

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of the Proposed Water Management and Conservation Plan for City of Fairview, Multnomah County ) ) )  
FINAL ORDER APPROVING A WATER MANAGEMENT AND CONSERVATION PLAN

**Authority**

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

**Findings of Fact**

1. The City of Fairview submitted a Water Management and Conservation Plan (plan) and required statutory fee for review of the plan to the Water Resources Department (Department) on October 13, 2022. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 103, Pgs. 946-951) issued on February 22, 2017.
2. The Department published notice of receipt of the plan on October 25, 2022, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on January 11, 2023. In response, the City submitted a revised plan on February 7, 2023.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The City has requested access to 1.1 cfs of greenlight water under Permit G-18289. The Department evaluated the future water need projections presented in the plan and, while considering the poor water quality of Well 9 and the other water rights held by the City, determined that the plan only demonstrates the need for an additional 0.6 cfs of greenlight water available under Permit G-18289 to help meet overall projected 20-year demands. The demand projections presented in the plan are reasonable and consistent with the City's land use plan.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. The system is fully metered, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 3.15 percent.
7. The revised plan includes 5-year benchmarks for the continuation of the following Conservation Measures: Annual water audits; installation of new automatic meter reading technology (AMR) meters; meter testing and repair; requiring that all new connections to the water system to be metered; prompt repair of leaks upon detection, along with provision of credit to customers who promptly repair leaks on their side of the meter; monthly billing that includes historic water use information billing customers, in part, on the quantity of water metered at the service connection; and distribution of water conservation information on the City website and City newsletter.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of the following Conservation Measures:
  - a. Public Education
    - i. The City will continue to promote the Backyard Habitat Certification Program as a means to reduce irrigation in the peak season.
    - ii. During the next 5 years, the City will have a booth at a minimum of one community event annually, such as the Summer on the Green Festival.
    - iii. Starting in 2023, the City will make conservation brochures available at City Hall and distribute these at one or more community events.
  - b. Technical and Financial Assistance Programs
    - i. During the next 5 years, the City will explore the option of working with Homeowner Associations (HOAs) to establish demonstration gardens, obtain certification through the Backyard Habitat Certification Program, and use xeriscaping and similar water-efficient landscaping techniques at pocket parks.
    - ii. Work with at least one multifamily customer to evaluate opportunities to provide technical and financial support for implementation of water saving measures.
  - c. Supplier-Financed Retrofit or Replacement of Inefficient Fixtures
    - i. During the next 5 years, the City will distribute up to 200 indoor and outdoor conservation kits annually to its customers.
  - d. Water Reuse, Recycling, and Non-potable Opportunities
    - i. During the next 5 years, the City will investigate opportunities to implement graywater systems at municipal facilities.

- e. Other Conservation Measures
  - i. During the next 5 years, the City will investigate the opportunity to work with community partners to create an internship position promoting water conservation through practices such as xeriscaping, Low Impact Development, or Backyard Habitat Program.
- 9. The revised plan identifies groundwater and two non-municipal surface water rights (Fairview Creek) as the sources of the City's water rights. The revised plan accurately and completely describes the listed fish species that occur in Fairview Creek as well as the water quality parameters for which this portion of Fairview Creek has been 303(d) listed by the Oregon Department of Environmental Quality. The plan also identifies that the City's groundwater sources are not in a designated critical groundwater area.
- 10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes four stages of alert with concurrent curtailment actions.
- 11. The diversion of water under Permit G-18289 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
  - a. As evidenced by the 5-year benchmarks described in Findings of Fact #7 and #8 (a-e), the final revised plan includes a schedule for the continuation and/or implementation of conservation measures that would provide water at a cost that is equal to, or lower than, the cost of other identified sources.
  - b. Considering the poor water quality from Well 9, and the need to provide resiliency in the water system, access to an increased diversion of water under Permit G-18289 is the most feasible and appropriate alternative to the supplier.
  - c. The City is not legally required to provide mitigation or address limitations or restrictions on the development of permits as no resource issues were identified under OAR 690-086-0140(5)(i).

### **Conclusion of Law**

The Water Management and Conservation Plan submitted by the City of Fairview is consistent with the criteria in OAR Chapter 690, Division 086.

**Now, therefore, it is ORDERED:**

### **Duration of Plan Approval:**

1. The City of Fairview Water Management and Conservation Plan is approved and shall remain in effect until **August 8, 2033**, unless this approval is rescinded pursuant to OAR 690-086-0920.

