

Lowell City Council
Work Session and Special Meeting Agenda
Tuesday, June 2 at 7 P.M.
Maggie Osgood Library
70 N. Pioneer Street

This meeting will be held electronically through Zoom. Limited seating is available at the Library. Members of the public are encouraged to provide comment or testimony through the following:

- Joining by phone, tablet, or PC. For details, click on the event at www.ci.lowell.or.us.
- In writing, by using the drop box at Lowell City Hall, 107 East Third Street, Lowell, OR 97452
- By email to jcobb@ci.lowell.or.us

Call to Order/Roll Call

Councilors: Mayor Bennett ____ Harris ____ Stratis ____ Dragt ____

Work sessions are held for the City Council to receive background information on City business and to give Council members an opportunity to ask questions and express their individual views. No decisions are made, and no votes are taken on any agenda item. The public is invited to attend, however, there is generally no public comment period.

Work Session Topic(s)

1. Oregon RAIN Contract
2. City Council Interviews
3. Pine Needlers Special Event Application
4. Lowell High School Special Event Application
5. Crestview Subdivision Agreement
6. Utility Payment Assistance Program
7. Utility Payment In Lieu of Franchise Fee
8. Fiscal Year 2020/21 Utility Rates
9. Main Street Avenue and Lakeview Bid Award
10. Main Street and Lakeview Avenue Financing

Adjourn

| |
|--|
| <p>The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Clerk, Joyce Donnell, at 541-937-2157.</p> |
|--|

LOWELL & OAKRIDGE ACTIVITY REPORT

JANUARY-APRIL 2020



“You all are my lifeline to get through this.”
Salina Grindstaff, Owner of Floral Living in Lowell

Picture: Salina showing Venture Catalyst Raj a new lily for an Easter Day Sale during their regular weekly one-on-one meetings via Zoom

SUMMARY

The first four months of 2020 have been marked by two windows: Before COVID-19 (January through mid-March) and after COVID-19 (mid-March through April). Since the COVID-19 pandemic started, Oregon RAIN has pivoted our model to providing live virtual workshops and connections to vital resources that entrepreneurs in Oakridge and Lowell need to weather this storm. In addition, Oregon RAIN has helped Lowell band together with other Lane County towns to create a collaboratively-supported Emergency Loan Fund for COVID-19 relief.

LOWELL & OAKRIDGE ACTIVITY REPORT

11 ENTREPRENEURS IDENTIFIED OR ASSISTED THIS REPORTING PERIOD

| | Entrepreneur First Name | Entrepreneur Last Name | Company Name (if exists) | Industry | City | Assistance Needed & Assistance Provided (include referrals made) |
|----|-------------------------|------------------------|-----------------------------------|-----------------|---------------|--|
| 1 | Salina | Grindstaff | Floral Living | Retail | Lowell | Weekly consultations to advance all aspects of business, with most recent focus on “going online” to adapt to COVID-19 |
| 2 | Kristen | Prenevost | Stomping Grounds | Retail | Lowell | Clarified Kristen’s eligibility for SBA emergency funding |
| 3 | Matthew | Shumski | Bridge Charter School | Education | Lowell | Organized field trips for students to visit Lowell business in Fall 2020, pending “shelter in place” being lifted |
| 4 | Kendra | Chambers | Just Move | Fitness | Pleasant Hill | Discussed working together on HWY 58 Business Network |
| 5 | Jules | Ariosa | Jules Joint | Food & Beverage | Oakridge | Discussed plan for business growth, including operations and team building |
| 6 | Dillon | Sanders | In-Bound Northwest | Forestry | Oakridge | Discussed SBA emergency funding and eligibility |
| 7 | Brock | Butterfield | The Bus Fair | Tourism | Oakridge | Introduced to Travel Lane County to explore the possibility of getting lost funds due to COVID-19 recouped |
| 8 | Elise | O’Brien | Oakridge Farmer’s Market | Agriculture | Oakridge | Connected to resources necessary to launch a farmers market, including Oregon Farmers Market Association |
| 9 | Michelle | Emmons | Dirt Dojo / Mountain House AirBnB | Tourism | Oakridge | Connected to KLCC journalist to increase visibility through media coverage |
| 10 | Fergus | McClean | Dexter Lake Farmers Market | Retail | Dexter | Discussed strategies for keeping farmers market open |
| 11 | Tracey | Sunflower | Westfir Lodge | Tourism | Westfir | Helped secure emergency funding; amplified story of inability to secure SBA funding and in talks with US Senator Ron Wyden’s team about barriers faced |

LOWELL & OAKRIDGE ACTIVITY REPORT

18 EVENTS HOSTED THIS REPORTING PERIOD

5 events that were scheduled for March and April were canceled due to COVID-19, including 2 in Lowell and 3 in Oakridge.

| | Event Date | Event Name/Topics | Event Venue | Event City | Event Speakers/Affiliation | Total Attendees |
|----|-------------|---|----------------------|------------|--|--|
| 1 | February 3 | My Unusual Entrepreneurial Journey | Oakridge High School | Oakridge | Caroline Cummings/ Oregon RAIN | 22 |
| 2 | February 18 | Veneta's Retail Popup District | Lion Mountain Bakery | Oakridge | Corum Ketchum/RARE Aida Lough/Aida Food Company | 18 |
| 3 | February 20 | HWY 58 Business Network February Local Social | Buckhorn Tavern | Dexter | None | 12 |
| 4 | March 10 | 30 Second Pitches | Oakridge High School | Oakridge | Raj Vable/Oregon RAIN | 22 |
| 5 | March 27 | Weekly Entrepreneur Support Group | Zoom (online) | | None | 9 |
| 6 | March 30 | Why Knowing Your Customer Is More Important Than Ever | Zoom (online) | | Corey Wright/Oregon RAIN | 19 |
| 7 | March 31 | Mentor Meetup | Zoom (online) | | None | 5 |
| 8 | April 3 | PPP Loan with Oregon Pacific Bank | Zoom (online) | | Ron Green/ Oregon Pacific Bank | 100 (276 registered, Zoom prevented more than 100 from joining) |
| 9 | April 6 | Social Media 101 | Zoom (online) | | Ariel Ruben | 54 |
| 10 | April 6 | PPP Loans with Banner Bank | Zoom (online) | | Jason Alansky/Banner Bank | 64 |
| 11 | April 10 | PPP Loans with First Interstate Bank | Zoom (online) | | Gary Collins/First Interstate Bank | 72 |

LOWELL & OAKRIDGE ACTIVITY REPORT

| | | | | | |
|----|----------|--|---------------|--|----|
| 12 | April 13 | Online Sales Platforms | Zoom (online) | Raj Vable/Oregon RAIN | 48 |
| 13 | April 17 | Weekly Entrepreneur Support Group | Zoom (online) | None | 32 |
| 14 | April 20 | Startup Sales & Marketing Tips | Zoom (online) | Caroline Cummings/Oregon RAIN | 60 |
| 15 | April 24 | Weekly Entrepreneur Support Group | Zoom (online) | None | 24 |
| 16 | April 27 | Investor Perspectives on How To Weather the COVID-19 Storm | Zoom (online) | Robert Pease & Julie Harrelson/ Managing Directors of the Cascade Seed Fund | 74 |
| 17 | April 28 | Senator Ron Wyden Speaks to Entrepreneurs | Zoom (online) | Senator Ron Wyden | 32 |
| 18 | April 29 | City leaders speak to Community Lending Works about creating Emergency Loan Fund | Zoom (online) | Lynn Meyer/Community Lending Works | 15 |

Notable events for the month include:

Pre-COVID-19

- Continued momentum with HWY 58 Business Network to serve Lowell, Pleasant Hill, Dexter, and Fall Creek, including 258 followers on the Facebook page ([link here](#))
- Speaking in Oakridge High School's first-ever class on entrepreneurship three times
- Fostering regional relationships by working with the Oakridge-Westfir Chamber of Commerce and Veneta by having entrepreneurs from Veneta come to speak about the Retail Popup District

Post-COVID-19

- Workshop series, including several focused on SBA emergency funding programs, one with 270+ registered guests
- Meeting with Senator Ron Wyden, including testimonial from Westfir entrepreneur Tracey Sunflower
- Organizing conversations between Community Lending Works and city leaders of Oakridge, Lowell, Veneta, and other Lane County towns to discuss creating collaborative and regional Emergency Loan Fund

LOWELL & OAKRIDGE ACTIVITY REPORT

FUNDS LEVERAGED THIS FISCAL YEAR: \$370,500

Since the beginning of Oregon RAIN's fiscal year (July 2019), we have leveraged the funding from Oakridge and Lowell to raise \$370,500 to support Oregon's growing rural entrepreneurial ecosystem.

Previously reported funding:

- The Ford Family Foundation - \$100,000* (FY 19/20)
- The Collins Foundation - \$30,000 (FY 19/20) and \$20,000 (FY 20/21)
- USDA - \$49,000 (FY 19/20)
- Oregon Community Foundation - \$50,000* (FY 19/20)
- Lane County - \$40,000 (FY 19/20) and \$40,000 (FY 20/21)

New funding:

- Banner Bank - \$2,500
- Oregon Community Foundation - \$39,000* (COVID Recovery Fund)

* A portion of these funds are allocated to the Rural Lane region. The remainder is allocated to other regions.

5 PARTNERS COLLABORATED WITH DURING THIS REPORTING PERIOD

| First Name | Last Name | Partner Organization | Details of Collaboration |
|------------|--------------|---------------------------------------|---|
| Lynda | Kammerer | Oakridge-Westfir Chamber of Commerce | Coordinated to invite Hwy 58 Business Network to Oakridge-Westfir Chamber event, promoting regional business approaches |
| Heather | Harrison | Oakridge High School | Implemented curriculum for Oakridge's first class on entrepreneurship |
| Rustie | Auckland | Banner Bank | Coordinated on Business Pre-Accelerator |
| Sarah | Altemus-Pope | Southern Willamette Forest Collective | Joined the Chamber of Commerce Subcommittee on COVID-19 Response; discussed applying to RARE program to get local capacity for economic development |
| Alexandra | Urbina | Huerto de la Familia | Providing Spanish-speaking resources to rural Lane cities |

LOWELL & OAKRIDGE ACTIVITY REPORT

WHAT'S NEXT?

- Facilitating conversations between Oakridge and other Lane County rural towns (e.g., Creswell, Lowell, Florence, Coburg, Veneta) about collaborating on an Emergency Loan Fund in partnership with Community LendingWorks.
- An online accelerator comprising classes, speakers, and mentoring to help entrepreneurs take “next steps” with their startups. Sponsored by Banner Bank.
- Virtual workshops (Mondays at 2pm) and weekly entrepreneur support groups (Fridays at 9am)
- Continued outreach to serve new communities including Latinx, youth, and people with disabilities.
- Continued sharing of resources tied to COVID-19 emergency funding opportunities
- Continued one-on-one “deep dives” to unlock Oregon RAIN’s full network potential to assist entrepreneurs
- Continued participation in the Oakridge-Westfir Chamber of Commerce’s Committee on COVID-19 response

Thank you for believing in the power of rural entrepreneurship!

MEMORANDUM OF UNDERSTANDING
Among Regional Accelerator & Innovation Network, City of Lowell, and City of Oakridge

1. Purpose

1.1. The purpose of this Memorandum of Agreement (MOU) is to set out the terms by which the Regional Accelerator & Innovation Network (Oregon RAIN), the City of Lowell, and the City of Oakridge (“The Parties”) will work together to continue developing and scaling up the Rural Entrepreneurial Program in the City of Lowell and the City of Oakridge.

1.2. The key contacts for this project will be **Caroline Cummings** (Executive Director) for Oregon RAIN, **Jared Cobb** (City Administrator of Lowell), and **Bryan Cutchen** (City Administrator of Oakridge). The key contacts are responsible for ensuring performance of the activities and duties described in this MOU. Changes to key contacts shall be made in writing to the following addresses.

Oregon RAIN

Caroline Cummings
Executive Director
PO Box 1564
Eugene, OR 97440
541.968.2982
caroline@oregonRAIN.org

City of Lowell

Jared Cobb
City Administrator
107 E. 3rd Street
Lowell, OR 97452
541.937.2157
jcobb@ci.lowell.or.us

City of Oakridge

Bryan Cutchen
City Administrator
P.O. Box 1410
Oakridge, OR 97463
541-782-2258
cityadministrator@ci.oakridge.or.us

1.3. Through this MOU, the City of Lowell and the City of Oakridge **each** agree to provide to Oregon RAIN \$7,500 in FY 20/21 and \$7,500 in FY 21/22. These funds will be allocated for Rural Venture Catalyst support and resources for entrepreneurs and innovators in the City of Lowell and the City of Oakridge and for creating a culture of entrepreneurship through ecosystem-building.

1.4. Oregon RAIN’s Rural Venture Catalyst shall bring entrepreneurs and potential entrepreneurs together, providing them with increased access to **people** (mentors and accomplished entrepreneurs), **programs** (workshops and accelerators), **physical assets** (space and equipment), and **capital** (access to statewide funding sources, including Oregon RAIN’s Seed Fund and crowdfunding).

1.5. The Parties recognize that \$15,000 total per year is a significant investment in advancing the innovation economy in the City of Lowell and the City of Oakridge and further recognize that **more investment will be required to fully implement and sustain the program**. The City of Lowell and the City of Oakridge will support Oregon RAIN’s efforts to advance additional funding opportunities from foundations, counties, private corporations, the State of Oregon, and the Federal Government.

2. Duration of Agreement

2.1. This MOU will be in effect from **July 1, 2020 through June 30, 2022** and may be updated at any time through mutual written agreement of the parties.

2.2. No party may assign or transfer all or any portion of this MOU without the prior written consent of the other party.

3. Goals

3.1. Continue to sustain and elevate the regional entrepreneurial ecosystem.

3.2. Raise additional funds for Rural Venture Catalyst activities in the City of Lowell and the City of Oakridge.

3.3. Support and expand mentoring, meetups, and other events to help gather, educate, and support entrepreneurs and innovators.

3.4. Continue to activate capital in the region.

3.5. Track overall budget and report progress to funders and partners.

3.6. Maintain and expand an established database of entrepreneurs, mentors, and ecosystem stakeholders.

3.7. Continue launching and supporting previously identified and assisted startups.

3.8. Deliver wrap-around mentoring services to startups with the best potential in the City of Lowell and the City of Oakridge.

3.9 Continue identifying and building partnerships to sustain and elevate the region's entrepreneurial ecosystem.

3.10. Meet other goals, as mutually agreed-upon by The Parties.

4. Oregon RAIN's Responsibilities

4.1. Oregon RAIN shall provide ongoing training, support, and supervision to the Rural Venture Catalyst and other staff serving the City of Lowell and the City of Oakridge.

4.2. Oregon RAIN shall work collaboratively with the City of Lowell and the City of Oakridge to continue implementing its Rural Entrepreneurial Development Program, which includes tracking and supporting

ecosystem partners and key stakeholders, asset mapping, community outreach, surveying, and other investigative activities to assess culture and climate as it relates to entrepreneurship and overall community readiness to continue building and sustaining the region's entrepreneurial ecosystem.

4.3. Oregon RAIN shall monitor the overall budget and metrics for this program and report progress to the City of Lowell, the City of Oakridge, and other funders. Metrics tracked and reported shall include: number of entrepreneurs identified and assisted, number of companies identified and assisted, revenue generated by companies assisted, jobs created by companies assisted, number and type of activities hosted, mentors engaged, partners engaged, and investors engaged.

4.4. Oregon RAIN shall work collaboratively with the City of Lowell and the City of Oakridge to create and implement specific strategies to scale up an entrepreneurial ecosystem in the City of Lowell, the City of Oakridge, and the region. Within the City of Lowell and the City of Oakridge, Oregon RAIN shall:

4.4.1. Meet entrepreneurs in public spaces in their communities (i.e., coffee shops, libraries, city town halls, community centers, granges, restaurants, schools, etc.) to learn about their startup ideas and connect them to resources. These activities take the form of hosted events, workshops, and one-to-one mentoring. **They create a new social infrastructure by going to the entrepreneur, rather than requiring the entrepreneur to come to them.** Examples of recent Oregon RAIN Rural Venture Catalysts activities:

- Helping entrepreneurs navigate local and federal emergency loan and grant funds (e.g., Paycheck Protection Program, Economic Injury Disaster Loans, City and County Funds, national emergency grant programs, etc.)
- Getting entrepreneur's food products onto the shelves at national/regional retail grocers
- Assisting an entrepreneur in hiring their first employees at a living wage
- Helping an entrepreneur find the right co-founders to launch their startup
- Connecting entrepreneurs to small manufacturers to scale production
- Coaching entrepreneurs on developing and delivering investor pitches
- Raising an entrepreneur's first rounds of significant investment capital
- Ensuring entrepreneurs spend the capital they raise efficiently to reduce failure rates
- Connecting entrepreneurs to technical training resources (e.g., SBDC workshops, webinars, etc.)
- Showcasing entrepreneurs' stories to local, regional, and national media outlets
- Connecting entrepreneurs to physical spaces (e.g., kitchens, co-working, makerspaces, etc.)
- Bringing national opportunities to entrepreneurs to help expand their businesses
- Connecting entrepreneurs to state resources that will help them cover the cost of attending and exhibiting at national expos

4.4.2. Conduct interactive educational events both online and offline.

4.4.3. Find and educate angel investors.

4.4.4. Conduct and update (at least annually) “Regional Entrepreneurial Ecosystem Readiness Assessment” and “Entrepreneurial Ecosystem Elements Scorecard”.

4.4.5. Conduct (and regularly update) stakeholder and asset mapping to identify resources and gaps in the regional entrepreneurial ecosystem.

4.4.6. Conduct ongoing community outreach.

4.4.7. Track and report program metrics.

4.4.8. Provide marketing and communications support for the program.

4.4.9. Activate capital in the region, as appropriate and possible.

4.4.10. Gather and report success stories at least twice a year.

4.5. Oregon RAIN shall continue building a network of stakeholders who have a shared vision for establishing an entrepreneurial ecosystem in the City of Lowell and the City of Oakridge, including entrepreneurs, volunteers, businesses, local and regional governments, and organizations representing underserved populations.

4.6. Oregon RAIN shall provide communication and public relations support for this program.

4.7. Oregon RAIN shall work with the City of Lowell and the City of Oakridge to develop strategies for a sustainable program, including collaborative fundraising, grant writing efforts, and joint financial “asks,” where appropriate.

4.8. Oregon RAIN shall work collaboratively with the City of Lowell and the City of Oakridge to gather case study documentation, including videos, interviews, quotes, stories, and “essential questions” at community events, town halls, and forums.

5. The City of Lowell and the City of Oakridge’s Responsibilities

5.1. The City of Lowell and the City of Oakridge shall work collaboratively with Oregon RAIN to create and implement specific strategies to continue assessing, supporting, and building an entrepreneurial ecosystem in the City of Lowell and the City of Oakridge, including strategies that are innovative.

5.2. The City of Lowell and the City of Oakridge shall work with Oregon RAIN to develop strategies for a sustainable program, including collaborative fundraising, grant writing efforts, and joint financial “asks,” where appropriate.

5.3. The City of Lowell and the City of Oakridge shall help Oregon RAIN promote outreach and activities for this program by encouraging its staff and economic development partners to increase engagement with Oregon RAIN and to work collaboratively with Oregon RAIN in the ecosystem.

5.4. The City of Lowell and the City of Oakridge shall support Oregon RAIN's communication and public relations activities for this program, as needed.

5.5. The City of Lowell and the City of Oakridge shall work collaboratively with Oregon RAIN to gather case study documentation, including videos, interviews, quotes, stories, and "essential questions" at community events, town halls, and forums.

5.6. The City of Lowell and the City of Oakridge work collaboratively with Oregon RAIN to develop and submit a sustainability plan that identifies potential sources of support and a timeline and action plan for accessing or applying to those sources.

5.7 The City of Lowell and the City of Oakridge will include language in their respective strategic plans (Comp Plans) that supports entrepreneurship, emerging businesses, and small businesses as part of building a resilient economy for the region.

5.8. The City of Lowell and the City of Oakridge shall engage with the Oregon RAIN Rural Venture Catalyst and actively support the program to foster maximum program results.

6. Payment Schedule

6.1. The City of Lowell and the City of Oakridge shall each provide \$7,500 per year for two (2) years to Oregon RAIN to scale up an entrepreneurial ecosystem in the City of Lowell and the City of Oakridge that focuses on helping startups launch and thrive.

6.1.1. The first payment shall be paid to Oregon RAIN **by July 15, 2020** in the amount of **\$7,500** by the **City of Lowell** and **\$7,500** by the **City of Oakridge**.

6.1.2. The second payment shall be paid to Oregon RAIN **by July 15, 2021** in the amount of **\$7,500** by the **City of Lowell** and **\$7,500** by the **City of Oakridge**.

6.2. The second payment shall be contingent on satisfactory progress toward the performance of the agreed-upon metrics named in Section 4.3. and on budget considerations for The Parties. The decision by the City of Lowell and the City of Oakridge about the second payment shall be made no later than May 1, 2021 to enable Oregon RAIN to address budget and contract issues.

7. Diversity, Equity, and Inclusion

7.1. Just as biodiversity strengthens natural systems, the diversity of human experience strengthens our entrepreneurial ecosystem building efforts. Oregon RAIN represents and reflects that human diversity, embracing it in all the communities where we work, in order to achieve our goals. To that end, we are committed to increasing the diversity of our staff, board, volunteers, mentors, and partners, and to fostering an inclusive network of stakeholders and partners in all kinds of communities, from rural to urban.

7.2. Equity, diversity, and inclusion is not only a best practice for business, it's a strategic imperative. Our business and strategies are enriched and made stronger by the contribution of the experiences, perspectives, and values of diverse individuals and communities. Creating an innovation economy transcends political, cultural, and social boundaries, and so must Oregon RAIN in order to expand our reach and engage more people in Oregon's entrepreneurial ecosystem.

7.3. Oregon RAIN is dedicated to providing a work environment that prioritizes fairness and respect. At Oregon RAIN, everyone is treated equally and is encouraged to achieve their fullest potential. We respect the individuality of each member of our community, and we are committed to a workplace free of any kind of discrimination based on race, color, religion, sex, age, sexual orientation, gender identity and expression, disability, national or ethnic origin, politics, or veteran status.

7.4. With a plurality of voices, Oregon RAIN will inspire more entrepreneurs and help create more jobs and revenue in Oregon. Respect, inclusion, and opportunity for people of all backgrounds, lifestyles, and perspectives will attract the best ideas and harness the greatest passion to shape a more vibrant future for all Oregonians. By honoring and celebrating the remarkable diversity of the human species, Oregon RAIN will bring new creativity, effectiveness, and leadership to our work.

8. Intellectual Property

8.1. The Parties agree that any intellectual property that is jointly-developed by the parties to this MOU may be used by both parties for non-profit, non-commercial purposes without obtaining consent from the other and without any need to account to the other.

8.2. All intellectual property that was developed independently by one party to this MOU shall be the sole property of that party, requiring written consent before it could be used by the other party.

9. Association

9.1 The Parties are not entering into a legal partnership, joint venture, commercial undertaking for monetary gain, or other such business arrangement.

9.2. The Parties shall not refer to this MOU or treat the arrangements of this MOU as a legal partnership, joint venture, commercial undertaking for monetary gain, or other such business arrangement.

9.3. The Parties shall not take any actions that would be inconsistent with the intentions of this paragraph.

10. Dispute Resolution

10.1. The Parties agree that, in the event of any dispute between them relating to this MOU, they shall first seek to resolve the dispute through informal discussions, which shall be initiated in writing.

10.2. In the event any dispute cannot be resolved informally within sixty (60) calendar and consecutive days from the written notice of dispute, The Parties agree to attempt to resolve the dispute by mediation.

10.3. The Parties agree that their respective good faith participation in mediation is a condition precedent to pursuing any other available legal or equitable remedy, including litigation, arbitration, or other dispute procedures.

10.4. Any party to this MOU may commence the mediation process by providing to the other party written notice (Initial Mediation Notice) setting forth the subject of the dispute, claim, or controversy and the relief requested.

10.5. Within ten (10) days after receipt of the Initial Mediation Notice, the other party shall deliver a written response to the initiating party's notice.

10.6. The initial mediation session shall be held within thirty (30) days after the Initial Mediation Notice.

10.7. The costs of mediation shall be shared equally by each party to the mediation.

10.8. The Parties do not waive their legal right to adjudicate this MOU in a legal forum.

11. Entirety

11.1. This MOU constitutes the entire agreement among The Parties concerning the subject matter thereof.

11.2. All prior agreements, discussions, representations, warranties, and covenants are merged herein.


11.3. There are no warranties, representations, covenants, or agreements (expressed or implied) between the parties except those expressly set forth in this agreement.

11.4. Any amendments or modifications of this agreement shall be in writing and executed by The Parties.

11.5. Electronic signatures are valid and binding.

11.6. Each person signing this MOU represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this agreement.

11.7. Each party represents and warrants to the other that the execution and delivery of this MOU and the performance of each party's responsibilities and obligations hereunder have been duly authorized and that this MOU is a valid and legal agreement binding on each party and enforceable in accordance with its terms.

| For Oregon RAIN | For City of Lowell | For City of Oakridge |
|---|------------------------------------|------------------------------------|
|  | | |
| _____ Signature | _____ Signature | _____ Signature |
| <u>Caroline Cummings</u> Name | <u>Jared Cobb</u> Name | <u>Bryan Cutchen</u> Name |
| <u>Executive Director</u> Title | <u>City Administrator</u> Title | <u>City Administrator</u> Title |
| <u>5/20/2020</u> Date | _____ Date | _____ Date |



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

| Contact Information | |
|----------------------------|-------------------|
| Name: | John Myers |
| Street Address: | 554 E. 1st Street |
| Mailing Address: | Same |
| City/State/Zip Code: | Lowell, OR 97452 |
| Home Phone: | 509-879-2108 |
| Work Phone: | 541-369-2896 |
| E-Mail Address: | myersdeer@aol.com |

| Background | |
|-------------------------------|---|
| Years of Residence in Lowell: | 3 years |
| Place of Employment: | Wilbur-Ellis |
| Occupation: | Operations Manager |
| Educational Background: | Accounting Certificate 6 years US Army Leadership training Safety trainer training |
| Prior Civic Activities: | Lowell Fire Board BBJ Committee City Budget Committee City Planning Committee |

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- ☒ **City Council**
- ☐ **Budget Committee**
- ☐ **Planning Commission**
- ☐ **Parks and Recreation Committee**
- ☐ **Economic Development Committee**
- ☐ **Library Committee**
- ☐ **Blackberry Jam Festival Committee**
- ☐ **Other short-term task groups**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

Decision making, Budgets, Long term Goal planning. Things that I do everyday as an Operations Manager over the past 30 years

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

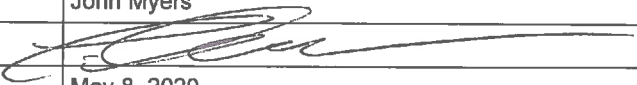
To serve my community, to be an active part of the downtown plan and to help our town grow

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

| | |
|----------------|--|
| Name (printed) | John Myers |
| Signature |  |
| Date | May 8, 2020 |

Our Policy

It is the policy of the City of Lowell to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of Lowell accepts applications from potential volunteers throughout the year and will hold applications until vacancies exist on specific boards, commissions, or committees. Thank you for completing this application form and for your interest in volunteering with us.

Applications may be submitted by mail, in person, or email to:

City of Lowell
P.O. Box 490
107 East Third Street
Lowell, OR 97452
volunteer@ci.lowell.or.us

Facility Permit Application for
**Special Events and
Public Benefits**

For Office Use only

Date:

Permit #:

1) APPLICANT INFORMATION

Name & Mailing Address: Lisa Bee-Wilson
E-mail Address (required for permit issuance): lisa@towerhousepeople.com
Daytime Phone: 541-206-2688 Cell Phone: 541-206-2688

2) EVENT INFORMATION

Event Name: Quilt Show Previous Permit # (if applicable): _____
Event Date(s): July 25, 2020 Event Start Time: 10 am
Event Sponsor: City of Lowell / Pine Needlers Website: blojamquiltsow.wordpress.com
Contact Person & Cell # during the event: 541-206-2688 Lisa Bee-Wilson
Total Event Time(s) – include staging and clean-up: 7 am - 5 pm

- a. Type of event - check applicable box ☐ Foot Race ☐ Bike Race ☐ Bike Ride ☐ Bridge Decoration
☐ Parade ☐ Festival ☒ Other (describe): outdoor drive-thru quilt show
b. Roads involved in the event: None

- c. Approximate number of people that you expect to participate in the event: 200
d. If your event takes place during school hours, will bus routes be affected? ☐ Yes ☒ No
e. Will Participants follow "rules of the road" or do you anticipate traffic impacts such as certified flaggers, course marshals, road delays or detours? none

3) REQUIRED MATERIALS TO BE SUBMITTED WITH APPLICATION

All materials, including this application, must be submitted at least four (4) weeks prior to the event. If materials are not submitted on time, your issued permit may be delayed, which could result in the cancellation of your event.

- ☐ Certificate of Insurance for Commercial General Liability is required (see Section 6 for details)
☐ Route map and traffic control plan (include Begin/Finish points, all County roads involved in the event and course directional arrows)
☐ Pamphlets, registration packet information, website or flyers

4) FEES

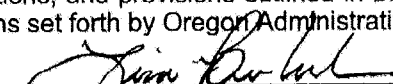
Special Events require a \$250 non-refundable application fee that acts as a deposit for the actual cost of services. The total cost shall include hourly costs for Direct Labor in addition to Operational Overhead. Any amount due in excess of the application fee shall be paid prior to the issuance of the permit.

Public Benefit Events are exempt from all fees and include events such as parades and festivals that incorporate the entire community. They include only those events open to the general public and which do not involve the charging of admission or fees for attendance at the event. They also do not involve concession sales of food, drink or merchandise within the public rights of way.

5) ACCEPTANCE OF TERMS

I agree to the terms, conditions, and provisions outlined in both pages of this application, the issued permit, and the rules and regulations set forth by Oregon Administrative Rules 734-056 for Special Event Permits.

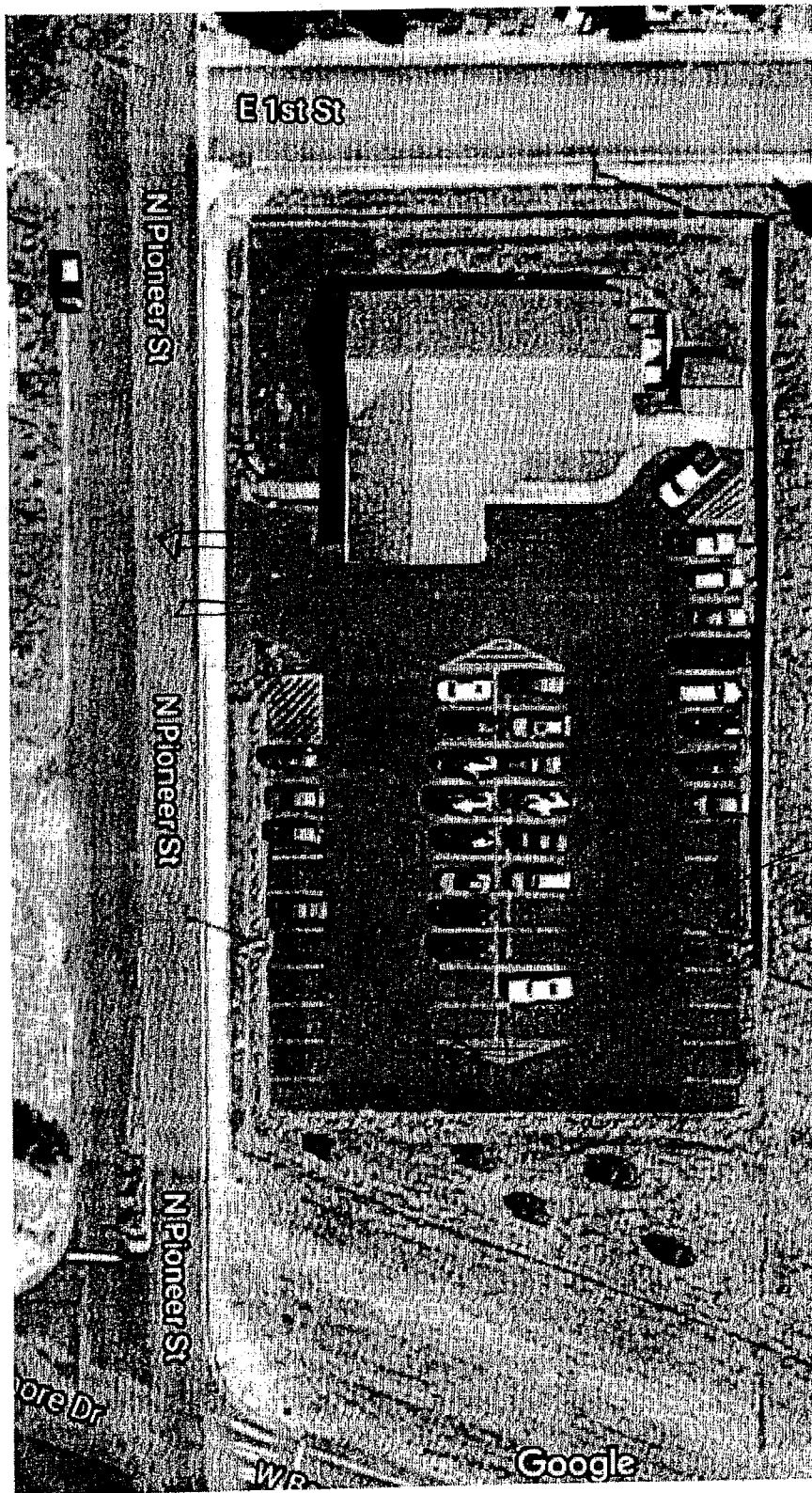
APPLICANT'S SIGNATURE



DATE 5-19-2020

RETURN TO: City of Lowell 107 East Third Street, P.O. Box 490, Lowell, OR 97452
Telephone 541-937-2157 Fax 541-937-2936

2020 Quilt Show (working title "Our Colorful World Quilt Show")
Location: Maggie Osgood Library Parking Lot



quilts on quilt stands

RECEIVED

MAY 27 REC'D

J

Facility Permit Application for

Special Events and Public Benefits

For Office Use only

Date:

Permit #:

1) APPLICANT INFORMATION

Name & Mailing Address: Lowell School District 65 South Pioneer St Lowell Or 97452E-mail Address (required for permit issuance): kgraham@lowell.k12.or.usDaytime Phone: (541) 937-2124 Cell Phone: (541) 285-6888

2) EVENT INFORMATION

Event Name: Graduation Parade

Previous Permit # (if applicable): _____

Event Date(s): June 12, 2020Event Start Time: 6:15ish

Event Sponsor: _____ Website: _____

Contact Person & Cell # during the event: Kay Graham (541) 285-6888Total Event Time(s) – include staging and clean-up: 6:00-7:00

a. Type of event - check applicable box ☐ Foot Race ☐ Bike Race ☐ Bike Ride ☐ Bridge Decoration
☒ Parade ☐ Festival ☐ Other (describe): High School Graduation Parade

b. Roads involved in the event: Map attached
Map attached

c. Approximate number of people that you expect to participate in the event: 32 Cars-One fire Truck

d. If your event takes place during school hours, will bus routes be affected? ☐ Yes ☒ No

e. Will Participants follow "rules of the road" or do you anticipate traffic impacts such as certified flaggers, course marshals, road delays or detours? _____

3) REQUIRED MATERIALS TO BE SUBMITTED WITH APPLICATION

All materials, including this application, must be submitted at least four (4) weeks prior to the event. If materials are not submitted on time, your issued permit may be delayed, which could result in the cancellation of your event.

☒ Certificate of Insurance for Commercial General Liability is required (see Section 6 for details)

☒ Route map and traffic control plan (include Begin/Finish points, all County roads involved in the event and course directional arrows)

☐ Pamphlets, registration packet information, website or flyers

4) FEES

Special Events require a \$250 non-refundable application fee that acts as a deposit for the actual cost of services. The total cost shall include hourly costs for Direct Labor in addition to Operational Overhead. Any amount due in excess of the application fee shall be paid prior to the issuance of the permit.

Public Benefit Events are exempt from all fees and include events such as parades and festivals that incorporate the entire community. They include only those events open to the general public and which do not involve the charging of admission or fees for attendance at the event. They also do not involve concession sales of food, drink or merchandise within the public rights of way.

5) ACCEPTANCE OF TERMS

I agree to the terms, conditions, and provisions outlined in both pages of this application, the issued permit, and the rules and regulations set forth by Oregon Administrative Rules 734-056 for Special Event Permits.

APPLICANT'S SIGNATURE

Kay D. Grahm

DATE

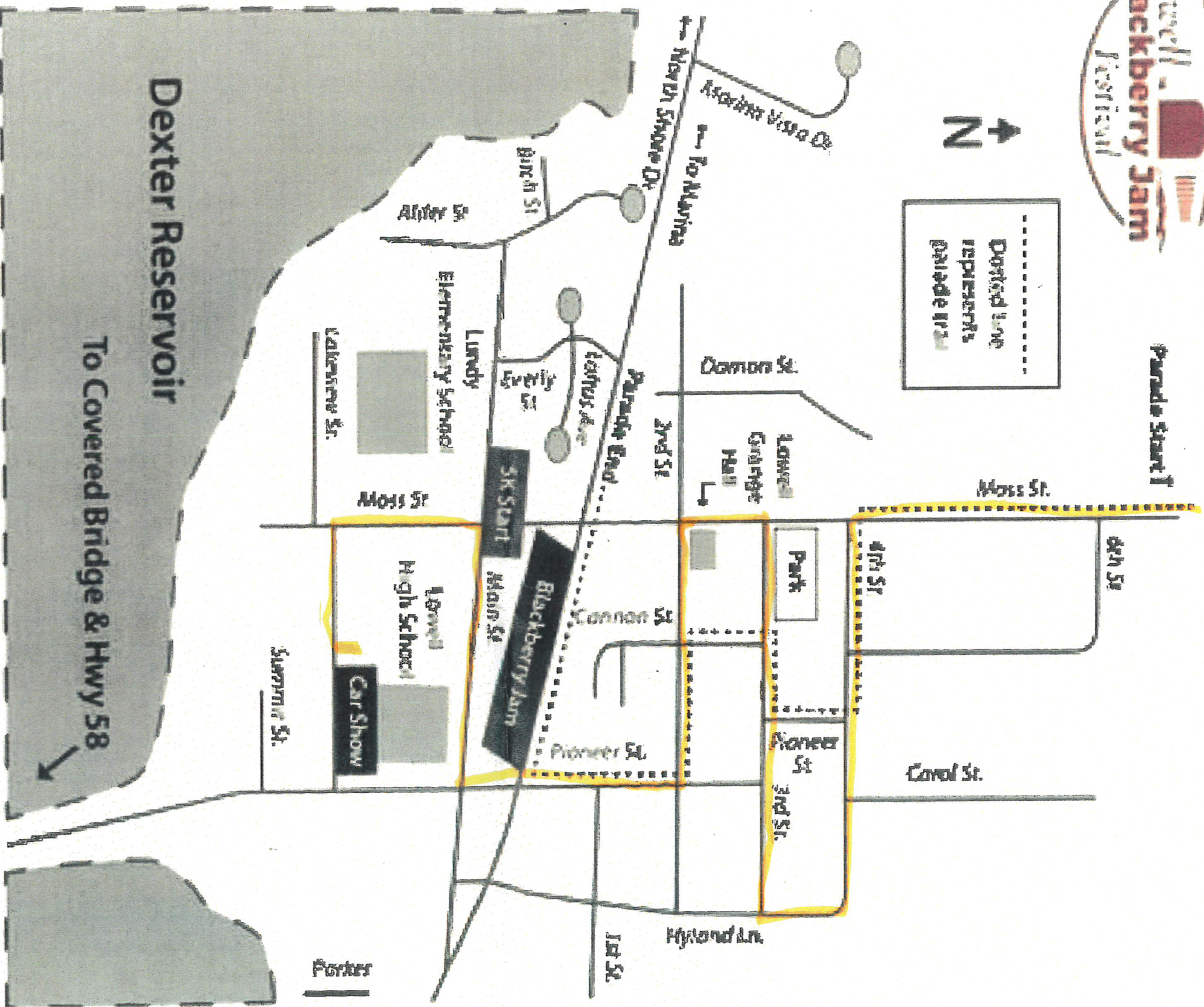
5-22-2020

RETURN TO: City of Lowell, 107 East Third Street, P.O. Box 490, Lowell, OR 97452

Telephone 541-937-2157 Fax 541-937-2936



Parade Route & Venue Locations



Join Us!

Our parade starts 11 am on Saturday, July 25. See you there!

| GENERAL LIABILITY and AUTO LIABILITY ADDITIONAL PARTICIPANT CERTIFICATE | | | | | | |
|--|--|-----------------------------------|--------------|--|----------------|-----------------|
| AGENCY/AGENT - ISSUING CERTIFICATE | | | | Date: 05/22/2020 | | |
| WHA Insurance 2930 Chad Dr Eugene, OR 97408 Kelly McCorkle 800-852-6140 | | | | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE COVERAGE DOCUMENTS. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE COVERAGE DOCUMENTS LISTED HEREIN. THIS CERTIFICATE DOES NOT CONSTITUTE A CONTRACT BETWEEN ANY OF THE FOLLOWING PARTIES: THE AGENCY, NAMED PARTICIPANT, CERTIFICATE HOLDER AND/OR COMPANIES AFFORDING COVERAGE. | | |
| NAMED PARTICIPANT/MEMBER - REQUESTING CERTIFICATE | | | | ORGANIZATIONS AFFORDING COVERAGE | | |
| Lowell School District 71 65 S Pioneer St Lowell, OR 97452-9721 Maureen Weathers 541-937-8405 | | | | Company A - Property Casualty Coverage for Education (PACE) | | |
| | | | | Company B - Genesis Insurance Company | | |
| | | | | | | |
| COVERAGES | | | | | | |
| This is to certify that Coverage Documents listed herein have been issued to the Named Participant herein for the Coverage Period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which the certificate may be issued or may pertain, the coverage afforded by the Coverage Documents listed herein is subject to all the terms, conditions and exclusions of such Coverage Documents. Aggregate Limits which are shown may have been reduced by paid Claims, Suits or Actions. The titles referenced under Type of Coverage are inserted solely for convenience of reference and shall not be deemed in any way to limit or affect the provisions to which they relate. | | | | | | |
| OR/CO LTR | Type of Coverage | Limits | | Coverage Document | Effective Date | Expiration Date |
| A B | PACE Liability Coverage | Annual Aggregate | \$30,000,000 | | | |
| | <input checked="" type="checkbox"/> Per Occurrence | \$20,000,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Per Wrongful Act | | | | | |
| | <input checked="" type="checkbox"/> Public Officials Liability | | | | | |
| | <input checked="" type="checkbox"/> Employment Practices | | | | | |
| | Employment Practices Deductible/SIR: \$0 Wrongful Acts Deductible/SIR: \$0 General Liability Deductible/SIR: \$0 *\$25,000 Minimum deductible for terminations if PACE or approved legal counsel is not consulted prior to an employment termination. | | | | | |
| A B | Auto Liability | | | | | |
| | <input checked="" type="checkbox"/> Scheduled Autos | \$500,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Hired & Non-Owned Autos | | | | | |
| | <input checked="" type="checkbox"/> Per Accident | | | | | |
| | <input checked="" type="checkbox"/> Deductible/SIR: \$0 | | | | | |
| A B | Excess Auto Liability | | | | | |
| | <input checked="" type="checkbox"/> Scheduled Autos | \$19,500,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Hired & Non-Owned Autos | | | | | |
| | <input checked="" type="checkbox"/> Per Accident | | | | | |
| | <input checked="" type="checkbox"/> Excess of: \$500,000 | | | | | |
| A B | Supplemental Auto Liability | | | | | |
| | <input checked="" type="checkbox"/> UM/UM | \$500,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Personal Injury Protection | Per Schedule in Coverage Document | | | | |

Remarks: When required by an Insured Contract certificate holder is an additional participant in respects to Graduation Parade June 12, 2020 6:00-7:00 PM, but only with respects to negligence claims for Bodily Injury, Property Damage or Personal Injury where the Named Participant is deemed to have liability. In no event shall coverage extend to any party for any Claim, Suit or Action, however or whenever asserted, arising out of the certificate holder's sole negligence or for any Claim, Suit or Action which occurs prior to the execution of the contract or agreement.

*Information is provided as of the date this certificate was generated and issued and is subject to change.

Certificate Holder - Requesting Certificate

City of Lowell
PO Box 490
Lowell, OR 97452

CANCELLATION: Should any of the Coverage Documents herein be cancelled before the expiration date thereof, PACE will endeavor to provide notice in accordance with the PACE General Liability Coverage Document provisions. Failure to mail such notice shall impose no obligation or liability of any kind upon PACE, its agents or representatives, or the issuer of this certificate.

Authorized Representative of Named Participant:

Date: 05/22/2020

Kelley McCorkle

Applicable Coverage Document Definitions:

The following definitions are provided solely for convenience of reference and shall not be deemed in any way to limit or affect the provisions to which they relate, for complete details on the terms, conditions and exclusions of applicable Coverage Documents please refer to the PACE Liability Coverage Document.

Participant means the **Named Participant** and each of the following while acting under the direction and control of the **Named Participant** and within the course and scope of their duties as such:

- a. Members of the Board;
- b. Executive Officers;
- c. **Employees;**
- d. Volunteers;
- e. Registered Students whose course of study includes on-the-job training, but only while acting under directions and within the scope of their activities performed while in training;
- f. Organizations that are under the supervision of the administration of the Named Participant, including Student Organizations, Parent Teacher Organizations, Booster Clubs, and Foundations; and
- g. Any person, entity, or any organization the **Named Participant** is required by an **Insured Contract** to include as a **Participant**. The terms of the **Insured Contract** will have no effect on either the **Per Occurrence Limit of Liability**, **Per Wrongful Act Limit of Liability** or the **Annual Aggregate Limit of Liability**. The **Insured Contract** must be effective and executed prior to a covered **Occurrence or Wrongful Act**. In no event shall coverage under this **Coverage Document** extend pursuant to this subsection g. to any party for any **Claim**, however or whenever asserted, arising out of such party's sole negligence. The term "Additional Insured," if used in an **Insured Contract**, shall be understood to mean the same as **Additional Participant**.

Insured Contract means:

a. A legally enforceable contract that includes one or more of the following:

1. A provision in a lease of premises that relates to tort liabilities assumed by the **Named Participant** arising out of the lease, such assumption occurring in writing prior to the date of **Occurrence or Wrongful Act**;
2. A sidetrack agreement;
3. Any easement or license agreement;
4. An obligation, as required by ordinance, to indemnify a **Public Body**;
5. An elevator maintenance agreement;
6. That part of any other contract or agreement pertaining to the **Named Participant's** operations (including an indemnification of a **Public Body** in connection with work performed by or for a **Public Body**) under which the **Named Participant** assumes the tort liability of another person or entity to pay for **Bodily Injury**, **Property Damage**, or **Personal Injury** to a third person or organization, provided the **Bodily Injury**, **Property Damage**, or **Personal Injury** is based on an **Occurrence** that takes place subsequent to the execution of the contract or agreement;
7. An indemnification agreement between a hospital or other medical care center and the **Named Participant** that is required by the hospital or medical care center in connection with it providing facilities and/or training to students of the **Named Participant** under a student health affiliated program; and
8. Contracts under which a **Participant** provides services to a **Public Body**.

For purposes of paragraph 6 above, tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

b. An Insured Contract does not include that part of any contract or agreement:

1. That indemnifies an architect, engineer, or surveyor acting as an independent contractor for injury or **Damages** arising out of professional errors or omissions;
2. That indemnifies any person or organization for **Damages** by fire to premises rented or loaned to the **Participant**; and
3. That involve the purchase or sale of real property or personal property.

AGREEMENT FOR IMPROVEMENTS

This agreement is entered between the City of Lowell, P.O. Box 490, Lowell, Oregon 97452, hereafter referred to as “**City**” and McDougal Bros. Investments, 600 Dale Kuni Road, Creswell, Oregon 97426, hereafter referred to as “**Developer**”. This agreement is for public improvements for the Crestview Estates Subdivision of Map and Tax Lot #1901110000501.

WHEREAS, Developer made application for and the **City** approved, with conditions, a residential subdivision tentative plan for a residential subdivision, identified as file LU 2019-06; and

WHEREAS, the Decision of the Lowell City Council and LDC Section 9.805 require the **City** and **Developer** to enter into an agreement for public improvements required by the **City** in the final decision, and to be provided by **Developer**; now therefore,

THE PARTIES AGREE AS FOLLOWS:

1. **Developer** will comply with all conditions for approval listed in the Decision of the Lowell City Council for LU 2019-06, dated April 21, 2020 located as Exhibit A to this agreement, and by this reference incorporated herein, unless the **City** agrees in writing to modifications of the conditions.
2. **Developer** will pay all costs for design and construction of all public improvements, including streets, curbs, sidewalks, streetlights, water system, sanitary sewer and storm water drainage, which are identified in the Decision of the City Council. Improvements shall be designed and constructed in accordance with the City of Lowell Public Works Construction Standards, February 2003 Edition, unless modifications are approved in writing by **City**. Improvements shall not be deemed “completed” under this agreement until: 1) all work, including punch list items, has been finished and passed inspections and all tests; 2) the **City** has performed a final walk through inspection; 3) as-built record drawings have been submitted by the **Developer**; 4) final construction cost tallies for the improvements have been submitted by the **Developer**; and 5) the **City** has accepted the improvements by motion of the City Council.
3. The following public improvements must be completed by **Developer** in accordance with Section 9.231 of the LDC and prior to issuance of individual building permits on lots within the Subdivision unless bonded for completion as provided in Section 4 of this agreement:
 - a. Off-site half-street improvements along the entire frontage of North Moss Street, including a right-hand turn lane, sidewalk, curb and gutter.
 - b. Construction of Crestview Drive, including curbs, gutters, hammerhead turnaround, and sidewalks, except for those sidewalks adjacent to any buildable lot, which may be constructed at the time of lot development and as a condition of issuance of a Certificate of Occupancy.

- c. Construction of water service mains, fire hydrants, and water service laterals to service all lots within the development.
 - d. Construction of sanitary sewer service mains, manholes, and sanitary sewer service laterals to service all lots within the development.
 - e. Construction of storm water service mains, storm drains, and detention pond to service all lots within the development.
- 4. **Developer** may submit for Final Plat approval before completion of some or all the above-required public improvements if the following requirements are met:
 - a. Construction plans for the above-required public improvements have been submitted by **Developer** and approved by the **City**; and
 - b. **Developer** has provided a surety bond in accordance with LDC 9.806 – Security, Section 3 above, and the Decision of the City Council, in the amount of 100% of the mutually agreed upon estimated construction cost of the above-required public improvements that remain uncompleted, as shown on the approved plans.
- 5. The **City**, through its City Engineer or other designated representative or agency, will review all plans and inspect construction of all public improvements identified in Section 3 above. **Developer** shall pay a fee equal to 5% of the estimated construction costs of the above required improvements to cover costs associated with plan review and inspection. The estimated construction costs shall be completed by the **Developer** and approved by the **City**. In the event **Developer** requests application of standards other than those required by established **City** standards, **Developer** agrees to reimburse **City** for any additional costs associated with review and decision on such requests. If **Developer** submits significant design changes after previously submitted plans have been approved by the **City**, **Developer** shall reimburse the **City** for all additional costs to process the design changes. Fees for additional costs shall be calculated per the formula provided in Ordinance 228, Section 2.
- 6. **Developer** shall pay all fees required by any other agency for permits that may be required to complete the development.
- 7. **City** will provide address numbers for each lot before approval of the Final Plat.
- 8. **Developer** shall warrant any public improvements constructed under this agreement free of defects due to workmanship or materials for a period of one (1) year from the date of final **City** acceptance of the improvements described herein. If, within the warranty period, repairs are required in connection with the work, the **Developer** shall promptly, without expense to

the **City**, place in satisfactory condition all guaranteed work, and correct any damage caused by the repair work.

9. **Developer** or his/her prime contractor shall provide proof of liability insurance in the amount of \$1,000,000 per occurrence, naming the City of Lowell as an additional insured, for any liability that may arise from construction of public improvements, by **Developer** or any contractor or service provider under contract to **Developer**, required under this agreement.
10. Any amendment to this agreement shall be in writing, signed by both parties and attached to the original signed agreement.
11. If arbitration, mediation, court or other proceeding is sought to enforce or interpret any of the terms of this agreement, the party not prevailing shall pay the prevailing party's attorney fees, costs and disbursements, and such other sums as the arbitrator, mediator or court may determine to be reasonable for the prevailing party in the case.
12. This agreement shall automatically terminate upon final payment of all charges and fees required by this agreement, completion of all public improvements required by this agreement and expiration of the accompanying one (1) year warranty period required by Section 8.

Accepted and executed this _____ day of _____, 2020.

For **City of Lowell**

For **McDougal Bros. Investments**

By: Don Bennett, Mayor

By:

Attest:

By: Jared Cobb, City Recorder

By:

Exhibit A: Decision of the City Council, LU 2019-06, dated April 21, 2020

DECISION OF THE LOWELL CITY COUNCIL
Subdivision
Assessor's Map 19-01-11-00, Tax Lots 501
McDougal Bros Investments
LU 2019-06
Date of Approval: April 21, 2020

Referrals: Lane County Transportation Planning, Oregon Department of Transportation, and Civil West Engineering, Lowell Rural Fire Protection District

Mailed Notice: March 17, 2020

Staff Report Date: April 7, 2020

Planning Commission
Public Hearing: April 14, 2020

City Council
Public Hearing: April 21, 2020

BASIC DATA

Application Request: Subdivision

Agent: The Favreau Group
Attn: Anthony Favreau, P.E.
3750 Norwich Ave
Eugene, OR, 97408

Property Owner: McDougal Bros Investment
600 Dale Kuni Road
Creswell, OR, 97426

Location: East of Seneca Street. No Addresses Assigned

Assessors map: 19-01-11-00

Tax lot: 501

Area: 30.59 acres

Plan Designation: Low Density Residential

Zoning:

R-1 Single-Family Residential District

1. **Proposal.** The Planning Commission is being asked to review and render a recommendation onto City Council for final action, on a 26 lot subdivision for property located at Assessor's Map 19-01-11-00, Tax Lot 501. The remaining area shown above the 26 lots will be renamed to "unsubdivided remainder." The subject property is owned by McDougal Bros Investments, and the agent listed on the application is Anthony Favreau, PE, of The Favreau Group. The subject property is zoned R-1 Single Family Residential. The subject property currently is vacant and consists of wooded/ treed areas and grasses and is 30.59 acres in size. The applicant is proposing to create 26 lots as shown on the tentative map. Lots 1-26 are intended to be platted for future single-family home development.
2. **Issues / Items of Note.** Staff have identified several issues for Planning Commission and City Council to be aware of at the outset of this staff report and accompanying staff presentation. All issues and associated applicable approval criteria are further addressed in the body of the staff report.
 - Current height limit on availability of city water service is right around 880-900 feet elevation. The lots seen on the tentative map as phase 1 are all currently serviceable by city water.
 - A Traffic Impact Analysis (TIA) was required by Lane County Transportation as part of staff's referral comment to affected agencies. Lane County Transportation required the TIA in order for the applicant to utilize county right-of-way to access the proposed subdivision via North Moss Street. Lane County Transportation traffic engineers concurred with the conclusion of the applicant's TIA that the development would not cause congestion to nearby intersection operated by Lane County. However, Lane County and the City will require a cul-de-sac, or hammerhead, or similar approved, turnaround at the end of the proposed right-of-way that extends into the subdivision. This turnaround is for fire and emergency services. Additionally, Lane County Transportation did find that high speeds on North Moss Street is a concern for accessing the proposed driveway into the subdivision. As such, Lane County Transportation recommends accommodating a 50-foot long turn lane as part of the frontage development by increasing the proposed 5-foot extension to an 8-foot wide extension on the east side of North Moss Street. This recommendation for a 50-foot long turn lane is not a condition of approval requested by Lane County. However, recently, in discussions with Lane County and the applicant, the applicant has agreed to provide the right-hand turn lane and shall be shown on a revised tentative plat. See **Attachment D** for Lane County Transportation Comments.
 - The City Engineer has reviewed the most recent tentative plat and associated maps, submitted by the applicant on February 5, 2020 and has determined changes to be minimal. As a result, much of the City Engineer's September 19, 2019 comments on the proposal remain in effect. The City Engineer approved the tentative plans, but work remains to be done following tentative approval. A list of the comments by the

City Engineer can be found in **Attachment E**. Resolution of the City Engineers comments and concerns will be required prior to final plat approval.

- A wetland delineation was completed by Schott & Associates for the subject property (see **Attachment F**.) Within the study area, three ditches were identified. The ditches are exempt per OAR 141-085-0515(8) and -0515(10); and therefore, they are not subject to the current state Removal-Fill requirements. See **Attachment G** for DSL concurrence letter.
- While the applicant has indicated in their written narrative that retaining walls are not proposed, it is now anticipated that retaining walls are highly likely to be required in approved construction plans as well as building stem walls in order to fit homes on lots. See **Attachment H**
- The Master Road Plan map of Lowell shows future public right-of-way extending past phase 1 of the project and through phase 2. The applicant's shadow plat accurately depicts this future right-of-way as part of phase 2. As stated earlier, phase 2 currently cannot be developed for single family homes because city water cannot reach these lots. Per LDC, Section 9.521, Water, all new development must connect to the public water system unless specifically approved otherwise as part of a development approval for parcels exceeding 5 acres in size. Additionally, the Planning Commission or City Council may limit, restrict or deny development approvals where a deficiency exists in the water system. In order for city water to be delivered to service the lots shown in shadow plat of phase 2, a booster pump station would be required (a booster pump is not proposed). See Sheet 5, **Attachment M** for the applicant's shadow plat of phase 2.
- Hillside Development Standards may apply to certain areas on the subject property. The applicant has stated that slopes of 15 percent and greater do exist across the property. A Geotech report will be required. See **Attachment N** for supplemental written narrative.
- To staff's knowledge, the LRFPD has not issued any official comment or given indication that the Department's vehicles cannot safely navigate the proposed grades, as seen on Sheet 4 (**Attachment L**), of Crestview Drive. This issue can be brought up and addressed during the public hearing(s), if required.
- Comments from Seneca Timber Company addressed under decision criteria for subdivision. See **Attachment O** for Seneca Timber comment
- Comments from Mia Nelson, Lookout Point LLC. See **Attachment P** for comment.

2. **Approval Criteria.** Section 9.204 Application Site Plan. Section 9.223 General Information. Section 9.220 Subdivision or Partition Tentative Plan. Section 9.224 Existing Conditions Information. Section 9.518 and Section 9.228 Decision Criteria. Section 9.230 Subdivision or

Partition Plat. Section 9.516 Access. Section 9.517 Streets. Section 9.518 Sidewalks. Section 9.519 Bikeways. Section 9.520 Storm Drainage. Section 9.521 Water. Section 9.522 Sanitary Sewer. Section 9.523 Utilities. Section 9.630 Hillside Development. Section 9.524 Easements. Section 9.805 Improvements Agreement. Section 9.806 Security. Section 9.807 Noncompliance Provisions. Section 9.231 Submission Requirements. Comprehensive Plan Policies: Housing Need Policy (c) 4 & 5; Development Constraints (c) (1) & (2). Notice of decision will be sent to the applicant, and parties of record.

3. Conformance with Submission and Approval Criteria

LDC 9.204 Application Site Plan

FINDING: The applicant has submitted the necessary information as required for an application site plan, and application narrative in order for Staff to make findings on the proposal. Criterion met.

LDC 9.220. Subdivision or Partition Tentative Plan

(a) The Planning Commission shall have the authority to review and approve Land Partitions and the City Council, with recommendation from the Planning Commission, shall have the authority to review and approve all Subdivisions, under the provisions of this Code.

(b) In the event that a single land use application requires more than one decision, the highest deciding authority will make all decision requested in the application.

FINDING: The requested land use actions are subdivision and variance. As such, per LDC, the proposal will go through a two-step land use process: a public hearing in front of Planning Commission for a recommendation and a public hearing in front of City Council for decision/final action.

The City of Lowell has followed the required processes for approval of a subdivision. The proposal will receive a recommendation from Planning Commission which will be forwarded onto City Council for decision/final action. The requested variance will be decided on in the same manner as the subdivision. Criterion met.

LDC 9.223. General Information.

(b) No Tentative Plan shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land Platted is contiguous to and Platted by the same party that Platted the subdivision bearing that name or unless the party files and records the consent of the party that Platted the subdivision bearing that name. All Plats must continue the lot and block numbers of the Plat of the same last filed.

FINDING: The tentative map, as seen on Sheet 1, submitted by the applicant on February 5, 2020, lists “Crestview Estates” as the proposed subdivision name which is not the same as, similar to or pronounced the same as any other subdivision in Lane County.

The tentative map submitted by the applicant on February 5, 2020, lists “Crestview Estates” as the proposed subdivision name, which is not the same as, similar to or pronounced the same as any other subdivision in Lane County. Criterion met.

LDC 9.224 Existing Conditions Information.

(a) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other rights-of-ways and other important locational information such as section line, corners, city boundary lines and monuments.

FINDING: As seen on Sheets 1 through 5, the applicant has identified the required information in order for staff to make an informed recommendation to Planning Commission. The proposal will involve the creation of a new street that is approximately 28-feet in width that will terminate at the end of phase 1, adjacent to Lots 12 and 13. The applicant has identified one easements involved in phase 1: 5-foot private drainage easement running the length of the eastern property boundary of Lot 12. The applicant has recently discovered two private access easements that exist on the unsubdivided remainder portion of the subject property. The two private access easements are used for logging purposes. The private access easements are not for the purposes of any building, structure or residential development. See **Attachment Q** for copies of the private access easements. The proposed tentative plan and associated sheets include the necessary information. Criterion met.

(b) The location of all existing sewers, septic tanks and drain fields, water lines, storm drains, culverts, ditches and utilities, together with elevation data, on the site and on adjoining property or streets, if applicable.

FINDING: The applicant’s engineer has displayed existing and proposed utilities, including storm drain, wastewater and water line as seen on Sheet 3 (**Attachment K**). Currently, there is little to no existing infrastructure in place. There will be a detention pond, seen as Parcel “A” on the tentative maps. The City has requested the applicant design a detention pond that is reasonably “low maintenance” as the City will be taking over long-term ownership and maintenance after acceptance. The applicant proposes to connect to all city services.

The applicant has submitted the necessary information as required in Section 9.224 for a subdivision as seen on Sheets 1 through 5 (**Attachments I through M**). Criterion met.

LCD 9.225 Proposed Plan Information.

...

(c) The location, width, and purpose of existing and proposed easements.

FINDING: As seen on Sheet 1, the applicant is proposing two easements associated with the proposed subdivision: a 20-foot wide emergency turnaround easement located between Lots 20 and 15 and a 5-foot wide private drainage easement along the eastern property boundary of Lot 12. The applicant is also proposing a detention pond to deal with storm water run-off as seen on Sheet 1 as Parcel “A”. All easements associated with the proposal should be included on the final plat and recorded and filed in accordance with ORS 92, and Lane County. The general requirement for the proper recording of all easements in accordance with ORS 92 and Lane County will be a condition of approval. Criterion met.

(d) The total acreage and the proposed land use for the land division including sites for special purposes or those allocated for public use.

FINDING: The total acreage of the subject property is 30.59 acres. Phase 1 of development consists of the creation of 26-Lots and Parcel “A” for a detention pond. The 26 Lots and Parcel “A” comprise approximately 9 acres. The lots included in phase 1 will be developed for single family homes. Other than Parcel “A” for a detention pond and the addition of sidewalks on both sides of the street, there are no other sites for special purposes or public use, per the applicant’s sheets 1 through 5. The applicant has appropriately represented this information on Sheets 1 through 5. Criterion met.

(e) The location and approximate location dimensions of lots or parcels and the proposed lot or parcel numbers. Where the property division results in any lots or parcels that are larger than 2 and one-half times the minimum lot size, the applicant shall provide a sketch plan showing how the parcels may be re-divided in the future to provide for at least 80% of maximum density within current minimum lot sizes, existing site constraints and requirements of this Code.

FINDING: The proposed subdivision is to create 26 single family residential lots as seen on Sheet 1. Lot 27 is included on the tentative map but is part of Phase 2 and residential development on Phase 2 is not anticipated as city water currently cannot adequately serve those parcels. The applicant’s engineer did provide a shadow plat because Lot 27 (listed under Phase 2) will be larger than 2.5 times the minimum lot size. The shadow plat, as seen on Sheet 5 (**Attachment M**), shows the addition of 39 lots as well as the extension of Crestview Drive and eventual connection south to planned and existing right of way. The extension and connection of Crestview Drive to the south is consistent with the Lowell Master Road Map. Criterion met.

...

(g) a general layout of all public utilities and facilities to be installed including provisions for connections and extensions beyond the proposed land division.

FINDING: A general layout of all public utilities and facilities to be installed has been shown on Sheet 3. The applicant proposes to connect to city services for lots 1-26. Included on Sheet 3 (**Attachment K**) are proposed connections to utilities along North Moss street, just outside of the proposed subdivision as well as a proposed mailbox for future residents located near the north east corner of Parcel “A”. Criterion met.

(h) The proposed method of connection to all drainage channels located outside of the proposed land division and the proposed method of flood control (retention ponds, swales.) and contamination protection (settling basins, separators, etc.)

FINDING: Currently, a portion of the drainage on the subject property drains to the southwest corner and another portion drains to the south. The applicant is proposing a 5-foot trench drain easement along the eastern property boundary of Lot 12 and a detention pond seen as Parcel “A” to deal with drainage on the subject property. See **Attachment R** for the applicant’s drainage study. Criterion met.

(i) Identification of all proposed public dedications including streets, pedestrian or bike ways, parks or open spaces.

FINDING: As seen on Sheet 1, the proposed subdivision will create a new street, called Crestview Drive. Crestview Drive will become public dedication once accepted by the City. The applicant will also be installing public sidewalks on both sides of Crestview Drive. The detention pond at Parcel “A” will turn over to city-owned once completed because it serves multiple lots. Criterion met.

(j) Identification of any requirements for future streets and easements required for extension of public infrastructure beyond the development together with restrictions on building within those future streets and easements as well as future setback areas required by this Code.

FINDING: Crestview Drive will be a newly created street as part of the proposed subdivision and will be dedicated as city public right-of-way after completion and acceptance by the City. The future extension of Crestview Drive into Phase 2 is not part of this proposal but is shown on the shadow plat on Sheet 5 (**Attachment M**). The future extension of Crestview Drive into Phase 2 and to the south to connect with existing and planned city streets is consistent with the Lowell Master Road Map. Further dedication requirements, including the requirement of 1-foot buffer strips, and street requirements will be addressed later in this staff report under Section 9.517 Streets and Section 9.236 Dedication Requirements. Criterion met.

(k) Identification and layout of all special improvements. Special improvements may include, but are not limited to, signs, lighting, benches, mailboxes, bus stops, greenways, bike or pedestrian paths.

FINDING: Staff have identified only one special improvement seen on Sheets 1 through 5: a mailbox to serve the future residents of the proposed subdivision to be placed near the northeast corner of Parcel “A”.

The applicant has submitted the necessary information, as seen on Sheets 1 through 5, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.225 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.226 Accompanying Statements. The Tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

- (a) Identify the adequacy and source of water supply including:***
(1) Certification that water will be available to the lot line of each and every lot depicted on The Tentative Plan for a subdivision, or;
(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.

FINDING: The applicant's engineer has indicated in their written narrative, dated August 21, 2019 (**Attachment A**), that city water and sewer will be available for lots 1-26 and a bond, contract or other assurance will be required on behalf of the developer. Bonds on public infrastructure will be further discussed later in this staff report under Section 9.805, Improvement Agreements. Criterion met.

- (b) Identify the proposed method of sewage disposal including:***
(1) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or;
(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.

FINDING: See Staff's discussion above in response to LDC 9.226(a). Criterion met.

- (c) Protective covenants, conditions and deed restrictions (CC&R's) to be recorded, if any.***

FINDING: Any additional CC & Rs, will be identified and recorded at the time of final plat filing. Criterion met.

- (d) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.***
- (e) Identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.***

FINDING: The applicant is proposing dedication of Crestview Drive, once completed and accepted by the City. Crestview Drive will be a 50-foot wide public right-of-way that includes sidewalks on both sides. Additionally, the storm water detention pond seen as Parcel "A" on Sheet 1 will be constructed by the applicant and once completed and accepted, turned over to the City of Lowell for long-term maintenance. The applicant is also proposing to install the following: streetlights, water system, sewage disposal system, and communication lines. The applicant is proposing self-financing and construction is anticipated to begin in summer 2020. The applicant

has indicated in its narrative that no bike ways (there is sufficient width on North Moss Street for a bikeway), parks or open space dedications are part of the proposal. See **Attachment A** for written narrative dated August 21, 2019. Criterion met.

(f) A statement that the declarations required by ORS 92.075 on the final plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.

FINDING for (LDC 9.226 ((a)-(e)): The applicant has indicated that the declarations required by ORS 92.075 can be achieved by the fee owner. Prior to issuance of building permits, the property owner shall submit the final plat in accordance with ORS 92.075.

The applicant has submitted the necessary information, as seen on Sheets 1 through 5, and in the written narrative, for staff to determine the necessary criteria contained in LDC 9.226 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.227 Supplemental Information. Any of the following may be required by the City, in writing to the applicant, to supplement the Tentative Plan.

(d) If lot areas are to be graded, a plan showing the nature of cuts and fill and information on the character of the soil.

FINDING: The applicant's engineer has submitted a preliminary grading plan as seen on Sheet 2. As indicated in the applicant's response to completeness items, dated September 20, 2019, the applicant does not intend to perform any grading as part of this subdivision process. The applicant intends to sell the finished lots to home builders and it will be up to the home builders to develop a building site on each lot. The applicant's engineer recognizes that cuts and fills be necessary and will be done under the supervision of a geotechnical engineer, where appropriate. A Geotech report will be required due to the subject property containing slopes of 15 percent and greater. Additionally, a finalized grading plan will be required. Both of these requirements will be condition of approval and will be further addressed under Section 9.633(b) and (c) (2). Criterion met.

(e) Specifications and details of all proposed improvements.

FINDING: The applicant has shown all proposed improvements on Sheets 1 through 5. The proposed improvements include Crestview Drive with sidewalks on both sides, sidewalks (half-street improvements) along the frontage of Parcel "A" adjacent to North Moss Street, a fire approved turnaround at the terminus of Crestview Drive, and necessary connections for city services. The applicant has indicated a more detailed grading plan for the public infrastructure will be prepared during the construction drawing phase. After tentative map approval, the applicant intends to begin work on the construction drawings for the public infrastructure and once approved the City, start construction on the public infrastructure. A final infrastructure plan will be required as a condition of approval and will be further addressed under Section 9.633 (c)(1). Criterion met.

(f) Wetland delineation if identified as an existing condition in Section 9.224(f).

FINDING: A wetland delineation was completed by Schott & Associates for the subject property. Within the study area, three ditches were identified. The ditches are exempt per OAR 141-085-0515(8) and -0515(10); and therefore, they are not subject to the current state Removal-Fill requirements. See **Attachment G** for DSL concurrence letter.

The applicant has submitted the necessary information, as seen on Sheets 1 through 5, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.227 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.228 Decision Criteria. A Partition Tentative Plan may be approved by the Planning Commission and a Subdivision Tentative Plan may be approved by the City Council. Approval shall be based upon compliance with the submittal requirements specified above and the following findings.

(a) That the proposed land division complies with applicable provision of City Codes and Ordinances, including zoning district standards.

FINDING: The applicant is proposing to create a 26 lot subdivision as being a part of Phase 1 for eventual development of single-family homes. The underlying zoning classification is Single-Family residential and is consistent with the proposal. As seen on Sheet 1, all lots are above the minimum lot size, and lot width. The proposal includes five lots (lots 26, 18, 19, 16 and 17) that are panhandle (or “flag lots”). Lot 26 will have 20-feet of frontage on the newly created Crestview Drive and lots 16-19 will share access and have 11-feet of frontage on the newly created Crestview Drive. LDC Section 9.516 Access calls for every property to abut a street for a minimum of 16-feet, of which 12-foot must be paved, unless where the City approved an access to multiple lots sharing the same access in which case the total width must be at least 16-feet. The applicant’s proposed access for Lots 16-19 can be approved with tentative plat approval. Staff finds the proposal complies with the applicable provision of City Codes and Ordinances, including zoning district standards.

As seen on Sheets 1 through 5 and the applicant’s written narrative, Staff can find the proposed subdivision complies with conditions with applicable provisions of City Codes and Ordinances, including zoning district standards, as discussed. Criterion met.

(b) Where the property division results in any lots or parcels that are larger than 2 and one-half times the minimum lot size, the applicant shall provide a sketch plan showing how the parcels may be re-divided in the future to provide for at least 80% of maximum density within current minimum lot sizes, existing site constraints and requirements of this Code.

FINDING: The proposed property division will result in four lots (lots 17, 18, 26, 27), that are larger than 2.5 times the minimum lot size. The applicant did provide a shadow plat, as seen on Sheet 5 (**Attachment M**), to show how Lot 27 could be further subdivided in the future. Further division on lots 17, 18 and 26 are not practicable due to a 150-foot BPA easement that runs through the lots and access is already an issue with the applicant requesting a variance to allow four lots to utilize the same access point.

As shown on Sheet 5, the applicant has provided a shadow plat showing how lot 27 could be further subdivided. As discussed above, further residential development on lots 17,18 and 26 are not expected nor practical for the reasons mentioned above. Criterion met.

(c) The applicant has demonstrated that the proposed land division does not preclude development on properties in the vicinity to at least 80% of maximum density possible within current minimum lot sizes, existing site conditions and the requirements of this Code.

FINDING: The proposal will not preclude developed on properties in the vicinity. Crestview Drive will be stubbed and have 1-foot reserve strips placed at the terminus of Crestview Drive. Further development on Lot 27 (now called the “unsubdivided remainder”) is not precluded, but at this time is currently not practicable due to the inability to receive city water above approximately 880 feet. The shadow plat does show the possible extension of Crestview Drive consistent with the Lowell Master Road map.

As discussed above, the proposal does not preclude development on nearby properties. Crestview Drive will be stubbed and have 1-foot reserve strips. The shadow plat, as seen on Sheet 5, shows that development is not precluded, and the possible extension of future rights-of-way is consistent with the Lowell Master Road map. Criterion met.

(d) The proposed street plan:

(1) Is in conformance with City standards and with the Master Road Plan or other transportation planning document.

FINDING: Crestview Drive will become dedicated public right-of-way, complete with sidewalks, once completed and accepted by the City. The Master Road Plan and Map shows a street eventually continuing through lot 27 and connecting with city streets located to the south. The extension of Crestview Drive as seen on Sheet 5 does conform to the Master Road Plan and Map. Criterion met.

(2) Provides for adequate and safe traffic and pedestrian circulation both internally and in relation to the existing City street system.

FINDING: With respect to adequate and safe traffic circulation, there are two issues that need to be addressed. The first issue is that the development shall as a condition of approval include a fire department-approved emergency turnaround for emergency vehicles. The applicant is aware of this issue and has agreed to show the emergency turnaround on the final plat. The applicant has some latitude on what the turnaround looks like but must choose from the list provided by LRFPD. This requirement is from Lane County Transportation and the LRFPD. To staff’s knowledge, the LRFPD has not issued any official comment or given indication that the Department’s vehicles cannot safely navigate the proposed grades, as seen on Sheet 4, of Crestview Drive. This issue can be brought up and addressed during the public hearing(s), if required. This will be a condition of approval.

The second issue is one identified by Lane County Transportation and included in their comments

on the TIA. Lane County Transportation found that high speeds on North Moss Street is a concern for accessing the proposed driveway (Crestview Drive) into the subdivision. As such, Lane County Transportation recommended a provision for a 50-foot long turn lane as part of the frontage development by increasing the proposed 5-foot extension to an 8-foot wide extension on the east side of North Moss Street. As indicated in Lane County Transportation's comments, However, the recommendation for a 50-foot long turn lane is not a condition of approval required by Lane County. Lane County Traffic engineers have communicated to staff that this is something city decision makers will have to decide one. Staff reached out to the applicant regarding this concern and the applicant has indicated that the inclusion of a right-hand turn lane is agreeable and will be provided. This will be a Condition of Approval. See **Condition of Approval #2** under subject (h), on Page 13-14.

(3) Will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties.

FINDING: The proposal will not preclude the orderly extension of streets. The applicant has revised the tentative map and shadow plat to show Crestview Drive is consistent with the Lowell Master Road Map. Additionally, the applicant has submitted a revised Sheet 1 and Sheet 2, showing the inclusion of a hammerhead turnaround for emergency services. The grade of the hammerhead turnaround is maximum 8 percent.

Staff finds the above criteria met as discussed and as shown on Sheets 1 and 2 with the newly proposed hammerhead turnaround for emergency vehicles. Criterion met.

(e) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant has demonstrated that the services and facilities will be available prior to need, by providing at least one of the following:
(1) Prior written commitment of public funds by the appropriate public agency.
(2) Prior acceptance of public funds by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
(3) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the City.

FINDING: No public funds are requested to install public services. The City has the ability to provide adequate public services. Adequate public facilities are proposed to be constructed in order to deliver city services to lots 1-26, at the applicant's expense. After tentative map approval, the applicant intends to begin drawing construction plans for the public infrastructure improvements, and once approved by the City, begin installing and construction of the required public infrastructure.

No public funds is requested for the required public facilities required for lots 1-26. Adequate public city services are available to lots 1-26. The applicant, at their own expense, will construct the public facilities in order to provide the city services to lots 1-26. Criterion met.

(f) That proposed public utilities can be extended to accommodate future growth beyond

the proposed land division.

FINDING: All utilities required for the proposal will be installed at the expense of the applicant. As seen in the applicant's written narrative, there are public extensions for city services nearby that the applicant will utilize to extend to lots 1-26. With respect to public facilities beyond the proposed land division, there are deficiencies that make residential development on the unsubdivided remainder a challenge. Presently, city water service is unable to reach elevations needed to provide the unsubdivided remainder (phase 2) with city water; additional infrastructure would be required and is presently not proposed. If needed, the public facilities required for lots 1-26 can be extended and expanded upon in a manner to provide public facilities to the unsubdivided remainder, but that is not proposed.

No future land division, other than what is presented on Sheet 1, is proposed as part of the subdivision. Presently, there are public utility deficiencies in that city water cannot be provided to the unsubdivided remainder of the parent lot, without additional infrastructure and additional infrastructure to provide city water to the unsubdivided remainder, is not presently proposed. The public facilities required for development on lots 1-26 does not preclude future residential development on the unsubdivided remainder and if required could be extended to accommodate future growth. Criterion met.

(g) Stormwater runoff from the proposed land division will not create significant and unreasonable negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows and velocity.

FINDING: The applicant's engineer has completed and submitted a preliminary drainage study that has been reviewed and preliminary approved by the City Engineer. The proposed development will generally maintain existing flows. The proposed development has been broken up into two separate drainage basins: Basin A and Basin B. Drainage Basin A will consist of piping stormwater into the proposed detention pond on the east side of North Moss Street. Drainage Basin B will utilize an 18" storm drain culvert to direct drainage into an existing drainage basin that flows to the north. Because there are still portions of development and specific construction plans that need to be drawn, submitted and approved by the City Engineer, staff proposes the condition of approval that prior to final plat approval, the applicant shall submit and obtain approval of a final drainage plan from the City Administrator or his designee. This condition is meant to ensure the drainage plan submitted as part of the tentative map approval still meets sufficient drainage requirements once more specific construction plans are submitted. To see the applicant's proposed drainage plan please see **Attachment R.**

The applicant has submitted a drainage plan for the proposed subdivision, and it has been preliminary approved by the City Engineer. However, due to yet-to-be- submitted construction plans, as a condition of approval prior to final plat approval the applicant shall submit a final drainage plan for review and approval by the City Administrator or his or her designee to ensure the plan is still applicable and sufficient after receipt of more detailed construction plans. Criterion met as conditioned.

Condition of Approval #1: Prior to final plat approval, applicant shall submit a final drainage plan, to the City Administrator for review and approval to ensure adequate drainage can still be attained after reviewing more detailed construction and drawing plans. If the final drainage plan causes changes to the tentative map as approved, the changes shall be presented to Planning Commission and City Council for consideration, prior to final plat approval.

(h) The proposed land division does not pose a significant and unreasonable risk to public health and safety, including but not limited to fire, slope failure, flood hazard, impaired emergency response or other impacts identified in Section 9.204(u).

FINDING: The proposed subdivision is not expected to pose a significant and unreasonable risk to public health and safety. However, there are inherent risks involved with the proposal due to hillside development, emergency service access and circulation. There are measures that the City and applicant are taking to address these issues. Regarding the risk to health and safety with respect to emergency vehicle access. Staff, the LRPD and Lane County Transportation have implemented Condition of Approval #1, listed above, for the requirement of an approved emergency vehicle turnaround.

Planning Commission and Council will need to consider Lane County's recommendation for a right-hand-turn lane off North Moss and onto Crestview Drive from Lane County Transportation due to a high rate of speed on North Moss. Lane County Transportation is not requiring that as a condition of approval, but the applicant has indicated they are agreeable to the inclusion of a right-hand turn lane on North Moss Street onto Crestview Drive. Lane County Transportation, the City, and the applicant will work together to provide specific engineering standards for the creation of a right-hand turn lane, a starting point for this discussion has been provided in **Attachment S**. The addition of a right-hand turn lane off North Moss onto Crestview Drive will be Condition of Approval #2.

Condition of Approval #2: Prior to final plat approval, the applicant shall include on the final plat and construct a right-hand turn lane as indicated in the referral comments by Lane County Transportation. See **Attachment D** for Lane County Transportation referral comments. Additionally, see **Attachment S** for Lane County Urban Collector Standards and a Sketch of North Moss Street.

In their comments, Seneca Timber brought up concerns regarding having residential development near an active timber site. As a result, Seneca Timber recommended the applicant sign a Forest Management Practices Covenant that recognizes that these operations will be in close proximity to residential homes and residential development. Covenants of this manner are not enforceable by the City. Staff recommend the applicant/developer and Seneca Timber enter into a "Farm/Forest Management Easement" the easement must address adjacent properties. **Staff provide an example of a "Farm/Forest Management Easement" as provided for in Attachment T.** Staff note to Seneca Timber and the applicant that this example is specific to Lane County and the parties shall craft their own easement for recording but are not prohibited from using elements contained in the example. The applicant understands this concern and will implement this "Farm/Forest Management Easement."

With respect to Seneca's other concerns regarding the proposed subdivision being directly across from a main access point onto Seneca's timber property, the effects of increased traffic on Moss

Street and Seneca Street, and with respect to the suitability to meet the transportation needs of its facility, while adequately providing for human safety and fire protection. Staff point out that Crestview Drive will be barricaded by a locked gate at the start of the identified private access easement to prevent access by unauthorized residents, and a TIA has been completed and the findings contained therein, concurred with by Lane County Transportation, which has jurisdiction of North Moss Street and the recommendations for a LRFPD-approved turnaround and right-hand turn lane have been implemented. Staff find the completion of the TIA and implementation of the recommendations by Lane County Transportation adequately addresses the traffic and safety concerns included in Seneca Timber's comment. While, the specific building sites have not been determined, once building permits are applied for, the building standards for Lowell City Limits will apply. It is noted Seneca encourages the maximum setbacks and implementation of adequate fuel breaks. Staff will add the recommended condition of approval for future building to be constructed with fire-resistant materials and for chimneys to have spark arrestors. These provisions aid in addressing a significant and unreasonable risk to health and safety as contemplated in subsection (h) of the decision criteria. The requirement for buildings to be constructed with fire-resistant materials and for chimneys to have spark arrestors shall be included on the final plat as a plat note. See **Condition of Approval #4**, below.

Lastly, regarding development on slopes of 15 percent or greater, the applicant will be required to follow the code and development guidelines with respect to hillside development. The applicant is aware that a Geotech and other reports will be required per LDC. This will be a condition of approval. Criterion met as conditioned.

FINDING: The proposed subdivision is not anticipated to pose any significant or unreasonable risk to public health and safety. However, the subject site is located near active forest operations and the farm/forest rural interface. The City and applicant are taking measures with respect to emergency vehicle access, high rate of travel on North Moss and Hillside Development to ensure the proposed development is consistent with LDC. Conditions of Approval have been added and decision maker consideration noted where appropriate, to address any potential risks to public health and safety. Staff find the criterion met with the following conditions of approval, as discussed above. Criterion met as conditioned.

Conditions of Approval #3: The applicant shall record and execute a "Farm/Forest Management Easement" with Seneca Timber, as indicated in **Attachment O** wherein the applicant acknowledges and accepts the activities, including but not limited to, noise, dust and general incompatibility with nearby residential homes. Evidence shall be submitted to the City showing compliance with this condition, prior to final plat approval.

Condition of Approval #4: Given the subject site's close proximity to active forest management operations and adjacent to the Farm/Forest Interface, future buildings shall be constructed with fire-resistant materials and for chimneys to have spark arrestors. **This requirement shall be included on the final plat as a plat note.** These provisions address a significant and unreasonable risk to health and safety as contemplated in subsection (h) of the decision criteria for a subdivision.

LDC 9.518 Sidewalks. Public sidewalk improvements are required for all land divisions and property development in the City of Lowell. Sidewalks may be deferred by the City

where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. An irrevocable Waiver of Remonstrance shall be recorded with the property to guarantee compliance with this requirement.

FINDING: As per LDC all land divisions in Lowell require public sidewalk improvements to be made. As such, as a result of the proposed subdivision, the applicant will be required to install public sidewalks, including curb and gutter, in accordance with Section 9.518 and the Lowell Standards Documents for engineering and construction. The addition of sidewalks along both sides of Crestview Drive will be a condition of approval.

The creation of a subdivision is a land division that requires the installation of public sidewalks, including curb and gutter along both sides of Crestview Drive. Prior to the issuance of building permits, the applicant/developer shall construct sidewalks, including curb and gutter along both sides to Crestview Drive. Sidewalks shall be inspected by the City of Lowell before acceptance. Criterion met with the following Condition of Approval #5:

Condition of Approval #5: Prior to final plat approval, the applicant/developer shall construct sidewalks, including curb and gutter along both sides to Crestview Drive. Sidewalks shall be inspected for compliance with Lowell standards by the City of Lowell before acceptance.

LDC 9.516 Access.

(a) Every property shall have a street other than an alley for a minimum width of 16 feet, of which 12 feet must be paved, except where the City has approved an access to multiple lots sharing the same access in which case the total width must be at least 16 feet. No more than two properties may utilize the same access unless more are approved with the tentative plan.

(b) The following access alternatives to Panhandle properties may be approved by the City:

(1) Approval of a single access road easement to serve proposed parcels. The City may require a provision for conversion to a dedicated public road right-of-way at some future date, in which case the easement shall have the same width as a required right-of-way.

(2) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City may require an irrevocable Waiver of Remonstrance to be recorded with the property.

(3) Approval of a private road. This approach should only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.

FINDING: The applicant is requesting a variance to the access standards listed above. As seen in Sheet 1, the applicant is proposing two access ways next to each other (each 11-feet in width as seen

on Sheet 1) to allow four lots to use both access ways. The overall width is 44-feet with a 20-foot wide paved section. The proposed access for which the applicant is proposing is allowed as indicated in subsection (a) only if approved by the City, in which case the total width must be at least 16-feet. The road right-of-way will and required public improvements will be constructed before the individual lots are prepped for home site construction. The right-of-way and associated public improvements required are anticipated to begin following tentative approval, but after approval of more specific construction drawing plans are approved by the City.

The proposal meets the above access standards with the exception of lots 16-19 of which will take access from two access ways as shown on Sheet 1 and serve more than two properties. The total width of the accessway for lots 16-19 is 44 feet, which exceeds the minimum width of 16 feet for multiple lots sharing the same access. The proposed access configuration can be approved with tentative plat approval. Criterion met.

LDC 9.517 Streets.

(a) Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Lowell. Urban street improvements may be deferred by the City if there is not existing sidewalk or storm drain system to which connection can be made, conditional upon the responsible party agreeing to an irrevocable waiver of remonstrance to a future assessment at the time of construction of a sidewalk which is otherwise required to be constructed.

FINDING: The applicant intends to bear all cost and install all required urban public street improvements consistent with the standards of the City of Lowell. See **Attachment U** for applicant's written narrative to streets. Criterion met.

(b) The location and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall either:

(1) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or

(2) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

FINDING: The proposed subdivision can be designed per the City of Lowell design requirements as seen on Sheet 1 through 5. The submitted shadow plat shows how the proposed street alignment will provide for future extensions to service adjacent properties. Final inspection of street improvements prior to final plat approval and acceptance of improvements will be a condition of approval.

Applicant has shown as seen on the Sheets 1 through 5 that urban public street improvements

including curbs, gutters and storm drainage can be constructed to City of Lowell standards. Prior to final plat approval and acceptance by the City, the urban public street improvements shall be inspected by the City of Lowell for compliance. Criterion met with the following Condition of Approval #6:

Condition of Approval #6: Prior to final plat approval and acceptance of urban public street improvements, the applicant shall install urban public street improvements to City standards.

(c) Minimum right-of-way and roadway widths. Right-of-way widths and the paved width of streets and sidewalks shall be as prescribed in the City's most current Standards for Public Improvements. Right-of-way widths may be reduced to that needed only for construction of streets and sidewalks if a minimum of a five-foot utility easement is dedicated on both sides of the right-of-way.

FINDING: The proposed subdivision will be designed per the City of Lowell design requirements and reviewed by the City of Lowell for compliance. This proposal meets the City of Lowell's minimum standards. A seven-foot public utility easement (PUE) is seen on Sheet 1. Further inspection of urban public street improvements will be inspected for compliance with Lowell Standards, as presented in Condition of Approval #6.

As shown on Sheets 1 through 5, the proposal meets the minimum right-of-way and roadway widths. Criterion met.

(d) Where conditions, particularly topography or the size and shape of the tract make strict adherence to the standards difficult, narrower developed streets may be approved by elimination of parking on one or both sides of the street and/or elimination of sidewalks on one side of the street.

FINDING: Narrower streets are not proposed. The proposed subdivision will be designed per the City of Lowell design requirements and reviewed by the City of Lowell for compliance. Sidewalk is proposed for both sides of the street. This criterion is not applicable.

This criterion is not applicable because all streets proposed meet standard street requirements.

(e) Where topographical conditions necessitate cuts or fills for proper grading of streets, additional rights-of-way or slope easements may be required.

FINDING: The applicant anticipates some slope easements will be required to be used for construction of a slope on certain lots due to topographical conditions. Slope easements are generally used to adjust the elevation difference between adjoining properties. Slope easements will be determined at the time of construction drawings. This will be a condition of approval to be shown on the final plat.

As indicated by the applicant in their written narrative, slope easements will be required due to topographical conditions. Slope easements will be determined at the time of submittal of construction drawings, as such, prior to final plat approval, the applicant shall submit plans for

slope easements for review by the City Administrator or his or her designee. Staff find compliance is feasible and this criterion can be met with the following Condition of Approval #7:

Condition of Approval #7: Prior to final plat approval, the applicant shall submit plans to the City Administrator or his or her designee, showing slope easements as required where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-way or slope easements.

(f) Reserve Strips: A reserve strip is a 1-foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. Reserve strips will not be approved unless necessary for the protection of the public welfare or of substantial property rights. The control of the land comprising such strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. In addition, a barricade shall be constructed at the end of the street by the land divider which shall not be removed until authorized by the City. The cost shall be included in the street construction costs by the land divider.

FINDING: Reserve strips will be required at the terminus of Crestview Drive and shall remain in place until Crestview is extended. The control of the land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. A barricade is not required as there is a 10-foot high slope and due to the fact, there are two existing private access easements located beyond the proposed hammerhead turnaround. In lieu of a barricade, the applicant has suggested a locked gate be placed where the private access easement begins. This will ensure the parties listed in the private access easements maintain access as described in the easements. At the hammerhead turnaround, a “No Parking” sign shall be installed. These will be conditions of approval.

Reserve strips are presently not indicated or shown on the tentative map and shall be required at the terminus of Crestview Drive and shall remain in place until Crestview Drive is extended. The control of the land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed. Additionally, a locked gate shall be placed at the beginning of the private access easement to ensure access is maintained as described in the private access easement. Criterion above met with the following Condition of Approval #8:

Condition of Approval #8: Prior to final plat approval, the applicant shall show 1-foot reserve strips on the final plat. The land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed. Additionally, a locked gate shall be placed at the beginning of the private access easement to ensure access is maintained as described in the private access easement and a “No Parking” sign placed at the hammerhead turnaround.

(g) Alignment: As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction.

FINDING: As indicated in the applicant’s written narrative response to streets criteria

(**Attachment U**), the proposed centerline of the new street (Crestview Drive) is over 260 feet north of Seneca Street to the south.

The applicant's Sheets 1 through 5 complies with the alignment provision as discussed above and seen on Sheets 1 through 5. Criterion met.

(h) Future Extensions of Streets: Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets may be approved with a turn-around instead of a cul-de-sac. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

FINDING: Crestview Drive is planned in manner to allow future extension. Reserve strips, a locked gate where the private access easement begins, and an emergency turnaround will be placed at the end of Crestview Drive as part of the phase 1 development. A "No Parking" sign will be placed at the emergency turnaround. The future extension of Crestview Drive complies with the Lowell Master Road map.

As discussed, and conditioned elsewhere in this staff report, the proposal complies with the future extension of streets. Criterion met.

(i) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design.

FINDING: Per the applicant's written narrative for Streets, the proposed Crestview Drive, intersects North Moss Street at 82 degrees.

As indicated in the applicant's written narrative and seen on Sheets 1 through 5, the proposed Crestview Drive is at or near to a right angle to North Moss Street and the intersection angle is 82 degrees. Criterion met.

(j) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.

FINDING: Moss St. currently has a half right-of-way width of 35-feet, and 23-feet of width from center line to the proposed face of the curb. The applicant has agreed to provide a right-hand turn lane in addition to sidewalks, curb, and gutter. There remains some discussion regarding how the right-hand turn lane ties in with the half-street improvements. Lane County Transportation has indicated an additional left-hand turn lane (coming from the opposite direction) onto Crestview Drive is desirable, but optional. Staff have requested the attendance of a staff member from Lane County Transportation to be present at the hearing(s) to field any transportation related questions. anticipate Lane County Transportation. With respect to additional right-of-way, see the subsection (k) below for additional improvements.

Additional right-of-way along North Moss Street will be required to accommodate the half-street improvements and the incorporation of a right-hand turn lane. There are no existing streets inside of the proposed subdivision. As discussed herein, staff find the criterion met, or can be met conditionally.

(k) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

FINDING: Relevant here is Lane County Transportation’s comment regarding the addition of “half street” improvements along the frontage of the property on North Moss Street. Lane County requires half-street improvements along the frontage of the property on N. Moss Street. Lane County interprets “half streets” to mean the addition of curb, gutter and sidewalks, in which the applicant will be required to construct along the frontage of the property on North Moss Street. The improvements are shown on Sheet 1. Crestview Drive, the newly proposed right-of-way for the proposed subdivision will not have half-streets, every lot will abut Crestview Drive, unless otherwise noted. The addition of half-street improvements along the frontage of the property on North Moss Street will be a condition of approval. The half-street standards shall conform to the City of Lowell standards for Urban Collectors, and in the event the City of Lowell does not have standards for half-street improvements for Urban Collectors, then the County standards shall apply. To see a diagram of Lane County Urban Collector standards, please refer to **Attachment S** and to see Lane County Transportation’s comments on the proposal see **Attachment D**.

As discussed above and indicated in Lane County Transportation’s review comments of the TIA, the applicant will be required to install half-street improvements, to include curb, gutter and sidewalks. Additionally, the applicant will be required to install a right-hand turn lane from North Moss Street onto the proposed Crestview Drive. Criterion met with the following Condition of Approval #9.

Condition of Approval #9: Prior to final plat approval, the applicant shall install the half-street improvements along the frontage of the property, as recommended in **Attachment D**. Half-street improvements shall include sidewalks, curb and gutter. City of Lowell shall inspect improvements for compliance with City Standards and/or Lane County Standards as appropriate, prior to acceptance.

(l) Cul-de-sacs: A cul-de-sac should have a maximum length of 500 feet but may be longer where unusual circumstances exist. A cul-de-sac shall terminate with a circular or hammerhead turn-around.

FINDING: The proposed street will be about 750 feet long with a turnaround at the end. Because of the topography, and no other existing streets in the area, the length exceeds 500 feet. A future

extension of the proposed street will connect to the property to the south and eliminate the dead end. The applicant has shown the inclusion of a hammerhead turnaround as seen on Sheet 1 (**Attachment I**)

A cul-de-sac or hammerhead turnaround for fire and emergency services at the terminus of Crestview Drive is shown on Sheet 1. Criterion met.

(m) Street Name Signs: Street name signs shall be installed at all street intersections to City standards.

FINDING: The applicant will be required to install street signs in accordance with LDC. Street name signs shall be included on the final plat. This will be a condition of approval.

The applicant shall submit evidence, prior to final plat approval, street name signs are installed in accordance with LDC. This will be a condition of approval. Criterion met with the following Condition of Approval #10.

Condition of Approval #10: Prior to final plat approval, applicant shall submit evidence to the City Administrator or his or her designee, that the proposal complies with the street name signs standards as listed in the LDC.

(n) Street Lights: Street lights shall be installed to City standards and shall be served from an underground utility.

FINDING: Street lights will be installed at the expense of the applicant and shall be served from an underground utility, consistent with LDC. This will be a condition of approval

The applicant shall submit evidence, prior to final plat approval, demonstrating the proposed streetlights are in compliance with LDC standards. Criterion met with the following Condition of Approval #11:

Condition of Approval #11: Prior to final plat approval, applicant shall submit evidence to the City Administrator or his or her designee, that the proposal complies with streetlights standards as listed in the LDC.

(o) Traffic Signs/Signals: Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, they shall be provided by the developer or land divider and the costs shall be borne by the developer or land divider unless an equitable means of cost distribution is approved by the City.

FINDING: A “No Parking” sign has been identified as being required at the hammerhead turnaround. See Condition of Approval #8.

A “No Parking” sign has been identified as being required at the hammerhead turnaround. See Condition of Approval #9. Criterion met.

(p) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks, singularly owned developments of sufficient size to warrant interior circulation on private streets or on small developments where integration into the public road system is impractical. Design standards shall be the same as those required for public streets unless approved otherwise by the City. The City shall require verification of legal requirements for the continued maintenance of private streets.

FINDING: Private streets is not part of the proposal. Criterion not applicable.

(q) Mail Boxes: Provisions for mail boxes shall be provided in all residential developments where mail service is provided. Mail box structures shall be placed as recommended by the Post Office having jurisdiction and shall be noted on the plan.

FINDING: A mailbox structure is proposed to receive mail for the eventual homes on lots 1-26, as seen on Sheet 3. However, there is no indication from the applicant that the mailbox structure has been placed as per the recommendation of the local Post Office having jurisdiction. This will be a condition of approval, prior to final plat approval.

A mailbox structure is proposed and shown on Sheet 3, but there is no indication that the placement was at the approval or recommendation of the local Post Office that has jurisdiction. Criterion met with the following Condition on Approval #12.

Condition of Approval #12: Prior to final plat approval, the applicant shall provide evidence that the proposed mailbox structure has been approved by the local Post Office having jurisdiction and shall be noted on the plan as a plat note.

(r) Clear Vision Areas: In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets or a street-alley. A clear vision area shall also be maintained at all driveways intersecting a street. See Figure 9.5-2 All properties shall maintain a clear triangular area at street intersections, alley- street intersections and driveway-street intersections for safety vision purposes. The two sides of the triangular area shall be 15 feet in length along the edge of roadway at all street intersections and 10 feet in length at all alley-street intersections and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides.

A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

FINDING: North Moss Street and Crestview Drive will be at an intersection to each other, as such the Clear Vision Area standards will apply. All properties shall maintain a clear triangular area at street intersections. The two sides of the triangular area shall be 15 feet in length along the edge of

the roadway at all street intersections and 10 feet in length at all alley-street and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides. Additionally, a clear vision area shall contain no planting, fences, walls, structures or temporary or permeant obstruction exceeding 3 feet in height. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade. The applicant has not specifically addressed how the proposal will comply with Clear Vision Areas, as presented above. In the applicant's written narrative, they indicate standards for Clear Vision Areas will be presented and shown on the construction plans. As such, staff will recommend a condition of approval for Clear Vision Areas plans to be presented to the City Administrator or his or her designee for compliance, prior to final plat approval. Staff find compliance with the Clear Vision Area standards are feasible to be met by the applicant. This will be a condition of approval.

Standards for Clear Vision Areas have not been addressed at time of tentative map submittal. The applicant indicated in their written narrative; Clear Vision Standards will be included on construction drawing plans. As such, the applicant shall provide evidence that Clear Vision Standards have been addressed in accordance with LDC 9.517 (r) (r). Staff find compliance with Clear Vision Area standards as indicated in LDC 9.517 (r) feasible for the applicant to meet. As such, plans for compliance shall be presented to the City Administrator or his or her designee for review and approval, prior to final plat approval. Criterion met with the following Condition of Approval #13.

Condition of Approval #13: Prior to final plat approval, plans for compliance with Clear Vision Areas shall be presented to the City Administrator or his or her designee and reviewed and verified for compliance with the Clear Vision Areas standards as listed in the LDC 9.517(r).

LDC 9.519 Bikeways. Bikeways are required along Arterial and Major Collector streets. Currently the only Bikeway requirements are those required by the County as a part of the County owned Major Collector streets within the City. Future requirements for Bikeways may be addressed at such time that a Transportation System Plan (TTSP) is completed for the City., but until specific Bikeway requirements are adopted, travel lanes of all streets that do not require Bikeways are approved for joint use with bicycles.

FINDING: The width of the proposed widening of Moss Street was determined by Lane County Staff, which includes a bike lane.

The proposed widening of North Moss Street is sufficient to include a bike lane.

LDC 9.520 Storm Drainage. Until completion of a Storm Drainage Master Plan for the City of Lowell, Section IV, of the Standards for Public Improvements and the following shall apply. In the event of a conflict, the following takes precedence.

(a) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except as a part of

an approved drainage plan. Paving, roof drains and catch basin outflows may require detention ponds or cells and discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process.

FINDING: A preliminary storm drainage plan and proposal have been submitted by the applicant's engineer and has been preliminary approved by the City Engineer. **See Condition of Approval #1** regarding any changes or modifications to the storm drainage plan that may be required upon receipt and review of more specific construction plans and drawings. The City has requested the applicant design a detention pond that is reasonably "low maintenance" as the City will be taking over long-term ownership and maintenance after acceptance. The proposed detention pond shall be constructed in a manner that the basin should drain entirely. The detention pond should have a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it's going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it. The applicant shall submit specific detention pond plans to the City Administrator, or his or her designee, for review and approval. This will be a condition of approval, prior to the commencement of any site preparation, grading, or fill.

(b) Urban level inlets, catch basins, and drainage pipe improvements are required for all land divisions and property development in the City of Lowell. Urban storm drainage systems may be deferred by the City in lieu of a rural system of culverts and open drainageways.

FINDING: Urban storm drainage improvements are being proposed by the applicant. No deferments have been requested with respect to storm drainage. Criterion met.

(c) Natural Drainageways. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation. Significant natural drainageways shall be protected as a linear open space feature wherever possible and shall be protected from pollutants and sediments. A 15 foot setback is required from the centerline of any significant drainageway.

FINDING: There are no significant natural drainageways on the site. The eastern portion of the site will maintain the natural drainage pattern to the north, setbacks, as discussed above are not anticipated. Criterion met.

(d) Easements. Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as the City determines will be adequate for conveyance and maintenance. Improvements to existing drainageways may be required of the property owner. The property owner is also responsible for the continuing maintenance and protection of natural drainageways.

FINDING: One easement with respect to storm drainage will be required and is shown on Sheet 1 as a 5-foot private drainage easement. Criterion met.

(e) Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City must review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(f) Effect on Downstream Drainage. Where it is anticipated by the City that the additional run-off resulting from the development will overload an existing drainage facility, the City may deny approval of the development unless mitigation measures have been approved.

(g) Drainage Management Practices. Developments within the City must employ drainage management practices approved by the City. The City may limit the amount and rate of surface water run-off into receiving streams or drainage facilities by requiring the use of one or more of the following practices:

(1) Temporary ponding or detention of water to control rapid runoff;

(2) Permanent storage basins;

(3) Minimization of impervious surfaces;

(4) Emphasis on natural drainageways;

(5) Prevention of water flowing from the development in an uncontrolled fashion;

(6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;

(7) Runoff from impervious surfaces must be collected and transported to a natural drainage facility with sufficient capacity to accept the discharge; and

(8) Other practices and facilities designed to transport storm water and improve water quality.

FINDING: The applicant's preliminary storm drainage plan has been submitted and adequately addresses storm drainage as part of the tentative map approval process. Criterion met.

(h) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one or more acres of land.

FINDING: A NPDES Permit will be required before earth-moving work is performed as the subject site is largely going to be disturbed for the construction of public infrastructure and preparation of home sites. This will be a condition of approval, prior to any earth-moving work is performed. This will be Condition of Approval #15.

The applicant's engineer has completed and submitted a preliminary drainage study that has been reviewed and preliminary approved by the City Engineer. The proposed development will generally maintain existing flows. The proposed development has been broken up into two separate drainage basins: Basin A and Basin B. Drainage Basin A will consist of piping stormwater into the proposed detention pond on the east side of North Moss Street. Drainage Basin B will utilize an 18" storm drain culvert to direct drainage into an existing drainage basin that flows to the north. Because there are still portions of development and specific construction plans that need to be drawn, submitted and approved by the City Engineer, staff proposes a condition of approval for a final drainage plan to be submitted for review and approval by the City Administrator or his or her designee, see **Condition of Approval #1**. This condition is meant to ensure the drainage plan submitted as part of the tentative map approval still meets sufficient drainage requirements once more specific construction plans are submitted. To see the applicant's proposed drainage plan, of please see **Attachment R** If the final drainage plan requires changes to the tentative map that has been approved, the changes should be presented to City Council before final plat approval. Additionally, the subject site is large in size and extensive earth-moving work is anticipated, as such a NPDES permit will be required.

The City has requested the applicant design a detention pond that is reasonably "low maintenance" as the City will be taking over long-term ownership and maintenance after acceptance. The proposed detention pond shall be constructed in a manner that the basin should drain entirely. The detention pond should have a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it's going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it. The applicant shall submit specific detention pond plans to the City Administrator, or his or her designee, for review and approval. This will be a condition of approval, prior to the commencement of any site preparation, grading, or fill.

FINDING: The applicant has submitted a drainage plan for the proposed subdivision, and it has been preliminary approved by the City Engineer. However, due to yet-to-be- submitted construction plans, the applicant should submit a final drainage plan, prior to final plat approval, for review and approval by the City Administrator or his or her designee to ensure the plan is still applicable and sufficient after receipt of more detailed construction plans. The proposed detention

pond shall be designed in a manner that is reasonably “low maintenance, see **Condition of Approval #15**. Criterion for adequate storm drainage is met or can be met conditionally, as noted and discussed above and in **Condition of Approval #1**. Additionally, the subject site is large in size and extensive earth-moving work is anticipated, as such a NPDES permit will be required. The requirement for a NPDES permit will be Condition of Approval #14. Criterion related to the requirement for a NPDES permit met with the following **Condition of Approval #14**

Condition of Approval #14: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator or his or her designee evidence of an approved NPDES permit.

Condition of Approval #15: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator, or his or her designee, plans for the proposed detention pond as seen on Sheet 1 as “Parcel A” plans that include a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it’s going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it.

LDC 9.521 Water.

(a) All new development must connect to the public water system unless specifically approved otherwise as a part of a development approval for parcels exceeding 5 acres in size after division for which the public water system is located further than 300 feet from any property line. All water line extensions, required fire hydrants, and related appurtenances shall be installed and paid for by the developer unless the City has approved otherwise as a part of the tentative plan decision process.

(b) All public water system improvements shall comply with Section II of the City’s Standard for Public Improvements, dated September 1994. The City may modify those requirements upon a recommendation by the City Engineer in the event of special circumstances.

(c) Water Line Extensions. Water distribution lines must be extended along the full length of the property’s frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion. Water line extensions may be required through the interior of properties, within dedicated public utility easements, when necessary to provide for service to other properties or to provide system looping for fire flows. All public water system line extensions shall have a minimum 6 inch diameter unless a smaller size is recommended by the City Engineer and approved by the City. The City Engineer may also require a larger size if needed to extend transmission capacity or for fire hydrant flow where looping is not available.

(d) Water Plan Approval. All proposed plans for extension and installation of the public water system must be approved by the City as part of the tentative plan review and approval process.

(e) Restriction of Development. The Planning Commission or City Council may limit or deny development approvals where a deficiency exists in the water system or portion thereof which will not be corrected as a part of the proposed development improvements.

FINDING: The applicant's engineer has provided a preliminary utilities plan as seen on Sheet 3. The plan shows that adequate connections are available or can be accessed to provide lots 1-26 with city water. However, the plans submitted on Sheet 3 are preliminary and are used to attain tentative plat approval. Final construction plans relating to water will be made a condition of approval. The applicant may choose to show all utilities (water, sewer, general utilities) on one final utilities map. The final construction plans for utilities shall be submitted for review by the City Engineer prior to any construction.

The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan will need to be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities. Criterion met with the following Condition of Approval #16.

Condition of Approval #16: The utilities plan as seen on Sheet 3 is preliminary and for tentative map approval. A final utilities plan, consistent with LDC 9.521, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

LDC 9.522 Sewer.

(a) All new development must extend and connect to the public sewer system unless specifically approved otherwise as a part of a development approval for parcels exceeding 5 acres in size after division for which the public sewer system is located further than 300 feet from any property line. All sewer line extensions, manholes, required lift stations and related appurtenances shall be installed and paid for by the developer unless the City has approved otherwise as a part of the tentative plan decision process.

(b) All public sewer system improvements shall comply with Section III of the City's Standards for Public Improvements, dated September 1994. The City may modify those requirements upon a recommendation by the City Engineer in the event of special circumstances.

(c) Sewer Line Extensions. Sewer collection lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion.

(d) Sewer Plan Approval. All proposed sewer plans and systems must be approved by the City as part of the tentative plan review and approval process.

(e) restriction of Development. The City may limit or deny development approvals where a deficiency exists in the sewer system or portion thereof which will not be corrected as a part of the development improvements.

FINDING: Lots 1-26 can be and will be connected to city sewer services. Connections either exist nearby or are proposed to adequately provide city sewer service to lots 1-26. As discussed above, the utilities plan has been preliminary approved by the City Engineer for tentative map approval purposes. A final utilities plan will need to be submitted to the City Engineer for final approval before any construction activities with respect to public utilities take place. Condition of Approval #15 is relevant and will apply to LDC 9.522.

The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan will need to be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities. Criterion met with the following Condition of Approval #17.

Condition of Approval #17: The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan, consistent with LDC 9.522, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

LDC 9.523 Utilities.

(a) It is the policy of the City to place all utilities underground except as otherwise exempted below. Developers shall make all necessary arrangements with serving utility companies for installation of such utilities.

FINDING: All utilities will be placed underground. Staff is not aware of any exceptions that would preclude the placement of utilities underground. The applicant has indicated in their written narrative that all utilities will be placed underground and installed within the public right of way or a public utility easement.

(b) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:

- (1) Underground utility locations are not feasible.***
- (2) Temporary installations.***
- (3) Major transmission facilities located within rights-of-way or easement***
- (4) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.***

FINDING: Per the applicant's written narrative, staff find the applicant has sufficiently indicated their proposal can meet the requirement that all utilities be placed underground and placed within public right-of-way or in a public utility easement. Criterion met.

LDC 9.524 Easements.

(a) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.

(b) Access easements may be approved by the City as provided in Section 9.516. The Planning Commission or City Council may require wider access easements if special circumstances exist.

(c) Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review. Minimum interior utility easements shall be 10 feet wide centered on lot or parcel lines where feasible. A wider easement may be required if multiple utilities will be utilizing the same easement or if topography dictates otherwise. An exterior utility easement adjacent to the public right-of-way will be required if at least five feet of unimproved public right-of-way is not available.

(d) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area at full build out and shall be verified and approved by the City.

FINDING: As seen on Sheet 1, two easements are shown in addition to the 7-foot PUE on both sides of Crestview Drive. The applicant has discovered two private access easements that exist on the unsubdivided remainder portion of the subject property. The two private access easements are used for logging purposes. The applicant will the private access easement accessible, as per the recorded easements. The private access easements are not for the purposes of any building, structure or residential development. See **Attachment Q** for copies of the private access easements. As required by LDC, the applicant shall include on the final plat all easements and shall provide all dedications, covenants, conditions, or restrictions with provide any supplemental data for review. The easements shall be consistent with Lane County recording requirements and procedures and ORS 92. There are no significant water courses on the subject property. This will be a condition of approval.

As seen on Sheet 1, the applicant proposes a 20-foot wide access easement between lots 16-19 and a 5-foot private drainage easement along the eastern property boundary of lot 12. These easements shall be shown and recorded on the final plat as with all dedications, covenants, conditions, or restrictions. The easements shall be consistent with Lane County recording requirements and procedures and ORS 92. Criterion met with the following Condition of Approval #18.

Condition of Approval #18: Prior to final plat approval, the applicant shall include all easements, dedications, covenants, conditions or restrictions along with any supplemental data for review by the City Administrator or his or her designee. Easements shall be consistent with Lane County recording requirements and procedures and ORS 92.

LDC 9.630 Hillside Development. The purpose of this Section is to provide standards governing development of hillside land within the City to alleviate harmful and damaging

effects of on-site erosion, sedimentation, runoff, access issues and to regulate the effects of excavation and grading on hillsides.

LDC 9.631 Scope. This Section shall apply to all areas of the City where the slope of the land is 15 percent or greater. In all areas of the City, concurrent with application for a building permit, excavation or fill permit or land division, the applicant shall provide elevation data adequate to determine slope characteristics of the property or portions thereof being developed. If the City determines that the property does have areas of 15 percent slope or greater, then the proposed development shall, in addition to other applicable City ordinances, rules and regulations, also be reviewed for compliance with the requirements of Sections 9.630 through 9.635.

LDC 9.632 Hillside Development Standards.

(a) General grading. Any grading performed within the boundaries of a hillside development shall be kept to a minimum and shall take into account the environmental characteristics of that property, including but not limited to prominent geological features, existing streambeds, drainage ways, and vegetative cover.

FINDING: The subject site does contain slopes of 15 percent or greater. The applicant has submitted a preliminary conceptual grading plan as seen on Sheet 2. The applicant will be required to submit final grading plans during the construction phase of the development for review and approval by the City Engineer. The standards listed in the Hillside Development section of LDC will largely be addressed post tentative map approval during the construction plan drawing phase of the project. The applicant will be required to submit plans to shown conformance with hillside development standards. As listed in the LDC, specific engineered plans may be required. This will be a condition of approval.

(b) Slope stability. Potential slope instability problems such as slip planes, clay layers and dome-shaped bedrock shall be identified. Mitigation measures sufficient to render these areas safe for structures and infrastructure development shall be applied.

(c) Building sites. Building sites shall be designed to minimize the need to alter the natural grade during construction of individual buildings. Mass pad grading or continuous terracing of building sites is not allowed. Lot development plans must demonstrate that the lot is large enough to safely accommodate both the planned structure(s) and the needed cuts and/or fills.

(d) Retaining walls. Especially on cutbanks, retaining structures are preferred in lieu of larger excavations to minimize the amount of disturbed area. Retaining walls over 4 feet high shall be engineered. Smaller walls shall be constructed in conformance with the soils and geology report recommendations and the engineer's plans. Designs for retaining structures shall give consideration to aesthetics and shall use mitigations such as terracing and/or landscaping plants to reduce the structures' apparent height and mass.

(e) Cut and Fill Standards.

(1) All cut and fill slopes generally must not exceed a two (horizontal) to one (vertical) ratio. Slopes which are steeper (i.e. 1:1/2 or 1:1) may be conditionally approved by the City upon certification, by a qualified engineer that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the engineer.

(2) Cuts and fills shall be designed to avoid movement or episodic erosion during heavy rains or earthquakes, mechanical overloading of underlying soils and undercutting of adjacent areas. Fills shall be benched as required to provide a proper bond with the existing terrain.

(3) Unless proven otherwise by specific soils information to the contrary, cuts shall be presumed to be incapable of revegetation without special treatments, such as importation and retention of topsoil. Plans must be submitted for all cuts in excess of 2 feet deep, showing either a covering for the cut, such as stonework, or a revegetation plan that does not rely on the ability of the exposed subsoil to support plant growth.

(f) Revegetation. Earthwork shall be designed so that all disturbed areas will be restored to have at least 6" of topsoil. Revegetation of projects exposing soil shall be aggressively pursued so that bare ground will not be unnecessarily exposed to the weather between November 1 and May30. Construction schedules shall be drawn up to limit the period of time that soil is exposed and unprotected. The existing vegetative ground cover should not be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Soil exposed during the removal or significant disturbance of ground cover vegetation shall be built upon (i.e. covered with gravel, a slab, foundation or other construction), landscaped (i.e. seeded or planted with ground cover) or otherwise protected within 15 days of grading or other pre- development activity. Provided, however, that these restrictions do not apply during the months of June, July, August and September.

(g) Modification of Public Street Standards. Street width, grade and alignment, right-of-way width, and sidewalks in hillside areas shall be designed to minimize changes to existing topography and provide adequate access to adjacent properties. Cuts and fills in excess of four feet deep shall be considered significant and should be avoided where feasible. Modifications to established standards, if necessary to meet these requirements, shall be made as provided below.

(1) Street grades may exceed the maximum grade standards of the Lowell Standards for Public Improvements where topographical conditions make it impractical to meet those standards, subject to the following conditions:

(A) Driveways and intersections shall not be permitted where street grades exceed 15 percent.

(B) Street grades of over 15 percent shall not be permitted for a distance of more than 200

feet in any 600 foot long section of street.

(C) Street grades shall not exceed 20 percent for any distance.

(2) Requirements specified in the Lowell Standards for Public Improvements for public right-of-way width, pavement width, and/or installation of sidewalk may be modified where topographical conditions make it impractical to meet those standards, subject to the following conditions:

(A) Reduction in public right-of-way width may be made if the proposed right-of-way is large enough to accommodate the street and sidewalk(s), and 5-foot public utility easement is provided on each side of the right-of-way and slope easement is provided where required.

(B) Reduction in pavement width to 21 feet may be made for access lanes with less than 250 vehicle trips per day, that are not dead-end, and that will be no parking on one side. For not more than one 200 foot section of street per block, any road may be reduced to 20 feet if the road is not dead-end, will be no parking on both sides along the narrowed portion, and if at least one parking space is provided for each lot taking driveway access from the narrowed portion; said parking shall be within 200 feet of the driveway access. On all other roadways, the City Council may allow the above described pavement width reductions only after consultation with the City Engineer and the local fire official, and upon a finding that the proposed width will provide adequate parking and emergency vehicle access. All no parking areas shall be signed and curbs shall be painted yellow.

(C) All sidewalks shall be a minimum of 5 feet wide. All streets shall have vertical curbs adjacent to sidewalks. For short distances, street-side sidewalks may be relocated to an off-street location that will provide equivalent service, conditional upon right-of-way being available or public access easements being provided. Sidewalks may be approved for only one side of the street for access lanes with less than 250 vehicle trips per day. On all other roadways, the City Council may allow sidewalks on only one side upon a finding that a single sidewalk will provide adequate pedestrian safety.

(3) The City may require modification of street improvement construction standards for any portion of proposed street improvements being constructed in areas of special concern identified in the Soils and Geology Report.

(h) Storm Drainage. In addition to City-wide storm drainage system development standards contained in Section 9.520, hillside storm drainage systems shall be designed to:

(1) Protect cuts, fills, roadways, retaining walls and structures from saturation, slope failure and settling.

(2) To anticipate and mitigate the rapid movement of debris into catch basins, and storm water flows bypassing catch basins.

(3) Insure that concentrated storm water is disposed of in a controlled manner does not create significant erosion or adverse effects on downhill properties.

(i) Preservation of Trees and Existing Vegetation. Construction shall be done in a manner that avoids unnecessary disruption to vegetation and trees. Temporary protective fencing shall be established around all trees designated for protection prior to the commencement of grading or other soil disturbance. Grade changes and trenching shall not be made within 5 feet of the dripline of such trees without written concurrence from an arborist that such changes will not cause permanent damage to the tree.

FINDING: The subject site does contain slopes of 15 percent or greater, therefore the Hillside Development Standards listed in LDC 9.632 apply to the proposal. Prior to the issuance of building permits, the applicant shall submit specific construction plans to the City Administrator, or his or her designee, for review and approval. Plans submitted shall be consistent with the Hillside Development Standards listed in LDC 9.632. Criterion listed on LDC 9.632 met with the following Condition of Approval #19.

Condition of Approval #19: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit specific construction plans for review and approval by the City Administrator, or his or her designee. Plans submitted shall be consistent with the Hillside Development Standards listed in LDC 9.632.

LDC. 9.633 Submission Requirements for Land Divisions. When land division application is submitted in which all or a portion of the development contain slopes which are 15% or greater, the following additional reports and plans shall be submitted:

(a) Surveyor's Report. A scale drawing of the property prepared by a licensed surveyor, showing existing topography at two-foot contour intervals, watercourses both permanent and intermittent, and natural physical features such as rock outcroppings, springs and wetlands. Also show the location and dimensions of any existing buildings or structures on the property where the work is to be performed, the location of existing buildings or structures on land of adjacent owners that are within 100 feet of the property.

FINDING: The applicant submitted a preliminary Surveyor's Report as seen on Sheets 1 through 5. However, the applicant shall submit for review and approval by the City Administrator or his or her designee, a final Surveyor's Report prior to final plat approval. This will be a condition of approval.

As discussed above, prior to final plat approval, the applicant shall submit for review and approval by the City Administrator, or his or her designee, a final Surveyor's Report as indicated in and consistent with subsection (a) of LDC 9.633. Criterion met with the following Condition of Approval #20.

Condition of Approval #20: Prior to final plat approval, the applicant shall submit for review and approval by the City Administrator, or his or her designee, a final Surveyor's Report as indicated in and consistent with subsection (a) of LDC 9.633.

(b) Soils and Geology Report. This report shall be prepared by a suitably experienced and qualified licensed engineering geologist or geotechnical engineer, and shall include the

following for each proposed lot and for public right-of-way areas proposed for development which have slopes greater than 15%:

(1) Data regarding the subsurface condition of the whole site such as the nature, depth and strength of existing soils, depth to bedrock, location of soft soils, hard stratum, potential slip planes, geological weak zones, clay seams or layers, unconsolidated deposits, and previous grading activities. The report shall also address existing water tables, springs, watercourses and drainage patterns, seismic considerations, and any offsite geologic features or conditions that could impact or be impacted by onsite development. Locations of exploratory boreholes shall take into consideration the terrain and geology of the site instead of following a general grid pattern.

(2) Conclusions and recommendations regarding the stability of underlying slopes and of proposed cuts and fills, any remedial or preventative actions that are required, any limitations upon the use of the site, grading procedures, requirements for vegetation preservation and revegetation, special coverings or treatments for areas that cannot be readily revegetated, erosion control methods, drainage systems, setbacks from slopes or other geologic features, foundation and building design, and backfills.

FINDING: The subject property does contain slopes of 15 percent or greater and as such a Soils and Geology Report will be required prior to the final plat approval and shall be reviewed and approved Planning Commission and City Council. The results of the Soils and Geology Report have the potential to change the subdivision and as such, the Soils and Geology Report should come through the same planning approval process as required for approval of a subdivision (Planning Commission and City Council). The City can still issue tentative plat approval of the subdivision as proposed, unless the Soils and Geology Report results require a change. A preliminary approval would give the applicant/developer some assurances that the design of the subdivision is final, unless the Soils and Geology Report requires modification. The approval process of the Soils and Geology Report could require changes in the tentative plan. This will be a condition of approval. The Soils and Geology Report completed by the applicant and submitted to the City shall be in conformance with the standards and specifications as cited in LDC 9.633(b) (1) and (2).

The subject property does contain slopes of 15 percent or greater and as such will require a Soils and Geology Report to be completed by the applicant. The approval process of the Soils and Geology Report could require changes in the tentative plan. The Soils and Geology Report shall be reviewed and approved by Planning Commission and City Council, after tentative plat approval, but prior to final plat approval. Tentative plat approval gives the applicant/developer assurances that the subdivision design is final, unless the Soils and Geology Report require modification. The City would not be able to make any changes to the tentative plan that were not related to the result of the Soils and Geology Report. Staff find the above criterion for a Soils and Geology Report can be met conditionally.

Condition of Approval #21: The Soils and Geology Report shall be reviewed and approved by Planning Commission and City Council, after tentative plat approval, but prior to final plat

approval. Soils and Geology Report shall be consistent with the standards and specifications as listed in LDC 9.633 (b) (1) and (2).

(c) Engineer's Plans. Detailed plans shall be prepared for all proposed public improvements by a suitably qualified licensed civil engineer. Detailed plans for private development on each parcel may also be provided and if provided, will be accepted as required building permit submittals. These plans shall be based upon the findings of the required soils and geology report, and shall include the following information:

(1) Infrastructure Plan. A scale drawing plan showing the location and approximate grade of all proposed streets, walkways and alleys, and the location of proposed easements, lots, common areas, parks, open space and other land proposed for dedication to the City. Also indicate the locations of utilities such as sewer and water lines.

(2) Grading Plan. A scale drawing grading plan of the property, showing existing and proposed finished grades at two-foot contour intervals, retaining walls or other slope stabilization measures, cuts and fills, and all other proposed changes to the natural grade. Include cross-sectional diagrams of typical cuts and fills, drawn to scale and indicating depth, extent and approximate volume, and indicating whether and to what extent there will be a net increase or loss of soil.

(3) Drainage Plan. Detailed plans and locations of all proposed surface and subsurface drainage devices, catch basins, area drains, dewatering provisions, drainage channels, dams, sediment basins, storage reservoirs, and other protective devices together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area(s) served by the drains.

(4) Erosion Control Plan. Descriptions and/or drawings of proposed changes to soils and/or existing vegetation on the site; specific methods proposed to restore disturbed topsoil, minimize the identified potential erosion problems, and revegetate areas which will be stripped of existing vegetation; and a schedule showing when each stage of the project will be started and completed, including the total area of soil surface which is to be disturbed during each stage and the length of time soils will be left exposed.

(5) Affidavit. The authoring engineer shall include a statement that the plans are consistent with the soils and geology report required by this Section, and with the standards of Section 9.632.

FINDING: Engineer's Plans (1 through 5) will be required following tentative plat approval and shall be submitted for review and approval by the City Administrator or his or her designee, as part of the construction plan drawing process and before issue of building permits. Engineer's Plan submitted by the applicant to the City shall be in conformance with the standards and specifications as cited in LDC 9.633 (c) (1-5).

Staff find it feasible that the applicant can submit Engineer's Plan for review and approval by the

City Administrator or his or her designee, prior to the issuance of building permits. Criterion met with the following Condition of Approval #22.

Condition of Approval #22: Prior to any site preparation, grading or fill, the applicant shall submit for review and approval by the City Administrator or his or her designee, Engineer's Plan, 1 through 5 as indicated in LDC 9.633 (c) (1-5).

(d) One copy of each individual lot survey, geotechnical report and development engineering plans submitted and approved with the tentative plan shall be filed with the City at the time of submission of the final plat and one copy shall be provided to the purchaser of the individual lot.

FINDING: Consistent with subsection (d) of LDC 9.632, above, upon final plat submittal to the City, the applicant shall include one copy of each individual lot survey, geotechnical report and development engineering plans. One copy shall be provided to the purchaser of the individual lot. Criterion met with the following Condition of Approval #23:

Condition of Approval #23: Prior to final plat approval, the applicant shall submit final copies of each individual lot survey, geotechnical report, and development engineering plans for the City's record keeping purposes. Additionally, Prior to the issuance of certificate of occupancy for the proposed residential lots, evidence shall be submitted to the City Administrator that shows compliance with subsection (d) of LDC 9.633 with the purchaser of each respective lot receive a copy as described above.

LDC 9.236 Dedication Requirements

(a) All lots or parcels of land shown on the final Plat intended for public use shall be offered for dedication to the City at the time the Plat is filed. Exception: Those lots or parcels, or common linear open spaces which are intended for the exclusive use of the owners, their licensees, visitors, tenants or employees; and also excepted are those parcels of land reserved for public acquisition.

(b) All streets, pedestrian ways, drainage channels, open spaces, easements and other rights- of-way shown on the final Plat intended for public use shall be offered for dedication for public use at the time the final Plat is filed.

(c) All rights of access to and from streets, lots and parcels of land shown on the final Plat intended to be surrendered shall be offered for dedication at the time the final Plat is filed.

(d) The land divider shall provide and designate one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

FINDING: The applicant will be required to submit a final plat in consistent with the dedication requirements as indicated in LDC 9.236. Additionally, the City shall have the right to control access over to assure the continuation or completion of the street. Additionally, a plat note shall be included on the final plat stipulating that no platted lot may provide legal or physical access to the subdivided remainder. This provision is also contemplated in LDC 9.233 (j). The inclusion of this plat note will be a condition of approval.

The final plat submitted by the applicant shall be consistent with the requirements of LDC 9.236 (a-d), prior to final plat approval and acceptance by the City. The final plat shall include a plat note stipulating that no platted lot may provide legal or physical access to the subdivided remainder. This provision is also contemplated in LDC 9.233 (j). Criterion met with the following Condition of Approval #24.

Condition of Approval #24: Prior to final plat acceptance and approval by the City, the final plat submitted by the applicant shall include the requirements listed in LDC 9.236 and **include a plat note on the final plat stipulating that no platted lot may provide legal or physical access to the unsubdivided remainder.**

LDC 9.805 Improvement Agreement.

Before City final approval of a development, site plan or land division, the developer or land divider shall file with the City an agreement between developer or land divider and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the developer or land divider. The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 9.801 (f).

FINDING: The requirement, as specified in LDC 9.805, for an agreement between the developer or land divided and the City specifying the period within which required improvements and repairs will be completed will be a condition of approval, prior to final plat approval. The agreement shall include language consistent with the City completing the work and recovering of full cost and expenses, together with court costs and attorney's fees, if necessary.

Prior to final plat approval, the applicant and or developer shall enter into an agreement, with the City of Lowell, consistent with the specification of LDC 9.805. Criterion me with the following Condition of Approval #25.

Condition of Approval #25: Prior to final plat approval, the applicant and/or developer shall enter into an agreement, with the City of Lowell, consistent with the specification of LDC 9.805.

LDC 9.806 Security.

(a) The developer or land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:

(1) A surety or performance bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney; or

(2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement to the satisfaction of the City Council; or

(3) A cash or negotiable security deposit.

(b) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections and other costs.

(c) Prior to acceptance of required public improvements, the developer or land divider shall file one of the above listed assurances with the City, in an amount equal to 20% of actual construction costs, as a warranty towards defects in materials and workmanship identified for a period of no less than one year after City acceptance of the public improvements. The City may agree to a longer warranty period in lieu of the above required assurances.

FINDING: Securities in the form of a surety or performance bond, or a personal bond co-signed by at least one additional person together with evidence of financial responsibility or a cash or negotiable security deposit shall be required of the applicant / developer to ensure public improvements are performing adequately for a period of not less than one year after city acceptance. This will be a condition of approval.

Securities in the form(s) listed above in LDC 9.806 shall be required to assure performance of public improvements installed by the applicant. Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City. Criterion met with the following Condition of Approval #26.

Condition of Approval #26: Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City.

LDC 9.807 Noncompliance Provisions.

(a) If the developer or land divider fails to carry out provisions of the agreement, the City shall provide written notice to the developer or land divider and the surety specifying the details of noncompliance. Unless the City allows more time for compliance because of circumstances beyond the developer or land divider's control, within 30 days after receiving the notice, the developer or land divider or the surety shall commence compliance and

proceed diligently to comply with the agreement.

(b) If the developer or land divider or the surety does not begin compliance within the 30 days or the additional time allowed by the City, or compliance is not completed within the time specified in granting the land division approval, the City may take the following action:

(1) Notify the developer or land divider and the surety of the developer or land divider's failure to perform as required by this Code and the agreement.

(2) Demand payment from the developer or land divider or the developer or land divider's surety for the unfulfilled obligation.

(3) Enter upon the site and carry out the obligation in accordance with the provisions of the approval and agreement.

(4) If the security for the obligation is a performance bond, notify the surety that reimbursement for City expenses for fulfillment of the obligation is due and payable to the City. If the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup City expenses.

(5) Void all approvals granted in reliance on the agreement.

(c) If the bond or other required security is not sufficient to compensate the City for expenses incurred to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.

(d) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer or land divider's failure to fulfill the required obligation.

(e) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

(f) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the City to pursue any civil remedy permitted by law.

FINDING: In the event the developer or land divider cannot fulfill its obligation, as provided for in LDC 9.807, the City has the authority to commence the securities provision of LDC 9.806, or enter upon the site and carry out the obligation in accordance with provision of the approval and agreement. In such events, the City will work closely with the City Attorney to initiate proceedings,

If necessary. Criterion met as discussed.

LDC 9.231 Submission Requirements. Within 18 months after approval of the Tentative Plan, the land divider shall cause the land division to be surveyed and a Plat prepared and submitted to the City for approval. This time period may be extended for up to one year upon the approval of the Deciding Authority. The Plat shall be in conformance with the approved tentative Plan. All public improvements required by the tentative plan approval must be completed and accepted prior to the City's approval of the Plat, unless the applicant provides security to assure public improvements will be completed. If the land divider fails to submit the Plat for approval within 18 months or as extended, he must reapply for approval and resubmit the Tentative Plan with any revision necessary to comply with changed conditions.

FINDING: Within 18 months after approval of the Tentative Plan, the land divider shall cause the land division to be surveyed and a plat prepared and submitted to the City for approval. This time period may be extended for up to one (1) year upon the approval of the Deciding Authority, in the case of a subdivision, the Deciding Authority shall be City Council. All public improvements required by the tentative plan approval must be completed and accepted prior to the City's approval of the final plat. If the land divider fails to submit the final plat for approval within 18 months or as extended, they must reapply for approval and resubmit the tentative plan with any revision necessary to comply with and changed conditions. The tentative plat approval will expire 18 months after final City tentative approval or as extended, by the Deciding Authority. Criterion met as discussed.

5. Consistency with applicable Comprehensive Plan policies.

Housing Need Policy (c) 4. The City shall insure that residential development is supported by the timely and efficient extension of public facilities and services.

FINDING: Currently, little to no public infrastructure exists on the subject property. Installing the public infrastructure required for the 26 lot subdivision has the ability open up further residential opportunities in the future and an extension of Lowell's public street system as called for in the Lowell Master Road Plan and Map.

Housing Need Policy (c) 5. The City shall continue to support increased residential development while also encouraging businesses and commercial activities that support residential community needs.

FINDING: The City is continuing to support residential growth. The addition of a 26-lot single family residential home development has the ability to attract more people that wish to live and work in Lowell, thereby, spurring the chance for increased business and commercial activity.

Development Constraints (c) (1) Topography and Slope.

FINDING: The Lowell Comprehensive Plan lists topography and slope as a development constraint. As such, Lowell adopted specific Hillside Development Standards that developers shall adhere to in

the event development occurs on slopes of 15 percent or greater. As contained in this staff report and associated findings and conditions of approval. Hillside Development standards apply and will be enforced by the City.

Development Constraints (c) (2) Soils & Geology/Landslide Hazards.

FINDING: The City has no comprehensive geological study related to the potential for landslide hazards as a result of additional development. As such the City is unable to quantify the extended of landslide hazard development constraints. However, as included in the Hillside Development Standards of the LDC and the reports required for development in areas that quantify as hillside development, the City does require a Soils and Geology Report, which has been discussed and conditioned as contained in this staff report.

6. Recommendation & Approval

As discussed, and conditioned in this staff report, staff recommend the Planning Commission issue a recommendation for **APPROVAL** onto City Council for final action for a tentative plat for a 26 lot single family home subdivision.

On April 21, 2020, City Council received the staff report and held a public hearing on the proposal. City Council received one public comment in favor of the proposal. City Council made a motion to approve the proposal based on the findings, conclusions and recommended conditions as contained in the staff report.

7. Conditions of Approval

Discussion: In the process of completeness review and further discussion with the applicant, there are several items that remain to be reviewed and approved by the City Engineer. Between the City and applicant, it was determined the items could be discussed, reviewed and approved during the construction drawing phase, as they relate to more engineering specifics. Staff have included these items as conditions of approval that shall be satisfied after tentative map approval and addressed during the construction drawing phase and ultimately approved by the City Engineer, prior to final plat approval or the issuance of building permits. The items and comments that need addressed between the applicant's engineer and City Engineer as included in this staff report as **Attachment E** and incorporated as **Condition of Approval # 27.** Condition of Approval #28 can and will be considered satisfied by verbal or written communication from the City Engineer that all engineering related items have been sufficiently addressed by the applicant's engineer, as contained in the City Engineer's comments dated September 19, 2019 and incorporated herein as **Attachment E.**

Staff have included a running list of all condition approval applicable to this proposal:

Condition of Approval #1: Prior to final plat approval, applicant shall submit a final drainage plan, to the City Administrator for review and approval to ensure adequate drainage can still be attained after reviewing more detailed construction and drawing plans. If the final drainage plan causes

changes to the tentative map as approved, the changes shall be presented to Planning Commission and City Council for consideration, prior to final plat approval.

Condition of Approval #2: Prior to final plat approval, the applicant shall include on the final plat and construct a right-hand turn lane as indicated in the referral comments by Lane County Transportation. See **Attachment D** for Lane County Transportation referral comments. Additionally, see **Attachment S** for Lane County Urban Collector Standards and a Sketch of North Moss Street.

Conditions of Approval #3: The applicant shall record and execute a “Farm/Forest Management Easement” with Seneca Timber, as indicated in **Attachment O**, wherein the applicant acknowledges and accepts the activities, including but not limited to, noise, dust and general incompatibility with nearby residential homes. Evidence shall be submitted to the City showing compliance with this condition, prior to final plat approval.

Condition of Approval #4: Given the subject site’s close proximity to active forest management operations and adjacent to the Farm/Forest Interface, future buildings shall be constructed with fire-resistant materials and for chimneys to have spark arrestors. **This requirement shall be included on the final plat as a plat note.** These provisions address a significant and unreasonable risk to health and safety as contemplated in subsection (h) of the decision criteria for a subdivision.

Condition of Approval #5: Prior to final plat approval, the applicant/developer shall construct sidewalks, including curb and gutter along both sides to Crestview Drive. Sidewalks shall be inspected for compliance with Lowell standards by the City of Lowell before acceptance.

Condition of Approval #6: Prior to final plat approval and acceptance of urban public street improvements, the applicant shall install urban public street improvements to City standards.

Condition of Approval #7: Prior to final plat approval, the applicant shall submit plans to the City Administrator or his or her designee, showing slope easements as required where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-way or slope easements.

Condition of Approval #8: Prior to final plat approval, the applicant shall show 1-foot reserve strips on the final plat. The land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed. Additionally, a locked gate shall be placed at the beginning of the private access easement to ensure access is maintained as described in the private access easement and a “No Parking” sign placed at the hammerhead turnaround.

Condition of Approval #9: Prior to final plat approval, the applicant shall install the half-street improvements along the frontage of the property, as recommended in **Attachment D**. Half-street improvements shall include sidewalks, curb and gutter. City of Lowell shall inspect improvements for compliance with City Standards and/or Lane County Standards as appropriate, prior to acceptance.

Condition of Approval #10: Prior to final plat approval, applicant shall submit evidence to the City Administrator or his or her designee, that the proposal complies with the street name signs standards as listed in the LDC.

Condition of Approval #11: Prior to final plat approval, applicant shall submit evidence to the City Administrator of his or her designee, that the proposal complies with streetlights standards as listed in the LDC.

Condition of Approval #12: Prior to final plat approval, the applicant shall provide evidence that the proposed mailbox structure has been approved by the local Post Office having jurisdiction and shall be noted on the plan as a plat note.

Condition of Approval #13: Prior to final plat approval, plans for compliance with Clear Vision Areas shall be presented to the City Administrator or his or her designee and reviewed and verified for compliance with the Clear Vision Areas standards as listed in the LDC 9.517(r).

Condition of Approval #14: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator or his or her designee evidence of an approved NPDES permit.

Condition of Approval #15: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator, or his or her designee, plans for the proposed detention pond as seen on Sheet 1 as “Parcel A” plans that include a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it’s going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it.

Condition of Approval #16: The utilities plan as seen on Sheet 3 is preliminary and for tentative map approval. A final utilities plan, consistent with LDC 9.521, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

Condition of Approval #17: The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan, consistent with LDC 9.522, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

Condition of Approval #18: Prior to final plat approval, the applicant shall include all easements, dedications, covenants, conditions or restrictions along with any supplemental data for review by the City Administrator or his or her designee. Easements shall be consistent with Lane County recording requirements and procedures and ORS 92.

Condition of Approval #19: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit specific construction plans for review and approval by the City Administrator, or his or her designee. Plans submitted shall be consistent with the Hillside

Development Standards listed in LDC 9.632

Condition of Approval #20: Prior to final plat approval, the applicant shall submit for review and approval by the City Administrator, or his or her designee, a final Surveyor's Report as indicated in and consistent with subsection (a) of LDC 9.633.

Condition of Approval #21: The Soils and Geology Report shall be reviewed and approved by Planning Commission and City Council, after tentative plat approval, but prior to final plat approval. Soils and Geology Report shall be consistent with the standards and specifications as listed in LDC 9.633 (b) (1) and (2).

Condition of Approval #22: Prior to any site preparation, grading or fill, the applicant shall submit for review and approval by the City Administrator or his or her designee, Engineer's Plan, 1 through 5 as indicated in LDC 9.633 (c) (1-5).

Condition of Approval #23: Prior to final plat approval, the applicant shall submit final copies of each individual lot survey, geotechnical report, and development engineering plans for the City's record keeping purposes. Additionally, Prior to the issuance of certificate of occupancy for the proposed residential lots, evidence shall be submitted to the City Administrator that shows compliance with subsection (d) of LDC 9.633 with the purchaser of each respective lot receive a copy as described above.

Condition of Approval #24: Prior to final plat acceptance and approval by the City, the final plat submitted by the applicant shall include the requirements listed in LDC 9.236 and **include a plat note on the final plat stipulating that no platted lot may provide legal or physical access to the unsubdivided remainder.**

Condition of Approval #25: Prior to final plat approval, the applicant and/or developer shall enter into an agreement, with the City of Lowell, consistent with the specification of LDC 9.805.

Condition of Approval #26: Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City.

Condition of Approval #27: In the process of completeness review and further discussion with the applicant, there are several items that remain to be reviewed and approved by the City Engineer. Between the City and applicant, it was determined the items could be discussed, reviewed and approved during the construction drawing phase, as they relate to more engineering specifics. Staff have included these items as conditions of approval that shall be satisfied after tentative map approval and addressed during the construction drawing phase and ultimately approved by the City Engineer, prior to final plat approval or the issuance of building permits. The items and comments that need addressed between the applicant's engineer and City Engineer as included in this staff report as **Attachment E** and incorporated as **Condition of Approval # 27.** Condition of Approval #28 can and will be considered satisfied by verbal or written communication from the City Engineer that all engineering related items have been sufficiently addressed by the applicant's engineer, as contained in the City Engineer's comments dated

September 19, 2019 and incorporated herein as **Attachment E**.

Condition of Approval #28: Prior to final plat approval, the applicant shall submit a final plat that shows “Lot 27” removed and replaced with “un-subdivided remainder.” The land east of the proposed Crestview Drive is the un-subdivided remainder and is not a part of the subdivision proposal.

Condition of Approval #29 From Lane County Transportation: Obtain Facility Permit approval for the proposed construction of the public street connection to and improvements to N. Moss Street. Facility Permit needed for any utility connections within the right-of-way of N. Moss Street. For more information about Facility Permits, please call 541.682.6902 or visit: https://lanecounty.org/government/county_departments/public_works/right-of-way_permits/facility_permits/

8. Informational items

- Appropriate permits to perform work within City of Lowell rights-of-way will have to be obtained by the property owner/applicant/contractor before any work in public rights-of-way can be undertaken. For questions related to performing work within City rights of way, please contact the Lowell Public Works department at 541-937-2776.
- In accordance with Lane Manual Chapter 15.515, stormwater runoff generated by new development must not be directed to the Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches.

9. Attachments

Attachment A: Applicant’s initial application submitted on August 22, 2019

Attachment B: Addresses & Notice

Attachment C: Oregon Department of Transportation Referral Comment

Attachment D: Lane County Transportation Referral Comments

Attachment E: City Engineer Comments from September 19, 2019

Attachment F: Wetland Delineation Report

Attachment G: DSL Concurrence Letter

Attachment H: Retaining Walls

Attachment I: Sheet 1 – Tentative Map, Revised, Submitted April 7, 2020

Attachment J: Sheet 2 – Grading Plan, Revised, Submitted April 7, 2020

Attachment K: Sheet 3 – Utilities Plan, Revised, Submitted April 7, 2020

Attachment L: Sheet 4 – Profile Plan, Revised, Submitted April 7, 2020

Attachment M: Sheet 5 – Shadow Plat, Revised, Submitted April 7, 2020

Attachment N: Geotech Report and Slopes

Attachment O: Comments from Seneca Timber Company

Attachment P: Comments from Mia Nelson, Lookout Point, LLC

Attachment Q: Copies of Existing Private Access Easements

Attachment R: Applicant’s Drainage Plan/Study

Attachment S: Urban Collector Standards and Sketch of North Moss Street
Attachment T: Example of A Farm/Forest Management Easement
Attachment U: Applicant's Written Narrative for Streets
Attachment V: Applicant's Written Narrative for Decision Criteria
Attachment W: Completed TIA by Applicant
Attachment X: Applicant's Extension Request to 120-day Rule

10. Approval and appeal

The City of Lowell City Council held a public hearing on the proposal on April 21, 2020 and made a motion to approve to the proposal based on the findings, conclusions and recommendations as contained in the staff report. Motion passed.

The City has taken final action on this application and is appealable to the Land Use Board of Appeals (LUBA), pursuant to state law. Concerned parties should consult an independent attorney to file an appeal to LUBA and are encouraged to visit <https://www.oregon.gov/LUBA/pages/index.aspx> for more information.



Mr. Don Bennett, Mayor



Date

CITY OF LOWELL, OREGON**RESOLUTION 742****A RESOLUTION ESTABLISHING A UTILITY ASSISTANCE PILOT PROGRAM FOR ALL CUSTOMERS RECEIVING RESIDENTIAL WATER AND SEWER SERVICE FROM THE CITY OF LOWELL THAT MEET AND DOCUMENT ELIGIBLE HOUSEHOLD INCOME CRITERIA**

WHEREAS, the Budget Committee discussed the need for providing utility rate relief at their meeting on April 29, 2020; and

WHEREAS, the Lowell City Council discussed and reviewed options to address a utility rate relief program for low-income residents at work sessions on May 19, 2020 and June 2, 2020; and

WHEREAS, a public hearing was held on June 16, 2020 to solicit input from residents on the draft program; now therefore

BE IT RESOLVED that the Lowell City Council establishes a Utility Assistance Pilot Program providing for a 25% reduction in base water and sanitary sewer fees if the customer meets the following eligibility criteria:

1. Customer maintains both water and sanitary sewer service.
2. Customer has a household income less than 60% of the statewide median income as established by the Oregon Low Income Energy Assistance Program (LIHEAP).
3. Customer can document household income by their most recent state and federal tax return, Form SSA 1099, or other approval letter from a state or federal agency qualifying them for such programs that are based on income.

BE IT FURTHER RESOLVED that this resolution shall take effect July 1, 2020 and remain in effect through December 31, 2020.

Adopted by the City Council of the City of Lowell this 16th day of June 2020.

Yea: _____

Nay: _____

Approved: _____
Don Bennett, Mayor

Attest: _____
Jared Cobb, City Administrator

UTILITY ASSISTANCE PILOT PROGRAM APPLICATION

Effective July 1, 2020 through December 31, 2020

Proof of income must accompany this form for processing

I (we) hereby request City of Lowell to reduce the Water and Sewer utility base fee based on the following information.

APPLICANT'S NAME: _____

CO-APPLICANT'S NAME: _____

PHONE: _____ **SSN (last 4 digits):** _____

SERVICE ADDRESS: _____

(The property receiving service for which the reduction is sought must be applicant's principal residence.)

MAILING ADDRESS: _____

Other persons occupying the residence:

NAME

RELATIONSHIP

In order to qualify, the maximum combined annual income for all persons residing at the residence must be at or below the income for the size of household as listed on the back of this form. You must provide proof of your household monthly income, and hereby consent to provide all information deemed necessary to make such determination. The applicant must submit a copy of their most recent state and federal tax returns or Form SSA 1099 or other approval letter from a state or federal agency qualifying them for such programs that are based on income.

If this application is approved, it shall become effective for the next billing period (no retroactive adjustments) and will be in effect through December 31, 2020.

UNDER PENALTIES OF FALSE SWEARING, I/WE, THE UNDERSIGNED, STATE THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT. I/WE FURTHER AGREE TO IMMEDIATELY NOTIFY THE CITY OF ANY CHANGE IN THE ABOVE INFORMATION. BY SIGNING THIS FORM, I/WE AUTHORIZE THE RELEASE OF INFORMATION TO THE CITY OF LOWELL FOR PURPOSES OF VERIFYING ELIGIBILITY.

Applicant's Signature

Date

Co-Applicant's Signature

Date:

RETURN TO: **City of Lowell, Attn: Joyce Donnell**
 P.O. Box 490, Lowell, OR 97452
 Phone: 541-937-2157

FOR CITY OF LOWELL USE ONLY

Date & Approval By: _____ Entered By: _____ Date Entered _____ Act#: _____

Income Guidelines – 2020/21
60% of Median Income (Oregon Statewide Average)

| Size of Family Unit | Annual Income 60% of Median |
|------------------------|--------------------------------|
| 1 | \$25,983 |
| 2 | \$33,978 |
| 3 | \$41,973 |
| 4 | \$49,967 |
| 5 | \$57,962 |
| 6 | \$65,957 |
| 7 | \$67,456 |
| 8 | \$68,955 |
| each additional member | \$1,499 |

How the Discount Works:

Once approved by the City of Lowell, staff will process your application and you should see a 25% reduction in your water and sewer base charges on the next billing cycle. Forms turned in after the 15th of the month will be processed the following month. If you are renting, the reduced rates should be reflected on the bill from your rental company. If not, please contact them.

I have read and understand the process as explained above _____
Initial here

From: [Finance Mailbox](#)
To: [Jared Cobb](#)
Cc: [Caleb Lippard](#)
Subject: FW: Bill Credit Program
Date: Wednesday, May 27, 2020 3:22:25 PM

Hi Jared,

- 1) Approx 6,300 residential accounts (total approx. 7,200 with commercial & industrial)
- 2) Approx 1,400 individual accounts have been credited.
- 3) There is no income eligibility factor to the program.
<https://www.newbergoregon.gov/economicdevelopment/page/newberg-support-local-challenge>

Let me know if you have other questions.

Thanks

Matt Zook, MBA

Finance Director
City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132

(503) 537-1216 office

(503) 537-5013 fax

Matt.Zook@newbergoregon.gov

From: Jared Cobb [mailto:jcobb@ci.lowell.or.us]
Sent: Wednesday, May 27, 2020 12:20 PM
To: Finance Mailbox <finance@newbergoregon.gov>
Subject: Bill Credit Program

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

The City of Lowell is considering a utility assistance program and we're reviewing your bill credit program as an example. If you could, I have a few questions about your program:

- Approximately how many residential accounts do you have in Newberg?
- How many accounts participate in the program?

- How do you verify the income eligibility criteria?

Thank you so much for your help!

Best regards,

Jared Cobb
City Administrator
City of Lowell
107 East Third Street
Lowell, OR 97452
B: 541-937-2157
C: 541-556-8160

From: [Ann Frydendall](#)
To: [Jared Cobb](#)
Cc: [Traci Haley](#); [Matthew Michel](#)
Subject: RE: Utility Assistance Program
Date: Wednesday, May 27, 2020 6:24:30 PM

Hi Jared,

Here are the answers to the questions you had about our low income program

- Approximately how many residential accounts do you have in Veneta? We have around 1600 residential accounts
- How many accounts participate in the program? We currently have 40
- Where do you obtain the median household income requirements? I get this directly from the LIEAP website each year. Here is the link for Oregon <https://www.benefits.gov/benefit/1571>
- How do you verify the income eligibility criteria? Income proof is required to be submitted with the application and we only accept a copy of a tax return, SSA 1099 (Social Security Statement) or an award letter from a state or federal agency qualifying the resident for another program such as SNAP benefits or other utility assistance that is based on income and included in the award letter. We will not accept pay stubs as verification of income.

Please feel free to contact me with any further questions you may have or if you need clarification on what I have provided.

Warm Regards,
Ann Frydendall
Office Support Specialist III
City of Veneta
541-935-2191

From: Traci Haley
Sent: Wednesday, May 27, 2020 1:01 PM
To: Ann Frydendall <afrydendall@ci.veneta.or.us>
Subject: FW: Utility Assistance Program

From: Jared Cobb [<mailto:jcobb@ci.lowell.or.us>]
Sent: Wednesday, May 27, 2020 12:15 PM
To: Traci Haley <thaley@ci.veneta.or.us>
Cc: Matthew Michel <mmichel@ci.veneta.or.us>
Subject: Utility Assistance Program

Hi Traci,

The City of Lowell is considering a utility assistance program and we're modeling it largely after your

program in Veneta. If you could, I have a few questions about your program:

- Approximately how many residential accounts do you have in Veneta?
- How many accounts participate in the program?
- Where do you obtain the median household income requirements?
- How do you verify the income eligibility criteria?

Thank you so much for your help!

Best regards,

Jared Cobb
City Administrator
City of Lowell
107 East Third Street
Lowell, OR 97452
B: 541-937-2157
C: 541-556-8160

CITY OF LOWELL, OREGON

RESOLUTION 743

A RESOLUTION ESTABLISHING A PAYMENT IN LIEU OF FRANCHISE FEE OF FIVE PERCENT (5%) ON THE GROSS OPERATING REVENUE FROM THE CITY OF LOWELL MUNICIPAL WATER UTILITY AND THE CITY OF LOWELL MUNICIPAL WASTEWATER TREATMENT UTILITY

WHEREAS, the Lowell City Council has examined the fiscal resources and the business practices of the various operating funds; and

WHEREAS, the City Council has found that the City operates a Municipal Water Utility and a Municipal Wastewater Treatment Utility along the same lines as a commercial enterprise; and

WHEREAS, the financial activities of these municipal utilities are reported as "Enterprise" or "Proprietary" funds of the City of Lowell; and

WHEREAS, the City does not currently charge the same Payment In Lieu of Franchise Fee to the City operated utilities as is made by all other privately owned utilities for the use of public rights-of-way; now therefore

BE IT RESOLVED by the Lowell City Council that a Payment In Lieu of Franchise Fee of five percent (5%) percent is hereby established on the gross operating receipts of the City of Lowell Municipal Water Utility and the City of Lowell Municipal Wastewater Treatment Utility.

BE IT FURTHER RESOLVED that gross operating receipts, as used in this resolution, shall be deemed to include any revenue earned within the City from the service fees charged by the Municipal Water Utility and Municipal Wastewater Treatment Utility.

BE IT FURTHER RESOLVED that payments shall be made to the City's General Fund and shall begin with all such receipts collected after July 1, 2020 and continue to be paid until modified or removed by the City Council of the City of Lowell, Oregon.

Adopted by the City Council of the City of Lowell this 16th day of June 2020.

Yea: _____

Nay: _____

Approved: _____
Don Bennett, Mayor

Attest: _____
Jared Cobb, City Recorder

CITY OF LOWELL, OREGON**RESOLUTION 744****ESTABLISHING WATER AND SEWER RATES
TO BE EFFECTIVE JULY 1, 2020****BE IT RESOLVED, that:**

1. The following rates are established for water service:
 - a. Basic Service Charge per EDU: \$26.09 per month
 - b. Variable Water Rate: 0-5,000 gallons/EDU \$5.23 per 1,000 gallons
 Over 5,000 gallons/EDU \$6.59 per 1,000 gallons
 - c. Bulk Water Rate: Service Charge \$10.00 per day
 Variable Charge \$9.45 per 1,000 gallons
 - d. Fire Hydrant Fee, w/o water service \$12.27 per month
2. The following rates are established for sewer service:
 - a. A monthly rate of \$62.08 per EDU is established for sewer service.
 - b. A bulk graywater disposal fee of \$0.15 per gallon.
3. The above water and sewer service charges are effective on July 1, 2020.

This Resolution supersedes Resolution 720 dated June 18, 2019.

Adopted by the City Council of the City of Lowell, this 16th day of June 2020.

Yea: _____

Nay: _____

Approved: _____
Don Bennett, Mayor

Attest: _____
Jared Cobb, City Recorder



Rogue Valley Office
830 O'Hare Parkway, Suite 102
Medford, OR 97504
541-326-4828

Coos Bay Office
486 'E' Street
Coos Bay, OR 97420
541-266-8601

Albany Office
213 Water Ave NW, Suite 100
Albany, OR 97321
541-223-5130

Newport Office
609 SW Hurbert Street
Newport, OR 97366
541-264-7040

May 22, 2020

Attn: All Plan Holders/ Bidders

**RE: City of Lowell
Main Street and Lakeview Street Paving and Utility Improvements
Project No. 2101-016/018
Notice of Intent to Award**

The Bid opening for the Main Street and Lakeview Street Paving and Utility Improvement Project was held and read aloud at 2:00 pm on May 20th, 2020.

Based on the determination of responsible bidders per ORS 279C.375 and the results of the above-mentioned Bid opening and observations, this letter is to inform you it is the Intent of the City of Lowell to Award the Contract to

Wildish Construction Co.

This letter is not a Notice of Award and does not constitute the formation of a contract between the Owner and apparent successful bidder but is to serve only as a Notice of Intent to Award.

OAR 137-049-0450 requires any protest to this Notice of Intent to Award be filed with the City of Lowell within seven (7) calendar days after the date this notice was issued. Any protest of this Intent to Award must be in writing and specifically identify the grounds for the protest as provided in OAR 137-049-0450 (4). The contract may be awarded upon the later of the following: seven (7) calendar days after the date this Notice of Intent to Award was issued or after the Owner provides a written response to all timely-filed protests that deny the protest and affirms the award.

Respectfully,

Civil West Engineering Services, Inc.

Matt Wadlington, P.E.
Willamette Valley Regional Manager
Civil West Engineering Services, Inc.

City of Lowell

Lane County, Oregon

CONTRACT DOCUMENTS

VOLUME 1 – BIDDING FORMS, CONTRACT DOCUMENTS, ETC.

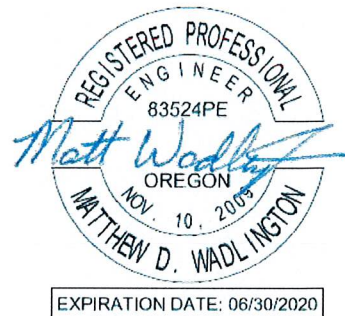
FOR THE CONSTRUCTION OF

Main Street Pavement and Utility Improvements & Lakeview Street Pavement and Utility Improvements

April 2020

Project No. 2101-016

Project No. 2101-018



Prepared By:

Civil West Engineering Services, Inc.

213 Water AVE. NW, Suite 100 • Albany, Oregon 97321 • Ph. 541.266.8601

www.civilwest.com

BID FORM FOR CONSTRUCTION CONTRACTS

Prepared by



Issued and Published Jointly by



Copyright © 2013:

National Society of Professional Engineers
1420 King Street, Alexandria, VA 22314-2794
(703) 684-2882
www.nspe.org

American Council of Engineering Companies
1015 15th Street N.W., Washington, DC 20005
(202) 347-7474
www.acec.org

American Society of Civil Engineers
1801 Alexander Bell Drive, Reston, VA 20191-4400
(800) 548-2723
www.asce.org

The copyright for this EJCDC document is owned jointly by the three sponsoring organizations listed above. The National Society of Professional Engineers is the Copyright Administrator for the EJCDC documents; please direct all inquiries regarding EJCDC copyrights to NSPE.

BID FORM

City of Lowell

Main Street Pavement and Utility Improvements

Project No. 2101-016

Lakeview Street Pavement and Utility Improvements

Project No. 2101-018

TABLE OF CONTENTS

| | Page |
|---|-------------|
| ARTICLE 1 – Bid Recipient | 1 |
| ARTICLE 2 – Bidder’s Acknowledgements | 1 |
| ARTICLE 3 – Bidder’s Representations | 1 |
| ARTICLE 4 – Bidder’s Certification..... | 2 |
| ARTICLE 5 – Basis of Bid | 2 |
| ARTICLE 6 – Attachments to this Bid | 9 |
| ARTICLE 7 – Defined Terms | 9 |
| ARTICLE 8 – Bid Submittal | 10 |

THIS PAGE INTENTIONALLY LEFT BLANK

ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to:

City of Lowell

Attn: Jared Cobb, City Administrator

107 East Third Street

Lowell, OR 97452

SUBMITTED VIA EMAIL TO: jcobb@ci.lowell.or.us

- 1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

| <u>Addendum No.</u> | <u>Addendum, Date</u> |
|---------------------|-----------------------|
| 1 | 05/19/20 |
| | |
| | |
| | |

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Federal, State and Local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.

- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.
- K. Bidder will submit written evidence of its authority to do business in the State or other jurisdiction where the project is located not later than the date of execution of the Agreement.

ARTICLE 4 – BIDDER’S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 - 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.
- E. Bidder certifies that Bidder will comply with ORS 279C.838 or 279C.840 regarding prevailing wage rates.
- F. Bidder ☒ is ☐ is not a resident bidder as defined in ORS 279A.120.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Schedule 1, Alternative A - Main Street Pavement Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|--|---------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 8,500.00 | 8,500.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 1,200.00 | 1,200.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 232.00 | 232.00 |
| 4 | Saw Cutting | 2055 | LF | 1.50 | 3,082.50 |
| 5 | Cold Plane Removal | 2635 | SY | 3.80 | 10,013.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 135 | SY | 36.40 | 4,914.00 |
| 7 | 2-inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 305 | TONS | 87.70 | 26,748.50 |
| 8 | Clean Pavement Surface and Apply Tack Coat | 2635 | SY | 0.38 | 1,001.30 |
| 9 | Thermoplastic Stop Bar and Cross Walk | 1 | LS | 1,700.00 | 1,700.00 |
| 10 | 4-inch Yellow Dotted Line | 1 | LS | 900.00 | 900.00 |
| 11 | Landscape Restoration & Cleanup | 1 | LS | 230.00 | 230.00 |
| | Construction Subtotal | | | | 58,521.30 |

Total of Unit Item Prices: \$ 58,521.30
(Numbers)

Total of Unit Item Prices: \$ Fifty Eight Thousand Five Hundred & Twenty One Dollars and ^{new} ~~30~~ Thirty Cents.
(In words)

Schedule 1, Alternative B - Main Street Pavement and Utility Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|---|---------------|------|-------------|-------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 18,000.00 | 18,000.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 3,250.00 | 3,250.00 |
| 3 | Demolition and Site Preparation, Includes abandonment of the existing waterline | 1 | LS | 7,200.00 | 7,200.00 |
| 4 | Saw Cutting | 3700 | LF | 1.50 | 5,550.00 |
| 5 | Cold Plane Removal | 2635 | SY | 3.80 | 10,013.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 790 | SY | 25.00 | 19,750.00 |
| 7 | 2-inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 390 | TONS | 87.70 | 34,203.00 |
| 8 | Clean Pavement Surface and Apply Tack Coat | 2635 | SY | 0.38 | 1,001.30 |
| 9 | Thermoplastic Stop Bar and Cross Walk | 1 | LS | 1,700.00 | 1,700.00 |
| 10 | 4-inch Yellow Dotted Line | 1 | LS | 900.00 | 900.00 |
| 11 | Landscape Restoration & Cleanup | 1 | LS | 1,400.00 | 1,400.00 |
| 12 | New 6-inch Waterline installed | 740 | LF | 45.00 | 33,300.00 |
| 13 | Lateral Reconnect | 8 | EA | 1,800.00 | 14,400.00 |
| 14 | New 6-inch Valves installed | 5 | EA | 1,500.00 | 7,500.00 |
| 15 | New Blowoff Assembly | 1 | EA | 1,500.00 | 1,500.00 |
| 16 | Connect to Existing | 2 | EA | 4,000.00 | 8,000.00 |
| 17 | New 4" PVC Electrical Conduit | 265 | LF | 16.00 | 4,240.00 |
| | Construction Subtotal | | | | 167,667.30 |

Total of Unit Item Prices: \$ 167,667.30
(Numbers)

Total of Unit Item Prices: \$ One Hundred and Sixty Seven Thousand Six Hundred and Sixty Seven
(In words) Dollars and Thirty Cents.

Schedule 2, Alternative A - Lakeview Street Pavement Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|--|---------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 7,000.00 | 7,000.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 1,100.00 | 1,100.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 200.00 | 200.00 |
| 4 | Saw Cutting | 1740 | LF | 1.50 | 2,610.00 |
| 5 | Cold Plane Removal | 185 | SY | 8.20 | 1,517.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 1300 | SY | 26.66 | 34,658.00 |
| 8 | 2- inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 305 | TONS | 94.00 | 28,670.00 |
| 9 | Clean Pavement Surface and Apply Tack Coat | 1485 | SY | 0.37 | 549.45 |
| 10 | Thermoplastic Pavement Markings | 1 | LS | 2,100.00 | 2,100.00 |
| 11 | Landscape Restoration & Cleanup | 1 | LS | 230.00 | 230.00 |
| | Construction Subtotal | | | | 78,634.45 |

Total of Unit Item Prices: \$ 78,634.45
(Numbers)

Total of Unit Item Prices: \$ Seventy Eight Thousand Six Hundred and Thirty Four Dollars and Forty Five cents.
(In words)

Schedule 2, Alternative B - Lakeview Street Pavement and Utility Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|---|---------------|------|-------------|-------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 14,500.00 | 14,500.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 2,500.00 | 2,500.00 |
| 3 | Demolition and Site Preparation, Includes abandonment of the existing waterline | 1 | LS | 2,600.00 | 2,600.00 |
| 4 | Saw Cutting | 1760 | LF | 1.50 | 2,640.00 |
| 5 | Cold Plane Removal | 110 | SY | 8.20 | 902.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 1380 | SY | 26.70 | 36,846.00 |
| 7 | 2- inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 315 | TONS | 94.00 | 29,610.00 |
| 8 | Clean Pavement Surface and Apply Tack Coat | 1485 | SY | 0.37 | 549.45 |
| 9 | Thermoplastic Pavement Markings | 1 | LS | 2,100.00 | 2,100.00 |
| 10 | New 6-inch Waterline installed | 720 | LF | 45.00 | 32,400.00 |
| 11 | New 6-inch Valves installed | 6 | EA | 1,500.00 | 9,000.00 |
| 12 | New Water Meters and service connections | 5 | EA | 1,800.00 | 9,000.00 |
| 13 | New Back flow preventer installed | 1 | EA | — | — |
| 14 | Connect to Existing | 3 | EA | 3,600.00 | 10,800.00 |
| 15 | Fire hydrant assembly including piping and valve | 1 | EA | 5,500.00 | 5,500.00 |
| 16 | Landscape and Site Restoration | 1 | LS | 230.00 | 230.00 |
| 17 | New 4" PVC Electrical Conduit | 120 | LF | 25.00 | 3,000.00 |
| | Construction Subtotal | | | | 159,177.45 |

Total of Unit Item Prices: \$ 159,177.45
(Numbers)

Total of Unit Item Prices: \$ One Hundred and Fifty Nine Thousand One Hundred and Seventy Seven
(In words) Dollars and Forty Five Cents

Schedule 2 - Additive Alternative 1 - Lakeview Street Curb and Gutter Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|---|--|------------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 3,600.00 | 3,600.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 850.00 | 850.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 4,500.00 | 4,500.00 |
| 4 | Curb, includes the flush and extruded curbs as designated on plan set and min 6" aggregate base. | 1400 | LF | 17.55 | 24,570.00 |
| 5 | Curb Inlet Storm Drain Grate installed | 1 | EA | 1,100.00 | 1,100.00 |
| 6 | Safety Railing | 30 | LF | 112.00 | 3,360.00 |
| 7 | Landscape and Site Restoration | 1 | LS | 3,300.00 | 3,300.00 |
| | Construction Subtotal | | | | 41,280.00 |

Total of Unit Item Prices: \$ 41,280.00
(Numbers)

Total of Unit Item Prices: \$ Forty One Thousand Two Hundred and Eighty Dollars and Zero Cents.

Schedule 2 - Additive Alternative 2 – Lakeview Street Sidewalk Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|---|--|------------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 2,400.00 | 2,400.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 21,000.00 | 21,000.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 2,500.00 | 2,500.00 |
| 4 | Sidewalk, includes aggregate base (6"-18") | 2740 | SF | 9.50 | 26,030.00 |
| 5 | Landscape and Site Restoration | 1 | LS | 5,800.00 | 5,800.00 |
| | Construction Subtotal | | | | 57,730.00 |

Total of Unit Item Prices: \$ 57,730.00
(Numbers)

Total of Unit Item Prices: \$ Fifty Seven Thousand Seven Hundred and Thirty Dollars and Zero cents.

- A. The basis of award of the Contract will be to the lowest & responsive bidder for the combination of Base Bids and Additive Alternatives as best serves the City. Based on bids, the City may elect to award either Alternate to each schedule, and may award either, both, or neither of the Additive Alternatives.
 - B. Unit Prices have been computed in accordance with the General Conditions.
 - C. Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the contract Documents.
 - D. The identity of the successful Bidder for each individual schedule may not specifically be determined at the time of the opening of the Bids.
- 5.02 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 5.03 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 6 – ATTACHMENTS TO THIS BID

- 6.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security; in the form of Bid Bond EJCDC No. C-430
 - B. List of Proposed Subcontractors;(First-Tier Subcontractors Disclosure Form submitted within 2 working hours after Bid closing time) No. C-440
 - C. Required Bidder Qualification Statement with Supporting Data – EJCDC No. C-451 (Unless prequalified per section 3.01 of the Instruction to Bidders)
 - D. Bidders Responsibility Certification No. C-460
 - E. Residency Statement No. C-461
 - F. Employee Drug Certification No. C-462
 - G. Non-Discrimination Certification No. C-463
 - H. Certificate of Compliance with Oregon Tax Laws No. C-464
 - I. Certificate of Licensing by the Construction Contractors Board No. C-465

ARTICLE 7 – DEFINED TERMS

- 7.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 8 – BID SUBMITTAL

8.01 This Bid is submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)


Name (typed or printed): _____

A Corporation

Corporation Name: WILDISH CONSTRUCTION CO. (SEAL)

State of Incorporation: OREGON

Type (General Business, Professional, Service, Limited Liability): GENERAL BUSINESS

By: 
(Signature -- attach evidence of authority to sign)

Name (typed or printed): MICHAEL C. WILDISH

Title: VICE PRESIDENT

Attest 

WILLIAM R. WILDISH, SECRETARY-TREASURER

Date of Qualification to do business in Oregon is 12 / 29 / 1959

A Joint Venture

Name of Joint Venture: _____

First Joint Venturers Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturers Name: _____ (SEAL)

CERTIFIED COPY OF
RESOLUTION OF BOARD OF DIRECTORS

I, Steven J. Wildish, hereby certify that I am the Assistant Secretary and official custodian of certain records including the charter, by-laws, and the minutes of the meetings of the Board of Directors of Wildish Construction Co., a corporation duly organized and existing under the laws of the State of Oregon, and which is a corporation registered and qualified to do business in the State of Oregon and that the following is a true, accurate and complete transcript of a resolution duly made on the 15th day of November 2018, at which meeting there was present and acting throughout a quorum authorized to transact the business hereinafter described, and that the proceedings of said meeting were in accordance with the charter and by-laws of said corporation, and that said resolution has not been amended or revoked and is in full force and effect This resolution revokes all previous resolutions relating to signing authority of Wildish Construction Co.

NOW, THEREFORE, it is hereby unanimously resolved:

RESOLVED, that any of the officers of this corporation named below or their duly elected or appointed successor in office be and they hereby are authorized and empowered in the name and on behalf of this corporation and under its corporate seal to license and lease motor vehicles and equipment, and to execute contracts without the signature of others and deliver contracts, change orders, or other documents pertaining to construction projects, and that Wildish Construction Co. will faithfully, promptly and fully perform all obligations, covenants, and conditions on the part of Wildish Construction Co. required to be performed under and pursuant to any and all Documents executed by it relating to aforementioned projects.

RESOLVED FURTHER that the officers referred to in the foregoing resolution are as follows:

| | |
|-------------------------------------|--------------------|
| Chairman of the Board | James A. Wildish |
| President, Chief Executive Officer | James A. Wildish |
| Vice President, Secretary Treasurer | William R. Wildish |
| Vice President, Assistant Secretary | Steven J. Wildish |
| Vice President, Assistant Secretary | Michael C. Wildish |
| Assistant Secretary | Edith J. Pattee |
| Assistant Secretary | Thomas R. Bosworth |

In witness whereof, I hereunto set my hand to two original counterparts of this Resolution this 5th day of December 2018.



Steven J. Wildish
Assistant Secretary

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturers must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address _____

PHYSICAL: 3600 WILDISH LANE EUGENE, OR 97408

MAILING: PO BOX 40310 EUGENE, OR 97404

Phone No. 541-485-1700 Fax No. 541-683-7722

E-mail estimating@wildish.com

SUBMITTED on MAY 21, 20 20

State Contractor License No. 695.

THIS PAGE INTENTIONALLY LEFT BLANK

BID BOND

DATE May 21, 2020

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Wildish Construction Co.
PO Box 40310
Eugene, OR 97404

SURETY (Name, and Address of Principal Place of Business):

Liberty Mutual Insurance Company
PO Box 34670
Seattle, WA 98124

OWNER (Name and Address):

City of Lowell
Attn: Jared Cobb, City Administrator
P.O. Box 490
Or 107 East Third Street
Lowell, OR 97452

BID

Bid Due Date: **May 21st, 2020 by 2pm (PST)**

Description (Project Name— Include Location): **City of Lowell – Main Street Pavement and Utility Improvements & Lakeview Street Pavement and Utility Improvements**

BOND

Bond Number: N/A

Date: May 21, 2020

Penal sum Ten Percent of Bid and no/100***

\$ 10%

(Words)

(Figures)

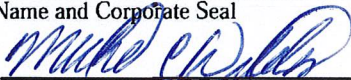
Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

Wildish Construction Co. (Seal)

Bidder's Name and Corporate Seal

By:


Signature


MICHAEL C. WILDISH

Print Name

VICE PRESIDENT

Title

Attest:


Signature

WILLIAM R. WILDISH, SECRETARY-TREASURER

SURETY

Liberty Mutual Insurance Company (Seal)

Surety's Name and Corporate Seal

By:


Signature (Attach Power of Attorney)

Kristen McGillvrey

Print Name

Attorney-In-Fact

Title



Signature Summer Hugh, Attorney-In-Fact





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8203441 - 969225**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Tina A. Costa, Steven J. Hanson, Robert Harvey, Summer Hugh, Paul Jensen, Kristen McGillivray, Dean R. Pollock, Steve Ward

all of the city of Eugene state of OR each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 7th day of April, 2020.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 7th day of April, 2020 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 21st day of May, 2020.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

SECTION 00440 – FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM

Project Name: **City of Lowell – Main Street Pavement and Utility Improvements & Lakeview Street Pavement and Utility Improvements**


Bid Closing Date: **May 21st, 2020** Time: **2:00 pm (PST)**

A. Subcontractor List

1. Bidder shall list below the name, address, Construction Contractor's Board (CCB) number, description of work and dollar value of the subcontract for each subcontractor performing work in excess of the amount specified in the Instructions to Bidders, Section 00200, Article 12. If no subcontractor will be performing work on this project in excess of the amount specified in the Instructions to Bidders, Section 00200, Article 12, Bidders shall enter "NONE" in the first line below.

| <u>Name</u> | <u>Address</u> | <u>CCB #</u> | <u>Description of Work</u> | <u>\$ Value of Subcontract</u> |
|-------------|----------------|--------------|----------------------------|--------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

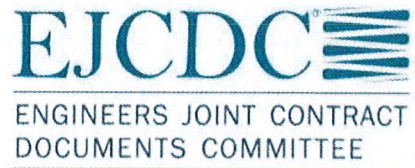
2. Total value of work provided by all subcontractors including those listed above is \$ _____.

| | | | |
|---|------------------------|----------------|--------------------------|
|  | MICHAEL C. WILDISH | VICE PRESIDENT | WILDISH CONSTRUCTION CO. |
| Signature of Bidder | Printed Name of Bidder | Title | Company Submitting |

*This form must be submitted at the location specified in the Advertisement for Bids or Invitation to Bid on the bid closing date and within **Two (2)** working hours after bid closing time.*

QUALIFICATIONS STATEMENT

Prepared by



Issued and Published Jointly by





Oregon

Kate Brown, Governor

**Department of Transportation
Procurement Office-Construction, MS#2-2**

3930 Fairview Industrial Drive SE
Salem, Oregon 97302-1166

Voice: (503) 986-2710

Fax: (503) 986-6910

Email: odotprocurementofficeconstruction@odot.state.or.us

December 24, 2018

WILDISH CONSTRUCTION CO
TINA L. MERRILL
PO BOX 40310
EUGENE, OR 97404

Your prequalification application has been approved. This prequalification pertains only to the submission of bid proposals and does not cover your financial ability.

Your bids will be considered responsive on ODOT projects on or after: January 01, 2019

Your prequalification application is valid through: December 31, 2020

Your vendor number is: CV20011136

Work Classifications:

| | |
|--|---|
| (AB)-AGGREGATE BASE | (OTH)-WORK CLASS SETTING FOR LOCAL AGENCIES |
| (ACP)-ASPHALT CONCRETE PAVING AND OILING | (PAI)-PAINTING |
| (BLD1)-BUILDINGS | (PAVE)-PAVEMENT MARKINGS |
| (EART)-EARTHWORK AND DRAINAGE | (PCP)-PORTLAND CEMENT CONCRETE PAVING |
| (ELEC)-ELECTRICAL | (REIN)-BRIDGES AND STRUCTURES |
| (LS)-LANDSCAPING | (SIGN)-SIGNING (PERMANENT) |
| (MHA)-MISC. HIGHWAY APPURTENANCES | (TTC)-TEMPORARY TRAFFIC CONTROL |

Applicants must update their prequalification application with ODOT when information changes. An addendum change form and instructions are available on our web site at:

<http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/Prequalification.aspx>

This prequalification application covers Oregon Department of Transportation projects that are advertised on the ODOT Procurement Office – Construction Contract Unit website:

<http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/contractorplans/NTC.aspx>

This prequalification application does not cover Oregon Department of Transportation projects advertised in ORPIN (Oregon Procurement Information Network) which may be posted on our website.

ODOT eBIDS provides free downloading of plans and specifications and related bid documents. You will need to self register as a holder of bidding plans in order for your bid to be responsive for each project for which you submit a bid.

<https://ecm.odot.state.or.us/cf/EBIDS/>

If you wish to appeal any of the conditions of this prequalification you must notify this office in writing in accordance with ORS 279C.445 and ORS 279C.450 within three business days after receipt of this notice.

Darren Schmidt
Oregon Department of Transportation
Procurement Office - Construction Contracts Unit, MS#2-2
3930 Fairview Industrial Drive SE
Salem, Oregon 97302-1166
Phone: 503-986-6912 Fax: 503-986-6910



OREGON DEPARTMENT OF TRANSPORTATION
PRIME CONTRACTOR
PREQUALIFICATION APPLICATION

Make check payable to: ODOT

Submit application and check to:

Oregon Department of Transportation

ODOT Procurement Office – Construction Contracts Unit, MS#2-2

3930 Fairview Industrial Drive SE

Salem, OR 97302-1166

Phone: 503-986-2710

Website: www.oregon.gov/ODOT/CS/CONSTRUCTION

Filing Fee \$200

FSB Date

Initials

A. Date: 12/06/2018

Enter today's date

Expiration Date:

To be completed by ODOT

B. Application of:

Wildish Construction Co.

Legal Business Name (as shown on your federal form W-9)

Assumed Business Name(s) (Complete Section 6)

List previous business names of
your organization:

C. Business Structure (Check one):

- ☒ Oregon Corporation
☐ Foreign Corporation
☐ Limited Liability Company (LLC)
☐ Limited Liability Partnership (LLP)
☐ Limited Partnership (LP)
☐ General Partnership
☐ Individual Sole Proprietorship

D. ☐ Joint Venture

E. Purpose of Application (Check all that apply):

☒ ODOT Projects

1st anticipated bid opening date 01/01/2019

☒ Local Government Projects

1st anticipated bid opening date 01/01/2019

☒ Other Government Projects

1st anticipated bid opening date 01/01/2019

F. Address:

| | | | |
|--|--------------------------------------|-----|--------------|
| Physical address, city, state, zip (No P.O. Boxes) | 3600 Wildish Lane, Eugene, OR 97408 | | |
| Mailing address, city, state, zip | P.O. Box 40310 Eugene, OR 97404-0047 | | |
| Phone | 541-485-1700 | Fax | 541-683-7722 |

PERSON COMPLETING APPLICATION:

| | | | |
|-------|------------------------|-------|--------------|
| Name | Tina L. Merrill | Phone | 541-485-1700 |
| Email | estimating@wildish.com | Fax | 541-683-7722 |




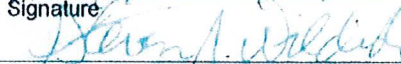


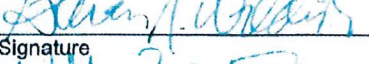

PERSON TO APPEAR ON PLANHOLDERS LIST (attach additional sheets if necessary):

| | | | |
|-------|------------------------|-------|--------------|
| Name | Estimating | Phone | 541-485-1700 |
| Email | estimating@wildish.com | Fax | 541-683-7722 |

To be completed by ODOT:

| | | | |
|---|-----------------|-----------------|-----------------|
| RECEIPT DATE #1 | RECEIPT DATE #2 | RECEIPT DATE #3 | RECEIPT DATE #4 |
| SOS _____ / CCB _____ / CCB _____ / BOLI _____ / SAM _____ | | | |
| APPROVAL/LAST RECPT DATE / INIT _____ ADD #1 DATE _____ / INIT _____ DESC _____ | | | |
| REVIEW DATE / INIT _____ | | | |
| ELIGIBILITY DATE _____ ADD #2 DATE _____ / INIT _____ DESC _____ | | | |
| VENDOR NO _____ | | | |
| DATA ENTRY DATE / INIT _____ CHECK SENT TO FSB DATE _____ / INIT _____ | | | |

BUSINESS STRUCTURE: Complete section 1, 2, 3, 4, or 5 as applies

| | |
|---|---|
| 1 If an Oregon corporation, complete this section <input type="checkbox"/> NA | |
| Date Corporation was registered with Secretary of State <u>12/29/1959</u> | |
| President <u>James A. Wildish</u> Secretary <u>William R. Wildish</u> | |
| 1st Vice President <u>Michael C. Wildish</u> Steven J. Wildish Treasurer <u>William R. Wildish</u> | |
| <u>CONTRACT EXECUTION - List of Authorized Personnel</u> | |
| A) President and Secretary (Both President and the Secretary of the corporation are required to sign ODOT contracts and performance and payment bonds unless certified, true and correct copy of corporate bylaws, resolutions, or minutes state otherwise and are attached to this prequalification.) <i>Signatures are preferred in blue ink.</i> | |
| <u>James A. Wildish</u> Printed name of President |  Signature |
| <u>William R. Wildish</u> Printed name of Secretary |  Signature |
| B) Are other officers besides the President and Secretary of your company authorized to execute contracts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list below and attach certified, true and correct copy of corporate bylaws, resolutions, or minutes stating that authority. | |
| <u>Michael C. Wildish, Vice President</u> Printed name and title |  Signature |
| <u>Steven J. Wildish, Vice President</u> Printed name and title |  Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |
| C) Are any of the officers (listed above in A & B) authorized to sign and execute contracts and bonds on behalf of the company without the signature of others? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, YOU MUST ATTACH CORPORATE BYLAWS, RESOLUTIONS, OR MINUTES STATING THIS AUTHORITY TO SIGN ALONE ON BEHALF OF THE CORPORATION IN THE CORPORATE BYLAWS OR MINUTES. | |
| <u>BID EXECUTION - List of Authorized Personnel</u> | |
| Signatures of all individuals (<u>INCLUDING ANY OFFICERS LISTED ABOVE</u>) authorized to execute Bids on behalf of the company shall be listed in this section, including any officers listed above and those individuals with a digital ID used for submitting an electronic bid through BidExpress®. <i>Signatures are preferred in blue ink</i> | |
| <u>James A. Wildish, President</u> Printed name and title |  Signature |
| <u>Michael C. Wildish, Vice President</u> Printed name and title |  Signature |
| <u>Steven J. Wildish, Vice President</u> Printed name and title |  Signature |
| <u>William R. Wildish, Secretary-Treasurer</u> Printed name and title |  Signature |

(Additional documentation may be required by the public contracting agency)

2 If a foreign (out of state) corporation, complete this section☒ NA

When incorporated _____

President _____ Secretary _____

1st Vice President _____ Treasurer _____

CONTRACT EXECUTION - List of Authorized Personnel

A) President and Secretary (Both President and the Secretary of the corporation are **required** to sign ODOT contracts and performance and payment bonds unless certified, true and correct copy of corporate bylaws, resolutions, or minutes state otherwise and **are attached to this prequalification.**) *Signatures are preferred in blue ink*

Printed name of President _____ Signature _____

Printed name of Secretary _____ Signature _____

B) Are other officers besides the President and Secretary of your company authorized to execute contracts?
☐ Yes ☐ No If yes, list below and attach certified, true and correct copy of corporate bylaws, resolutions, or minutes stating that authority.

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

C) Are any of the officers (listed above in A and B) authorized to sign and execute contracts and bonds on behalf of the company without the signature of others? ☐ Yes ☐ No

IF YES, YOU MUST ATTACH CORPORATE BYLAWS, RESOLUTIONS, OR MINUTES STATING THIS AUTHORITY TO SIGN ALONE ON BEHALF OF THE CORPORATION IN THE CORPORATE BYLAWS OR MINUTES.

BID EXECUTION - List of Authorized Personnel

Signatures of all individuals (**INCLUDING ANY OFFICERS LISTED ABOVE**) authorized to execute **Bids** on behalf of the company shall be listed in this section, including any officers listed above and those individuals with a digital ID used for submitting an electronic bid through BidExpress® *Signatures are preferred in blue ink*

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Name and address of registered agent in Oregon:

Date of authorization by Oregon Secretary of State to transact business in Oregon:

Has applicant filed with Oregon Department of Revenue (DOR) forms required by ORS 279A.120? ☐ Yes ☐ No

Sec. of State

Phone: 503-986-2200

Website: www.filinginoregon.com

Department of Revenue

Phone: 503-378-4988

Website:

www.oregon.gov/DOR

| | |
|--|--------------------------------|
| 3 If a limited liability company, limited liability partnership or a limited partnership complete this section <input checked="" type="checkbox"/> NA | |
| Check One: <input type="checkbox"/> Limited liability company <input type="checkbox"/> Limited liability partnership <input type="checkbox"/> Limited partnership | |
| Have you registered with the Oregon Secretary of State, Corporation Division, Business Registry? <input type="checkbox"/> Yes <input type="checkbox"/> No | Name and address of organizer: |
| SUBMIT ARTICLES OF ORGANIZATION AND OPERATING AGREEMENTS THAT INDICATE THE AUTHORITY TO SIGN CONTRACTS AND BONDS. If the Contractor is an LLP, or LP, an authorized representative of each Entity comprising it shall sign the Contract, Performance Bond, and Payment Bond. <i>If any representative is authorized to execute contracts without the signature of others, this must be stated in the Articles of Organization and Operating Agreements.</i> | |
| Printed names, titles and signatures (<i>Signatures are preferred in blue ink</i>) of personnel authorized to EXECUTE CONTRACTS : | |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Are other representatives besides those listed above able to execute contracts? Yes No If yes, submit names, titles and signatures separately. | |
| Printed names, titles and signatures of personnel authorized to EXECUTE BIDS Signatures of all individuals (INCLUDING ANY OFFICERS LISTED ABOVE) authorized to execute Bids on behalf of the company shall be listed in this section, including those individuals with a digital ID used for submitting an electronic bid through BidExpress®. <i>Signatures are preferred in blue ink.</i> | |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |

4 If a general partnership, complete this section

☒ NA

Date of Organization _____

If a foreign (out of state) co-partnership or persons engaging in business in the state under an assumed name, but not domiciled within this state, is the partnership or business organization registered as required in compliance with Chapter 648, Oregon Revised Statutes? ☐ Yes ☐ No ☐ N/A

Names and addresses of partners:

| |
|--|
| |
| |
| |

If the Contractor is a partnership or limited liability partnership, an authorized representative of each Entity comprising it shall sign the Contract, Performance Bond, and Payment Bond, and an authorization to sign shall be attached. If only one partner is signing, then bylaws or minutes must include the authority to sign without the signature of others.

Printed names, titles and signatures of partners authorized to EXECUTE CONTRACTS. Signatures are preferred in blue ink.

| | |
|-------------------------|-----------|
| Printed name of partner | Signature |
|-------------------------|-----------|

| | |
|-------------------------|-----------|
| Printed name of partner | Signature |
|-------------------------|-----------|

Bylaws or Minutes Submitted: (Check one) ☐ Yes ☐ No (Only submit if signatures differ from above)

Printed names, titles and signatures of personnel authorized to EXECUTE BIDS
Signatures of all individuals (INCLUDING ANY OFFICERS LISTED ABOVE) authorized to execute Bids on behalf of the company shall be listed in this section, including any officers listed above and those individuals with digital ID used for submitting an electronic bid through BidExpress®. Signatures are preferred in blue ink.

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

(Additional documentation may be required by the public contracting agency)

| | |
|---|---|
| 5 If doing business as a sole proprietorship, complete this section | <input checked="checked" type="checkbox"/> NA |
| Name of individual liable for all obligations of the business: _____ | |
| If applicant is a sole proprietor using an assumed business name, please list name below: _____ | |
| Secretary of State registration date: _____ Expiration date: _____ | |
| Printed name and title _____ | Signature _____ |

(Additional documentation may be required by the public contracting agency)

| | |
|---|---|
| 6 If doing business under an assumed business name, complete this section | <input checked="checked" type="checkbox"/> NA |
| Assumed business name: _____ | |
| Owner's name and address: _____ | |
| Oregon Secretary of State Corporation Division's Registration Number: (www.filinginoregon.com/bizreg/index.htm) | Renewal Date: _____ |
| Assumed business name: _____ | |
| Owner's name and address: _____ | |
| Oregon Secretary of State Corporation Division's Registration Number: (www.filinginoregon.com/bizreg/index.htm) | Renewal Date: _____ |
| If you have additional assumed business names, attach a sheet with business information. | |

7

OWNERSHIP AND CONTROL (A, B, and C)

- A) Are there any parent companies, corporations, or individuals with at least 10% ownership interest in applicant's firm? ☒ Yes ☐ No If yes, please list below in space provided

Wildish Land Co.

- B) Are there any subsidiary companies or corporations owned or controlled by the applicant doing business in Oregon under another name? For the purposes of this information, the applicant includes the applicant's officers, directors, or partners, or other entity in which the applicant is an officer, director, or partner.
☐ Yes ☒ No If yes, please list below in space provided

- C) Are there any other personnel in applicant's organization who have a financial interest in or serve as officers or partners in another firm prequalified to bid in this or another state?
☒ Yes ☐ No If yes, please list below in space provided.

| Individual's Name | Present Position or Office | Other Firm or Firms | Position in Other Firm(s) | State of Other Firm(s) |
|--------------------|----------------------------|--------------------------|---------------------------|------------------------|
| James A. Wildish | President | Wildish Paving Co. | President | Oregon for all |
| Michael C. Wildish | Vice President | Wildish Construction Co. | Vice President | |
| Steven J. Wildish | Vice President | | Vice President | |
| William R. Wildish | Sec./Treas. | | Sec./Treas. | |

8

LICENSES AND REGISTRATIONS

**Oregon Secretary of State Corporation
Division – Active Business Registry No.**
http://www.filinginoregon.com/pages/business_registry/index.html
Phone: 503-986-2200

063476-11

Required for Legal Business Name, Assumed Business Name (page 1, Section B),
Corporations, LLCs, LLPs, and LPs. Required prior to contract execution

Oregon Construction Contractors Board No.
www.ccb.state.or.us
Phone: 503-378-4621

695

Required prior to bid opening for state-funded projects or prior to contract execution for
federally-funded projects (not required for Aggregate Production or Landscaping work
categories).

**Oregon Business Landscape Contractors
License No. and company name:**
**Individual Landscape Contractor License No.
and name:**
www.lcb.state.or.us
Phone: 503-986-6561

**Oregon Electrical Contractor License No. and
company name:**
Supervisor's License No. and name :
<http://www.cbs.state.or.us/external/bcd/>
Building Codes Division phone: 503-378-4133

**Oregon Plumbing Business License No. and
company name:**
Journeyman's License No. and name:

20-292 PB Wildish Construction Co.

**Oregon Boiler/Pressure Vessel Business
License No. and company name:**
<http://www.cbs.state.or.us/external/bcd/>
Building Codes Division phone: 503-378-4133

Other License No. and name or type:

9

SUPPLEMENTAL QUESTIONS

- A) Within the last five years has the applicant, or any parent, subsidiary or affiliate, been denied prequalification or had prequalification suspended or revoked by any state, local or federal agency in this or any other state?
☐ Yes ☒ No If yes, please attach an explanation.
- B) Within the last five years has the applicant, or any parent, subsidiary or affiliate, been debarred from bidding on contracts by any state, local or federal agency in this or any other state under any state or federal law?
☐ Yes ☒ No If yes, please attach an explanation.
- C) Has any officer or partner of the applicant, or of any parent, subsidiary or affiliate, ever applied for prequalification with ODOT under a different name?
☒ Yes ☐ No If yes, please attach an explanation.
- D) Within the last five years has the applicant, or any parent, subsidiary or affiliate, failed to complete a state, local or federal public improvement (works) contract?
☐ Yes ☒ No If yes, please attach an explanation.
- E) Within the last five years has any officer or partner of the applicant, or of any parent, subsidiary or affiliate, been found in breach of a local, state or federal contract?
☐ Yes ☒ No If yes, please attach an explanation.
- F) Within the last five years has the applicant, or any officer, partner, agent or employee of applicant, or any parent, subsidiary or affiliate, been found to have violated any state or federal prevailing wage statute or regulation (including the federal Davis-Bacon and related Acts and ORS 279C.800 et. seq.), or any provision requiring prompt payment to subcontractors, in any Final Order of the Oregon Bureau of Labor and Industries or the United States Department of Labor, by any other state or federal agency, or by any court of competent jurisdiction?
☐ Yes ☒ No

If yes, provide copies of the final order(s) or judgment in which this occurred and explain in detail:

- (a) the circumstances behind any violation, including the amount(s) not paid
- (b) whether the amount(s) have now been paid
- (c) the reasons for the violation
- (d) all efforts undertaken to ensure that future violations will not occur

- G) Within the last five years has the applicant, or any officer, partner, agent or employee of applicant been found to have violated any state or federal environmental statute or regulation (including but not limited to Environmental Protection Agency, Department of Environmental Quality, US Fish and Wildlife Service, Department of Fish and Wildlife, US Army Corps of Engineers, Division of State Lands, Department of Agriculture or Department of Interior), or any permit issued by one of these agencies, in any agency Final Order or by any court of competent jurisdiction?

☐ Yes ☒ No

If yes, provide copies of the final order(s) or judgment in which this occurred and explain in detail:

- (a) the circumstances behind any violation, including the amount(s) not paid
- (b) whether the amount(s) have now been paid
- (c) the reasons for the violation
- (d) all efforts undertaken to ensure that future violations will not occur

Comments:

C) Wildish Standard Paving Co.

10 CLASSES OF WORK

Fill in the classes of work on which you wish to be pre-qualified to bid. Classes of work include, but are not limited to, work listed in parentheses. If more space is required, attach additional sheets. A more detailed listing of bid items can be found at: https://www.oregon.gov/ODOT/HWY/SPECS/Pages/bid_item_lists.aspx

For Each Class of Work:

If your prequalification has been expired for more than 6 months or have never been prequalified by ODOT, you will need to submit three reference forms per class of work when submitting your prequalification application. Reference instructions and forms can be found at: <http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/Prequalification.aspx>

List all other states where applicant is currently qualified to perform work or has been qualified within the last three (3) years.

| Class of Work | States qualified within the last (3) years |
|---|--|
| <input checked="" type="checkbox"/> (AB) Aggregate Bases | Oregon |
| <input type="checkbox"/> (AC) Rock Production (Aggregate Crushing, Sanding Rock) | |
| <input checked="" type="checkbox"/> (ACP) Asphalt Concrete Paving and Oiling (Paving, Chip Sealing, Crack Sealing, Slurry Sealing, Fog Sealing) | Oregon |
| <input checked="" type="checkbox"/> (BLD1) Buildings (Toilets, Bathhouses, Maintenance, Sand Sheds) | Oregon |
| <input checked="" type="checkbox"/> (EART) Earthwork and Drainage (Clearing, Earthwork, Blasting, Riprap, Culverts, Manholes, Inlets, Storm Sewers, Sanitary Systems) | Oregon |
| <input checked="" type="checkbox"/> (ELEC) Electrical (Traffic Signals, Illumination, Ramp Meters, Roadway Weather Information Systems (RWIS), Variable Message Signs (VMS), Traffic Cameras) | Oregon |
| <input checked="" type="checkbox"/> (LS) Landscaping (Roadside Seeding, Lawns, Shrubs, Trees, Irrigation Systems, Topsoil, Temporary and Permanent Erosion Control) | Oregon |
| <input checked="" type="checkbox"/> (MHA) Miscellaneous Highway Appurtenances (Guardrail, Barrier, Curbs, Walks, Fences, Protective Screening, Impact Attenuators, Cold Plane Pavement Removal, Rumble Strips) | Oregon |
| <input checked="" type="checkbox"/> (PAI1) Painting (Bridges and Buildings) | Oregon |
| <input checked="" type="checkbox"/> (PAVE) Pavement Markings (Permanent - Painted, Durable, Markers, Delineators) | Oregon |
| <input checked="" type="checkbox"/> (PCP) Portland Cement Concrete Paving | Oregon |
| <input checked="" type="checkbox"/> (REIN) Bridges and Structures (Concrete, Steel, and Timber Bridges, Retaining Walls and Soundwalls; Seismic Retrofit; Box Culverts; Structural Plate Pipe, and Pipe Arches) | Oregon |
| <input checked="" type="checkbox"/> (SIGN) Signing (Permanent) | Oregon |
| <input checked="" type="checkbox"/> (TTC) Temporary Traffic Control (All Temporary Traffic Control Items Including Flaggers and Pilot Cars) | Oregon |
| <input checked="" type="checkbox"/> (OTH1) Other, (List specific class) | |
| Water Lines | <p>You may list "OTHER" (OTH1) classes of work; however, ODOT does not normally solicit bids under this class. This class of work is typically used by Local Agencies (Cities, Counties, etc.)</p> <p>Oregon</p> |

11 EXPERIENCE

A. How many years has applicant been in business under present name?

As a prime contractor? 59 **As a subcontractor?** 59

B. How many years' experience in construction work has applicant had?

As a prime contractor? 73 As a subcontractor? 73

12 EXPERIENCE – Continued

What is the construction experience of all owners, officers, partners and principal individuals in applicant's organization?

(Attach additional sheets, if needed)

[illegible]

13 GENERAL REMARKS

Use the following space for general remarks and explanations pertaining to the foregoing prequalification statements. Explain here any claimed experience of a business organization or entity other than the applicant or principals, including that of any business entity which was a predecessor of applicant or which has been acquired by applicant.

[illegible]

14 AFFIDAVIT

STATE OF Oregon)

County of Lane)

ss.

I, Michael C. Wildish being first sworn, state that I am

Vice President

(Title of individual authorized to execute bids and/or contracts) of the applicant herein and that the statements made in this application are true and I acknowledge that any false, deceptive or fraudulent statements on the application or at a hearing will result in the denial of prequalification, and may subject me to charges of false swearing or perjury; should there be any subsequent material reduction in applicant's ability to carry out any project for which applicant desires to submit a bid, applicant will give written notice of such change to the designated officer to whom this application is submitted at least ten days prior to the bid opening, and it is understood that such notice may change the eligibility of applicant to submit the bid.

(Original Signature of Individual Authorized to Execute Bids and/or Contracts)

Subscribed and sworn to before me
this

6th day of December, Year 2018

Notary Seal
or
Stamp

Tina L Merrill
Original Notary Public Signature

My commission expires 5/15/22



CERTIFIED COPY OF
RESOLUTION OF BOARD OF DIRECTORS

I, Steven J. Wildish, hereby certify that I am the Assistant Secretary and official custodian of certain records including the charter, by-laws, and the minutes of the meetings of the Board of Directors of Wildish Construction Co., a corporation duly organized and existing under the laws of the State of Oregon, and which is a corporation registered and qualified to do business in the State of Oregon and that the following is a true, accurate and complete transcript of a resolution duly made on the 15th day of November 2018, at which meeting there was present and acting throughout a quorum authorized to transact the business hereinafter described, and that the proceedings of said meeting were in accordance with the charter and by-laws of said corporation, and that said resolution has not been amended or revoked and is in full force and effect This resolution revokes all previous resolutions relating to signing authority of Wildish Construction Co.

NOW, THEREFORE, it is hereby unanimously resolved:

RESOLVED, that any of the officers of this corporation named below or their duly elected or appointed successor in office be and they hereby are authorized and empowered in the name and on behalf of this corporation and under its corporate seal to license and lease motor vehicles and equipment, and to execute contracts without the signature of others and deliver contracts, change orders, or other documents pertaining to construction projects, and that Wildish Construction Co. will faithfully, promptly and fully perform all obligations, covenants, and conditions on the part of Wildish Construction Co. required to be performed under and pursuant to any and all Documents executed by it relating to aforementioned projects.

RESOLVED FURTHER that the officers referred to in the foregoing resolution are as follows:

| | |
|-------------------------------------|--------------------|
| Chairman of the Board | James A. Wildish |
| President, Chief Executive Officer | James A. Wildish |
| Vice President, Secretary Treasurer | William R. Wildish |
| Vice President, Assistant Secretary | Steven J. Wildish |
| Vice President, Assistant Secretary | Michael C. Wildish |
| Assistant Secretary | Edith J. Pattee |
| Assistant Secretary | Thomas R. Bosworth |

In witness whereof, I hereunto set my hand to two original counterparts of this Resolution this 5th day of December 2018.



Steven J. Wildish
Assistant Secretary

SECTION 00460 – Bidder Responsibility Certification

BIDDER RESPONSIBILITY CERTIFICATION


**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

This certifies that the below named Bidder meets the standards of responsibility as provided by ORS 279C.375. The below named Bidder certifies that:

1. It has the appropriate financial, material, equipment, facility and personnel resources and expertise necessary to meet all contractual responsibilities as required by this contract.
2. It has a satisfactory record of performance for other public contracts.
3. It has a satisfactory record of integrity for other public contracts.
4. It is qualified legally to contract with the City of Lowell for this project.
5. It will supply all required information requested by the City of Lowell in connection with its bid for this project.

CERTIFICATION:

Contractor certifies that it meets the Standards of Responsibility as provided by ORS 279C.375.

Signature:  Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700 Date: 05/21/20

SECTION 00461 – Oregon Bidder Residency Statement

OREGON BIDDER RESIDENCY STATEMENT

**This page must be completed, signed, and returned with the Bid Proposal.
Failure to do so will result in bid rejection.**

279A.120 Preference for Oregon goods and services; non-resident bidders.

(1) As used in this section:

- (a) "Non-resident bidder" means a bidder who is not a resident bidder.*
- (b) "Resident bidder" means a bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the bid, has a business address in this state and has stated in the bid whether the bidder is a "resident bidder" under this paragraph.*

(2) For the purposes of awarding a public contract, a contracting agency shall:

- (a) Give preference to goods or services that have been manufactured or produced in this state if price, fitness, availability and quality are otherwise equal; and*
- (b) Add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides.*

"Resident Bidder" means a Bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the Bid, has a business address in this state and has stated in the Bid whether the Bidder is a "resident Bidder".

"Non-resident Bidder" means a Bidder who is not a "resident Bidder" as defined in ORD 279A.120.

a. Check one: Bidder is a (X) resident Bidder () non-resident Bidder

b. If a resident Bidder, enter your Oregon business address:

P: 3600 WILDISH LANE EUGENE, OR 97408

M: PO BOX 40310 EUGENE, OR 97404

c. If a non-resident Bidder, enter state of residency: _____

d. If a non-resident Bidder, do you or your firm receive, or are you or your firm eligible for, any preference in award of contracts with your state's government or with governmental bodies in your state?

Check one: () Yes () No

If yes: state the preference percentage: _____ %

If yes, but not a percentage of Bid price, describe the preference:

If yes, state the law or regulation that allows the preference described (legal citation):

Bidder certifies that the information provided herein is true and accurate.

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

SECTION 00462 – Drug Testing Program Certification


BIDDER DRUG TESTING PROGRAM CERTIFICATION

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

This certifies that the below named Bidder has an employee drug testing program in place as required by ORS 279C.505 (2).

CERTIFICATION:

Bidder certifies that it has an employee drug testing program in place as required by ORS 279C.505 (2).

Signature:  Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700 Date: 05/21/20

SECTION 00463 – Non-Discrimination Certification

NON-DISCRIMINATION CERTIFICATION

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

279A.110 Discrimination in subcontracting prohibited; remedies.

- (1) A bidder or proposer who competes for or is awarded a public contract may not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, women or emerging small business enterprise certified under ORS 200.055.*
- (2) A contracting agency may debar or disqualify, under ORS 279B.130 or 279C.440, as appropriate, a bidder or proposer if the contracting agency finds that the bidder or proposer has violated subsection (1) of this section in the awarding of a subcontract in connection with a contract advertised by the contracting agency or a contract between the contracting agency and the bidder or proposer. A debarred or disqualified bidder or proposer may appeal the debarment or disqualification under ORS 279B.425 or ORS 279C.445 and 279C.450, as appropriate.*
- (3) A contracting agency may not allege an occurrence of discrimination in subcontracting as a basis for debarring or disqualifying a bidder or proposer under subsection (2) of this section more than three years after the alleged discriminatory conduct occurred or more than three years after the contracting agency, in the exercise of reasonable diligence, should have discovered the conduct, whichever is later.*
- (4) A bidder or proposer shall certify in the documents accompanying the bidder's or proposer's offer to enter into a public contract that the bidder or proposer has not discriminated and will not discriminate, in violation of subsection (1) of this section, against any minority, women or emerging small business enterprise in obtaining any required subcontract.*
- (5) After a contractor is awarded a public contract, if the contractor violates the certification made under subsection (4) of this section, the contracting agency may regard the violation as a breach of contract that permits:
 - (a) Termination of the contract; or*
 - (b) The contracting agency to exercise any remedies for breach of contract that are reserved in the contract.**

CERTIFICATION:

Contractor certifies that it has not discriminated and will not discriminate, in violation of ORS 279A.110 (1), against any minority, women or emerging small business enterprise in obtaining any required subcontract

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

SECTION 00464 – State Tax Law Compliance Certification

CERTIFICATE OF COMPLIANCE WITH OREGON TAX LAWS

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

I, the undersigned, hereby swear or affirm under penalty of perjury that:

I am authorized to act in behalf of bidder, that I have authority and knowledge regarding the payment of taxes, and that bidder is, to the best of my knowledge, not in violation of any Oregon tax laws.

For purposes of this certificate, 'Oregon tax laws' means those programs listed in ORS305.380 (4). Examples include the state inheritance tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the elderly rental assistance program and local taxes administered by the Department of Revenue.

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

SECTION 00465 – CCB License Certification

**CERTIFICATION OF LICENSING BY OREGON CONSTRUCTION
CONTRACTORS BOARD**

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

This certifies that the below named Bidder is licensed by the State of Oregon Construction Contractor's Board required by ORS 279C.365 (1) (k).

CERTIFICATION:

Bidder hereby certifies that it is licensed by the State of Oregon Construction Contractor's Board and is not disqualified by the Board from performing a public improvement contract, as required by ORS 279C.365 (1) (k).

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

PROJECT INTAKE FORM



Client-Deal Number:

Note: Completion of this form does not guarantee an application will be invited. Program and Policy Coordinator may provide comments and suggestions for further project development.

SECTION 1 A: POTENTIAL APPLICANT

| | |
|----------------------------------|--|
| Organization Name | Organization (Identify the ORS under which entity is formed if potential applicant is an entity other than city or county, such as special district, authority, association, etc.) |
| Street Address and County | Mailing Address |
| Office Phone | Web URL |

SECTION 1 B: PROJECT CONTACT

| | |
|---------------------|--------------|
| Name | Title |
| Phone | Email |
| Phone (cell) | |

SECTION 1 C: PROJECT OVERVIEW

| | | | | |
|---|-------------|-------------------|-----------------------|--|
| Project Name | | | | |
| Project Location (physical address/attach map) | | | | |
| Project Category | | | | |
| Planning | Design only | Construction only | Design & Construction | |
| Other: | | | | |

SECTION 1 D: ESTIMATED FUNDING REQUEST

| | Amount | | |
|---|--------|-----------------------------|------------------|
| Funding Request from Business Oregon | | | |
| Funds from potential applicant | | Not Budgeted | Budgeted |
| Other Funds: | | Pending | Committed |
| | | If committed, provide term: | |
| Other Funds: | | Pending | Committed |
| | | If committed, provide term: | |
| Estimated Total Project Cost | | | |

**SECTION 1 F: BACKGROUND INFORMATION – PART 1
FOR WATER OR WASTEWATER PROJECTS ONLY**

| | | |
|--|---------------------------------|-------------------------------|
| Current Monthly Residential User Charge (Assume 7,500 gallons per month water consumption.) | | |
| | per month water | per month wastewater |
| Compliance Status | Achieve Compliance | Maintain Compliance |
| | Meet Future Requirements | Not Compliance Related |
| (If compliance related, please provide supporting documentation from the related regulatory agency.) | | |
| Identify type of compliance: | | |
| Notice Date: | | |
| Will the proposed project bring the utility into compliance? | Yes | No |

FOR ECONOMIC DEVELOPMENT PROJECTS ONLY *(JOB RELATED)*

| | | |
|---|-------------------|---------------------------------|
| What type of project is it? | Emergency | Firm Business Commitment |
| | Industrial | Levee |
| | | Other |
| If other special project is selected, please provide more information: | | |
| Will the project result in locating or expanding industrial or major commercial firm(s)? | | |
| Yes | No | N/A |
| If yes, provide firm's name (<i>type of industry if confidential</i>) and estimated number of jobs that will be created / retained. | | |
| How does this project build community or economic development? For economic development, please provide a brief economic impact statement. Example: this project will create/retain X number of jobs: construction, post construction and/or add \$X value to the community. State how many of the jobs will be at or above the county's minimum wage. State if the jobs are traded sector jobs or not. State cost per jobs created or retained. | | |

**This is the end of the form for planning-only projects and technical assistance-only projects.
If your project is design and/or construction, please continue to complete the following pages.**

**SECTION 1 G: BACKGROUND INFORMATION – PART 2
FOR DESIGN AND/OR CONSTRUCTION PROJECTS**

| | | |
|--|--------------------------------|-----------|
| Is the project based on a technical document that shows the project is feasible, cost effective, and completed by a licensed engineer or architect (such as approved Master Plan, Facilities Plan or other technical report)? | Yes | No |
| If Yes, date of plan or report: | | |
| If No, when will an engineering or architectural report be completed? | | |
| Has the governing body of the potential applicant conducted a public meeting (council or board meeting, public hearing, workshop, etc.) to identify and discuss the proposed project, including such items as nature and need for the project, starting date, financing requirements that may involve taking on additional debt, and consistency with the local comprehensive land use plan, county-wide or regional plan? | Yes | No |
| Type of public meeting: | Date of public meeting: | |
| If No, when will the public meeting be held? | | |

| FOR WATER OR WASTEWATER PROJECTS ONLY <i>(FOR DESIGN AND/OR CONSTRUCTION PROJECTS)</i> | | |
|--|----------------------|-----------|
| Are the audited financial reports for the three most recent fiscal years available on the Secretary of State website? | Yes | No |
| If No, attach the most recent financial reports (audited, if available) | | |
| What is the existing annual debt service for the existing system? | | |
| What is the amount, if any, of existing annual debt service for the system that is paid by property taxes? | | |
| per year water | per year wastewater | |
| Planned Monthly Residential User Charge Upon the Completion of Construction (must adequately cover operation, maintenance, replacement and debt financing): | | |
| per month water | per month wastewater | |
| Is there a current OM&R (Operation, Maintenance and Replacement) Manual for the system? | Yes | No |
| Are Maintenance and Replacement expenditures budgeted annually? | Yes | No |
| Are meters installed on all service connections? | Yes | No |
| If No, percentage not metered and provide explanation: | | |
| | | |

| USE | Current / Existing System | Future/at Completion of Construction | Current / Existing System | Future/at Completion of Construction | Gallons per Year |
|--|---------------------------------|--|---------------------------------|--|---------------------|
| | Connections | Connections | Billable Accounts | Billable Accounts | Usage |
| Residential | | | | | |
| Commercial and Businesses | | | | | |
| Industrial | | | | | |
| Other | | | | | |
| Total Uses | | | | | |
| Of Residential, Number occupied by Permanent Residents | | | | | |
| Percentage of Permanent Residents | | | | | |

SECTION 2 A: TO BE COMPLETED BY BUSINESS OREGON STAFF ONLY
(APPLICABLE FOR ALL PROJECT TYPES)

| | | | |
|--|------------------------|------------------|-------------------------|
| Does the potential applicant have other open Business Oregon grants and/or loans? | | Yes | No |
| If yes, list each open Business Oregon award by project name, number, award amount and project status: | | | |
| Is potential applicant pursuing CDBG funding? | | Yes | No |
| If yes, complete A and B below: | | | |
| A. Does potential applicant have more than three open CDBG grants? | | Yes | No |
| If yes, explain: | | | |
| B. Is potential applicant meeting the age and expenditure requirements for all open CDBG grants? See the age and expenditure requirements below: | | Yes | No |
| <ul style="list-style-type: none"> • Requirements for open ONE-YEAR grants are: <ul style="list-style-type: none"> ▪ Any Microenterprise grant this is one year old must be 70% drawn ▪ Any Microenterprise grant that is two years old must be administratively closed ▪ Any Housing Rehabilitation project that is one or two years old must be meeting contract requirements ▪ Any Housing Rehabilitation project that is three years old must administratively closed • Requirements for open MULTI-YEAR grants are: <ul style="list-style-type: none"> ▪ Any grant that is two years old must be 60% drawn ▪ Any grant that is three years old must be 100% drawn ▪ Any grant that is four years old must be administratively closed | | | |
| Potential Applicant Population | | Low/Mod Income % | Median Household Income |
| Distressed Area | Yes No Mixed | Rural Area | Yes No Mixed |
| One Stop Meeting (Attach Financial Worksheet from One Stop session if applicable) | | | |
| Date | Notes | | |
| Salesforce Posting Date | | | |

SECTION 2 B: TO BE COMPLETED AFTER SALESFORCE COMMENT PERIOD BY BUSINESS OREGON STAFF ONLY
(APPLICABLE FOR ALL PROJECT TYPES)

| | | | |
|---|--------|-------|----------------|
| Comment received | Yes | No | If yes, attach |
| Invite Application for the following source or sources: | | | |
| CDBG | SDWRLF | DWSP | SPWF |
| WWF | PPMF | OPRLF | MNIF |
| Other | | | |
| Comments | | | |

Regional Development Officer/Regional Project Manager

Name

Signature

Date

Special Meeting (Immediately following Work Session)

Call to Order/Roll Call/Pledge

Councilors: Mayor Bennett ____ Harris ____ Stratis ____ Dragt ____

Approval of Agenda

Public Comments: Speakers will be limited to three (3) minutes. The Council may ask questions but will not engage in discussion or make decisions based on public comment at this time. The Mayor may direct the City Administrator to follow up on comments received. When called, please state your name and address for the record. Direct all comments to the Council through the Mayor.

Council Comments (three minutes per speaker)

All speakers are expected to be polite, courteous, and respectful when making their comments. Personal attacks, insults, profanity, and inflammatory comments will not be permitted.

Old Business: None.

New Business:

1. City Council Appointment – Discussion/Possible Action
2. Main Street and Lakeview Avenue Bid Award – Discussion/Possible Action
3. Pine Needlers Special Event Application – Discussion/Possible Action
4. Lowell High School Special Event Application – Discussion/Possible Action
5. Agreement for Improvements – Crestview Subdivision – Discussion/Possible Action
6. Oregon RAIN Contract – Discussion/Possible Action

Executive Session: ORS 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Other Business

Mayor Comments

Community Comments: Limited to two (2) minutes if prior to 9:30 P.M.

Adjourn

AGENDA ITEM SUMMARY

TO: Mayor Bennett and Council
FROM: Jared Cobb, City Administrator
DATE: May 28, 2020
SUBJECT: City Council Appointment

- ☐ **DISCUSSION**
- ☒ **ACTION**
- ☐ **RESOLUTION**
- ☐ **ORDINANCE**
- ☐ **PROCLAMATION**
- ☐ **REPORT**

SUMMARY:

There is one vacancy on the City Council. The City published a call for volunteers in the May edition of The Bridge and posted the position on local bulletin boards, City website and Facebook. As of May 28 one application has been received. The candidate was scheduled for an interview with the City Council at the June 2, 2020 Work Session.

FISCAL IMPACT:

N/A

COURSES OF ACTION:

1. Motion to appoint _____ to the City Council Position 2.
2. Request additional time to review applications and make the appointment at the next City Council meeting.

RECOMMENDATION:

N/A

ATTACHMENTS:

1. Volunteer Board and Commission Applications – John Myers



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information

| | |
|----------------------|-------------------|
| Name: | John Myers |
| Street Address: | 554 E. 1st Street |
| Mailing Address: | Same |
| City/State/Zip Code: | Lowell, OR 97452 |
| Home Phone: | 509-879-2108 |
| Work Phone: | 541-369-2896 |
| E-Mail Address: | myersdeer@aol.com |

Background

| | |
|-------------------------------|---|
| Years of Residence in Lowell: | 3 years |
| Place of Employment: | Wilbur-Ellis |
| Occupation: | Operations Manager |
| Educational Background: | Accounting Certificate 6 years US Army Leadership training Safety trainer training |
| Prior Civic Activities: | Lowell Fire Board BBJ Committee City Budget Committee City Planning Committee |

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- ☒ **City Council**
- ☐ **Budget Committee**
- ☐ **Planning Commission**
- ☐ **Parks and Recreation Committee**
- ☐ **Economic Development Committee**
- ☐ **Library Committee**
- ☐ **Blackberry Jam Festival Committee**
- ☐ **Other short-term task groups**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

Decision making, Budgets, Long term Goal planning. Things that I do everyday as an Operations Manager over the past 30 years

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

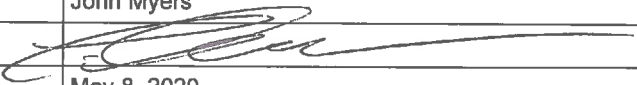
To serve my community, to be an active part of the downtown plan and to help our town grow

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

| | |
|----------------|--|
| Name (printed) | John Myers |
| Signature |  |
| Date | May 8, 2020 |

Our Policy

It is the policy of the City of Lowell to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of Lowell accepts applications from potential volunteers throughout the year and will hold applications until vacancies exist on specific boards, commissions, or committees. Thank you for completing this application form and for your interest in volunteering with us.

Applications may be submitted by mail, in person, or email to:

City of Lowell
P.O. Box 490
107 East Third Street
Lowell, OR 97452
volunteer@ci.lowell.or.us

AGENDA ITEM SUMMARY

TO: Mayor Bennett and Council
FROM: Jared Cobb, City Administrator
DATE: May 29, 2020
SUBJECT: Bid Awards
Main Street and Lakeview Avenue
Paving and Utility Improvements

- ☐ **DISCUSSION**
- ☒ **ACTION**
- ☐ **RESOLUTION**
- ☐ **ORDINANCE**
- ☐ **PROCLAMATION**
- ☐ **REPORT**

SUMMARY:

Staff opened bids for the Main Street and Lakeview Avenue Paving and Utility Improvement Project (Project No. 2101-016/018) on May 21, 2020. The City Engineer reviewed the bids and has recommended awarding the project to the low bidder, Wildish Construction Co. The bid and alternates are attached for your review and consideration.

FISCAL IMPACT:

The project will be funded by \$200,000 in Special City Allotment grants and a proposed 20-year loan from the Business Oregon Special Public Works Fund at a rate of approximately 2.5%. If all additives were approved, this would equate to debt of \$225,855 and an annual debt service payment of approximately \$14,362, which would be allocated to the Street Fund and Water Fund. A pre-application has been submitted to Business Oregon for funding. If necessary, Government Capital can also provide funding at approximately 4.5%.

COURSES OF ACTION:

1. Motion to award the bid to Wildish Construction Co. with Schedule 1 Alternative ____ (A/B) , Schedule 2 Alternative ____ (A/B), and Schedule 2 Additive Alternatives ____ (1/2/Both), in an amount not to exceed _____ and authorizing the Mayor to sign any necessary agreements or documents to approve the project.
2. No action.

RECOMMENDATION:

The City Engineer and staff recommend awarding the bid to Wildish Construction Co. The City Council will need to review the bid, evaluate, and consider which Additive Alternatives to include in the project.

ATTACHMENTS:

1. Notice of Intent to Award
2. Wildish Construction Co. Bid Documents



Rogue Valley Office
830 O'Hare Parkway, Suite 102
Medford, OR 97504
541-326-4828

Coos Bay Office
486 'E' Street
Coos Bay, OR 97420
541-266-8601

Albany Office
213 Water Ave NW, Suite 100
Albany, OR 97321
541-223-5130

Newport Office
609 SW Hurbert Street
Newport, OR 97366
541-264-7040

May 22, 2020

Attn: All Plan Holders/ Bidders

**RE: City of Lowell
Main Street and Lakeview Street Paving and Utility Improvements
Project No. 2101-016/018
Notice of Intent to Award**

The Bid opening for the Main Street and Lakeview Street Paving and Utility Improvement Project was held and read aloud at 2:00 pm on May 20th, 2020.

Based on the determination of responsible bidders per ORS 279C.375 and the results of the above-mentioned Bid opening and observations, this letter is to inform you it is the Intent of the City of Lowell to Award the Contract to

Wildish Construction Co.

This letter is not a Notice of Award and does not constitute the formation of a contract between the Owner and apparent successful bidder but is to serve only as a Notice of Intent to Award.

OAR 137-049-0450 requires any protest to this Notice of Intent to Award be filed with the City of Lowell within seven (7) calendar days after the date this notice was issued. Any protest of this Intent to Award must be in writing and specifically identify the grounds for the protest as provided in OAR 137-049-0450 (4). The contract may be awarded upon the later of the following: seven (7) calendar days after the date this Notice of Intent to Award was issued or after the Owner provides a written response to all timely-filed protests that deny the protest and affirms the award.

Respectfully,

Civil West Engineering Services, Inc.

Matt Wadlington, P.E.
Willamette Valley Regional Manager
Civil West Engineering Services, Inc.

City of Lowell

Lane County, Oregon

CONTRACT DOCUMENTS

VOLUME 1 – BIDDING FORMS, CONTRACT DOCUMENTS, ETC.

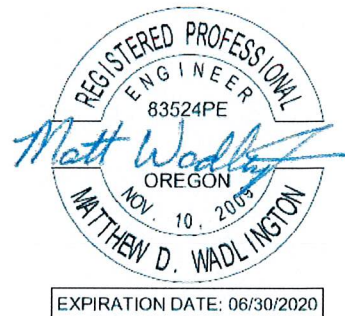
FOR THE CONSTRUCTION OF

Main Street Pavement and Utility Improvements & Lakeview Street Pavement and Utility Improvements

April 2020

Project No. 2101-016

Project No. 2101-018



Prepared By:

Civil West Engineering Services, Inc.

213 Water AVE. NW, Suite 100 • Albany, Oregon 97321 • Ph. 541.266.8601

www.civilwest.com

BID FORM FOR CONSTRUCTION CONTRACTS

Prepared by



Issued and Published Jointly by



Copyright © 2013:

National Society of Professional Engineers
1420 King Street, Alexandria, VA 22314-2794
(703) 684-2882
www.nspe.org

American Council of Engineering Companies
1015 15th Street N.W., Washington, DC 20005
(202) 347-7474
www.acec.org

American Society of Civil Engineers
1801 Alexander Bell Drive, Reston, VA 20191-4400
(800) 548-2723
www.asce.org

The copyright for this EJCDC document is owned jointly by the three sponsoring organizations listed above. The National Society of Professional Engineers is the Copyright Administrator for the EJCDC documents; please direct all inquiries regarding EJCDC copyrights to NSPE.

BID FORM

City of Lowell

Main Street Pavement and Utility Improvements

Project No. 2101-016

Lakeview Street Pavement and Utility Improvements

Project No. 2101-018

TABLE OF CONTENTS

| | Page |
|---|-------------|
| ARTICLE 1 – Bid Recipient | 1 |
| ARTICLE 2 – Bidder’s Acknowledgements | 1 |
| ARTICLE 3 – Bidder’s Representations | 1 |
| ARTICLE 4 – Bidder’s Certification..... | 2 |
| ARTICLE 5 – Basis of Bid | 2 |
| ARTICLE 6 – Attachments to this Bid | 9 |
| ARTICLE 7 – Defined Terms | 9 |
| ARTICLE 8 – Bid Submittal | 10 |

THIS PAGE INTENTIONALLY LEFT BLANK

ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to:

City of Lowell

Attn: Jared Cobb, City Administrator

107 East Third Street

Lowell, OR 97452

SUBMITTED VIA EMAIL TO: jcobb@ci.lowell.or.us

- 1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

| <u>Addendum No.</u> | <u>Addendum, Date</u> |
|---------------------|-----------------------|
| 1 | 05/19/20 |
| | |
| | |
| | |

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Federal, State and Local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.

- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.
- K. Bidder will submit written evidence of its authority to do business in the State or other jurisdiction where the project is located not later than the date of execution of the Agreement.

ARTICLE 4 – BIDDER’S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 - 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.
- E. Bidder certifies that Bidder will comply with ORS 279C.838 or 279C.840 regarding prevailing wage rates.
- F. Bidder ☒ is ☐ is not a resident bidder as defined in ORS 279A.120.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Schedule 1, Alternative A - Main Street Pavement Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|--|---------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 8,500.00 | 8,500.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 1,200.00 | 1,200.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 232.00 | 232.00 |
| 4 | Saw Cutting | 2055 | LF | 1.50 | 3,082.50 |
| 5 | Cold Plane Removal | 2635 | SY | 3.80 | 10,013.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 135 | SY | 36.40 | 4,914.00 |
| 7 | 2-inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 305 | TONS | 87.70 | 26,748.50 |
| 8 | Clean Pavement Surface and Apply Tack Coat | 2635 | SY | 0.38 | 1,001.30 |
| 9 | Thermoplastic Stop Bar and Cross Walk | 1 | LS | 1,700.00 | 1,700.00 |
| 10 | 4-inch Yellow Dotted Line | 1 | LS | 900.00 | 900.00 |
| 11 | Landscape Restoration & Cleanup | 1 | LS | 230.00 | 230.00 |
| | Construction Subtotal | | | | 58,521.30 |

Total of Unit Item Prices: \$ 58,521.30
(Numbers)

Total of Unit Item Prices: \$ Fifty Eight Thousand Five Hundred & Twenty One Dollars and ^{new} ~~30~~ Thirty Cents.
(In words)

Schedule 1, Alternative B - Main Street Pavement and Utility Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|---|---------------|------|-------------|-------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 18,000.00 | 18,000.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 3,250.00 | 3,250.00 |
| 3 | Demolition and Site Preparation, Includes abandonment of the existing waterline | 1 | LS | 7,200.00 | 7,200.00 |
| 4 | Saw Cutting | 3700 | LF | 1.50 | 5,550.00 |
| 5 | Cold Plane Removal | 2635 | SY | 3.80 | 10,013.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 790 | SY | 25.00 | 19,750.00 |
| 7 | 2-inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 390 | TONS | 87.70 | 34,203.00 |
| 8 | Clean Pavement Surface and Apply Tack Coat | 2635 | SY | 0.38 | 1,001.30 |
| 9 | Thermoplastic Stop Bar and Cross Walk | 1 | LS | 1,700.00 | 1,700.00 |
| 10 | 4-inch Yellow Dotted Line | 1 | LS | 900.00 | 900.00 |
| 11 | Landscape Restoration & Cleanup | 1 | LS | 1,400.00 | 1,400.00 |
| 12 | New 6-inch Waterline installed | 740 | LF | 45.00 | 33,300.00 |
| 13 | Lateral Reconnect | 8 | EA | 1,800.00 | 14,400.00 |
| 14 | New 6-inch Valves installed | 5 | EA | 1,500.00 | 7,500.00 |
| 15 | New Blowoff Assembly | 1 | EA | 1,500.00 | 1,500.00 |
| 16 | Connect to Existing | 2 | EA | 4,000.00 | 8,000.00 |
| 17 | New 4" PVC Electrical Conduit | 265 | LF | 16.00 | 4,240.00 |
| | Construction Subtotal | | | | 167,667.30 |

Total of Unit Item Prices: \$ 167,667.30
(Numbers)

Total of Unit Item Prices: \$ One Hundred and Sixty Seven Thousand Six Hundred and Sixty Seven
(In words) Dollars and Thirty Cents.

Schedule 2, Alternative A - Lakeview Street Pavement Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|--|------------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 7,000.00 | 7,000.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 1,100.00 | 1,100.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 200.00 | 200.00 |
| 4 | Saw Cutting | 1740 | LF | 1.50 | 2,610.00 |
| 5 | Cold Plane Removal | 185 | SY | 8.20 | 1,517.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 1300 | SY | 26.66 | 34,658.00 |
| 8 | 2- inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 305 | TONS | 94.00 | 28,670.00 |
| 9 | Clean Pavement Surface and Apply Tack Coat | 1485 | SY | 0.37 | 549.45 |
| 10 | Thermoplastic Pavement Markings | 1 | LS | 2,100.00 | 2,100.00 |
| 11 | Landscape Restoration & Cleanup | 1 | LS | 230.00 | 230.00 |
| | Construction Subtotal | | | | 78,634.45 |

Total of Unit Item Prices: \$ 78,634.45
(Numbers)

Total of Unit Item Prices: \$ Seventy Eight Thousand Six Hundred and Thirty Four Dollars and Forty Five cents.
(In words)

Schedule 2, Alternative B - Lakeview Street Pavement and Utility Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|----|---|---------------|------|-------------|-------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 14,500.00 | 14,500.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 2,500.00 | 2,500.00 |
| 3 | Demolition and Site Preparation, Includes abandonment of the existing waterline | 1 | LS | 2,600.00 | 2,600.00 |
| 4 | Saw Cutting | 1760 | LF | 1.50 | 2,640.00 |
| 5 | Cold Plane Removal | 110 | SY | 8.20 | 902.00 |
| 6 | Deep Patching Areas. Includes excavation, geo fabric, backfill and compaction | 1380 | SY | 26.70 | 36,846.00 |
| 7 | 2- inch AC Overlay Level 2 and 4-inch AC for Deep Patches | 315 | TONS | 94.00 | 29,610.00 |
| 8 | Clean Pavement Surface and Apply Tack Coat | 1485 | SY | 0.37 | 549.45 |
| 9 | Thermoplastic Pavement Markings | 1 | LS | 2,100.00 | 2,100.00 |
| 10 | New 6-inch Waterline installed | 720 | LF | 45.00 | 32,400.00 |
| 11 | New 6-inch Valves installed | 6 | EA | 1,500.00 | 9,000.00 |
| 12 | New Water Meters and service connections | 5 | EA | 1,800.00 | 9,000.00 |
| 13 | New Back flow preventer installed | 1 | EA | — | — |
| 14 | Connect to Existing | 3 | EA | 3,600.00 | 10,800.00 |
| 15 | Fire hydrant assembly including piping and valve | 1 | EA | 5,500.00 | 5,500.00 |
| 16 | Landscape and Site Restoration | 1 | LS | 230.00 | 230.00 |
| 17 | New 4" PVC Electrical Conduit | 120 | LF | 25.00 | 3,000.00 |
| | Construction Subtotal | | | | 159,177.45 |

Total of Unit Item Prices: \$ 159,177.45
(Numbers)

Total of Unit Item Prices: \$ One Hundred and Fifty Nine Thousand One Hundred and Seventy Seven
(In words) Dollars and Forty Five Cents

Schedule 2 - Additive Alternative 1 - Lakeview Street Curb and Gutter Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|---|--|------------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 3,600.00 | 3,600.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 850.00 | 850.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 4,500.00 | 4,500.00 |
| 4 | Curb, includes the flush and extruded curbs as designated on plan set and min 6" aggregate base. | 1400 | LF | 17.55 | 24,570.00 |
| 5 | Curb Inlet Storm Drain Grate installed | 1 | EA | 1,100.00 | 1,100.00 |
| 6 | Safety Railing | 30 | LF | 112.00 | 3,360.00 |
| 7 | Landscape and Site Restoration | 1 | LS | 3,300.00 | 3,300.00 |
| | Construction Subtotal | | | | 41,280.00 |

Total of Unit Item Prices: \$ 41,280.00
(Numbers)

Total of Unit Item Prices: \$ Forty One Thousand Two Hundred and Eighty Dollars and Zero Cents.

Schedule 2 - Additive Alternative 2 – Lakeview Street Sidewalk Improvements

BID FORM

| | Description | Est. Quantity | Unit | Unit Amount | Total |
|---|--|------------------|------|-------------|------------------|
| 1 | Mobilization, Bonds and Insurance | 1 | LS | 2,400.00 | 2,400.00 |
| 2 | Construction Facilities and Temporary Controls | 1 | LS | 21,000.00 | 21,000.00 |
| 3 | Demolition and Site Preparation | 1 | LS | 2,500.00 | 2,500.00 |
| 4 | Sidewalk, includes aggregate base (6"-18") | 2740 | SF | 9.50 | 26,030.00 |
| 5 | Landscape and Site Restoration | 1 | LS | 5,800.00 | 5,800.00 |
| | Construction Subtotal | | | | 57,730.00 |

Total of Unit Item Prices: \$ 57,730.00
(Numbers)

Total of Unit Item Prices: \$ Fifty Seven Thousand Seven Hundred and Thirty Dollars and Zero cents.

- A. The basis of award of the Contract will be to the lowest & responsive bidder for the combination of Base Bids and Additive Alternatives as best serves the City. Based on bids, the City may elect to award either Alternate to each schedule, and may award either, both, or neither of the Additive Alternatives.
 - B. Unit Prices have been computed in accordance with the General Conditions.
 - C. Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the contract Documents.
 - D. The identity of the successful Bidder for each individual schedule may not specifically be determined at the time of the opening of the Bids.
- 5.02 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 5.03 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 6 – ATTACHMENTS TO THIS BID

- 6.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security; in the form of Bid Bond EJCDC No. C-430
 - B. List of Proposed Subcontractors;(First-Tier Subcontractors Disclosure Form submitted within 2 working hours after Bid closing time) No. C-440
 - C. Required Bidder Qualification Statement with Supporting Data – EJCDC No. C-451 (Unless prequalified per section 3.01 of the Instruction to Bidders)
 - D. Bidders Responsibility Certification No. C-460
 - E. Residency Statement No. C-461
 - F. Employee Drug Certification No. C-462
 - G. Non-Discrimination Certification No. C-463
 - H. Certificate of Compliance with Oregon Tax Laws No. C-464
 - I. Certificate of Licensing by the Construction Contractors Board No. C-465

ARTICLE 7 – DEFINED TERMS

- 7.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 8 – BID SUBMITTAL

8.01 This Bid is submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)


Name (typed or printed): _____

A Corporation

Corporation Name: WILDISH CONSTRUCTION CO. (SEAL)

State of Incorporation: OREGON

Type (General Business, Professional, Service, Limited Liability): GENERAL BUSINESS

By: 
(Signature -- attach evidence of authority to sign)

Name (typed or printed): MICHAEL C. WILDISH

Title: VICE PRESIDENT

Attest 

WILLIAM R. WILDISH, SECRETARY-TREASURER

Date of Qualification to do business in Oregon is 12 / 29 / 1959

A Joint Venture

Name of Joint Venture: _____

First Joint Venturers Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturers Name: _____ (SEAL)

CERTIFIED COPY OF
RESOLUTION OF BOARD OF DIRECTORS

I, Steven J. Wildish, hereby certify that I am the Assistant Secretary and official custodian of certain records including the charter, by-laws, and the minutes of the meetings of the Board of Directors of Wildish Construction Co., a corporation duly organized and existing under the laws of the State of Oregon, and which is a corporation registered and qualified to do business in the State of Oregon and that the following is a true, accurate and complete transcript of a resolution duly made on the 15th day of November 2018, at which meeting there was present and acting throughout a quorum authorized to transact the business hereinafter described, and that the proceedings of said meeting were in accordance with the charter and by-laws of said corporation, and that said resolution has not been amended or revoked and is in full force and effect This resolution revokes all previous resolutions relating to signing authority of Wildish Construction Co.

NOW, THEREFORE, it is hereby unanimously resolved:

RESOLVED, that any of the officers of this corporation named below or their duly elected or appointed successor in office be and they hereby are authorized and empowered in the name and on behalf of this corporation and under its corporate seal to license and lease motor vehicles and equipment, and to execute contracts without the signature of others and deliver contracts, change orders, or other documents pertaining to construction projects, and that Wildish Construction Co. will faithfully, promptly and fully perform all obligations, covenants, and conditions on the part of Wildish Construction Co. required to be performed under and pursuant to any and all Documents executed by it relating to aforementioned projects.

RESOLVED FURTHER that the officers referred to in the foregoing resolution are as follows:

| | |
|-------------------------------------|--------------------|
| Chairman of the Board | James A. Wildish |
| President, Chief Executive Officer | James A. Wildish |
| Vice President, Secretary Treasurer | William R. Wildish |
| Vice President, Assistant Secretary | Steven J. Wildish |
| Vice President, Assistant Secretary | Michael C. Wildish |
| Assistant Secretary | Edith J. Pattee |
| Assistant Secretary | Thomas R. Bosworth |

In witness whereof, I hereunto set my hand to two original counterparts of this Resolution this 5th day of December 2018.



Steven J. Wildish
Assistant Secretary

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturers must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address _____

PHYSICAL: 3600 WILDISH LANE EUGENE, OR 97408

MAILING: PO BOX 40310 EUGENE, OR 97404

Phone No. 541-485-1700 Fax No. 541-683-7722

E-mail estimating@wildish.com

SUBMITTED on MAY 21, 20 20

State Contractor License No. 695.

THIS PAGE INTENTIONALLY LEFT BLANK

BID BOND

DATE May 21, 2020

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Wildish Construction Co.
PO Box 40310
Eugene, OR 97404

SURETY (Name, and Address of Principal Place of Business):

Liberty Mutual Insurance Company
PO Box 34670
Seattle, WA 98124

OWNER (Name and Address):

City of Lowell
Attn: Jared Cobb, City Administrator
P.O. Box 490
Or 107 East Third Street
Lowell, OR 97452

BID

Bid Due Date: **May 21st, 2020 by 2pm (PST)**

Description (Project Name— Include Location): **City of Lowell – Main Street Pavement and Utility Improvements & Lakeview Street Pavement and Utility Improvements**

BOND

Bond Number: N/A

Date: **May 21, 2020**

Penal sum **Ten Percent of Bid and no/100*****

\$ 10%

(Words)

(Figures)

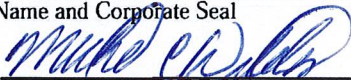
Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

Wildish Construction Co. (Seal)

Bidder's Name and Corporate Seal

By:


Signature


MICHAEL C. WILDISH

Print Name

VICE PRESIDENT

Title

Attest:


Signature

WILLIAM R. WILDISH, SECRETARY-TREASURER

SURETY

Liberty Mutual Insurance Company (Seal)

Surety's Name and Corporate Seal

By:


Signature (Attach Power of Attorney)

Kristen McGillvrey

Print Name

Attorney-In-Fact

Title



Signature Summer Hugh, Attorney-In-Fact





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8203441 - 969225**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Tina A. Costa, Steven J. Hanson, Robert Harvey, Summer Hugh, Paul Jensen, Kristen McGillivray, Dean R. Pollock, Steve Ward

all of the city of Eugene state of OR each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 7th day of April, 2020.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 7th day of April, 2020 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 21st day of May, 2020.



By:

Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

SECTION 00440 – FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM

Project Name: **City of Lowell – Main Street Pavement and Utility Improvements & Lakeview Street Pavement and Utility Improvements**


Bid Closing Date: **May 21st, 2020** Time: **2:00 pm (PST)**

A. Subcontractor List

1. Bidder shall list below the name, address, Construction Contractor's Board (CCB) number, description of work and dollar value of the subcontract for each subcontractor performing work in excess of the amount specified in the Instructions to Bidders, Section 00200, Article 12. If no subcontractor will be performing work on this project in excess of the amount specified in the Instructions to Bidders, Section 00200, Article 12, Bidders shall enter "NONE" in the first line below.

| <u>Name</u> | <u>Address</u> | <u>CCB #</u> | <u>Description of Work</u> | <u>\$ Value of Subcontract</u> |
|-------------|----------------|--------------|----------------------------|--------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

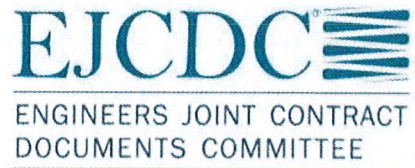
2. Total value of work provided by all subcontractors including those listed above is \$ _____.

| | | | |
|---|------------------------|----------------|--------------------------|
|  | MICHAEL C. WILDISH | VICE PRESIDENT | WILDISH CONSTRUCTION CO. |
| Signature of Bidder | Printed Name of Bidder | Title | Company Submitting |

*This form must be submitted at the location specified in the Advertisement for Bids or Invitation to Bid on the bid closing date and within **Two (2)** working hours after bid closing time.*

QUALIFICATIONS STATEMENT

Prepared by



Issued and Published Jointly by





Oregon

Kate Brown, Governor

**Department of Transportation
Procurement Office-Construction, MS#2-2**

3930 Fairview Industrial Drive SE
Salem, Oregon 97302-1166

Voice: (503) 986-2710

Fax: (503) 986-6910

Email: odotprocurementofficeconstruction@odot.state.or.us

December 24, 2018

WILDISH CONSTRUCTION CO
TINA L. MERRILL
PO BOX 40310
EUGENE, OR 97404

Your prequalification application has been approved. This prequalification pertains only to the submission of bid proposals and does not cover your financial ability.

Your bids will be considered responsive on ODOT projects on or after: January 01, 2019

Your prequalification application is valid through: December 31, 2020

Your vendor number is: CV20011136

Work Classifications:

| | |
|--|---|
| (AB)-AGGREGATE BASE | (OTH)-WORK CLASS SETTING FOR LOCAL AGENCIES |
| (ACP)-ASPHALT CONCRETE PAVING AND OILING | (PAI)-PAINTING |
| (BLD1)-BUILDINGS | (PAVE)-PAVEMENT MARKINGS |
| (EART)-EARTHWORK AND DRAINAGE | (PCP)-PORTLAND CEMENT CONCRETE PAVING |
| (ELEC)-ELECTRICAL | (REIN)-BRIDGES AND STRUCTURES |
| (LS)-LANDSCAPING | (SIGN)-SIGNING (PERMANENT) |
| (MHA)-MISC. HIGHWAY APPURTENANCES | (TTC)-TEMPORARY TRAFFIC CONTROL |

Applicants must update their prequalification application with ODOT when information changes. An addendum change form and instructions are available on our web site at:

<http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/Prequalification.aspx>

This prequalification application covers Oregon Department of Transportation projects that are advertised on the ODOT Procurement Office – Construction Contract Unit website:

<http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/contractorplans/NTC.aspx>

This prequalification application does not cover Oregon Department of Transportation projects advertised in ORPIN (Oregon Procurement Information Network) which may be posted on our website.

ODOT eBIDS provides free downloading of plans and specifications and related bid documents. You will need to self register as a holder of bidding plans in order for your bid to be responsive for each project for which you submit a bid.

<https://ecm.odot.state.or.us/cf/EBIDS/>

If you wish to appeal any of the conditions of this prequalification you must notify this office in writing in accordance with ORS 279C.445 and ORS 279C.450 within three business days after receipt of this notice.

Darren Schmidt
Oregon Department of Transportation
Procurement Office - Construction Contracts Unit, MS#2-2
3930 Fairview Industrial Drive SE
Salem, Oregon 97302-1166
Phone: 503-986-6912 Fax: 503-986-6910



OREGON DEPARTMENT OF TRANSPORTATION
PRIME CONTRACTOR
PREQUALIFICATION APPLICATION

Make check payable to: ODOT

Submit application and check to:

Oregon Department of Transportation

ODOT Procurement Office – Construction Contracts Unit, MS#2-2

3930 Fairview Industrial Drive SE

Salem, OR 97302-1166

Phone: 503-986-2710

Website: www.oregon.gov/ODOT/CS/CONSTRUCTION

Filing Fee \$200

FSB Date

Initials

A. Date: 12/06/2018

Enter today's date

Expiration Date:

To be completed by ODOT

B. Application of:

Wildish Construction Co.

Legal Business Name (as shown on your federal form W-9)

Assumed Business Name(s) (Complete Section 6)

List previous business names of
your organization:

C. Business Structure (Check one):

- ☒ Oregon Corporation
☐ Foreign Corporation
☐ Limited Liability Company (LLC)
☐ Limited Liability Partnership (LLP)
☐ Limited Partnership (LP)
☐ General Partnership
☐ Individual Sole Proprietorship

D. ☐ Joint Venture

E. Purpose of Application (Check all that apply):

☒ ODOT Projects

1st anticipated bid opening date 01/01/2019

☒ Local Government Projects

1st anticipated bid opening date 01/01/2019

☒ Other Government Projects

1st anticipated bid opening date 01/01/2019

F. Address:

Physical address, city, state, zip (No P.O. Boxes)

3600 Wildish Lane, Eugene, OR 97408

Mailing address, city, state, zip

P.O. Box 40310 Eugene, OR 97404-0047

Phone 541-485-1700

Fax 541-683-7722

PERSON COMPLETING APPLICATION:

Name Tina L. Merrill Phone 541-485-1700

Email estimating@wildish.com Fax 541-683-7722

PERSON TO APPEAR ON PLANHOLDERS LIST (attach additional sheets if necessary):

Name Estimating Phone 541-485-1700

Email estimating@wildish.com Fax 541-683-7722

To be completed by ODOT:

RECEIPT DATE #1

RECEIPT DATE #2

RECEIPT DATE #3

RECEIPT DATE #4

SOS _____ / CCB _____ / CCB _____ / BOLI _____ / SAM _____

APPROVAL/LAST RECPT DATE / INIT _____ ADD #1 DATE _____ / INIT _____ DESC _____




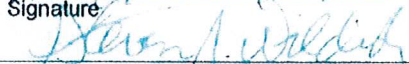


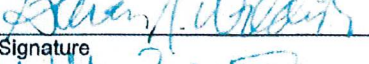

REVIEW DATE / INIT _____

ELIGIBILITY DATE _____ ADD #2 DATE _____ / INIT _____ DESC _____

VENDOR NO _____

DATA ENTRY DATE / INIT _____ CHECK SENT TO FSB DATE _____ / INIT _____

BUSINESS STRUCTURE: Complete section 1, 2, 3, 4, or 5 as applies

| | |
|---|---|
| 1 If an Oregon corporation, complete this section <input type="checkbox"/> NA | |
| Date Corporation was registered with Secretary of State <u>12/29/1959</u> | |
| President <u>James A. Wildish</u> Secretary <u>William R. Wildish</u> | |
| 1st Vice President <u>Michael C. Wildish</u> Steven J. Wildish Treasurer <u>William R. Wildish</u> | |
| <u>CONTRACT EXECUTION - List of Authorized Personnel</u> | |
| A) President and Secretary (Both President and the Secretary of the corporation are required to sign ODOT contracts and performance and payment bonds unless certified, true and correct copy of corporate bylaws, resolutions, or minutes state otherwise and are attached to this prequalification.) <i>Signatures are preferred in blue ink.</i> | |
| <u>James A. Wildish</u> Printed name of President |  Signature |
| <u>William R. Wildish</u> Printed name of Secretary |  Signature |
| B) Are other officers besides the President and Secretary of your company authorized to execute contracts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list below and attach certified, true and correct copy of corporate bylaws, resolutions, or minutes stating that authority. | |
| <u>Michael C. Wildish, Vice President</u> Printed name and title |  Signature |
| <u>Steven J. Wildish, Vice President</u> Printed name and title |  Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |
| C) Are any of the officers (listed above in A & B) authorized to sign and execute contracts and bonds on behalf of the company without the signature of others? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, YOU MUST ATTACH CORPORATE BYLAWS, RESOLUTIONS, OR MINUTES STATING THIS AUTHORITY TO SIGN ALONE ON BEHALF OF THE CORPORATION IN THE CORPORATE BYLAWS OR MINUTES. | |
| <u>BID EXECUTION - List of Authorized Personnel</u> | |
| Signatures of all individuals (<u>INCLUDING ANY OFFICERS LISTED ABOVE</u>) authorized to execute Bids on behalf of the company shall be listed in this section, including any officers listed above and those individuals with a digital ID used for submitting an electronic bid through BidExpress®. <i>Signatures are preferred in blue ink</i> | |
| <u>James A. Wildish, President</u> Printed name and title |  Signature |
| <u>Michael C. Wildish, Vice President</u> Printed name and title |  Signature |
| <u>Steven J. Wildish, Vice President</u> Printed name and title |  Signature |
| <u>William R. Wildish, Secretary-Treasurer</u> Printed name and title |  Signature |

(Additional documentation may be required by the public contracting agency)

2 If a foreign (out of state) corporation, complete this section☒ NA

When incorporated _____

President _____ Secretary _____

1st Vice President _____ Treasurer _____

CONTRACT EXECUTION - List of Authorized Personnel

A) President and Secretary (Both President and the Secretary of the corporation are **required** to sign ODOT contracts and performance and payment bonds unless certified, true and correct copy of corporate bylaws, resolutions, or minutes state otherwise and **are attached to this prequalification.**) *Signatures are preferred in blue ink*

Printed name of President _____ Signature _____

Printed name of Secretary _____ Signature _____

B) Are other officers besides the President and Secretary of your company authorized to execute contracts?
☐ Yes ☐ No If yes, list below and attach certified, true and correct copy of corporate bylaws, resolutions, or minutes stating that authority.

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

C) Are any of the officers (listed above in A and B) authorized to sign and execute contracts and bonds on behalf of the company without the signature of others? ☐ Yes ☐ No

IF YES, YOU MUST ATTACH CORPORATE BYLAWS, RESOLUTIONS, OR MINUTES STATING THIS AUTHORITY TO SIGN ALONE ON BEHALF OF THE CORPORATION IN THE CORPORATE BYLAWS OR MINUTES.

BID EXECUTION - List of Authorized Personnel

Signatures of all individuals (**INCLUDING ANY OFFICERS LISTED ABOVE**) authorized to execute **Bids** on behalf of the company shall be listed in this section, including any officers listed above and those individuals with a digital ID used for submitting an electronic bid through BidExpress® *Signatures are preferred in blue ink*

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Printed name and title _____ Signature _____

Name and address of registered agent in Oregon:

Date of authorization by Oregon Secretary of State to transact business in Oregon:

Has applicant filed with Oregon Department of Revenue (DOR) forms required by ORS 279A.120? ☐ Yes ☐ NoSec. of State
Phone: 503-986-2200Department of Revenue
Phone: 503-378-4988Website: www.filinginoregon.comWebsite:
www.oregon.gov/DOR

| | |
|--|--------------------------------|
| 3 If a limited liability company, limited liability partnership or a limited partnership complete this section <input checked="" type="checkbox"/> NA | |
| Check One: <input type="checkbox"/> Limited liability company <input type="checkbox"/> Limited liability partnership <input type="checkbox"/> Limited partnership | |
| Have you registered with the Oregon Secretary of State, Corporation Division, Business Registry? <input type="checkbox"/> Yes <input type="checkbox"/> No | Name and address of organizer: |
| SUBMIT ARTICLES OF ORGANIZATION AND OPERATING AGREEMENTS THAT INDICATE THE AUTHORITY TO SIGN CONTRACTS AND BONDS. If the Contractor is an LLP, or LP, an authorized representative of each Entity comprising it shall sign the Contract, Performance Bond, and Payment Bond. <i>If any representative is authorized to execute contracts without the signature of others, this must be stated in the Articles of Organization and Operating Agreements.</i> | |
| Printed names, titles and signatures (<i>Signatures are preferred in blue ink</i>) of personnel authorized to EXECUTE CONTRACTS : | |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Are other representatives besides those listed above able to execute contracts? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, submit names, titles and signatures separately. | |
| Printed names, titles and signatures of personnel authorized to EXECUTE BIDS Signatures of all individuals (INCLUDING ANY OFFICERS LISTED ABOVE) authorized to execute Bids on behalf of the company shall be listed in this section, including those individuals with a digital ID used for submitting an electronic bid through BidExpress®. <i>Signatures are preferred in blue ink.</i> | |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |
| Printed name and title | Signature |

4 If a general partnership, complete this section

☒ NA

Date of Organization _____

If a foreign (out of state) co-partnership or persons engaging in business in the state under an assumed name, but not domiciled within this state, is the partnership or business organization registered as required in compliance with Chapter 648, Oregon Revised Statutes? ☐ Yes ☐ No ☐ N/A

Names and addresses of partners:

| |
|--|
| |
| |
| |

If the Contractor is a partnership or limited liability partnership, an authorized representative of each Entity comprising it shall sign the Contract, Performance Bond, and Payment Bond, and an authorization to sign shall be attached. If only one partner is signing, then bylaws or minutes must include the authority to sign without the signature of others.

Printed names, titles and signatures of partners authorized to EXECUTE CONTRACTS. Signatures are preferred in blue ink.

| | |
|-------------------------|-----------|
| Printed name of partner | Signature |
|-------------------------|-----------|

| | |
|-------------------------|-----------|
| Printed name of partner | Signature |
|-------------------------|-----------|

Bylaws or Minutes Submitted: (Check one) ☐ Yes ☐ No (Only submit if signatures differ from above)

Printed names, titles and signatures of personnel authorized to EXECUTE BIDS
Signatures of all individuals (INCLUDING ANY OFFICERS LISTED ABOVE) authorized to execute Bids on behalf of the company shall be listed in this section, including any officers listed above and those individuals with digital ID used for submitting an electronic bid through BidExpress®. Signatures are preferred in blue ink.

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

| | |
|------------------------|-----------|
| Printed name and title | Signature |
|------------------------|-----------|

(Additional documentation may be required by the public contracting agency)

| | |
|---|--|
| 5 If doing business as a sole proprietorship, complete this section | <input checked="" type="checkbox"/> NA |
| Name of individual liable for all obligations of the business: _____ | |
| If applicant is a sole proprietor using an assumed business name, please list name below: _____ | |
| Secretary of State registration date: _____ Expiration date: _____ | |
| Printed name and title _____ | Signature _____ |

(Additional documentation may be required by the public contracting agency)

| | |
|---|--|
| 6 If doing business under an assumed business name, complete this section | <input checked="" type="checkbox"/> NA |
| Assumed business name: _____ | |
| Owner's name and address: _____ | |
| Oregon Secretary of State Corporation Division's Registration Number: (www.filinginoregon.com/bizreg/index.htm) | Renewal Date: _____ |
| Assumed business name: _____ | |
| Owner's name and address: _____ | |
| Oregon Secretary of State Corporation Division's Registration Number: (www.filinginoregon.com/bizreg/index.htm) | Renewal Date: _____ |
| If you have additional assumed business names, attach a sheet with business information. | |

7

OWNERSHIP AND CONTROL (A, B, and C)

- A) Are there any parent companies, corporations, or individuals with at least 10% ownership interest in applicant's firm? ☒ Yes ☐ No If yes, please list below in space provided

Wildish Land Co.

- B) Are there any subsidiary companies or corporations owned or controlled by the applicant doing business in Oregon under another name? For the purposes of this information, the applicant includes the applicant's officers, directors, or partners, or other entity in which the applicant is an officer, director, or partner.
☐ Yes ☒ No If yes, please list below in space provided

- C) Are there any other personnel in applicant's organization who have a financial interest in or serve as officers or partners in another firm prequalified to bid in this or another state?
☒ Yes ☐ No If yes, please list below in space provided.

| Individual's Name | Present Position or Office | Other Firm or Firms | Position in Other Firm(s) | State of Other Firm(s) |
|--------------------|----------------------------|--------------------------|---------------------------|------------------------|
| James A. Wildish | President | Wildish Paving Co. | President | Oregon for all |
| Michael C. Wildish | Vice President | Wildish Construction Co. | Vice President | |
| Steven J. Wildish | Vice President | | Vice President | |
| William R. Wildish | Sec./Treas. | | Sec./Treas. | |

8

LICENSES AND REGISTRATIONS

**Oregon Secretary of State Corporation
Division – Active Business Registry No.**
http://www.filinginoregon.com/pages/business_registry/index.html
Phone: 503-986-2200

063476-11

Required for Legal Business Name, Assumed Business Name (page 1, Section B),
Corporations, LLCs, LLPs, and LPs. Required prior to contract execution

Oregon Construction Contractors Board No.
www.ccb.state.or.us
Phone: 503-378-4621

695

Required prior to bid opening for state-funded projects or prior to contract execution for
federally-funded projects (not required for Aggregate Production or Landscaping work
categories).

**Oregon Business Landscape Contractors
License No. and company name:**
**Individual Landscape Contractor License No.
and name:**
www.lcb.state.or.us
Phone: 503-986-6561

**Oregon Electrical Contractor License No. and
company name:**
Supervisor's License No. and name :
<http://www.cbs.state.or.us/external/bcd/>
Building Codes Division phone: 503-378-4133

**Oregon Plumbing Business License No. and
company name:**
Journeyman's License No. and name:

20-292 PB Wildish Construction Co.

**Oregon Boiler/Pressure Vessel Business
License No. and company name:**
<http://www.cbs.state.or.us/external/bcd/>
Building Codes Division phone: 503-378-4133

Other License No. and name or type:

9

SUPPLEMENTAL QUESTIONS

- A) Within the last five years has the applicant, or any parent, subsidiary or affiliate, been denied prequalification or had prequalification suspended or revoked by any state, local or federal agency in this or any other state?
☐ Yes ☒ No If yes, please attach an explanation.
- B) Within the last five years has the applicant, or any parent, subsidiary or affiliate, been debarred from bidding on contracts by any state, local or federal agency in this or any other state under any state or federal law?
☐ Yes ☒ No If yes, please attach an explanation.
- C) Has any officer or partner of the applicant, or of any parent, subsidiary or affiliate, ever applied for prequalification with ODOT under a different name?
☒ Yes ☐ No If yes, please attach an explanation.
- D) Within the last five years has the applicant, or any parent, subsidiary or affiliate, failed to complete a state, local or federal public improvement (works) contract?
☐ Yes ☒ No If yes, please attach an explanation.
- E) Within the last five years has any officer or partner of the applicant, or of any parent, subsidiary or affiliate, been found in breach of a local, state or federal contract?
☐ Yes ☒ No If yes, please attach an explanation.
- F) Within the last five years has the applicant, or any officer, partner, agent or employee of applicant, or any parent, subsidiary or affiliate, been found to have violated any state or federal prevailing wage statute or regulation (including the federal Davis-Bacon and related Acts and ORS 279C.800 et. seq.), or any provision requiring prompt payment to subcontractors, in any Final Order of the Oregon Bureau of Labor and Industries or the United States Department of Labor, by any other state or federal agency, or by any court of competent jurisdiction?
☐ Yes ☒ No

If yes, provide copies of the final order(s) or judgment in which this occurred and explain in detail:

- (a) the circumstances behind any violation, including the amount(s) not paid
- (b) whether the amount(s) have now been paid
- (c) the reasons for the violation
- (d) all efforts undertaken to ensure that future violations will not occur

- G) Within the last five years has the applicant, or any officer, partner, agent or employee of applicant been found to have violated any state or federal environmental statute or regulation (including but not limited to Environmental Protection Agency, Department of Environmental Quality, US Fish and Wildlife Service, Department of Fish and Wildlife, US Army Corps of Engineers, Division of State Lands, Department of Agriculture or Department of Interior), or any permit issued by one of these agencies, in any agency Final Order or by any court of competent jurisdiction?

☐ Yes ☒ No

If yes, provide copies of the final order(s) or judgment in which this occurred and explain in detail:

- (a) the circumstances behind any violation, including the amount(s) not paid
- (b) whether the amount(s) have now been paid
- (c) the reasons for the violation
- (d) all efforts undertaken to ensure that future violations will not occur

Comments:

C) Wildish Standard Paving Co.

10 CLASSES OF WORK

Fill in the classes of work on which you wish to be pre-qualified to bid. Classes of work include, but are not limited to, work listed in parentheses. If more space is required, attach additional sheets. A more detailed listing of bid items can be found at: https://www.oregon.gov/ODOT/HWY/SPECS/Pages/bid_item_lists.aspx

For Each Class of Work:

If your prequalification has been expired for more than 6 months or have never been prequalified by ODOT, you will need to submit three reference forms per class of work when submitting your prequalification application. Reference instructions and forms can be found at: <http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/Prequalification.aspx>

List all other states where applicant is currently qualified to perform work or has been qualified within the last three (3) years.

| Class of Work | States qualified within the last (3) years |
|---|--|
| <input checked="" type="checkbox"/> (AB) Aggregate Bases | Oregon |
| <input type="checkbox"/> (AC) Rock Production (Aggregate Crushing, Sanding Rock) | |
| <input checked="" type="checkbox"/> (ACP) Asphalt Concrete Paving and Oiling (Paving, Chip Sealing, Crack Sealing, Slurry Sealing, Fog Sealing) | Oregon |
| <input checked="" type="checkbox"/> (BLD1) Buildings (Toilets, Bathhouses, Maintenance, Sand Sheds) | Oregon |
| <input checked="" type="checkbox"/> (EART) Earthwork and Drainage (Clearing, Earthwork, Blasting, Riprap, Culverts, Manholes, Inlets, Storm Sewers, Sanitary Systems) | Oregon |
| <input checked="" type="checkbox"/> (ELEC) Electrical (Traffic Signals, Illumination, Ramp Meters, Roadway Weather Information Systems (RWIS), Variable Message Signs (VMS), Traffic Cameras) | Oregon |
| <input checked="" type="checkbox"/> (LS) Landscaping (Roadside Seeding, Lawns, Shrubs, Trees, Irrigation Systems, Topsoil, Temporary and Permanent Erosion Control) | Oregon |
| <input checked="" type="checkbox"/> (MHA) Miscellaneous Highway Appurtenances (Guardrail, Barrier, Curbs, Walks, Fences, Protective Screening, Impact Attenuators, Cold Plane Pavement Removal, Rumble Strips) | Oregon |
| <input checked="" type="checkbox"/> (PAI1) Painting (Bridges and Buildings) | Oregon |
| <input checked="" type="checkbox"/> (PAVE) Pavement Markings (Permanent - Painted, Durable, Markers, Delineators) | Oregon |
| <input checked="" type="checkbox"/> (PCP) Portland Cement Concrete Paving | Oregon |
| <input checked="" type="checkbox"/> (REIN) Bridges and Structures (Concrete, Steel, and Timber Bridges, Retaining Walls and Soundwalls; Seismic Retrofit; Box Culverts; Structural Plate Pipe, and Pipe Arches) | Oregon |
| <input checked="" type="checkbox"/> (SIGN) Signing (Permanent) | Oregon |
| <input checked="" type="checkbox"/> (TTC) Temporary Traffic Control (All Temporary Traffic Control Items Including Flaggers and Pilot Cars) | Oregon |
| <input checked="" type="checkbox"/> (OTH1) Other, (List specific class) | |
| Water Lines | <p>You may list "OTHER" (OTH1) classes of work; however, ODOT does not normally solicit bids under this class. This class of work is typically used by Local Agencies (Cities, Counties, etc.)</p> <p>Oregon</p> |

11 EXPERIENCE

A. How many years has applicant been in business under present name?

As a prime contractor? 59 **As a subcontractor?** 59

B. How many years' experience in construction work has applicant had?

As a prime contractor? 73 As a subcontractor? 73

12 EXPERIENCE – Continued

What is the construction experience of all owners, officers, partners and principal individuals in applicant's organization?

(Attach additional sheets, if needed)

[illegible]

13 GENERAL REMARKS

Use the following space for general remarks and explanations pertaining to the foregoing prequalification statements. Explain here any claimed experience of a business organization or entity other than the applicant or principals, including that of any business entity which was a predecessor of applicant or which has been acquired by applicant.

[illegible]

14 AFFIDAVIT

STATE OF Oregon)

County of Lane)

ss.

I, Michael C. Wildish being first sworn, state that I am

Vice President

(Title of individual authorized to execute bids and/or contracts) of the applicant herein and that the statements made in this application are true and I acknowledge that any false, deceptive or fraudulent statements on the application or at a hearing will result in the denial of prequalification, and may subject me to charges of false swearing or perjury; should there be any subsequent material reduction in applicant's ability to carry out any project for which applicant desires to submit a bid, applicant will give written notice of such change to the designated officer to whom this application is submitted at least ten days prior to the bid opening, and it is understood that such notice may change the eligibility of applicant to submit the bid.

(Original Signature of Individual Authorized to Execute Bids and/or Contracts)

Subscribed and sworn to before me
this

6th day of December, Year 2018

Notary Seal
or
Stamp

Tina L Merrill
Original Notary Public Signature

My commission expires 5/15/22



CERTIFIED COPY OF
RESOLUTION OF BOARD OF DIRECTORS

I, Steven J. Wildish, hereby certify that I am the Assistant Secretary and official custodian of certain records including the charter, by-laws, and the minutes of the meetings of the Board of Directors of Wildish Construction Co., a corporation duly organized and existing under the laws of the State of Oregon, and which is a corporation registered and qualified to do business in the State of Oregon and that the following is a true, accurate and complete transcript of a resolution duly made on the 15th day of November 2018, at which meeting there was present and acting throughout a quorum authorized to transact the business hereinafter described, and that the proceedings of said meeting were in accordance with the charter and by-laws of said corporation, and that said resolution has not been amended or revoked and is in full force and effect This resolution revokes all previous resolutions relating to signing authority of Wildish Construction Co.

NOW, THEREFORE, it is hereby unanimously resolved:

RESOLVED, that any of the officers of this corporation named below or their duly elected or appointed successor in office be and they hereby are authorized and empowered in the name and on behalf of this corporation and under its corporate seal to license and lease motor vehicles and equipment, and to execute contracts without the signature of others and deliver contracts, change orders, or other documents pertaining to construction projects, and that Wildish Construction Co. will faithfully, promptly and fully perform all obligations, covenants, and conditions on the part of Wildish Construction Co. required to be performed under and pursuant to any and all Documents executed by it relating to aforementioned projects.

RESOLVED FURTHER that the officers referred to in the foregoing resolution are as follows:

| | |
|-------------------------------------|--------------------|
| Chairman of the Board | James A. Wildish |
| President, Chief Executive Officer | James A. Wildish |
| Vice President, Secretary Treasurer | William R. Wildish |
| Vice President, Assistant Secretary | Steven J. Wildish |
| Vice President, Assistant Secretary | Michael C. Wildish |
| Assistant Secretary | Edith J. Pattee |
| Assistant Secretary | Thomas R. Bosworth |

In witness whereof, I hereunto set my hand to two original counterparts of this Resolution this 5th day of December 2018.



Steven J. Wildish
Assistant Secretary

SECTION 00460 – Bidder Responsibility Certification

BIDDER RESPONSIBILITY CERTIFICATION


**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

This certifies that the below named Bidder meets the standards of responsibility as provided by ORS 279C.375. The below named Bidder certifies that:

1. It has the appropriate financial, material, equipment, facility and personnel resources and expertise necessary to meet all contractual responsibilities as required by this contract.
2. It has a satisfactory record of performance for other public contracts.
3. It has a satisfactory record of integrity for other public contracts.
4. It is qualified legally to contract with the City of Lowell for this project.
5. It will supply all required information requested by the City of Lowell in connection with its bid for this project.

CERTIFICATION:

Contractor certifies that it meets the Standards of Responsibility as provided by ORS 279C.375.

Signature:  Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700 Date: 05/21/20

SECTION 00461 – Oregon Bidder Residency Statement

OREGON BIDDER RESIDENCY STATEMENT

**This page must be completed, signed, and returned with the Bid Proposal.
Failure to do so will result in bid rejection.**

279A.120 Preference for Oregon goods and services; non-resident bidders.

(1) As used in this section:

- (a) "Non-resident bidder" means a bidder who is not a resident bidder.
- (b) "Resident bidder" means a bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the bid, has a business address in this state and has stated in the bid whether the bidder is a "resident bidder" under this paragraph.

(2) For the purposes of awarding a public contract, a contracting agency shall:

- (a) Give preference to goods or services that have been manufactured or produced in this state if price, fitness, availability and quality are otherwise equal; and
- (b) Add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides.

"Resident Bidder" means a Bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the Bid, has a business address in this state and has stated in the Bid whether the Bidder is a "resident Bidder".

"Non-resident Bidder" means a Bidder who is not a "resident Bidder" as defined in ORD 279A.120.

a. Check one: Bidder is a (X) resident Bidder () non-resident Bidder

b. If a resident Bidder, enter your Oregon business address:

P: 3600 WILDISH LANE EUGENE, OR 97408

M: PO BOX 40310 EUGENE, OR 97404

c. If a non-resident Bidder, enter state of residency: _____

d. If a non-resident Bidder, do you or your firm receive, or are you or your firm eligible for, any preference in award of contracts with your state's government or with governmental bodies in your state?

Check one: () Yes () No

If yes: state the preference percentage: _____ %

If yes, but not a percentage of Bid price, describe the preference:

If yes, state the law or regulation that allows the preference described (legal citation):

Bidder certifies that the information provided herein is true and accurate.

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

SECTION 00462 – Drug Testing Program Certification

BIDDER DRUG TESTING PROGRAM CERTIFICATION

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

This certifies that the below named Bidder has an employee drug testing program in place as required by ORS 279C.505 (2).

CERTIFICATION:

Bidder certifies that it has an employee drug testing program in place as required by ORS 279C.505 (2).

Signature:  Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700 Date: 05/21/20

SECTION 00463 – Non-Discrimination Certification

NON-DISCRIMINATION CERTIFICATION

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

279A.110 Discrimination in subcontracting prohibited; remedies.

- (1) A bidder or proposer who competes for or is awarded a public contract may not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, women or emerging small business enterprise certified under ORS 200.055.*
- (2) A contracting agency may debar or disqualify, under ORS 279B.130 or 279C.440, as appropriate, a bidder or proposer if the contracting agency finds that the bidder or proposer has violated subsection (1) of this section in the awarding of a subcontract in connection with a contract advertised by the contracting agency or a contract between the contracting agency and the bidder or proposer. A debarred or disqualified bidder or proposer may appeal the debarment or disqualification under ORS 279B.425 or ORS 279C.445 and 279C.450, as appropriate.*
- (3) A contracting agency may not allege an occurrence of discrimination in subcontracting as a basis for debarring or disqualifying a bidder or proposer under subsection (2) of this section more than three years after the alleged discriminatory conduct occurred or more than three years after the contracting agency, in the exercise of reasonable diligence, should have discovered the conduct, whichever is later.*
- (4) A bidder or proposer shall certify in the documents accompanying the bidder's or proposer's offer to enter into a public contract that the bidder or proposer has not discriminated and will not discriminate, in violation of subsection (1) of this section, against any minority, women or emerging small business enterprise in obtaining any required subcontract.*
- (5) After a contractor is awarded a public contract, if the contractor violates the certification made under subsection (4) of this section, the contracting agency may regard the violation as a breach of contract that permits:
 - (a) Termination of the contract; or*
 - (b) The contracting agency to exercise any remedies for breach of contract that are reserved in the contract.**

CERTIFICATION:

Contractor certifies that it has not discriminated and will not discriminate, in violation of ORS 279A.110 (1), against any minority, women or emerging small business enterprise in obtaining any required subcontract

Signature: _____

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

SECTION 00464 – State Tax Law Compliance Certification

CERTIFICATE OF COMPLIANCE WITH OREGON TAX LAWS

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

I, the undersigned, hereby swear or affirm under penalty of perjury that:

I am authorized to act in behalf of bidder, that I have authority and knowledge regarding the payment of taxes, and that bidder is, to the best of my knowledge, not in violation of any Oregon tax laws.

For purposes of this certificate, 'Oregon tax laws' means those programs listed in ORS305.380 (4). Examples include the state inheritance tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the elderly rental assistance program and local taxes administered by the Department of Revenue.

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

SECTION 00465 – CCB License Certification

**CERTIFICATION OF LICENSING BY OREGON CONSTRUCTION
CONTRACTORS BOARD**

**This page must be completed, signed, and returned with the Bid Schedule.
Failure to do so will result in bid rejection.**

This certifies that the below named Bidder is licensed by the State of Oregon Construction Contractor's Board required by ORS 279C.365 (1) (k).

CERTIFICATION:

Bidder hereby certifies that it is licensed by the State of Oregon Construction Contractor's Board and is not disqualified by the Board from performing a public improvement contract, as required by ORS 279C.365 (1) (k).

Signature: 

Title: VICE PRESIDENT

Name: MICHAEL C. WILDISH (Print or Type)

Firm: WILDISH CONSTRUCTION CO.

Telephone: 541-485-1700

Date: 05/21/20

AGENDA ITEM SUMMARY

TO: Mayor Bennett and Council
FROM: Jared Cobb, City Administrator
DATE: May 29, 2020
SUBJECT: Special Event Application
Lowell Pine Needlers

- ☐ **DISCUSSION**
- ☒ **ACTION**
- ☐ **RESOLUTION**
- ☐ **ORDINANCE**
- ☐ **PROCLAMATION**
- ☐ **REPORT**

SUMMARY:

The Lowell Pine Needlers have submitted a Special Event Application, which is attached for your reference. They propose to host a drive through quilt show in the Maggie Osgood Library parking lot on July 25. This will take the place of their annual BBJ quilt show.

FISCAL IMPACT:

None.

COURSES OF ACTION:

1. Motion to approve the Special Event Application for the Lowell Pine Needlers as a City-sponsored event.
2. No action.

RECOMMENDATION:

Due to COVID-19 and the Governor's Executive Order, all Special Event Applications are being reviewed by the City Attorney and our City/County Insurance representative. Since the quilt show has typically been part of the BBJ Festival, staff proposes the event be approved as a City-sponsored event and covered by our insurance.

ATTACHMENTS:

1. Special Event Application

Facility Permit Application for
**Special Events and
Public Benefits**

For Office Use only

Date:

Permit #:

1) APPLICANT INFORMATION

Name & Mailing Address: Lisa Bee-Wilson
E-mail Address (required for permit issuance): lisa@towerhousepeople.com
Daytime Phone: 541-206-2688 Cell Phone: 541-206-2688

2) EVENT INFORMATION

Event Name: Quilt Show Previous Permit # (if applicable): _____
Event Date(s): July 25, 2020 Event Start Time: 10 am
Event Sponsor: City of Lowell / Pine Needlers Website: blojamquiltsow.wordpress.com
Contact Person & Cell # during the event: 541-206-2688 Lisa Bee-Wilson
Total Event Time(s) – include staging and clean-up: 7 am - 5 pm

- a. Type of event - check applicable box ☐ Foot Race ☐ Bike Race ☐ Bike Ride ☐ Bridge Decoration
☐ Parade ☐ Festival ☒ Other (describe): outdoor drive-thru quilt show
b. Roads involved in the event: None

- c. Approximate number of people that you expect to participate in the event: 200
d. If your event takes place during school hours, will bus routes be affected? ☐ Yes ☒ No
e. Will Participants follow "rules of the road" or do you anticipate traffic impacts such as certified flaggers, course marshals, road delays or detours? none

3) REQUIRED MATERIALS TO BE SUBMITTED WITH APPLICATION

All materials, including this application, must be submitted at least four (4) weeks prior to the event. If materials are not submitted on time, your issued permit may be delayed, which could result in the cancellation of your event.

- ☐ Certificate of Insurance for Commercial General Liability is required (see Section 6 for details)
☐ Route map and traffic control plan (include Begin/Finish points, all County roads involved in the event and course directional arrows)
☐ Pamphlets, registration packet information, website or flyers

4) FEES

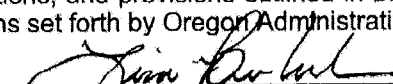
Special Events require a \$250 non-refundable application fee that acts as a deposit for the actual cost of services. The total cost shall include hourly costs for Direct Labor in addition to Operational Overhead. Any amount due in excess of the application fee shall be paid prior to the issuance of the permit.

Public Benefit Events are exempt from all fees and include events such as parades and festivals that incorporate the entire community. They include only those events open to the general public and which do not involve the charging of admission or fees for attendance at the event. They also do not involve concession sales of food, drink or merchandise within the public rights of way.

5) ACCEPTANCE OF TERMS

I agree to the terms, conditions, and provisions outlined in both pages of this application, the issued permit, and the rules and regulations set forth by Oregon Administrative Rules 734-056 for Special Event Permits.

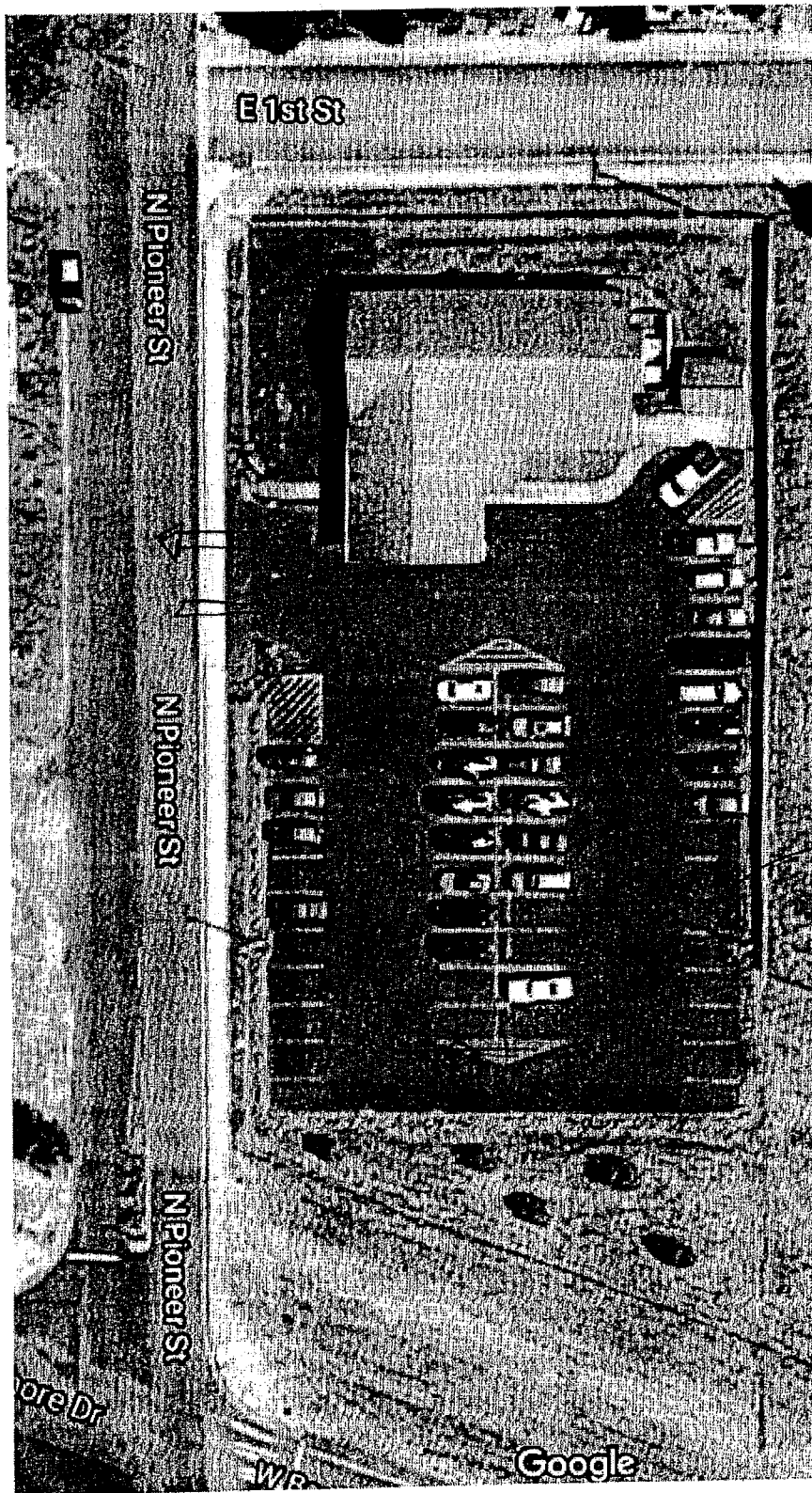
APPLICANT'S SIGNATURE



DATE 5-19-2020

RETURN TO: City of Lowell 107 East Third Street, P.O. Box 490, Lowell, OR 97452
Telephone 541-937-2157 Fax 541-937-2936

2020 Quilt Show (working title "Our Colorful World Quilt Show")
Location: Maggie Osgood Library Parking Lot



quilts on quilt stands

AGENDA ITEM SUMMARY

TO: Mayor Bennett and Council
FROM: Jared Cobb, City Administrator
DATE: May 29, 2020
SUBJECT: Special Event Application
Lowell School District

- ☐ **DISCUSSION**
- ☒ **ACTION**
- ☐ **RESOLUTION**
- ☐ **ORDINANCE**
- ☐ **PROCLAMATION**
- ☐ **REPORT**

SUMMARY:

The Lowell School District has submitted a Special Event Application, which is attached for your reference. They propose to have a parade for the 2020 Lowell High School graduates using the same route as the BBJ Parade. The Special Event Permit does not include or cover any type of gathering at public facilities.

FISCAL IMPACT:

None.

COURSES OF ACTION:

1. Motion to approve the Special Event Application for the Lowell School District, contingent of the understanding that approval does not permit a public gathering at any City facilities.
2. No action.

RECOMMENDATION:

Due to COVID-19 and the Governor's Executive Order, all Special Event Applications are being reviewed by the City Attorney and our City/County Insurance representative. Staff recommends approval of the Special Event Application, contingent on the understanding that approval does not permit a public gathering at any City facility or parks.

ATTACHMENTS:

1. Special Event Application

RECEIVED

MAY 27 REC'D

J

Facility Permit Application for

Special Events and Public Benefits

For Office Use only

Date:

Permit #:

1) APPLICANT INFORMATION

Name & Mailing Address: Lowell School District 65 South Pioneer St Lowell Or 97452

E-mail Address (required for permit issuance): kgraham@lowell.k12.or.us

Daytime Phone: (541) 937-2124 Cell Phone: (541) 285-6888

2) EVENT INFORMATION

Event Name: Graduation Parade

Previous Permit # (if applicable): _____

Event Date(s): June 12, 2020

Event Start Time: 6:15ish

Event Sponsor: _____ Website: _____

Contact Person & Cell # during the event: Kay Graham (541) 285-6888

Total Event Time(s) – include staging and clean-up: 6:00-7:00

a. Type of event - check applicable box ☐ Foot Race ☐ Bike Race ☐ Bike Ride ☐ Bridge Decoration
☒ Parade ☐ Festival ☐ Other (describe): High School Graduation Parade

b. Roads involved in the event: Map attached
Map attached

c. Approximate number of people that you expect to participate in the event: 32 Cars-One fire Truck

d. If your event takes place during school hours, will bus routes be affected? ☐ Yes ☒ No

e. Will Participants follow "rules of the road" or do you anticipate traffic impacts such as certified flaggers, course marshals, road delays or detours? _____

3) REQUIRED MATERIALS TO BE SUBMITTED WITH APPLICATION

All materials, including this application, must be submitted at least four (4) weeks prior to the event. If materials are not submitted on time, your issued permit may be delayed, which could result in the cancellation of your event.

☒ Certificate of Insurance for Commercial General Liability is required (see Section 6 for details)

☒ Route map and traffic control plan (include Begin/Finish points, all County roads involved in the event and course directional arrows)

☐ Pamphlets, registration packet information, website or flyers

4) FEES

Special Events require a \$250 non-refundable application fee that acts as a deposit for the actual cost of services. The total cost shall include hourly costs for Direct Labor in addition to Operational Overhead. Any amount due in excess of the application fee shall be paid prior to the issuance of the permit.

Public Benefit Events are exempt from all fees and include events such as parades and festivals that incorporate the entire community. They include only those events open to the general public and which do not involve the charging of admission or fees for attendance at the event. They also do not involve concession sales of food, drink or merchandise within the public rights of way.

5) ACCEPTANCE OF TERMS

I agree to the terms, conditions, and provisions outlined in both pages of this application, the issued permit, and the rules and regulations set forth by Oregon Administrative Rules 734-056 for Special Event Permits.

APPLICANT'S SIGNATURE

Kay Graham

DATE

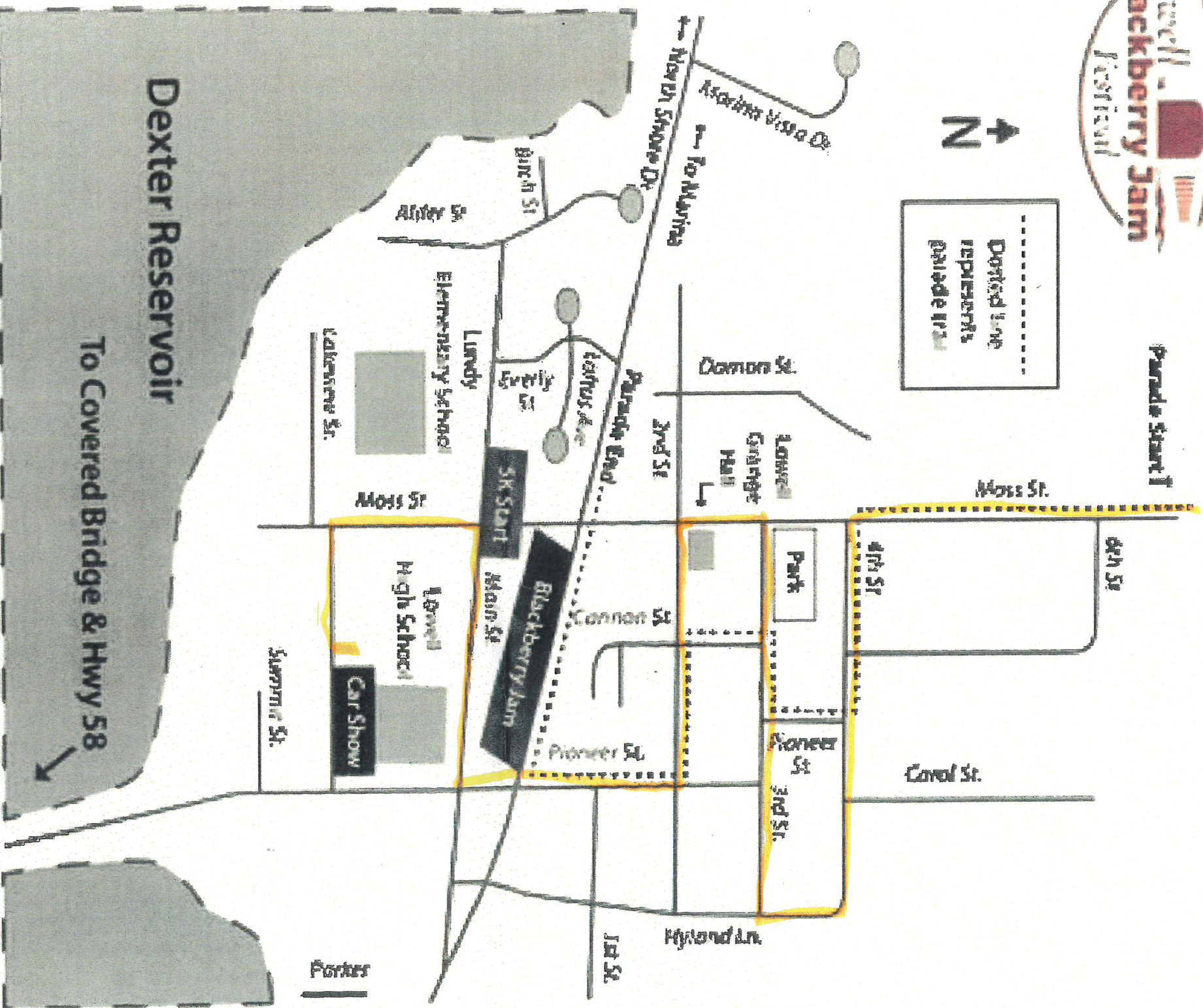
5-22-2020

RETURN TO: City of Lowell, 107 East Third Street, P.O. Box 490, Lowell, OR 97452

Telephone 541-937-2157 Fax 541-937-2936



Parade Route & Venue Locations



Join Us!

Our parade starts 11 am on Saturday, July 25. See you there!

| GENERAL LIABILITY and AUTO LIABILITY ADDITIONAL PARTICIPANT CERTIFICATE | | | | | | |
|--|--|-----------------------------------|--------------|--|----------------|-----------------|
| AGENCY/AGENT - ISSUING CERTIFICATE | | | | Date: 05/22/2020 | | |
| WHA Insurance 2930 Chad Dr Eugene, OR 97408 Kelly McCorkle 800-852-6140 | | | | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE COVERAGE DOCUMENTS. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE COVERAGE DOCUMENTS LISTED HEREIN. THIS CERTIFICATE DOES NOT CONSTITUTE A CONTRACT BETWEEN ANY OF THE FOLLOWING PARTIES: THE AGENCY, NAMED PARTICIPANT, CERTIFICATE HOLDER AND/OR COMPANIES AFFORDING COVERAGE. | | |
| NAMED PARTICIPANT/MEMBER - REQUESTING CERTIFICATE | | | | ORGANIZATIONS AFFORDING COVERAGE | | |
| Lowell School District 71 65 S Pioneer St Lowell, OR 97452-9721 Maureen Weathers 541-937-8405 | | | | Company A - Property Casualty Coverage for Education (PACE) Company B - Genesis Insurance Company | | |
| COVERAGES | | | | | | |
| This is to certify that Coverage Documents listed herein have been issued to the Named Participant herein for the Coverage Period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which the certificate may be issued or may pertain, the coverage afforded by the Coverage Documents listed herein is subject to all the terms, conditions and exclusions of such Coverage Documents. Aggregate Limits which are shown may have been reduced by paid Claims, Suits or Actions. The titles referenced under Type of Coverage are inserted solely for convenience of reference and shall not be deemed in any way to limit or affect the provisions to which they relate. | | | | | | |
| OR/CO LTR | Type of Coverage | Limits | | Coverage Document | Effective Date | Expiration Date |
| A B | PACE Liability Coverage | Annual Aggregate | \$30,000,000 | | | |
| | <input checked="" type="checkbox"/> Per Occurrence | \$20,000,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Per Wrongful Act | | | | | |
| | <input checked="" type="checkbox"/> Public Officials Liability | | | | | |
| | <input checked="" type="checkbox"/> Employment Practices | | | | | |
| | Employment Practices Deductible/SIR: \$0 Wrongful Acts Deductible/SIR: \$0 General Liability Deductible/SIR: \$0 *\$25,000 Minimum deductible for terminations if PACE or approved legal counsel is not consulted prior to an employment termination. | | | | | |
| A B | Auto Liability | | | | | |
| | <input checked="" type="checkbox"/> Scheduled Autos | \$500,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Hired & Non-Owned Autos | | | | | |
| | <input checked="" type="checkbox"/> Per Accident | | | | | |
| | <input checked="" type="checkbox"/> Deductible/SIR: \$0 | | | | | |
| A B | Excess Auto Liability | | | | | |
| | <input checked="" type="checkbox"/> Scheduled Autos | \$19,500,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Hired & Non-Owned Autos | | | | | |
| | <input checked="" type="checkbox"/> Per Accident | | | | | |
| | <input checked="" type="checkbox"/> Excess of: \$500,000 | | | | | |
| A B | Supplemental Auto Liability | | | | | |
| | <input checked="" type="checkbox"/> UM/UM | \$500,000 | | 34P60134-242 | 07/01/2019 | 06/30/2020 |
| | <input checked="" type="checkbox"/> Personal Injury Protection | Per Schedule in Coverage Document | | | | |

Remarks: When required by an Insured Contract certificate holder is an additional participant in respects to Graduation Parade June 12, 2020 6:00-7:00 PM, but only with respects to negligence claims for Bodily Injury, Property Damage or Personal Injury where the Named Participant is deemed to have liability. In no event shall coverage extend to any party for any Claim, Suit or Action, however or whenever asserted, arising out of the certificate holder's sole negligence or for any Claim, Suit or Action which occurs prior to the execution of the contract or agreement.

*Information is provided as of the date this certificate was generated and issued and is subject to change.

Certificate Holder - Requesting Certificate

City of Lowell
PO Box 490
Lowell, OR 97452

CANCELLATION: Should any of the Coverage Documents herein be cancelled before the expiration date thereof, PACE will endeavor to provide notice in accordance with the PACE General Liability Coverage Document provisions. Failure to mail such notice shall impose no obligation or liability of any kind upon PACE, its agents or representatives, or the issuer of this certificate.

Authorized Representative of Named Participant:

Date: 05/22/2020

Kelley McCorkle

Applicable Coverage Document Definitions:

The following definitions are provided solely for convenience of reference and shall not be deemed in any way to limit or affect the provisions to which they relate, for complete details on the terms, conditions and exclusions of applicable Coverage Documents please refer to the PACE Liability Coverage Document.

Participant means the **Named Participant** and each of the following while acting under the direction and control of the **Named Participant** and within the course and scope of their duties as such:

- a. Members of the Board;
- b. Executive Officers;
- c. **Employees;**
- d. Volunteers;
- e. Registered Students whose course of study includes on-the-job training, but only while acting under directions and within the scope of their activities performed while in training;
- f. Organizations that are under the supervision of the administration of the Named Participant, including Student Organizations, Parent Teacher Organizations, Booster Clubs, and Foundations; and
- g. Any person, entity, or any organization the **Named Participant** is required by an **Insured Contract** to include as a **Participant**. The terms of the **Insured Contract** will have no effect on either the **Per Occurrence Limit of Liability**, **Per Wrongful Act Limit of Liability** or the **Annual Aggregate Limit of Liability**. The **Insured Contract** must be effective and executed prior to a covered **Occurrence or Wrongful Act**. In no event shall coverage under this **Coverage Document** extend pursuant to this subsection g. to any party for any **Claim**, however or whenever asserted, arising out of such party's sole negligence. The term "Additional Insured," if used in an **Insured Contract**, shall be understood to mean the same as **Additional Participant**.

Insured Contract means:

- a. A legally enforceable contract that includes one or more of the following:

1. A provision in a lease of premises that relates to tort liabilities assumed by the **Named Participant** arising out of the lease, such assumption occurring in writing prior to the date of **Occurrence or Wrongful Act**;
2. A sidetrack agreement;
3. Any easement or license agreement;
4. An obligation, as required by ordinance, to indemnify a **Public Body**;
5. An elevator maintenance agreement;
6. That part of any other contract or agreement pertaining to the **Named Participant's** operations (including an indemnification of a **Public Body** in connection with work performed by or for a **Public Body**) under which the **Named Participant** assumes the tort liability of another person or entity to pay for **Bodily Injury**, **Property Damage**, or **Personal Injury** to a third person or organization, provided the **Bodily Injury**, **Property Damage**, or **Personal Injury** is based on an **Occurrence** that takes place subsequent to the execution of the contract or agreement;
7. An indemnification agreement between a hospital or other medical care center and the **Named Participant** that is required by the hospital or medical care center in connection with it providing facilities and/or training to students of the **Named Participant** under a student health affiliated program; and
8. Contracts under which a **Participant** provides services to a **Public Body**.

For purposes of paragraph 6 above, tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

- b. An Insured Contract does not include that part of any contract or agreement:

1. That indemnifies an architect, engineer, or surveyor acting as an independent contractor for injury or **Damages** arising out of professional errors or omissions;
2. That indemnifies any person or organization for **Damages** by fire to premises rented or loaned to the **Participant**; and
3. That involve the purchase or sale of real property or personal property.

AGENDA ITEM SUMMARY

TO: Mayor Bennett and Council
FROM: Jared Cobb, City Administrator
DATE: May 29, 2020
SUBJECT: Agreement for Improvements
Crestview Subdivision

- ☐ **DISCUSSION**
- ☒ **ACTION**
- ☐ **RESOLUTION**
- ☐ **ORDINANCE**
- ☐ **PROCLAMATION**
- ☐ **REPORT**

SUMMARY:

On April 21, 2020 the City Council held a public hearing and rendered a decision on the Crestview Subdivision. The application was approved with conditions, which required an Agreement for Improvements. The attached Agreement has been reviewed by the City Attorney, City Planner and City Engineer.

FISCAL IMPACT:

The Agreement requires a 5% contribution of the estimated public infrastructure costs to cover plan review and inspections by staff and the City Engineer.

COURSES OF ACTION:

1. Motion to authorize the Mayor to sign the Agreement for Improvements for the Crestview Subdivision, as written.
2. Motion to authorize the Mayor to sign the Agreement for Improvements for the Crestview Subdivision, as amended.
3. No action.

RECOMMENDATION:

Motion to authorize the Mayor to sign the Agreement for Improvements for the Crestview Subdivision, as written.

ATTACHMENTS:

1. Agreement for Improvements

AGREEMENT FOR IMPROVEMENTS

This agreement is entered between the City of Lowell, P.O. Box 490, Lowell, Oregon 97452, hereafter referred to as “**City**” and McDougal Bros. Investments, 600 Dale Kuni Road, Creswell, Oregon 97426, hereafter referred to as “**Developer**”. This agreement is for public improvements for the Crestview Estates Subdivision of Map and Tax Lot #1901110000501.

WHEREAS, Developer made application for and the **City** approved, with conditions, a residential subdivision tentative plan for a residential subdivision, identified as file LU 2019-06; and

WHEREAS, the Decision of the Lowell City Council and LDC Section 9.805 require the **City** and **Developer** to enter into an agreement for public improvements required by the **City** in the final decision, and to be provided by **Developer**; now therefore,

THE PARTIES AGREE AS FOLLOWS:

1. **Developer** will comply with all conditions for approval listed in the Decision of the Lowell City Council for LU 2019-06, dated April 21, 2020 located as Exhibit A to this agreement, and by this reference incorporated herein, unless the **City** agrees in writing to modifications of the conditions.
2. **Developer** will pay all costs for design and construction of all public improvements, including streets, curbs, sidewalks, streetlights, water system, sanitary sewer and storm water drainage, which are identified in the Decision of the City Council. Improvements shall be designed and constructed in accordance with the City of Lowell Public Works Construction Standards, February 2003 Edition, unless modifications are approved in writing by **City**. Improvements shall not be deemed “completed” under this agreement until: 1) all work, including punch list items, has been finished and passed inspections and all tests; 2) the **City** has performed a final walk through inspection; 3) as-built record drawings have been submitted by the **Developer**; 4) final construction cost tallies for the improvements have been submitted by the **Developer**; and 5) the **City** has accepted the improvements by motion of the City Council.
3. The following public improvements must be completed by **Developer** in accordance with Section 9.231 of the LDC and prior to issuance of individual building permits on lots within the Subdivision unless bonded for completion as provided in Section 4 of this agreement:
 - a. Off-site half-street improvements along the entire frontage of North Moss Street, including a right-hand turn lane, sidewalk, curb and gutter.
 - b. Construction of Crestview Drive, including curbs, gutters, hammerhead turnaround, and sidewalks, except for those sidewalks adjacent to any buildable lot, which may be constructed at the time of lot development and as a condition of issuance of a Certificate of Occupancy.

- c. Construction of water service mains, fire hydrants, and water service laterals to service all lots within the development.
 - d. Construction of sanitary sewer service mains, manholes, and sanitary sewer service laterals to service all lots within the development.
 - e. Construction of storm water service mains, storm drains, and detention pond to service all lots within the development.
- 4. **Developer** may submit for Final Plat approval before completion of some or all the above-required public improvements if the following requirements are met:
 - a. Construction plans for the above-required public improvements have been submitted by **Developer** and approved by the **City**; and
 - b. **Developer** has provided a surety bond in accordance with LDC 9.806 – Security, Section 3 above, and the Decision of the City Council, in the amount of 100% of the mutually agreed upon estimated construction cost of the above-required public improvements that remain uncompleted, as shown on the approved plans.
- 5. The **City**, through its City Engineer or other designated representative or agency, will review all plans and inspect construction of all public improvements identified in Section 3 above. **Developer** shall pay a fee equal to 5% of the estimated construction costs of the above required improvements to cover costs associated with plan review and inspection. The estimated construction costs shall be completed by the **Developer** and approved by the **City**. In the event **Developer** requests application of standards other than those required by established **City** standards, **Developer** agrees to reimburse **City** for any additional costs associated with review and decision on such requests. If **Developer** submits significant design changes after previously submitted plans have been approved by the **City**, **Developer** shall reimburse the **City** for all additional costs to process the design changes. Fees for additional costs shall be calculated per the formula provided in Ordinance 228, Section 2.
- 6. **Developer** shall pay all fees required by any other agency for permits that may be required to complete the development.
- 7. **City** will provide address numbers for each lot before approval of the Final Plat.
- 8. **Developer** shall warrant any public improvements constructed under this agreement free of defects due to workmanship or materials for a period of one (1) year from the date of final **City** acceptance of the improvements described herein. If, within the warranty period, repairs are required in connection with the work, the **Developer** shall promptly, without expense to

the **City**, place in satisfactory condition all guaranteed work, and correct any damage caused by the repair work.

9. **Developer** or his/her prime contractor shall provide proof of liability insurance in the amount of \$1,000,000 per occurrence, naming the City of Lowell as an additional insured, for any liability that may arise from construction of public improvements, by **Developer** or any contractor or service provider under contract to **Developer**, required under this agreement.
10. Any amendment to this agreement shall be in writing, signed by both parties and attached to the original signed agreement.
11. If arbitration, mediation, court or other proceeding is sought to enforce or interpret any of the terms of this agreement, the party not prevailing shall pay the prevailing party's attorney fees, costs and disbursements, and such other sums as the arbitrator, mediator or court may determine to be reasonable for the prevailing party in the case.
12. This agreement shall automatically terminate upon final payment of all charges and fees required by this agreement, completion of all public improvements required by this agreement and expiration of the accompanying one (1) year warranty period required by Section 8.

Accepted and executed this _____ day of _____, 2020.

For **City of Lowell**

For **McDougal Bros. Investments**

By: Don Bennett, Mayor

By:

Attest:

By: Jared Cobb, City Recorder

By:

Exhibit A: Decision of the City Council, LU 2019-06, dated April 21, 2020

DECISION OF THE LOWELL CITY COUNCIL
Subdivision
Assessor's Map 19-01-11-00, Tax Lots 501
McDougal Bros Investments
LU 2019-06
Date of Approval: April 21, 2020

Referrals: Lane County Transportation Planning, Oregon Department of Transportation, and Civil West Engineering, Lowell Rural Fire Protection District

Mailed Notice: March 17, 2020

Staff Report Date: April 7, 2020

Planning Commission
Public Hearing: April 14, 2020

City Council
Public Hearing: April 21, 2020

BASIC DATA

Application Request: Subdivision

Agent: The Favreau Group
Attn: Anthony Favreau, P.E.
3750 Norwich Ave
Eugene, OR, 97408

Property Owner: McDougal Bros Investment
600 Dale Kuni Road
Creswell, OR, 97426

Location: East of Seneca Street. No Addresses Assigned

Assessors map: 19-01-11-00

Tax lot: 501

Area: 30.59 acres

Plan Designation: Low Density Residential

Zoning:

R-1 Single-Family Residential District

1. **Proposal.** The Planning Commission is being asked to review and render a recommendation onto City Council for final action, on a 26 lot subdivision for property located at Assessor's Map 19-01-11-00, Tax Lot 501. The remaining area shown above the 26 lots will be renamed to "unsubdivided remainder." The subject property is owned by McDougal Bros Investments, and the agent listed on the application is Anthony Favreau, PE, of The Favreau Group. The subject property is zoned R-1 Single Family Residential. The subject property currently is vacant and consists of wooded/ treed areas and grasses and is 30.59 acres in size. The applicant is proposing to create 26 lots as shown on the tentative map. Lots 1-26 are intended to be platted for future single-family home development.
2. **Issues / Items of Note.** Staff have identified several issues for Planning Commission and City Council to be aware of at the outset of this staff report and accompanying staff presentation. All issues and associated applicable approval criteria are further addressed in the body of the staff report.
 - Current height limit on availability of city water service is right around 880-900 feet elevation. The lots seen on the tentative map as phase 1 are all currently serviceable by city water.
 - A Traffic Impact Analysis (TIA) was required by Lane County Transportation as part of staff's referral comment to affected agencies. Lane County Transportation required the TIA in order for the applicant to utilize county right-of-way to access the proposed subdivision via North Moss Street. Lane County Transportation traffic engineers concurred with the conclusion of the applicant's TIA that the development would not cause congestion to nearby intersection operated by Lane County. However, Lane County and the City will require a cul-de-sac, or hammerhead, or similar approved, turnaround at the end of the proposed right-of-way that extends into the subdivision. This turnaround is for fire and emergency services. Additionally, Lane County Transportation did find that high speeds on North Moss Street is a concern for accessing the proposed driveway into the subdivision. As such, Lane County Transportation recommends accommodating a 50-foot long turn lane as part of the frontage development by increasing the proposed 5-foot extension to an 8-foot wide extension on the east side of North Moss Street. This recommendation for a 50-foot long turn lane is not a condition of approval requested by Lane County. However, recently, in discussions with Lane County and the applicant, the applicant has agreed to provide the right-hand turn lane and shall be shown on a revised tentative plat. See **Attachment D** for Lane County Transportation Comments.
 - The City Engineer has reviewed the most recent tentative plat and associated maps, submitted by the applicant on February 5, 2020 and has determined changes to be minimal. As a result, much of the City Engineer's September 19, 2019 comments on the proposal remain in effect. The City Engineer approved the tentative plans, but work remains to be done following tentative approval. A list of the comments by the

City Engineer can be found in **Attachment E**. Resolution of the City Engineers comments and concerns will be required prior to final plat approval.

- A wetland delineation was completed by Schott & Associates for the subject property (see **Attachment F**.) Within the study area, three ditches were identified. The ditches are exempt per OAR 141-085-0515(8) and -0515(10); and therefore, they are not subject to the current state Removal-Fill requirements. See **Attachment G** for DSL concurrence letter.
- While the applicant has indicated in their written narrative that retaining walls are not proposed, it is now anticipated that retaining walls are highly likely to be required in approved construction plans as well as building stem walls in order to fit homes on lots. See **Attachment H**
- The Master Road Plan map of Lowell shows future public right-of-way extending past phase 1 of the project and through phase 2. The applicant's shadow plat accurately depicts this future right-of-way as part of phase 2. As stated earlier, phase 2 currently cannot be developed for single family homes because city water cannot reach these lots. Per LDC, Section 9.521, Water, all new development must connect to the public water system unless specifically approved otherwise as part of a development approval for parcels exceeding 5 acres in size. Additionally, the Planning Commission or City Council may limit, restrict or deny development approvals where a deficiency exists in the water system. In order for city water to be delivered to service the lots shown in shadow plat of phase 2, a booster pump station would be required (a booster pump is not proposed). See Sheet 5, **Attachment M** for the applicant's shadow plat of phase 2.
- Hillside Development Standards may apply to certain areas on the subject property. The applicant has stated that slopes of 15 percent and greater do exist across the property. A Geotech report will be required. See **Attachment N** for supplemental written narrative.
- To staff's knowledge, the LRFPD has not issued any official comment or given indication that the Department's vehicles cannot safely navigate the proposed grades, as seen on Sheet 4 (**Attachment L**), of Crestview Drive. This issue can be brought up and addressed during the public hearing(s), if required.
- Comments from Seneca Timber Company addressed under decision criteria for subdivision. See **Attachment O** for Seneca Timber comment
- Comments from Mia Nelson, Lookout Point LLC. See **Attachment P** for comment.

2. **Approval Criteria.** Section 9.204 Application Site Plan. Section 9.223 General Information. Section 9.220 Subdivision or Partition Tentative Plan. Section 9.224 Existing Conditions Information. Section 9.518 and Section 9.228 Decision Criteria. Section 9.230 Subdivision or

Partition Plat. Section 9.516 Access. Section 9.517 Streets. Section 9.518 Sidewalks. Section 9.519 Bikeways. Section 9.520 Storm Drainage. Section 9.521 Water. Section 9.522 Sanitary Sewer. Section 9.523 Utilities. Section 9.630 Hillside Development. Section 9.524 Easements. Section 9.805 Improvements Agreement. Section 9.806 Security. Section 9.807 Noncompliance Provisions. Section 9.231 Submission Requirements. Comprehensive Plan Policies: Housing Need Policy (c) 4 & 5; Development Constraints (c) (1) & (2). Notice of decision will be sent to the applicant, and parties of record.

3. Conformance with Submission and Approval Criteria

LDC 9.204 Application Site Plan

FINDING: The applicant has submitted the necessary information as required for an application site plan, and application narrative in order for Staff to make findings on the proposal. Criterion met.

LDC 9.220. Subdivision or Partition Tentative Plan

(a) The Planning Commission shall have the authority to review and approve Land Partitions and the City Council, with recommendation from the Planning Commission, shall have the authority to review and approve all Subdivisions, under the provisions of this Code.

(b) In the event that a single land use application requires more than one decision, the highest deciding authority will make all decision requested in the application.

FINDING: The requested land use actions are subdivision and variance. As such, per LDC, the proposal will go through a two-step land use process: a public hearing in front of Planning Commission for a recommendation and a public hearing in front of City Council for decision/final action.

The City of Lowell has followed the required processes for approval of a subdivision. The proposal will receive a recommendation from Planning Commission which will be forwarded onto City Council for decision/final action. The requested variance will be decided on in the same manner as the subdivision. Criterion met.

LDC 9.223. General Information.

(b) No Tentative Plan shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land Platted is contiguous to and Platted by the same party that Platted the subdivision bearing that name or unless the party files and records the consent of the party that Platted the subdivision bearing that name. All Plats must continue the lot and block numbers of the Plat of the same last filed.

FINDING: The tentative map, as seen on Sheet 1, submitted by the applicant on February 5, 2020, lists “Crestview Estates” as the proposed subdivision name which is not the same as, similar to or pronounced the same as any other subdivision in Lane County.

The tentative map submitted by the applicant on February 5, 2020, lists “Crestview Estates” as the proposed subdivision name, which is not the same as, similar to or pronounced the same as any other subdivision in Lane County. Criterion met.

LDC 9.224 Existing Conditions Information.

(a) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other rights-of-ways and other important locational information such as section line, corners, city boundary lines and monuments.

FINDING: As seen on Sheets 1 through 5, the applicant has identified the required information in order for staff to make an informed recommendation to Planning Commission. The proposal will involve the creation of a new street that is approximately 28-feet in width that will terminate at the end of phase 1, adjacent to Lots 12 and 13. The applicant has identified one easements involved in phase 1: 5-foot private drainage easement running the length of the eastern property boundary of Lot 12. The applicant has recently discovered two private access easements that exist on the unsubdivided remainder portion of the subject property. The two private access easements are used for logging purposes. The private access easements are not for the purposes of any building, structure or residential development. See **Attachment Q** for copies of the private access easements. The proposed tentative plan and associated sheets include the necessary information. Criterion met.

(b) The location of all existing sewers, septic tanks and drain fields, water lines, storm drains, culverts, ditches and utilities, together with elevation data, on the site and on adjoining property or streets, if applicable.

FINDING: The applicant’s engineer has displayed existing and proposed utilities, including storm drain, wastewater and water line as seen on Sheet 3 (**Attachment K**). Currently, there is little to no existing infrastructure in place. There will be a detention pond, seen as Parcel “A” on the tentative maps. The City has requested the applicant design a detention pond that is reasonably “low maintenance” as the City will be taking over long-term ownership and maintenance after acceptance. The applicant proposes to connect to all city services.

The applicant has submitted the necessary information as required in Section 9.224 for a subdivision as seen on Sheets 1 through 5 (**Attachments I through M**). Criterion met.

LCD 9.225 Proposed Plan Information.

...

(c) The location, width, and purpose of existing and proposed easements.

FINDING: As seen on Sheet 1, the applicant is proposing two easements associated with the proposed subdivision: a 20-foot wide emergency turnaround easement located between Lots 20 and 15 and a 5-foot wide private drainage easement along the eastern property boundary of Lot 12. The applicant is also proposing a detention pond to deal with storm water run-off as seen on Sheet 1 as Parcel “A”. All easements associated with the proposal should be included on the final plat and recorded and filed in accordance with ORS 92, and Lane County. The general requirement for the proper recording of all easements in accordance with ORS 92 and Lane County will be a condition of approval. Criterion met.

(d) The total acreage and the proposed land use for the land division including sites for special purposes or those allocated for public use.

FINDING: The total acreage of the subject property is 30.59 acres. Phase 1 of development consists of the creation of 26-Lots and Parcel “A” for a detention pond. The 26 Lots and Parcel “A” comprise approximately 9 acres. The lots included in phase 1 will be developed for single family homes. Other than Parcel “A” for a detention pond and the addition of sidewalks on both sides of the street, there are no other sites for special purposes or public use, per the applicant’s sheets 1 through 5. The applicant has appropriately represented this information on Sheets 1 through 5. Criterion met.

(e) The location and approximate location dimensions of lots or parcels and the proposed lot or parcel numbers. Where the property division results in any lots or parcels that are larger than 2 and one-half times the minimum lot size, the applicant shall provide a sketch plan showing how the parcels may be re-divided in the future to provide for at least 80% of maximum density within current minimum lot sizes, existing site constraints and requirements of this Code.

FINDING: The proposed subdivision is to create 26 single family residential lots as seen on Sheet 1. Lot 27 is included on the tentative map but is part of Phase 2 and residential development on Phase 2 is not anticipated as city water currently cannot adequately serve those parcels. The applicant’s engineer did provide a shadow plat because Lot 27 (listed under Phase 2) will be larger than 2.5 times the minimum lot size. The shadow plat, as seen on Sheet 5 (**Attachment M**), shows the addition of 39 lots as well as the extension of Crestview Drive and eventual connection south to planned and existing right of way. The extension and connection of Crestview Drive to the south is consistent with the Lowell Master Road Map. Criterion met.

...

(g) a general layout of all public utilities and facilities to be installed including provisions for connections and extensions beyond the proposed land division.

FINDING: A general layout of all public utilities and facilities to be installed has been shown on Sheet 3. The applicant proposes to connect to city services for lots 1-26. Included on Sheet 3 (**Attachment K**) are proposed connections to utilities along North Moss street, just outside of the proposed subdivision as well as a proposed mailbox for future residents located near the north east corner of Parcel “A”. Criterion met.

(h) The proposed method of connection to all drainage channels located outside of the proposed land division and the proposed method of flood control (retention ponds, swales.) and contamination protection (settling basins, separators, etc.)

FINDING: Currently, a portion of the drainage on the subject property drains to the southwest corner and another portion drains to the south. The applicant is proposing a 5-foot trench drain easement along the eastern property boundary of Lot 12 and a detention pond seen as Parcel “A” to deal with drainage on the subject property. See **Attachment R** for the applicant’s drainage study. Criterion met.

(i) Identification of all proposed public dedications including streets, pedestrian or bike ways, parks or open spaces.

FINDING: As seen on Sheet 1, the proposed subdivision will create a new street, called Crestview Drive. Crestview Drive will become public dedication once accepted by the City. The applicant will also be installing public sidewalks on both sides of Crestview Drive. The detention pond at Parcel “A” will turn over to city-owned once completed because it serves multiple lots. Criterion met.

(j) Identification of any requirements for future streets and easements required for extension of public infrastructure beyond the development together with restrictions on building within those future streets and easements as well as future setback areas required by this Code.

FINDING: Crestview Drive will be a newly created street as part of the proposed subdivision and will be dedicated as city public right-of-way after completion and acceptance by the City. The future extension of Crestview Drive into Phase 2 is not part of this proposal but is shown on the shadow plat on Sheet 5 (**Attachment M**). The future extension of Crestview Drive into Phase 2 and to the south to connect with existing and planned city streets is consistent with the Lowell Master Road Map. Further dedication requirements, including the requirement of 1-foot buffer strips, and street requirements will be addressed later in this staff report under Section 9.517 Streets and Section 9.236 Dedication Requirements. Criterion met.

(k) Identification and layout of all special improvements. Special improvements may include, but are not limited to, signs, lighting, benches, mailboxes, bus stops, greenways, bike or pedestrian paths.

FINDING: Staff have identified only one special improvement seen on Sheets 1 through 5: a mailbox to serve the future residents of the proposed subdivision to be placed near the northeast corner of Parcel “A”.

The applicant has submitted the necessary information, as seen on Sheets 1 through 5, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.225 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.226 Accompanying Statements. The Tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

- (a) Identify the adequacy and source of water supply including:***
(1) Certification that water will be available to the lot line of each and every lot depicted on The Tentative Plan for a subdivision, or;
(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.

FINDING: The applicant's engineer has indicated in their written narrative, dated August 21, 2019 (**Attachment A**), that city water and sewer will be available for lots 1-26 and a bond, contract or other assurance will be required on behalf of the developer. Bonds on public infrastructure will be further discussed later in this staff report under Section 9.805, Improvement Agreements. Criterion met.

- (b) Identify the proposed method of sewage disposal including:***
(1) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or;
(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.

FINDING: See Staff's discussion above in response to LDC 9.226(a). Criterion met.

- (c) Protective covenants, conditions and deed restrictions (CC&R's) to be recorded, if any.***

FINDING: Any additional CC & Rs, will be identified and recorded at the time of final plat filing. Criterion met.

- (d) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.***
- (e) Identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.***

FINDING: The applicant is proposing dedication of Crestview Drive, once completed and accepted by the City. Crestview Drive will be a 50-foot wide public right-of-way that includes sidewalks on both sides. Additionally, the storm water detention pond seen as Parcel "A" on Sheet 1 will be constructed by the applicant and once completed and accepted, turned over to the City of Lowell for long-term maintenance. The applicant is also proposing to install the following: streetlights, water system, sewage disposal system, and communication lines. The applicant is proposing self-financing and construction is anticipated to begin in summer 2020. The applicant

has indicated in its narrative that no bike ways (there is sufficient width on North Moss Street for a bikeway), parks or open space dedications are part of the proposal. See **Attachment A** for written narrative dated August 21, 2019. Criterion met.

(f) A statement that the declarations required by ORS 92.075 on the final plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.

FINDING for (LDC 9.226 ((a)-(e)): The applicant has indicated that the declarations required by ORS 92.075 can be achieved by the fee owner. Prior to issuance of building permits, the property owner shall submit the final plat in accordance with ORS 92.075.

The applicant has submitted the necessary information, as seen on Sheets 1 through 5, and in the written narrative, for staff to determine the necessary criteria contained in LDC 9.226 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.227 Supplemental Information. Any of the following may be required by the City, in writing to the applicant, to supplement the Tentative Plan.

(d) If lot areas are to be graded, a plan showing the nature of cuts and fill and information on the character of the soil.

FINDING: The applicant's engineer has submitted a preliminary grading plan as seen on Sheet 2. As indicated in the applicant's response to completeness items, dated September 20, 2019, the applicant does not intend to perform any grading as part of this subdivision process. The applicant intends to sell the finished lots to home builders and it will be up to the home builders to develop a building site on each lot. The applicant's engineer recognizes that cuts and fills be necessary and will be done under the supervision of a geotechnical engineer, where appropriate. A Geotech report will be required due to the subject property containing slopes of 15 percent and greater. Additionally, a finalized grading plan will be required. Both of these requirements will be condition of approval and will be further addressed under Section 9.633(b) and (c) (2). Criterion met.

(e) Specifications and details of all proposed improvements.

FINDING: The applicant has shown all proposed improvements on Sheets 1 through 5. The proposed improvements include Crestview Drive with sidewalks on both sides, sidewalks (half-street improvements) along the frontage of Parcel "A" adjacent to North Moss Street, a fire approved turnaround at the terminus of Crestview Drive, and necessary connections for city services. The applicant has indicated a more detailed grading plan for the public infrastructure will be prepared during the construction drawing phase. After tentative map approval, the applicant intends to begin work on the construction drawings for the public infrastructure and once approved the City, start construction on the public infrastructure. A final infrastructure plan will be required as a condition of approval and will be further addressed under Section 9.633 (c)(1). Criterion met.

(f) Wetland delineation if identified as an existing condition in Section 9.224(f).

FINDING: A wetland delineation was completed by Schott & Associates for the subject property. Within the study area, three ditches were identified. The ditches are exempt per OAR 141-085-0515(8) and -0515(10); and therefore, they are not subject to the current state Removal-Fill requirements. See **Attachment G** for DSL concurrence letter.

The applicant has submitted the necessary information, as seen on Sheets 1 through 5, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.227 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.228 Decision Criteria. A Partition Tentative Plan may be approved by the Planning Commission and a Subdivision Tentative Plan may be approved by the City Council. Approval shall be based upon compliance with the submittal requirements specified above and the following findings.

(a) That the proposed land division complies with applicable provision of City Codes and Ordinances, including zoning district standards.

FINDING: The applicant is proposing to create a 26 lot subdivision as being a part of Phase 1 for eventual development of single-family homes. The underlying zoning classification is Single-Family residential and is consistent with the proposal. As seen on Sheet 1, all lots are above the minimum lot size, and lot width. The proposal includes five lots (lots 26, 18, 19, 16 and 17) that are panhandle (or “flag lots”). Lot 26 will have 20-feet of frontage on the newly created Crestview Drive and lots 16-19 will share access and have 11-feet of frontage on the newly created Crestview Drive. LDC Section 9.516 Access calls for every property to abut a street for a minimum of 16-feet, of which 12-foot must be paved, unless where the City approved an access to multiple lots sharing the same access in which case the total width must be at least 16-feet. The applicant’s proposed access for Lots 16-19 can be approved with tentative plat approval. Staff finds the proposal complies with the applicable provision of City Codes and Ordinances, including zoning district standards.

As seen on Sheets 1 through 5 and the applicant’s written narrative, Staff can find the proposed subdivision complies with conditions with applicable provisions of City Codes and Ordinances, including zoning district standards, as discussed. Criterion met.

(b) Where the property division results in any lots or parcels that are larger than 2 and one-half times the minimum lot size, the applicant shall provide a sketch plan showing how the parcels may be re-divided in the future to provide for at least 80% of maximum density within current minimum lot sizes, existing site constraints and requirements of this Code.

FINDING: The proposed property division will result in four lots (lots 17, 18, 26, 27), that are larger than 2.5 times the minimum lot size. The applicant did provide a shadow plat, as seen on Sheet 5 (**Attachment M**), to show how Lot 27 could be further subdivided in the future. Further division on lots 17, 18 and 26 are not practicable due to a 150-foot BPA easement that runs through the lots and access is already an issue with the applicant requesting a variance to allow four lots to utilize the same access point.

As shown on Sheet 5, the applicant has provided a shadow plat showing how lot 27 could be further subdivided. As discussed above, further residential development on lots 17,18 and 26 are not expected nor practical for the reasons mentioned above. Criterion met.

(c) The applicant has demonstrated that the proposed land division does not preclude development on properties in the vicinity to at least 80% of maximum density possible within current minimum lot sizes, existing site conditions and the requirements of this Code.

FINDING: The proposal will not preclude developed on properties in the vicinity. Crestview Drive will be stubbed and have 1-foot reserve strips placed at the terminus of Crestview Drive. Further development on Lot 27 (now called the “unsubdivided remainder”) is not precluded, but at this time is currently not practicable due to the inability to receive city water above approximately 880 feet. The shadow plat does show the possible extension of Crestview Drive consistent with the Lowell Master Road map.

As discussed above, the proposal does not preclude development on nearby properties. Crestview Drive will be stubbed and have 1-foot reserve strips. The shadow plat, as seen on Sheet 5, shows that development is not precluded, and the possible extension of future rights-of-way is consistent with the Lowell Master Road map. Criterion met.

(d) The proposed street plan:

(1) Is in conformance with City standards and with the Master Road Plan or other transportation planning document.

FINDING: Crestview Drive will become dedicated public right-of-way, complete with sidewalks, once completed and accepted by the City. The Master Road Plan and Map shows a street eventually continuing through lot 27 and connecting with city streets located to the south. The extension of Crestview Drive as seen on Sheet 5 does conform to the Master Road Plan and Map. Criterion met.

(2) Provides for adequate and safe traffic and pedestrian circulation both internally and in relation to the existing City street system.

FINDING: With respect to adequate and safe traffic circulation, there are two issues that need to be addressed. The first issue is that the development shall as a condition of approval include a fire department-approved emergency turnaround for emergency vehicles. The applicant is aware of this issue and has agreed to show the emergency turnaround on the final plat. The applicant has some latitude on what the turnaround looks like but must choose from the list provided by LRFPD. This requirement is from Lane County Transportation and the LRFPD. To staff’s knowledge, the LRFPD has not issued any official comment or given indication that the Department’s vehicles cannot safely navigate the proposed grades, as seen on Sheet 4, of Crestview Drive. This issue can be brought up and addressed during the public hearing(s), if required. This will be a condition of approval.

The second issue is one identified by Lane County Transportation and included in their comments

on the TIA. Lane County Transportation found that high speeds on North Moss Street is a concern for accessing the proposed driveway (Crestview Drive) into the subdivision. As such, Lane County Transportation recommended a provision for a 50-foot long turn lane as part of the frontage development by increasing the proposed 5-foot extension to an 8-foot wide extension on the east side of North Moss Street. As indicated in Lane County Transportation's comments, However, the recommendation for a 50-foot long turn lane is not a condition of approval required by Lane County. Lane County Traffic engineers have communicated to staff that this is something city decision makers will have to decide one. Staff reached out to the applicant regarding this concern and the applicant has indicated that the inclusion of a right-hand turn lane is agreeable and will be provided. This will be a Condition of Approval. See **Condition of Approval #2** under subject (h), on Page 13-14.

(3) Will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties.

FINDING: The proposal will not preclude the orderly extension of streets. The applicant has revised the tentative map and shadow plat to show Crestview Drive is consistent with the Lowell Master Road Map. Additionally, the applicant has submitted a revised Sheet 1 and Sheet 2, showing the inclusion of a hammerhead turnaround for emergency services. The grade of the hammerhead turnaround is maximum 8 percent.

Staff finds the above criteria met as discussed and as shown on Sheets 1 and 2 with the newly proposed hammerhead turnaround for emergency vehicles. Criterion met.

(e) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant has demonstrated that the services and facilities will be available prior to need, by providing at least one of the following:
(1) Prior written commitment of public funds by the appropriate public agency.
(2) Prior acceptance of public funds by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
(3) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the City.

FINDING: No public funds are requested to install public services. The City has the ability to provide adequate public services. Adequate public facilities are proposed to be constructed in order to deliver city services to lots 1-26, at the applicant's expense. After tentative map approval, the applicant intends to begin drawing construction plans for the public infrastructure improvements, and once approved by the City, begin installing and construction of the required public infrastructure.

No public funds is requested for the required public facilities required for lots 1-26. Adequate public city services are available to lots 1-26. The applicant, at their own expense, will construct the public facilities in order to provide the city services to lots 1-26. Criterion met.

(f) That proposed public utilities can be extended to accommodate future growth beyond

the proposed land division.

FINDING: All utilities required for the proposal will be installed at the expense of the applicant. As seen in the applicant's written narrative, there are public extensions for city services nearby that the applicant will utilize to extend to lots 1-26. With respect to public facilities beyond the proposed land division, there are deficiencies that make residential development on the unsubdivided remainder a challenge. Presently, city water service is unable to reach elevations needed to provide the unsubdivided remainder (phase 2) with city water; additional infrastructure would be required and is presently not proposed. If needed, the public facilities required for lots 1-26 can be extended and expanded upon in a manner to provide public facilities to the unsubdivided remainder, but that is not proposed.

No future land division, other than what is presented on Sheet 1, is proposed as part of the subdivision. Presently, there are public utility deficiencies in that city water cannot be provided to the unsubdivided remainder of the parent lot, without additional infrastructure and additional infrastructure to provide city water to the unsubdivided remainder, is not presently proposed. The public facilities required for development on lots 1-26 does not preclude future residential development on the unsubdivided remainder and if required could be extended to accommodate future growth. Criterion met.

(g) Stormwater runoff from the proposed land division will not create significant and unreasonable negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows and velocity.

FINDING: The applicant's engineer has completed and submitted a preliminary drainage study that has been reviewed and preliminary approved by the City Engineer. The proposed development will generally maintain existing flows. The proposed development has been broken up into two separate drainage basins: Basin A and Basin B. Drainage Basin A will consist of piping stormwater into the proposed detention pond on the east side of North Moss Street. Drainage Basin B will utilize an 18" storm drain culvert to direct drainage into an existing drainage basin that flows to the north. Because there are still portions of development and specific construction plans that need to be drawn, submitted and approved by the City Engineer, staff proposes the condition of approval that prior to final plat approval, the applicant shall submit and obtain approval of a final drainage plan from the City Administrator or his designee. This condition is meant to ensure the drainage plan submitted as part of the tentative map approval still meets sufficient drainage requirements once more specific construction plans are submitted. To see the applicant's proposed drainage plan please see **Attachment R.**

The applicant has submitted a drainage plan for the proposed subdivision, and it has been preliminary approved by the City Engineer. However, due to yet-to-be- submitted construction plans, as a condition of approval prior to final plat approval the applicant shall submit a final drainage plan for review and approval by the City Administrator or his or her designee to ensure the plan is still applicable and sufficient after receipt of more detailed construction plans. Criterion met as conditioned.

Condition of Approval #1: Prior to final plat approval, applicant shall submit a final drainage plan, to the City Administrator for review and approval to ensure adequate drainage can still be attained after reviewing more detailed construction and drawing plans. If the final drainage plan causes changes to the tentative map as approved, the changes shall be presented to Planning Commission and City Council for consideration, prior to final plat approval.

(h) The proposed land division does not pose a significant and unreasonable risk to public health and safety, including but not limited to fire, slope failure, flood hazard, impaired emergency response or other impacts identified in Section 9.204(u).

FINDING: The proposed subdivision is not expected to pose a significant and unreasonable risk to public health and safety. However, there are inherent risks involved with the proposal due to hillside development, emergency service access and circulation. There are measures that the City and applicant are taking to address these issues. Regarding the risk to health and safety with respect to emergency vehicle access. Staff, the LRPFD and Lane County Transportation have implemented Condition of Approval #1, listed above, for the requirement of an approved emergency vehicle turnaround.

Planning Commission and Council will need to consider Lane County's recommendation for a right-hand-turn lane off North Moss and onto Crestview Drive from Lane County Transportation due to a high rate of speed on North Moss. Lane County Transportation is not requiring that as a condition of approval, but the applicant has indicated they are agreeable to the inclusion of a right-hand turn lane on North Moss Street onto Crestview Drive. Lane County Transportation, the City, and the applicant will work together to provide specific engineering standards for the creation of a right-hand turn lane, a starting point for this discussion has been provided in **Attachment S**. The addition of a right-hand turn lane off North Moss onto Crestview Drive will be Condition of Approval #2.

Condition of Approval #2: Prior to final plat approval, the applicant shall include on the final plat and construct a right-hand turn lane as indicated in the referral comments by Lane County Transportation. See **Attachment D** for Lane County Transportation referral comments. Additionally, see **Attachment S** for Lane County Urban Collector Standards and a Sketch of North Moss Street.

In their comments, Seneca Timber brought up concerns regarding having residential development near an active timber site. As a result, Seneca Timber recommended the applicant sign a Forest Management Practices Covenant that recognizes that these operations will be in close proximity to residential homes and residential development. Covenants of this manner are not enforceable by the City. Staff recommend the applicant/developer and Seneca Timber enter into a "Farm/Forest Management Easement" the easement must address adjacent properties. **Staff provide an example of a "Farm/Forest Management Easement" as provided for in Attachment T.** Staff note to Seneca Timber and the applicant that this example is specific to Lane County and the parties shall craft their own easement for recording but are not prohibited from using elements contained in the example. The applicant understands this concern and will implement this "Farm/Forest Management Easement."

With respect to Seneca's other concerns regarding the proposed subdivision being directly across from a main access point onto Seneca's timber property, the effects of increased traffic on Moss

Street and Seneca Street, and with respect to the suitability to meet the transportation needs of its facility, while adequately providing for human safety and fire protection. Staff point out that Crestview Drive will be barricaded by a locked gate at the start of the identified private access easement to prevent access by unauthorized residents, and a TIA has been completed and the findings contained therein, concurred with by Lane County Transportation, which has jurisdiction of North Moss Street and the recommendations for a LRFPD-approved turnaround and right-hand turn lane have been implemented. Staff find the completion of the TIA and implementation of the recommendations by Lane County Transportation adequately addresses the traffic and safety concerns included in Seneca Timber's comment. While, the specific building sites have not been determined, once building permits are applied for, the building standards for Lowell City Limits will apply. It is noted Seneca encourages the maximum setbacks and implementation of adequate fuel breaks. Staff will add the recommended condition of approval for future building to be constructed with fire-resistant materials and for chimneys to have spark arrestors. These provisions aid in addressing a significant and unreasonable risk to health and safety as contemplated in subsection (h) of the decision criteria. The requirement for buildings to be constructed with fire-resistant materials and for chimneys to have spark arrestors shall be included on the final plat as a plat note. See **Condition of Approval #4**, below.

Lastly, regarding development on slopes of 15 percent or greater, the applicant will be required to follow the code and development guidelines with respect to hillside development. The applicant is aware that a Geotech and other reports will be required per LDC. This will be a condition of approval. Criterion met as conditioned.

FINDING: The proposed subdivision is not anticipated to pose any significant or unreasonable risk to public health and safety. However, the subject site is located near active forest operations and the farm/forest rural interface. The City and applicant are taking measures with respect to emergency vehicle access, high rate of travel on North Moss and Hillside Development to ensure the proposed development is consistent with LDC. Conditions of Approval have been added and decision maker consideration noted where appropriate, to address any potential risks to public health and safety. Staff find the criterion met with the following conditions of approval, as discussed above. Criterion met as conditioned.

Conditions of Approval #3: The applicant shall record and execute a "Farm/Forest Management Easement" with Seneca Timber, as indicated in **Attachment O** wherein the applicant acknowledges and accepts the activities, including but not limited to, noise, dust and general incompatibility with nearby residential homes. Evidence shall be submitted to the City showing compliance with this condition, prior to final plat approval.

Condition of Approval #4: Given the subject site's close proximity to active forest management operations and adjacent to the Farm/Forest Interface, future buildings shall be constructed with fire-resistant materials and for chimneys to have spark arrestors. **This requirement shall be included on the final plat as a plat note.** These provisions address a significant and unreasonable risk to health and safety as contemplated in subsection (h) of the decision criteria for a subdivision.

LDC 9.518 Sidewalks. Public sidewalk improvements are required for all land divisions and property development in the City of Lowell. Sidewalks may be deferred by the City

where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. An irrevocable Waiver of Remonstrance shall be recorded with the property to guarantee compliance with this requirement.

FINDING: As per LDC all land divisions in Lowell require public sidewalk improvements to be made. As such, as a result of the proposed subdivision, the applicant will be required to install public sidewalks, including curb and gutter, in accordance with Section 9.518 and the Lowell Standards Documents for engineering and construction. The addition of sidewalks along both sides of Crestview Drive will be a condition of approval.

The creation of a subdivision is a land division that requires the installation of public sidewalks, including curb and gutter along both sides of Crestview Drive. Prior to the issuance of building permits, the applicant/developer shall construct sidewalks, including curb and gutter along both sides to Crestview Drive. Sidewalks shall be inspected by the City of Lowell before acceptance. Criterion met with the following Condition of Approval #5:

Condition of Approval #5: Prior to final plat approval, the applicant/developer shall construct sidewalks, including curb and gutter along both sides to Crestview Drive. Sidewalks shall be inspected for compliance with Lowell standards by the City of Lowell before acceptance.

LDC 9.516 Access.

(a) Every property shall abut a street other than an alley for a minimum width of 16 feet, of which 12 foot must be paved, except where the City has approved an access to multiple lots sharing the same access in which case the total width must be at least 16 feet. No more than two properties may utilize the same access unless more are approved with the tentative plan.

(b) The following access alternatives to Panhandle properties may be approved by the City:

(1) Approval of a single access road easement to serve proposed parcels. The City may require a provision for conversion to a dedicated public road right-of-way at some future date, in which case the easement shall have the same width as a required right-of-way.

(2) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City may require an irrevocable Waiver of Remonstrance to be recorded with the property.

(3) Approval of a private road. This approach should only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.

FINDING: The applicant is requesting a variance to the access standards listed above. As seen in Sheet 1, the applicant is proposing two access ways next to each other (each 11-feet in width as seen

on Sheet 1) to allow four lots to use both access ways. The overall width is 44-feet with a 20-foot wide paved section. The proposed access for which the applicant is proposing is allowed as indicated in subsection (a) only if approved by the City, in which case the total width must be at least 16-feet. The road right-of-way will and required public improvements will be constructed before the individual lots are prepped for home site construction. The right-of-way and associated public improvements required are anticipated to begin following tentative approval, but after approval of more specific construction drawing plans are approved by the City.

The proposal meets the above access standards with the exception of lots 16-19 of which will take access from two access ways as shown on Sheet 1 and serve more than two properties. The total width of the accessway for lots 16-19 is 44 feet, which exceeds the minimum width of 16 feet for multiple lots sharing the same access. The proposed access configuration can be approved with tentative plat approval. Criterion met.

LDC 9.517 Streets.

(a) Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Lowell. Urban street improvements may be deferred by the City if there is not existing sidewalk or storm drain system to which connection can be made, conditional upon the responsible party agreeing to an irrevocable waiver of remonstrance to a future assessment at the time of construction of a sidewalk which is otherwise required to be constructed.

FINDING: The applicant intends to bear all cost and install all required urban public street improvements consistent with the standards of the City of Lowell. See **Attachment U** for applicant's written narrative to streets. Criterion met.

(b) The location and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall either:

(1) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or

(2) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

FINDING: The proposed subdivision can be designed per the City of Lowell design requirements as seen on Sheet 1 through 5. The submitted shadow plat shows how the proposed street alignment will provide for future extensions to service adjacent properties. Final inspection of street improvements prior to final plat approval and acceptance of improvements will be a condition of approval.

Applicant has shown as seen on the Sheets 1 through 5 that urban public street improvements

including curbs, gutters and storm drainage can be constructed to City of Lowell standards. Prior to final plat approval and acceptance by the City, the urban public street improvements shall be inspected by the City of Lowell for compliance. Criterion met with the following Condition of Approval #6:

Condition of Approval #6: Prior to final plat approval and acceptance of urban public street improvements, the applicant shall install urban public street improvements to City standards.

(c) Minimum right-of-way and roadway widths. Right-of-way widths and the paved width of streets and sidewalks shall be as prescribed in the City's most current Standards for Public Improvements. Right-of-way widths may be reduced to that needed only for construction of streets and sidewalks if a minimum of a five-foot utility easement is dedicated on both sides of the right-of-way.

FINDING: The proposed subdivision will be designed per the City of Lowell design requirements and reviewed by the City of Lowell for compliance. This proposal meets the City of Lowell's minimum standards. A seven-foot public utility easement (PUE) is seen on Sheet 1. Further inspection of urban public street improvements will be inspected for compliance with Lowell Standards, as presented in Condition of Approval #6.

As shown on Sheets 1 through 5, the proposal meets the minimum right-of-way and roadway widths. Criterion met.

(d) Where conditions, particularly topography or the size and shape of the tract make strict adherence to the standards difficult, narrower developed streets may be approved by elimination of parking on one or both sides of the street and/or elimination of sidewalks on one side of the street.

FINDING: Narrower streets are not proposed. The proposed subdivision will be designed per the City of Lowell design requirements and reviewed by the City of Lowell for compliance. Sidewalk is proposed for both sides of the street. This criterion is not applicable.

This criterion is not applicable because all streets proposed meet standard street requirements.

(e) Where topographical conditions necessitate cuts or fills for proper grading of streets, additional rights-of-way or slope easements may be required.

FINDING: The applicant anticipates some slope easements will be required to be used for construction of a slope on certain lots due to topographical conditions. Slope easements are generally used to adjust the elevation difference between adjoining properties. Slope easements will be determined at the time of construction drawings. This will be a condition of approval to be shown on the final plat.

As indicated by the applicant in their written narrative, slope easements will be required due to topographical conditions. Slope easements will be determined at the time of submittal of construction drawings, as such, prior to final plat approval, the applicant shall submit plans for

slope easements for review by the City Administrator or his or her designee. Staff find compliance is feasible and this criterion can be met with the following Condition of Approval #7:

Condition of Approval #7: Prior to final plat approval, the applicant shall submit plans to the City Administrator or his or her designee, showing slope easements as required where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-way or slope easements.

(f) Reserve Strips: A reserve strip is a 1-foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. Reserve strips will not be approved unless necessary for the protection of the public welfare or of substantial property rights. The control of the land comprising such strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. In addition, a barricade shall be constructed at the end of the street by the land divider which shall not be removed until authorized by the City. The cost shall be included in the street construction costs by the land divider.

FINDING: Reserve strips will be required at the terminus of Crestview Drive and shall remain in place until Crestview is extended. The control of the land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. A barricade is not required as there is a 10-foot high slope and due to the fact, there are two existing private access easements located beyond the proposed hammerhead turnaround. In lieu of a barricade, the applicant has suggested a locked gate be placed where the private access easement begins. This will ensure the parties listed in the private access easements maintain access as described in the easements. At the hammerhead turnaround, a “No Parking” sign shall be installed. These will be conditions of approval.

Reserve strips are presently not indicated or shown on the tentative map and shall be required at the terminus of Crestview Drive and shall remain in place until Crestview Drive is extended. The control of the land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed. Additionally, a locked gate shall be placed at the beginning of the private access easement to ensure access is maintained as described in the private access easement. Criterion above met with the following Condition of Approval #8:

Condition of Approval #8: Prior to final plat approval, the applicant shall show 1-foot reserve strips on the final plat. The land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed. Additionally, a locked gate shall be placed at the beginning of the private access easement to ensure access is maintained as described in the private access easement and a “No Parking” sign placed at the hammerhead turnaround.

(g) Alignment: As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction.

FINDING: As indicated in the applicant’s written narrative response to streets criteria

(Attachment U), the proposed centerline of the new street (Crestview Drive) is over 260 feet north of Seneca Street to the south.

The applicant's Sheets 1 through 5 complies with the alignment provision as discussed above and seen on Sheets 1 through 5. Criterion met.

(h) Future Extensions of Streets: Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets may be approved with a turn-around instead of a cul-de-sac. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

FINDING: Crestview Drive is planned in manner to allow future extension. Reserve strips, a locked gate where the private access easement begins, and an emergency turnaround will be placed at the end of Crestview Drive as part of the phase 1 development. A "No Parking" sign will be placed at the emergency turnaround. The future extension of Crestview Drive complies with the Lowell Master Road map.

As discussed, and conditioned elsewhere in this staff report, the proposal complies with the future extension of streets. Criterion met.

(i) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design.

FINDING: Per the applicant's written narrative for Streets, the proposed Crestview Drive, intersects North Moss Street at 82 degrees.

As indicated in the applicant's written narrative and seen on Sheets 1 through 5, the proposed Crestview Drive is at or near to a right angle to North Moss Street and the intersection angle is 82 degrees. Criterion met.

(j) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.

FINDING: Moss St. currently has a half right-of-way width of 35-feet, and 23-feet of width from center line to the proposed face of the curb. The applicant has agreed to provide a right-hand turn lane in addition to sidewalks, curb, and gutter. There remains some discussion regarding how the right-hand turn lane ties in with the half-street improvements. Lane County Transportation has indicated an additional left-hand turn lane (coming from the opposite direction) onto Crestview Drive is desirable, but optional. Staff have requested the attendance of a staff member from Lane County Transportation to be present at the hearing(s) to field any transportation related questions. anticipate Lane County Transportation. With respect to additional right-of-way, see the subsection (k) below for additional improvements.

Additional right-of-way along North Moss Street will be required to accommodate the half-street improvements and the incorporation of a right-hand turn lane. There are no existing streets inside of the proposed subdivision. As discussed herein, staff find the criterion met, or can be met conditionally.

(k) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

FINDING: Relevant here is Lane County Transportation’s comment regarding the addition of “half street” improvements along the frontage of the property on North Moss Street. Lane County requires half-street improvements along the frontage of the property on N. Moss Street. Lane County interprets “half streets” to mean the addition of curb, gutter and sidewalks, in which the applicant will be required to construct along the frontage of the property on North Moss Street. The improvements are shown on Sheet 1. Crestview Drive, the newly proposed right-of-way for the proposed subdivision will not have half-streets, every lot will abut Crestview Drive, unless otherwise noted. The addition of half-street improvements along the frontage of the property on North Moss Street will be a condition of approval. The half-street standards shall conform to the City of Lowell standards for Urban Collectors, and in the event the City of Lowell does not have standards for half-street improvements for Urban Collectors, then the County standards shall apply. To see a diagram of Lane County Urban Collector standards, please refer to **Attachment S** and to see Lane County Transportation’s comments on the proposal see **Attachment D**.

As discussed above and indicated in Lane County Transportation’s review comments of the TIA, the applicant will be required to install half-street improvements, to include curb, gutter and sidewalks. Additionally, the applicant will be required to install a right-hand turn lane from North Moss Street onto the proposed Crestview Drive. Criterion met with the following Condition of Approval #9.

Condition of Approval #9: Prior to final plat approval, the applicant shall install the half-street improvements along the frontage of the property, as recommended in **Attachment D**. Half-street improvements shall include sidewalks, curb and gutter. City of Lowell shall inspect improvements for compliance with City Standards and/or Lane County Standards as appropriate, prior to acceptance.

(l) Cul-de-sacs: A cul-de-sac should have a maximum length of 500 feet but may be longer where unusual circumstances exist. A cul-de-sac shall terminate with a circular or hammerhead turn-around.

FINDING: The proposed street will be about 750 feet long with a turnaround at the end. Because of the topography, and no other existing streets in the area, the length exceeds 500 feet. A future

extension of the proposed street will connect to the property to the south and eliminate the dead end. The applicant has shown the inclusion of a hammerhead turnaround as seen on Sheet 1 (**Attachment I**)

A cul-de-sac or hammerhead turnaround for fire and emergency services at the terminus of Crestview Drive is shown on Sheet 1. Criterion met.

(m) Street Name Signs: Street name signs shall be installed at all street intersections to City standards.

FINDING: The applicant will be required to install street signs in accordance with LDC. Street name signs shall be included on the final plat. This will be a condition of approval.

The applicant shall submit evidence, prior to final plat approval, street name signs are installed in accordance with LDC. This will be a condition of approval. Criterion met with the following Condition of Approval #10.

Condition of Approval #10: Prior to final plat approval, applicant shall submit evidence to the City Administrator or his or her designee, that the proposal complies with the street name signs standards as listed in the LDC.

(n) Street Lights: Street lights shall be installed to City standards and shall be served from an underground utility.

FINDING: Street lights will be installed at the expense of the applicant and shall be served from an underground utility, consistent with LDC. This will be a condition of approval

The applicant shall submit evidence, prior to final plat approval, demonstrating the proposed streetlights are in compliance with LDC standards. Criterion met with the following Condition of Approval #11:

Condition of Approval #11: Prior to final plat approval, applicant shall submit evidence to the City Administrator or his or her designee, that the proposal complies with streetlights standards as listed in the LDC.

(o) Traffic Signs/Signals: Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, they shall be provided by the developer or land divider and the costs shall be borne by the developer or land divider unless an equitable means of cost distribution is approved by the City.

FINDING: A “No Parking” sign has been identified as being required at the hammerhead turnaround. See Condition of Approval #8.

A “No Parking” sign has been identified as being required at the hammerhead turnaround. See Condition of Approval #9. Criterion met.

(p) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks, singularly owned developments of sufficient size to warrant interior circulation on private streets or on small developments where integration into the public road system is impractical. Design standards shall be the same as those required for public streets unless approved otherwise by the City. The City shall require verification of legal requirements for the continued maintenance of private streets.

FINDING: Private streets is not part of the proposal. Criterion not applicable.

(q) Mail Boxes: Provisions for mail boxes shall be provided in all residential developments where mail service is provided. Mail box structures shall be placed as recommended by the Post Office having jurisdiction and shall be noted on the plan.

FINDING: A mailbox structure is proposed to receive mail for the eventual homes on lots 1-26, as seen on Sheet 3. However, there is no indication from the applicant that the mailbox structure has been placed as per the recommendation of the local Post Office having jurisdiction. This will be a condition of approval, prior to final plat approval.

A mailbox structure is proposed and shown on Sheet 3, but there is no indication that the placement was at the approval or recommendation of the local Post Office that has jurisdiction. Criterion met with the following Condition on Approval #12.

Condition of Approval #12: Prior to final plat approval, the applicant shall provide evidence that the proposed mailbox structure has been approved by the local Post Office having jurisdiction and shall be noted on the plan as a plat note.

(r) Clear Vision Areas: In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets or a street-alley. A clear vision area shall also be maintained at all driveways intersecting a street. See Figure 9.5-2 All properties shall maintain a clear triangular area at street intersections, alley- street intersections and driveway-street intersections for safety vision purposes. The two sides of the triangular area shall be 15 feet in length along the edge of roadway at all street intersections and 10 feet in length at all alley-street intersections and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides.

A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

FINDING: North Moss Street and Crestview Drive will be at an intersection to each other, as such the Clear Vision Area standards will apply. All properties shall maintain a clear triangular area at street intersections. The two sides of the triangular area shall be 15 feet in length along the edge of

the roadway at all street intersections and 10 feet in length at all alley-street and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides. Additionally, a clear vision area shall contain no planting, fences, walls, structures or temporary or permeant obstruction exceeding 3 feet in height. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade. The applicant has not specifically addressed how the proposal will comply with Clear Vision Areas, as presented above. In the applicant's written narrative, they indicate standards for Clear Vision Areas will be presented and shown on the construction plans. As such, staff will recommend a condition of approval for Clear Vision Areas plans to be presented to the City Administrator or his or her designee for compliance, prior to final plat approval. Staff find compliance with the Clear Vision Area standards are feasible to be met by the applicant. This will be a condition of approval.

Standards for Clear Vision Areas have not been addressed at time of tentative map submittal. The applicant indicated in their written narrative; Clear Vision Standards will be included on construction drawing plans. As such, the applicant shall provide evidence that Clear Vision Standards have been addressed in accordance with LDC 9.517 (r) (r). Staff find compliance with Clear Vision Area standards as indicated in LDC 9.517 (r) feasible for the applicant to meet. As such, plans for compliance shall be presented to the City Administrator or his or her designee for review and approval, prior to final plat approval. Criterion met with the following Condition of Approval #13.

Condition of Approval #13: Prior to final plat approval, plans for compliance with Clear Vision Areas shall be presented to the City Administrator or his or her designee and reviewed and verified for compliance with the Clear Vision Areas standards as listed in the LDC 9.517(r).

LDC 9.519 Bikeways. Bikeways are required along Arterial and Major Collector streets. Currently the only Bikeway requirements are those required by the County as a part of the County owned Major Collector streets within the City. Future requirements for Bikeways may be addressed at such time that a Transportation System Plan (TTSP) is completed for the City., but until specific Bikeway requirements are adopted, travel lanes of all streets that do not require Bikeways are approved for joint use with bicycles.

FINDING: The width of the proposed widening of Moss Street was determined by Lane County Staff, which includes a bike lane.

The proposed widening of North Moss Street is sufficient to include a bike lane.

LDC 9.520 Storm Drainage. Until completion of a Storm Drainage Master Plan for the City of Lowell, Section IV, of the Standards for Public Improvements and the following shall apply. In the event of a conflict, the following takes precedence.

(a) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except as a part of

an approved drainage plan. Paving, roof drains and catch basin outflows may require detention ponds or cells and discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process.

FINDING: A preliminary storm drainage plan and proposal have been submitted by the applicant's engineer and has been preliminary approved by the City Engineer. **See Condition of Approval #1** regarding any changes or modifications to the storm drainage plan that may be required upon receipt and review of more specific construction plans and drawings. The City has requested the applicant design a detention pond that is reasonably "low maintenance" as the City will be taking over long-term ownership and maintenance after acceptance. The proposed detention pond shall be constructed in a manner that the basin should drain entirely. The detention pond should have a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it's going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it. The applicant shall submit specific detention pond plans to the City Administrator, or his or her designee, for review and approval. This will be a condition of approval, prior to the commencement of any site preparation, grading, or fill.

(b) Urban level inlets, catch basins, and drainage pipe improvements are required for all land divisions and property development in the City of Lowell. Urban storm drainage systems may be deferred by the City in lieu of a rural system of culverts and open drainageways.

FINDING: Urban storm drainage improvements are being proposed by the applicant. No deferments have been requested with respect to storm drainage. Criterion met.

(c) Natural Drainageways. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation. Significant natural drainageways shall be protected as a linear open space feature wherever possible and shall be protected from pollutants and sediments. A 15 foot setback is required from the centerline of any significant drainageway.

FINDING: There are no significant natural drainageways on the site. The eastern portion of the site will maintain the natural drainage pattern to the north, setbacks, as discussed above are not anticipated. Criterion met.

(d) Easements. Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as the City determines will be adequate for conveyance and maintenance. Improvements to existing drainageways may be required of the property owner. The property owner is also responsible for the continuing maintenance and protection of natural drainageways.

FINDING: One easement with respect to storm drainage will be required and is shown on Sheet 1 as a 5-foot private drainage easement. Criterion met.

(e) Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City must review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(f) Effect on Downstream Drainage. Where it is anticipated by the City that the additional run-off resulting from the development will overload an existing drainage facility, the City may deny approval of the development unless mitigation measures have been approved.

(g) Drainage Management Practices. Developments within the City must employ drainage management practices approved by the City. The City may limit the amount and rate of surface water run-off into receiving streams or drainage facilities by requiring the use of one or more of the following practices:

(1) Temporary ponding or detention of water to control rapid runoff;

(2) Permanent storage basins;

(3) Minimization of impervious surfaces;

(4) Emphasis on natural drainageways;

(5) Prevention of water flowing from the development in an uncontrolled fashion;

(6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;

(7) Runoff from impervious surfaces must be collected and transported to a natural drainage facility with sufficient capacity to accept the discharge; and

(8) Other practices and facilities designed to transport storm water and improve water quality.

FINDING: The applicant's preliminary storm drainage plan has been submitted and adequately addresses storm drainage as part of the tentative map approval process. Criterion met.

(h) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one or more acres of land.

FINDING: A NPDES Permit will be required before earth-moving work is performed as the subject site is largely going to be disturbed for the construction of public infrastructure and preparation of home sites. This will be a condition of approval, prior to any earth-moving work is performed. This will be Condition of Approval #15.

The applicant's engineer has completed and submitted a preliminary drainage study that has been reviewed and preliminary approved by the City Engineer. The proposed development will generally maintain existing flows. The proposed development has been broken up into two separate drainage basins: Basin A and Basin B. Drainage Basin A will consist of piping stormwater into the proposed detention pond on the east side of North Moss Street. Drainage Basin B will utilize an 18" storm drain culvert to direct drainage into an existing drainage basin that flows to the north. Because there are still portions of development and specific construction plans that need to be drawn, submitted and approved by the City Engineer, staff proposes a condition of approval for a final drainage plan to be submitted for review and approval by the City Administrator or his or her designee, see **Condition of Approval #1**. This condition is meant to ensure the drainage plan submitted as part of the tentative map approval still meets sufficient drainage requirements once more specific construction plans are submitted. To see the applicant's proposed drainage plan, of please see **Attachment R** If the final drainage plan requires changes to the tentative map that has been approved, the changes should be presented to City Council before final plat approval. Additionally, the subject site is large in size and extensive earth-moving work is anticipated, as such a NPDES permit will be required.

The City has requested the applicant design a detention pond that is reasonably "low maintenance" as the City will be taking over long-term ownership and maintenance after acceptance. The proposed detention pond shall be constructed in a manner that the basin should drain entirely. The detention pond should have a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it's going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it. The applicant shall submit specific detention pond plans to the City Administrator, or his or her designee, for review and approval. This will be a condition of approval, prior to the commencement of any site preparation, grading, or fill.

FINDING: The applicant has submitted a drainage plan for the proposed subdivision, and it has been preliminary approved by the City Engineer. However, due to yet-to-be- submitted construction plans, the applicant should submit a final drainage plan, prior to final plat approval, for review and approval by the City Administrator or his or her designee to ensure the plan is still applicable and sufficient after receipt of more detailed construction plans. The proposed detention

pond shall be designed in a manner that is reasonably “low maintenance, see **Condition of Approval #15**. Criterion for adequate storm drainage is met or can be met conditionally, as noted and discussed above and in **Condition of Approval #1**. Additionally, the subject site is large in size and extensive earth-moving work is anticipated, as such a NPDES permit will be required. The requirement for a NPDES permit will be Condition of Approval #14. Criterion related to the requirement for a NPDES permit met with the following **Condition of Approval #14**

Condition of Approval #14: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator or his or her designee evidence of an approved NPDES permit.

Condition of Approval #15: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator, or his or her designee, plans for the proposed detention pond as seen on Sheet 1 as “Parcel A” plans that include a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it’s going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it.

LDC 9.521 Water.

(a) All new development must connect to the public water system unless specifically approved otherwise as a part of a development approval for parcels exceeding 5 acres in size after division for which the public water system is located further than 300 feet from any property line. All water line extensions, required fire hydrants, and related appurtenances shall be installed and paid for by the developer unless the City has approved otherwise as a part of the tentative plan decision process.

(b) All public water system improvements shall comply with Section II of the City’s Standard for Public Improvements, dated September 1994. The City may modify those requirements upon a recommendation by the City Engineer in the event of special circumstances.

(c) Water Line Extensions. Water distribution lines must be extended along the full length of the property’s frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion. Water line extensions may be required through the interior of properties, within dedicated public utility easements, when necessary to provide for service to other properties or to provide system looping for fire flows. All public water system line extensions shall have a minimum 6 inch diameter unless a smaller size is recommended by the City Engineer and approved by the City. The City Engineer may also require a larger size if needed to extend transmission capacity or for fire hydrant flow where looping is not available.

(d) Water Plan Approval. All proposed plans for extension and installation of the public water system must be approved by the City as part of the tentative plan review and approval process.

(e) Restriction of Development. The Planning Commission or City Council may limit or deny development approvals where a deficiency exists in the water system or portion thereof which will not be corrected as a part of the proposed development improvements.

FINDING: The applicant's engineer has provided a preliminary utilities plan as seen on Sheet 3. The plan shows that adequate connections are available or can be accessed to provide lots 1-26 with city water. However, the plans submitted on Sheet 3 are preliminary and are used to attain tentative plat approval. Final construction plans relating to water will be made a condition of approval. The applicant may choose to show all utilities (water, sewer, general utilities) on one final utilities map. The final construction plans for utilities shall be submitted for review by the City Engineer prior to any construction.

The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan will need to be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities. Criterion met with the following Condition of Approval #16.

Condition of Approval #16: The utilities plan as seen on Sheet 3 is preliminary and for tentative map approval. A final utilities plan, consistent with LDC 9.521, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

LDC 9.522 Sewer.

(a) All new development must extend and connect to the public sewer system unless specifically approved otherwise as a part of a development approval for parcels exceeding 5 acres in size after division for which the public sewer system is located further than 300 feet from any property line. All sewer line extensions, manholes, required lift stations and related appurtenances shall be installed and paid for by the developer unless the City has approved otherwise as a part of the tentative plan decision process.

(b) All public sewer system improvements shall comply with Section III of the City's Standards for Public Improvements, dated September 1994. The City may modify those requirements upon a recommendation by the City Engineer in the event of special circumstances.

(c) Sewer Line Extensions. Sewer collection lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion.

(d) Sewer Plan Approval. All proposed sewer plans and systems must be approved by the City as part of the tentative plan review and approval process.

(e) restriction of Development. The City may limit or deny development approvals where a deficiency exists in the sewer system or portion thereof which will not be corrected as a part of the development improvements.

FINDING: Lots 1-26 can be and will be connected to city sewer services. Connections either exist nearby or are proposed to adequately provide city sewer service to lots 1-26. As discussed above, the utilities plan has been preliminary approved by the City Engineer for tentative map approval purposes. A final utilities plan will need to be submitted to the City Engineer for final approval before any construction activities with respect to public utilities take place. Condition of Approval #15 is relevant and will apply to LDC 9.522.

The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan will need to be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities. Criterion met with the following Condition of Approval #17.

Condition of Approval #17: The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan, consistent with LDC 9.522, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

LDC 9.523 Utilities.

(a) It is the policy of the City to place all utilities underground except as otherwise exempted below. Developers shall make all necessary arrangements with serving utility companies for installation of such utilities.

FINDING: All utilities will be placed underground. Staff is not aware of any exceptions that would preclude the placement of utilities underground. The applicant has indicated in their written narrative that all utilities will be placed underground and installed within the public right of way or a public utility easement.

(b) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:

- (1) Underground utility locations are not feasible.***
- (2) Temporary installations.***
- (3) Major transmission facilities located within rights-of-way or easement***
- (4) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.***

FINDING: Per the applicant's written narrative, staff find the applicant has sufficiently indicated their proposal can meet the requirement that all utilities be placed underground and placed within public right-of-way or in a public utility easement. Criterion met.

LDC 9.524 Easements.

(a) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.

(b) Access easements may be approved by the City as provided in Section 9.516. The Planning Commission or City Council may require wider access easements if special circumstances exist.

(c) Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review. Minimum interior utility easements shall be 10 feet wide centered on lot or parcel lines where feasible. A wider easement may be required if multiple utilities will be utilizing the same easement or if topography dictates otherwise. An exterior utility easement adjacent to the public right-of-way will be required if at least five feet of unimproved public right-of-way is not available.

(d) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area at full build out and shall be verified and approved by the City.

FINDING: As seen on Sheet 1, two easements are shown in addition to the 7-foot PUE on both sides of Crestview Drive. The applicant has discovered two private access easements that exist on the unsubdivided remainder portion of the subject property. The two private access easements are used for logging purposes. The applicant will the private access easement accessible, as per the recorded easements. The private access easements are not for the purposes of any building, structure or residential development. See **Attachment Q** for copies of the private access easements. As required by LDC, the applicant shall include on the final plat all easements and shall provide all dedications, covenants, conditions, or restrictions with provide any supplemental data for review. The easements shall be consistent with Lane County recording requirements and procedures and ORS 92. There are no significant water courses on the subject property. This will be a condition of approval.

As seen on Sheet 1, the applicant proposes a 20-foot wide access easement between lots 16-19 and a 5-foot private drainage easement along the eastern property boundary of lot 12. These easements shall be shown and recorded on the final plat as with all dedications, covenants, conditions, or restrictions. The easements shall be consistent with Lane County recording requirements and procedures and ORS 92. Criterion met with the following Condition of Approval #18.

Condition of Approval #18: Prior to final plat approval, the applicant shall include all easements, dedications, covenants, conditions or restrictions along with any supplemental data for review by the City Administrator or his or her designee. Easements shall be consistent with Lane County recording requirements and procedures and ORS 92.

LDC 9.630 Hillside Development. The purpose of this Section is to provide standards governing development of hillside land within the City to alleviate harmful and damaging

effects of on-site erosion, sedimentation, runoff, access issues and to regulate the effects of excavation and grading on hillsides.

LDC 9.631 Scope. This Section shall apply to all areas of the City where the slope of the land is 15 percent or greater. In all areas of the City, concurrent with application for a building permit, excavation or fill permit or land division, the applicant shall provide elevation data adequate to determine slope characteristics of the property or portions thereof being developed. If the City determines that the property does have areas of 15 percent slope or greater, then the proposed development shall, in addition to other applicable City ordinances, rules and regulations, also be reviewed for compliance with the requirements of Sections 9.630 through 9.635.

LDC 9.632 Hillside Development Standards.

(a) General grading. Any grading performed within the boundaries of a hillside development shall be kept to a minimum and shall take into account the environmental characteristics of that property, including but not limited to prominent geological features, existing streambeds, drainage ways, and vegetative cover.

FINDING: The subject site does contain slopes of 15 percent or greater. The applicant has submitted a preliminary conceptual grading plan as seen on Sheet 2. The applicant will be required to submit final grading plans during the construction phase of the development for review and approval by the City Engineer. The standards listed in the Hillside Development section of LDC will largely be addressed post tentative map approval during the construction plan drawing phase of the project. The applicant will be required to submit plans to shown conformance with hillside development standards. As listed in the LDC, specific engineered plans may be required. This will be a condition of approval.

(b) Slope stability. Potential slope instability problems such as slip planes, clay layers and dome-shaped bedrock shall be identified. Mitigation measures sufficient to render these areas safe for structures and infrastructure development shall be applied.

(c) Building sites. Building sites shall be designed to minimize the need to alter the natural grade during construction of individual buildings. Mass pad grading or continuous terracing of building sites is not allowed. Lot development plans must demonstrate that the lot is large enough to safely accommodate both the planned structure(s) and the needed cuts and/or fills.

(d) Retaining walls. Especially on cutbanks, retaining structures are preferred in lieu of larger excavations to minimize the amount of disturbed area. Retaining walls over 4 feet high shall be engineered. Smaller walls shall be constructed in conformance with the soils and geology report recommendations and the engineer's plans. Designs for retaining structures shall give consideration to aesthetics and shall use mitigations such as terracing and/or landscaping plants to reduce the structures' apparent height and mass.

(e) Cut and Fill Standards.

(1) All cut and fill slopes generally must not exceed a two (horizontal) to one (vertical) ratio. Slopes which are steeper (i.e. 1:1/2 or 1:1) may be conditionally approved by the City upon certification, by a qualified engineer that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the engineer.

(2) Cuts and fills shall be designed to avoid movement or episodic erosion during heavy rains or earthquakes, mechanical overloading of underlying soils and undercutting of adjacent areas. Fills shall be benched as required to provide a proper bond with the existing terrain.

(3) Unless proven otherwise by specific soils information to the contrary, cuts shall be presumed to be incapable of revegetation without special treatments, such as importation and retention of topsoil. Plans must be submitted for all cuts in excess of 2 feet deep, showing either a covering for the cut, such as stonework, or a revegetation plan that does not rely on the ability of the exposed subsoil to support plant growth.

(f) Revegetation. Earthwork shall be designed so that all disturbed areas will be restored to have at least 6" of topsoil. Revegetation of projects exposing soil shall be aggressively pursued so that bare ground will not be unnecessarily exposed to the weather between November 1 and May30. Construction schedules shall be drawn up to limit the period of time that soil is exposed and unprotected. The existing vegetative ground cover should not be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Soil exposed during the removal or significant disturbance of ground cover vegetation shall be built upon (i.e. covered with gravel, a slab, foundation or other construction), landscaped (i.e. seeded or planted with ground cover) or otherwise protected within 15 days of grading or other pre- development activity. Provided, however, that these restrictions do not apply during the months of June, July, August and September.

(g) Modification of Public Street Standards. Street width, grade and alignment, right-of-way width, and sidewalks in hillside areas shall be designed to minimize changes to existing topography and provide adequate access to adjacent properties. Cuts and fills in excess of four feet deep shall be considered significant and should be avoided where feasible. Modifications to established standards, if necessary to meet these requirements, shall be made as provided below.

(1) Street grades may exceed the maximum grade standards of the Lowell Standards for Public Improvements where topographical conditions make it impractical to meet those standards, subject to the following conditions:

(A) Driveways and intersections shall not be permitted where street grades exceed 15 percent.

(B) Street grades of over 15 percent shall not be permitted for a distance of more than 200

feet in any 600 foot long section of street.

(C) Street grades shall not exceed 20 percent for any distance.

(2) Requirements specified in the Lowell Standards for Public Improvements for public right-of-way width, pavement width, and/or installation of sidewalk may be modified where topographical conditions make it impractical to meet those standards, subject to the following conditions:

(A) Reduction in public right-of-way width may be made if the proposed right-of-way is large enough to accommodate the street and sidewalk(s), and 5-foot public utility easement is provided on each side of the right-of-way and slope easement is provided where required.

(B) Reduction in pavement width to 21 feet may be made for access lanes with less than 250 vehicle trips per day, that are not dead-end, and that will be no parking on one side. For not more than one 200 foot section of street per block, any road may be reduced to 20 feet if the road is not dead-end, will be no parking on both sides along the narrowed portion, and if at least one parking space is provided for each lot taking driveway access from the narrowed portion; said parking shall be within 200 feet of the driveway access. On all other roadways, the City Council may allow the above described pavement width reductions only after consultation with the City Engineer and the local fire official, and upon a finding that the proposed width will provide adequate parking and emergency vehicle access. All no parking areas shall be signed and curbs shall be painted yellow.

(C) All sidewalks shall be a minimum of 5 feet wide. All streets shall have vertical curbs adjacent to sidewalks. For short distances, street-side sidewalks may be relocated to an off-street location that will provide equivalent service, conditional upon right-of-way being available or public access easements being provided. Sidewalks may be approved for only one side of the street for access lanes with less than 250 vehicle trips per day. On all other roadways, the City Council may allow sidewalks on only one side upon a finding that a single sidewalk will provide adequate pedestrian safety.

(3) The City may require modification of street improvement construction standards for any portion of proposed street improvements being constructed in areas of special concern identified in the Soils and Geology Report.

(h) Storm Drainage. In addition to City-wide storm drainage system development standards contained in Section 9.520, hillside storm drainage systems shall be designed to:

(1) Protect cuts, fills, roadways, retaining walls and structures from saturation, slope failure and settling.

(2) To anticipate and mitigate the rapid movement of debris into catch basins, and storm water flows bypassing catch basins.

(3) Insure that concentrated storm water is disposed of in a controlled manner does not create significant erosion or adverse effects on downhill properties.

(i) Preservation of Trees and Existing Vegetation. Construction shall be done in a manner that avoids unnecessary disruption to vegetation and trees. Temporary protective fencing shall be established around all trees designated for protection prior to the commencement of grading or other soil disturbance. Grade changes and trenching shall not be made within 5 feet of the dripline of such trees without written concurrence from an arborist that such changes will not cause permanent damage to the tree.

FINDING: The subject site does contain slopes of 15 percent or greater, therefore the Hillside Development Standards listed in LDC 9.632 apply to the proposal. Prior to the issuance of building permits, the applicant shall submit specific construction plans to the City Administrator, or his or her designee, for review and approval. Plans submitted shall be consistent with the Hillside Development Standards listed in LDC 9.632. Criterion listed on LDC 9.632 met with the following Condition of Approval #19.

Condition of Approval #19: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit specific construction plans for review and approval by the City Administrator, or his or her designee. Plans submitted shall be consistent with the Hillside Development Standards listed in LDC 9.632.

LDC. 9.633 Submission Requirements for Land Divisions. When land division application is submitted in which all or a portion of the development contain slopes which are 15% or greater, the following additional reports and plans shall be submitted:

(a) Surveyor's Report. A scale drawing of the property prepared by a licensed surveyor, showing existing topography at two-foot contour intervals, watercourses both permanent and intermittent, and natural physical features such as rock outcroppings, springs and wetlands. Also show the location and dimensions of any existing buildings or structures on the property where the work is to be performed, the location of existing buildings or structures on land of adjacent owners that are within 100 feet of the property.

FINDING: The applicant submitted a preliminary Surveyor's Report as seen on Sheets 1 through 5. However, the applicant shall submit for review and approval by the City Administrator or his or her designee, a final Surveyor's Report prior to final plat approval. This will be a condition of approval.

As discussed above, prior to final plat approval, the applicant shall submit for review and approval by the City Administrator, or his or her designee, a final Surveyor's Report as indicated in and consistent with subsection (a) of LDC 9.633. Criterion met with the following Condition of Approval #20.

Condition of Approval #20: Prior to final plat approval, the applicant shall submit for review and approval by the City Administrator, or his or her designee, a final Surveyor's Report as indicated in and consistent with subsection (a) of LDC 9.633.

(b) Soils and Geology Report. This report shall be prepared by a suitably experienced and qualified licensed engineering geologist or geotechnical engineer, and shall include the

following for each proposed lot and for public right-of-way areas proposed for development which have slopes greater than 15%:

(1) Data regarding the subsurface condition of the whole site such as the nature, depth and strength of existing soils, depth to bedrock, location of soft soils, hard stratum, potential slip planes, geological weak zones, clay seams or layers, unconsolidated deposits, and previous grading activities. The report shall also address existing water tables, springs, watercourses and drainage patterns, seismic considerations, and any offsite geologic features or conditions that could impact or be impacted by onsite development. Locations of exploratory boreholes shall take into consideration the terrain and geology of the site instead of following a general grid pattern.

(2) Conclusions and recommendations regarding the stability of underlying slopes and of proposed cuts and fills, any remedial or preventative actions that are required, any limitations upon the use of the site, grading procedures, requirements for vegetation preservation and revegetation, special coverings or treatments for areas that cannot be readily revegetated, erosion control methods, drainage systems, setbacks from slopes or other geologic features, foundation and building design, and backfills.

FINDING: The subject property does contain slopes of 15 percent or greater and as such a Soils and Geology Report will be required prior to the final plat approval and shall be reviewed and approved Planning Commission and City Council. The results of the Soils and Geology Report have the potential to change the subdivision and as such, the Soils and Geology Report should come through the same planning approval process as required for approval of a subdivision (Planning Commission and City Council). The City can still issue tentative plat approval of the subdivision as proposed, unless the Soils and Geology Report results require a change. A preliminary approval would give the applicant/developer some assurances that the design of the subdivision is final, unless the Soils and Geology Report requires modification. The approval process of the Soils and Geology Report could require changes in the tentative plan. This will be a condition of approval. The Soils and Geology Report completed by the applicant and submitted to the City shall be in conformance with the standards and specifications as cited in LDC 9.633(b) (1) and (2).

The subject property does contain slopes of 15 percent or greater and as such will require a Soils and Geology Report to be completed by the applicant. The approval process of the Soils and Geology Report could require changes in the tentative plan. The Soils and Geology Report shall be reviewed and approved by Planning Commission and City Council, after tentative plat approval, but prior to final plat approval. Tentative plat approval gives the applicant/developer assurances that the subdivision design is final, unless the Soils and Geology Report require modification. The City would not be able to make any changes to the tentative plan that were not related to the result of the Soils and Geology Report. Staff find the above criterion for a Soils and Geology Report can be met conditionally.

Condition of Approval #21: The Soils and Geology Report shall be reviewed and approved by Planning Commission and City Council, after tentative plat approval, but prior to final plat

approval. Soils and Geology Report shall be consistent with the standards and specifications as listed in LDC 9.633 (b) (1) and (2).

(c) Engineer's Plans. Detailed plans shall be prepared for all proposed public improvements by a suitably qualified licensed civil engineer. Detailed plans for private development on each parcel may also be provided and if provided, will be accepted as required building permit submittals. These plans shall be based upon the findings of the required soils and geology report, and shall include the following information:

(1) Infrastructure Plan. A scale drawing plan showing the location and approximate grade of all proposed streets, walkways and alleys, and the location of proposed easements, lots, common areas, parks, open space and other land proposed for dedication to the City. Also indicate the locations of utilities such as sewer and water lines.

(2) Grading Plan. A scale drawing grading plan of the property, showing existing and proposed finished grades at two-foot contour intervals, retaining walls or other slope stabilization measures, cuts and fills, and all other proposed changes to the natural grade. Include cross-sectional diagrams of typical cuts and fills, drawn to scale and indicating depth, extent and approximate volume, and indicating whether and to what extent there will be a net increase or loss of soil.

(3) Drainage Plan. Detailed plans and locations of all proposed surface and subsurface drainage devices, catch basins, area drains, dewatering provisions, drainage channels, dams, sediment basins, storage reservoirs, and other protective devices together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area(s) served by the drains.

(4) Erosion Control Plan. Descriptions and/or drawings of proposed changes to soils and/or existing vegetation on the site; specific methods proposed to restore disturbed topsoil, minimize the identified potential erosion problems, and revegetate areas which will be stripped of existing vegetation; and a schedule showing when each stage of the project will be started and completed, including the total area of soil surface which is to be disturbed during each stage and the length of time soils will be left exposed.

(5) Affidavit. The authoring engineer shall include a statement that the plans are consistent with the soils and geology report required by this Section, and with the standards of Section 9.632.

FINDING: Engineer's Plans (1 through 5) will be required following tentative plat approval and shall be submitted for review and approval by the City Administrator or his or her designee, as part of the construction plan drawing process and before issue of building permits. Engineer's Plan submitted by the applicant to the City shall be in conformance with the standards and specifications as cited in LDC 9.633 (c) (1-5).

Staff find it feasible that the applicant can submit Engineer's Plan for review and approval by the

City Administrator or his or her designee, prior to the issuance of building permits. Criterion met with the following Condition of Approval #22.

Condition of Approval #22: Prior to any site preparation, grading or fill, the applicant shall submit for review and approval by the City Administrator or his or her designee, Engineer's Plan, 1 through 5 as indicated in LDC 9.633 (c) (1-5).

(d) One copy of each individual lot survey, geotechnical report and development engineering plans submitted and approved with the tentative plan shall be filed with the City at the time of submission of the final plat and one copy shall be provided to the purchaser of the individual lot.

FINDING: Consistent with subsection (d) of LDC 9.632, above, upon final plat submittal to the City, the applicant shall include one copy of each individual lot survey, geotechnical report and development engineering plans. One copy shall be provided to the purchaser of the individual lot. Criterion met with the following Condition of Approval #23:

Condition of Approval #23: Prior to final plat approval, the applicant shall submit final copies of each individual lot survey, geotechnical report, and development engineering plans for the City's record keeping purposes. Additionally, Prior to the issuance of certificate of occupancy for the proposed residential lots, evidence shall be submitted to the City Administrator that shows compliance with subsection (d) of LDC 9.633 with the purchaser of each respective lot receive a copy as described above.

LDC 9.236 Dedication Requirements

(a) All lots or parcels of land shown on the final Plat intended for public use shall be offered for dedication to the City at the time the Plat is filed. Exception: Those lots or parcels, or common linear open spaces which are intended for the exclusive use of the owners, their licensees, visitors, tenants or employees; and also excepted are those parcels of land reserved for public acquisition.

(b) All streets, pedestrian ways, drainage channels, open spaces, easements and other rights- of-way shown on the final Plat intended for public use shall be offered for dedication for public use at the time the final Plat is filed.

(c) All rights of access to and from streets, lots and parcels of land shown on the final Plat intended to be surrendered shall be offered for dedication at the time the final Plat is filed.

(d) The land divider shall provide and designate one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

FINDING: The applicant will be required to submit a final plat in consistent with the dedication requirements as indicated in LDC 9.236. Additionally, the City shall have the right to control access over to assure the continuation or completion of the street. Additionally, a plat note shall be included on the final plat stipulating that no platted lot may provide legal or physical access to the subdivided remainder. This provision is also contemplated in LDC 9.233 (j). The inclusion of this plat note will be a condition of approval.

The final plat submitted by the applicant shall be consistent with the requirements of LDC 9.236 (a-d), prior to final plat approval and acceptance by the City. The final plat shall include a plat note stipulating that no platted lot may provide legal or physical access to the subdivided remainder. This provision is also contemplated in LDC 9.233 (j). Criterion met with the following Condition of Approval #24.

Condition of Approval #24: Prior to final plat acceptance and approval by the City, the final plat submitted by the applicant shall include the requirements listed in LDC 9.236 and **include a plat note on the final plat stipulating that no platted lot may provide legal or physical access to the unsubdivided remainder.**

LDC 9.805 Improvement Agreement.

Before City final approval of a development, site plan or land division, the developer or land divider shall file with the City an agreement between developer or land divider and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the developer or land divider. The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 9.801 (f).

FINDING: The requirement, as specified in LDC 9.805, for an agreement between the developer or land divided and the City specifying the period within which required improvements and repairs will be completed will be a condition of approval, prior to final plat approval. The agreement shall include language consistent with the City completing the work and recovering of full cost and expenses, together with court costs and attorney's fees, if necessary.

Prior to final plat approval, the applicant and or developer shall enter into an agreement, with the City of Lowell, consistent with the specification of LDC 9.805. Criterion me with the following Condition of Approval #25.

Condition of Approval #25: Prior to final plat approval, the applicant and/or developer shall enter into an agreement, with the City of Lowell, consistent with the specification of LDC 9.805.

LDC 9.806 Security.

(a) The developer or land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:

(1) A surety or performance bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney; or

(2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement to the satisfaction of the City Council; or

(3) A cash or negotiable security deposit.

(b) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections and other costs.

(c) Prior to acceptance of required public improvements, the developer or land divider shall file one of the above listed assurances with the City, in an amount equal to 20% of actual construction costs, as a warranty towards defects in materials and workmanship identified for a period of no less than one year after City acceptance of the public improvements. The City may agree to a longer warranty period in lieu of the above required assurances.

FINDING: Securities in the form of a surety or performance bond, or a personal bond co-signed by at least one additional person together with evidence of financial responsibility or a cash or negotiable security deposit shall be required of the applicant / developer to ensure public improvements are performing adequately for a period of not less than one year after city acceptance. This will be a condition of approval.

Securities in the form(s) listed above in LDC 9.806 shall be required to assure performance of public improvements installed by the applicant. Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City. Criterion met with the following Condition of Approval #26.

Condition of Approval #26: Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City.

LDC 9.807 Noncompliance Provisions.

(a) If the developer or land divider fails to carry out provisions of the agreement, the City shall provide written notice to the developer or land divider and the surety specifying the details of noncompliance. Unless the City allows more time for compliance because of circumstances beyond the developer or land divider's control, within 30 days after receiving the notice, the developer or land divider or the surety shall commence compliance and

proceed diligently to comply with the agreement.

(b) If the developer or land divider or the surety does not begin compliance within the 30 days or the additional time allowed by the City, or compliance is not completed within the time specified in granting the land division approval, the City may take the following action:

(1) Notify the developer or land divider and the surety of the developer or land divider's failure to perform as required by this Code and the agreement.

(2) Demand payment from the developer or land divider or the developer or land divider's surety for the unfulfilled obligation.

(3) Enter upon the site and carry out the obligation in accordance with the provisions of the approval and agreement.

(4) If the security for the obligation is a performance bond, notify the surety that reimbursement for City expenses for fulfillment of the obligation is due and payable to the City. If the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup City expenses.

(5) Void all approvals granted in reliance on the agreement.

(c) If the bond or other required security is not sufficient to compensate the City for expenses incurred to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.

(d) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer or land divider's failure to fulfill the required obligation.

(e) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

(f) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the City to pursue any civil remedy permitted by law.

FINDING: In the event the developer or land divider cannot fulfill its obligation, as provided for in LDC 9.807, the City has the authority to commence the securities provision of LDC 9.806, or enter upon the site and carry out the obligation in accordance with provision of the approval and agreement. In such events, the City will work closely with the City Attorney to initiate proceedings,

If necessary. Criterion met as discussed.

LDC 9.231 Submission Requirements. Within 18 months after approval of the Tentative Plan, the land divider shall cause the land division to be surveyed and a Plat prepared and submitted to the City for approval. This time period may be extended for up to one year upon the approval of the Deciding Authority. The Plat shall be in conformance with the approved tentative Plan. All public improvements required by the tentative plan approval must be completed and accepted prior to the City's approval of the Plat, unless the applicant provides security to assure public improvements will be completed. If the land divider fails to submit the Plat for approval within 18 months or as extended, he must reapply for approval and resubmit the Tentative Plan with any revision necessary to comply with changed conditions.

FINDING: Within 18 months after approval of the Tentative Plan, the land divider shall cause the land division to be surveyed and a plat prepared and submitted to the City for approval. This time period may be extended for up to one (1) year upon the approval of the Deciding Authority, in the case of a subdivision, the Deciding Authority shall be City Council. All public improvements required by the tentative plan approval must be completed and accepted prior to the City's approval of the final plat. If the land divider fails to submit the final plat for approval within 18 months or as extended, they must reapply for approval and resubmit the tentative plan with any revision necessary to comply with and changed conditions. The tentative plat approval will expire 18 months after final City tentative approval or as extended, by the Deciding Authority. Criterion met as discussed.

5. Consistency with applicable Comprehensive Plan policies.

Housing Need Policy (c) 4. The City shall insure that residential development is supported by the timely and efficient extension of public facilities and services.

FINDING: Currently, little to no public infrastructure exists on the subject property. Installing the public infrastructure required for the 26 lot subdivision has the ability open up further residential opportunities in the future and an extension of Lowell's public street system as called for in the Lowell Master Road Plan and Map.

Housing Need Policy (c) 5. The City shall continue to support increased residential development while also encouraging businesses and commercial activities that support residential community needs.

FINDING: The City is continuing to support residential growth. The addition of a 26-lot single family residential home development has the ability to attract more people that wish to live and work in Lowell, thereby, spurring the chance for increased business and commercial activity.

Development Constraints (c) (1) Topography and Slope.

FINDING: The Lowell Comprehensive Plan lists topography and slope as a development constraint. As such, Lowell adopted specific Hillside Development Standards that developers shall adhere to in

the event development occurs on slopes of 15 percent or greater. As contained in this staff report and associated findings and conditions of approval. Hillside Development standards apply and will be enforced by the City.

Development Constraints (c) (2) Soils & Geology/Landslide Hazards.

FINDING: The City has no comprehensive geological study related to the potential for landslide hazards as a result of additional development. As such the City is unable to quantify the extended of landslide hazard development constraints. However, as included in the Hillside Development Standards of the LDC and the reports required for development in areas that quantify as hillside development, the City does require a Soils and Geology Report, which has been discussed and conditioned as contained in this staff report.

6. Recommendation & Approval

As discussed, and conditioned in this staff report, staff recommend the Planning Commission issue a recommendation for **APPROVAL** onto City Council for final action for a tentative plat for a 26 lot single family home subdivision.

On April 21, 2020, City Council received the staff report and held a public hearing on the proposal. City Council received one public comment in favor of the proposal. City Council made a motion to approve the proposal based on the findings, conclusions and recommended conditions as contained in the staff report.

7. Conditions of Approval

Discussion: In the process of completeness review and further discussion with the applicant, there are several items that remain to be reviewed and approved by the City Engineer. Between the City and applicant, it was determined the items could be discussed, reviewed and approved during the construction drawing phase, as they relate to more engineering specifics. Staff have included these items as conditions of approval that shall be satisfied after tentative map approval and addressed during the construction drawing phase and ultimately approved by the City Engineer, prior to final plat approval or the issuance of building permits. The items and comments that need addressed between the applicant's engineer and City Engineer as included in this staff report as **Attachment E** and incorporated as **Condition of Approval # 27.** Condition of Approval #28 can and will be considered satisfied by verbal or written communication from the City Engineer that all engineering related items have been sufficiently addressed by the applicant's engineer, as contained in the City Engineer's comments dated September 19, 2019 and incorporated herein as **Attachment E.**

Staff have included a running list of all condition approval applicable to this proposal:

Condition of Approval #1: Prior to final plat approval, applicant shall submit a final drainage plan, to the City Administrator for review and approval to ensure adequate drainage can still be attained after reviewing more detailed construction and drawing plans. If the final drainage plan causes

changes to the tentative map as approved, the changes shall be presented to Planning Commission and City Council for consideration, prior to final plat approval.

Condition of Approval #2: Prior to final plat approval, the applicant shall include on the final plat and construct a right-hand turn lane as indicated in the referral comments by Lane County Transportation. See **Attachment D** for Lane County Transportation referral comments. Additionally, see **Attachment S** for Lane County Urban Collector Standards and a Sketch of North Moss Street.

Conditions of Approval #3: The applicant shall record and execute a “Farm/Forest Management Easement” with Seneca Timber, as indicated in **Attachment O**, wherein the applicant acknowledges and accepts the activities, including but not limited to, noise, dust and general incompatibility with nearby residential homes. Evidence shall be submitted to the City showing compliance with this condition, prior to final plat approval.

Condition of Approval #4: Given the subject site’s close proximity to active forest management operations and adjacent to the Farm/Forest Interface, future buildings shall be constructed with fire-resistant materials and for chimneys to have spark arrestors. **This requirement shall be included on the final plat as a plat note.** These provisions address a significant and unreasonable risk to health and safety as contemplated in subsection (h) of the decision criteria for a subdivision.

Condition of Approval #5: Prior to final plat approval, the applicant/developer shall construct sidewalks, including curb and gutter along both sides to Crestview Drive. Sidewalks shall be inspected for compliance with Lowell standards by the City of Lowell before acceptance.

Condition of Approval #6: Prior to final plat approval and acceptance of urban public street improvements, the applicant shall install urban public street improvements to City standards.

Condition of Approval #7: Prior to final plat approval, the applicant shall submit plans to the City Administrator or his or her designee, showing slope easements as required where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-way or slope easements.

Condition of Approval #8: Prior to final plat approval, the applicant shall show 1-foot reserve strips on the final plat. The land comprising the 1-foot reserve strips shall be placed within the jurisdiction of the City by deed. Additionally, a locked gate shall be placed at the beginning of the private access easement to ensure access is maintained as described in the private access easement and a “No Parking” sign placed at the hammerhead turnaround.

Condition of Approval #9: Prior to final plat approval, the applicant shall install the half-street improvements along the frontage of the property, as recommended in **Attachment D**. Half-street improvements shall include sidewalks, curb and gutter. City of Lowell shall inspect improvements for compliance with City Standards and/or Lane County Standards as appropriate, prior to acceptance.

Condition of Approval #10: Prior to final plat approval, applicant shall submit evidence to the City Administrator or his or her designee, that the proposal complies with the street name signs standards as listed in the LDC.

Condition of Approval #11: Prior to final plat approval, applicant shall submit evidence to the City Administrator of his or her designee, that the proposal complies with streetlights standards as listed in the LDC.

Condition of Approval #12: Prior to final plat approval, the applicant shall provide evidence that the proposed mailbox structure has been approved by the local Post Office having jurisdiction and shall be noted on the plan as a plat note.

Condition of Approval #13: Prior to final plat approval, plans for compliance with Clear Vision Areas shall be presented to the City Administrator or his or her designee and reviewed and verified for compliance with the Clear Vision Areas standards as listed in the LDC 9.517(r).

Condition of Approval #14: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator or his or her designee evidence of an approved NPDES permit.

Condition of Approval #15: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit to the City Administrator, or his or her designee, plans for the proposed detention pond as seen on Sheet 1 as “Parcel A” plans that include a low flow pipe at the invert that will completely drain the basin without any effort from the City. Slide slopes should be 3:1 maximum, and 4:1 if it’s going to be mowed by Public Works staff. Lastly, there should be drivable access to the detention pond, so if the City needs to perform maintenance, an excavator can easily access it.

Condition of Approval #16: The utilities plan as seen on Sheet 3 is preliminary and for tentative map approval. A final utilities plan, consistent with LDC 9.521, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

Condition of Approval #17: The utilities plan as seen on Sheet 3 is preliminary and provided for tentative map approval. A final utilities plan, consistent with LDC 9.522, shall be submitted for review and approval by the City Engineer prior to any construction activities commence with respect to water, sewer and utilities.

Condition of Approval #18: Prior to final plat approval, the applicant shall include all easements, dedications, covenants, conditions or restrictions along with any supplemental data for review by the City Administrator or his or her designee. Easements shall be consistent with Lane County recording requirements and procedures and ORS 92.

Condition of Approval #19: Prior to the commencement of any site preparation, grading, or fill, the applicant shall submit specific construction plans for review and approval by the City Administrator, or his or her designee. Plans submitted shall be consistent with the Hillside

Development Standards listed in LDC 9.632

Condition of Approval #20: Prior to final plat approval, the applicant shall submit for review and approval by the City Administrator, or his or her designee, a final Surveyor's Report as indicated in and consistent with subsection (a) of LDC 9.633.

Condition of Approval #21: The Soils and Geology Report shall be reviewed and approved by Planning Commission and City Council, after tentative plat approval, but prior to final plat approval. Soils and Geology Report shall be consistent with the standards and specifications as listed in LDC 9.633 (b) (1) and (2).

Condition of Approval #22: Prior to any site preparation, grading or fill, the applicant shall submit for review and approval by the City Administrator or his or her designee, Engineer's Plan, 1 through 5 as indicated in LDC 9.633 (c) (1-5).

Condition of Approval #23: Prior to final plat approval, the applicant shall submit final copies of each individual lot survey, geotechnical report, and development engineering plans for the City's record keeping purposes. Additionally, Prior to the issuance of certificate of occupancy for the proposed residential lots, evidence shall be submitted to the City Administrator that shows compliance with subsection (d) of LDC 9.633 with the purchaser of each respective lot receive a copy as described above.

Condition of Approval #24: Prior to final plat acceptance and approval by the City, the final plat submitted by the applicant shall include the requirements listed in LDC 9.236 and **include a plat note on the final plat stipulating that no platted lot may provide legal or physical access to the unsubdivided remainder.**

Condition of Approval #25: Prior to final plat approval, the applicant and/or developer shall enter into an agreement, with the City of Lowell, consistent with the specification of LDC 9.805.

Condition of Approval #26: Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City.

Condition of Approval #27: In the process of completeness review and further discussion with the applicant, there are several items that remain to be reviewed and approved by the City Engineer. Between the City and applicant, it was determined the items could be discussed, reviewed and approved during the construction drawing phase, as they relate to more engineering specifics. Staff have included these items as conditions of approval that shall be satisfied after tentative map approval and addressed during the construction drawing phase and ultimately approved by the City Engineer, prior to final plat approval or the issuance of building permits. The items and comments that need addressed between the applicant's engineer and City Engineer as included in this staff report as **Attachment E** and incorporated as **Condition of Approval # 27.** Condition of Approval #28 can and will be considered satisfied by verbal or written communication from the City Engineer that all engineering related items have been sufficiently addressed by the applicant's engineer, as contained in the City Engineer's comments dated

September 19, 2019 and incorporated herein as **Attachment E**.

Condition of Approval #28: Prior to final plat approval, the applicant shall submit a final plat that shows “Lot 27” removed and replaced with “un-subdivided remainder.” The land east of the proposed Crestview Drive is the un-subdivided remainder and is not a part of the subdivision proposal.

Condition of Approval #29 From Lane County Transportation: Obtain Facility Permit approval for the proposed construction of the public street connection to and improvements to N. Moss Street. Facility Permit needed for any utility connections within the right-of-way of N. Moss Street. For more information about Facility Permits, please call 541.682.6902 or visit: https://lanecounty.org/government/county_departments/public_works/right-of-way_permits/facility_permits/

8. Informational items

- Appropriate permits to perform work within City of Lowell rights-of-way will have to be obtained by the property owner/applicant/contractor before any work in public rights-of-way can be undertaken. For questions related to performing work within City rights of way, please contact the Lowell Public Works department at 541-937-2776.
- In accordance with Lane Manual Chapter 15.515, stormwater runoff generated by new development must not be directed to the Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches.

9. Attachments

Attachment A: Applicant’s initial application submitted on August 22, 2019

Attachment B: Addresses & Notice

Attachment C: Oregon Department of Transportation Referral Comment

Attachment D: Lane County Transportation Referral Comments

Attachment E: City Engineer Comments from September 19, 2019

Attachment F: Wetland Delineation Report

Attachment G: DSL Concurrence Letter

Attachment H: Retaining Walls

Attachment I: Sheet 1 – Tentative Map, Revised, Submitted April 7, 2020

Attachment J: Sheet 2 – Grading Plan, Revised, Submitted April 7, 2020

Attachment K: Sheet 3 – Utilities Plan, Revised, Submitted April 7, 2020

Attachment L: Sheet 4 – Profile Plan, Revised, Submitted April 7, 2020

Attachment M: Sheet 5 – Shadow Plat, Revised, Submitted April 7, 2020

Attachment N: Geotech Report and Slopes

Attachment O: Comments from Seneca Timber Company

Attachment P: Comments from Mia Nelson, Lookout Point, LLC

Attachment Q: Copies of Existing Private Access Easements

Attachment R: Applicant’s Drainage Plan/Study

Attachment S: Urban Collector Standards and Sketch of North Moss Street
Attachment T: Example of A Farm/Forest Management Easement
Attachment U: Applicant's Written Narrative for Streets
Attachment V: Applicant's Written Narrative for Decision Criteria
Attachment W: Completed TIA by Applicant
Attachment X: Applicant's Extension Request to 120-day Rule

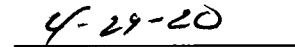
10. Approval and appeal

The City of Lowell City Council held a public hearing on the proposal on April 21, 2020 and made a motion to approve to the proposal based on the findings, conclusions and recommendations as contained in the staff report. Motion passed.

The City has taken final action on this application and is appealable to the Land Use Board of Appeals (LUBA), pursuant to state law. Concerned parties should consult an independent attorney to file an appeal to LUBA and are encouraged to visit <https://www.oregon.gov/LUBA/pages/index.aspx> for more information.



Mr. Don Bennett, Mayor



Date

AGENDA ITEM SUMMARY

TO: Mayor Bennett and Council
FROM: Jared Cobb, City Administrator
DATE: May 29, 2020
SUBJECT: Oregon RAIN Agreement

- ☐ **DISCUSSION**
- ☒ **ACTION**
- ☐ **RESOLUTION**
- ☐ **ORDINANCE**
- ☐ **PROCLAMATION**
- ☐ **REPORT**

SUMMARY:

In 2017, the City of Lowell welcomed Oregon RAIN to assist entrepreneurs in Lowell, Dexter, and Fall Creek. The program funds a part-time Venture Catalyst that serves Lowell and Oakridge. The requested MOU from the City of Lowell and City of Oakridge maintains the existing level of funding FY 2020/21 at \$7,500.

FISCAL IMPACT:

The FY 2020/21 Proposed Budget includes \$7,500 to maintain the program.

COURSES OF ACTION:

1. Motion to authorize the City Administrator to sign the Memorandum of Understanding with RAIN and the City of Oakridge, as written.
2. Motion to authorize the City Administrator to sign the Memorandum of Understanding with RAIN and the City of Oakridge, as amended.
3. No action.

RECOMMENDATION:

Motion to authorize the City Administrator to sign the Memorandum of Understanding with Oregon RAIN and the City of Oakridge, as written.

ATTACHMENTS:

1. Oregon RAIN Memorandum of Understanding
2. Oregon RAIN Report

LOWELL & OAKRIDGE ACTIVITY REPORT

JANUARY-APRIL 2020



“You all are my lifeline to get through this.”
Salina Grindstaff, Owner of Floral Living in Lowell

Picture: Salina showing Venture Catalyst Raj a new lily for an Easter Day Sale during their regular weekly one-on-one meetings via Zoom

SUMMARY

The first four months of 2020 have been marked by two windows: Before COVID-19 (January through mid-March) and after COVID-19 (mid-March through April). Since the COVID-19 pandemic started, Oregon RAIN has pivoted our model to providing live virtual workshops and connections to vital resources that entrepreneurs in Oakridge and Lowell need to weather this storm. In addition, Oregon RAIN has helped Lowell band together with other Lane County towns to create a collaboratively-supported Emergency Loan Fund for COVID-19 relief.

LOWELL & OAKRIDGE ACTIVITY REPORT

11 ENTREPRENEURS IDENTIFIED OR ASSISTED THIS REPORTING PERIOD

| | Entrepreneur First Name | Entrepreneur Last Name | Company Name (if exists) | Industry | City | Assistance Needed & Assistance Provided (include referrals made) |
|----|-------------------------|------------------------|-----------------------------------|-----------------|---------------|--|
| 1 | Salina | Grindstaff | Floral Living | Retail | Lowell | Weekly consultations to advance all aspects of business, with most recent focus on “going online” to adapt to COVID-19 |
| 2 | Kristen | Prenevost | Stomping Grounds | Retail | Lowell | Clarified Kristen’s eligibility for SBA emergency funding |
| 3 | Matthew | Shumski | Bridge Charter School | Education | Lowell | Organized field trips for students to visit Lowell business in Fall 2020, pending “shelter in place” being lifted |
| 4 | Kendra | Chambers | Just Move | Fitness | Pleasant Hill | Discussed working together on HWY 58 Business Network |
| 5 | Jules | Ariosa | Jules Joint | Food & Beverage | Oakridge | Discussed plan for business growth, including operations and team building |
| 6 | Dillon | Sanders | In-Bound Northwest | Forestry | Oakridge | Discussed SBA emergency funding and eligibility |
| 7 | Brock | Butterfield | The Bus Fair | Tourism | Oakridge | Introduced to Travel Lane County to explore the possibility of getting lost funds due to COVID-19 recouped |
| 8 | Elise | O’Brien | Oakridge Farmer’s Market | Agriculture | Oakridge | Connected to resources necessary to launch a farmers market, including Oregon Farmers Market Association |
| 9 | Michelle | Emmons | Dirt Dojo / Mountain House AirBnB | Tourism | Oakridge | Connected to KLCC journalist to increase visibility through media coverage |
| 10 | Fergus | McClean | Dexter Lake Farmers Market | Retail | Dexter | Discussed strategies for keeping farmers market open |
| 11 | Tracey | Sunflower | Westfir Lodge | Tourism | Westfir | Helped secure emergency funding; amplified story of inability to secure SBA funding and in talks with US Senator Ron Wyden’s team about barriers faced |

LOWELL & OAKRIDGE ACTIVITY REPORT

18 EVENTS HOSTED THIS REPORTING PERIOD

5 events that were scheduled for March and April were canceled due to COVID-19, including 2 in Lowell and 3 in Oakridge.

| | Event Date | Event Name/Topics | Event Venue | Event City | Event Speakers/Affiliation | Total Attendees |
|----|-------------|---|----------------------|------------|--|--|
| 1 | February 3 | My Unusual Entrepreneurial Journey | Oakridge High School | Oakridge | Caroline Cummings/ Oregon RAIN | 22 |
| 2 | February 18 | Veneta's Retail Popup District | Lion Mountain Bakery | Oakridge | Corum Ketchum/RARE Aida Lough/Aida Food Company | 18 |
| 3 | February 20 | HWY 58 Business Network February Local Social | Buckhorn Tavern | Dexter | None | 12 |
| 4 | March 10 | 30 Second Pitches | Oakridge High School | Oakridge | Raj Vable/Oregon RAIN | 22 |
| 5 | March 27 | Weekly Entrepreneur Support Group | Zoom (online) | | None | 9 |
| 6 | March 30 | Why Knowing Your Customer Is More Important Than Ever | Zoom (online) | | Corey Wright/Oregon RAIN | 19 |
| 7 | March 31 | Mentor Meetup | Zoom (online) | | None | 5 |
| 8 | April 3 | PPP Loan with Oregon Pacific Bank | Zoom (online) | | Ron Green/ Oregon Pacific Bank | 100 (276 registered, Zoom prevented more than 100 from joining) |
| 9 | April 6 | Social Media 101 | Zoom (online) | | Ariel Ruben | 54 |
| 10 | April 6 | PPP Loans with Banner Bank | Zoom (online) | | Jason Alansky/Banner Bank | 64 |
| 11 | April 10 | PPP Loans with First Interstate Bank | Zoom (online) | | Gary Collins/First Interstate Bank | 72 |

LOWELL & OAKRIDGE ACTIVITY REPORT

| | | | | | |
|----|----------|--|---------------|--|----|
| 12 | April 13 | Online Sales Platforms | Zoom (online) | Raj Vable/Oregon RAIN | 48 |
| 13 | April 17 | Weekly Entrepreneur Support Group | Zoom (online) | None | 32 |
| 14 | April 20 | Startup Sales & Marketing Tips | Zoom (online) | Caroline Cummings/Oregon RAIN | 60 |
| 15 | April 24 | Weekly Entrepreneur Support Group | Zoom (online) | None | 24 |
| 16 | April 27 | Investor Perspectives on How To Weather the COVID-19 Storm | Zoom (online) | Robert Pease & Julie Harrelson/ Managing Directors of the Cascade Seed Fund | 74 |
| 17 | April 28 | Senator Ron Wyden Speaks to Entrepreneurs | Zoom (online) | Senator Ron Wyden | 32 |
| 18 | April 29 | City leaders speak to Community Lending Works about creating Emergency Loan Fund | Zoom (online) | Lynn Meyer/Community Lending Works | 15 |

Notable events for the month include:

Pre-COVID-19

- Continued momentum with HWY 58 Business Network to serve Lowell, Pleasant Hill, Dexter, and Fall Creek, including 258 followers on the Facebook page ([link here](#))
- Speaking in Oakridge High School's first-ever class on entrepreneurship three times
- Fostering regional relationships by working with the Oakridge-Westfir Chamber of Commerce and Veneta by having entrepreneurs from Veneta come to speak about the Retail Popup District

Post-COVID-19

- Workshop series, including several focused on SBA emergency funding programs, one with 270+ registered guests
- Meeting with Senator Ron Wyden, including testimonial from Westfir entrepreneur Tracey Sunflower
- Organizing conversations between Community Lending Works and city leaders of Oakridge, Lowell, Veneta, and other Lane County towns to discuss creating collaborative and regional Emergency Loan Fund

LOWELL & OAKRIDGE ACTIVITY REPORT

FUNDS LEVERAGED THIS FISCAL YEAR: \$370,500

Since the beginning of Oregon RAIN's fiscal year (July 2019), we have leveraged the funding from Oakridge and Lowell to raise \$370,500 to support Oregon's growing rural entrepreneurial ecosystem.

Previously reported funding:

- The Ford Family Foundation - \$100,000* (FY 19/20)
- The Collins Foundation - \$30,000 (FY 19/20) and \$20,000 (FY 20/21)
- USDA - \$49,000 (FY 19/20)
- Oregon Community Foundation - \$50,000* (FY 19/20)
- Lane County - \$40,000 (FY 19/20) and \$40,000 (FY 20/21)

New funding:

- Banner Bank - \$2,500
- Oregon Community Foundation - \$39,000* (COVID Recovery Fund)

* A portion of these funds are allocated to the Rural Lane region. The remainder is allocated to other regions.

5 PARTNERS COLLABORATED WITH DURING THIS REPORTING PERIOD

| First Name | Last Name | Partner Organization | Details of Collaboration |
|------------|--------------|---------------------------------------|---|
| Lynda | Kammerer | Oakridge-Westfir Chamber of Commerce | Coordinated to invite Hwy 58 Business Network to Oakridge-Westfir Chamber event, promoting regional business approaches |
| Heather | Harrison | Oakridge High School | Implemented curriculum for Oakridge's first class on entrepreneurship |
| Rustie | Auckland | Banner Bank | Coordinated on Business Pre-Accelerator |
| Sarah | Altemus-Pope | Southern Willamette Forest Collective | Joined the Chamber of Commerce Subcommittee on COVID-19 Response; discussed applying to RARE program to get local capacity for economic development |
| Alexandra | Urbina | Huerto de la Familia | Providing Spanish-speaking resources to rural Lane cities |

LOWELL & OAKRIDGE ACTIVITY REPORT

WHAT'S NEXT?

- Facilitating conversations between Oakridge and other Lane County rural towns (e.g., Creswell, Lowell, Florence, Coburg, Veneta) about collaborating on an Emergency Loan Fund in partnership with Community LendingWorks.
- An online accelerator comprising classes, speakers, and mentoring to help entrepreneurs take “next steps” with their startups. Sponsored by Banner Bank.
- Virtual workshops (Mondays at 2pm) and weekly entrepreneur support groups (Fridays at 9am)
- Continued outreach to serve new communities including Latinx, youth, and people with disabilities.
- Continued sharing of resources tied to COVID-19 emergency funding opportunities
- Continued one-on-one “deep dives” to unlock Oregon RAIN’s full network potential to assist entrepreneurs
- Continued participation in the Oakridge-Westfir Chamber of Commerce’s Committee on COVID-19 response

Thank you for believing in the power of rural entrepreneurship!

MEMORANDUM OF UNDERSTANDING
Among Regional Accelerator & Innovation Network, City of Lowell, and City of Oakridge

1. Purpose

1.1. The purpose of this Memorandum of Agreement (MOU) is to set out the terms by which the Regional Accelerator & Innovation Network (Oregon RAIN), the City of Lowell, and the City of Oakridge (“The Parties”) will work together to continue developing and scaling up the Rural Entrepreneurial Program in the City of Lowell and the City of Oakridge.

1.2. The key contacts for this project will be **Caroline Cummings** (Executive Director) for Oregon RAIN, **Jared Cobb** (City Administrator of Lowell), and **Bryan Cutchen** (City Administrator of Oakridge). The key contacts are responsible for ensuring performance of the activities and duties described in this MOU. Changes to key contacts shall be made in writing to the following addresses.

Oregon RAIN

Caroline Cummings
Executive Director
PO Box 1564
Eugene, OR 97440
541.968.2982
caroline@oregonRAIN.org

City of Lowell

Jared Cobb
City Administrator
107 E. 3rd Street
Lowell, OR 97452
541.937.2157
jcobb@ci.lowell.or.us

City of Oakridge

Bryan Cutchen
City Administrator
P.O. Box 1410
Oakridge, OR 97463
541-782-2258
cityadministrator@ci.oakridge.or.us

1.3. Through this MOU, the City of Lowell and the City of Oakridge **each** agree to provide to Oregon RAIN \$7,500 in FY 20/21 and \$7,500 in FY 21/22. These funds will be allocated for Rural Venture Catalyst support and resources for entrepreneurs and innovators in the City of Lowell and the City of Oakridge and for creating a culture of entrepreneurship through ecosystem-building.

1.4. Oregon RAIN’s Rural Venture Catalyst shall bring entrepreneurs and potential entrepreneurs together, providing them with increased access to **people** (mentors and accomplished entrepreneurs), **programs** (workshops and accelerators), **physical assets** (space and equipment), and **capital** (access to statewide funding sources, including Oregon RAIN’s Seed Fund and crowdfunding).

1.5. The Parties recognize that \$15,000 total per year is a significant investment in advancing the innovation economy in the City of Lowell and the City of Oakridge and further recognize that **more investment will be required to fully implement and sustain the program**. The City of Lowell and the City of Oakridge will support Oregon RAIN’s efforts to advance additional funding opportunities from foundations, counties, private corporations, the State of Oregon, and the Federal Government.

2. Duration of Agreement

2.1. This MOU will be in effect from **July 1, 2020 through June 30, 2022** and may be updated at any time through mutual written agreement of the parties.

2.2. No party may assign or transfer all or any portion of this MOU without the prior written consent of the other party.

3. Goals

3.1. Continue to sustain and elevate the regional entrepreneurial ecosystem.

3.2. Raise additional funds for Rural Venture Catalyst activities in the City of Lowell and the City of Oakridge.

3.3. Support and expand mentoring, meetups, and other events to help gather, educate, and support entrepreneurs and innovators.

3.4. Continue to activate capital in the region.

3.5. Track overall budget and report progress to funders and partners.

3.6. Maintain and expand an established database of entrepreneurs, mentors, and ecosystem stakeholders.

3.7. Continue launching and supporting previously identified and assisted startups.

3.8. Deliver wrap-around mentoring services to startups with the best potential in the City of Lowell and the City of Oakridge.

3.9 Continue identifying and building partnerships to sustain and elevate the region's entrepreneurial ecosystem.

3.10. Meet other goals, as mutually agreed-upon by The Parties.

4. Oregon RAIN's Responsibilities

4.1. Oregon RAIN shall provide ongoing training, support, and supervision to the Rural Venture Catalyst and other staff serving the City of Lowell and the City of Oakridge.

4.2. Oregon RAIN shall work collaboratively with the City of Lowell and the City of Oakridge to continue implementing its Rural Entrepreneurial Development Program, which includes tracking and supporting

ecosystem partners and key stakeholders, asset mapping, community outreach, surveying, and other investigative activities to assess culture and climate as it relates to entrepreneurship and overall community readiness to continue building and sustaining the region's entrepreneurial ecosystem.

4.3. Oregon RAIN shall monitor the overall budget and metrics for this program and report progress to the City of Lowell, the City of Oakridge, and other funders. Metrics tracked and reported shall include: number of entrepreneurs identified and assisted, number of companies identified and assisted, revenue generated by companies assisted, jobs created by companies assisted, number and type of activities hosted, mentors engaged, partners engaged, and investors engaged.

4.4. Oregon RAIN shall work collaboratively with the City of Lowell and the City of Oakridge to create and implement specific strategies to scale up an entrepreneurial ecosystem in the City of Lowell, the City of Oakridge, and the region. Within the City of Lowell and the City of Oakridge, Oregon RAIN shall:

4.4.1. Meet entrepreneurs in public spaces in their communities (i.e., coffee shops, libraries, city town halls, community centers, granges, restaurants, schools, etc.) to learn about their startup ideas and connect them to resources. These activities take the form of hosted events, workshops, and one-to-one mentoring. **They create a new social infrastructure by going to the entrepreneur, rather than requiring the entrepreneur to come to them.** Examples of recent Oregon RAIN Rural Venture Catalysts activities:

- Helping entrepreneurs navigate local and federal emergency loan and grant funds (e.g., Paycheck Protection Program, Economic Injury Disaster Loans, City and County Funds, national emergency grant programs, etc.)
- Getting entrepreneur's food products onto the shelves at national/regional retail grocers
- Assisting an entrepreneur in hiring their first employees at a living wage
- Helping an entrepreneur find the right co-founders to launch their startup
- Connecting entrepreneurs to small manufacturers to scale production
- Coaching entrepreneurs on developing and delivering investor pitches
- Raising an entrepreneur's first rounds of significant investment capital
- Ensuring entrepreneurs spend the capital they raise efficiently to reduce failure rates
- Connecting entrepreneurs to technical training resources (e.g., SBDC workshops, webinars, etc.)
- Showcasing entrepreneurs' stories to local, regional, and national media outlets
- Connecting entrepreneurs to physical spaces (e.g., kitchens, co-working, makerspaces, etc.)
- Bringing national opportunities to entrepreneurs to help expand their businesses
- Connecting entrepreneurs to state resources that will help them cover the cost of attending and exhibiting at national expos

4.4.2. Conduct interactive educational events both online and offline.

4.4.3. Find and educate angel investors.

4.4.4. Conduct and update (at least annually) “Regional Entrepreneurial Ecosystem Readiness Assessment” and “Entrepreneurial Ecosystem Elements Scorecard”.

4.4.5. Conduct (and regularly update) stakeholder and asset mapping to identify resources and gaps in the regional entrepreneurial ecosystem.

4.4.6. Conduct ongoing community outreach.

4.4.7. Track and report program metrics.

4.4.8. Provide marketing and communications support for the program.

4.4.9. Activate capital in the region, as appropriate and possible.

4.4.10. Gather and report success stories at least twice a year.

4.5. Oregon RAIN shall continue building a network of stakeholders who have a shared vision for establishing an entrepreneurial ecosystem in the City of Lowell and the City of Oakridge, including entrepreneurs, volunteers, businesses, local and regional governments, and organizations representing underserved populations.

4.6. Oregon RAIN shall provide communication and public relations support for this program.

4.7. Oregon RAIN shall work with the City of Lowell and the City of Oakridge to develop strategies for a sustainable program, including collaborative fundraising, grant writing efforts, and joint financial “asks,” where appropriate.

4.8. Oregon RAIN shall work collaboratively with the City of Lowell and the City of Oakridge to gather case study documentation, including videos, interviews, quotes, stories, and “essential questions” at community events, town halls, and forums.

5. The City of Lowell and the City of Oakridge’s Responsibilities

5.1. The City of Lowell and the City of Oakridge shall work collaboratively with Oregon RAIN to create and implement specific strategies to continue assessing, supporting, and building an entrepreneurial ecosystem in the City of Lowell and the City of Oakridge, including strategies that are innovative.

5.2. The City of Lowell and the City of Oakridge shall work with Oregon RAIN to develop strategies for a sustainable program, including collaborative fundraising, grant writing efforts, and joint financial “asks,” where appropriate.

5.3. The City of Lowell and the City of Oakridge shall help Oregon RAIN promote outreach and activities for this program by encouraging its staff and economic development partners to increase engagement with Oregon RAIN and to work collaboratively with Oregon RAIN in the ecosystem.

5.4. The City of Lowell and the City of Oakridge shall support Oregon RAIN's communication and public relations activities for this program, as needed.

5.5. The City of Lowell and the City of Oakridge shall work collaboratively with Oregon RAIN to gather case study documentation, including videos, interviews, quotes, stories, and "essential questions" at community events, town halls, and forums.

5.6. The City of Lowell and the City of Oakridge work collaboratively with Oregon RAIN to develop and submit a sustainability plan that identifies potential sources of support and a timeline and action plan for accessing or applying to those sources.

5.7 The City of Lowell and the City of Oakridge will include language in their respective strategic plans (Comp Plans) that supports entrepreneurship, emerging businesses, and small businesses as part of building a resilient economy for the region.

5.8. The City of Lowell and the City of Oakridge shall engage with the Oregon RAIN Rural Venture Catalyst and actively support the program to foster maximum program results.

6. Payment Schedule

6.1. The City of Lowell and the City of Oakridge shall each provide \$7,500 per year for two (2) years to Oregon RAIN to scale up an entrepreneurial ecosystem in the City of Lowell and the City of Oakridge that focuses on helping startups launch and thrive.

6.1.1. The first payment shall be paid to Oregon RAIN **by July 15, 2020** in the amount of **\$7,500** by the **City of Lowell** and **\$7,500** by the **City of Oakridge**.

6.1.2. The second payment shall be paid to Oregon RAIN **by July 15, 2021** in the amount of **\$7,500** by the **City of Lowell** and **\$7,500** by the **City of Oakridge**.

6.2. The second payment shall be contingent on satisfactory progress toward the performance of the agreed-upon metrics named in Section 4.3. and on budget considerations for The Parties. The decision by the City of Lowell and the City of Oakridge about the second payment shall be made no later than May 1, 2021 to enable Oregon RAIN to address budget and contract issues.

7. Diversity, Equity, and Inclusion

7.1. Just as biodiversity strengthens natural systems, the diversity of human experience strengthens our entrepreneurial ecosystem building efforts. Oregon RAIN represents and reflects that human diversity, embracing it in all the communities where we work, in order to achieve our goals. To that end, we are committed to increasing the diversity of our staff, board, volunteers, mentors, and partners, and to fostering an inclusive network of stakeholders and partners in all kinds of communities, from rural to urban.

7.2. Equity, diversity, and inclusion is not only a best practice for business, it's a strategic imperative. Our business and strategies are enriched and made stronger by the contribution of the experiences, perspectives, and values of diverse individuals and communities. Creating an innovation economy transcends political, cultural, and social boundaries, and so must Oregon RAIN in order to expand our reach and engage more people in Oregon's entrepreneurial ecosystem.

7.3. Oregon RAIN is dedicated to providing a work environment that prioritizes fairness and respect. At Oregon RAIN, everyone is treated equally and is encouraged to achieve their fullest potential. We respect the individuality of each member of our community, and we are committed to a workplace free of any kind of discrimination based on race, color, religion, sex, age, sexual orientation, gender identity and expression, disability, national or ethnic origin, politics, or veteran status.

7.4. With a plurality of voices, Oregon RAIN will inspire more entrepreneurs and help create more jobs and revenue in Oregon. Respect, inclusion, and opportunity for people of all backgrounds, lifestyles, and perspectives will attract the best ideas and harness the greatest passion to shape a more vibrant future for all Oregonians. By honoring and celebrating the remarkable diversity of the human species, Oregon RAIN will bring new creativity, effectiveness, and leadership to our work.

8. Intellectual Property

8.1. The Parties agree that any intellectual property that is jointly-developed by the parties to this MOU may be used by both parties for non-profit, non-commercial purposes without obtaining consent from the other and without any need to account to the other.

8.2. All intellectual property that was developed independently by one party to this MOU shall be the sole property of that party, requiring written consent before it could be used by the other party.

9. Association

9.1 The Parties are not entering into a legal partnership, joint venture, commercial undertaking for monetary gain, or other such business arrangement.

9.2. The Parties shall not refer to this MOU or treat the arrangements of this MOU as a legal partnership, joint venture, commercial undertaking for monetary gain, or other such business arrangement.

9.3. The Parties shall not take any actions that would be inconsistent with the intentions of this paragraph.

10. Dispute Resolution

10.1. The Parties agree that, in the event of any dispute between them relating to this MOU, they shall first seek to resolve the dispute through informal discussions, which shall be initiated in writing.

10.2. In the event any dispute cannot be resolved informally within sixty (60) calendar and consecutive days from the written notice of dispute, The Parties agree to attempt to resolve the dispute by mediation.

10.3. The Parties agree that their respective good faith participation in mediation is a condition precedent to pursuing any other available legal or equitable remedy, including litigation, arbitration, or other dispute procedures.

10.4. Any party to this MOU may commence the mediation process by providing to the other party written notice (Initial Mediation Notice) setting forth the subject of the dispute, claim, or controversy and the relief requested.

10.5. Within ten (10) days after receipt of the Initial Mediation Notice, the other party shall deliver a written response to the initiating party's notice.

10.6. The initial mediation session shall be held within thirty (30) days after the Initial Mediation Notice.

10.7. The costs of mediation shall be shared equally by each party to the mediation.

10.8. The Parties do not waive their legal right to adjudicate this MOU in a legal forum.

11. Entirety

11.1. This MOU constitutes the entire agreement among The Parties concerning the subject matter thereof.

11.2. All prior agreements, discussions, representations, warranties, and covenants are merged herein.


11.3. There are no warranties, representations, covenants, or agreements (expressed or implied) between the parties except those expressly set forth in this agreement.

11.4. Any amendments or modifications of this agreement shall be in writing and executed by The Parties.

11.5. Electronic signatures are valid and binding.

11.6. Each person signing this MOU represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this agreement.

11.7. Each party represents and warrants to the other that the execution and delivery of this MOU and the performance of each party's responsibilities and obligations hereunder have been duly authorized and that this MOU is a valid and legal agreement binding on each party and enforceable in accordance with its terms.

| For Oregon RAIN | For City of Lowell | For City of Oakridge |
|---|------------------------------------|------------------------------------|
|  | | |
| _____ Signature | _____ Signature | _____ Signature |
| <u>Caroline Cummings</u> Name | <u>Jared Cobb</u> Name | <u>Bryan Cutchen</u> Name |
| <u>Executive Director</u> Title | <u>City Administrator</u> Title | <u>City Administrator</u> Title |
| <u>5/20/2020</u> Date | _____ Date | _____ Date |