal, or livestock that was at large or upon a household animal, or livestock that was tormenting or attacking the dog.
- c. The declaration shall contain the following information:
 - i. Name and address of the owner of the dog if known and if not known, that fact;
 - ii. A description of the dog;
 - iii. Whereabouts of the dog;
 - iv. Facts upon which the declaration is based;
 - v. Restrictions placed upon the dog and when the owner is not known, the intended disposition of the dog;
 - vi. Penalties for violation of the restrictions, including possibility of destruction of the animal and fine;
 - vii. Availability of a hearing to contest the declaration by submitting a written request to the City Council within 15 business days of receipt of the declaration; or if the notice is given by publication or posting, within 15 business days of the earlier of the date of the notice first appears in the newspaper or the notice is posted.
- d. Dogs shall not be declared dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort

upon the premises occupied by the owner of the dog, or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, provoked or assaulted the dog or was committing or attempting to commit a crime.

e. Notice.

- i. The declaration shall be in writing, and shall be served by the animal control officer:
- ii. On the owner if known using one of the following methods:
 1. Certified mail, return receipt requested to the owner's last known address;
 2. Personally; or
 3. If the owner cannot be located by one of the first two methods, publication in a newspaper of general circulation in the City and posting a notice on the property of the owner;
- iii. Where the owner is not known: publication in a newspaper of general circulation in the City.
- iv. When notice is given by certified mail, return receipt requested, notice is effective when received; provided however, if delivery has been refused, notice is effective by publication or posting and whenever notice is accomplished by publication or posting the notice is effective and deemed received on the earlier of the day the newspaper is published, or the property is posted.

f. Appeal. An appeal of a decision of the animal control officer pursuant to this section must follow the appeals procedure set out in Section 7 of this ordinance.

B. Potentially Dangerous Dog Restrictions.

- a. No person may maintain a dog declared potentially dangerous dog in violation in this section.
- b. No person owning, harboring, or having the care or custody of a potentially dangerous dog shall permit the dog to leave the owner's property unless the dog is securely leashed and muzzled. The dog may only be walked by a person who is both over the age of 18 and who has the physical ability to restrain the dog at all times
- c. All owners of potentially dangerous dogs must spay or neuter the dog and provide proof of sterilization to the City within 21 days of the animal control officer declaring the dog potentially dangerous.
- d. In addition to any other penalty for a violation under this section, a court of competent jurisdiction may revoke the authority of a person to keep a potentially dangerous dog within the City.
- e. The owner of a potentially dangerous dog may apply to the City Manager, or designee to have the declaration waived after 2 years upon meeting the following conditions:

- i. The owner and offending dog have had no subsequent violations of this chapter of the code;
- ii. The owner of the dog has complied with all provisions of this act for a period of 2 years; and
- iii. The owner of the dog provides proof to the City Manager of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.

If the City Manager, or designee finds sufficient evidence that the dog owner has complied with all conditions in this subsection, the application shall be forwarded to the City Council to rescind the potentially dangerous dog declaration during its next regularly scheduled meeting.

C. Dangerous Dog Restrictions.

- a. No person shall maintain a dog declared a dangerous dog in violation of this section.
- b. All owners of dangerous dogs must spay or neuter the dog and provide proof of sterilization to the City within 21 days of the animal control officer declaring the dog dangerous.
- c. Dangerous dog permit required. In addition to a dog license, every owner of a dangerous dog shall obtain a dangerous dog permit and renew such permit each year.
 - i. Issuance. The City Manager, or designee shall issue a dangerous dog permit upon application on a form prescribed by the City, payment of the license fee, and upon finding that:
 - 1. The dog has been issued a certificate of vaccination for rabies, valid for the entire period in which the license is sought;
 - 2. The dog has been spayed or neutered and the owner has provided proof of sterilization;
 - 3. The owner of the dangerous dog has procured liability insurance or a surety bond in the amount of not less than \$100,000 covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing it if the insurance policy is canceled, terminated or expired. The dog owner shall sign a statement attesting that he or she shall maintain and not voluntarily cancel the liability insurance during the lifetime of the dangerous dog;
 - 4. The dangerous dog is at all times kept or maintained in a safe manner and is at all times confined securely under the provisions of this section so that keeping the dangerous dog will not constitute a danger to human life or property;

5. Adequate safeguards are made to prevent unauthorized access to the dangerous dog by a member of the public; and
 6. The quarters in which the dangerous dog is kept or confined are adequately lighted and ventilated and are so constructed that the animal can be kept in a clean and sanitary condition and the well-being of the dangerous dog is not in any way endangered by the manner of keeping or confinement.
- ii. Inspection. Prior to the initial issuance and renewal of a dangerous dog permit, the animal control officer shall inspect the premises subject to the license to determine if the owner of the dog complies with all of the conditions specified under this section. In addition, the animal control officer shall have the authority to inspect the premises upon the receipt of any complaint regarding the maintenance of such premises or the dog therein. If the animal control officer determines during the inspection, that any of the conditions specified under this section are being violated, the officer shall refuse to issue or renew the permit or shall revoke the permit unless the violation is corrected within a period of time the officer shall direct not to exceed 30 days.
 - iii. Fee. The permit fee shall be a fee of \$100 for each dangerous dog maintained on the premises subject to the permit.
 - iv. In no event shall a dangerous dog permit be issued or renewed for the keeping of more than 2 dangerous dogs at any single location.
 - v. Appeal. An appeal of a decision of the animal control officer pursuant to this section must follow the appeals procedure set out in Section 7 of this ordinance.
- d. Once a dog has been declared dangerous, it shall be kept in a secure enclosure subject to the following requirements:
- i. Except when properly leashed and muzzled as provided in this section, a dangerous dog shall be securely confined inside a residence or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosure structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
 1. The structure must have secure sides and a secure top, or all sides must be at least six feet high;
 2. The structure must have a bottom permanently attached to the sides or the sides must be buried not less than one foot into the ground; and
 3. The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

The dog shall remain within the residence or enclosure except as necessary for the dog to receive veterinary care or exercise.

- ii. Signs. All owners or keepers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words, "Beware of Dog."
- iii. Leash. The dangerous dog shall not be allowed outside its proper enclosure unless the dog is securely attached to a leash not more than four feet in length and walked by a person who is both over the age of 18 and who has the physical ability to restrain the dog at all times. No owner shall keep or permit a dangerous dog to be kept on a chain, rote or other type of leash outside its enclosure unless a person capable of controlling the dog is in physical control of the leash.
- iv. Muzzle. The dangerous dog shall not be allowed outside of its proper enclosure unless it is wearing a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.
- e. Notification of Escape. The owner or keeper of a dangerous dog shall notify the City immediately if such dog escapes from its enclosure or restraint and is at large. Such notification shall also be required if the dog bites or attacks a person or another animal.
- f. Failure to Comply. It shall be a separate offense to fail to comply with the restrictions in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment pursuant to Section 4(G) of this Ordinance. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the dog's license and permit providing for the keeping of such dog.
- g. A dangerous dog owner may apply to the City Manager, or designee to have the dangerous dog declaration waived after 3 years upon meeting the following conditions:
 - i. The owner and offending dog have had no subsequent violations of this chapter of the code;
 - ii. The owner of the dog has complied with all provisions of this chapter for a period of 3 years; and
 - iii. The owner of the dog provides proof to the City Manager of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.

If the City Manager, or designee finds sufficient evidence that the dog owner has complied with all condition in this subsection, the application shall be forwarded to the City Council to rescind the dangerous dog declaration at its next regularly scheduled meeting.

Section 6. Public Nuisance.

- A. An animal shall be a public nuisance under the meaning of this chapter in the following instances:
 - a. The number of animals maintained on any premises is found to exceed the number allowed by this chapter.

- b. The animals or group of animals make loud or frequent noises that disrupt the comfort or repose of persons in accordance with a reasonable person standard.
 - c. The animal which through the negligence of the owner fails to maintain the animal premises in a sanitary manner to a degree that offensive odors can be detected from an adjoining street, yard, or residential unit.
 - d. The animal habitually escapes confinement and trespasses on private property other than its owner's or on public right-of-way.
 - e. The animal is found running at large.
 - f. The animal chases persons or vehicles on premises other than premises from which the owner of the animal may lawfully exclude others.
 - g. The animal damages or destroys property of persons other than the owner of the animal.
 - h. The animal scatters garbage on premises other than premises from which the owner of the animal may lawfully exclude others.
 - i. The animal bites any person or animal while unprovoked.
- B. It shall be unlawful for any person being the owner of any animal to permit the animal to be a public nuisance as defined in this chapter.
- C. Any person in violation of this section is subject to a penalty in an amount set by Council resolution. In addition, the City Council may direct the removal of any animal or group of animals from the City which are deemed to be a public nuisance.
- D. An appeal of a decision pursuant to this section must follow the appeals procedure set out in Section 7 of this ordinance.

Section 7. Appeals.

- A. Unless otherwise specifically provided under section 4(G)(e) of this ordinance, any person aggrieved by a decision of the animal control officer, or designee under this ordinance, may seek review of the decision by filing a written appeal with the City Council not more than 15 business days after receiving notice of the decision. The written appeal shall state:
- a. The name and address of the appellant;
 - c. The reason given by the City for its decision; and
 - d. The reason the determination is incorrect.
 - e. In addition to the above, an appeal of a decision regarding the denial or revocation of a livestock permit, the written appeal must also include:

- i. A description of the livestock being kept or desired to be kept and the facilities for the livestock; and
 - ii. A map showing the location of the livestock structures in relation to the permittee's property lines, abutting properties and all structures used for human occupancy;
- B. The City Council shall hold a meeting within 30 days of a timely and complete written appeal to hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the Council deems appropriate. If the Council decides to take oral argument or evidence at the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply. The appellant shall have the burden of proving the error in the animal control authority's or animal control officer's determination. The City Council shall issue a written decision within 20 business days of the hearing date. The Council's decision is final.

Section 8. Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

Section 9. Savings Clause. A prosecution that is pending on the effective date of this ordinance and arose from a violation of an ordinance repealed by this ordinance, or a prosecution started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determine exactly as if the ordinance had not been repealed.

Section 10. Effective Date. This ordinance is effective on _____.

Model Livestock Permit Application

City of _____ Livestock Permit Application

Note: Approval of a Livestock Permit is required to keep chickens and other livestock within city limits. All standards of the Permit must be met to obtain approval.

SITE LOCATION & DESCRIPTION

Site Address: _____

Lot Size (Total Square Footage): _____

Lot Dimensions: _____

DESCRIPTION OF ANIMALS

	Chickens	Miniature Horses/Pygmy Goats	Horses/Cows/Llamas/Sheep/Goats
Numbers to be kept on property:			

GENERAL INFORMATION

Square footage of animal enclosure used for the benefit of the animals:

	Indoor Enclosure (Square Footage)	Outdoor Enclosure (Square Footage)
Enclosure #1		
Enclosure #2 (if applicable)		
Enclosure #3 (if applicable)		
Enclosure #4 (if applicable)		

Is the site fully fenced? Yes No Is/Are the enclosure area(s) fully fenced? Yes No

Where/how will animal food be stored?

Where will animal waste be stored?

Will waste be composted or disposed of? How often will the waste be removed? Daily Weekly

LIVESTOCK APPLICATION (cont.)

SITE PLAN

Please attach a "to scale" site plan which clearly shows: (Example of "to scale 1 inch = 100 feet)

- Lot dimensions and size and location of house and accessory structures.
- Animal enclosure structures and areas for the keeping of animals.
- Location of fencing used to keep animals contained within the site.
- Locations where waste will be stored or composted.

APPLICANT AND OWNERSHIP INFORMATION

Applicant Name(s): _____

Mailing Address: _____

Phone #: _____ Email Address: _____

If the applicant is not the property owner, permission from the owner must be provided below:

Property Owner(s): _____

Mailing Address: _____

Phone #: _____ Email Address: _____

Property Owner's Signature: _____

APPLICANT SIGNATURE

I hereby certify that my animals and enclosures will continually conform to the standards of the [city] Municipal Code and to any conditions of approval attached to the Livestock Permit. I understand that the ability to keep livestock is subject to revocation if violations of the Municipal Code or this permit exist on my property.

Applicant's Signature: _____ Date _____

Model Dog License Application

City of _____ Dog License Application

Complete and return this form with payment to:

City Hall
123 Main St.
City, OR 97777

OWNERSHIP INFORMATION

Owner Name: _____

Physical Address where dogs will be kept:

Mailing Address (if different): _____

Phone #: _____ Email Address: _____

DOG INFORMATION

1) Pet Name: _____ Breed: _____ Color: _____
DOB: _____ Neutered/Spayed: _____ Male Female

2) Pet Name: _____ Breed: _____ Color: _____
DOB: _____ Neutered/Spayed: _____ Male Female

3) Pet Name: _____ Breed: _____ Color: _____
DOB: _____ Neutered/Spayed: _____ Male Female

Fee Schedule

	1 year
Neutered/Spayed Dog	\$20
Non-Neutered/Spayed Dog	\$37

Applicant's Signature: _____ Date _____

Enclosed Fee: \$ _____



City of Umatilla
City Council Goals
July 1, 2019 – June 30, 2021

Purpose: To sufficiently and appropriately manage and meet the community's expectations for high quality services, provide a general vision to manage growth and improvements, and to strengthen and diversify Umatilla's economic vitality and increase quality of life to our residents and visitors.

Guiding Principles: The City Council sets policy direction to guide staff implementation of these goals. The 2019 – 2021 City Council Goals are to serve as a vision for the City during this set duration and is not intended to be an exhaustive list of goals. This list of goals is representative in nature and without a hierarchy of priorities. Councilmembers will be a positive and resourceful representative for Umatilla and communicate well with residents, businesses, and our partners. Council will support the City Manager to implement the operational aspects of these adopted goals.

Council Goals:

Goal 1: Promote a Vibrant and Growing Community by Investing in and Support of Quality of Life Improvements.

Desired Outcome: To sustain, grow, and enhance the City's Livability and Quality of Life by supporting and increasing public safety; encouraging increases in public health initiatives like community and private investments in medical facilities, wellness programs, and recreational activities; and emboldening a local culture that supports, encourages, promotes, and solicits events, festivals, and public gathering opportunities.

Objective 1.1: Support proactive and alternative community policing efforts that promote prevention, rehabilitation, and substance abuse circumvention. When possible, invest in early prevention services and programs.

Objective 1.2: At a minimum, maintain the FY19/20 Police Department staffing levels and funding and support a department with a high emphasis on officer training and purchasing of state-of-the-art police technologies and equipment.

Objective 1.3: Coordinate all major community events with the Police Department to help ensure public safety. Whenever possible, encourage officer presence at all major events as appropriate and as resources allow.

Objective 1.4: Financially and otherwise support the creation of new city-sponsored recreation programs for people of all ages. Increase and expand partnerships with other public facilities, like the Umatilla School District and others, for public use to support such programs.

Objective 1.5: Partner with other jurisdictional public health programs and private health providers in efforts to reduce tobacco use, marijuana use, substance abuse, reduce alcoholism, and reduce obesity. Seek grant opportunities to do so and give priority use of city-owned facilities to organizations that support these efforts.

Objective 1.6: Recognize the high benefit and resolve that one of the highest priorities to our community is to provide a city-wide trail and pathway system that encourages walking, jogging, biking, and mobile leisure as well as enhances public safety by reducing the risk of pedestrian/vehicle accidents.

Objective 1.6.1: While ensuring to be good stewards of the public's lands, every effort should be made to maximize river front trails and public access to our rivers and beautiful natural landscapes and views that includes our rivers, mountains, hills, wetlands, and desert features.

Objective 1.6.2: Adopt the City of Umatilla Trails Master Plan no later than December 31, 2019. Ensure that public participation occurs and is encouraged throughout this entire process.

Objective 1.7: Research and determine the viability of the acquisition and eventual development of an all-new outdoor community festival and events facility with the capacity to host large events of at least 7,500 people. If possible, attempt to procure property with river front features.

Objective 1.8: Continue to cultivate professional relationships and partner with the Umatilla Chamber of Commerce. Work collaboratively to make mutually beneficial updates to the 2020 contract that promotes events, works to increase businesses, and encourages community memberships and participation. Determine the best use of city facilities that both supports the partnership and supports the community overall.

Objective 1.9: Invest in, support, and encourage downtown revitalization.

Objective 1.9.1: Increase city grant program funding to financially support and encourage facade improvements. If possible, work to increase the total amount available and the amount available for each applicant project.

Objective 1.9.2: Procure, through purchase and/or condemnation, unsafe, chronically vacant, or run-down buildings. Rehabilitate and/or refurbish such newly acquired buildings or work closely with developers and investors to do so. When appropriate, keep as publicly owned buildings; otherwise, make every effort to get the newly refurbished buildings back into private ownership to encourage business and economic growth.

Objective 1.9.3: Follow best practices and principles for downtown urban beautification; at a minimum, encourage tree plantings, flowers, ornamental lighting and fixtures, natural and manicured landscapes, and the like. If necessary, do so through code revisions.

Objective 1.10: Invest in at least one all-new large (more than 3,000 people per day) multi-day city-sponsored event/festival that will occur annually.

Objective 1.11: Make every effort to procure and achieve the “Festival Street” vision presented to City Council at their 2019 Council Retreat, that includes improvements to the Old Post Office (Umatilla Business Center), park, and possible procurement of the Umatilla School District’s maintenance building to eventually be converted into a Community Recreation Center.

Goal 2: Promote Economic Development and Job Growth

Desired Outcome: Achieve economic stability and sustained job growth, build a highly skilled and flexible local workforce, concentrate on retaining and expanding existing local businesses, recruit new businesses that are well-suited for success in our region, encourage education, strengthen tourism, promote and encourage the preservation of our historic assets and history, support residential and commercial developers, invest in infrastructure and technology, ensure adequate supply of development-ready lands for commercial/residential/industrial use, and encourage development that is environmentally sensitive.

Objective 2.1: Continue to strongly support and encourage the development of data centers.

Objective 2.2: Promote diversification of the commercial/industrial base.

Objective 2.3: Reduce barriers to economic growth. Listen to commercial and industrial developers, partners, staff, and the public to reduce such barriers.

Objective 2.4: Cooperate with local educational institutions to coordinate training/skill requirements to meet the needs of local employers. Reduce barriers to obtaining necessary or upgraded job skills.

Objective 2.5: Cooperate with business, educational institutions, community organizations, and government to provide information to local businesses.

Objective 2.6: Assist local and non-local firms in finding appropriate development sites for expansion and encourage local employers to grow in-place.

Objective 2.7: Cooperate with other agencies and institutions to identify programs and services to assist in the creation of new small businesses.

Objective 2.8: Promote start-up businesses with both financial and technical assistance. Create a city-run business incubator program that helps new businesses off-set some of the risks of starting a new business.

Objective 2.9: Partner with the Chamber of Commerce and other organizations to create local programs which provide business development, information, and technical assistance.

Objective 2.10: Partner with other jurisdictions and/or private organizations whenever possible to pool resources and leverage funds.

Objective 2.11: Improve in the city's economic vitality and competitiveness by investing in our utility infrastructure, transportation systems, and recreational opportunities.

Objective 2.12: Improve the City's curb appeal.

Goal 3: Enhance and Cultivate Relationships, Partnerships, and Community Perceptions

Desired Outcome: To enhance already positive local, regional, and state-wide relationships and to strengthen or improve poor relationships. To cultivate current partnerships and to expand partnerships that will help achieve Goals 1 and 2.

Objective 3.1: Strengthen community relations and improve public perception through proactive community engagement.

Objective 3.1.1: Create opportunities for residents to build relationships within their neighborhoods to foster social cohesion, sense of community, and broaden understanding.

Objective 3.2: Actively promote positive actions the City is providing in our community. Promotions may include, but are not limited to: events, parks programs, festivals, city services provided, City staff achievements, elected officials' achievements, completed projects, partnership achievements, etc.

Objective 3.3: Continue to build upon positive Police Community Engagement activities, especially in socio-economically challenged areas to create meaningful engagement opportunities.

Objective 3.4: Expand public involvement opportunities.

Objective 3.4.1: Actively solicit and encourage the community to become committee members, task force members, and to join advisory committees. Each position should be advertised prior to any appointment or re-appointment.

Objective 3.4.2: Whenever possible, provide opportunities for the public to provide feedback on strategic plans, master plans, improvements plans, etc. Participation should be made as accessible as possible and should utilize traditional methods such as town halls or in-person comment opportunities; and should utilize technology whenever possible.

Objective 3.4.3: Encourage city-wide “Community Pride” activities such as Community Clean Up Days, Community Day of Service, Community Historical Celebrations, and similar.

Objective 3.4.4: Create a Mayor’s Choice: Citizen of the Year Award to be presented at either a major Community appreciation event or during a City Council meeting. The recipient of this award will have a day declared in their honor via Mayoral Proclamation.

Objective 3.4.5: Create programs in partnership with the School District and/or other education organizations to have students Pre-K through high school to come and lead City Council in the Pledge of Allegiance at each Regular Council Meeting.

Goal 4: Increase Public Involvement, Increase Transparency, and Enhance Cultural Diversity

Desired Outcome: To develop and implement highly efficient and transparent communication methods with the public, encourage public participation through each of our processes, and welcome and engage all members of our community by eliminating barriers of participation. Promote a higher sense of community spirit and inclusiveness through celebrating culture, tradition, history, holidays, and community achievements.

Objective 4.1: Invest in and utilize videoconferencing or webinar technology that will allow the public to interact with City Council or their appointed commissions/committees from anywhere with connection to the internet.

Objective 4.2: Create and continue to increase on-demand city information and data available to the public on the City’s website.

Objective 4.3: At least quarterly, publish a City newsletter to be circulated in print and online.

Objective 4.4: At least once a year, host “town hall” or informational sessions for the public to come interactively discuss topics that are important to them.

Objective 4.5: Expand outreach to and engagement with residents who have limited English proficiency by developing and executing strategies specifically designed to build relationships and encourage participation with this citizen group.

Objective 4.6: Seek opportunities to partner with organizations that celebrate or teach about our diverse heritage. These may include education seminars, dances, festivals, trainings, or similar. Whenever possible, provide venue space to host such activities.

Objective 4.7: Create a Citizen’s Participation Guide resource tool. This online guide should demonstrate how to participate and where to get information.

Objective 4.8: Whenever possible, Council members or city officials should accept invitations or seek opportunities to speak/present in neighborhood groups, businesses, or other local boards or outside organizations to share information about City affairs and share these goals.

Goal 5: Perform at the Highest Levels of Operational Excellence

Desired Outcome: Provide exceptional customer service that exceeds the public’s expectations, invest in staff development, and sustain and improve the City’s financial positions.

Objective 5.1: Continue to invest in staff’s professional development.

Objective 5.2: Integrate a Customer Service element to annual employee performance evaluations.

Objective 5.3: At least annually, poll the community regarding their level of satisfaction with any recent service they have received from the City.

Objective 5.4: Increase the number of customer self-service options for those who wish to limit their direct interaction with staff or elected officials.

Objective 5.5: Focus efforts on retention of employees. Ensure that wages and benefits are competitive, frequency of trainings are appropriate, and employee recognition and morale is a priority.

Objective 5.6: Expand social media presence. Use social media as part of our overall communication efforts and to also create opportunities of bolster our sense of community, celebrate our history and diversity, and create excitement for the work we are doing and events we are sponsoring.

Objective 5.7: Receive the Government Finance Officers Association (GFOA) Distinguished Budget Award for the FY20/21 Budget.

Objective 5.8: At a minimum, maintain a prudent operational reserve of at least 20% in each of the following funds: General Fund, Street Fund, Water Fund, and Sewer Fund.

Objective 5.9: Establish a Fleet Replacement Fund that promotes and ensures safety, reduces maintenance costs, and plans for future major purchases.

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Umatilla Downtown Revitalization Grant	<u>Meeting Date:</u> June 18, 2019
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<u>Department:</u> Community Development	<u>Director:</u> Tamra Mabbott	<u>Contact Person:</u> Esmeralda Horn	<u>Phone Number:</u> (541) 922-3226 x108
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<u>Cost of Proposal:</u> Total project cost \$59,184, grant request of \$26,500 <u>Amount Budgeted:</u> \$50,000 FY 2019-20	<u>Fund(s) Name and Number(s):</u> Downtown Façade Grant 01-72380
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> No
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Attachments to Agenda Packet Item:
Grant application.

Summary Statement:
Umatilla School District applied for grant money from the Downtown Revitalization Grant Program for improvements to the district office building including: siding, paint, new windows, doors, LED reader board, art, lighting and landscaping. The total project cost is \$59,184 and the school district is seeking approval for the maximum First Round grant in the amount of 26,500. Staff has reviewed the application and is recommending approval. This would come before Council on consent at the 7/2/19 meeting.
This was the only application submitted in the First Round.

Consistent with Council Goals:
N/A



City of Umatilla Downtown Revitalization Grant Program

Welcome to the City of Umatilla Downtown Revitalization Grant Program. This program is available to commercial and mixed-use buildings in the Downtown District. The city has set aside funds to provide up to **\$26,500 annual match** for eligible improvements.

Application Process:

To apply for a grant, review and complete Sections 1 thru 8 of the application. Grants will be accepted for submittal twice yearly (May 15th to May 31st and November 15th to November 31st). **This application must be submitted and approved PRIOR to work commencing.** Submit the completed application to the City of Umatilla, Community Development Department, 700 6th St Umatilla, OR or via email to Esmeralda Horn at: esmeralda@umatilla-city.org

Section 1 – Applicant Information
Section 2 – Project Information
Section 3 – Submittal List

Section 4 – Grant Request and Approval Process
Section 5 – Grant Funds Distribution Process
Section 6 – Signature

City of Umatilla Downtown Revitalization Grant Program Application

Section 1 – Applicant Information

Company/Business Name: Umatilla School District #6R

Address of Subject Property: 1001 6th Street, Umatilla, OR 97882

Assessor Tax Lot Number: 127045

Mailing Address: 1001 6th Street, Umatilla, OR 97882

Contact Person: Heidi Sipe Email Address: sipeh@umatillasd.org

Phone Number: 541-922-6500 Fax Number: 541-922-6507

Applicant is the: Building Owner Tenant

Building Owner Information (if different from applicant):

Owner Name: _____

Mailing Address: _____

Contact Person: _____ Email Address: _____

Phone Number: _____ Fax Number: _____

Signature of Building Owner indicating consent for improvements: Heidi Sipe

Section 2 – Project Information

Project Start Date: July 15, 2019 Anticipated Completion Date: October 31st, 2019

Estimated Budget for Proposed Project: \$ \$59,184

A general description of the overall project scope is appreciated (here). Also, applicants are encouraged to prepare a written response to the approval criteria. **Please see attached proposal.**

Will you be using a contractor for this project? Yes No

If yes, please supply the following contractor information:

Contractor Business Name: Multiple, please see attached proposal

Address: _____

Contact Person: _____ Phone Number: _____

Attach a copy of the cost estimate from the contractor

Note: At least one competitive bid must be provided for service estimates greater than \$500.00. For projects that do not use a contractor, only materials will be reimbursed (not labor or tools).

Section 3– Submittal List

Please attach copies of the required submittals to this application.

- Photographs clearly showing existing conditions of the building to be improved.
- Drawings or sketches showing the proposed improvement(s) on the building and placement of other features around the building, if applicable.
- Exact color samples of paint and other materials to be used for the proposed improvement(s).
- Cost estimate for the project (itemized).
- Written statement explaining how proposed changes demonstrate compliance with downtown design standards.

Section 4 – Grant Request and Approval Process

Estimated total budget for proposed project (listed in Section 3): \$ 59,184

Portion of estimated budget that qualifies: \$ 59,184 $\begin{matrix} .75 = 44,388 \\ \times .25 = \$ 13,046 \end{matrix}$

Total Grant Amount Requested (not to exceed \$26,500): \$ 26,500

Approval Process:

- Upon receipt of a completed application, a three (City Council will review the application and will make a decision shortly after the submittal deadline date. Staff may contact you ahead of the deadline to clarify the project scope.
- Approval is based upon: 1) Readiness to proceed, 2) visual prominence of the building/location, 3) ability to demonstrate compliance with applicable building design standards 4) restoration of historical elements (if applicable) and 5) leverage of other project funds as available.
- Conditions of Approval may be applied to ensure compliance with the code standards of the Downtown district, which may be identified as part of the Grant Approval Agreement.
- Staff may choose to forward an application to the City Council for review.
- **Grant recipients are required to sign the agreement before construction begins.**
If an application is not approved, the City of Umatilla will provide a written explanation and may include recommendations for steps that may be taken to receive approval.

Section 5 – Grant Funds Distribution Process

- Funds are limited to the annual budget process (\$50,000 total amount available in FY 19-20)
 - (1) No more than 80% of the annual program budget can be spent in Round 1
 - (2) All remaining budgeted funds may be awarded in Round 2 (though, not required)
- Minimum Grant Match Requirement = 25%. Applicants can request a larger personal match, if desired
- Maximum Grant Award Not to Exceed \$26,250
- All awards from the City Council are final.
- Recipients will receive a Notification of Award from CDD upon Council approval
- Grant monies will be issued after project is complete.
- Projects must be completed within 6 months of approval. Upon completion of a project,
- City staff must be contacted for a site inspection. If the staff finds that the project complies with all standards and conditions above and with the pre-approved plans submitted with the application, the City shall provide the agreed upon amount of funding.
- If a contractor was used, a copy of the invoice and proof of payment must be provided to the City before funds can be released.
- If a contractor was not used, receipts accompanied by proof of payment must be provided before reimbursement can be issued.
- All receipts must be received within 30 days of project completion.
- Only materials may be reimbursed for projects that do not use a contractor (cost of shipping, tools/machinery and labor are not reimbursable items).
- Funds shall then be disbursed within thirty (30) days from the date invoices are received.
- In order to encourage multiple businesses to apply and to disperse the distribution across several businesses, no applicant may:
 - (1) Receive more than three awards over the past four years, and
 - (2) Receive more than \$52,500 in total awards over the past four years, and
 - (3) Receive more than two awards per round (applicant may apply for more than one faced grant improvement per round if they can clearly demonstrate that they have two unique improvement projects).

Section 6 - Signature

I agree that the information provided above and within is accurate and correct to the best of my knowledge.

Signature of Applicant: _____

Hadi R. Nipe

Date: 5-31-2019

City of Umatilla Downtown Revitalization Grant Program



Umatilla School District Office Revitalization Proposal

FACILITY DESCRIPTION

Originally a bank building, the Umatilla School District office was extensively remodeled in 2001 to transform the bank into a District Office facility. Aside from general ongoing maintenance, no updates have been completed to the District Office building since the 2001 remodeling work.

The District Office houses offices for both the Umatilla School District and its partners. The District Office provides oversight and human resources support for all schools in the District. The Umatilla School District serves 1376 students in grades K-12 and employs 338 employees. Currently, partners from DSHS and the InterMountain ESD maintain offices in the District. The community uses the building for meetings and the Umatilla School Board meetings are held in the main conference room each month.

PROPOSED PROJECT OVERVIEW AND CURRENT PHOTOS

This project aims to update the building and grounds to create an attractive addition to 6th Street. Projects will include:

1. **Siding**- damaged siding will be repaired and replaced as necessary.
2. **Paint**- the entire building will be painted.
3. **Windows**- All windows will be replaced.
4. **Doors**- The front entry doors will be replaced. The other doors will be repainted.
5. **Informational Sign**- The current wood sign will be replaced with an LED reader board.
6. **Art, Lighting, and Landscaping**- Our high school students will create a wood and/or metal art piece to be featured on the main entry wall of the building. Landscaping will be updated to create a more welcoming entry. The exterior lighting will be updated to provide feature lighting for the art wall.



Compliance with Downtown Design Standards

Landscaping: Drought tolerant, native, grasses will be used in landscaping. Grasses will include the following: Little Bluestem, Sheep Fescue, and Bluebunch Wheatgrass. Should other plant types be necessary, we will select native plants from the approved list.

Signage: We will be using the current frame for the existing sign; however, we will update the lettering panel with new materials (though the same verbiage and District logo) and will replace the current plastic lettering channels with the LED sign option. The entire sign frame will be painted to match the new building colors.

Colors: The colors (swatches provided in this application) are not fluorescent, luminous, nor reflective. The selected colors compliment existing buildings on 6th Street.

Rear Entrance: The rear entrance has already been updated and is a model of what our new landscaping will emulate. It features native grasses and is well maintained. The rear entrance will benefit from a painted door, new windows, siding repair and paint.

Facade: The windows and door panels will replace the current, single-pane, glass. The replacement glass will have a tint for both energy efficiency and improved aesthetics. (see the Clara Brownell Middle School windows for a similar reference).

Timeframe

Phase 1 • July-August, 2019

Siding, Paint and Parking Lot

Phase 2 • August-September, 2019

Doors and Windows

Phase 3 • October, 2019

Art, Sign, Landscaping and Lighting

Exact Color Samples

SW 6239
Upward

Interior / Exterior

Locator Number: 224-C1

SW 6524
Commodore

Interior / Exterior

Locator Number: 185-C7

Sherwin-Williams Exterior Paint
Upward- main body of building
Commodore- cedar trim areas

PROJECT BUDGET

Contracted Expenses

Paint- College Pro Painters	\$10,948
Windows/Doors- A. Burk Glass	\$32,142
LED Sign- Daktronics	\$9,094

Total: \$52,184

Materials Only Expenses

Lighting- Replace six exterior fixtures with LED lighting	\$900
Landscaping Materials	\$1,000
Raw Materials for Art Project	\$1,000
Mounting Hardware for Art	\$500
Siding Repair	\$3,600

Total: \$7,000

\$59,184 Total Budget



Leveraged Funds: Energy rebate for LED exterior lights- \$90.00

Contractor/Vendor Information

College Pro Painters

License Number: 214887
 Phone: 541-561-6964
 Address: 80404 N. Hill Drive, Hermiston, OR 97838
 Contact: Austin Kopacz

Daktronics

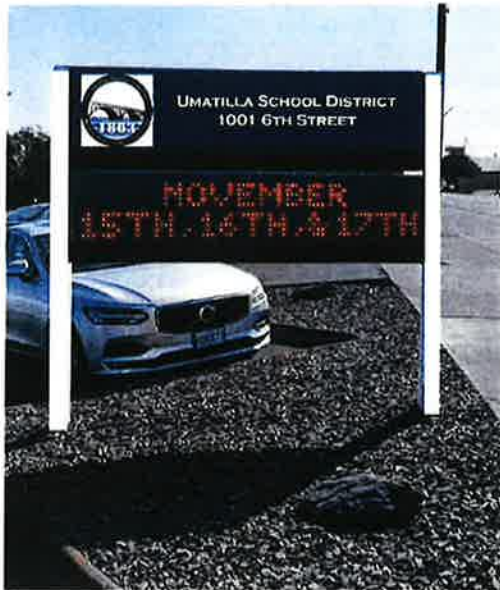
Phone: 605-692-0200
 Address: 201 Daktronics Dr.
 Brookings, SD 57006
 Contact: Jeffry Van Houten

A Burk and Co. Glass

License Number: 156640
 Phone: 541-922-3523
 Address: 721 6th Street, Umatilla, OR 97882
 Contact: Don Gist

Note: As per Umatilla School District procurement procedures, we will obtain three bids for each project prior to project completion. Costs may decrease based off additional bids.

Rough Sketches/Concept Maps



For questions regarding this proposal, please contact Heidi Sipe at slpeh@umatillasd.org or 541-922-6500

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2 Year Limited Warranty (see back)
\$1 Million Liability Insurance Coverage
Full Worker's Compensation Coverage
Customer Sign Off and Rating

PROPOSAL

CLIENT NAME: Stacy
Address: 10013 6th St.
City: Clarendon Ma Zip: _____
Phone Home: 541-561-5435
Business: _____
E-mail: _____

Date: 5/3/19
Proposal No: 1102955

REGISTRATION/LICENSE (IF APPLICABLE)
Registration/License No: 214887
Class: _____
Specialty Classification: _____
Salesperson's Name: _____
Salesperson's Reg. Number: _____
Franchise Number: _____

FRANCHISEE NAME: Austin Lopez
Phone: 541-561-6864
E-mail: austinlopez@collegepro.com

AREAS TO BE PAINTED

GENERAL DESCRIPTION	INCLUDE	EXCLUDE	INCLUDE	EXCLUDE
Wash, prep, prime, & paint full exterior.				
AREAS TO PAINT				
1. Siding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. All Frames	<input type="checkbox"/>
2. Soffits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Pillars & Railings in back	<input type="checkbox"/>
3. Fascia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Left side door	<input type="checkbox"/>
UNPAINTABLE STORMS # _____ REMOVE/REPLACE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ALUMINUM DOWNSPOUTS AND GUTTERS	<input type="checkbox"/>
SHUTTERS # _____ REMOVE/1 SIDE/2 SIDES/REPLACE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	WOOD SCREENS/STORMS # _____ REMOVE/1 SIDE/2 SIDES/REPLACE	<input checked="" type="checkbox"/>

WORK TO BE DONE

(PLEASE READ DEFINITIONS ON REVERSE SIDE)

MINOR MAINTENANCE

- WASHING
- CAULKING
- PUTTYING
- OTHER

DESCRIPTION
HAND/POWER TO ALL EXPOSED AREAS/OTHER
NONE/MISSING/CRAKED/LOOSE/TOTAL
NONE/MISSING/OK/LOOSE/TOTAL

SPECIFIC AREAS TO BE COVERED
Full wash to exterior
Apply/Replace as needed
Fill large holes

SURFACE PREPARATION

- LEVEL 1
- LEVEL 2
- LEVEL 3

OBJECTIVE
FULL SCRAPE TO REMOVE ALL LOOSE AND PEELING PAINT
Level 2 - 1/2" (1/2" - 1/2") Areas Below

TO BE SANDED (LEVEL 3 ONLY)
Scrape any peeling/cracking
rough areas out or scrape

PLEASE NOTE: COLLEGE PRO FRANCHISEES ARE UNAUTHORIZED TO PERFORM POWER SANDING. COLLEGE PRO PAINTERS (U.S.) LTD. ASSUMES NO LIABILITY FOR ANY DAMAGE WHATSOEVER CAUSED BY POWER SANDING.

PRIMING

NO.	DESCRIPTION	PAINT SPEC	CUSTOMER INITIALS
1	Any bare wood areas	Lates Red O	Treated
2	Trust Spots		N/A

FINISHED COAT APPLIED TO

NO.	DESCRIPTION	PAINT SPEC	FINAL COLOR #	CUSTOMER INITIALS
	Siding, soffits, Fascia, Frames, Door	Super Paint	Satin	Lates

COLLEGE PRODUCTS DOES NOT GUARANTEE ONE YEAR COVERAGE UNLESS OTHERWISE SPECIFIED ABOVE. THE CONTRACT PRICE INCLUDES ONLY ONE FULL FINISH COAT. CHANGE IN COLOR WILL MOST ALWAYS REQUIRE 2 COATS TO COMPENSATE FOR INCONSISTENCY IN BRUSH AND ROLL TECHNIQUE

CLEANUP Daily \$100 upon completion.

CUSTOMER NEEDS/NOTES TO JOB SITE MANAGER, SAFETY CONSIDERATIONS

Good Comm., Clean/Ordy., very respectful.
 Warns when on roof / Watch out for people & cars.

PAYMENT SCHEDULE

15	1,320	
85	7,825	\$9,205

ADDITIONAL WORK ESTIMATED

NOTE: THESE ESTIMATES ARE NOT INCLUDED IN THE ABOVE PRICE. PLEASE LET YOUR FRANCHISE MANAGER KNOW OF THESE ITEMS YOU WISH TO ADD.

ITEM	PRICE	INCLUDE	INITIALS	ITEM	PRICE	INCLUDE	INITIALS
S&R Stucco	2308			S&R Stucco B&R wood	10,465		
- Paraling	(210)			2-Coat Spray	10,948		
Sign Disbursmt	(100)						

QUALITY RATING (UPON COMPLETION)

Umatilla High School
 Scott Bow
 1460 7th St
 Umatilla, OR USA 97882
 Phone: (541)992-6571
 Fax:
 Email: bows@umatillasd.org

18/Jun/2018
 Quote valid for: 90 days
 Terms: Net 30 days from shipment with
 Purchase Order
 Subject to Credit Review
 FCA: DESTINATION
 Delivery: Call for Production Time

Reference: ECCB

Item No.	Model	Description	Qty	Price
1	eCCB-A100-3FTx8FT-19.8-R-2V	Galaxy® Electronic Changeable Copy Board - Red . For installation into a changeable copy board cabinet. Matrix: 32 lines by 100 columns Line Spacing: 19.8mm LED Color: RED Face Configuration: 2V - two one sided displays - same content Cabinet Dimensions: 3' 0" H X 8' 0" W X 0' 5" D (Approx. Dimensions) Max Power: 275 watts/display Weight: Unpackaged 140 lbs per display; Packaged 225 lbs per display	1	\$8,609.00
2	FREIGHT	Shipping to site	1	\$485.00
Services				
3	G2G2 - Gold Warranty for eCCB	Two (2) Year Gold Warranty for eCCB only	1	

Total Price Excluding Sales Tax: \$9,094.00

Please reference listed sales literature: DD3104435 for eCCB-A100-3FTx8FT-19.8-R-2V, SL-05659 for G2G2 - Gold Warranty for eCCB

Please reference listed shop drawings: DWG-1177033 for eCCB-A100-3FTx8FT-19.8-R-2V

Options

Please contact your sales representative for additional information

eCCB External Temperature Sensor	External Temperature Sensor with 25 ft. Quick Connect Cable	1	\$250.00
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Service Options

G5G5-eCCB-A100-3FTx8FT-19.8-R-2V	Extend warranty to 5 total years Gold coverage for eCCB	1	\$490.00
----------------------------------	---	---	----------



Umatilla School Dist.

1001 6th Street

Umatilla, Or 97882

541-720-0227

Attn: Heidi Sipe

A. Burl Glass

721 6th St./ P.O. Box 339

Umatilla, Or 97882

541-922-3523

CCB #: 156640

We at A. Burk Glass would like to bid on replacing 2 sets of double doors with attached side lights and transom. Doors will be wide style, single acting with rim panic devices and standard pull hardware and electric card swipe. Both doors will have removable center bar and outside door will have gray over Low-E glass and inside doors will have clear over clear 1" over all IG units. Also included we will be replacing all the glass in the existing frames with Gray over Low-E Glass. All old doors and windows will be hauled off for disposal.

Please allow 4 weeks for delivery to our shop.

Supply, delivered, and installed:

\$32,142.00

(This bid includes ALL labor and parts for the job)

Thank you Don:



Date: 5-31-19

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Water Management Conservation Plan Update	<u>Meeting Date:</u> June 18, 2019
---	---------------------------------------

<u>Department:</u> Public Works, Community Development	<u>Director:</u> Scott Coleman, Tamra Mabbott	<u>Contact Person:</u> Scott Coleman, Tamra Mabbott	<u>Phone Number:</u> (541) 922-3226 x101
---	---	---	---

<u>Cost of Proposal:</u> N/A	<u>Fund(s) Name and Number(s):</u> N/A
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> No
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<u>Attachments to Agenda Packet Item:</u> 1) June 2019 WMCP Update For Agency Review 2) Resolution
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<u>Summary Statement:</u> City WMCP was last updated in 2011 (originally submitted to OWRD in 2007) and is due for an update. After an RFP process staff selected Keller & Associates to complete the update which is attached. The draft WMCP has been submitted to Oregon Water Resources Department for review. In accordance with OAR 690-086-0120 the draft WMCP has been mailed to affected local governments with a request to provide comments within 30 days. Comments of agencies and OWRD will be incorporated into the final draft. WMCP update is a pre-requisite to receiving funding from OWRD and also to development of the city's 23 CFS Columbia River Water Right.

<u>Consistent with Council Goals:</u> N/A
--

RESOLUTION NO. -2019

**A RESOLUTION AUTHORIZING COUNCIL TO APPROVE THE 2019 WATER
MANAGEMENT & CONSERVATION PLAN**

WHEREAS, City of Umatilla (City) submitted a Water Management & Conservation Plan (WMCP) in 2007 and said plan was approved by Oregon Water Resources Department (OWRD) in 2011; and

WHEREAS, the OWRD by and through Oregon Administrative Rules Chapter 690 require a WMCP to be updated every five years; and

WHEREAS, City contracted with Keller Associates engineers to update the WMCP; and

WHEREAS, the updated WMCP was submitted to OWRD and affected local agencies for review on June 11, 2019; and

WHEREAS, the City desires to be in compliance with state water law; and

WHEREAS, the City desires to have adequate water supply, water conservation measures and to develop the City Columbia River Water right; and

WHEREAS, OWRD has approved the WMCP.

NOW, THEREFORE, be it resolved that the Umatilla City Council hereby adopts the updated 2019 Water Management Plan dated June 2019.

PASSED by the Council and **SIGNED** by the Mayor this 6th day of August, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

CITY OF UMATILLA

WATER MANAGEMENT AND CONSERVATION PLAN UPDATE

FOR AGENCY REVIEW

June 2019

KA 219032-001

PREPARED BY:



131 SW 5th Ave, Suite A
Meridian, ID 83642
(208) 288-1992

PREPARED FOR:



700 6th Street
UMATILLA, OR 97882
(T) 541.922.3226

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 - o Final order 41810 on Extension S41444
 - o 2016 Butter Creek Allocation Order for COU and Umatilla High School
 - o T-8701 Order 56-718 Approving
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- D Agreements
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WATER MANAGEMENT AND CONSERVATION PLAN CHECKLIST

This checklist is provided as a guide to where each required report element is located within the body of the plan. "N/A" is used for sections that do not apply to the City of Umatilla.

Items and Tasks		OAR Reference	Section No.
WMCP Plan Elements			
✓	Notice to affected local government(s)	690-086-0125(5)	1.5
✓	Proposed WMCP update schedule	690-086-0125(6)	1.6
✓	Additional time to implement conservation benchmarks	690-086-0125(7)	N/A
Water Supplier Description			
✓	Supplier's source(s)	690-086-0140(1)	2.1 and 4.4
✓	Current service area and population served	690-086-0140(2)	2.3
✓	Assessment of adequacy and reliability of existing water supplies	690-086-0140(3)	2.4
✓	Present and historic water use	690-086-0140(4)	2.5
✓	Water rights inventory table and environmental resource issues	690-086-0140(5)	2.6
✓	Customers served and water use summary	690-086-0140(6)	2.7
✓	Interconnections with other systems	690-086-0140(7)	2.8
✓	System schematic	690-086-0140(8)	2.9
✓	Quantification of system leakage	690-086-0140(9)	2.10
Water Conservation Element			
✓	Progress report on implementation of conservation measures scheduled in a previously approved WMCP (<i>N/A if 1st WMCP</i>)	690-086-0150(1)	3.1
✓	Water use measurement and reporting program	690-086-0150(2)	3.2
✓	Currently implemented conservation measures	690-086-0150(3)	3.3
✓	Annual water audit	690-086-0150(4)(a)	3.4.1
✓	Full metering of system	690-086-0150(4)(b)	3.4.2
✓	Meter testing and maintenance program	690-086-0150(4)(c)	3.4.3
✓	Rate structure based on quantity of water metered	690-086-0150(4)(d)	3.4.4
✓	Leak detection program	690-086-0150(4)(e)	3.4.5
✓	Public education program	690-086-0150(4)(f)	3.4.6
✓	System leakage reduction program <15%	690-086-0150(5)	3.5
✓	System leakage reduction program <10%	690-086-0150(6)(a)	3.5
✓	Technical and financial assistance programs	690-086-0150(6)(b)	N/A
✓	Retrofit/replacement of inefficient fixtures	690-086-0150(6)(c)	N/A
✓	Rate structure and billing practices to encourage conservation	690-086-0150(6)(d)	3.4.4
✓	Reuse, recycling, and non-potable opportunities	690-086-0150(6)(e)	3.6.1
✓	Other proposed conservation measures	690-086-0150(6)(f)	3.6.2
Water Curtailment Element			
✓	Water supply assessment and description of past deficiencies	690-086-0160(1)	4.1
✓	Stages of alert	690-086-0160(2)	4.2
✓	Triggers for each stage of alert	690-086-0160(3)	4.3
✓	Curtailment actions	690-086-0160(4)	4.4
Water Supply Element			
✓	Future service area and population projections	690-086-0170(1)	5.1 and 5.2
✓	Schedule to fully exercise each permit (<i>i.e., certification</i>)	690-086-0170(2)	5.3
✓	Demand forecast	690-086-0170(3)	5.4
✓	Comparison of projected need and available sources	690-086-0170(4)	5.5
✓	Analysis of alternative sources	690-086-0170(5) and (8)	5.6
✓	Maximum rate and monthly volume quantification	690-086-0170(6)	5.7
✓	Mitigation actions under state and federal laws	690-086-0170(7)	5.8
✓	Greenlight Water Request – Conservation measure schedule and cost effectiveness	690-086-0130(7)(a)	5.8.3
✓	Greenlight Water Request – Justification that selected source is most feasible and appropriate	690-086-0130(7)(b)	5.8
✓	Greenlight Water Request – Mitigation requirements	690-086-0130(7)(c)	5.8



SECTION 1

INTRODUCTION AND REPORT ELEMENTS

1.1 PURPOSE / PLAN REQUIREMENT

The City of Umatilla (the City), located in Umatilla County, presents its May 2019 Water Management and Conservation Plan (WMCP) to the Oregon Water Resources Department (OWRD) and interested parties. The City believes this WMCP outlines a plan to effectively manage its present water rights and provide a means for updating a comprehensive strategy for meeting its municipal water supply needs over the next 20 years. Moreover, the plan attempts to enhance management techniques of the State's water resources, including an increased effort to improve the efficiency of the water system, thereby meeting the intent of the regulations defined under Oregon Administrative Rule (OAR) 690-086.

The City is submitting this WMCP in response to the final order approving the extension of time for Permit #S-41444 on August 24, 2012. This approval triggered the need to prepare and submit an updated WMCP as directed under OAR Chapter 690 Division 086.

The City submitted revisions in June 2011 to its 2007 WMCP to the OWRD based on their prior comments. The 2011 WMCP was approved on July 20, 2011. That WMCP outlines benchmarks to be implemented to improve local management of water resources. Since that time, the City has made progress in meeting those benchmarks and is looking to coordinate steps identified in this updated WMCP with on-going efforts to comply with OAR 690-086 rules. This 2019 WMCP conforms with the City's 2008 Water Master Plan, and uses information developed during that planning effort and subsequent planning efforts, including the 2018 Beneficial Reuse Feasibility Analysis report (the BRFA).

1.2 PLAN ORGANIZATION

This WMCP is organized in a manner consistent with OAR 690-086.

- Section 2: Describes the water supply system, including key demographic information, water consumption, and the type of infrastructure present in the water system.
- Section 3: Identifies the conservation measures the City has implemented and proposed new measures with associated benchmarks for each new measure.
- Section 4: Describes the tools available to the City in the event of a water emergency, including a water curtailment plan.
- Section 5: Uses the information presented in Section 2 to forecast future demands, compare those demands to present water rights, and assesses the need for additional source water diversions.



1.3 SUMMARY OF DATA SOURCES

Throughout this WMCP are references to data, most of which were obtained from the City's files including water production records for the City's water-supply wells, water consumption records, and land use planning. Historical data related to service area, such as connections and demand, were obtained from the City's utility billing system (from 2014 to 2018), the City's water production data (from 2014 to 2018), and the City's 2008 Water Master Plan. Historic and future demographic data were also obtained from the 2008 Water Master Plan and the 2017 Annual Population Report, produced by Portland State University (PSU). Future population forecasts were taken from PSU's Umatilla County Preliminary Forecast tables. Additional records utilized include the City's 2011 WMCP, the BRFA, and the Housing and Residential Land Needs Assessment report. The Housing and Residential Land Needs Assessment report is included in Appendix C.

1.4 INPUT DURING PLAN DEVELOPMENT

To develop this 2019 WMCP, City staff have worked together with Keller Associates to examine a range of water management alternatives. A draft of this 2019 WMCP was submitted to Umatilla County with a request for comments. The City approved the curtailment measures outlined in the 2011 WMCP and has elected to continue using those existing curtailment measures as part of this updated WMCP.

1.5 AFFECTED LOCAL GOVERNMENTS

The City provided notice of availability of the draft WMCP for review to all affected local governments (listed below), along with a request for comments related to consistency with the local governments' comprehensive land use plan:

- Umatilla County Planning Department
- City of Hermiston
- City of Irrigon
- Port of Umatilla
- Confederated Tribes of the Umatilla Indian Reservation
- Power City Water District
- Corps of Engineers McNary Dam Water District

1.6 PLAN UPDATE SCHEDULE

Following OAR 690-086-0125(6), the City proposes to submit an updated WMCP at the end of the 10-year period in 2029. In addition, the City intends to submit a progress report five years from now in 2024.

1.7 REQUEST FOR ADDITIONAL TIME FOR METERING OR BENCHMARKS

The City is not requesting an extension of time to implement metering or an established benchmark established in a previously approved WMCP.

SECTION 2

MUNICIPAL SUPPLIER DESCRIPTION

This section is written to address the requirements of OAR 690-086-0140. It describes the City's water sources, service area, population served, existing water rights, and demands for water. It also considers the adequacy and reliability of the City's existing water supply. This section also provides a description of the City's customers and their water use patterns, the water system, interconnections with other water suppliers, and a quantification of system leakage.

2.1 WATER SOURCES AND SYSTEM DESCRIPTION

2.1.1 Description of Water Sources

The City's water supply currently is sourced from four deep basalt groundwater wells with accompanying water rights within the Columbia Plateau Basalt Aquifer. The Columbia Plateau Basalt Aquifer below the City is recharged by snow melt and stream runoff from the Blue Mountains. One of these water supply wells is on lease from the Port of Umatilla through February 12, 2040.

The points of diversion (POD) for the City's water supplies correspond to the locations of the City's wells.

- The POD for the Intertie Well (Permit G-8042) is located 2,515 feet south and 140 feet west from the northeast corner of Section 16 in Township 5 North, Range 28 East. This places it in the SE-NE quarter-quarter of the Section.
- The POD for the Golf Course Well (Permit G-8042) is 825 feet south and 2,550 feet east from the northwest corner of Section 14 Township 5 North, Range 28 East. This places it in the NE-NW quarter-quarter of the Section.
- The POD location for the McFarland Well (a.k.a. Well 2) under Certificate 76316 (is 30 feet south and 30 feet west from northeast corner of Section 19 Township 5 North, Range 28 East. This places it in the NE-NE quarter-quarter of the Section.
- The POD for the Port of Umatilla's Well 1 is located 2,045 feet north and 1,790 feet east from the southwest corner of Section 11. This places it in the NE-SW quarter-quarter of the Section.

The water rights filings in Appendix A depict the locations of the City's water supply wells and their common place of use (POU).

In addition to these existing water supply sources from groundwater wells, the City holds a Permit to divert surface water from the Columbia River above McNary Dam (S-41444) via a groundwater point of diversion. The City intends to divert water under Permit S-41444 subject to its Development Limitations. Both the 2008 City Water Master Plan and the existing WMCP describe the City's intention and forecast need to develop a shallow well field to meet future water demands using water diverted under this Permit.

This WMCP update identifies the projected demands, net water conservation and Development Limitations of said Permit S-41444. The City's projected demands for municipal and industrial water create the need to divert water under Permit S-41444. Feasibility study evaluations are needed for development under the Permit prior to diverting water under Permit S-41444 to meet current and future water demands more efficiently.

A summary description of the water rights available for the current and future City's water-supply sources is found in Section 2.6 along with a tabular inventory of those water rights.

Information pertaining to the City's water rights is found in Section 2.6. A detailed description of all of the City's water rights is provided below in Table 2-6.

2.1.2 Source Treatment

The City's water supply from groundwater uses hypochlorination for disinfection. Extracted groundwater is treated using sodium hypochlorite prior to storage in the respective tank for the City's water distribution system pressure zones. These tanks are termed "reservoir" in the discussion of the water distribution system.

2.1.3 Transmission / Distribution

The City's water distribution system is comprised of a network of water pipes ranging in size from 3 inches to 20 inches in diameter, totaling approximately 40 miles. The City also has approximately 25,900 feet (approximately 5 miles) of services less than three inches in diameter. The total linear feet of each nominal water main size, excluding services, is shown in Table 2-1 below.

Table 2-1: System Inventory by Pipe Size

Pipe Size	Total Length (FT)	% of Total
3"	819	0.3%
4"	15,169	7.2%
6"	60,204	28.6%
8"	53,065	25.2%
10"	5,274	2.5%
12"	48,450	23%
15"	7	0.0%
16"	18,140	8.6%
18"	7,332	3.5%
20"	542	0.3%
Unknown	1,770	0.8%
Total	210,772 FT	100%
Total	40 miles	

2.1.4 Finished Water Storage

The City has six storage reservoirs, providing a combined 4.75 million gallons of water storage to the City's four pressure zones. Table 2-2 below provides a summary of the City's storage by pressure zone.

Table 2-2: System Storage Capacity

Facility	Pressure Zone	Size (MG)
McNary Reservoir	McNary High	1.8
Port Reservoir	McNary High	0.125
Intertie Reservoir	Low	1.5
McFarland Reservoir #1	Low/Coyote	0.125
McFarland Reservoir #2	Low/Coyote	0.5
Coyote Reservoir	Coyote/Powerline	0.7
Total Storage		4.75

The McNary high-pressure zone uses a 1.8 MG welded steel ground reservoir fed by the Golf Course Well and Port Well. An elevated steel tank, the Port Reservoir, also provides storage for the high-pressure zone. This tank is filled by the Golf Course Well.

The low-pressure zone is served by three storage tanks. The Intertie, a 1.5 MG welded steel ground reservoir, typically is fed by the Intertie Well. However, an intertie with the high-pressure zone allows water from the high-pressure zone to fill the Intertie Reservoir if needed. The two McFarland tanks, comprised of a 0.125 MG ground-level concrete tank and a 0.5 MG ground-level welded steel tank, are primarily fed by the McFarland Well. If needed, water from the Intertie tank can be used to fill the McFarland tanks.

The Coyote reservoir, a ground-level welded steel tank, is sized to store 0.7 MG. This tank is uniquely designed to serve both the Coyote high-pressure system via gravity flow, and the Powerline pressure system via the Coyote booster station. The Coyote tank is filled with water from the McFarland reservoirs via the McFarland booster station.

2.2 INTERGOVERNMENTAL AGREEMENTS

The City has an intergovernmental agreement with the Port of Umatilla to supply water to their McNary Industrial Park water users. The City operates a water-supply well owned by the Port of Umatilla under the aforementioned lease that extends to February 12, 2040. A copy of the lease with the accompanying intergovernmental cooperation agreement is included as Appendix D. Under the terms of the lease agreement the City owns the well appurtenances but not the Port's well or its accompanying permit/water right, and the City provides potable water supply to Port of Umatilla property and to the adjoining areas served by the Port. Under the terms of the Lease agreement the City and the Port of Umatilla jointly filed to transfer the Place of Use under the Permit (G-3112) to encompass the same Place of Use as the City's water rights.

The City has no intergovernmental agreements that provide supply resiliency to its potable water demands via interconnection. The City must be wholly self-sufficient for its water supply to meet its current and future water demands. This heightens the imperative for the City to prudently manage both its supply portfolio and its water demands portfolio. Making water conservation through routine water-use practices and water-source types is a key element of the City's water-demand management. Furthermore, availability of water is a key element to economic growth in the City and its surrounding areas inside and outside of the Urban Growth Boundary.

In addition, under a franchise agreement, the City has allowed the Regional Water System (RWS), owned by the Port of Umatilla and City of Hermiston, to provide untreated non-potable water to a data center

campus located within city limits. The city provides water to another data center campus located within city limits. Data centers are large industrial water users.

2.3 CURRENT POPULATION AND SERVICE AREA

The City of Umatilla is a small community located in northeast Oregon, bordering the Columbia River. The City contains approximately 4.6 square miles. The 2010 census reported a total population of 6,906 people and 1,926 occupied housing units. In the 2019 Housing and Residential Land Needs Assessment draft report, the City estimated the average household size to be 3.15 persons for 2018. This draft report is included in Appendix C. The City of Umatilla is also home to the Two Rivers Correctional Institution (TRCI), which currently holds approximately 1,800 inmates.

The City serves drinking water to a population of approximately 7,320 within its municipal boundary. This estimate is based on the estimated 2018 population of 7,320, assuming that the City provides water to all residents within the city limits. The current WMCP (authored primarily in 2007) suggested a long-term growth rate for the City of approximately 2.6%, with a projected 2027 population in of 11,318 people. Updated population projections from Portland State University using data to 2018 and economic forecasts indicate a growth rate closer to about 0.7% over the last 10 years, with a forecasted growth rate of about 1% through 2069. These growth rates are clearly much lower than forecast from 2007 to 2027 in the current WMCP. Table 2-4 and Table 2-5 compare the historical and forecasted population growth of the City of Umatilla and Umatilla County.

Table 2-3: Umatilla Historical Population Growth (PSU)

Year	City of Umatilla		Umatilla County	
	Pop.	%	Pop.	%
2010	6,905		76,000	
2011	6,980	1.1%	76,580	0.8%
2012	7,015	0.5%	77,120	0.7%
2013	7,025	0.1%	77,8895	1.0%
2014	7,050	0.4%	78,340	0.6%
2015	7,060	0.1%	79,155	1.0%
2016	7,220	2.3%	79,880	0.9%
2017	7,245	0.3%	80,500	0.8%
2018	7,320	1.0%	80,765	0.3%
Average		0.7%		0.8%



Table 2-4: Umatilla Forecasted Population Growth (PSU)

Year	City of Umatilla		Umatilla County	
	Pop.	%	Pop.	%
2019	8,104		156,765	
2020	8,205	1.2%	157,384	0.4%
2025	8,735	1.3%	161,474	0.5%
2030	9,300	1.3%	165,886	0.5%
2035	9,835	1.1%	170,187	0.5%
2040	10,340	1.0%	174,150	0.5%
2045	10,824	0.9%	177,799	0.4%
2050	11,407	1.1%	181,524	0.4%
2055	12,105	1.2%	185,327	0.4%
2060	12,668	0.9%	189,210	0.4%
2065	13,168	0.8%	193,174	0.4%
2069	13,580	0.8%	196,405	0.4%
Average		1.0%		0.4%

The population in the City of Umatilla, according to PSU's 2017 Coordinated Population Forecast report and as shown in Table 2-4 above, has grown at approximately the same rate as Umatilla County. However, PSU's future projections indicate the City's population will continue to grow at a much faster rate over the next 50 years compared to Umatilla County. It should be noted that in 2018, the City issued 66 building permits, which is more than the sum of all the building permits issued within the previous decade. The City expects this pattern to continue in the foreseeable future. Consequently, the City will need to have adequate water sources to provide for future water demands.

2.4 ADEQUACY AND RELIABILITY OF WATER RIGHTS / SUPPLY

The City's water supply is adequate to meet current demand but is unreliable. Historically production capacity for the City has primarily been governed by the capacity of the pumping equipment for each well. Declining water levels in the Columbia River Plateau Basalt Aquifer have forced the City to lower well pumps twice, most recently in the Golf Course Well and the Port Well in 2018. Thus, the reliability of its groundwater sources is low and is decreasing over time. The City operates the McFarland Well (a.k.a. Well 2) under a certificated water right in the "North Area" of the Butter Creek Critical Groundwater Area (BCCGWA); the North Area of the BCCGWA is curtailed at OWRD's technical rating of a sustainable yield of 250 AFY.

The City's current water-supply sources from groundwater lack redundancy. Should groundwater pressures in the aquifer continue to decline or should further curtailment measures be placed on portions of the Columbia River Plateau Basalt Aquifer by OWRD, then the City would face shortfalls that require curtailment actions to customers. This has real impact on the reliability and sustainability of potable water and the economic outlook for the City.

The City holds permits and water rights adequate for its current water-supply needs. As inventoried in Section 2.6 the City holds exercised Permits and water rights for 10.945 cfs of water from groundwater sources. The City has submitted a Claim of Beneficial Use (COBU) in 2003 for that portion of its Permit G-

8042 it has utilized; the City was unable to exercise the full rate available in the initial Permit G-8042 due to groundwater resource limitations. The City, in coordination with the Port of Umatilla, submitted a COBU in 2003 for the full water right available under Permit G-3112; however as noted groundwater levels in the well authorized under G-3112 continue to decline. The City anticipates that water availability under its current rights and Permits to groundwater will continue to decline and that there is reason to develop redundancy of supply sources and to improve water supply resiliency and reliability for the future.

It is the City of Umatilla's water-supply strategy and intent to make surface water its primary source of water supply. It is also the City's intent to use diverted surface water via Permit S-41444 to provide raw water for non-potable water supply needs within the City's service area as well as to supply potable water. This strategy will:

- better meet current water demands,
- provide conservation opportunities not available via groundwater sources,
- provide supply sources for projected water needs for some or all of the next 20 years in the City,
- Alleviate demand on the groundwater supply thereby improving the condition of the Buttercreek Critical Groundwater area, a "significant" Statewide Planning Goal 5 resource,
- be consistent with County wide water management plans by utilizing available surface water to the Umatilla Subbasin,

The City's water-supply strategy to use surface water sources is consistent with the City's Comprehensive Land Use Plan. Specifically, City's Comprehensive Plan includes a list of Goal 5 resources within the city and lists objective to protect the "significant" resources. The Buttercreek Critical Groundwater Area is a "significant" resource and, according to Statewide Planning Program, should be protected. Balancing land use goals with water laws and Administrative Rules is challenging. Often, laws and water rights establish the strategy. However, the City acknowledges it has the legal right to use groundwater yet has made a deliberate choice to avoid further harm to the resource. City is moving forward with development of the surface water right in order to reduce mining and negative impact to the critical groundwater resource. That approach of course has an equally important benefit of provide a long-term sustainable supply of water. Finally, by City moving to develop its surface water right, some irrigation and pumping capacity will become available to local farmers with groundwater rights. In addition, this water supply strategy for water management and conservation is also consistent with the management scenarios within the County of Umatilla's Umatilla Subbasin 2050 Water Management Plan adopted August 19, 2008 (<http://www.co.umatilla.or.us/planning/pdf/2050%20Plan%20Final.pdf>, see Section 6).

Water is available for diversion from the Columbia River in concert with instream flow requirements for threatened or endangered fish species. Water from the Columbia River is a more reliable source of supply than the City's current groundwater sources.

The City has the opportunity to conserve water by diverting surface water under Permit S-41444. Development of this source presents unique opportunities to conserve water for current non-contact cooling water uses by decreasing the need for reverse osmosis to purify groundwater against dissolved silica and salts and increasing the number of times the supplied water can be recycled prior to discharge for re-use. Diversion under Permit S-41444 will increase not only the adequacy and reliability but will create such conservation opportunities that are integrated to the identified Conservation Management measures.

Currently the City does not have enough water supply capacity to meet the 20-year forecasted demand (see Section 5).

2.5 WATER USE RECORDS

Table 2-5 summarizes the average annual and max day production from the City's wells from 2014 to 2018. Using water usage data and applying peaking factors provided in 2008 Master Plan, the highest calculated peak day demand of 2.985 million gallons per day occurred in 2017. In general, peak usage occurs each

year between May and September. The highest average annual day demand was determined to be 1.298 million gallons per day.

Table 2-5: Average and Peak Day Production

Year	Average Day (MGD)	Max Day (MGD)
2014	1.245	2.863
2015	1.268	2.916
2016	1.283	2.950
2017	1.298	2.985
2018	1.293	2.975

1. Average Day and Peak Day demands from 2012-2017 determined from the 2018 BRFA report
2. 2.3 Peaking Factor ADD/PDD based on the City's 2008 Water System Master Plan.

2.6 WATER RIGHTS INVENTORY

A summary of the City's water rights, including actual diversions and environmental resources issues of concern is provided in Table 2-6. Additional water rights documentation, including the 2016 Butter Creek Allocation Order for COU and Umatilla High School, 2019 Final Order on Transfer Allocation 110-1976, Final Order 41810 on Extension of S-41444, and other water right documentation is provided in Appendix A.

Table 2-6: Water Rights Inventory

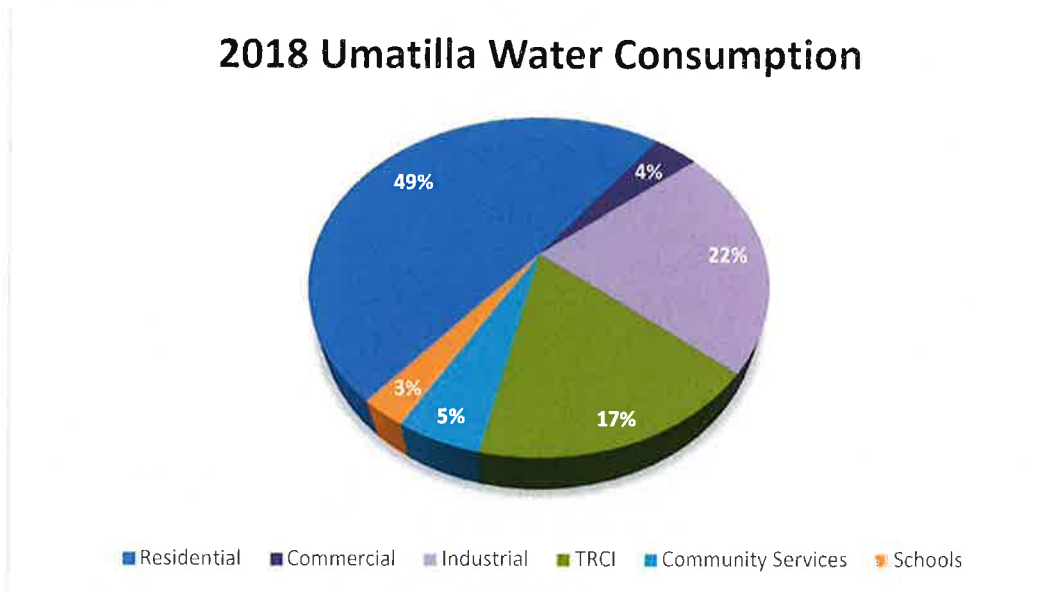


Application Number	Permit Number	Municipal Use			Transfer Number	Source	Maximum Allowed Rate under Original Permit (cfs)	Current Allowed Rate under "Development Limitations" conditions	Maximum Instantaneous Rate Diverted to Dore (cfs)	Maximum Annual Volume Diverted to Date (1989-2018) (MG)	Actual Diversions		Currently authorized date(s) for completion of construction and full beneficial use of water	Environmental resource source of concern (i.e., stream/floodway/riparian area) or a stream or riparian area that is identified as a critical habitat for a species of special concern and the parameters ensuring the source's viability are critical Groundwater Area designations.
		Certificate Number	Priority Date	Claim of Beneficial Use (COBU) submitted on							Average monthly diversions (MG)	Average daily diversions (MG)		
G-8592	G-8042	12/28/1977	Claim of Beneficial Use (COBU) submitted on 3/19/2003	NA	Interim Well Groundwater from Columbia Plateau Basalt Aquifer	8.9 cfs	1.69 cfs - 758 gpm	1.69	221.2	Actual Diversions (2018) 6.01 Actual Diversions (2014-2018) 8.94	0.198 0.294	10/1/1999	Groundwater in Columbia Plateau Basalt Aquifer. Subject to Restriction or Control if determined to be hydraulically connected to the Butler Creek GWA	
G-8592	G-8042	12/28/1977	Claim of Beneficial Use (COBU) submitted on 3/19/2003	NA	Golf Course Well Groundwater from Columbia Plateau Basalt Aquifer	8.5 cfs	4.45 cfs = 2,000 gpm	4.45	222.8	Actual Diversions (2018) 5.01 Actual Diversions (2014-2018) 8.94	0.198 0.284	10/1/1999	Groundwater in Columbia Plateau Basalt Aquifer. Subject to Restriction or Control if determined to be hydraulically connected to the Butler Creek GWA	
G-7355	G-2580	12/24/1983	76516		Well 2 (a.k.a. McFarland Well) Butler Creek Critical Groundwater Area	2 cfs	250,000 gpm (per the revised Sustainable Yield by OWRD of the North Subarea of the Butler Creek Critical GW Area = 0.3403 cfs = 153 gpm)	0.63 2.0 (1963-1967)	88.9	Actual Diversions (2018) 3.40 Actual Diversions (2014-2018) 3.97	0.112 0.130	Completed 10/26/1995	Butler Creek Critical Groundwater Area. Consumptive Use Set at 3.047 MG of North Subarea	
G-3612	G-3172	8/10/1966	COBU submitted on 1/14/2003	T-8701 Effective 07/29/2002	Part of Umatilla Well No. 1 Groundwater from Columbia Plateau Basalt Aquifer	4.46 cfs	4.46 cfs = 2,000 gpm	4.46	197.3	Actual Diversions (2018) 10.44 Actual Diversions (2014-2018) 12.38	0.540 0.407	10/1/2019	None noted	
S-54855	S-1444	10/5/1976	NA	NA	Columbia River	23 cfs	0 cfs (As specified in the 8/24/2012 Final Order for the Extension of Time to Develop)	Pending Development	Pending Development	Source Development Pending		10/1/2055	STATE species present in the source include: spring Chinook salmon (migration), bull Chinook salmon, summer steelhead (migration), sockeye salmon (migration), bull trout (migration), white sturgeon (spawning and rearing, migration).	
CITY MUNICIPAL SYSTEM TOTAL SUPPLY														
G-2950	G-2940	12/24/1953	Portion of Cert 34523	T-8264 Effective 10/26/09	Well A and Well B		Subject to S423 APY of Non-Consumptive Use of Water to Air Heat Pump at Umatilla High School = 0.75 cfs = 336.6 gpm	Unknown	Unknown	Actual Diversions (2018) No Consumptive Use Actual Diversions (2014-2018) No Consumptive Use	No Consumptive Use No Consumptive Use	10/21/2001	Groundwater from Butler Creek Critical Groundwater Area to Umatilla River (North Subarea) Serves Umatilla High School Air Heat Pump System. Extraction is required to be re-injected thus it is completely non-consumptive	

2.7 CUSTOMER CHARACTERISTICS AND USE PATTERNS

The City provides water to a variety of users. The majority of the water consumed in the City of Umatilla can be split into six categories: residential, commercial, industrial, Two Rivers Correctional Institution, community services, and schools. Included within the community services is water used for the community soccer fields and water used for fire protection. Figure 2-1 below illustrates the breakdown of water use among the five main categories described previously.

Figure 2-1: Water Use Statistics for 2018



The City of Umatilla’s largest user category is “residential”. Water categorized as “commercial” accounts for 4% of the water being used in the City. Approximately 22% of the water consumed is for industrial purposes.

The Two Rivers Correctional Institution (TRCI) is categorized by the City as an industrial user. TRCI is the City’s single largest industrial water user. In 2018, TRCI consumed approximately 95.1 million gallons of water. This equates to 17% of all the water used within the City. From 2014 to 2018, the TRCI used on average about 86.7 million gallons of water. This average, while slightly lower than the 2018 usage, includes two years of low consumption (approximately 72.5 million gallons) in 2014 and 2016. Generally, water consumption from TRCI is governed by the number of occupants and staff at the facility. City staff have indicated that occupancy at the TRCI is not anticipated to grow in the future, which would most likely result in water consumption remaining similar to current conditions. Table 2-7 provides a summary of water accounts and usages for 2018. The TRCI usage is separated from the other industrial water user accounts.

While TRCI water demand is anticipated to remain constant throughout the next 20 years, there have been indications of other large industrial growth on the horizon. The 2018 BRFA report projected substantial industrial growth around the Port and 395 Corridor areas. Additionally, the City was recently approached by a large industrial water user with a 1 MGD water demand. While the 2018 water use shows residential demand as the largest user category, industrial demand is anticipated to exceed residential demand by 2040. Discussion on future demand forecasts are presented in Section 5.

Table 2-7: 2018 Water Accounts Summary

Account Type	# of Accounts	Usage (gal)	% of Total Consumption
Residential	1,493	269,635,299	49%
Commercial	56	20,442,756	4%
Industrial (excluding TRCI)	13	121,021,733	22%
TRCI	2	95,126,082	17%
Community Services	37	27,749,321	5%
Schools	2	14,734,882	3%

The City's top water users are diverse and include commercial, industrial, and community services categories. Table 2-8 below lists the top water consumers in the City of Umatilla for 2018. TRCI, as discussed previously, is the dominant water consumer in the city. TRCI consumes nearly the same amount of water as the Boise Cascade Corporation and Vadata, combined.

Table 2-8: Umatilla Top 10 Water Users (2018)

User	Ranking	Water Usage (gal)
TRCI	1	95,126,000
Boise Cascade Corporation	2	59,105,700
Vadata, Inc	3	53,868,760
Umatilla School District	4	14,988,729
City of Umatilla	5	8,636,847
Tri Harbor Landing Apts	6	8,300,758
Preferred Property	7	8,151,510
Quality Inn	8	6,702,300
J M Manufacturing Company	9	5,950,000
City Soccer Field	10	5,054,000

The information summarized in Table 2-8 indicates that the top three water users consume approximately 78% of the water used by the Top 10 water users. This equates to approximately 38% of the total water consumed in the City. Excluding the top three water users, the next top water user, the Umatilla School District, only uses approximately 3% of City's total water.

2.8 INTERCONNECTIONS WITH OTHER WATER SUPPLY SYSTEMS

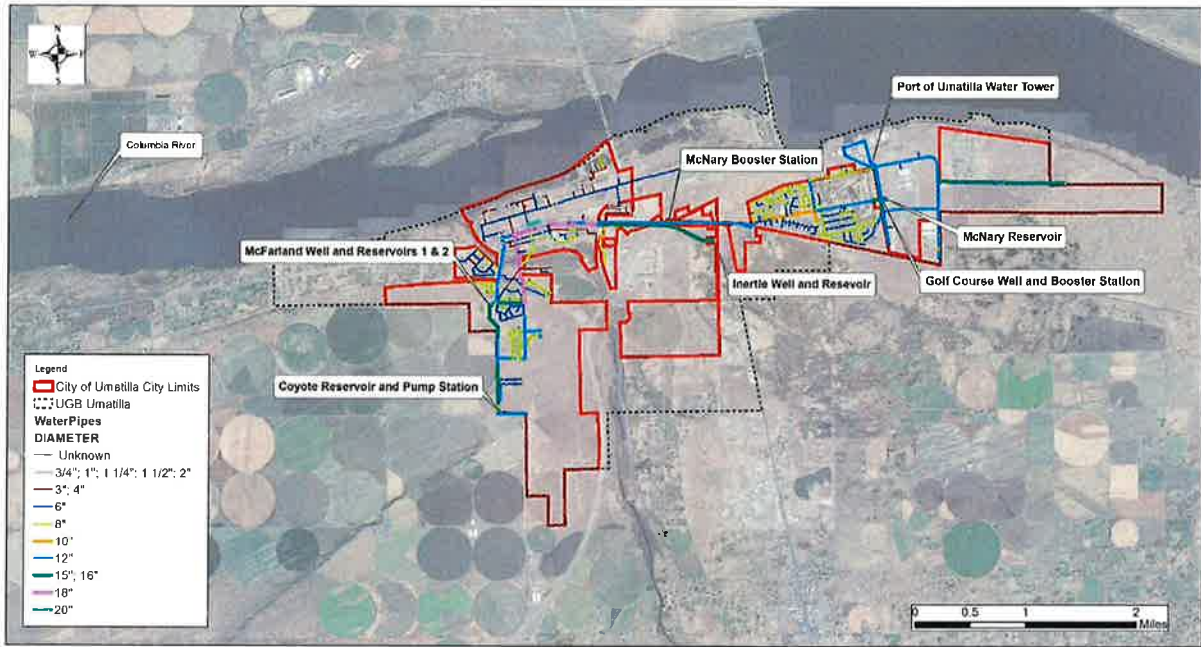
As described in Section 2.2 under intergovernmental agreements the City has no interconnections to another water supply system. In 1974, an intertie between the City of Umatilla and the Port of Umatilla was developed that resulted in a 1996 intergovernmental agreement that transferred all water distribution assets and operations to the City to supply water to its Place of Use and encompass land and areas owned or served by the Port.

The City is wholly reliant on its own water supply sources and systems to meet its and the Port's water demands for potable water.

2.9 SYSTEM SCHEMATIC

Figure 2-2 below identifies the location of the City's water mains, wells, booster stations, and storage facilities. A full-size version of Figure 2-2 is included in Appendix C.

Figure 2-2: City of Umatilla Water Distribution System



2.10 WATER LOSSES AND NON-REVENUE WATER

Since the previous 2011 WMCP report was submitted in 2008 and then approved in 2011, the City has continued to implement measures to ensure minimal water loss. Table 2-9 below summarizes the City’s production and consumption data for the past five years.

Table 2-9: Water Loss Summary

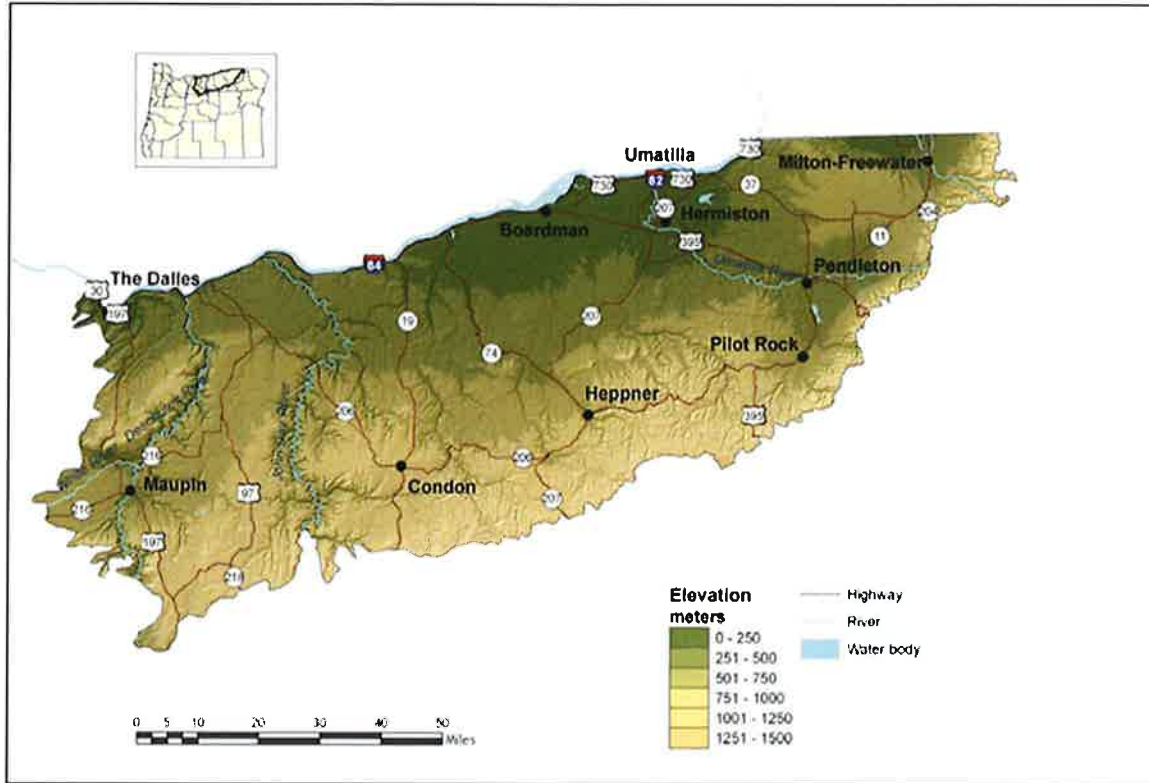
Year	Production	Consumption	% Unaccounted for Water
2014	454,391,000	443,786,803	2.3%
2015	462,720,000	446,553,230	3.5%
2016	468,184,000	412,357,360	11.9%
2017	473,699,000	460,386,429	2.8%
2018	472,054,000	462,819,003	2.0%

The five years of available production and consumption data appear to be fairly consistent, with the exception of year 2016. Historically, the City of Umatilla has been consistent in demonstrating low water losses in their distribution system. Several components contribute to minimal water losses, including a fully metered distribution system, available sonic leak detection equipment, auto-generated leakage reporting, and a team of dedicated staff who are committed to maintaining an efficient system. The City has elected to continue to support existing measures put in place to meet OWRD requirements.

2.11 ENVIRONMENTAL RESOURCE ISSUE OF CONCERN

The City of Umatilla resides within the Columbia Plateau ecoregion of Oregon, as shown in Figure 2-3. Within this region, there are sensitive and sensitive-critical fish and wildlife species that should be noted.

Figure 2-3: Columbia Plateau Ecoregion



(<http://www.oregonconservationstrategy.org/ecoregion/columbia-plateau/>)

Below is list of species which the State of Oregon has assigned to either sensitive or sensitive-critical status within the Columbia Plateau region. This list is compiled of species listed under the Oregon Department of Fish and Wildlife Sensitive Species List

(https://www.dfw.state.or.us/wildlife/diversity/species/docs/2017_Sensitive_Species_List.pdf) and (https://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp)

Fish

- Bull trout (State listed Sensitive Critical)
- Chinook Salmon – Fall (State listed Sensitive)
- Chinook Salmon – Spring Steelhead (State listed Sensitive)
- Pacific Lamprey (State listed Sensitive)
- Steelhead – Summer / Columbia basin Rainbow Trout (State listed Sensitive Critical)
- Western Brook Lamprey (State listed Sensitive)
- Western River Lamprey (State listed Sensitive)
- Westslope Cutthroat Trout (State listed Sensitive-Critical)

Reptiles

- California Mountain Kingsnake (State listed Sensitive)
- Northern Sagebrush Lizard (State listed Sensitive)
- Western Painted Turtle (State listed Sensitive)

Birds

- Brewer's Sparrow (State listed Sensitive)
- Burrowing Owl (State listed Sensitive-Critical)
- Common Nighthawk (State listed Sensitive)
- Ferruginous Hawk (State listed Sensitive-Critical)
- Grasshopper Sparrow (State listed Sensitive)
- Lewis's Woodpecker (State listed Sensitive-Critical)
- Loggerhead Shrike (State listed Sensitive)
- Long-billed Curlew (State listed Sensitive-Critical)
- Sagebrush Sparrow (State listed Sensitive-Critical)
- Swainson's Hawk (State listed Sensitive)

Mammals

- Hoary Bat (State listed Sensitive)
- Pallid Bat (State listed Sensitive)
- Silver-haired Bat (State listed Sensitive)
- Spotted Bat (State listed Sensitive)
- Townsend's Big-eared Bat (State listed Sensitive-Critical)

Additionally, a list of federally listed, proposed, candidate, and delisted species and species of concerns which may occur within Oregon has been included in Appendix C as a reference.

2.12 WATER QUALITY LIMITED SOURCES

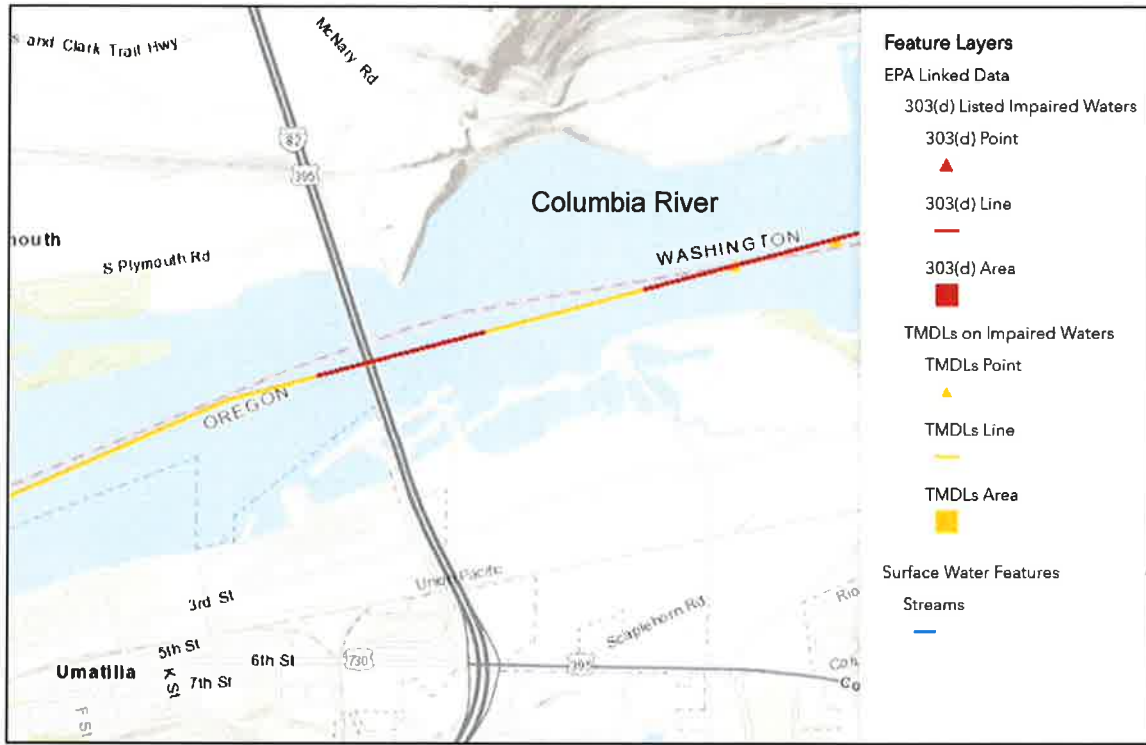
The Environmental Protection Agency (EPA) produces a Watershed Quality Assessment Report (https://ofmpub.epa.gov/waters10/attains_index.search_wb?p_cycle=2006&p_area=OR&p_huc=17070103) which identifies impaired bodies of water within each watershed. According to the EPA, the Umatilla River contains portions which are listed as "Good" and other reaches that are listed as "Impaired". Causes of impairment include nutrients, temperature, and pH. There currently are no TMDL's available for either of these impairments along their respective river reaches. Table 2-10 provided below identifies the status of each portion of the Umatilla River. The City's water source is the groundwater from deep aquifers under the City.

Table 2-10: Umatilla River TMDL Status

Waterbody Name	Waterbody ID	Location	Size	Units	Status	Cause of Impairment	TMDL
North Fork Umatilla River: Mm 0-10.3	OR_1181885457258_0_10.3	Umatilla: 17070103	10.3	Miles	Impaired	Water Temperature	Needed
South Fork Umatilla River: Mm 0-10.8	OR_1181885457257_0_10.8	Umatilla: 17070103	10.8	Miles	Impaired	Water Temperature, pH, Nutrients - Eutrophication	All Needed
Umatilla River: Mm 0-32.1	OR_1193384459144_0_32.1	Umatilla: 17070103	32.1	Miles	Impaired	Total Ammonia, Chlorophyll - A, Dissolved Oxygen, Fecal Coliform, Iron, Manganese, Nutrients, Nutrients - Eutrophication, Elemental Phosphorus, Sedimentation/Siltation, Water Temperature, Turbidity, pH	All Needed
Umatilla River: Mm 0-53.8	OR_1193384459144_0_53.8	Umatilla: 17070103	53.8	Miles	Good		
Umatilla River: Mm 0-56	OR_1193384459144_0_56	Umatilla: 17070103	56	Miles	Good		
Umatilla River: Mm 36.5-56	OR_1193384459144_36.5_56	Umatilla: 17070103	19.5	Miles	Good		
Umatilla River: Mm 54.2-56	OR_1193384459144_54.2_56	Umatilla: 17070103	1.8	Miles	Impaired	Aquatic Algae, Iron, Nutrients, Nutrients - Eutrophication, Elemental Phosphorus, Sedimentation/Siltation, Water Temperature, pH	All Needed
Umatilla River: Mm 82-88.1	OR_1193384459144_82_88.1	Umatilla: 17070103	6.1	Miles	Impaired	Alkalinity (Carbonate as CaCO ₃), Total Mmonia, Aquatic Algae, Iron, Nutrients, Nutrients- Eutrophication, Phosphate, Elemental Phosphate, Sedimentation/Siltation, Water Temperature, pH	All Needed
Umatilla River: Mm 87.3-88.1	OR_1193384459144_87.3_88.1	Umatilla: 17070103	0.8	Miles	Good		

Additionally, the EPA's WATERS GeoViewer shows portions of the Columbia River in "Red", indicating reaches impaired by Dioxins, and "Orange" representing sections with a temperature TMDL. (<https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=ada349b90c26496ea52aab66a092593b>). Figure 2-3 shows the red and orange colored reaches as described above. There are no TMDLs assigned for dioxins at these locations (https://ofmpub.epa.gov/waters10/attains_impaired_waters.tmdl_report?p_tmdl_id=319). The portions in "Orange" represent reaches that have a temperature TMDL assigned.

Figure 2-4: EPA WATERS GeoViewer Frame of the Columbia River



The City is located within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA), a water quality limited area designated in the early 1990's by the Environmental Protection Agency. Figure 2-5 depicts the LUBGWMA area. A full-size version of Figure 2-5 is included in Appendix C.

The pollutant of concern is nitrate contamination which exceeds the federal drinking water standard. The Oregon Department of Environmental Quality (ODEQ) oversees a LUBGWMA Committee which intended to seek voluntary measures to reduce nitrate contamination. Since the area was designated, the testing has shown nitrates are not declining and in some areas are actually increasing. Additional information is included as part of the May 2017 LUBGWMA Committee report, included in Appendix B. Adding surface water to the city's overall water supply would likely have an added benefit of reducing nitrate concentration.



SECTION 3

WATER CONSERVATION ELEMENT

This section is written to address the requirements of OAR 690-086-0150. It provides a status report on conservation measures scheduled for implementation in the City's previously approved WMCP, describes the City's current water conservation program, and outlines the City's benchmarks for meeting required conservation measures not currently implemented, if any.

In 2011, the Oregon Water Resources Department (OWRD) approved the City's Water Management and Conservation Plan (WMCP) describing, among other things, methods of water conservation which the City had previously established. The 2011 WMCP demonstrated the City's water system exceeded efficiency requirements (approximately 4% water loss), a result of proper water conservation program implementation. These programs included the following:

- Maintaining a fully metered system
- Systematic water meter replacement
- Conservation-minded billing rate structure
- Conducting annual water audits
- Purchasing sonic leak detection equipment
- Distribution of educational materials to the public
- Water reclamation efforts at the wastewater treatment facility
- Xeriscape implementation for median landscape.

Since that time, the City has been successful at maintaining an efficient water system and is in the process of planning, implementing and completing various benchmarks outlined in the previous WMCP as well as in this update.

The City of Umatilla has historically taken a progressive approach to conserving water and maintaining a tight water system. As a result, the City has already been meeting standards applicable for cities with larger populations. While the City's growing population approaches the next OAR population benchmark, the City is prepared to meet the additional water management and conservation standards outlined in OAR 690-086-1050. Because the City of Umatilla already meets the additional OAR requirements, many of Umatilla's newly established benchmarks, outlined later in this report, are associated with investigation and planning efforts to identify new ways to conserve water in a sustainable, cost-effective manner.

On the following pages, the City details its new conservation program per OAR 690-086 rules. For easy reference, organization of this section of this WMCP closely matches the organization of the new rules.

3.1 STATUS REPORT – SCHEDULE CONSERVATION MEASURES

In 2011, the City of Umatilla set several water conservation benchmarks, which are outlined in the 2011 WMCP report. Table 3-1 summarizes those benchmarks and provides an update for each benchmark.

Table 3-1: 2011 Benchmarks Update

Benchmark	Description	Update
Meter Installation	The City to maintain the already fully metered system.	The City has continued to maintain their fully metered system. The City is replacing old meters with two-way meters.
Meter Testing	The City to maintain the already developed meter testing program	The City uses upgraded software that collects real-time metering data. Anomalies are detected and specific meters are tested.
Meter Replacement	The City to maintain the already developed meter replacement program	The City has a budget to replace approximately 75 meters annually.
Water Audit	The City to continue conducting annual water audits	The City continues to conduct water audits.
Leak Detection	The City purchased sonic leak detection equipment. The City is in the process of establishing a program to conduct systematic leak inspections of the water system on a monthly basis.	The City continues to use the sonic leak detection equipment. The City generates a production/usage report to also identify potential leaks.
Leak Repair	The City identifies leaks using the sonic leak detection equipment and performs repairs or replacement as required.	The City continues to identify leaks using the sonic leak detection and leakage reports. The City continues to repair leaks when detected.
Public Education	The City includes a water-related article in the Consumer Confidence Report. The City also includes water conservation tips in the City-wide quarterly newsletter.	The City has continued to publish a water consumer report every July. Water conservation articles are occasionally included with the report. City staff also watch for irresponsible wasting of water that is addressed on a case-by-case basis.
Other Measures	The City installed a reclaimed water reuse system at the wastewater treatment plant for washdown, and initiated the use of Xeriscape for median landscaping.	The City has completed a Beneficial Reuse Feasibility report to identify reuse projects to be implemented. Construction is scheduled to start on a pipeline that will enable reuse of industrial cooling water for irrigation purposes. The City has also mapped their water utilities in GIS. The City intends to use their new GIS for more efficient management of its water system and conservation efforts.

3.2 WATER USE MEASUREMENT AND REPORTING PROGRAM

Umatilla's water use reporting is conducted in compliance with OAR 690-085. The report is submitted annually by December 31st on the form provided by OWRD using the "Flow Meter Method" approved by the Department in OAR 690-085-0015 (5).

Flow meters are installed at all water sources and points of use. Additionally, flowmeters are also installed at service area connection points to account for water transferring between systems. The City also uses a portable flow meter to measure and record water used during system flushing and dust control procedures on construction sites.

3.3 OTHER CURRENTLY IMPLEMENTED CONSERVATION MEASURES

The City has met the previously established benchmarks from the previous WMCP. The City's population increase will soon trigger the need to meet new WMCP requirements. The City has thus reviewed and updated their previously established water conservation benchmarks to maintain their tight water system and encourage water conservation practices. These benchmarks are outlined below.

3.4 BASIC CONSERVATION MEASURES REQUIRED OF ALL SUPPLIERS

The conservation program described within the following subsections was developed by the City and accounts for the characteristics of historical demand patterns and customer demographics.

The City's available water rights currently meet annual average and peak period demands. However, the City recognizes the need to conserve water and continues to meet or exceed the OWRD requirements for water conservation. As such, the City is planning to continue its previously stated conservation efforts, with the addition of some water reuse efforts described later in this chapter.

3.4.1 Annual Water Audit

Unaccounted for water in Umatilla's distribution can occur from several sources, the most probable being inaccurate meters and leaky pipes. By continuing to perform annual water audits, the City will be able to track the results of pipeline improvements as well as identify future locations where improvements may be necessary to reduce leakage.

***Five-Year Benchmark:** The City will continue to perform annual water audits to more closely track water loss.*

3.4.2 System-Wide Metering

Currently, the City is fully metered. The City will continue to maintain its meters for accurate reporting and leak reduction.

***Five-Year Benchmark:** The City has a system-wide metering system in place.*

3.4.3 Meter Testing and Maintenance

The City's computerized water meter system identifies errors generated from specific meters and initiates a workorder for repairs. See Appendix C for a sample of the leakage report.

***Five-Year Benchmark:** The City will continue to test and maintain meters as described above.*

3.4.4 Water Rate Structure

The City's water rate structure is based on billing users proportionally to their water usage. The City currently charges residential users a base rate according to meter size. Additionally, each water user is charged \$1.50 for every 1,000 gallons used. For users outside of city limits, the base rates for corresponding meter sizes are doubled. Users within the Port Industrial Park are charged a higher base fee than those outside of the City limits, as shown in Table 3-2.

Table 3-2: Current Billing Model

City of Umatilla Base Water Rate	
Meter Size	Rate Per Month
3/4-inch and smaller	\$14.77 + \$1.50/1,000 gallons
1-inch	\$17.32 + \$1.50/1,000 gallons
1-1/2-inch	\$22.90 + \$1.50/1,000 gallons
2-inch	\$28.98 + \$1.50/1,000 gallons
3-inch	\$42.03 + \$1.50/1,000 gallons
4-inch and 6-inch	\$57.71 + \$1.50/1,000 gallons
City of Umatilla Base Water Rate (Outside City Limits)	
Meter Size	Rate Per Month
3/4-inch and smaller	\$29.54 + \$1.50/1,000 gallons
1-inch	\$34.64 + \$1.50/1,000 gallons
1-1/2-inch	\$45.8 + \$1.50/1,000 gallons
2-inch	\$57.96 + \$1.50/1,000 gallons
3-inch	\$84.06 + \$1.50/1,000 gallons
4-inch and 6-inch	\$115.42 + \$1.50/1,000 gallons
City of Umatilla Port Industrial Park Base Water Rates	
Meter Size	Rate Per Month
3/4-inch and smaller	\$55.61 + \$1.50/1,000 gallons
1-inch	\$79.23 + \$1.50/1,000 gallons
1-1/2-inch	\$131.15 + \$1.50/1,000 gallons
2-inch	\$187.83 + \$1.50/1,000 gallons
3-inch	\$305.89 + \$1.50/1,000 gallons
4-inch and 6-inch	\$454.66 + \$1.50/1,000 gallons

The City currently meets the requirements outlined in OAR 690-086-0150(4)(d). Additionally, the City is in the process of updating the current rate structure but the final report will not be complete by the time this plan is completed.

3.4.5 Leak Detection

The leak detection plan outlined in the 2011 WMCP identified system losses to be at an average of ±4%. Currently, the City experiences an average annual system loss of 2.7% over the last five years, excluding the year 2016. The City currently monitors their system using their cloud-based software. City staff generate a leakage report using software and sonic detection equipment, which leaks are then repaired by Public Works staff.

***Five-Year Benchmark:** The City will continue to evaluate leaks as described above.*

3.4.6 Public Education

The City recognizes its responsibility in the promotion of water conservation. In the past, the City has included an insert with the annual water consumer report which educates the public on how to conserve water, as well as include water conservation tips in the quarterly newsletter. Because the City has continued to meet OWRD standards, the City has elected to continue to educate the public as described.

***Five-Year Benchmark:** The City will continue to provide the public with water conservation inserts as described above.*



3.5 LEAK REPAIR / LINE REPLACEMENT PROGRAM

The City uses real-time metering data to evaluate leaks on a system-wide basis. The software used to collect and analyze this data uses City-designated criteria to flag data anomalies and generate leakage reports. The leakage reports and the City's sonic leak detection equipment are used by City staff to locate leaks. Leaky pipelines are repaired or replaced according to severity. The City intends on continuing this approach to maintain low water loss across the system. Additionally, the City will include pipeline replacement with other ongoing improvement projects as a means of replacing old water mains.

Five-Year Benchmark: *The City will continue to carry out the existing program repairing leaks and replacing older problematic piping and services.*

3.6 ENHANCED CONSERVATION MEASURES

The City of Umatilla is not required to establish benchmarks for enhanced conservation measures at this time. However, the City has been proactive at pursuing reuse opportunities. Below is a description of steps the City has taken to leverage reuse as a conservation method.

3.6.1 REUSE, RECYCLING, NON-POTABLE OPPORTUNITIES

In 2018, the City of Umatilla completed a Beneficial Reuse Feasibility Analysis (BRFA) report. This report outlines recommendations for projects that would incorporate reuse water at the wastewater treatment plant. Additionally, the City has already begun installing a reuse pipeline to divert and convey non-contact cooling tower wastewater to be used for agricultural purposes. The City intends to follow recommendations made in the BRFA report as budget and time allows. The City also

Five-Year Benchmark: *The City will continue to review recommendations made in the BRFA report and make improvements to their system when deemed economically feasible. Additionally, the City is exploring opportunities to beneficially use industrial wastewater for landscape irrigation within the City limits.*

3.6.2 OTHER PROPOSED CONSERVATION MEASURES

One of the City's largest industrial water users indicated that their water usage was high due to the reverse osmosis (RO) requirements needed to remove the high silica content from the ground water. The industrial user indicated that their water demand could be reduced by 40% if surface water was made available. The City intends on seeing water demands decrease from industrial water users as their surface water right is developed. See Section 5 for further discussion on industrial growth projections.

3.7 SUMMARY OF 5-YEAR BENCHMARKS

A summary of the relevant benchmarks for the City's ongoing and planned conservation activities are outlined in Table 3-3.

Table 3-3: 5-Year Conservation Benchmarks

Benchmark	Date	Frequency
Annual Water Audits	---	Ongoing
Fully Metered System	---	N/A
Meter Testing and Maintenance	---	Ongoing
Propose New Rate Structure	---	N/A
Leak Detection	---	Ongoing
Public Education Program	---	Ongoing
Leak Repair/Line Replacement	---	Ongoing

SECTION 4

WATER CURTAILMENT PLAN ELEMENT

This section is written to address the requirements of OAR 690-086-0160. It provides a description of past supply deficiencies and current capacity limitation. It also outlines the City's water curtailment plan that identifies the different stages of alert along with the associated triggers and water curtailment actions for each alert stage.

The City of Umatilla's water supply originates from groundwater from the Columbia Plateau Basalt Aquifer, located below the City. Groundwater sources are typically less susceptible to turbidity, contamination, and seasonal fluctuations. However, increased water demand from both the City of Umatilla as well as surrounding cities has required additional pumping. As a result, water levels in the aquifer have continued to decline over time. Out of necessity, the City of Umatilla has lowered its well pumps in order to reach the declining water levels below the ground surface.

The previous WMCP outlined water curtailment plans specific to each service area, which were accepted and approved by OWRD. In 2019, the City re-evaluated the outlined curtailment procedures of the plans since the time the plans were originally adopted. The City was pleased with the plans and has elected to continue to implement their various outlined procedures as necessary. Details of each of the plans are provided in following sections.

4.1 HISTORY OF PAST SYSTEM CURTAILMENT EVENTS

Water levels in the surrounding aquifers have been steadily declining over time. The City indicated that its well pumps were lowered twice in order to maintain well pumping capacity and meet water demands. The City was proactive in their approach to resolve this issue, resulting in no City curtailment measures initiated during the well improvements.

4.2 STAGES OF ALERT FOR WATER CURTAILMENT

The City's curtailment plan is comprised of three levels of alert. Because redundancy is prevalent throughout the City's water system, three system-level sub plans have been developed to address water shortages within each of the City's service areas. Plan description and triggers for these plans are outlined later in this chapter. Authorization of the City's Public Works Director is required prior to activation of the water curtailment sub-plans and level alerts. Should a plan be activated, the City will notify the Oregon Drinking Water Program, the police, and applicable water users.

4.3 TRIGGERS FOR WATER CURTAILMENT

Each of the City's three stages of alert is triggered by a pre-determined level of severity of water shortage, which is based upon the amount of water being pumped from the Columbia Plateau Basalt Aquifer as compared to the capacity of the system. The trigger for each stage of alert for each system is described in Table 4-1, Table 4-2, and Table 4-3. Table 4-4 outlines water backup and emergency systems.



4.4 RELIABILITY OF WATER SUPPLY

The City's water supply and distribution system includes provisions such as backup equipment and standby power in order to maintain reliability. Redundancy is found throughout the system, including the ability for the Golf Course Well to supply water to the McNary high pressure zone and Intertie and McFarland reservoirs; the McFarland pump station can fill the Coyote reservoirs and high-level zone.

Historically, the City's water production has been governed primarily by the capacity of the pumping equipment. Declining water levels in the aquifers has forced the City to lower its well pumps. The City is interested in developing the surface water right to provide redundancy of supply source during normal operational demands. This will add both equipment and water sources to enhance the water supply system reliability and resiliency overall to avoid curtailment.



Table 4-1: McNary High Level System Water Curtailment Plan

Alert Level	Alert Level Triggers				Implementation Measures		
	Supply	Capacity	Notification	Curtailment	Enforcement		
Normal Operation	The Port and Golf Course Wells and booster pumps are operational	System is fully functional with limited lag pump operation and absence of low-level alarms	N/A	N/A	N/A		
Mild	One well off-line	Sustained need for lag booster pump operation	Notification from City personnel to large water users	McNary system large water users to voluntarily reduce water demand	Voluntary		
Moderate	Golf Course booster pump failure	Reservoir low-level alarm during non-peak times	Notification actions for mild alert and radio announcements for voluntary conservation	McNary system water users on an irrigation schedule with no unnecessary outdoor water use	City staff monitoring and reminding customers		
Emergency	Golf Course booster pump and Port Well failure	Sustained reservoir low-level alarm	All notifications above plus local cable, newspaper, and door-to-door as needed	McNary high level system and low-level system water use limited to health, sanitation, and safety	City staff, police, and code enforcement officer monitoring. Issuance of fines for repeat violators.		

Table 4-2: McNary Low Level System Water Curtailment Plan

Alert Level	Alert Level Triggers				Implementation Measures		
	Supply	Capacity	Notification	Curtailment	Enforcement		
Normal Operation	Intertie Well and McNary system operation normal	System is fully operational with limited use of the McNary bypass valve and absence of reservoir low-level alarms	N/A	N/A	N/A		
Mild	Loss of the Intertie Well source	Sustained use of McNary bypass valve	Notification from City personnel to large water users	City-wide large water users to voluntarily reduce water demand	Voluntary		
Moderate	Intertie Well failure and loss of one McNary high-level well source	Reservoir low-level alarm during non-peak water demand periods	Notification actions for mild alert and radio announcements for voluntary conservation	City-wide water users on an irrigation schedule with no unnecessary outdoor water use.	City staff monitoring and reminding customers		
Emergency	Loss of the Intertie Well and both McNary high-level well sources	Continuous reservoir low-level alarm	All notifications above plus local cable, newspaper, and door-to-door as needed	City-wide water use limited to health, sanitation, and safety	City staff, police, and code enforcement officer monitoring. Issuance of fines for repeat violators.		

Table 4-3: Powerline High Level System and Coyote High Level System Water Curtailment Plan

Alert Level	Alert Level Triggers			Implementation Measures		
	Supply	Capacity	Notification	Curtailment	Enforcement	
Normal Operation	The McFarland and Coyote booster pump systems are operational	System is fully operational with limited lag pump operation and absence of low-level alarms	N/A	N/A	N/A	
Mild	Loss of one McFarland booster pump	Sustained need for lag booster pump operation	Post flyers at locations within the affected neighborhoods	Coyote and Powerline high-level system water users to voluntarily reduce water demand	Voluntary	
Moderate	Loss of all Coyote booster pumps	Reservoir low-level alarm during non-peak water demand periods	Notification actions for mild alert and radio announcements for voluntary conservation	No irrigation in the Coyote and Powerline high-level service (the system will be operating at +- 25 psi)	City staff monitoring and reminding customers	
Emergency	Loss of both McFarland booster pumps	Sustained reservoir low-level alarm	All notifications above plus local cable, newspaper, and door-to-door as needed	Coyote and Powerline high-level system water use limited to health, sanitation, and safety	City staff, police, and code enforcement officer monitoring. Issuance of fines for repeat violators.	



Table 4-4: Water Backup and Emergency Systems

Service Area	Supply			Pressurization			Emergency	
	Primary	Backup	Primary	Backup	Power	Pumps		
McNary High Level System	Port Well, Golf Course Well	Low Level System via McNary Emergency Booster Pump Station	Gravity Flow from Elevated Port Reservoir	Golf Course Booster Pump Station	Golf Course Diesel Generator for Well and Booster Pump Station	Golf Course Diesel Driven Fire Pump		
Low Level System	Intertie Well	McNary High Level System and McFarland Reservoir	Gravity Flow from Intertie Reservoir	McNary High Level System via PRV, McFarland Reservoir	McFarland Diesel Generator with an Automatic Power Transfer Switch			
Coyote High Level System	McFarland Well/Booster Pump Station	Intertie Well	Gravity Flow from Coyote Reservoir	McFarland Booster Pump Station	Coyote Diesel Generator with an Automatic Power Transfer Switch			
Powerline High Level System	Coyote Reservoir (McFarland Well/Booster Pump Station)	McFarland Booster Pump Station Backup Systems	Coyote Booster Pump Station	Gravity Flow from Coyote Reservoir	Coyote Diesel Generator with an Automatic Power Transfer Switch			



SECTION 5

MUNICIPAL WATER SUPPLY ELEMENT

This section is written to address requirements of OAR 690-086-0170 and OAR 690-086-0130(7). It provides a description of the City's current and future service area and population projections. It details the City's projected 10 and 20 year demands for water and identifies when the City expects to fully exercise its water rights. This section also compares the City's projected water needs against their existing available sources of supply, analyzes potential alternative water sources, and describes required mitigation actions.

5.1 DELINEATION OF CURRENT / FUTURE WATER SERVICE AREAS

The City's existing water service area boundaries coincide with those of its City limits. The City anticipates that growth will occur both inside and outside the city limits, as indicated by inquiries made from developers to City staff. The City has also indicated there are approximately 35 water users who receive water from a private water system. Because the system is not reliable, the City has initiated discussions with the private water supplier in an effort to convert the 35 water users to the City's water system. The City is currently investigating a finance plan to pay for the associated financial and infrastructural costs to incorporate this private water system into the City's water system.

Based on City records, the primary land uses within the City's current service area are residential, public, industrial, commercial, and downtown. The residential land use category contains 35.1% of the land within the UGB - the highest of all the land use categories. Other designated land uses within the City include commercial, downtown, public, community service, and industrial. Table 5-1 summarizes the total area for each land use category, based on the City's GIS data.

Table 5-1: City Existing Land Use Summary

Zoning District	Acreage	% of Total
Downtown		
Downtown Commercial	35	0.5%
Downtown Residential	51	0.8%
Downtown Transitional	25	0.4%
<i>Subtotal</i>	111	1.7%
Residential		
Residential	990	15.2%
Single-Family Residential	992	15.2%
Multi-Family Residential	22	0.2%
Medium Density Residential	290	4.5%
<i>Subtotal</i>	2,294	35.1%
Commercial		
Commercial General	71	1.1%
Commercial	131	2.0%
Neighborhood Commercial	22	0.3%
<i>Subtotal</i>	224	3.4%
Industrial		
Industrial	690	10.6%
Light Industrial	367	5.6%

Industrial (continued)		
Heavy Industrial	455	7.0%
<i>Subtotal</i>	1,512	23.2%
Community Services		
Community Service	166	2.6%
General Commercial/Community Service	30	0.5%
Light Industrial/Community Service	3	0.1%
Heavy Industrial/Community Service	277	4.3%
Single-Family Residential/Community Service	86	1.3%
Medium Density Residential Community Service	307	4.7%
<i>Subtotal</i>	869	13.5%
Public		
McNary Center Mixed Use	25	0.4%
Natural Resource	158	2.4%
Public Facility	600	9.2%
Recreation-Open/Space	720	11.1%
<i>Subtotal</i>	1,503	23.1%
Total	6,513	100.0%

The City completed a beneficial reuse feasibility analysis (BRFA) report in 2018. The study area for which the analysis was conducted, overlaps a portion of the City's existing boundary as well as the urban growth boundary (UGB) beyond the city limits. Figure 3-3 of the BRFA report shows proposed buildout land use types for the study area. This figure is provided as part of the BRFA report in Appendix C.

The BRFA describes significant growth within the study boundary. Specifically, the BRFA describes heavy growth within the City of Umatilla, the 395 Corridor, and accompanying growth within the Port. The City has elected to encourage this growth by purchasing 28+ acres of land within the 395 Corridor. To promote growth, the City has plans to extend sewer and water to the 28+ acres.

5.2 POPULATION PROJECTIONS / ANTICIPATED DEVELOPMENT

The City's present (2018) population is estimated at 7,320. The planning rate selected by the City for population forecasting comes from population forecasts produced by Portland State University. The report estimates Umatilla's population growth to increase at a rate of approximately 1.0% from 2019 until 2055.

As described previously, the City is positioned for growth. Attributed to the findings presented in the BRFA, the City indicated buildout conditions are probable within the UGB for commercial/industrial purposes, as well as community service, public facility, and recreational-open/space land use types in the next 20 years. Table 5-2 summarizes the percentage of undeveloped land for each of the aforementioned land use types.

Table 5-2: Undeveloped Land by Land Use

Land Use Type	Total Area (acres)	% Undeveloped
Commercial	288	45%
Industrial	1,791	64%
Community Service	868	47%
Public Facility	600	84%
Recreation-Open/Space	720	86%

The City of Umatilla contains approximately 2,079 acres of land zoned for commercial/industrial uses. Of this land, a combined 38.5% has been developed. The City anticipates that the remaining 61.5% will be developed within the next 20 years.

Specifically, within the urban growth boundary (UGB), there are approximately 1,200 acres of commercial/industrial land use identified which are not currently developed. In addition, there are about 2,600 acres of undeveloped Community Services, Public Facility, and Recreation-Open Space land use types which are undeveloped and expected to develop in the next 20 years.

The BRFA report indicates substantial growth is projected to occur within the City as well as the 395 Corridor. Specifically, the report describes a total 8.98 MGD demand within the City, and an additional 9.89 MGD demand within the 395 Corridor at buildout. The Port is anticipated to generate water demands of about 4 MGD at buildout. The combined buildout water demands of the study area in the BRFA sum to approximately 32 MGD.

5.3 SCHEDULE FOR FULLY EXERCISING WATER USE PERMITS

The City of Umatilla anticipates fully exercising the entire diversion rate of 23 cfs available under its undeveloped water-use Permit, S-41444, within the next 20 years.

The City currently utilizes three fully developed and exercised water rights and Permits for its water supply. One is a fully certificated water right, Certificate 76317. The City utilizes diversions fully exercised under one Permit of its own, G-8042, and one Permit to divert under lease from the Port of Umatilla, G-3112. Each of these diversions is from a groundwater source and each is already fully developed to the extent that it can be developed meaning that there are no Extensions of Time remaining to develop them further. The appropriate paperwork was submitted in early 2003 to fully perfect the Port’s water right under Permit G-3112 in a Claim of Beneficial Use (COBU) for Port of Umatilla Well 1 and its corresponding POU; the City of Umatilla is encouraging OWRD to act upon that filing to increase the utility of that water right. Similarly, in mid-2003 the City filed a COBU for the quantities of water diverted at each of the two city supply wells operating under Permit G-8042 that had been diverted prior to the timeline for full development. Groundwater continues to be appropriated at these two wells, Intertie and Golf Course; the City of Umatilla is encouraging OWRD to act upon that COBU to increase the utility of that water right.

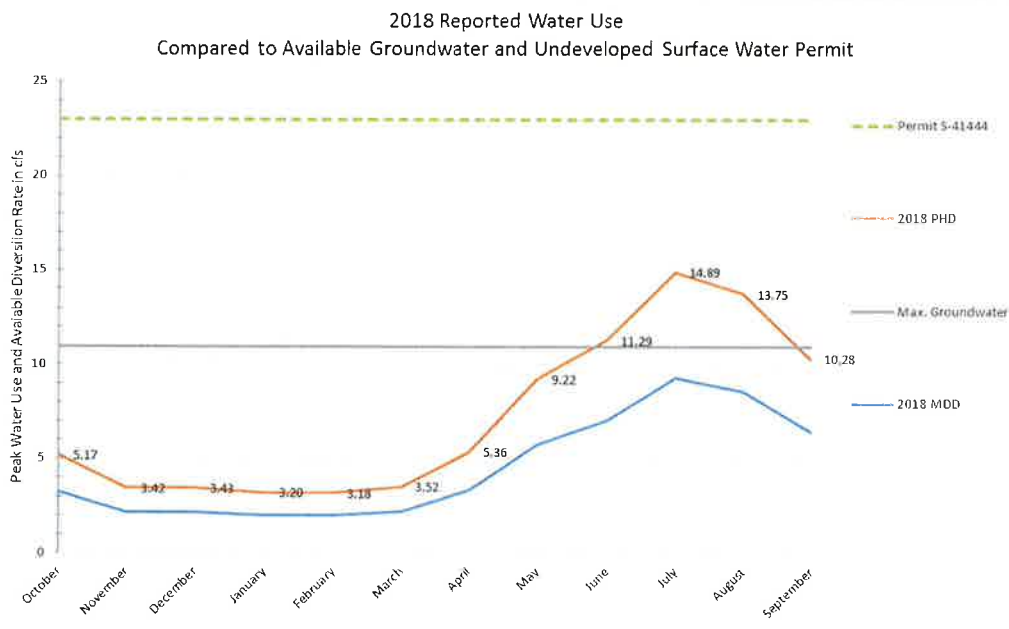
On paper these three water rights/Permits as filed provide for full water rights that total 11.23 cfs or 7.26 MGD available as source water. However, realistically, Certificate 76317 for groundwater appropriation within the Butter Creek Critical Groundwater Area (BCCGWA) in the “North Area” is effectively capped at the North Area’s rated annual yield of 250 ac-ft per year. This results then in the current fully developed water rights and permits providing up to 10.945 cfs or 7.07 MGD. These water rights and rates are reflected in Table 2.6



The City currently needs to begin development of its surface water Permit, S-41444, to divert from the Columbia River. It will use water diverted under the Permit to meet current demands and needs for both capacity and supply reliability. The City is making firm plans to develop the necessary approvals to begin diverting water under S-41444, including a Greenlight Water request in Section 5.8 herein.

The City has need for its current demands from the Permit of its peak demand of approximately 14.9 cfs (see Figure 5-1 below). This rate of diversion will be set for immediate development as soon as practical. Following that diversionary rate build out and exercise it is reasonably anticipated that with industrial growth occurring in the region from computer technology and other industry and residential population growth that the full 23 cfs available in S-41444 will be exercised by 2040.

Figure 5-1: Current Water Demands and Water Right



Section 5.4 identifies the projected water demands and needs for the City consistent with the City's supply strategy and this update to its WMCP. Section 5.5 furthers that analysis to provide an added comparison of available diversions vs. 2030 and 2040 projected water needs.

5.4 DEMAND FORECAST

The average day demand, max day demand, and peak hour demand for the previous five years were calculated using peaking factors provided in the City's 2008 Water System Master Plan. Table 5.3 summarizes the City's water production data from 2014 through 2018.



Table 5-3: Historical Demands

Water Production by Month (MG)					
	2014	2015	2016	2017	2018
Annual Population	7,050	7,060	7,220	7,245	7,320
January	20.00	17.31	18.23	21.01	17.42
February	17.15	14.96	16.70	18.05	15.63
March	19.64	22.06	21.06	21.28	19.17
April	36.87	36.19	38.85	25.89	28.25
May	51.48	49.71	48.95	51.20	50.22
June	58.97	67.17	63.02	66.48	59.50
July	72.47	75.75	68.94	80.42	81.09
August	63.07	68.13	71.65	74.98	74.89
September	49.93	44.88	48.37	49.51	54.14
October	31.07	30.88	29.79	28.17	32.42
November	16.87	17.93	20.82	18.05	20.21
December	16.88	17.74	21.83	18.67	19.12
Water Production by Month (MGD)					
Annual Average Day (MGD)	1.24	1.27	1.28	1.30	1.29
Max Day Demand (gpm) ¹	1,988	2,025	2,049	2,073	2,066
Peak Hourly Demand (gpm) ²	3,181	3,240	3,278	3,317	3,305

¹ Max Day is calculated by multiplying the annual average day demand by a factor of 2.3, based on the City's 2008 Water System Master Plan.

² Peak Hour is calculated by multiplying the max day demand by a factor of 1.6, based on the City's 2008 Water System Master Plan.

The calculated peak hour demand for the previous five years shows a steady rise in water demand. In 2017, there was a substantial increase in growth which resulted in a greater peak hour demand than that of 2018. However, 2018 demand data is believed to be more representative of future residential growth within the City.

The 2018 water demand data was used to forecast the future residential demand. Demand in gallons per capita per day (gpcd) was estimated using the City's 2018 metered consumption data and population. Forecasted residential demands were developed using PSU's population estimate for the City and provided peaking factors to obtain peak hour demand. Table 5-4 below identifies the residential peak hour demand forecasted through year 2055.

Table 5-4: Forecasted Residential Demands

Year	Population ¹	2018 GPCD ²	Residential ADD Forecasted Demand (MGD)	Max Day Demand (MGD) ³	Peak Hour Demand Rate (gpm) ⁴
2018	7,320	101	0.74	1,180	1,888
2020	8,205	101	0.83	1,324	2,118
2030	9,300	101	0.94	1,500	2,400
2040	10,340	101	1.04	1,668	2,669
2055	12,105	101	1.22	1,953	3,124

¹ Population based on PSU's population forecast

² Based on Umatilla's 2018 metered residential usage

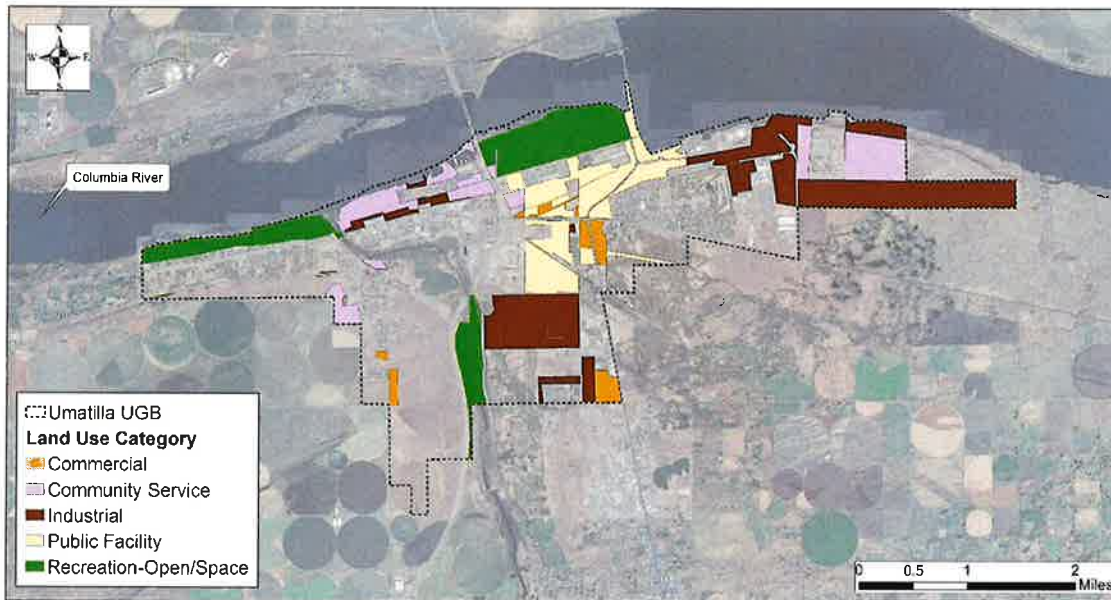
³ Calculated using a peaking factor of 2.3, based on the City's 2008 Water System Master Plan

⁴ Calculated using a peaking factor of 1.6, based on the City's 2008 Water System Master Plan

In addition to the forecasted residential demand, the commercial/industrial demand was also forecasted over the next 20 years. City officials support the documented forecasted commercial/industrial growth around the Port and 395 Corridor in the 2018 BRFA report. The BRFA report indicated buildout water demands within the City of 8.977 MGD, and an additional 9.89 MGD demand within the 395 Corridor. While some of these demands result from possible growth occurring outside of the UGB, the City anticipates that the commercial/industrial-allocated land uses within the UGB will reach buildout conditions within the next 20 years. The Umatilla Housing and Residential Land Needs Assessment draft report indicated that over 90% of employed Umatilla residents commute elsewhere for employment. This indicates that there is a large local workforce to support future commercial and industrial growth.

The City is also forecasting approximately 1,100 acres of public facility, community service, and recreation and open space lands to be developed inside the UGB through year 2055. Residential growth will trigger the growth of public facilities, community services and recreation and open space developments. The City intends on maintaining the same density of community service, public facility, and open space lands as existed in 2018. Forecasting these densities through 2055, an estimated 775 acres of Community Service land use, 160 acres of Public Facility land use, and 170 acres of recreation and open space land use will be developed through 2055. Figure 5-2 identifies undeveloped land within the UGB by land use type.

Figure 5-2: Undeveloped Area by Land Use Type



The demand forecast for the undeveloped commercial/industrial areas was developed by applying demand factors provided in the City's 2018 BRFA report to the respective land use areas within the UGB. These factors were developed using demands from nearby comparable water systems. These factors are included in the BRFA report under Table 4-2, which is provided in Appendix C. The max day and peak hour demands were then calculated and summarized in Table 5-5.

Table 5-5: Non-residential Water Demands Through 2055

Land Use Type	Estimated Developable Area (AC)	Average Daily Demand (GPD) ¹	Total Demand (MGD)	Max Day Demand (gpm) ²	Peak Hour Demand Rate (gpm) ³
Commercial ⁴	110	1,100	0.12	193	309
Industrial ⁴	970	1,100	1.07	1,704	2,727
Community Service ⁴	775	3,077	2.39	3,810	6,096
Public Facility ⁴	160	3,194	0.51	816	1,306
Recreation-Open/Space ⁵	170	3,394	0.58	922	1,475
Total			4.66	7,445	11,912

¹ Based BRFA average daily domestic water demands

² Calculated using a peaking factor of 2.3, based on the City's 2008 Water System Master Plan

³ Calculated using a peaking factor of 1.6, based on the City's 2008 Water System Master Plan

⁴ Estimated Developable Area based on 2018 City densities

⁵ Estimated by averaging 1-inch of water applied every 4 days over the year, assuming 6 months of watering. Water recommendations come from Irrigating For a Healthy Lawn report, included in Appendix B.

The Recreation-Open/Space demand factor was calculated based on common irrigation practice of applying 1-inch of water per acre every four days. It is assumed that watering only occurs six months of the year from April to October. The 10-year, 20-year, and 35-year forecasted residential, commercial/industrial, community services, public facilities, and recreation and open space max day demands were then added to the total 2018 max day demand to obtain the 2030, 2040, and 2055 max day demand.

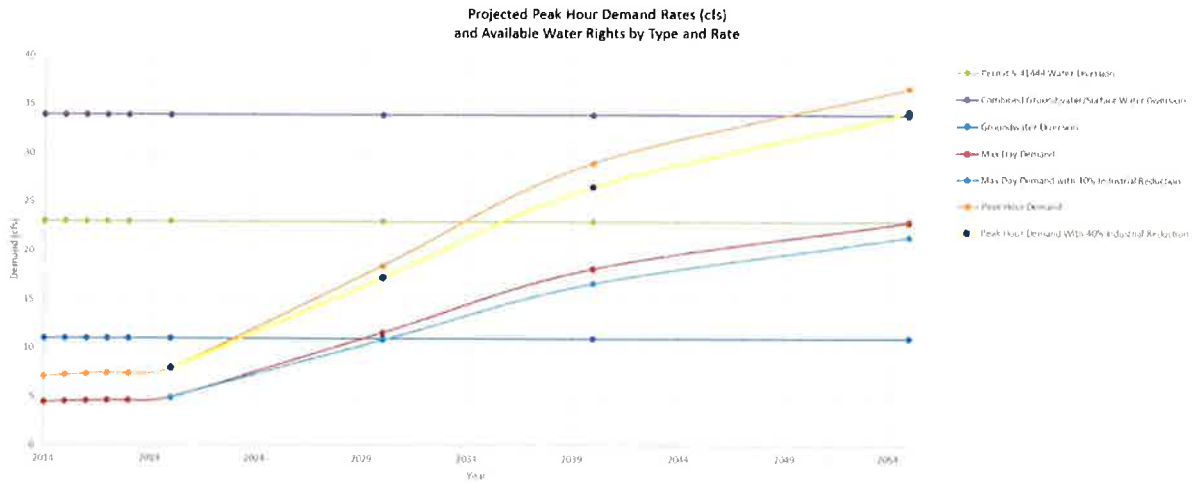
5.5 COMPARISON OF PROJECTED NEED TO AVAILABLE SOURCES

Current sources from groundwater do not meet current water demands during peak demand periods. Peak demands are limited by available sources and water rights. Figure 5-3 provides a direct graphical comparison of the currently available water diversions available to the City of 10.945 cfs from groundwater sources to current monthly peak water demands. The comparison indicates a shortfall of approximately 4 cfs during peak hourly demands that must be met from interim water storage. This current use of stored water for peak demands compromises resiliency against fire suppression and equipment maintenance or failure downtime.

Figure 5-1 also depicts development of the surface water permit to meet current water demands and projected future water needs predicated on economic growth and land use forecasts. The City currently has no backup water sources for peak demand periods. Utilizing groundwater sources as backup will provide some supply resiliency as the City grows. As indicated in Section 2.8 the City has no inter-connections to other water supply systems and no reasonable likelihood for such.

The projected maximum daily demand in 2040 is estimated to be 11.74 MGD with a peak hourly demand of 13,039 gpm (29.05 cfs). With a permitted water right portfolio of 10.945 CFS (7.07 MGD), as described above, the City does not have enough available water for the predicted 20-year demand.

Figure 5-3: Forecasted Water Rights Diversion and Demand



Half of the remaining commercial/industrial growth is anticipated to be developed by 2030, with the remaining commercial/industrial growth to occur between 2030 and 2040. The residential demand is forecasted based on PSU's population trajectory. The remaining community service, public facilities, and recreation and open space are forecasted to develop at a rate of about 44 acres per year to maintain 2018 densities. The demand forecast in this WMCP estimates a 2040 peak demand of 29.05 cfs, with a 2055 peak demand of 36.66 cfs.

One of the City's largest water users indicated that their high water consumption was due to the required reverse osmosis (RO) process to remove the high silica content from the well water. This industry indicated they could reduce water consumption by 40% if surface water from the Columbia River could be used. This conservation effort is assumed for future water industries and is reflected in Figure 5-3 above.

The City anticipates growth within the UGB. However, the City is currently unable to provide the water that large industries need. Recently, the City was approached by a large industry requesting water at a rate of 1 MGD. The City was unable to offer this amount due to limits of their water rights. To foster growth, the City purchased 28 acres within the 395 corridor and has plans to extend sewer and water to area.

5.6 ALTERNATIVE SOURCES

The City has two readily available sources of water, conservation and diversion of additional water via development of Permit S-41444. The amounts of water reasonably available are sufficient to meet the projected demand over 20 years. If the City diverts 23 cfs of surface water then this provides opportunity for substantive conservation of water from current water use as non-contact cooling water, but only if surface water is available.

There are a number of hurdles the City must overcome to divert under Permit S-41444. The City has requested support funding for a feasibility study to divert under S-41444. The feasibility sets out to accomplish two things that will impact scope and schedule for diversion. One it to determine the rates of extraction available to vertical wells as of points of appropriation that are demonstrably interconnected to the Columbia River; this finding would require a permit modification to allow vertical wells rather than the current designation of horizontal well bores. The second outcome to assess in the

