

# Tualatin Valley Water District



**BOARD OF COMMISSIONERS  
1850 SW 170<sup>th</sup> AVENUE  
BEAVERTON, OR 97006**

**WORK SESSION AGENDA  
THURSDAY  
DECEMBER 2, 2010  
6:00 – 8:00 PM**

(This meeting is accessible to persons with disabilities.  
Accommodations including listening devices are available upon  
request 48 hours prior to the day of the meeting by calling the Executive  
Assistant at 503-642-1511.)

1. [Proposed Extraterritorial Water Service.....2](#)
2. [Bonny Slope Annexation in Multnomah County .....5](#)
3. [Backflow Prevention for Private Wells .....7](#)
4. Adjourn

**TUALATIN VALLEY WATER DISTRICT  
WORK SESSION AGENDA ITEM**

**MEETING DATE:** DECEMBER 2, 2010

**TITLE:** PROPOSED EXTRATERRITORIAL WATER SERVICE

**ITEM:** The District has received a request for a new water service from the owner of 12440 NW Laidlaw Road because the private well on the property is no longer able to provide adequate water supply to the existing single family dwelling. This property is in Multnomah County, immediately adjacent to but outside of the District’s existing service area. The property is within the Urban Growth Boundary and is therefore included in the Bonny Slope West urban services planning effort. A map showing the location of this property is included as Attachment 1.

The property owner, Ms. Tina Higgins, has obtained approval from Multnomah County for TVWD to provide the requested service based on public health considerations associated with her failing private well. Since this request for service is for a property outside of the District’s established service area, it must also be approved by the District Board as an extraterritorial water service.

The District has an existing 6” water main in NW Laidlaw Road located on the northeast corner of Ms. Higgins’ property. Ms. Higgins would be required to obtain a new water service consistent with the District’s standard terms and conditions, including payment of a system development charge of \$ 5,481 and a meter fee of \$ 2,050 for a 5/8” service.

**STAFF RECOMMENDATION:** Staff recommends a resolution endorsing this extraterritorial water service request be approved as part of the consent agenda at the next routine Board meeting on December 15, 2010.

**BUDGET IMPACT:** None

**ADDITIONAL INFORMATION:** Greg DiLoreto, 503-848-3032, [greg@tvwd.org](mailto:greg@tvwd.org) or Mark Knudson, 503-848-3027, [markk@tvwd.org](mailto:markk@tvwd.org)

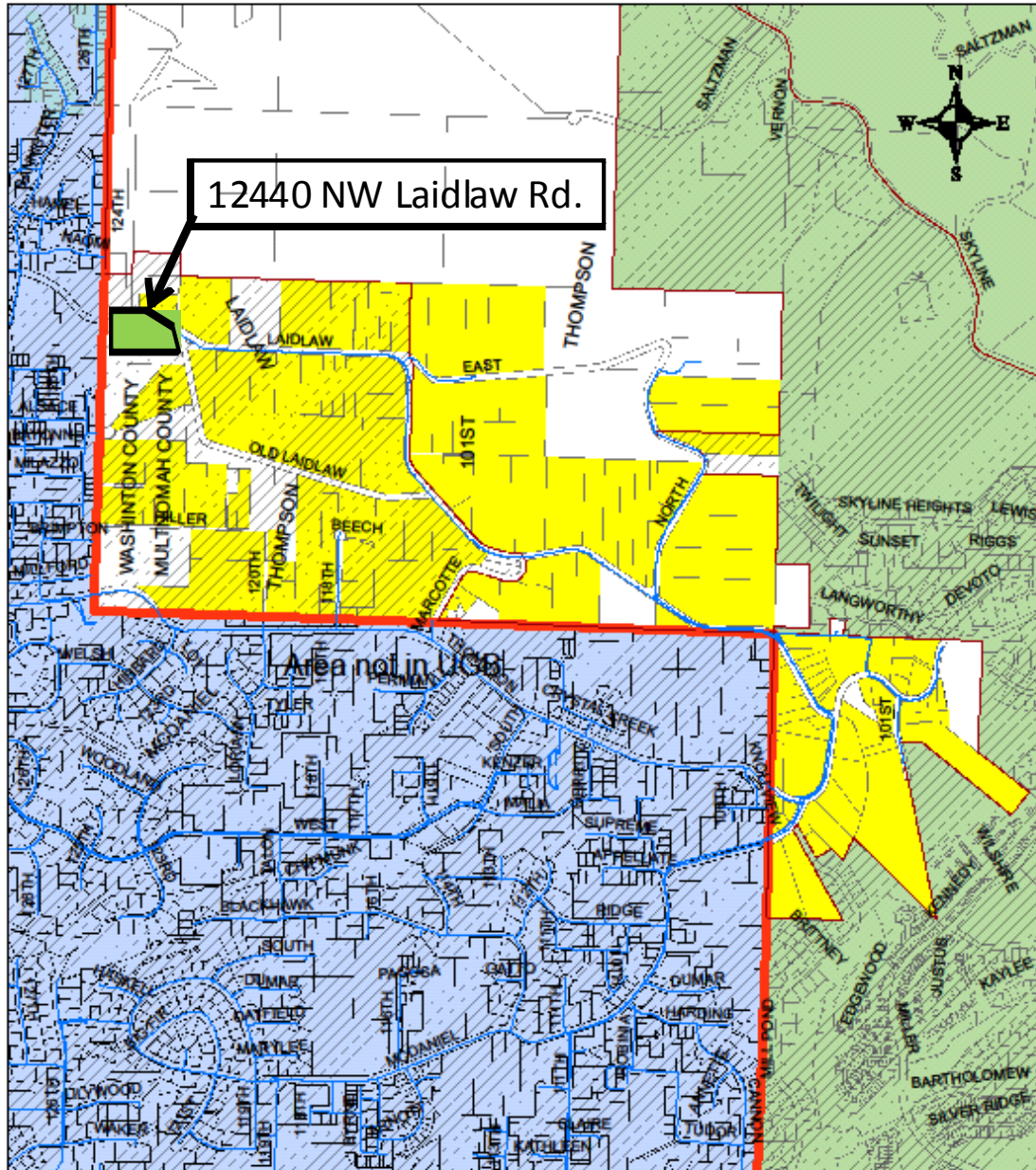
**ATTACHMENTS:** Vicinity Map of 12440 NW Laidlaw Road and letter from Multnomah County dated February 23, 2010

**APPROVING MANAGERS INITIAL:**





CHIEF EXECUTIVE OFFICER _____		HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	N/A
FINANCIAL SERVICES	N/A	CUSTOMER SERVICES	N/A
ENGINEERING SERV. _____			

**ATTACHMENT 1**  
**Vicinity Map of 12440 NW Laidlaw Road**

**TVWD CUSTOMERS IN MULTNOMAH COUNTY**



**Legend**

-  In Urban Growth Boundary
-  Water service provided by TVWD outside of service boundary
-  City of Portland
-  TVWD District Boundary

Truitt Valley Water District



**ATTACHMENT 2**  
**Letter from Multnomah County**



**Department of Community Services**  
**MULTNOMAH COUNTY OREGON**

Land Use and Transportation Program  
1600 SE 190<sup>th</sup> Avenue  
Portland, Oregon 97233-5910  
PH. (503) 988-3043 Fax (503) 988-3389  
[www.co.multnomah.or.us/landuse](http://www.co.multnomah.or.us/landuse)

cc Mark ✓  
**RECEIVED**

FEB 24 2010

TUALATIN VALLEY  
WATER DISTRICT

✓ Stu Davis  
Tualatin Valley Water District  
1850 SW 170<sup>th</sup> Avenue  
Beaverton, Oregon 97006

February 23, 2010

**RE: Water Service to property at 12440 NW Laidlaw Road in Unincorporated Multnomah County**

Dear Mr. Davis,

We have been informed by the landowner at 12440 NW Laidlaw Road<sup>1</sup> that her private well's yield has dramatically dropped and no longer is able to provide adequate water service to the single family dwelling. The landowner (Tina Higgins) mentioned that she contacted your office recently to inquire about connecting to TVWD service west of and adjacent to this property.

The property is located within the Bonny Slope West subdivision which was included in the Urban Growth Boundary in 2002. Multnomah County is undergoing urban concept planning for this area as required by Metro and a part of this planning process involves selection of urban service providers including municipal urban water service which has not yet occurred. Although it would be premature for Multnomah County to authorize extension of any urban services into the concept plan area at this time, based on advice from our legal counsel, it is our understanding that county authorization is not necessary for TVWD to serve this one property.

Sincerely,

Karen Schilling,  
Multnomah County Planning Director

cc: Tina Higgins  
6044 East Calle Camelia  
Scottsdale, AZ  
85251

<sup>1</sup> TIN, R1W, Sec 22C, TL 1700

**TUALATIN VALLEY WATER DISTRICT  
WORK SESSION AGENDA ITEM**

**MEETING DATE:** DECEMBER 2, 2010

**TITLE:** BONNY SLOPE ANNEXATION IN MULTNOMAH COUNTY

**ITEM:** The District currently serves approximately 135 properties in Multnomah County. About 87 of these properties are located outside of the existing Urban Growth Boundary and about 48 are within the UGB. These customers have received water service from the District for many years – in some cases for up to 40 years. However, all of these customers are outside of the District’s existing service area boundary. A map showing the area in question is included as Attachment 1.

Existing pipelines serving these customers are generally in poor condition and are in need of upgrades and/or replacement. To date, the District has not invested in significant upgrades to the existing water system infrastructure in this area since these customers are not within the District’s service area boundary. To facilitate further investment in infrastructure upgrades, District staff has proposed annexation of portions of this area.

Multnomah County Planning staff have expressed that they have no objection to TVWD’s annexation of properties TVWD currently serves that are outside of the UGB. Multnomah County has specifically requested that TVWD not annex properties within the UGB since those properties are included in the Bonny Slope West urban services planning effort currently being conducted by Multnomah County.

At the Work Session, District staff will review the anticipated process and schedule for the proposed annexation.

**STAFF RECOMMENDATION:** No action is required by the Board at this time.

**BUDGET IMPACT:** None at this time. Future improvements to existing infrastructure would be included into the Capital Improvement Program budget.

**ADDITIONAL INFORMATION:** Greg DiLoreto, 503-848-3032, [greg@tvwd.org](mailto:greg@tvwd.org) or Mark Knudson, 503-848-3027, [markk@tvwd.org](mailto:markk@tvwd.org)

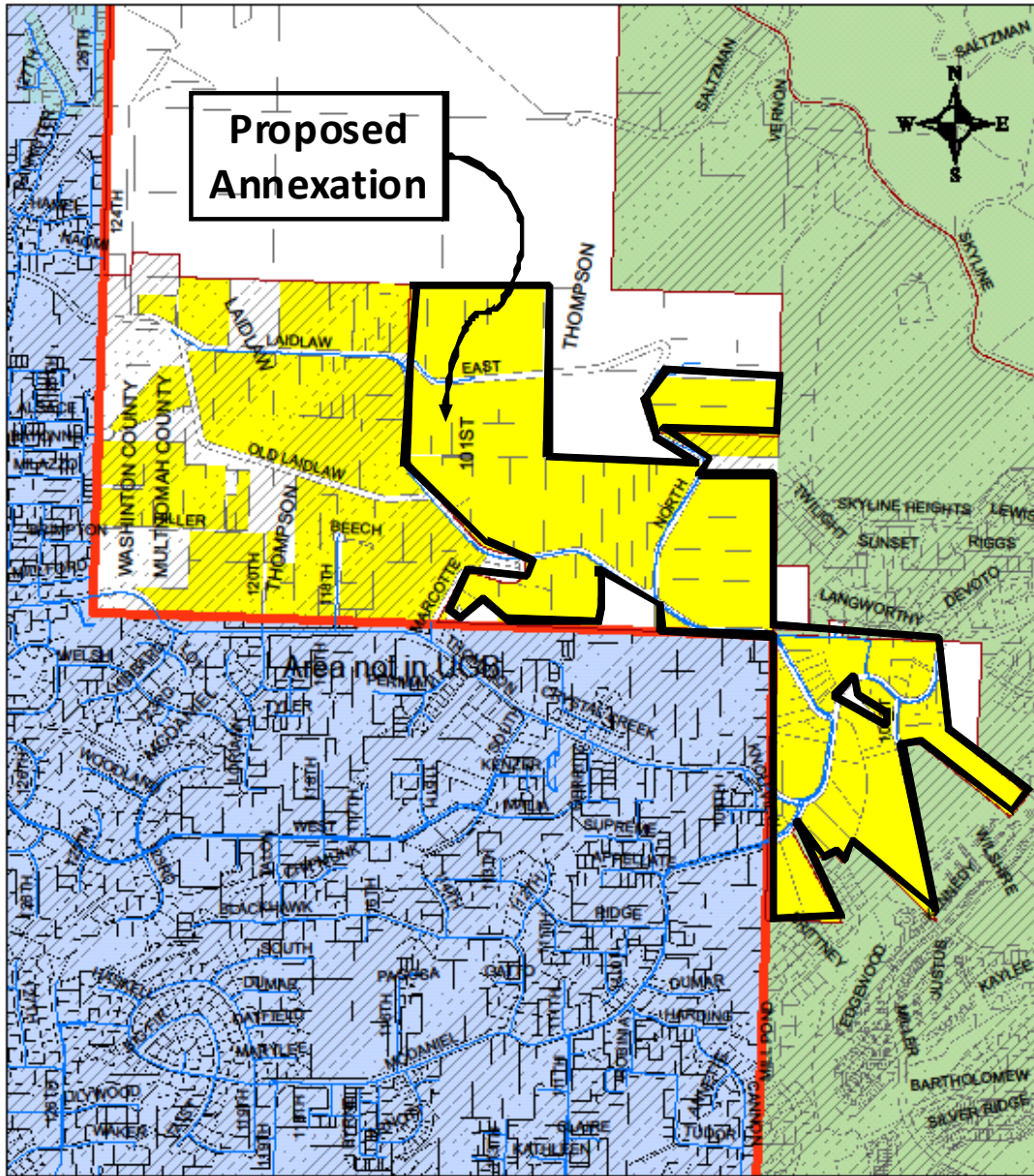
**ATTACHMENTS:** Vicinity Map showing proposed Bonny Slope Annexation

**APPROVING MANAGERS INITIAL:**





CHIEF EXECUTIVE OFFICER _____		HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	N/A
FINANCIAL SERVICES	N/A	CUSTOMER SERVICES	N/A
ENGINEERING SERV. _____			

**ATTACHMENT 1**  
**Vicinity Map of Proposed Bonny Slope Annexation**

**TVWD CUSTOMERS IN MULTNOMAH COUNTY**



**Legend**

-  In Urban Growth Boundary
-  Water service provided by TVWD outside of service boundary
-  City of Portland
-  TVWD District Boundary



**TUALATIN VALLEY WATER DISTRICT  
WORK SESSION AGENDA ITEM**

**MEETING DATE:** DECEMBER 2, 2010

**TITLE:** BACKFLOW PREVENTION FOR PRIVATE WELLS

**ITEM:** Many existing District customers have private wells that are typically used for irrigation. Oregon Administrative Rules do not explicitly require installation of a backflow prevention device at such properties unless the well is directly connected to the home plumbing system, in which case the highest level of backflow prevention is required. The District's Cross Connection Control Program adheres to these requirements of the state rules.

Since 2003, the District has allowed a customer with a private well to complete a Covenant Running with the Land to address the requirement of backflow prevention for private wells. The terms of the standard agreement are included as Attachment 1. In general, the covenant allows the customer to not install and test a backflow assembly if the well is found to be cut and capped, or if the use of the well is for irrigation purposes only and there is no connection found to the main supply serving the home/building. This document is signed by both the property owner and District and filed with Washington County.

Currently the District knows of over 50 known private wells on properties where the District also provides water. To date, the District has entered into agreements with about 18 property owners with private wells. The District has generally not conducted follow-up inspections at the properties to verify compliance with the agreement.

During the work session, District staff will provide additional background on this matter and requests policy guidance on the adequacy of the existing procedure.

**STAFF RECOMMENDATION:** No action by the Board is required at this time.

**BUDGET IMPACT:** None

**ADDITIONAL INFORMATION:** Greg DiLoreto, 503-848-3032, [greg@tvwd.org](mailto:greg@tvwd.org) or Mark Knudson, 503-848-3027, [markk@tvwd.org](mailto:markk@tvwd.org)

**ATTACHMENTS:** Conditions of standard Covenant Running with the Land for Private Wells.

**APPROVING MANAGERS INITIAL:**

CHIEF EXECUTIVE OFFICER _____		HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	N/A
FINANCIAL SERVICES	N/A	CUSTOMER SERVICES	N/A
ENGINEERING SERV. _____			

**ATTACHMENT 1**  
**Standard Conditions for Covenant Running with the Land  
for Backflow Protection for Private Wells**

**Section 1. Property.** Owner represents and warrants to TVWD that he/she/it is the Owner of the property described on Exhibit 1, attached hereto and incorporated by reference, and commonly known as:

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**Section 2. Disconnection of Nonpublic Water Source.** In consideration of TVWD's forbearance to terminate public water service to the Owner's property and Owner's installment of a reduced pressure backflow device, Owner agrees to disconnect the nonpublic water source so that no link exists (permanently or temporarily) between the nonpublic water source and the public water supplied by TVWD. Owner covenants to remove a segment of plumbing at the well head or other nonpublic water source point as determined by TVWD necessary to draw water from the nonpublic water source. Owner covenants and agrees to not reconnect the removed plumbing or electrical connections without permission from TVWD.

**Section 3. Inspection.** Representatives of TVWD, upon presentation of credentials, may enter upon the property at any reasonable time to make inspection to assure compliance with this Covenant. In the event of emergency, entry may be made at any time as deemed necessary by TVWD at its sole discretion.

**Section 4. Indemnity.** Owner agrees to indemnify and hold harmless TVWD, its Board of Commissioners, employees and ratepayers from any and all damages or claims of any kind whatsoever including attorneys fees that may arise out of any claim that water from a nonpublic water source entered the public water system from Owner's property and caused damage or injury to any person or property. Owner accepts full responsibility for any illness, death or property damage resulting from said nonpublic water service during that person's ownership of subject property.

**Section 5. Covenant Running with the Land.** Owner covenants for himself/herself and his/her heirs, successors and assigns that this Covenant shall be deemed a Covenant Running with the Land and shall bind the property in perpetuity.

**Section 6. Default.** If TVWD determines that a violation of this Covenant exists, TVWD may declare default upon seven days written notice to the last known address of the Owner. Upon declaration of default, Owner shall undertake installation of the reduced pressure backflow prevention device within seven days' written notice from TVWD. If Owner has not undertaken installation of the reduced pressure backflow prevention device within that period, then TVWD may terminate service to the property upon two days' written notice. Service shall not be restored until the reduced pressure backflow prevention device is installed and TVWD has inspected and approved such installation. All applicable fees and charges of TVWD shall be paid prior to resumption of public water service.