

**RESOLUTION NO. 1625**

**A RESOLUTION AUTHORIZING THE CITY OF WILSONVILLE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY FOR PROVIDING URBAN SERVICES (SITE GRADING AND DRAINAGE) TO THE DAY ROAD SITE FOR A WOMEN'S PRISON AND INTAKE CENTER AT DAY ROAD.**

WHEREAS, ORS 190.010 provides that units of government may enter into agreements for performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

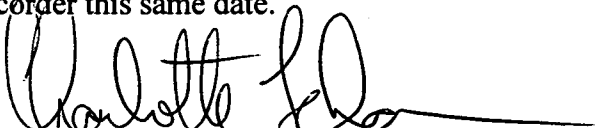
WHEREAS, the 1999 Legislature, in adopting Senate Bill 686, granted authority to the State Building Codes Division for the issuance of all required permits over which they have authority for the Women's Prison and Intake Center at Day Road and the State Building Code Division has authorized the City's Building Official to issue such permits and conduct inspections; however, the Building Codes Division does not have authority over site grading; and

WHEREAS, Washington County (County) and the City of Wilsonville (City) believe it is in the public's best interest to transfer the responsibility of conducting grading inspection and issuing grading permits provided by the County to the City by the Urban Services Intergovernmental Agreement between the City of Wilsonville and Washington County, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council of the City of Wilsonville agrees to and authorizes the execution by the Mayor on behalf of the City of the Urban Services Intergovernmental Agreement, as set forth in Exhibit A, and attached hereto, for the delegation of authority from Washington County to the City of Wilsonville for the issuance of grading permits and conducting grading inspections in accordance with the terms thereof.

ADOPTED by the Wilsonville City Council at a special meeting thereof this 24<sup>th</sup> day of February, 2000, and filed with the Wilsonville City Recorder this same date.

  
CHARLOTTE LEHAN, MAYOR

ATTEST:

  
Sandra C. King, CMC, City Recorder

Summary of Votes:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

**URBAN SERVICES INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN**  
**CITY OF WILSONVILLE AND WASHINGTON COUNTY**

This intergovernmental agreement, hereinafter Agreement, is entered into on the last date shown on the signature page by WASHINGTON COUNTY, hereinafter "County" and the CITY OF WILSONVILLE, hereinafter "City," both political subdivisions of the State of Oregon; and

WHEREAS, ORS 190.007 provides for the furthering of economy and efficiency in local government and that intergovernmental cooperation is a matter of statewide concern; and

WHEREAS, ORS 190.010 provides that units of government may enter into agreements for performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the County and the City believe it is in the public interest to transfer responsibility of certain services by County to the City; and

WHEREAS, the City in assuming this County responsibility will strive to keep the public informed and involved in its decision making under this agreement; and

WHEREAS, the 1999 Legislature in adopting Senate Bill 686 granted authority to the state Building Codes Division for the issuance of all required permits over which they have authority for the Women's Prison and Intake Center at Day Road; and

WHEREAS, the Building Codes Division has elected to have the City issue permits and conduct inspections; and

WHEREAS, the Building Codes Division does not have authority over site grading;

NOW THEREFORE, THE COUNTY AND CITY AGREE AS FOLLOWS:

**I. AREA AFFECTED BY THIS AGREEMENT**

The area affected by this agreement is the Women's Prison and Intake Center site at Day Road as shown on Exhibit 1.

**II. DELEGATION OF AUTHORITY**

The County delegates to the City the authority to issue a grading permit and conduct grading inspections pursuant to Appendix Chapter 33 of the Uniform Building Code, Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook, Section 410 of the Community Development Code and Wilsonville Ord. No. 482.

**III. RESPONSIBILITIES OF PARTIES**

The City agrees to employ the provisions of the Washington County Community Development Code, Section 410, Grading and Drainage (Exhibit 2). The City is not required to apply the provision of Exhibit 2, Section 410-3.8 implementing the standards under OAR 340-41-455(3)(d-h) as this rule only applies to the Tualatin Basin. The site is not in the Tualatin Basin. City shall employ all other provisions as necessary in issuing grading permit(s) for the site in Exhibit 1 for the Women's Prison and Intake Center. City shall collect and retain all fees dues for the issuance of permits under the Agreement.

**IV. DEFENSE OF APPEALS**

City shall be responsible for all costs of defending appeals or other legal actions arising from permits issued under this authority. City shall notify County as soon as practicable when it receives an appeal of its decision under this Agreement.

**V. TERM OF AGREEMENT**

This agreement shall be effective upon execution by both parties and shall remain in effect until the work authorized by the grading permit has received final inspection approval. Either party may terminate this agreement with thirty (30) days written notice to the other party. In no event shall this Agreement extend for over two years from the date of signing.

**VI. HOLD HARMLESS**

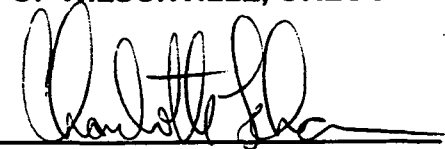
City shall indemnify and hold County, its officers, commissioners and employees, harmless from all claims, actions or damages arising from work done under this Agreement and for the negligent acts of City employees. County shall hold City, its officers, commissioners and employees harmless for the negligent acts of County employees in furtherance of this Agreement. This provision shall survive the termination of this Agreement.

In WITNESS THEREOF, the parties have executed this Intergovernmental Agreement on the date set below their signatures.

**WASHINGTON COUNTY, OREGON**

**CITY OF WILSONVILLE, OREGON**

By: \_\_\_\_\_  
Tom Brian, Chair  
Washington Co. Board of Comm.

By:   
Charlotte Lehan, Mayor  
City of Wilsonville

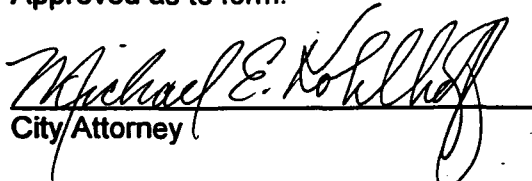
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Date: February 24, 2000

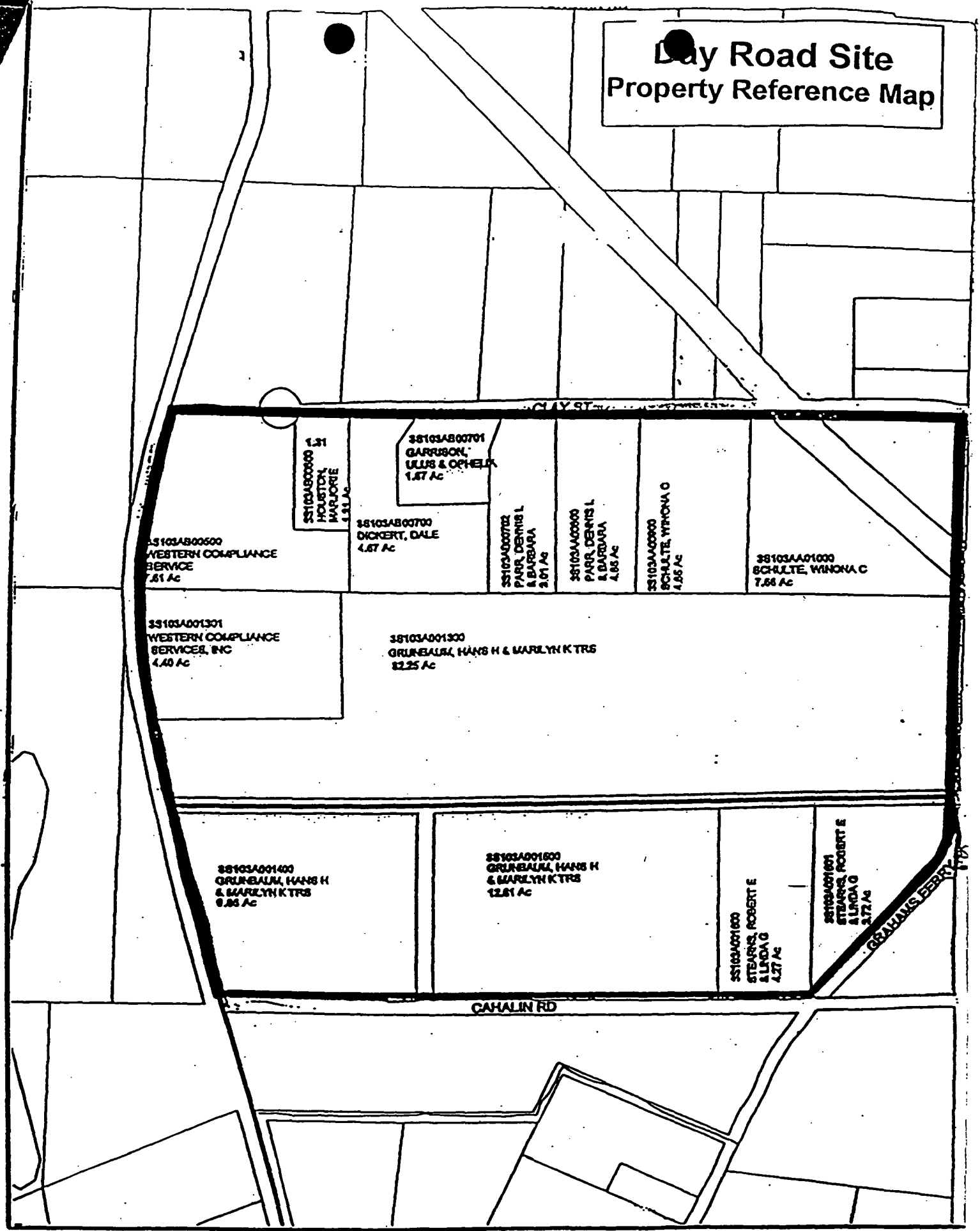
Approved as to form:

Approved as to form:

\_\_\_\_\_  
County Counsel

  
City Attorney

# Day Road Site Property Reference Map



**410 GRADING AND DRAINAGE**

**410-1 General Provisions**

410-1.1 All grading and drainage activities are to occur pursuant to the provisions of Appendix Chapter 33 of the 1994 Uniform Building Code and the applicable State of Oregon Plumbing Code, or their successors and this Code. In the event of any conflict between the provisions of this Code, the Community Plan, the Rural/Natural Resource Plan, and Appendix Chapter 33 of the 1994 Uniform Building Code, or its successor, the more restrictive standard shall prevail.

Grading applications may be processed through a two-step procedure consisting of a preliminary review (grading plan) and a final review (grading permit), unless the Director consolidates the applications into one review. No grading and drainage activities that are subject to Section 410 shall be undertaken without a grading permit.

For Type I development, grading plans may be submitted as a stand alone application. For development reviewed through the Type II and III procedure, preliminary grading plans are to be submitted with the development application.

The purpose of a preliminary grading plan (conceptual) is to determine whether or not it is feasible to comply with the grading permit review standards of Section 410-3. Full engineering drawings are not required prior to receiving approval of a requested use. However, grading plans shall be accurate enough to provide a basis for determining whether or not the grading plan, as designed and to be implemented, will meet the applicable Code requirements.

All grading permit applications (the second step) shall include detailed rather than preliminary grading plans.

**410-1.2 Grading Plan**

The grading plan shall include:

- A. A vicinity map.
- B. A site plan which includes the following:
  - (1) A graphic representation of the land division drawn to a scale which is noted on the drawing. In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;
  - (2) Except as required by Section 421, applications for land inside the UGB shall show existing and proposed topography using the following contour intervals:
    - (a) For slopes of five (5) percent or less, contour intervals not more than one (1) foot; or

- (b) For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; or
  - (c) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- (3) Except as required by Section 421, applications for land outside the UGB shall show existing and proposed topography using the following contour intervals:
- (a) For slopes of ten (10) percent or less, generalized existing contours and drainage channels, including areas of the subject site and adjoining properties that will be affected by the disturbance either directly or through drainage alterations; or
  - (b) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- (4) Proposed elevations after grading is completed, including any modifications to drainage channels;
- (5) Any required retaining walls or other means of retaining cuts or fills including typical cross sections;
- (6) Typical cross sections showing existing and proposed elevations. Cross sections are to be taken through the areas that will show the most detail of the grading project;
- (7) The site plan shall show the area of the site where construction, grading, cut or fill is proposed, plus a minimum of fifty (50) feet surrounding the area;
- (8) Flow lines of surface waters onto and off the site;
- (9) Proposed building pad, areas with an impervious surface and existing and proposed finished floor and street elevations if building or parking construction is proposed;
- (10) Existing and proposed drainage channels including drainage swales, wetlands, ditches and berms;
- (11) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains and drop inlets;
- (12) Location of any buildings or structures, parking areas or accessways existing or proposed on the site within fifty (50) feet of the area that may be affected by the proposed grading operations; and
- (13) Location of any proposed streets.

**C. Written narrative and/or supplemental information including all of the following:**

- (1) Explanation of the reason for the proposed grading, which must be an allowed use in the district;
- (2) Estimates of surface area disturbed by proposed grading and total parcel size;
- (3) Estimates of cut/fill volume in cubic yards; and
- (4) Estimates of existing and increased runoff resulting from the proposed improvements.
- (5) Soil Map, including a soil survey legend, range of percent slopes (e.g., three [3] to seven [7] percent slopes), and soil description if no limitations exist from the USDA, Soil Conservation Service, Soil Survey Report, Washington County, July 1982. Soil limiting features must address depth to bedrock from pages 120-123 from the report, and other features which may be restrictive to construction, drainage and revegetation of property;
- (6) Provision for saving the site topsoil (surface 12") for later revegetation and landscaping;
- (7) Provisions for the disposal of excavated material, including the location of disposal;
- (8) Written statement demonstrating the feasibility of complying with Section 410-3. Demonstrating feasibility does not require detailed solutions, but there must be enough information for the review authority to find that solutions to problems are possible and likely.

**D. Erosion Control Plan:**

- (1) For areas inside the Tualatin River and Oswego Lake sub-basins, an erosion control plan as required by Section 426 shall be submitted.
- (2) For areas outside the Tualatin River and Oswego Lake sub-basins, an erosion control plan that complies with the requirements of the "Washington County Erosion Control Plans Technical Guidance Book," January 1991, or its successor, is required when:
  - (a) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 1 through May 1; or
  - (b) Land disturbance activities are conducted in geologically unstable areas, on slopes in excess of twenty (20) percent, or there is disturbance of more than six-thousand (6,000) square feet of development area, or within fifty (50) feet of any drainage hazard area or flood plain area.



**410-1.3 Exemptions from Grading Plan and Permit Requirements:**

In addition to those activities listed in Section 201-2.12, the following are exempt from Section 410 except as necessary to address Section 410-3.8:

- A. Refuse disposal sites approved by the County;
- B. Excavations or fills for public roads and transportation facilities substantially in the public right of way or as shown on a Transportation Plan or adopted Public Facility Plan, together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements or other public projects conducted or approved by the County or public facilities and service projects such as sewer and water lines;
- C. Surface mining operations approved in accordance with this Code;

**410-1.4 Private Street Ditch Standards**

- A. Existing roadside ditches alongside new development or the construction of new roadside ditches shall:
  - (1) Be constructed to pass all required flows;
  - (2) Have a maximum depth of no more than two (2) feet as measured from the shoulder of the road;
  - (3) Have side slopes no steeper than 2:1;
  - (4) Have sufficient grade to provide for water conveyance; and
  - (5) Have a maximum flow velocity when flowing full that does not exceed the erosive velocity limits of soils in the ditch. "Open Channel Hydraulics" by V. T. Chow, McGraw Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity.
- B. Any proposed roadside ditch improvement that does not meet the requirements in Section 410-1.4 A. shall be piped.
- C. All proposed or modified ditches shall have adequate erosion control provisions to prevent potential damage to the shoulder of the adjacent road as well as the ditch.
- D. No pipes, culverts or other structures shall be permitted to protrude into a ditch.

**410-2 Grading Permit - Application Content**

- 410-2.1 The grading permit plans shall be detailed (final drawings) rather than preliminary drawings (conceptual). The grading permit is to be prepared and certified by a registered civil engineer, and is to include specifications covering soils engineering or engineering geology construction and material requirements in addition to the information required in Section 410-1.2 where:

**Exhibit 2**  
**Page 4 of 8**

- A. The grading will move more than five thousand (5,000) cubic yards or more; or
- B. Is located on slopes of twenty (20) percent or greater; or
- C. Grading for public improvements such as public roads, tracks, ponds and drainage facilities; or
- D. Is within an identified hazard area, or is located within a Flood Plain or Drainage Hazard area; or
- E. The Building Official determines that special conditions or unusual hazards exist.

If none of these conditions apply, then the plans need not be prepared by a registered civil engineer. Outside the UGB, the Building Official may determine that an engineer's certification is not required for Section 410-2.1 A.

410-2.2 In addition to the grading plan requirements of Section 410-1.2, and application for a grading permit shall include:

- A. If required by the Building Official, a compaction report where a site is proposed to be filled to be used for a building pad;
- B. If required by the Building Official, a soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading;
- C. If required by the Building Official, an engineering geology report, including a description of site geology, conclusion and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading; and
- D. Intended means of revegetation, pursuant to Section 410-3.4, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.

**410-3 Criteria for Approval**

A grading permit, which shall apply only to the area of the site where construction, grading, cut or fill is proposed, may be issued only after the Review Authority finds:

- 410-3.1 The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;
- 410-3.2 Proposed grading will not cause erosion to any greater extent than would occur in the absence of development or result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property; and

- 410-3.3 Appropriate siting and design safeguards shall ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions:
- A. Seasonal, perched, high or apparent water table;
  - B. High shrink-swell capability;
  - C. Low bearing strength such as compressible organic; or
  - D. Shallow depth-to-bedrock.

410-3.4 **Revegetation:**

Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed.

A. **Preparation for Revegetation:**

In preparation for grading and construction, top soil removed from the surface twelve (12) inches shall be stored on or near the sites and protected from erosion while grading operations are underway. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

B. **Methods of Revegetation:**

Acceptable permanent or temporary vegetation measures appropriate for the site and soil drainage conditions shall be seeded and fertilized by September 1st of each year. Establishment or green growth should take place by October 1st of each year, but is dependent upon suitable fall moisture. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Review Authority. Plant materials are to be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to be used to reduce irrigation demands.

410-3.5 **Final Contours:**

Contours, elevations and shapes of finished surfaces are to be blended with adjacent terrain consistent with land use and surface water management requirements to achieve a consistent grade and transition to the adjacent properties. Tops of cut slopes and bottoms of fills are to be rounded off to a minimum radius of five (5) feet to blend with the natural terrain. This section is not applicable to retaining walls.

- 410-3.6 Except for permitted piping and culverting, the proposed grading protects and preserves existing natural drainage channels;

- 410-3.7 The proposed grading will preserve the functioning of off-site drainage courses or bodies of water;
- 410-3.8 Comply with the applicable standards for permanent storm water quality control facilities adopted by the Oregon State Department of Environmental Quality, as set forth in OAR 340-41-455(3)(d-h). This standard is satisfied by submittal of a service provider letter from the Unified Sewerage Agency indicating the proposed development is in compliance with DEQ requirements or will be in compliance when the requirements set forth in the service provider letter are met.

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