



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED
 FEB 26 2020

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 54268 (see attached International Paper Company cover letter)** Please include a separate Part 5 for each water right. (See instructions on page 6)

94802 FID

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient
- Map not included or incomplete
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____ / ____ / ____

Part 2 of 5 – Transfer Application Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

RECEIVED

FEB 26 2020

OWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME International Paper Company Attn: Clay Ellis			PHONE NO. (901) 419-7918	ADDITIONAL CONTACT NO.
ADDRESS 6400 Poplar Avenue				FAX NO.
CITY Memphis	STATE TN	ZIP 38197	E-MAIL Clay.Ellis@ipaper.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME PETER D. MOHR JORDAN RAMIS PC			PHONE NO. (503) 598-5529	ADDITIONAL CONTACT NO.
ADDRESS 2 CENTERPOINTE DRIVE #600				FAX NO.
CITY LAKE OSWEGO	STATE OR	ZIP 97035	E-MAIL PETER.MOHR@JORDANRAMIS.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

94802
FD1

Explain in your own words what you propose to accomplish with this transfer application, and why: The Applicant, for the benefit of the City of Cornelius, is requesting to transfer a 7.475 cfs portion of Certificate 54268 that is currently leased instream (IL-1434). The requested changes will allow the City to divert the water at a downstream point of diversion (POD) and use the water for municipal purposes. The POD, place of use, and character of use for the remaining portion of the right will not change. The City is requesting 30 years to complete the transfer as indicated in an attached letter.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED
FEB 26 2020
OWRD

I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Oregonian.

I (we) affirm that the information contained in this application is true and accurate.

Applicant signature

Clay Ellis, Senior VP, Enterprise Operations
Print Name (and Title if applicable)

2/24/2020
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME City of Cornelius Attn: Rob Drake, City Manager		PHONE NO. (503) 357-9112	ADDITIONAL CONTACT NO.
ADDRESS 1355 N. Barlow Street			FAX NO.
CITY Cornelius	STATE OR	ZIP 97113	E-MAIL rdrake@ci.cornelius.or.us

RECEIVED

FEB 26 2020

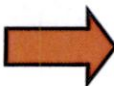
Describe any special ownership circumstances here: NA

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**)

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Wilsonville	ADDRESS 29799 SW Town Center Loop E	
CITY Wilsonville	STATE OR	ZIP 97070

ENTITY NAME Washington County Planning & Development Services	ADDRESS PSB-155 N 1st Avenue, Room 350	
CITY Hillsboro	STATE OR	ZIP 97124

ENTITY NAME CLACKAMAS COUNTY PLANNING AND ZONING	ADDRESS 150 BEAVERCREEK ROAD	
CITY OREGON CITY	STATE OR	ZIP 97045

ENTITY NAME CITY OF CORNELIUS	ADDRESS 1355 N. BARLOW STREET	
CITY Cornelius	STATE OR	ZIP 97113

RECEIVED
FEB 26 2020
OWRD

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # ~~54268~~ **94802** **FEB**

RECEIVED
FEB 26 2020

Description of Water Delivery System

System capacity: 38.92 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **There are four 200-hp pumps at the point of diversion (two on the bank and two on a barge). The pumps have 15-inch-diameter suctions and 10-inch-diameter discharges. Water is conveyed from the pumps to the paper-mill water pond via 6,000 feet of 30-inch-diameter concrete pipe. Water from the pond is subsequently diverted to various locations on the mill property. The 7.475 cfs involved with this transfer is part of the 15.0 cfs in Certificate 54268 that is currently leased instream under IL-1434.**

FIM

94802

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
IP POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	--	10	S	3	W	32	NE	NE	44	1260 ft South and 1220 ft West from NE corner, Section 32
Proposed POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	3	S	1	W	23	NW	SW	46	3390 ft South and 495 ft East from NW corner, Section 23

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 54268-94802

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100	400	47	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901	
10	S	3	W	21	SW	SE	400	47	--	--	Industrial/ Manufacturing	IP POD	12/23/ 1954	USE, POD, POU	2	S	9	E	2	SW	NW	500	500	5.0	POD #6	1901	
"	"	"	"	"	SE	SE	"	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	28	NE	NE	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	NW	NE	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	SW	NE	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	NE	NW	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	SE	NW	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	NE	SW	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	SW	SW	"	47	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
"	"	"	"	"	"	See	Next Page	"	"	--	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
TOTAL ACRES:										+	TOTAL ACRES:										--						

RECEIVED
FEB 26 2020
TACS QWRD

AUTHORIZED (the "from" or "off" lands)										PROPOSED (the "to" or "on" lands)											
The listing that appears on the certificate BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES											
List only that part or portion of the water right that will be changed.										are made.											
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POA(s) or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POA(s) to be used (from Table 1)	Priority Date	
10 S	3 W	28	NW SE	400	47	--	Industrial/Manufacturing	IP POD	12/23/1954	USE, POD, POU	Within the City of Cornelius service area boundary							Municipal	Proposed POD	12/23/1954	
"	"	"	NE SW	"	44	--	"	"	"	"											
"	"	"	SE SW	151/400	44	--	"	"	"	"											
"	"	"	NW SE	400	44	--	"	"	"	"											
"	"	"	SW SE	"	44	--	"	"	"	"											
"	"	33	NW NE	151	44	--	"	"	"	"											
"	"	"	NE NW	151	44	--	"	"	"	"											

Additional remarks: Certificate 54268 authorizes the use of up to 18.0 cfs for industrial/manufacturing use. The Applicant currently holds a 15.0 cfs portion of the right that is appurtenant to the From Lands and is requesting approval to transfer 7.475 cfs of this rate to the City of Cornelius. The proposed change would reduce the authorized rate within the Applicant's entire place of use for Certificate 54268 to 7.525 cfs. The POD, POU, and character of use for the remaining rights will not change (i.e., the use will remain as industrial/manufacturing and the existing POD and POU will be retained). Currently, the Applicant's 15.0 cfs of Certificate 54268 are leased instream under IL-1434 pursuant to that Final Order issued March 29, 2019 (Special Order Vol. 112, pp 839-844) and that Partial Termination Order and Superseding Final Order issued November 4, 2019 (Special Order Vol. 114, pp 326-332).

94802 ~~74M~~ ~~74M~~

RECEIVED
FEB 26 2020
OWRD

94802 ~~74M~~

376

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Although there are other water rights on the To Lands, the proposed use is municipal purposes, so “layered” water rights are not applicable.**



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # NA;
Surface water primary Certificate # NA.

RECEIVED
FEB 26 2020
OWRD

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department’s web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
NA										

13376 -

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of LINN)

I, CLAY ELLIS, in my capacity as SENIOR V.P., ENTERPRISE OPERATIONS, INTERNATIONAL PAPER COMPANY, mailing address 6400 POPLAR AVENUE MEMPHIS, TN 38197 telephone number (901) 419-7918, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

RECEIVED
 FEB 26 2020
 OWRD

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

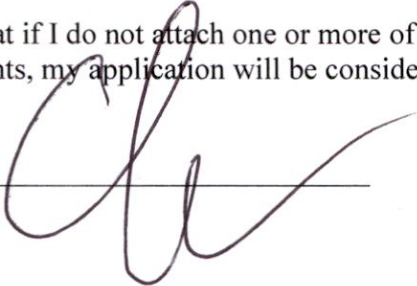
OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL-1434 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

13276 = ---

3. The water right was used for: (e.g., crops, pasture, etc.): INDUSTRIAL/MANUFACTURING PRIOR TO THE INSTREAM LEASE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant 

Date 2/24/20

RECEIVED
FEB 26 2020
OWRD

Signed and sworn to (or affirmed) before me this 24th day of February, 2020.




Notary Public for Oregon TN

My Commission Expires: 9-7-22

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number: <i>Please see attached lease / Lease IL-1434</i>

13276

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

In the Matter of Instream Lease Application) DETERMINATION and
IL-1434, Linn County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

International Paper
Vaughn Pieschl
14232 Clearwater
La Pine, Oregon 97739
vaughn.pieschl@ipaper.com

**RECEIVED
FEB 26 2020
OWRD**

Findings of Fact

1. On March 13, 2019, International Paper filed an application to renew instream lease IL-1434, involving a portion of Certificates 54268 and 85736 and the entirety of Certificates 89606 and 89604.
2. Certificate 91193 was issued on January 29, 2016 to supersede Certificate 85736.
3. The portion of the first right to be leased is as follows:

Certificate: 54268 in the name of Willamette Industries, Inc. (perfected under Permit S-23102)

Use: Manufacturing Use

Priority Date: December 23, 1954

Quantity: **Rate:** 15.0 Cubic Foot per Second (CFS)

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NE	47

This is a final order in other than 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 either 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.

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SE NW	47
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	28	NE SW	44
10 S	3 W	WM	28	SE SW	44
10 S	3 W	WM	28	NW SE	44
10 S	3 W	WM	28	NW SE	47
10 S	3 W	WM	28	SW SE	44
10 S	3 W	WM	33	NW NE	44
10 S	3 W	WM	33	NE NW	44

RECEIVED
FEB 26 2020
OWRD

4. The second right to be leased is as follows:

Certificate: 91193 in the name of Weyerhaeuser Company (perfected under Permit S-47184)

Use: Industrial/Manufacturing Use

Priority Date: October 29, 1982

Quantity: **Rate:** 4.25 CFS

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1180 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NE	47
10 S	3 W	WM	28	SE NW	47
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	28	NE SW	44
10 S	3 W	WM	28	SE SW	44
10 S	3 W	WM	28	NW SE	44
10 S	3 W	WM	28	NW SE	47
10 S	3 W	WM	28	SW SE	44
10 S	3 W	WM	33	NE NW	44

5. The third right to be leased is as follows:

Certificate: 89604 in the name of International Paper Co. (perfected under Permit S-20469)

Use: Industrial Uses

Priority Date: June 11, 1943

Quantity: **Rate:** 2.0 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source
21 S	1 W	WM	31	NE SE	Culp Creek
21 S	1 W	WM	32	NW SW	Row River

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1180 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

RECEIVED
FEB 26 2020
OWRD

- Certificate 89604 identifies the source for diversion as the Willamette River and identifies the actual source of water as Culp Creek and Row River. Culp Creek is tributary to the Row River and the Row River is tributary to the Coast Fork Willamette River. The Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original points of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89604 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from Culp Creek and Row River.
- The fourth right to be leased is as follows:

Certificate: 89606 in the name of International Paper Company (perfected under Permit S-14106)
Use: Industrial Use
Priority Date: November 2, 1939
Quantity: Rate: 1.93 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
21 S	1 W	WM	30	NW SW	Row River	30 FEET SOUTH AND 30 FEET WEST FROM THE SW CORNER OF LOT 3 (SE NW), SECTION 30

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD) on the Willamette River:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1180 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

RECEIVED
FEB 26 2020
OWRD

- Certificate 89606 identifies the source for diversion as the Willamette River and identifies the actual source of water as the Row River. Row River is tributary to the Coast Fork Willamette River and the Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original point of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89606 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from the Row River.

9. Certificates 54268, 91193, 89604, and 89606 do not specify an authorized period of use. However, the use is for manufacturing and/or industrial, which are considered year round uses unless otherwise specified in the Certificate.
10. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
11. The instream use is as follows:
Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 3)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	15.00	10,859.50	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 4, 5 and 7)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
91193	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Totals		8.18	5922.05	

12. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.
13. The protection of flows at the authorized points of diversion is appropriate, considering:
 - a. The instream water use is located at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the points of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the points of the instream water right.
14. The total monthly quantities of water to be protected under existing and proposed instream rights at the points will provide for a beneficial purpose.
15. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the points do not exceed the estimated average natural flow.
16. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.

RECEIVED
 FEB 26 2020
 OWRD

17. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
18. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
19. The Lessor requested that the lease terminate on December 31, 2023. The lease may commence upon the date this final order is signed.
20. The Lessor has requested the option of terminating the lease early with written notice to the Department.

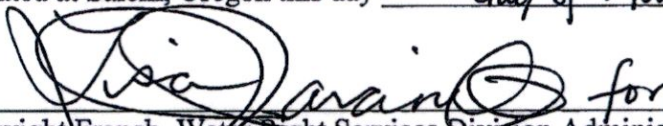
Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the instream lease and terminate on December 31, 2023. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (January 1 through December 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day 29th day of March, 2019.



Dwight French, Water Right Services Division Administrator; for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: APR 03 2019

This document was prepared by Sarah Henderson. If you have any questions, please call 503-986-0884.

RECEIVED
FEB 26 2020
OWRD

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

In the Matter of Instream Lease Application) PARIAL TERMINATION ORDER
IL-1434, Linn County) AND SUPERSEDING FINAL ORDER
) APPROVING AN INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

International Paper
Vaughn Pieschl
14232 Clearwater
La Pine, Oregon 97739
vaughn.pieschl@ipaper.com

RECEIVED
FEB 26 2020
OWRD

Findings of Fact

1. On March 13, 2019, International Paper filed an application to renew instream lease IL-1434, involving a portion of Certificates 54268 and 85736 and the entirety of Certificates 89606 and 89604.
2. Certificate 91193 was issued on January 29, 2016 to supersede Certificate 85736.
3. The lease application requested to protect water instream for five years, terminating on December 31, 2023. A final order approving this lease was issued by the Department on March 29, 2019, as evidenced by Special Order Volume 112, Pages 839-844.
4. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
5. On October 14, 2019, the Department received a request from Terry Thomas, of International Paper to terminate 2.0 cfs of Certificate 54268 prior to the 2020 instream use period.
6. This order is being issued to remove 2.0 cfs of Certificate 54268 at the end of the 2019 season, and identify the remaining instream use being protected during the 2020-2023 seasons.

This is a final order in other than 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. Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

7. The portion of the first right to be leased is as follows:

Certificate: 54268 in the name of Willamette Industries, Inc. (perfected under Permit S-23102)
Use: Manufacturing Use
Priority Date: December 23, 1954
Quantity: **Rate:** 15.0 Cubic Foot per Second (CFS)
Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NE	47
10 S	3 W	WM	28	SE NW	47
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	28	NE SW	44
10 S	3 W	WM	28	SE SW	44
10 S	3 W	WM	28	NW SE	44
10 S	3 W	WM	28	NW SE	47
10 S	3 W	WM	28	SW SE	44
10 S	3 W	WM	33	NW NE	44
10 S	3 W	WM	33	NE NW	44

RECEIVED
 FEB 26 2020
 OWRD

8. The second right to be leased is as follows:

Certificate: 91193 in the name of International Paper Company (perfected under Permit S-47184)
Use: Industrial/Manufacturing Use
Priority Date: October 29, 1982
Quantity: **Rate:** 4.25 CFS
Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1180 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	SW NE	46
10 S	3 W	WM	29	NE NW	46
10 S	3 W	WM	29	NE NW	55
10 S	3 W	WM	29	NW NW	55
10 S	3 W	WM	29	SW NW	46
10 S	3 W	WM	29	SW NW	55
10 S	3 W	WM	29	SE NW	46
10 S	3 W	WM	29	SE NW	55

13376 -

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	29	NE SW	46
10 S	3 W	WM	29	SE SW	46

9. The third right to be leased is as follows:

Certificate: 89604 in the name of International Paper Co. (perfected under Permit S-20469)

Use: Industrial Uses

Priority Date: June 11, 1943

Quantity: **Rate:** 2.0 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source
21 S	1 W	WM	31	NE SE	Culp Creek
21 S	1 W	WM	32	NW SW	Row River

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1180 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

RECEIVED
FEB 26 2020
OWRD

13376 -

10. Certificate 89604 identifies the source for diversion as the Willamette River and identifies the actual source of water as Culp Creek and Row River. Culp Creek is tributary to the Row River and the Row River is tributary to the Coast Fork Willamette River. The Coast Fork

Willamette River is tributary to the Willamette River. Water is conveyed from the original points of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89604 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from Culp Creek and Row River.

11. The fourth right to be leased is as follows:

Certificate: 89606 in the name of International Paper Company (perfected under Permit S-14106)
Use: Industrial Use
Priority Date: November 2, 1939
Quantity: **Rate:** 1.93 CFS
Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
21 S	1 W	WM	30	NW SW	Row River	30 FEET SOUTH AND 30 FEET WEST FROM THE SW CORNER OF LOT 3 (SE NW), SECTION 30

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD) on the Willamette River:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1180 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

RECEIVED
 FEB 26 2020
 OWRD

13376 -

12. Certificate 89606 identifies the source for diversion as the Willamette River and identifies the actual source of water as the Row River. Row River is tributary to the Coast Fork Willamette River and the Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original point of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89606 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from the Row River.
13. Certificates 54268, 91193, 89604, and 89606 do not specify an authorized period of use. However, the use is for manufacturing and/or industrial, which are considered year round uses unless otherwise specified in the Certificate.
14. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.

RECEIVED
FEB 26 2020
OWRD

15. The instream use for the remainder of the 2019 season is as follows:

Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 7)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	15.00	10859.50	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 8, 9 and 11)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
91193	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Totals		8.18	5922.05	

16. The instream use for the 2020, 2021, 2022, and 2023 seasons are as follows:

Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 7)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	13.00	9411.57	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 8, 9 and 11)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
91193	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Totals		8.18	5922.05	

13376 =

17. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.
18. The protection of flows at the authorized points of diversion is appropriate, considering:
- a. The instream water use is located at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the points of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the points of the instream water right.
19. The total monthly quantities of water to be protected under existing and proposed instream rights at the points will provide for a beneficial purpose.
20. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the points do not exceed the estimated average natural flow.
21. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
22. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
23. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
24. The Lessor requested that the lease terminate on December 31, 2023. The lease may commence upon the date this final order is signed.
25. The Lessor has requested the option of terminating the lease early with written notice to the Department.

RECEIVED
FEB 26 2020
OWRD

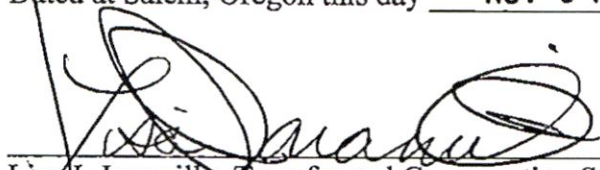
Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. Special Order Volume 112, Pages 839-844 is now superseded and no longer valid.
4. The term of the lease will commence upon approval of the instream lease and terminate on December 31, 2023. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (January 1 through December 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day NOV 04 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR,
Oregon Water Resources Department

RECEIVED
FEB 26 2020
OWRD

Mailing date: NOV 05 2019

This document was prepared by Sarah Henderson. If you have any questions, please call 503-986-0884.

13376 -

Cornelius

Oregon's Family Town



February 17, 2020

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application for Water Right Transfer of 7.475 cfs of Cert. 54268

Dear Ms. Jaramillo:

On behalf of the City of Cornelius, I am submitting this letter in support of International Paper Company's (IP) transfer application concerning a 7.475 cubic feet per second (cfs) portion of IP's water and water right authorized under Water Right Certificate 54268. Subject to an agreement between the City and IP, the City will be able to take ownership of the 7.475 cfs portion of the IP water right subject to transfer following the Oregon Water Resources Department's issuance of a final non-appealable order approving IP's application. Upon receiving title to the Final Order and the underlying 7.475 cfs water right interest, the City shall become wholly responsible for completing the authorized changes. Therefore, as part of its application, and pursuant to OAR 690-380-5140, IP is requesting that any approval of the transfer application authorize the City 30 years to complete the authorized changes. The City submits this letter in support of IP's request.

The IP transfer application seeks to change the character of use, place of use and point of diversion of the 7.475 cfs subject to transfer. Once approved, these actions will require the City to establish financing, and complete numerous long-term activities including, but not limited to: (1) developing intergovernmental agreements, (2) completing engineering plans, (3) obtaining all applicable, county, state and federal permits and approvals, (4) securing agreements and/or taking such other actions as needed to obtain required access and use on and across private and public properties, and (5) constructing and testing water treatment, pumping, conveyance and distribution infrastructure to ultimately apply the water to beneficial use. Given the significant time, financing, and other resources it will take to properly complete these tasks, the City submits 30 years is a reasonable and justified period of time for it to complete the changes authorized under an approving transfer order.

The City is very excited by the opportunity this application presents to further secure its own long-term, reliable water supply. Should you wish any additional information or have any questions or comments, please do not hesitate to contact me.

Sincerely,

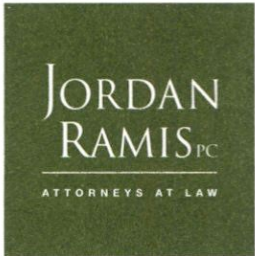
A handwritten signature in blue ink that reads "Rob Drake".

Rob Drake
City Manager

cc: Peter D. Mohr

RECEIVED
FEB 26 2020

OWRD
13376 -



Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
Tel. (503) 598-7070
Fax (503) 598-7373
www.jordanramis.com

Peter D. Mohr
Admitted in Oregon, Washington and
Colorado
peter.mohr@jordanramis.com
Direct Dial: (503) 598-5529

February 26, 2020

VIA HAND DELIVERY

Lisa J. Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

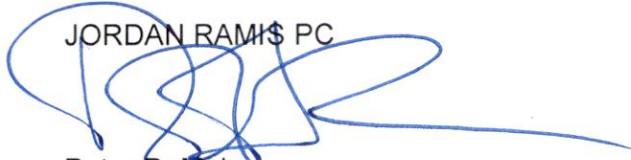
Re: **Application for Water Right Transfer for Certificate 54268-94802**
Our File No. 51608-70967

Dear Lisa:

As you may recall, in early 2018, International Paper Company submitted transfer application T-12870, which concerned a 7.7 cfs portion of Water Right Certificate 54268 and was submitted pursuant to an agreement it had entered into with the City of Cornelius. As you also may recall, in early 2019, at my request with the consent of the applicant and on behalf of our client, the City of Cornelius, transfer application T-12870 was withdrawn. With this letter, I am now enclosing a slightly revised transfer application which is, again, being submitted by International Paper Company with approval to be achieved for the benefit of the City of Cornelius as the party that will receive the transferred portion of the water right. The enclosed application seeks to make the same changes to a portion of Certificate 54268 that were proposed under prior application T-12870, however, the amount of the water right subject to transfer has been slightly reduced from 7.7 cfs to 7.475 cfs.

Finally, I submit this letter in order to simply provide some background context to the separate enclosed application which is presented under a cover letter signed by the applicant, International Paper Company. Should you have any comments or questions regarding the enclosed, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC

Peter D. Mohr

Enclosures

RECEIVED
FEB 26 2020
OWRD
RECEIVED
FEB 26 2020
OWRD

13376 -

February 24, 2020

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application for Water Right Transfer for Certificate 54268

Dear Ms. Jaramillo:

On behalf of International Paper Company, please find enclosed an Application for Permanent Water Right Transfer as executed by International Paper Company's Senior Vice President of Enterprise Operations, Clay Ellis, which requests to transfer a 7.475 cubic feet per second (cfs) portion of Water Right Certificate 54268. I also enclose a check for \$5,595 to pay for the \$5,470 application fee and the \$125 Reimbursement Authority processing cost estimate.

While International Paper Company owns the portion of the water right subject to the proposed transfer, the application is being submitted pursuant to an agreement it has entered into with the City of Cornelius. The agreement in part provides that, following the issuance of a non-appealable, final order approving the transfer, the City will be able to take title to the final order and the underlying subject 7.475 cfs water right interest. For the City's benefit, the enclosed application seeks to make multiple changes to the subject portion of Certificate 54268. We propose to change the character of use from industrial to municipal purposes, the place of use from the lands owned by International Paper Company at its Albany facility to the City's service area, and the point of diversion from International Paper Company's Albany facility downstream to the proposed intake in Wilsonville, Oregon.

Certificate 54268 authorizes the use of up to 18.0 cfs for manufacturing purposes. International Paper Company currently owns 15.0 cfs of this water right. Of the remaining 3.0 cfs, (a) Flakeboard America Limited owns a 1.0 cfs portion of the water right as described in a February 4, 2015 ownership update submitted for the certificate and land to which it is appurtenant, and (b) the City of Independence owns 2.0 cfs of the water right consistent with that Final Order issued by the Oregon Water Resources Department on November 21, 2019 approving the transfer of 2.0 cfs to the City of Independence as the "Receiving Water User." Neither Flakeboard America Limited's 1.0 cfs water right nor the City of Independence's 2.0 cfs water right is considered or in any way effected by the enclosed application.

Of the 15.0 cfs of Certificate 54268 still held by International Paper Company, 15.0 cfs is currently leased for instream use under IL-1434 pursuant to that Partial Termination Order and Superseding Final Order issued by the Department on November 4, 2019. Therefore, the 7.475 cfs water right interest to be considered under the enclosed application is currently being administered under instream lease IL-1434.

Finally, as part of the enclosed application, we request the Department allow 30 years for completion of the authorized changes confirmed in any final order due to the extent of work that will be required to complete construction of related infrastructure and place the 7.475 cfs to beneficial use. Please see the attached letter from the City of Cornelius' Manager, Rob Drake,

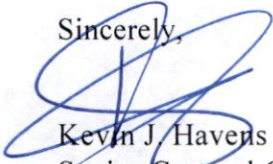
RECEIVED
FEB 26 2020

13376 -

OWRD

for additional information about the need for this time to complete the authorized changes. If you have any questions or concerns, please contact the City of Cornelius' outside counsel, Peter Mohr. Peter's direct line is (503) 598-5529.

Sincerely,



Kevin J. Havens

Senior Counsel Corporate Real Estate and Global Supply Chain

cc: Peter D. Mohr
Enclosures

RECEIVED

FEB 26 2020

OWRD

13376 -



WILSONVILLE

VIA: Certified Mail, Return Receipt Requested

November 26, 2019

David Kraska
Willamette Water Supply Program
1850 SW 170th Avenue
Beaverton, OR 97003

Delora Kerber
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

RECEIVED
FEB 26 2020
OWRD

Re: Case File DB19-0019 et al

The Development Review Board's Decision and Resolution No. 371 are attached, granting approval of your request for a Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement and Abbreviated SRIR Review for development of water intake and transmission facilities and associated improvements at the Willamette River Water Treatment Plant and Park.

Please note that your signature acknowledging receipt and acceptance of the Conditions of Approval is required to be returned to the Planning Division before the decision is effective. One copy is provided for this purpose. Please sign and return to the undersigned.

Thank you.

Shelley White
Planning Administrative Assistant

CC: Jennifer Minton– Willamette Water Supply Program
Joe Dills – Angelo Planning Group

November 26, 2019

DEVELOPMENT REVIEW BOARD PANEL B

NOTICE OF DECISION

Project Name: Willamette Water Supply System Raw Water Facilities

Case File Nos.: DB19-0019 Conditional Use Permit
DB19-0020 Site Design Review
DB19-0021 Type C Tree Removal Plan
DB19-0022 Willamette River Greenway Conditional Use Permit
SI19-0001 Abbreviated SROZ Map Refinement
SI19-0002 Abbreviated SRIR Review

Owners: Tualatin Valley Water District
City of Wilsonville (Contact: Delora Kerber)

Applicant: Willamette Water Supply Program (Contact: David Kraska)

Applicant's Representative: Angelo Planning Group (Contact: Joe Dills)

RECEIVED
FEB 26 2020
OWRD

Property Description: Tax Lots 1800 and 1900, and additional 0.45 acres in temporary and permanent easements on TL 1700, Sec. 23B; T3S R1W; Clackamas County; Wilsonville, Oregon

Location: 10350 SW Arrowhead Creek Lane

On November 25, 2019, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

Approved with Conditions of Approval

Any appeals by anyone who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of the Notice of Decision. *WC Sec. 4.022(.02).*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this **26th day of November 2019** and is available for public inspection. This decision shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written Notice of Decision, unless appealed or called up for review by the Council in accordance with this Section. *WC Sec. 4.022(.09).*

Written decision is attached

13376 -

This approval will expire on December 11, 2021.

For further information, please contact the Wilsonville Planning Division at Wilsonville City Hall, 29799 SW Town Center Loop E, Wilsonville Oregon 97070 or phone 503-682-4960.

Attachments: DRB Resolution No. 371 including adopted staff report with conditions of approval.

RECEIVED
FEB 26 2020
OWRD

13376 -

RECEIVED
FEB 26 2020
OWRD

DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 371

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A CONDITIONAL USE PERMIT, SITE DESIGN REVIEW, TYPE C TREE REMOVAL PLAN, WILLAMETTE RIVER GREENWAY CONDITIONAL USE PERMIT, ABBREVIATED SROZ MAP REFINEMENT AND ABBREVIATED SRIR REVIEW FOR DEVELOPMENT OF WATER INTAKE AND TRANSMISSION FACILITIES AND ASSOCIATED IMPROVEMENTS AT THE WILLAMETTE RIVER WATER TREATMENT PLANT. THE SITE IS LOCATED AT 10350 SW ARROWHEAD CREEK LANE ON TAX LOTS 1800 AND 1900 AND ON TEMPORARY AND PERMANENT EASEMENTS ON TAX LOT 1700 OF SECTION 23B, TOWNSHIP 3 SOUTH RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. TUALATIN VALLEY WATER DISTRICT AND CITY OF WILSONVILLE - OWNERS, WILLAMETTE WATER SUPPLY PROGRAM - APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated November 18, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on November 25, 2019, at which time exhibits, together with findings and public testimony were entered into the public record, and

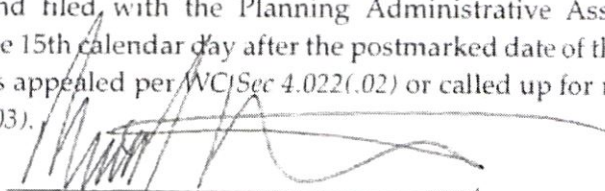
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

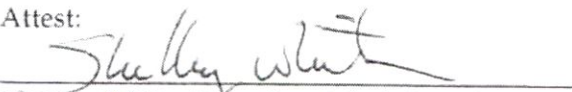
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 18, 2019, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB19-0019 through DB19-0022 and SI19-0001 and SI19-0002; Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement, and Abbreviated SRIR Review.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25th day of November, 2019 and filed with the Planning Administrative Assistant on Nov. 26, 2019. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).


Richard Martens, Chair - Panel B
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant
RESOLUTION NO. 371



RECEIVED
FEB 26 2020
OWRD

Exhibit A1
Staff Report
Wilsonville Planning Division
Willamette Water Supply System Raw Water Facilities

Development Review Board Panel 'B'
Quasi-Judicial Public Hearing
Amended and Adopted November 25, 2019
Added language ***bold italics underline***, Removed language ~~struck through~~

Hearing Date:	November 25, 2019
Date of Original Report:	November 18, 2019
Application Nos.:	DB19-0019 Conditional Use Permit DB19-0020 Site Design Review DB19-0021 Type C Tree Removal Plan DB19-0022 Willamette River Greenway Conditional Use Permit SI19-0001 Abbreviated SROZ Map Refinement SI19-0002 Abbreviated SRIR Review

Request/Summary: The requests before the Development Review Board include a Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated Significant Resource Overlay Zone Map Refinement, and Abbreviated Significant Resource Impact Report Review for the Willamette Water Supply System Raw Water Facilities. The Willamette Water Supply Program is seeking land use approvals from the City of Wilsonville in order to develop water intake and transmission facilities at the Willamette River Water Treatment Plant.

Location: The property is approximately 31.20 acres in two parcels located at 10350 SW Arrowhead Creek Lane, specifically known as Tax Lots 1800 (11.1 ac) and 1900 (20.1 ac), and an additional 0.45 acres in temporary (0.20 ac) and permanent (0.25 ac) easements on Tax Lot 1700, Section 23B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owner: Tualatin Valley Water District (Contact: Mark Knudson)
City of Wilsonville (Contact: Delora Kerber)

Applicant: Willamette Water Supply Program (Contact: David Kraska)

Authorized Representative: Angelo Planning Group (Contact: Joe Dills)

= 13376 -

Comprehensive Plan Designation: Residential (Tax Lots 1700 and 1800 (partial)) and Industrial (Tax Lot 1800 (partial) and 1900)

Zone Map Classification): Residential (R; Tax Lot 1700), Residential Agricultural Holding (RA-H; Tax Lot 1800), RA-H and Planned Development Industrial (PDI; Tax Lot 1900)

Staff Reviewers: Cindy Luxhoj AICP, Associate Planner
Khoi Le PE, Development Engineering Manager
Kerry Rappold, Natural Resources Program Manager

RECEIVED
FEB 26 2020
OWRD

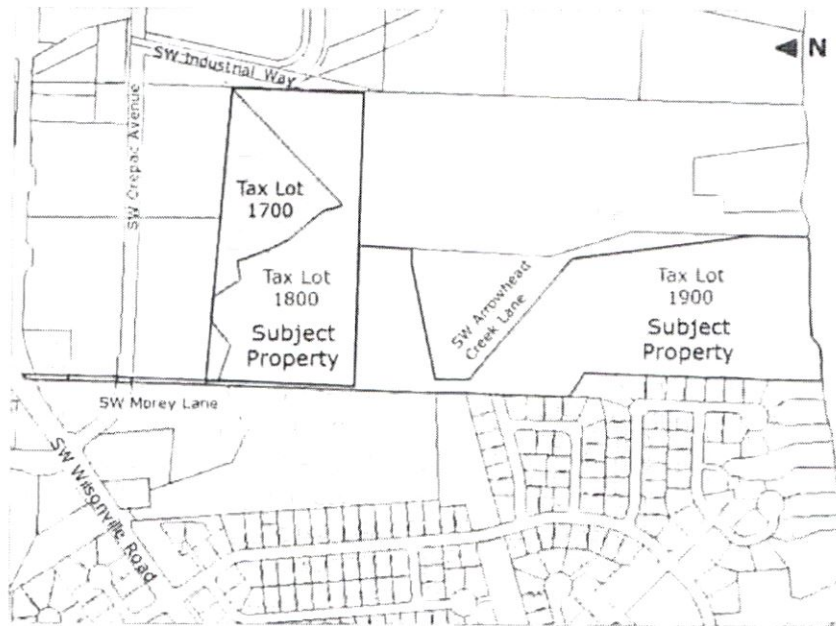
Staff Recommendation: Approve with conditions the requested Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement, and Abbreviated SRIR Review (DB19-0019 through DB19-0022, SI19-0001 and SI19-0002).

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.034	Application Requirements
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.120	Zones. RA-H Residential Agricultural – Holding Zone
Section 4.135	Planned Development Industrial (PDI) Zone
Section 4.139	Significant Resource Over Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.156.01 through 4.156.11, as applicable	Sign Code Regulations
Section 4.167	Access, Ingress and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.172	Flood Plain Regulations
Section 4.175	Public Safety and Crime Prevention

Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage
Section 4.181	Exceptions and Modifications – Height Limits
Section 4.184	Conditional Use Permits - Authorization
Section 4.199	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.450, as applicable	Site Design Review
Sections 4.500 through 4.515, as applicable	Willamette River Greenway
Sections 4.600 through 4.640, as applicable	Tree Preservation and Protection
Other Planning Documents:	
Wilsonville Comprehensive Plan	

Vicinity Map



RECEIVED
FEB 26 2020
OWRD

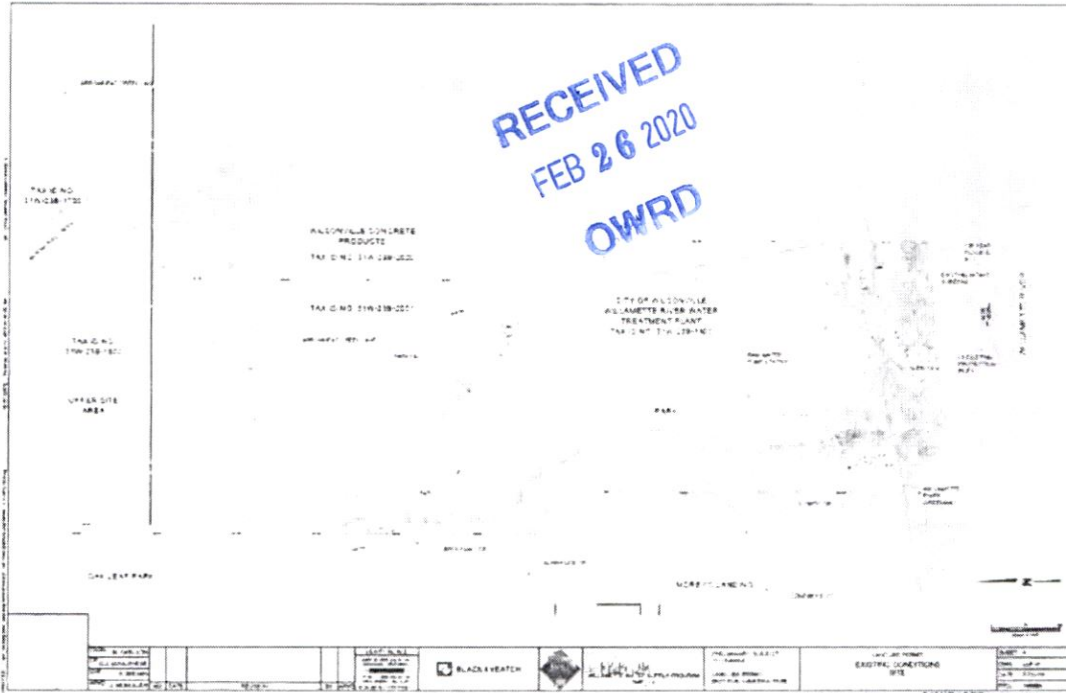
Background:

Project Proposal

The Tualatin Valley Water District (TVWD) and the City of Hillsboro originally partnered to form the Willamette Water Supply Program (WWSP) and to build the Willamette Water Supply System (WWSS). In July 2019, the City of Beaverton joined this partnership. The governing authority and assets related to the WWSS have been transferred to the Willamette Water Supply System

Commission (WWSS Commission), which continues to operate the WWSP for the purpose of building the WWSS for its member entities.

The WWSP is seeking land use approvals from the City of Wilsonville (the City) in order to develop water intake and transmission facilities at the Willamette River Water Treatment Plant (WRWTP) site. The proposed facilities and improvements are collectively referred to as the Raw Water Facilities (RWF).

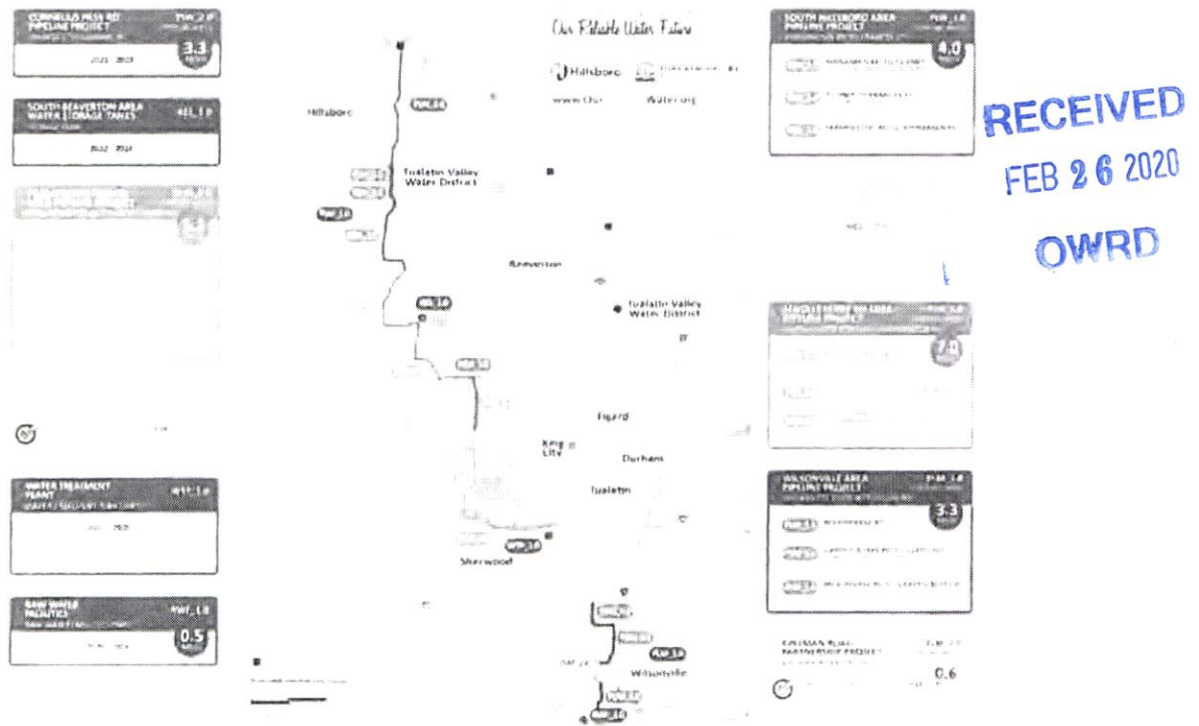


Project Context

The WWSS will provide a resilient and redundant water supply for the TVWD-Hillsboro service area and partnering urban areas. When complete, the WWSS will be one of Oregon's most seismically resilient water systems – built to better withstand natural disasters, protect public health, and speed regional economic recovery by restoring critical services more quickly than existing systems.

The Willamette River will be the new water supply source for the WWSS. The RWF will be located at the site of the existing WRWTP. The WRWTP was originally developed in partnership between the City and TVWD in 2002. As noted above, the City and TVWD jointly own the WRWTP site. Since initial construction of the WRWTP, a governance process known as the Willamette Intake Facilities (WIF) has been established between TVWD, Wilsonville, Hillsboro, Tigard, Sherwood, and Beaverton related to this water source and these intake facilities. The WIF facilities consist of existing, expanded, or upgraded facilities used to withdraw and transmit water from the Willamette River, including fish screens, an intake pipe, caisson, pump station building, and other equipment leading to a system separation point between the WRWTP and WWSS.

From the RWF, raw water will be pumped to a new state-of-the-art water filtration plant in Sherwood's Tonquin Employment Area, where multiple treatment processes will produce high quality drinking water. Drinking water will be pumped to the Reservoir Facilities on Cooper Mountain and then gravity-fed to the existing distribution system serving users. Construction of the WWSS is planned to be completed by 2026. Other water providers in the region are considering participating in the WWSP.



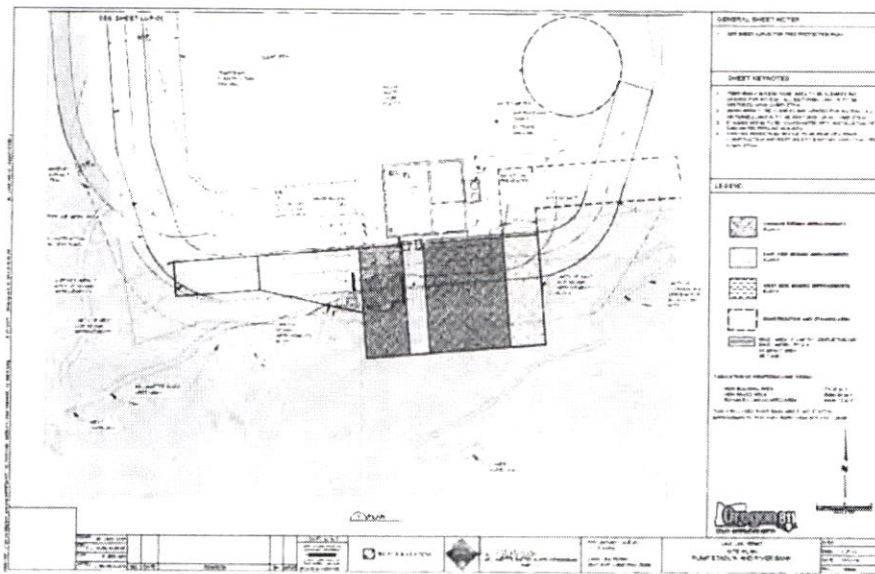
Proposed Facilities

The proposed RWF, which are being reviewed in this application, consist of modifications to the existing Willamette Intake Facilities (WIF) and new facilities at the WRWTP site. The WWSP has been coordinating with the City over the last several years to design and plan operations for the RWF in a manner that is compatible with the City's existing and future needs. The proposed facilities include:

- Modifications to the existing Willamette Intake Facilities (WIF), including replacement of the existing fish screens with larger-capacity screens
- Seismic stability measures, including stabilization along the Willamette River bank, designed to provide seismic resiliency for the WIF and the new WWSS facilities
- Raw water pump station upgrades, including seismic reinforcement of the north-, east-, and south-facing walls with cast-in-place concrete and addition of an exterior ladder on the north-facing wall
- Raw water pipeline (66 inches)

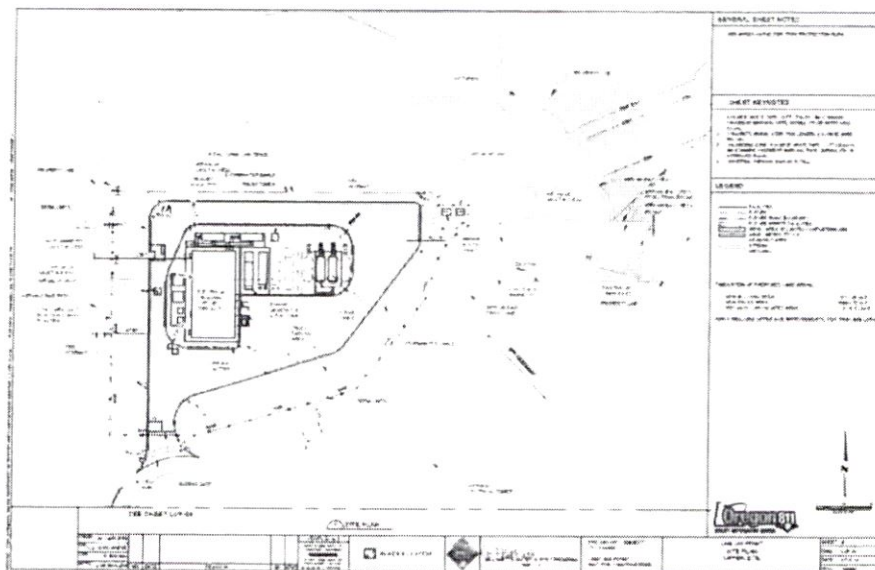
- Electrical duct bank, a buried conduit for electrical wiring, located west of the pipeline alignment, west of and parallel to the pathway through the park
- Arrowhead Creek pipeline crossing (trenchless construction)
- New Electrical Building (approximately 7,853 square feet) and related facilities
- Stormwater management facilities
- Mitigation plantings and related environmental work
- Landscape improvements
- New trails along the Willamette River bank
- Upgraded Willamette River overlook and new west and lower bank overlooks

Site Plan - Lower Site



RECEIVED
FEB 26 2020
OWRD

Site Plan - Upper Site



Project Timeline

Notice to Proceed for the proposed RWF is scheduled for June 5, 2020. The WWSP plans to have the final design of the RWF completed by the end of 2019. Bidding processes and guaranteed maximum price (GMP) development is scheduled to occur in late 2019/early 2020, with construction slated to begin in summer 2020. Construction will occur in two phases and is scheduled to be completed in 2024:

- Phase 1 Construction, 2020-2022
 - Remove trees, clear and grub, rough grade Upper and Lower Sites, establish overall site development and construction staging area, install security fencing
 - Construct raw water pipeline, flowmeter vault, appurtenances, Arrowhead Creek crossing
 - Install electrical duct bank (buried conduit and pullboxes only) between Upper and Lower Sites
 - Construct park path improvements
 - Perform raw water intake modifications
 - Perform air burst system modifications
 - Construct seismic mitigation ground improvements at south-facing river slope area and complete slope protection planting and restoration
 - Construct foundation piles that extend below building and structure foundations
 - Retrofit raw water pump station building structure
 - Relocate existing WRWTP pumps and modify existing pump station discharge piping for all pumps
 - Perform Phase 1 site restoration
- Phase 2 Construction, 2022-2024
 - Construct building superstructures (Upper Site)
 - Furnish and install pumps and motors, main electrical power equipment and systems, standby generators, and fuel storage tank system
 - Furnish and install surge tanks and associated equipment and systems
 - Furnish and install appurtenant mechanical, electrical, and instrumentation and control (I&C) equipment and systems
 - Complete all remaining site and civil works (e.g., paving, landscaping, stormwater management) and any other work that is required and was not previously performed in Phase 1
 - Conduct start-up, testing, and commissioning
 - Achieve substantial completion

RECEIVED
FEB 26 2020
OWRD

Land Use Context

The project site is comprised of approximately 31.20 acres in two parcels located at 10350 SW Arrowhead Creek Lane, which is the location of the WRWTP and Park in southwest Wilsonville. The site includes Tax Lots 1800 (11.1 acres) and 1900 (20.1 acres), and an additional 0.45 acres

in temporary (0.20 acre) and permanent (0.25 acre) easements on Tax Lot 1700, which is in private ownership. The easements are needed for the receiving shaft for the trenchless crossing of Arrowhead Creek that is proposed.

For the purposes of this application, the subject property is referred to in two geographic parts: the Lower Site and the Upper Site.

The Lower Site includes the Willamette River waterfront and forested river bank, existing WRWTP facilities, and the WRWTP Park (a City park). A pathway loops through the park and features an overlook at the top of the river bank. The western edge of the Lower Site is a forested ravine that drains to the Willamette River.

The Upper Site is currently vacant. Fill from the original construction of the WRWTP is stored on the southern part of the Upper Site. Orchard (filbert) trees are growing in the northwest part of the Upper Site. Arrowhead Creek flows northwest to southeast through the center of the Upper Site.

A Bonneville Power Administration (BPA) easement runs east-west between the Lower Site and the Upper Site. The Ice Age Tonquin Trail also runs east-west through the site as a multi-use path on the north side of SW Arrowhead Creek Lane; the trail extends to the west of the site in the BPA easement. A north-south path runs along the western border of the Upper Site and connects to the Ice Age Tonquin Trail in the BPA easement.

The site can be accessed by driving on local streets (SW Arrowhead Creek Lane and Industrial Way) that connect to SW Wilsonville Road, which is a minor arterial street at its intersection with SW Industrial Way. Eventually this access will be modified by the City's SW 5th Street to SW Kinsman Road Extension project. The site can also be accessed by walking, rolling, or biking on the north-south pathway that connects SW Wilsonville Road to the site and the east-west Tonquin Ice Age Trail.

RECEIVED
FEB 26 2020

Outreach and Coordination

Before submitting this application, the WWSP conducted outreach activities with neighbors and others in the City to create awareness about the proposed improvements and provide early opportunities for input. The applicant's communications staff have worked with City Public Affairs staff in planning and coordinating this outreach since 2014. Following is a detailed summary of public outreach and coordination related to the RWF:

OWRD

Outreach/Coordination Activity	Date
Coordinated with City public affairs staff on developing and implementing outreach strategy	2014 - present
Prepared and mailed a park survey fact sheet to every residence in Morey's Landing NA boundary (plus HOA contact)	November 2017
Knocked on doors of most directly impacted neighbors and distributed park survey fact sheet	November 2017
Published a joint press release about park survey work with City and WWSP logos	November 2017

Outreach/Coordination Activity	Date
Prepared and posted signs at entrance to the park at parking lot, where trail intersects Morey Lane, and Brockway Drive	November 2017
Briefed Morey's Landing HOA	November 2017
Prepared a Water Intake Facilities (WIF) fact sheet	Fall 2018
Set up a RWF project page on WWSP website	Fall 2018
Presented to Wilsonville Parks and Recreation Department Advisory Board	January 2019
Contacted Oakleaf Mobile Home Park	Early 2019
Briefed Morey's Landing HOA	February 2019
Mailed RWF fact sheet to property owners within 1,000 feet of the WRWTP site	May 2019
Presented to Wilsonville Parks and Recreation Advisory Board	November 2019

The WWSP has worked closely with City Public Works and Engineering staff throughout the engineering design process. In 2018, this coordination was expanded to include meetings and site walks where multiple City departments (Planning, Engineering, Public Works, Natural Resources, Parks, and Legal) and the WWSP team worked together in an interdisciplinary format. Interdisciplinary meetings were held in April, July, September, November and December 2018. Following the pre-application conference in January 2019, WWSP team members and the project arborist met on-site with City staff to review tree conditions.

Coordination with the City has also involved formal agreements. These agreements apply both to the facilities proposed in this application and to the raw water pipeline that will carry water from the RWF through Wilsonville. In early 2018, the City, TVWD, and the City of Hillsboro agreed to a ground lease. The ground lease allows for the construction of the WWSS pipeline once it leaves the subject property, and from there to the edge of the City, which is contemplated to be at the intersection of the Basalt Creek Parkway and Grahams Ferry Road. As part of the agreement establishing the Water Intake Facilities (WIF), TVWD and the City granted an easement allowing placement of a raw water pipe from the intake facilities, across the Lower Site and Upper Site, to the beginning of the WWSS water line at the edge of the subject property. The development proposed in this application is consistent with the terms of the easement over the Upper and Lower Sites and does not trigger any of the ground lease provisions.

RECEIVED

FEB 26 2020

OWRD

Summary:

Conditional Use Permit (DB19-0019)

The proposal includes improvements to the WRWTP and RWF, an electrical duct bank, new Electrical Building, and other public utility structures, which are regulated as conditional uses in all zones. The underground pipes proposed as part of the RWF improvements are a permitted use in all zones. However, because the pipes are proposed as part of a set of improvements that includes conditional uses, the entire set of proposed improvements is being reviewed pursuant to the Conditional Use criteria.

Site Design Review (DB19-0020)

Site Design Review applies to the Electrical Building and landscaping on the Upper Site, and areas of the park outside of the Willamette River Greenway including landscaping, pathway, upper overlook, and upper portions of the new west and lower trails.

Type C Tree Removal Plan (DB19-0021)

Removal of 92 trees on the subject property is proposed as part of the development. The requested tree removal is connected to Site Plan Review by the Development Review Board for new development and improvements and is being reviewed pursuant to the Type C Tree Removal criteria.

Willamette River Greenway Conditional Use Permit (DB19-0022)

The proposed project includes modifications to the existing Water Intake Facilities (WIF), seismic stability measures, including stabilization along the Willamette River bank, and landscape improvements and new trails along the Willamette River bank, within the Willamette River Greenway. These improvements are being reviewed pursuant to the Willamette River Greenway Conditional Use criteria.

Abbreviated SROZ Map Refinement (SI19-0001) and Abbreviated SRIR Review (SI19-0002)

The applicant is requesting approval of a SRIR for exempt development that is located within the SROZ and its associated 25 foot Impact Area. This request is being reviewed pursuant to the SROZ Ordinance.

Waivers

No waivers to development standards have been requested by the applicant.

RECEIVED
FEB 26 2020
OWRD

Neighborhood and Public Comments:

No neighborhood or public comments were received in response to the public hearing notice.

Discussion Points:

Intergovernmental Agreement

The City of Wilsonville and the WWSS Commission entered into an Intergovernmental Agreement (IGA) for the RWF Project (RWF_1.0) to allow, and coordinate design and construction of, the proposed work on the WRWTP and Park property. The IGA was fully executed on October 30, 2019, and is included in this report as Exhibit B5.

Tree Removal and Mitigation

Of 413 trees on the project site, 92 trees are proposed for removal, including 75 in and 17 outside the SROZ. As described in the discussion of Request C, Type C Tree Removal Plan, in this report, in all areas of the project site, tree removal is limited to only the areas necessary for construction of the proposed improvements and has been minimized to the extent possible while still allowing the work to occur.

Tree removal in the SROZ has been minimized in several ways:

- tree removal on the river bank is limited to only the areas necessary for construction of seismic stabilization measures
- the proposed pipeline in the park, where tree removal is due to installation of conduit for future fiber optic line requested by the City, will be located outside the SROZ Area of Conflicting Use and the SROZ Title III area associated with the ravine
- tree removal for the trenchless crossing of Arrowhead Creek is limited to only the area necessary for the receiving shaft location

Trees that will be preserved were identified by the City as priorities for preservation. Areas of tree removal on the Willamette River bank will be mitigated in several ways:

- restored with a variety of native shrubs over the locations of seismic stabilization measures
- restored with a variety of trees and shrubs outside of the footprint of stabilization measures,
- by planting over the location of informal trails on the river bank,
- by proposed new trails and amenities on the river bank, and
- by planting in a large area on the Upper Site, which will create a diverse native upland habitat connected to Arrowhead Creek where there currently is not such habitat.

For the 17 trees proposed for removal outside the SROZ, mitigation will occur in landscaped areas associated with the Electrical Building on the Upper Site and park improvements on the Lower Site (see discussion under Request B, Site Design Review, of this report).

Park Improvements

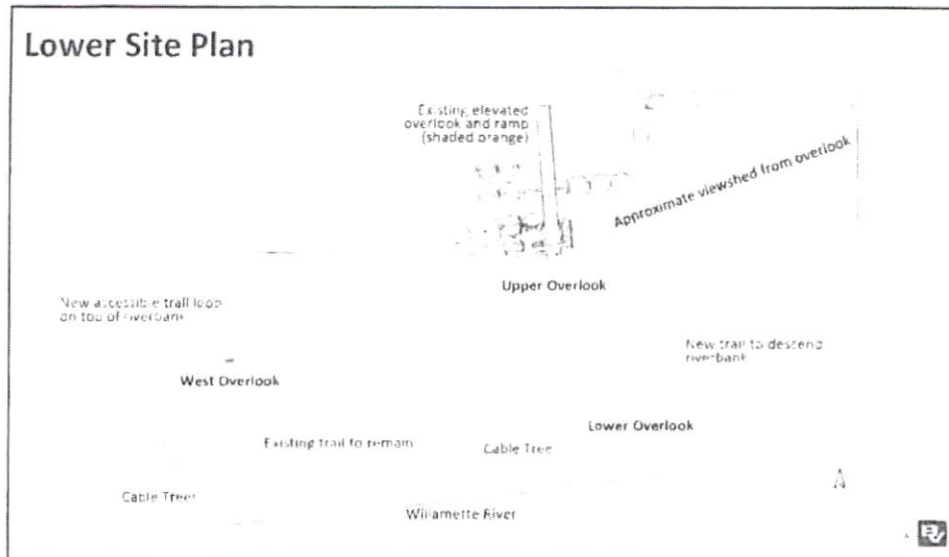
Improvement of park and recreation opportunities throughout the site is an integral part of the proposed project. The Willamette River overlook will be enlarged and upgraded. New west and lower river bank overlooks will be constructed and new trails along the river bank will be added to provide visual and physical access to the river. The trail along the western border of the Upper Site, where the new Electrical Building will be constructed, will be preserved. Structures will be buffered and screened from this trail and residential areas to the west, as well as from Arrowhead Creek Lane and the Ice Age Tonquin Trail to the south and southeast, by a high berm and landscaping. (The proposed improvements are discussed in more detail under Request B, Site Design Review, of this report.)

RECEIVED

FEB 26 2020

QWRD

19376-



A summary of proposed park improvements was presented to the Parks and Recreation Advisory Board in November 2019, and the Advisory Board approved a recommendation that the proposal be presented to the DRB with no changes to the design (see Exhibit C3).

RECEIVED
FEB 26 2020
OWRD

Conclusion and Conditions of Approval:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. The Staff Report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends the Development Review Board Panel ‘B’ approve, with the conditions below, the proposed Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement, and Abbreviated SRIR Review (DB19-0019 through DB19-0022, and SI19-0001 and SI19-0002) for the WWSS RWF.

Planning Division Conditions:

Request A: DB19-0019 Conditional Use Permit

PDA 1. No Conditions of Approval have been identified for this Request.

Request B: DB19-0020 Site Design Review

PDB 1. Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030.

PDB 2. All landscaping required and approved by the Development Review Board shall be installed prior to occupancy of the proposed development unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined

by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.

PDB 3. The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code.

PDB 4. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board, unless altered as allowed by Wilsonville's Development Code.

PDB 5. Except for mitigation sites and stormwater facilities to be reviewed and approved, in writing, by Natural Resources staff pursuant to the conditions and findings outlined in the staff report, The following requirements for planting of shrubs and ground cover shall be met:

- Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.
- Native topsoil shall be preserved and reused to the extent feasible.
- Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.
- All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10 to 12 inch spread.
- Shrubs shall reach their designed size for screening within 3 years of planting.
- Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4 inch pot spaced 2 feet on center minimum, 2-1/4 inch pots spaced at 18 inches on center minimum.
- No bare root planting shall be permitted.
- Ground cover shall be sufficient to cover at least 80 percent of the bare soil in required landscape areas within 3 years of planting.
- Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.

RECEIVED
FEB 26 2020
OWRD

	<ul style="list-style-type: none"> Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns.
PDB 6.	All trees shall be balled and burlapped and conform in grade to "American Standards for Nursery Stock" current edition. Tree size shall be a minimum of 2 inch caliper.
PDB 7.	Plant materials shall be installed and irrigated to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
PDB 8.	All proposed lighting shall conform with the City's Outdoor Lighting Ordinance. Conformance will be determined at the time of Building Permit review.

Request C: DB19-0021 Type C Tree Removal Plan

PDC 1.	This approval for removal applies only to the 92 trees identified in the applicant's submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.
PDC 2.	The Applicant shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff.
PDC 3.	The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDC 4.	Prior to site grading or other site work that could damage trees, the applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. Removal of the fencing around the identified trees shall only occur if it is determined the trees are not feasible to retain. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230.

RECEIVED
FEB 26 2021

OWRD

Request D: DB19-0022 Willamette River Greenway Conditional Use Permit

PDD 1.	No Conditions of Approval have been identified for this Request.
--------	--

Request E: SI19-0001 Abbreviated SROZ Map Refinement

PDE 1.	Conditions of Approval for this Request are listed under Natural Resources Conditions, below, and in Exhibit C2 of this report.
--------	---

Request F: SI19-0002 Abbreviated SRIR Review

PDF 1.	Conditions of Approval for this Request are listed under Natural Resources
--------	--

Conditions, below, and in Exhibit C2 of this report.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, performance standards, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

RECEIVED

FEB 26 2020

OWRD

Engineering Division Findings and Conditions:

PFA 1.	Public Works Plans and Public Improvements shall conform to the "Public Works Plan Submittal Requirements and Other Engineering Requirements" in Exhibit C1.
PFA 2.	There is an existing public sanitary sewer main located in SW Brockway Drive that must be extended to the end of the Drive to serve the upper site. The sanitary sewer extension shall be designed and constructed in accordance with the current version of the Public Works Standards and as provided in Exhibit C1.
PFA 3.	Reconstruct the Arrowhead Creek stormwater outfall from point of connection to the outfall, including downstream energy dissipation. Provide on-site LIDA facilities for stormwater treatment and associated piping to public storm facility. All stormwater facilities shall be designed and constructed in accordance with the current version of the Public Works Standards and as provided in Exhibit C1.
PFA 4.	Construct an 8-inch public water main, connecting to the existing waterline at SW Brockway Drive and extending to the future SW 5th Street/SW Kinsman Road waterline, to create a looped system. The new water line shall be designed and constructed in accordance with most current version of the Public Works Standards.
PFA 5.	Water lines are considered public up to the backflow prevention device or to the backside of a City of Wilsonville issued water meter and shall be designed and constructed in accordance with the current version of the Public Works Standards and as provided in Exhibit C1. Water lines behind the backflow prevention device and from the backside of the City issued water meter are subject to Building and Fire Codes.
PFA 6.	Design and construct a new H20 rated 12-foot wide paved pedestrian path in the Park.
PFA 7.	Design and construct a pedestrian path to the river and river view path.

PFA 8.	Install 4-inch fiber conduit, per Public Works Standards, the length of the WRWTP/Park Property, with pull boxes parallel to the project duct bank.
PFA 9.	Design and install a new key card kiosk at the WRWTP entry gate on the east side of the drive area.
PFA 10.	Primary access shall be through SW Arrowhead Creek Lane and SW Industrial Way. The City plans to reconstruct portions of SW Arrowhead Creek Lane and SW Industrial Way as part of its SW 5th Street/SW Kinsman Road Project. Alternative access shall be provided during that period of time and shall not be through SW Brockway Drive. Limited access via SW Brockway Drive may be permitted, subject to the City Engineer approval.
PFA 11.	Construct new Overlook area at WRWTP, as approved by the City.
PFA 12.	Design and install pedestrian path lighting on SW Morey's Lane next to the upper site.

Natural Resources Conditions:

NR 1.	Natural Resource Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.
-------	---

Master Exhibit List:

Entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB19-0019 through DB19-0022, and SI19-0001 and SI19-0002, and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

RECEIVED
FEB 26 2020
OWRD

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)
- A3. Staff memorandum to DRB dated November 25, 2019, regarding modification to Conditions of Approval

Materials from Applicant

- B1. Applicant's Narrative and Submitted Materials
 - Table of Contents
 - Application
 - Narrative including Project Proposal, Project Context, and Project Timeline
 - Response to Applicable Review Criteria
 - Lower Site Overlooks Presentation

Willamette River Water Treatment Plant 2017 Master Plan Update (February 2018)
 [excerpts]
 Significant Resources Impact Report (Abbreviated)
 U.S. Army Corps of Engineers Permit and Oregon Department of State Lands Permit
 U.S. Army Corps of Engineers/Oregon Department of State Lands Joint Permit
 Application (June 2017) [excerpts]
 Wetland Delineation Report (September 2015)
 Oregon Department of State Lands Concurrent Reports
 Construction Management Plan
 Preliminary Stormwater Report
 Lighting Exhibit
 Willamette Water Supply System Biological Assessment (April 2017) [excerpts]
 Geotechnical Design Report (April 2, 2019)
 Arborist Report/Tree Survey
 No Rise Documentation
 Traffic Study Waiver Request
 Hauler Coordination Documentation
 Materials Board (Upper Site)
 Tualatin Valley Water District Water Master Plan (December 2018) [excerpts]
 Willamette Water Supply Program Water Supply Program Formulation Summary
 (October 31, 2018)
 Original Land Use Application and Decision (00DB18) [excerpts]
 Acoustical Analysis (January 24, 2019)
 Pre-Application Conference Notes from City of Wilsonville Staff
 Willamette Water Supply Program Facility On-Site Alternatives Analysis
 Memorandum (September 27, 2018)
 Reduced Scale Drawings (same as Exhibit B2)

- B2.** Drawing Package
- LUG-00 – Cover
 - LUG-01 – Index of Drawings
 - LUG-03 – Legend
 - LUP-01 – Existing Conditions – Site
 - LUP-02 – Existing Conditions – Vicinity
 - LUP-03 – Site Plan – Overall
 - LUP-04 – Site Plan – Pump Station and River Bank
 - LUP-05 – Site Plan – Park
 - LUP-06 – Site Plan – Upper Site
 - LUP-07 – Grading Plan – Pump Station and River Bank
 - LUP-08 – Grading Plan – Upper Site
 - LUP-09 – Erosion Control Plan – Pump Station and River Bank
 - LUP-10 – Erosion Control Plan – Upper Site
 - LUP-11 – Erosion Control Plan - Details

RECEIVED
FEB 26 2020
OWRD

LUP-12 – Utility Plan – Pump Station and River Bank
 LUP-13 – Utility Plan - Park
 LUP-14 – Utility Plan – Upper Site
 LUP-15 – Landscape Plan - Legend
 LUP-16 – Landscape Plan – Pump Station and River Bank
 LUP-16.1 – Landscape Plan – Pump Station and River Bank 2
 LUP-17 – Landscape Plan – Upper Site 1
 LUP-18 – Landscape Plan – Upper Site 2
 LUP-18.1 – Landscape Plan – Upper Site 3
 LUP-19 – Landscape Details
 LUP-20 – Tree Removal and Protection Plan – River Bank
 LUP-21 – Tree Removal and Protection Plan – River Bank Aerial
 LUP-22 – Tree Removal and Protection Plan – Park
 LUP-23 – Tree Removal and Protection Plan – Upper Site
 LUP-24 – Building Design - Perspectives
 LUP-25 – Building Design - Elevations
 LUP-26 – Building Design - Elevations
 LUP-27 – Entrance Gate
 LUP-28 – Bank Stabilization Profile
 LUP-29 – Proposed Work Zone
 LUP-30 – Upper Site Perspectives
 LUP-31 – Operating Floor Plan
 LUP-32 – Outdoor Lighting Plan
 GEE-03 – Panel and Lighting Fixture Schedule
 VSC-00 – Visual Site Calculations
 USL-06 – Irrigation Plan 1
 USL-07 – Irrigation Plan 2
 USL-08 – Irrigation Legend
 USL-09 – Irrigation Details 1
 USL-10 – Irrigation Details 2
 ECC-04 – Stormwater Plan – Upper Site
 ECC-05 – Stormwater Profile – Upper Site
 ECC-06 – Stormwater Profile – Upper Site 1
 ECC-07 – Stormwater – Details 1
 ECC-08 – Stormwater – Details 2
 PSA-02 – Raw Water Pump Station – Building Elevations

- B3.** Raw Water Facilities Design Update – Prepared for Parks and Recreation Advisory Board Meeting, Dated November 2019
- B4.** Intergovernmental Agreement Between the City of Wilsonville and the Willamette Water Supply System Commission, Raw Water Facilities Project (RWF_1.0), Dated October 29, 2019
- B5.** Land Use Application Package Update, Dated November 13, 2019

RECEIVED
FEB 26 2020
OWRD

Development Review Team Correspondence

- C1. Public Works Plan Submittal Requirements and Other Engineering Requirements
- C2. Natural Resources Requirements
- C3. Memorandum from Cindy Luxhoj, Associate Planner, to Parks and Recreation Advisory Board about Park Improvements, Dated October 30, 2019

RECEIVED
FEB 26 2020
OWRD

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The City received applications on May 3, 2019 for a Conditional Use Permit, Site Design Review, Willamette River Greenway Conditional Use Permit, Type C Tree Removal Permit, Abbreviated SROZ Map Refinement, and Abbreviated SRIR Review. On May 31, 2019, the City issued a Notice of Incomplete Application, and on June 13, 2019, received the applicant’s Acknowledgement of Intent to Submit Additional Materials. On July 25, 2019, the City received a response to the Incompleteness Notice and a revised submittal package. On August 23, 2019, the City issued a second Notice of Incomplete Application, and on September 3, 2019, received the applicant’s Acknowledgement of Intent to Submit Additional Materials. On October 30, 2019, the City received a fully executed copy of the Intergovernmental Agreement for the RWF_1.0 design and construction (RWF IGA), and on October 30, 2019, deemed the application complete. The City must render a final decision for the request, including any appeals, by February 27, 2020.
2. Surrounding land uses are as follows:

Compass Direction	Zone	Existing Use
North:	R	Hazelnut orchards (formerly cultivated), Arrowhead Creek, ornamental tree and shrub production
East:	PDI, RA-H	Willamette Concrete Products
South:	Unzoned	Willamette River
West:	PDR-3, PDR-5	Residential neighborhoods (Morey’s Landing subdivision, Oakleaf Mobile Home Park)

3. Previous Planning Approvals:

- 00DB18 - Approval with Conditions of Willamette River Water Treatment Plant. Appeals filed regarding access denied by City Council in June 2000 with modified conditions of approval.
- 00DB44 - Approval of architectural and landscape modifications, site signage, and site access on Industrial Way
- 01AR35 - Approval of minor modification of building materials

Water Master Plans - Need and plans for proposed Raw Water Facilities improvements established in:

- 2017 City of Wilsonville Willamette River Water Treatment Plant Master Plan Update
- 2018 TVWD Water Master Plan Update
- 2013 City of Hillsboro Water Master Plan

Other Master Plans - 2018 City of Wilsonville Parks and Recreation Master Plan
2013 Ice Age Tonquin Trail Master Plan

4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, 4.034 and 4.035 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

RECEIVED
FEB 26 2020
OWRD

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures - In General

Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

The application has the signatures of Mark Knudson, CEO, Tualatin Valley Water District (property owner) and David Kraska, Program Director, Willamette Water Supply Program (applicant), which complies with the requirement.

Pre-Application Conference

Subsection 4.010 (.02)

The City held a Pre-application conference (PA18-0010) on January 10, 2019, in accordance with this subsection.

Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

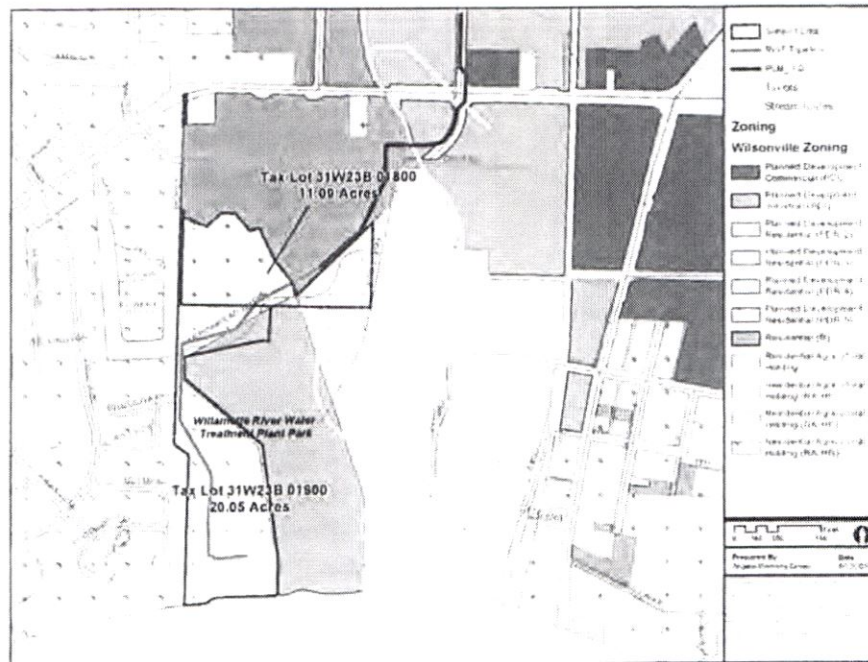
Subsections 4.035 (.04) A. and 4.035 (.05)

The applicant has provided all of the applicable general submissions and the application was deemed complete on October 30, 2019.

Zoning - Generally

Section 4.110

The proposed development is in conformity with the applicable zoning districts and general development regulations listed in Sections 4.140 through 4.199.



RA-H Residential Agricultural – Holding Zone – Purpose and Uses

Section 4.120 (.01) through (.03)

The RWF site is developed with the WRWTP and the WRWTP Park, public utilities that are conditionally permitted in the RA-H Zone. The radio tower proposed for communications between WWSP facilities, such as between the RWF and the WWSS Water Treatment Plant that is planned in Sherwood, is accessory to the public utility uses proposed on the same site and, therefore, is permitted outright in the RA-H zone. The reconstructed and enhanced upper overlook, new trails, new overlooks, and associated amenities are recreational uses permitted outright in the RA-H zone.

PDI – Planned Development Industrial Zone - Purpose

Section 4.135

There is a small amount of Planned Development Industrial (PDI) zoning adjacent to the proposed Upper Site development that is occupied by SW Arrowhead Creek Lane and a BPA

Development Review Board Panel 'B' Staff Report

Exhibit A1

Willamette Water Supply System RWF DB19-0019 through DB19-0022; SI19-0001 and SI19-0002

Amended and Adopted November 25, 2019

Page 21 of 61

easement. Development proposed for this area includes the edge of a berm and landscaping that borders the proposed Upper Site development.

Request A: DB19-0019 Conditional Use Permit

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Conditional Use Permits

The proposal includes improvements to the WRWTP and RWF, an electrical duct bank, new Electrical Building, and other public utility structures, which are regulated as conditional uses in all zones.

The underground pipes proposed as part of the RWF improvements are a permitted use in all zones. However, because the pipes are proposed as part of a set of improvements that includes conditional uses, the entire set of proposed improvements is being reviewed pursuant to the conditional use criteria.

Conditional Use Permits - Authorization Subsection 4.184 (.01) A.

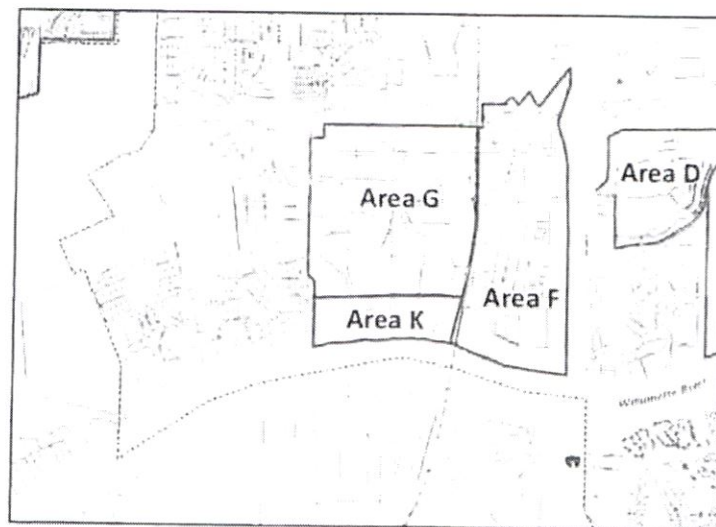
A1. In reviewing an application for Conditional Use, the Development Review Board (DRB) may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of the Wilsonville Code (WC) based on information in the record. In determining whether to approve this application and establishing appropriate conditions of approval, the DRB has weighed the proposal's positive and negative features and found that the criteria of this Section are met, can be met by conditions of approval, or are not applicable.

Consistency with Applicable Plans and Regulations Subsection 4.184 (.01) A. 1.

A2. Compliance with applicable plans and regulations in the Comprehensive Plan, Chapter 4 of the Wilsonville Code, and other applicable policies is as follows:

- Comprehensive Plan – Citizen Involvement: The applicant has participated in or organized numerous public involvement efforts and there has been a robust level of interagency coordination as part of the application process.
- Comprehensive Plan – Public Facilities and Services: Proposed improvements, such as widened paths in the park and trail connections providing visual and physical access to the Willamette River, will contribute to the health, safety, education, and recreational experience of park users, and support the objectives of conserving open space and maintaining and developing the existing park system for centralized community-wide facilities.

- Comprehensive Plan – Residential Development: While the proposed improvements on the Upper Site are not residential development, they comply with the requirement because they are public uses designed to be compatible with adjacent residential uses; further they improve the entry into the park, enhance walking and other recreational opportunities, and support ongoing use of the site by neighbors and the larger Wilsonville Community.
- Comprehensive Plan – Industrial Development: The WRWTP is an established use on the Lower Site and the proposed pipeline and associated improvements are consistent with this existing use. In addition, existing and proposed improvements together allow the project site to serve as a buffer between heavy industrial uses to the east and established residential uses to the west.
- Comprehensive Plan – Environmental Resources: Proposed improvements are designed to protect natural resources from incompatible development and protect people and property from natural hazards consistent with this element. Further, Areas of Limited Conflicting Use and Title 3 areas of the SROZ are avoided and construction techniques, such as trenchless construction, are used to minimize impacts on the SROZ.
- Comprehensive Plan – Areas of Special Concern G and K. The project site is located in Areas G and K of the Comprehensive Plan.



RECEIVED
FEB 26 2020
OWRD

As required for Area of Special Concern G, the proposal provides buffering along the western edge of the project area adjacent to residential development. On the Lower Site, impacts on the forested ravine and creek area are avoided, maintaining a natural buffer between the park and residential neighborhood to the west. On the Upper Site, a buffer and screen is provided between the proposed Electrical Building area and neighborhood to the west, and the existing pathway along the western edge of the site will be preserved, serving as a buffer between the two uses. Policies are not established for Area K, which is designated for river-focused development in the West Side Master Plan, however, responses to SROZ criteria, flood plain regulations, and the Willamette River Greenway development standards address the river in detail.

- Chapter 4 of the Wilsonville Code. Consistency with the standards of Chapter 4 is addressed in responses to the code criteria as contained in this staff report.
- Ice Age Tonquin Trail Master Plan. Proposed improvements, such as preserving the path alignment along the western edge of the Upper Site to Morey Lane, adding bollard lighting to the path, restoring the trail along SW Arrowhead Creek Lane, and adding a new trail to provide access to additional areas of the park and the Willamette River, complement and are consistent with the Ice Age Tonquin Trail Master Plan.
- Parks and Recreation Master Plan. The proposal supports and implements long-term Parks and Recreation Master Plan actions for the City's Water Treatment Plan Park such as replacing the upper overlook and creating new trails to provide visual and physical access to the river, and widening the pathway through the park.
- Tualatin Valley Water District Water Master Plan Update (2018). The Program Formulation Summary of the Master Plan Update demonstrates the significance of the WWSS and integration of the proposed RWF as an essential component of this system.
- City of Hillsboro Water Master Plan. The Water Master Plan identifies the "Mid-Willamette" option for the WWSP as the preferred alternative based on several factors such as reliability, redundancy, growth responsiveness, and cost criteria.
- City of Wilsonville Willamette River Water Treatment Plant 2017 Master Plan Update. The proposed RWF improvements are accounted for in and consistent with the City's WRWTP Master Plan including the objectives of increasing supply resiliency and reliability and coordinating with WWSP plans to pump raw water from the WRWTP to a treatment plant in the Sherwood area.

RECEIVED
FEB 26 2020
OWRD

Characteristics of the Site
Subsection 4.184 (.01) A. 2.

- A3. The proposed improvements are suitable relative to the physical characteristics of the project site considering size, shape, design, location, topography, existence of improvements, and natural features as follows:
- Expansion of pump station capacity. The proposed pump station improvements fit within the footprint of the existing building and are, therefore, suitable for the site. Seismic upgrades to the pump station building and a slight (8-inch) increase in height of the roof parapet are consistent in design of other buildings on the site.
 - Seismic stabilization. The proposed seismic stabilization measures are in a suitable location and of suitable design because: they are the only location where such improvements will protect the caisson from a seismic event (i.e., they are location-dependent); they have been minimized with respect to impacts in the SROZ while still meeting engineering and resiliency objectives; and the bank-top areas where they interface with the park have been designed to enhance the park experience.
 - Pipeline. The proposed pipeline will be located underground, which will not interfere with any existing site features, and the work area required to install the pipeline has been collaboratively designed with City staff so that it does not impact the Title 3 area of the SROZ.

- Paths and trails. The existing pathway in the park is suitable relative to the site's physical characteristics and will be restored, widened, and have a more durable base and surface. New trails also are suitable and will provide visual and physical access to the river.
- Electrical Building and ancillary facilities. The location and design of the new Electrical Building and ancillary facilities are suitable because the building is away from the river, buffered from neighbors to the west, and in a functional and proximate location for the facilities.
- Temporary construction-related uses. To the extent feasible, the staging areas and access road will make use of existing road, paved areas, and undeveloped areas on the site.

Adequacy of Public Facilities and Services
Subsection 4.184 (.01) A. 3.

RECEIVED
FEB 26 2020
OWRD

A4. Necessary public facilities and services either exist or will be provided as follows:

- Water. The limited water needs of the Electrical Building on the Upper Site can be supplied by an 8-inch water line proposed between the building and an 8-inch public water main in SW Arrowhead Creek Lane.
- Sewer. The limited sewer needs of the Electrical Building can be met by a 4-inch sanitary sewer line proposed between the building and a sewer main in SW Brockway Drive.
- Stormwater. The addition of new impervious surface on the Lower Site will be limited and stormwater will be managed by existing systems and facilities. On the Upper Site, stormwater will be managed by swales proposed on the north and south sides of the site, which will connect to proposed new storm drains. The outfall for the drainage has been coordinated with the City's existing outfall to Arrowhead Creek.
- Electric power. A 4-inch connection to the existing power supply on the west side of the Upper Site could supply power during startup and commissioning. Additional new power supply will be needed for long-term RWF operations. The WWSP is working with Portland General Electric (PGE) in order to supply the additional power needed for long-term operation.
- Transportation. RWF operations will generate 1-2 trips per day to the Electrical Building for operators/maintenance staff; therefore, a traffic study waiver request was submitted with this application. The access point to the Upper Site is located along SW Arrowhead Creek Lane, a suitable location for direct access that does not conflict with general access to the park or main WRWTP building.

Character of the Area and Uses of Surrounding Properties
Subsection 4.184 (.01) A. 4.

- A5. The proposed improvements will not alter the character of the surrounding area in a manner that substantially limits, or precludes the use of, surrounding properties for the uses listed as permitted in the applicable zones. The proposed uses are continuations or

enhancements of existing uses and do not include alterations that would negatively change the character of the area. Compatibility with residential uses to the west and industrial uses to the east of the project site is achieved as follows:

- Visual impacts. The pipeline improvements in the park, which will be underground, will not result in visual impacts on residences to the west or industrial uses to the east. The visual quality of the Upper Site where the Electrical Building will be located will be improved compared to the large fill mound and lack of landscaping that presently exists. The radio tower on the Upper Site will be painted to blend into the surroundings and will have substantially less bulk and visual impact than the BPA towers located next to the project site and the neighborhood to the west.
- Noise and vibration. There will be minimal noise and vibration associated with operation of the new uses on the Upper Site. Construction will be limited to City-permitted hours on weekdays, with potential infrequent nighttime and weekend construction only with special City permission. Construction noise and facility operation will comply with Oregon Administrative Rules and City noise requirements.
- Light. The proposed development will comply with the prescriptive method standards for ongoing operations, which restrict light glare and trespass and promote protection of dark nighttime skies. Night-time construction will be minimal.
- Dust and odor. There are no odors anticipated with either construction or operation of the proposed development, nor dust anticipated with operation of the proposed development. Dust will be controlled during construction by standard construction practices including use of water and/or dust palliatives to reduce particulate matter.
- Construction. Construction practices and limiting short-term impacts on surrounding properties are addressed in the Construction Management Plan for the project.

Public Utility Structures

Subsection 4.184 (.06) A. and B.

- A6. The proposal includes improvements to the WRWTP and RWF, an electrical duct bank, new Electrical Building, and other public utility structures, which are regulated as conditional uses in all zones.

The underground pipes proposed as part of the RWF improvements are a permitted use in all zones. However, because the pipes are proposed as part of a set of improvements that includes conditional uses, the entire set of proposed improvements is being reviewed pursuant to the conditional use criteria.

Willamette River Greenway Development

Subsection 4.184 (.08)

- A7. The proposed project includes modifications to the existing Water Intake Facilities (WIF), seismic stability measures, including stabilization along the Willamette River bank, and landscape improvements and new trails along the Willamette River bank, within the

RECEIVED

FEB 26 2020

OWRD

Willamette River Greenway. These improvements are being reviewed in compliance with Section 4.500 and this Section (see Request D).

Request B: DB19-0020 Site Design Review

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Site Design Review

Development Review Board Jurisdiction
Section 4.420

- B1.** Condition of Approval PDB 1 will ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board (DRB) approved plans, drawings, sketches, and other documents. No building permits will be granted prior to DRB approval. No variances are requested from site development requirements.

Submission Requirements
Section 4.440

- B2.** The applicant has submitted materials in addition to requirements of Section 4.435, as applicable.

Time Limit on Approval
Section 4.442

- B3.** Development must be pursued within two (2) years of receiving approval. The approval will expire after 2 years if a building permit has not been issued, unless an extension has been granted by the Development Review Board (DRB).

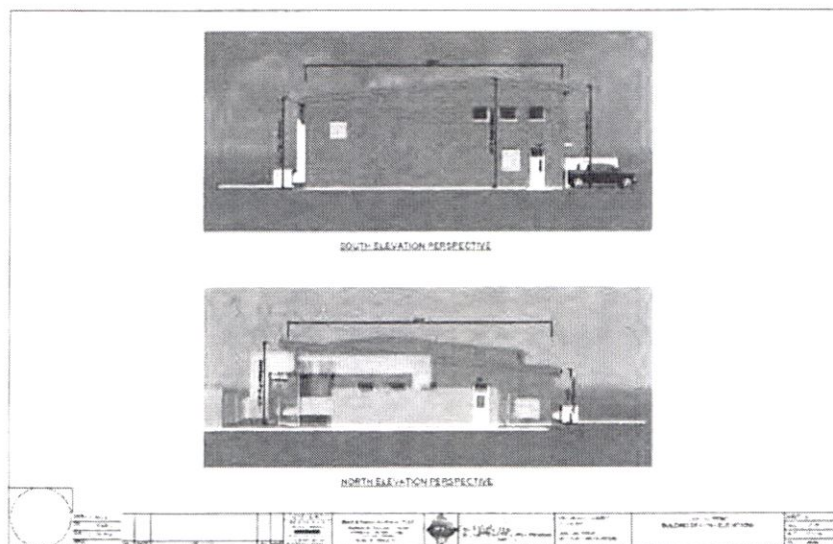
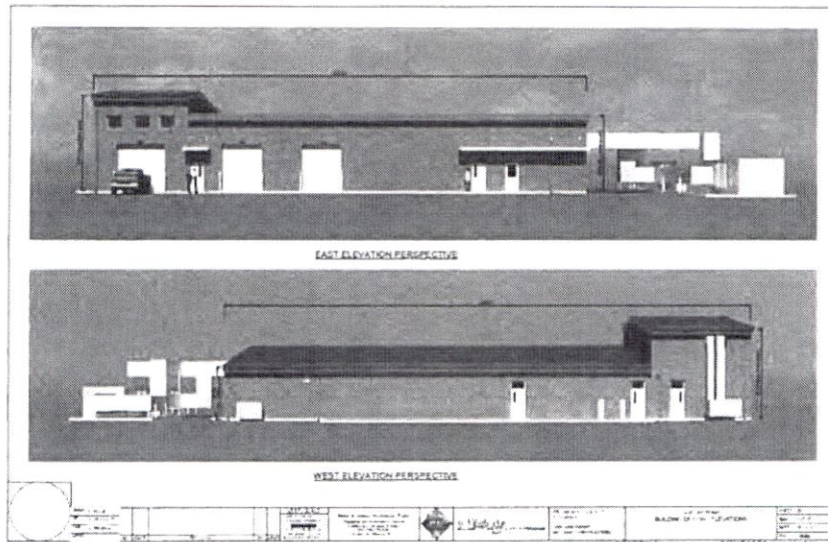
Excessive Uniformity, Inappropriateness of Design
Subsection 4.400 (.01) and Subsection 4.421 (.03)

- B4.** Site Design Review applies to the Electrical Building and landscaping on the Upper Site, and, on the Lower Site, minor exterior modifications to the pump station building related to seismic upgrades, and areas of the park outside of the Willamette River Greenway including landscaping, pathway, upper overlook, and upper portions of the new west and lower trails.

The Electrical Building and Upper Site are proposed to be improved as a cohesively designed area located between the boundaries of the path and residential development to the west, SW Arrowhead Creek Lane to the south and southeast, and Arrowhead Creek to the north and northeast. The Electrical Building is designed to be simple, attractive, and complementary to other buildings on the WRWTP property. The building and ancillary facilities on the Upper Site are buffered and screened from the adjacent trail, residential

RECEIVED
FEB 26 2020
OWRD

area, and road by a high berm and variety of plantings, including trees (see discussion under Landscaping Standards later in this section).



RECEIVED
FEB 26 2020
OWRD

Exterior modifications to the pump station building on the Lower Site are designed to be consistent with the rest of the existing treatment plant buildings; for example, replacing brick faces with cast-in-concrete used on the rest of the building exterior. Landscaping and the pathway in the park on the Lower Site will either be restored to existing conditions or improved (e.g., the path in the park will be widened and will connect with a new west trail and lower trail on the river bank).

Staff summarizes compliance with the criteria of this Subsection as follows:

- **Excessive Uniformity:** The proposed development is unique to the particular development context and does not create excessive uniformity.

and circulation will be maintained and improved for vehicles and pedestrians on the Lower Site related to the existing WRWTP. Efficient circulation will be accommodated on the Upper Site, with vehicles being entering and exiting through one new access point. Minimal pedestrian activity will occur between the uses proposed within the Upper Site itself, while adjacent to proposed development on the Upper Site, existing paths along the west side of the site and along SW Arrowhead Creek Lane will be preserved or improved and are separated from vehicle traffic.

- **Pursuant to Standard D** (Surface Water Drainage), Contours within the park will be restored and surface water will continue to follow existing natural drainage patterns and use existing stormwater facilities. Surface water on the Upper Site will drain into swales proposed on the north and south sides of the site, which will connect to proposed storm drains and a reconstructed outfall at Arrowhead Creek. No adverse effects on surface water drainage are anticipated. Surface water drainage and potential erosion during construction will be managed on the Upper Site and Lower Site according to the Erosion Control Plans.
- **Pursuant to Standard E** (Utility Service), The Electrical Building's appearance and relationship to neighboring properties and the rest of the site are addressed in previous responses. Ancillary facilities – such as the HVAC unit, generator, and surge tanks proposed on the Upper Site – will be buffered and screened from housing to the west and from the rest of the site to the south and southeast by a high berm and a variety of landscaping. The radio tower design will be simple and have a finished paint color that blends into the surroundings.
- **Pursuant to Standard F** (Advertising Features), Signs and advertising structures or features are not proposed. Signs for the proposed trails are expected to be primarily interpretive. Sign concepts will be coordinated with the City's Parks and Recreation Department later in the project.
- **Pursuant to Standard G** (Special Features), Refer to Standard B, above.

Applicability of Design Standards Subsection 4.421 (.02)

- B7.** In compliance with this Section, design standards have been applied to all accessory buildings, structures, and other site features.

Conditions of Approval Subsection 4.421 (.05)

- B8.** No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Color or Materials Requirements Subsection 4.421 (.06)

- B9.** No specific paints or colors are being required. The architectural design of the Electrical Building on the Upper Site and exterior modifications of the pump station on the Lower

RECEIVED
FEB 26 2020
QWRD

Site are based on a brick or cast-in-concrete and modern look to match the overall aesthetics of the existing WRWTP and uses colors that are consistent with those of surrounding development.

Standards of RA-H Residential Agricultural – Holding Zone

Dimensional Standards

Section 4.120 (.04) and 4.181

- B10.** The two existing lots that comprise the RWF site are approximately 11.1 acres (Tax Lot 1800) and 20.1 acres (Tax Lot 1900) in size. The Electrical Building and ancillary structures are set back over 50 feet front the closest lot line, and frontage of the Upper Site along SW Arrowhead Creek Lane exceeds the required minimum. The tallest building proposed is the Electrical Building at approximately 25 feet maximum height. All existing and proposed improvements, except the radio tower, meet or exceed the dimensional standards of the RA-H Zone. Although the proposed radio tower is expected to exceed 35 feet in height, it qualifies for an exception to height limits pursuant to Section 4.181.

On-Site Pedestrian Access and Circulation

Continuous Pathway System

Section 4.154 (.01) A. and 4.154 (.01) B. 1.

- B11.** The WRWTP Park has an existing continuous pathway that loops between the north and south ends of the park, with access to an overlook above the bank of the Willamette River. This pathway connects to the Ice Age Tonquin Trail, which runs east-west across the site. The Ice Age Tonquin Trail runs in the BPA easement to the west of the site and on an existing multi-use path along SW Arrowhead Creek Lane on the site, with plans to extend the multi-use path to the east of the site as part of the City's SW 5th Street-SW Kinsman Road project. The north-south park pathway also connects to Morey Lane to the north, which ultimately connects to sidewalks on SW Wilsonville Road. Following construction of the proposed project, the pathway in the park and along SW Arrowhead Creek Lane will be restored in place to improved conditions. In addition, new trails proposed on the site will provide enhanced visual and physical access to the Willamette River.

Safe, Direct, and Convenient Pathways

Section 4.154 (.01) B. 2.

- B12.** The pathway on the site is reasonably direct in providing access to the top of the Willamette River bank and upper overlook. Direct access is currently provided between existing building entrances and the parking area, consistent with ADA requirements. Existing pathways are constructed of relatively smooth and consistent concrete or asphalt and are clear of obstructions or hazards. Pathways in the park will be restored after construction to existing or improved conditions.

RECEIVED
FEB 26 2020
OWRD

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

- B13.** The existing pathway is separated by a curb where it is adjacent to the parking area or street (SW Arrowhead Creek Lane). Curbs will be maintained or restored as needed following project construction.

Crosswalks

Section 4.154 (.01) B. 4.

- B14.** The park pathway will not cross parking areas or driveways, except where the Ice Age Tonquin Trail – a multi-use path along SW Arrowhead Creek Lane – will cross one driveway to the Upper Site facilities. Because this driveway will be rarely used and gated, it will not function as a typical driveway and is not subject to the standards of this Section. The park pathway crosses a gated accessway at SW Brockway Drive that is available only for emergency access and, thus, is not marked as a crosswalk, nor is it proposed to be marked as such.

Pathway Width and Surface

Section 4.154 (.01) B. 5.

- B15.** The existing pathway to and through the park is at least 5 feet wide and constructed of concrete or asphalt. It will be restored as needed after construction. When restored, the section of pathway in the park from SW Brockway Drive to the river bank will be approximately 12 feet wide and improved with new asphalt and base that can accommodate park maintenance vehicles, per requests from City staff, without causing damage to grass on either side of the path. The improved pathway can also accommodate WWSP and City maintenance vehicles, as needed. The proposed lower trail will be gravel surfaced and approximately 3 feet wide.

Pathways Clearly Marked

Section 4.154 (.01) B. 6.

- B16.** As an existing park pathway and connection to the Ice Age Tonquin Trail system, there are currently appropriate standard signs, which will be maintained or replaced after construction as needed. Signs for the proposed trails are expected to be primarily interpretive. Sign concepts will be coordinated with the City's Parks and Recreation Department later in the project.

RECEIVED
FEB 26 2020
OWRD

Parking Area Design Standards

Purpose

Section 4.155 (.01)

- B17. The existing parking area adjacent to the WRWTP on the Lower Site will not be changed. However, the standards of this section apply to the limited parking that will be provided for the Electrical Building and ancillary facilities on the Upper Site.

Parking during construction will generally be located in the staging area on the Upper Site while Lower Site improvements are being constructed. Potential surface impacts from parking and other construction-related uses and activities are accounted for in the Erosion Control Plans for the project.

Minimum and Maximum Off-Street Parking Requirements

Sections 4.155 (.03) G. and 4.155 (.04) through (.07)

- B18. Table 5 does not specify off-street parking requirements for public utilities. Parking is already provided for the Lower Site, including the WRWTP and Park, and no changes are proposed to parking in that part of the project site. Given the sporadic nature of personnel-based use of the Upper Site for maintenance and emergency visits to the Electrical Building, the two (2) proposed vehicle parking spaces outside the building, including one (1) standard space and one (1) ADA-accessible space, are adequate. Bicycle parking spaces and carpool/vanpool parking are not considered appropriate or needed for trips generated by the proposed use. One (1) loading berth is required for the Electrical Building, and two (2) loading spaces at least 12 feet wide by 35 feet long with 14 feet of clearance are proposed along the edge of the parking area. Parking area redevelopment for transit-related amenities is not required or proposed.

Parking and Design Standards

Section 4.155 (.02) and (.03)

- B19. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	One (1) standard and one (1) ADA-accessible parking space are proposed on the Upper Site and there is sufficient maneuvering area for a service vehicle.
J. Sturdy bumper guards of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	<input checked="" type="checkbox"/>	Parking and maneuvering area on the Upper Site will be surrounded by a six-inch curb.

RECEIVED
FEB 26 2020
OWRD

K. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Upper Site parking and vehicle circulation area will be surfaced with asphalt.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage from parking and vehicle circulation area will be collected in swales on north and south sides of Upper Site that will lead to new proposed storm drains, which will connect to a reconstructed outfall at Arrowhead Creek.
L. Lighting that does not shine into adjoining structures or into the eyes of passersby.	<input checked="" type="checkbox"/>	Proposed lighting on Upper Site will be fully shielded and landscaping and berm screening proposed on west, south, and southeast sides of site will prevent light from shining into any nearby structures or the eyes of passersby.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	Compact spaces are not proposed.
O. Planting areas increased to 7 feet deep when vehicles overhang beyond curb	<input checked="" type="checkbox"/>	A double row of parking and planting areas is not proposed; therefore, no planting areas are increased to 7 feet deep.
Subsection 4.155 (.03) Minimum and Maximum Off-Street Parking Requirements		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	Upper Site will not have active parking areas, loading areas, or pedestrian areas. The proposed parking spaces, a sidewalk around the northeast and north side of the building, and vehicle circulation around the site from the gate and driveway are adequate to accommodate sporadic traffic to and on the site.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	The two (2) loading spaces along the edge of the parking and circulation area are separate from service vehicle parking and pedestrian areas.
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	Vehicle circulation areas on Upper Site are clearly indicated on the plans.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Vehicle and pedestrian traffic is clearly delineated and separated to the greatest extent possible.
C. Safe and Convenient Access, meet ADA and ODOT Standards. For	<input checked="" type="checkbox"/>	Two (2) parking spaces outside the Electrical Building on the Upper Site.

RECEIVED
FEB 26 2020
OWRD

parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.		including one (1) ADA-accessible space, are on an even grade and have enough room for vehicles to maneuver in the circulation area.
D. Efficient on-site parking and circulation.	<input checked="" type="checkbox"/>	On-site parking is designed for efficient and convenient circulation. There are no parking areas on adjacent sites to which to connect.

Parking Variances and Waivers
 Subsection 4.155 (.02) A. 1. and 2.

B20. No variances or waivers to the parking standards have been requested.

Multiple Use Parking, Shared Parking, Off-Street Parking, Non-Parking Use of Parking Areas
 Subsection 4.155 (.02) D. through H.

B21. Several uses are not proposed to occupy a single structure or parcel and joint parking is not proposed. There are no off-street parking spaces that existed for the Upper Site prior to the effective date of the Wilsonville Code, nor is off-street parking on a separate parcel proposed. Non-parking use of parking areas is not permitted nor proposed as part of the project. No container or other storage is permitted in parking areas.

RECEIVED
 FEB 26 2020
 OWRD

Screening to Residential Areas
 Subsection 4.155 (.02) I.

B22. The proposed parking and vehicle circulation area on the Upper Site is located in RA-H, a residential zoning district and, therefore, must be screened by a sight-obscuring fence or plantings. A high berm with plantings that total at least 6 feet in height is proposed on the west side of the Upper Site that faces adjacent residential zoning to help buffer and screen the uses. The north, east and south sides of the circulation area will be screened with plantings in the stormwater swales (red alder, Pacific crabapple, and ground cover), a berm (on the south and east sides), and trees on the south side of the berm.

Parking for Uses Not Listed
 Subsection 4.155 (.02) M.

B23. The Electrical Building, a use to support the proposed public utility improvements, is not a type of use or structure for which off-street parking requirements are specifically listed in the Wilsonville Code. Given the sporadic nature of personnel-based use of the Upper Site (maintenance and emergency visits), the two (2) proposed parking spaces outside the building are sufficient for the use.

Landscaping in Parking and Loading or Delivery Areas
Subsection 4.155 (.03) B.

B24. Parking and loading on the Upper Site is limited in scale - two (2) spaces each - and is screened by berms on the west and south sides and a variety of trees, shrubs, and ground cover. These plantings minimize the visual dominance of the parking and circulation area and far exceed the minimum landscaping requirement.

On-Street Parking, Electrical Vehicle Charging Stations, Motorcycle Parking
Subsection 4.155 (.03) F., H. and I.

B25. On-street parking spaces are not needed to meet minimum off-street parking standards and none are proposed. Electric vehicle parking spaces are not proposed as part of the development. Motorcycle parking is not proposed as part of this development.

RECEIVED
FEB 26 2020
QWRD

Access, Ingress and Egress

Access on Streets or Private Drives
Section 4.167 (.01)

B26. One access point is proposed onto SW Arrowhead Creek Lane for a driveway to and from the Upper Site as approved by the City.

Access Drives, Travel Lanes, and Vertical Clearance
Subsection 4.177 (.02) E. and F. and 4.177 (.08)

B27. Pursuant to this provision and the clear vision area provisions, plantings will not interfere with visibility between 30 inches and 10 feet height above the curb, and trees in the landscape strips will be a minimum of 10 feet from the Upper Site driveways. The applicant will manage landscaping on the Upper Site so that a minimum vertical clearance of 12 feet will be maintained above streets and access drives.

Public Safety and Crime Prevention

Design to Deter Crime and Insure Public Safety
Section 4.175

B28. Public safety was factored into designs and operations for the original WRWTP and has been factored into designs and operations for the proposed development.

- An address placard for new development on the Upper Site will be clearly provided as shown in the Entrance Gate Plan.
- An 8-foot ornamental metal fence will be installed along the western, southern, and eastern sides and an 8-foot chain link fence will be installed along the northern side of the Upper Site.
- Lighting will be provided on the Upper Site to support safe operations and site security, and is discussed in detail in responses to criteria in Section 4.199 of this report.

- Security cameras on the Upper Site and Lower Site, including a pole-mounted camera on the river bank aimed at the fish screen, will enhance safety and security on the project site.
- Site access will be controlled and personal protective equipment will be required during RWF construction and maintenance activities.
- Safety measures in place for the existing WRWTP site will be maintained.

Landscaping Standards

The discussion of compliance with landscaping standards in this section, except where otherwise noted, focuses on the Upper Site where the new Electrical Building and associated facilities will be constructed.

Landscape Installation or Bonding

Subsection 4.450 (.01)

- B29.** Condition of Approval PDB 2 will assure installation or appropriate security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy.

Approved Landscape Plan

Subsection 4.450 (.02)

- B30.** Condition of Approval PDB 3 provides ongoing assurance this criterion is met.

RECEIVED
FEB 26 2020

OWRD

Landscape Maintenance and Watering

Subsection 4.450 (.03)

- B31.** Condition of Approval PDB 4 will ensure landscaping is continually maintained in accordance with this subsection.

Modifications of Landscaping

Subsection 4.450 (.04)

- B32.** Condition of Approval PDB 3 provides ongoing assurance that this criterion is met by preventing modification or removal of landscaping without the appropriate City review.

Landscape Standards Code Compliance

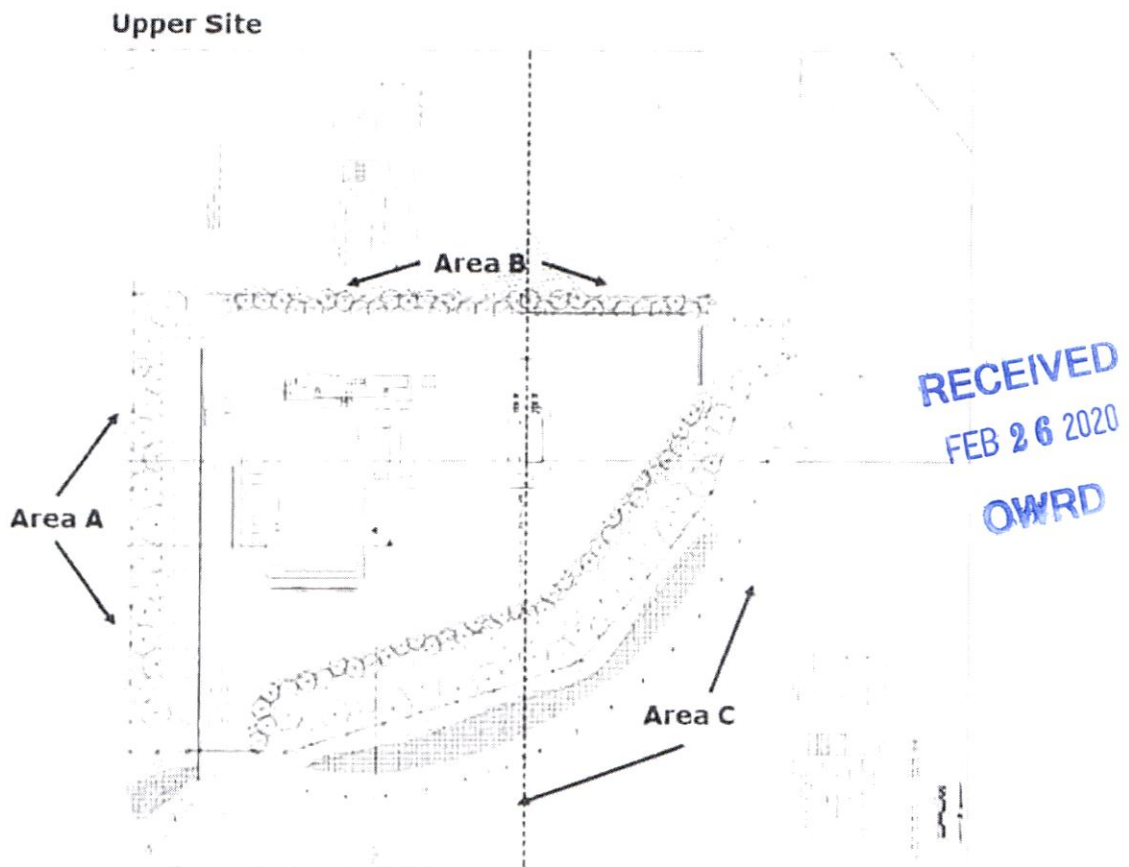
Subsection 4.176 (.02) B.

- B33.** No waivers or variances to landscape standards have been requested, thus all landscaping and screening must comply with applicable standards.

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

B34. As shown on the Landscape Plans required materials for each landscaping standard are provided on the Upper Site as follows. Appropriate groundcover is provided in areas not otherwise occupied by shrubs and trees as described below:

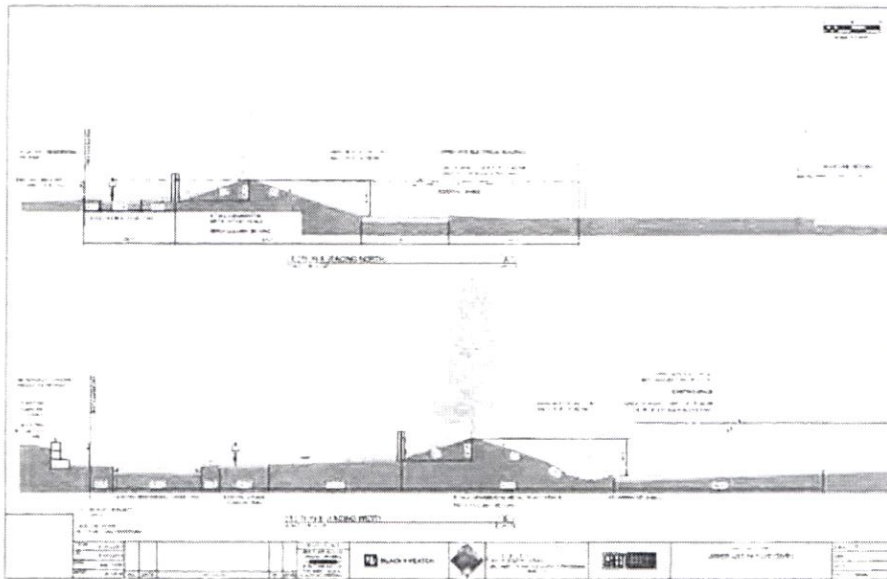


Landscape Area A

Area Description:	Western boundary of Upper Site; provides screening and buffering between Electrical Building and associated facilities and pathway and residential neighborhood to the west
Landscaping Standard:	High Berm Standard
Comments on Intent:	Extensive screening to reduce both visual and noise impacts to protect abutting uses from one-another and provide separation by both distance and sight-obscuring materials
Required Materials:	Berm at least four (4) feet high along interior side of landscape area; if less than six (6) feet high, low shrubs along top of berm to provide screen at least six (6) feet high; one (1) tree for every 30 linear feet of berm; ground cover plants to fully cover remainder of area
Materials Provided:	Berm approximately 330 feet long and 6 feet high (above pathway grade). Evergreen and deciduous trees (23 total) planted 25-30

feet on center at top and on pathway (west) side of berm with low and mixed-height shrubs in understory. Ground cover (bark mulch) planted in remainder of landscaped area on east (Electrical Building side) of berm.

As required and shown in the perspectives below, the berm and plantings proposed between the Electrical Building and the existing pathway and neighborhood to the west, and SW Arrowhead Creek Lane to the south and east, will be at least 6 feet in height. Trees will be planted more closely spaced than the minimum 30 feet. Shrubs or ground cover (bark mulch or rough seeded lawn) will be planted in the remainder of the landscaped area.



RECEIVED
FEB 26 2020
OWRD

Landscape Area B

- Area Description:** Northern boundary of Upper Site; faces SROZ and Arrowhead Creek
- Landscaping Standard:** General
- Comments on Intent:** No screening required
- Required Materials:** Fully cover, less than 30 feet deep, tree every 30 feet (may be grouped), 30 feet or deeper, one tree every 800 sf and 3 shrubs every 400 sf
- Materials Provided:** Stormwater swale along most of length with plantings including trees (red alder, Pacific crabapple; 31 total), shrubs and grasses.

Landscape Area C

- Area Description:** Southern and eastern boundary of Upper Site; provides screening and buffering between Electrical Building and associated facilities and pathway and road to south and east

Landscaping Standard: High Berm Standard

Comments on Intent: Extensive screening to reduce both visual and noise impacts to protect abutting uses from one-another and provide separation by both distance and sight-obscuring materials

Required Materials: Berm at least four (4) feet high along interior side of landscape area; if less than six (6) feet high, low shrubs along top of berm to provide screen at least six (6) feet high; one (1) tree for every 30 linear feet of berm; ground cover plants to fully cover remainder of area

Materials Provided: Berm approximately 480 feet long and 6 feet high (above pathway grade). Evergreen and deciduous trees (34 total) planted 25-30 feet on center at top and on pathway (west) side of berm with low and mixed-height shrubs in understory. Ground cover (bark mulch) planted in remainder of landscaped area on north (Electrical Building side) of berm between top of berm and stormwater swale. Stormwater swale along most of berm length on interior with plantings including trees (red alder, Pacific crabapple; 38 total), shrubs and grasses.

B35. As shown on the Landscape Plans required materials for each landscaping standard are provided on the Lower Site as follows. Appropriate groundcover is provided in areas not otherwise occupied by shrubs and trees:



RECEIVED
FEB 26 2020
OWRD

The Lower Site is a generally open area where distance is the principal means of buffering and screening adjacent properties and developments. Vegetated areas of 20 feet to more

than 170 feet wide are located between the work area limits proposed on the Lower Site and the western property line.

Existing landscaping on the river bank area of the Lower Site and trees in the ravine area will be preserved. New landscaping is proposed in an area that is currently turf (lawn), in association with the upper overlook that will be replaced and enhanced. Plantings in this area include western red cedar, Pacific dogwood, and ornamental shrubs.

Existing park landscaping and features will be preserved, except for some lawn areas that will be restored after construction. Replanting and mitigation to the General Landscaping Standard will occur for vegetation and trees proposed to be removed.

Landscape Area and Locations

Subsection 4.176 (.03)

B36. Given the development site's designation and use as a park, the vegetated and/or landscaped area of the project site, approximately 63% (850,747 square feet), far exceeds the required minimum of 15%. After improvements to the Upper Site are complete, approximately 56% (750,760 square feet) of the total lot area will be vegetated.

Buffering and Screening

Subsection 4.176 (.04)

B37. The Upper Site will be screened and buffered from SW Arrowhead Creek Lane and the neighborhoods to the west by high berms planted with numerous trees and shrubs. Fencing 8 feet in height is proposed surrounding the Upper Site for security purposes. Because the proposed fence is over six (6) feet high, it requires approval by the Development Review Board (DRB).

Sight-Obscuring Fence or Planting

Subsection 4.176 (.05)

B38. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting continuous along that boundary and shall be at least six (6) feet in height. The Upper Site is within the RA-H zone, a residential district and adjacent to residential areas to the west. Therefore, the parking area of the Electrical Building would be subject to the requirements. The building and parking and circulation areas are screened from view by high berms on the west, south and east sides, which satisfies the standard. Condition of Approval PDB 2 will ensure that the use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation.

RECEIVED
FEB 26 2020
OWRD

Shrubs and Groundcover Materials

Subsection 4.176 (.06) A.

- B39.** The standards require that shrubs be equal to or better than 2-gallon containers. Some of the proposed shrubs on the applicant's planting plans are proposed to be 1-gallon containers, which does not meet the requirement. Condition of Approval PDB 5 requires that the detailed requirements of this subsection are met.

RECEIVED

FEB 26 2020

OWRD

Plant Materials-Trees

Subsection 4.176 (.06) B.

- B40.** The standards require all trees be equal of better than two-inch (2") caliper diameter at breast height (DBH) for deciduous trees and a minimum height of five to six (5 to 6) feet for conifers. The applicant's planting plans include some 1.5-inch (1.5") DBH deciduous trees and conifers that are four to six (4 to 6) feet in height, which does not meet the requirement. Trees planted as mitigation for trees removed in or outside the SROZ will be consistent with standards for mitigation plantings established in applicable sections of the Wilsonville Code.

Condition of Approval PDB 6 requires that the detailed requirements of this subsection are met, including that all trees to be balled and burlapped (B&B), well-branched and typical of their type as described in Current American Association of Nurserymen (AAN) Standards.

Plant Materials-Buildings Larger than 24 Feet in Height or Greater than 50,000 Square Feet in Footprint Area

Subsection 4.176 (.06) C.

- B41.** The proposed Electrical Building will be approximately 7,850 square feet in floor area and have a maximum height of approximately 25 feet. Proposed berms will buffer and screen the Electrical Building and ancillary facilities from the adjacent north-south pathway and from SW Arrowhead Creek Lane. Trees proposed for the top of the berms will be taller than the building at maturity.

Plant Materials-Street Trees

Subsection 4.176 (.06) D.

- B42.** As concluded in the Arborist Report, there are currently no street trees on the site. There are trees near Arrowhead Creek Drive directly south of the BPA easement that will need to be removed for the pipeline work area; these will be replaced. Street trees are proposed to be added along SW Arrowhead Creek Lane, a local road, adjacent to the Upper Site development, along a length roughly equivalent to one block. These trees are required to be at least two inch (2") caliper. Condition of Approval 6 will ensure that this requirement is met.

Types of Plant Species

Subsection 4.176 (.06) E.

- B43.** Existing landscaping on the Upper Site consists primarily of lawn and scrubby grasses covering mounds of fill from the original construction of the WRWTP. Proposed landscaping will significantly improve the Upper Site with native, hardy, and drought-tolerant plants identified in the Landscape Plans and Plant Schedule.

On the Lower Site, existing vegetation in the ravine on the western edge of the site will be preserved, as will much of the river bank vegetation. This vegetation is marked by native plant species such as Douglas fir and sword fern. Plants proposed for restoration planting on the river bank include hardy and native species such as salal, sword fern, Oregon grape, vine maple, red flowering currant, red alder, Douglas fir, western hemlock, and western red cedar.

Tree Credit

Subsection 4.176 (.06) F.

- B44.** The applicant is not requesting a tree credit.

Exceeding Plant Standards

Subsection 4.176 (.06) G.

- B45.** Clear vision area and height requirements are met as shown in submitted plans.

Landscape Installation and Maintenance

Subsection 4.176 (.07)

- B46.** Condition of Approval PDB 7 ensures that the installation and maintenance standards are or will be met including that plant materials be installed to current industry standards and properly staked to ensure survival, and that plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.

An automatic irrigation system designed by a landscape architect is proposed for all planting areas (except mitigation areas), with separate zones for planting areas with varying water needs. All proposed plants are native or drought-tolerant, so the irrigation system will primarily be used for approximately the first two years to promote establishment of the plants. After that, the irrigation system will mainly be used for supplemental watering during unusually long periods of summer drought. See the Irrigation Plans, notes, and details.

Landscape Plans

Subsection 4.176 (.09)

- B47.** Landscape Plans showing elements including location, scale, plant type, and a plant schedule are included in the application as required.

RECEIVED
FEB 26 2020
OWRD

Completion of Landscaping
Subsection 4.176 (.10)

B48. The applicant has not requested to defer installation of plant materials. However, if deferral is necessary, the applicant will comply with the requirements of this section.

RECEIVED
FEB 26 2020
OWRD

Street Trees Not Typically Part of Site Landscaping
Subsection 4.176 (.11)

B49. Street trees proposed as part of this development are not needed to meet landscaping requirements in this Section.

Mitigation and Restoration Plantings
Subsection 4.176 (.12)

B50. Native and hardy plants are proposed for restoration planting on the river bank and for mitigation planting on the Upper Site. On the Upper Site, mitigation planting will consist of plant species such as evergreen huckleberry, salal, sword fern, Oregon grape, vine maple, red flowering currant, bigleaf maple, Douglas fir, Pacific dogwood, red alder, and western red cedar, as well as Oregon white oak. Irrigation will be provided on the Upper Site consistent with the Irrigation Plans, notes, and details. On the Lower Site, restoration planting will consist of similar plant species.

Standards for Mixed Solid Waste and Recyclables Storage

Mixed Solid Waste and Recyclables Storage
Subsection 4.179 (.01) and 4.179 (.07)

B51. Documentation of coordination with the hauler, Republic Services, is provided in the application submittal. Because the Electrical Building on the Upper Site will not be regularly staffed and will not generate trash and recycling material for disposal, except following a natural disaster or other emergency event, the hauler concluded that there is no need for trash and recycling storage and disposal service. Republic Services already provides service to the Lower Site and no changes are proposed to that existing service.

Outdoor Lighting

Applicability
Sections 4.199.20 and 4.199.60

B52. Exterior lighting is proposed for the new Electrical Building, ancillary facilities, circulation area, and driveways on the Upper Site. In addition, in response to a request from the City, new low-height (bollard) lighting is proposed along the existing pathway on the western edge of the Upper Site.

Outdoor Lighting Zones

Section 4.199.30

B53. The proposed development site is in Lighting Zone 2 (LZ 2) according to the City Lighting Overlay Zone Map. The applicant is not proposing to modify the lighting zone designation.

Optional Lighting Compliance Methods

Subsection 4.199.40 (.01) A.

B54. The applicant has elected to comply with the Prescriptive Option.

Wattage and Shielding

Subsection 4.199.40 (.01) B. 1.

B55. The exterior lighting proposed on the Upper Site addresses the standards. The maximum wattage of the proposed fully shielded exterior lighting on the Upper Site is 102 watts for the Lithonia pole-mounted lighting fixtures, 71 watts for the Holophane lighting fixtures, and 16 watts for the Lithonia ground-mounted lighting fixtures. While the Holophane and Lithonia ground-mounted lighting fixtures are less than the 100-watt standard in Table 7, the exterior lighting on the Upper Site slightly exceeds the maximum allowed wattage. Condition of Approval PDB 8 will ensure that the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

Compliance with Oregon Energy Efficiency Specialty Code

Subsection 4.199.40 (.01) B. 2.

B56. The applicant is complying with the Oregon Energy Efficiency Specialty Code (OEESC) as demonstrated in the lighting cut sheets provided with the application.

Mounting Height

Subsection 4.199.40 (.01) B. 3.

B57. Lighting for the Electrical Building, ancillary facilities, circulation area, and driveways on the Upper Site is proposed to be at a height of less than 20 feet when mounted on the building and at a height of 25 feet when pole-mounted. Lighting for the path on the western edge of the Upper Site will be ground-mounted and approximately 42 inches high. All the proposed lighting heights are less than the 40-foot maximum in Table 8.

Luminaire Setback

Subsection 4.199.40 (.01) B. 4.

B58. Lighting zones are the same to the west, north, east, and south of the Upper Site. Other than the low-height, low-wattage lighting proposed for the existing path on the western border of the Upper Site, lighting proposed on the west side of the Upper Site will be on the

RECEIVED
FEB 26 2020
OWRD

development side of the high berm, directed away from properties to the west, and approximately 77 feet from the property line, which is more than three times the 25-foot mounting height of the fixtures. Lighting in the northeast corner of the Upper Site, nearest the SROZ associated with Arrowhead Creek, will be approximately 80 feet from the SROZ Title 3 area boundary, more than three times the 20-foot mounting height of the fixtures, which is consistent with the standard.

Lighting Curfew

Subsection 4.199.40 (.02) D.

B59. Lighting operation will be initiated at dusk and will be extinguished at the required curfew time of 10:00 p.m., or otherwise as consistent with the timing of existing lighting on the site.

Standards and Submittal Requirements

Sections 4.199.40 and 4.199.50

B60. All required materials, including a Lighting Site Plan, lighting details, OEEESC compliance, and lighting curfew compliance, have been submitted.

Underground Utilities

General Requirements

Section 4.300

B61. Utility lines needed on the Upper Site, including water, stormwater, and sanitary sewer, will be installed underground as shown in the Utility Plan. The radio tower proposed on the Upper Site is a communication facility eligible for an exemption from requirements in Section 4.300. The applicant will coordinate with utility service providers and the City as needed in order to provide necessary utility facilities underground.

Natural Features and Other Resources

Protection of Valued Natural Features and Cultural Resources

Section 4.171

B62. The subject property includes the land along the Willamette River and riverfront, land designated as SROZ, and the WRWTP Park. These resources are subject to the provisions of Section 4.171.

Water-dependent and water-related improvements (seismic stabilization measures and trails) are proposed on slopes and flood plain associated with the Willamette River, with footprints that balance minimizing impacts in these areas, engineering requirements, and improving access to the river. Otherwise, development of the pipeline and the Upper Site facilities have been planned and designed to avoid steep slope and SROZ Title 3 areas. Additional discussion of natural features is provided in responses to SROZ and SRIR criteria

in Requests E and F, and Willamette River Greenway standards in Request D of this staff report.

As found in the land use application for the original development of the WRWTP (WRWTP; Casefile No. 00DB18), no cultural resources have been documented on the project site. The cultural resources survey of the site performed by Archaeological Investigations Northwest, Inc. found that the development of the WRWTP would not affect any significant cultural resources. There are two cable trees identified along the river bank used in past boating activity on the lower bank; these trees will be preserved. Although portions of existing informal river bank trails will be decommissioned and replanted during RWF construction, a portion of the existing informal trail will be retained to provide access to the cable trees.

Flood Plain Regulations Section 4.172

- B63.** The lower portion of the proposed new lower trail and associated amenities is within the 100-year flood plain. Replacement of fish screens and installation of protection piles are proposed within the floodway. No structures requiring occupancy permits or flood proofing are proposed within the flood plain.

Request C: DB19-0021 Type C Tree Removal Plan

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Type C Tree Removal-General

Tree Related Site Access Subsection 4.600.50 (.03) A.

- C1.** It is understood by the applicant that the City has access to the property to verify information regarding trees.

Review Authority Subsection 4.610.00 (.03) B.

- C2.** The requested tree removal is connected to Site Plan Review by the Development Review Board for new development and improvements on the subject property.

Conditions of Approval Subsection 4.610.00 (.06) A.

- C3.** No additional conditions are recommended pursuant to this subsection.

Completion of Operation Subsection 4.610.00 (.06) B.

RECEIVED
FEB 26 2020
OWRD

- C4. The tree removal will be completed before construction of the proposed improvements, which is a reasonable time frame for tree removal.

Security for Permit Compliance

Subsection 4.610.00 (.06) C.

- C5. No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.

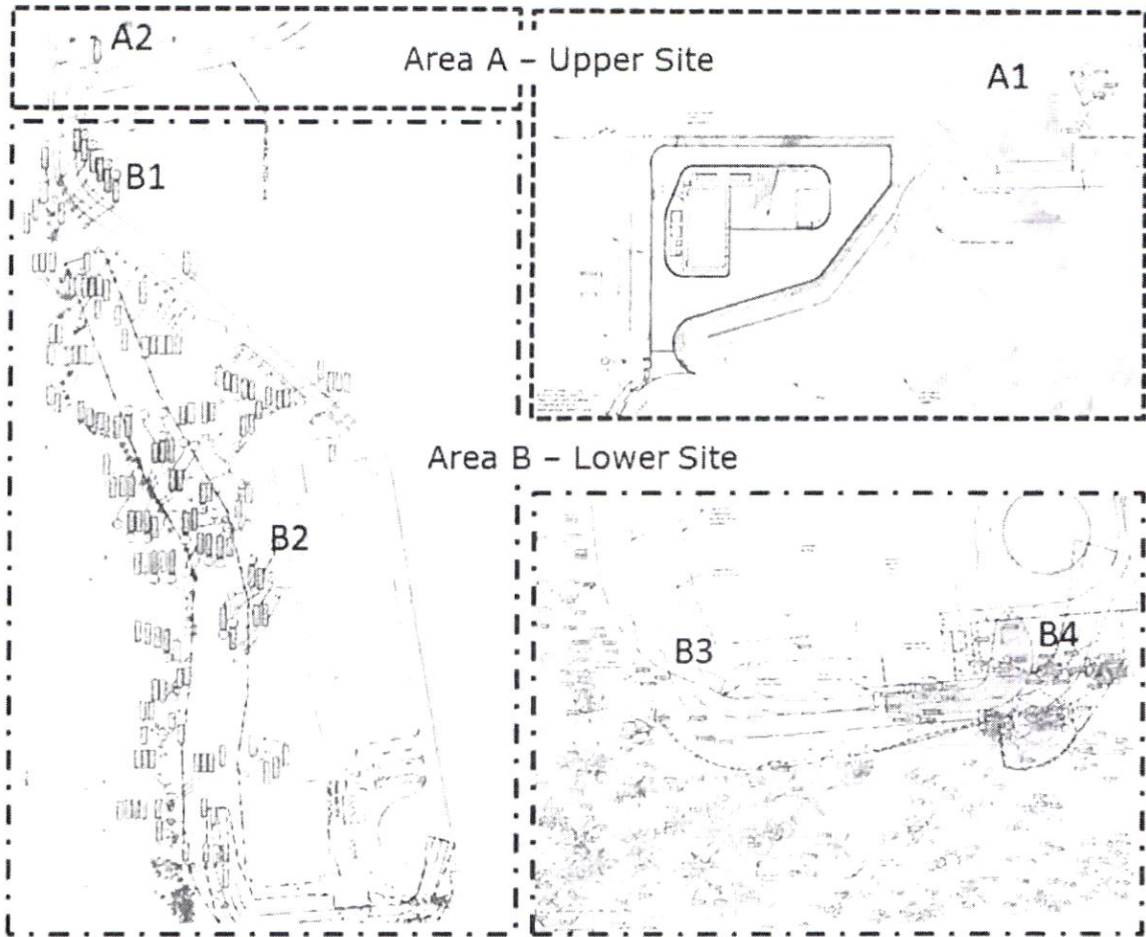
Tree Removal Standards

Subsection 4.610.10 (.01)

- C6. There are 413 trees inventoried in the tree survey for the proposed project. Of these, 92 are proposed for removal and 321 will be preserved. Seventeen (17) of the 92 trees are outside the SROZ and 75 are in the SROZ. Tree removal has been limited to the minimum impact needed to construct the proposed improvements, including seismic upgrades, the pipeline along the selected alignment, and installing conduit requested by the City to accommodate a future fiber optic line.

Mitigation for trees proposed for removal in the SROZ is addressed in detail in response to Request F: SI19-0002 Abbreviated SRIR Review and Section 4.139.06. Mitigation and replacement of trees proposed to be removed outside the SROZ is discussed in this section.

RECEIVED
FEB 26 2020
OWRD



RECEIVED
FEB 26 2020
OWRD

Tree Removal Plan				
Tag No.	Location	In SROZ Outside SROZ		
		Species	Size	Health
10150	A1	Aspen	14"	
10151	A1	Cottonwood	14"	
10152	A1	Cottonwood	14"	
10153	A1	Cottonwood	24"	Fair
10154	A1	Cottonwood	16"	Fair
10154	A1	Willow	8"	Fair
10154	A1	Alder	8"	Fair
Area A1 - Total No. of Trees		7 (5 in SROZ)	14"-34"	
10155	A2	Douglas fir	14"	Fair
Area A2 - Total No. of Trees		1 (0 in SROZ)	14"	
10158	B1	Norway maple	10"	Poor
10159	B1	Linden	4"	Fair
101520	B1	Linden	8"	Poor
101522	B1	Linden	9"	Poor
101523	B1	Linden	9"	Fair
101524	B1	Linden	10"	Fair
10157	B1	Unknown Deciduous	10"	
Area B1 - Total No. of Trees		7 (0 in SROZ)	4"-10"	
102240	B1	Pussy willow	8"	Fair
102242	B1	Douglas fir	8"	Fair
102243	B1	Douglas fir	7"	Fair
102244	B1	Douglas fir	7"	Fair
102246	B1	Hemlock	8"	Fair
102247	B1	Douglas fir	10"	Fair
102248	B1	Douglas fir	10"	Fair
102249	B1	Douglas fir	9"	Fair
102251	B1	Douglas fir	9"	Fair
102252	B1	Hemlock	8"	Fair
102253	B1	Douglas fir	10"	Fair
102254	B1	Douglas fir	10"	Fair
102342	B1	Alder	12"	Fair
102343	B1	Red maple	10"	Fair
102344	B1	Red maple	10"	Fair
102345	B1	Alder	16"	Fair
102346	B1	Alder	12"	Fair
102347	B1	Alder	14"	Poor
102348	B1	Alder	18"	Fair
102349	B1	Red maple	11"	Fair
102350	B1	Red oak	13"	Fair
102351	B1	Red oak	13"	Fair
102342	B1	Alder	10"	Fair
102351	B1	Pussy willow	8"	Fair
102352	B1	Pussy willow	8"	Fair
Area B1 - Total No. of Trees		25 (19 in SROZ)	10"-18"	
10278	B2	Unknown Deciduous	10"	
10310	B2	Unknown	Unknown	Unknown
11160	B2	Linden	7"	Fair
11161	B2	Linden	6"	Fair
11166	B2	Linden	6"	Fair
11184	B2	Douglas fir	36"	Fair
102929	B2	Poplar	8"	Fair
102930	B2	Poplar	7"	Fair
102931	B2	Poplar	10"	Fair
102932	B2	Linden	29"	Fair
102933	B2	Western hemlock	7"	Fair
102942	B2	Western hemlock	7"	Fair
Area B2 - Total No. of Trees		12 (11 in SROZ)	6"-36"	

Tree Removal Plan				
Tag No.	Location	In SROZ Outside SROZ		
		Species	Size	Health
103044	B4	Cottonwood	12"	Fair
103045	B4	Douglas fir	7"	Fair
103046	B4	Alder	10"	Fair
103047	B4	Alder	7"	Fair
103048	B4	Alder	6"	Fair
103049	B4	Alder	4"	Fair
103050	B4	Alder	6"	Fair
103051	B4	Alder	6"	Fair
103052	B4	Douglas fir	8"	Fair
103053	B4	Alder	21"	Fair
103054	B4	Alder	7"	Fair
103192	B4	Western hemlock	5"	Fair
103193	B4	Western hemlock	7"	Fair
103194	B4	Big leaf maple	12"	Fair
103195	B4	Alder	10"	Fair
103196	B4	Alder	8"	Fair
103197	B4	Big leaf maple	15"	Fair
103198	B4	Big leaf maple	6"	Fair
103199	B4	Big leaf maple	7"	Fair
103200	B4	Western cedar	11"	Fair
103201	B4	Alder	12"	Fair
103202	B4	Western cedar	20"	Fair
103203	B4	Big leaf maple	18"	Poor
103204	B4	Western cedar	12"	Fair
103205	B4	Big leaf maple	22"	Fair
103206	B4	Big leaf maple	22"	Fair
103207	B4	Cherry	7"	Fair
10390	B4	Big leaf maple	18"	Fair
10391	B4	Big leaf maple	15"	Fair
10392	B4	Big leaf maple	15"	Fair
10393	B4	Big leaf maple	18"	Fair
10394	B4	Big leaf maple	22"	Fair
10395	B4	Cottonwood	49"	Fair
10396	B4	Big leaf maple	12"	Fair
10397	B4	Big leaf maple	6"	Fair
10398	B4	Douglas fir	48"	Fair
10399	B4	Big leaf maple	14"	Fair
10400	B4	Big leaf maple	17"	Fair
10401	B4	Big leaf maple	25"	Fair
Area B4 - Total No. of Trees		40 (40 in SROZ)	4"-48"	
Total Trees All Areas		92 (75 in SROZ)	4"-48"	

RECEIVED
FEB 26 2020
OWRD

Response to the standards of this section is as follows:

- Significant Resource Overlay Zone (SROZ): Tree removal in the SROZ has been minimized in each of the SROZ areas on the subject property in the following ways:
 - On the river bank, tree removal is limited to only the areas necessary for the construction of seismic stabilization measures, and the footprint of the work area has been designed to minimize tree removal.
 - In Willamette River Treatment Plant Park, the proposed pipeline will be located outside the SROZ Area of Limited Conflicting Use and the SROZ Title III area associated with the ravine in order to limit impacts including tree removal.

- For the trenchless crossing of Arrowhead Creek, tree removal (5 trees) is limited to only the area necessary for the receiving shaft location on Tax Lot 1700.
- Preservation and Conservation: Trees that will be preserved on the river bank were identified by City staff as priorities for preservation. Areas of tree removal will either be restored with a variety of native shrubs over the locations of seismic stabilization measures or trees and shrubs outside of the footprint of stabilization measures as well as over the location of informal trails on the river bank. Tree removal will also be mitigated by proposed new trails and amenities on the river bank and a large area of new planting on the Upper Site, which will create a diverse native upland habitat connected to Arrowhead Creek where there currently is not such habitat. Within the park, trees to be removed are the minimum impact needed to construct the pipeline along the selected alignment. On the Upper Site, the trenchless construction method for the Arrowhead Creek crossing requires removal of five trees on the east side of the creek, which is on a property adjacent to the subject property. This area will be restored with a variety of native shrubs.
- Development Alternatives: Tree removal proposed in the SROZ has been minimized to areas of proposed grading and development on the upper river bank. SROZ areas on the lower bank, west of the park on the Lower Site, and along Arrowhead Creek on the Upper Site, are avoided.
- Land Clearing: Grading proposed on the Lower Site has been reduced in line with modifications in the design of proposed river bank seismic stabilization measures, such as removing the need for an underground tie-back wall. In addition, the access road on the river bank on the Lower Site has been pulled back closely to the existing water treatment plant building.
- Residential Development: Residential development is not proposed as part of this development; therefore, this standard does not apply.
- Compliance with Statutes and Ordinances: The proposed activity complies with applicable statutes and ordinances.
- Relocation or Replacement: Mitigation for trees proposed for removal in the SROZ on the subject property is addressed in detail in response to Request F: SI19-0002 Abbreviated SRIR Review and Section 4.139.06. Mitigation and replacement of trees proposed to be removed outside the SROZ is discussed in response to Section 4.620.00, and protection of trees to be preserved is discussed in response to Section 4.620.10, below.
- Limitation: Tree removal proposed in the SROZ has been minimized limited to areas necessary for construction on the upper river bank and at Arrowhead Creek. The development proposed in and on the river bank must occur in that location given its dependency on the river and the existing water treatment plant facilities. Removal of trees at Arrowhead Creek has been minimized by using trenchless crossing techniques. Grading proposed on the Lower Site has been reduced during the design process as a result of modifying project designs to have smaller footprints and less impact on the river bank.

RECEIVED

FEB 26 2020

13 27 6 --

OWRD

- Additional Standards: A Tree Survey, Arborist Report, and Tree Removal and Protection Plans are included in the application. The proposed RWF improvements are utilities, which must be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Tree removal proposed in the SROZ has been limited to occur only in areas of proposed grading and development on the upper river bank and to avoid SROZ areas along the west of the park and around Arrowhead Creek on the Upper Site. Mitigation for trees proposed for removal in the SROZ is addressed in detail in response to Request F: SI19-0002 Abbreviated SRIR Review and Section 4.139.06. Mitigation and replacement of trees proposed to be removed outside the SROZ is discussed in response to Section 4.620.00 and protection of trees to be preserved is discussed in response to Section 4.620.10, below.

Review Process

Subsection 4.610.40 (.01)

- C7. The plan is being reviewed as part of the site development application and consistent with Site Design Review.

RECEIVED
FEB 26 2020
OWRD

Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

- C8. The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. To best protect the trees, the arborist report makes the following recommendations:
- An erosion fence should be installed on the upslope of all trees below major grade changes to prevent trunks and root zones from being buried.
 - Six-foot chain link fencing on 8-foot posts should be installed along the route of all major construction activity including temporary roads and work zones.
 - The fencing should be highlighted with tree protection signage that prohibits entry of vehicles, equipment, or persons not associated with the trees directly.
 - The tree protection fencing should be routinely inspected during the site work for sturdiness and protection efficiency.
 - In the event that damage occurs or if there is a concern by equipment operators that damage could occur to a tree(s), the arborist should be notified immediately to resolve the issue.
 - All tree protection materials should remain in place throughout the project and removed after final inspection by the City of Wilsonville.

Condition of Approval PDC 4 will ensure that the requirements of this Section are met.

Replacement and Mitigation

Tree Replacement Requirement Subsection 4.620.00 (.01)

- C9. Seventeen (17) trees are proposed for removal outside the SROZ. The applicant will replace each tree having 6 inches or greater DBH that is removed outside the SROZ with trees that are at least 2 inches DBH. The number of trees the applicant proposes to plant on the project site, as shown in the Landscape Plans, exceeds the tree replacement requirement.

Trees removed in the SROZ will be replaced or mitigated for on a discretionary basis as established by the SRIR criterion, which requires a description of potential impacts to natural resources and a plan to mitigate for such impacts.

Basis for Determining Replacement and Replacement Tree Requirements Subsection 4.620.00 (.02) and (.03)

- C10. Replacement trees will meet, or will meet with Condition of Approval PDC 3, the minimum replacement requirements.

Replacement Tree Stock Requirements Subsection 4.620.00 (.04)

- C11. Replacement trees proposed on the river bank and on the Upper Site will have shade potential and other characteristics of the removed trees, will be of nursery stock, and will be maintained consistent with these standards. Replacement and mitigation tree species will include diverse and/or native species such as: big leaf maple, cascara, Pacific dogwood, Oregon white oak, red alder, western hemlock, western red cedar; and Douglas fir.

Replacement Trees Locations Subsection 4.620.00 (.05) A.

- C12. The City will review proposed plans for replacing trees on-site, as presented in the Mitigation Plans. No tree replacement is proposed off-site.

Protection of Preserved Trees

Tree Protection During Construction Section 4.620.10

- C13. Trees designated for protection are indicated in the Tree Removal and Protection Plans. Construction materials will not be placed within tree drip lines and nothing will be attached to protected trees during construction. Protective barriers will be provided during construction consistent with recommendations in the Arborist Report and as shown noted in the Tree Removal and Protection Plans. Condition of Approval PDC 4 ensures the applicable requirements of this section will be met.



Request D: DB19-0022 Willamette River Greenway Conditional Use Permit

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Willamette River Greenway Conditional Use Permit

General Purpose and Greenway Boundaries
Sections 4.500 and 4.504

- D1. The general purposes of the Willamette River Greenway are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The proposed project includes seismic stabilization measures and new trails and trail amenities (lower trail overlook and west trail overlook with seating) in the Greenway. Outside of the Greenway, on the upper river bank, an access road will temporarily serve as construction access and will permanently serve as part of the park pathway and new trail system and as vehicle access for maintenance and emergencies. The existing upper overlook will be replaced with an enhanced overlook and will connect to the new west overlook and lower overlook via the new west trail and new lower trail. Because the access road and upper overlook are connected to development proposed in the Greenway, they are also addressed in response to provisions in these Sections.

Uses Permitted Outright and Uses Permitted Conditionally
Sections 4.506 and 4.508

- D2. The proposed new trails and associated markers or signs could be considered uses allowed outright pursuant to Section 4.506. The other public utility uses included in the proposed project are permitted conditionally by the underlying zone and, thus, are permitted conditionally in the Willamette River Greenway pursuant to Section 4.508.

Maximum Vegetated Area between Activity and Willamette River
Section 4.510 (.01) A.

- D3. Design of RWF seismic stabilization measures has been iteratively refined in collaboration with City staff to minimize impacts in the Willamette River Greenway while still achieving project objectives. Of the three seismic alternatives for the RWF, only Alternative B was found to meet all necessary criteria, including seismic resiliency and natural resources, and is feasible to construct.

Design of Alternative B has been further refined in the following ways:

- To include subsurface seismic improvements that result, at 50% design, in an area of disturbance for construction of approximately 13,400 square feet of the river bank area.

RECEIVED
FEB 26 2020
OWRD

- To minimize the impact of construction staging and access areas, including on and near the river bank, and to include landscaping over the seismic improvements that will be replanted with shrubs identified in river bank mitigation plans. In addition, portions of the two existing informal trails on the river bank will be decommissioned and replanted.
- To move the temporary access road for construction, which overlaps with the park pathway approaching the river bank, closer to the treatment plant building and farther from the river. The widened park path will serve, when needed, as an access road for maintenance vehicles that need to access the river bank, particularly during an emergency. Both the permanent access road/park pathway and temporary access road avoid being in the Willamette River Greenway.

Consistent with the requirements of this Section, proposed seismic stabilization measures and temporary and permanent access roads minimize impacts to the landscape area, open space, and vegetation in the Greenway to the extent possible while also serving the safety and engineering objectives of the development.

RECEIVED
FEB 26 2020
QWRD

Necessary Public Access to and along Willamette River
Section 4.510 (.01) B.

- D4. The criterion of this Section require, to the greatest extent possible, necessary public access be provided to and along the Willamette River by appropriate legal means in accordance with the Comprehensive Plan. In addition, Comprehensive Plan Implementation Measure 4.1.5.ff.e. requires necessary and needed public access to the river that is oriented through public lands without precluding legal river access at appropriate locations across private property. Such public access must be based on recorded easements or other legal instruments.

Public access to the project site and the river is expected to be restricted during construction for public safety, however, access limitations will be coordinated with and clearly communicated to the public. Following construction and consistent with the objectives of this Section, the proposed project will significantly improve visual and physical access to the river by developing public trails and overlooks and replanting the area with restoration plantings designed to:

- Integrate the existing upper overlook with the river bank landscape
- Relate the overlook to the award-winning design of the existing facility screening wall and water feature
- Reveal working components of the water treatment and conveyance systems, and link them to the rest of the WWSS
- Promote and inspire public and staff use of the site

Details of the proposed improvements are provided in the response to applicable review criteria in the application narrative.

Code and Plan Compliance
Section 4.510 (.01) C.

- D5. The proposed development complies with applicable provisions of the Wilsonville Code, relevant Comprehensive Plan policies, and the Oregon State Parks and Recreation Department Greenway Plan. In addition, the proposed development in the Greenway will be underground (seismic stabilization measures) or will include new trails providing types of access that are consistent with the City's Parks and Recreation Master Plan.

Use Management Standards

Preservation and Enhancement of Natural Scenic Views, Historical Character and Recreational Qualities of the Willamette River
Sections 4.514 (.01)

- D6. There are no documented cultural or historic resources on the project site. Vegetation, including two cable trees, is being either preserved, restored, or mitigated to the extent practicable in the vegetative fringe along the Willamette River bank. New trails and overlooks are being proposed to enhance visual and physical access to the river, and a portion of the existing informal river bank trail will be retained to provide access to the cable trees.

Tree Removal, Protection and Mitigation
Section 4.514 (.02)

- D7. Tree removal in the SROZ, including the Greenway, and its mitigation is addressed in detail in responses to Requests E and F of this report. Tree removal, protection and mitigation outside the SROZ is addressed in responses to Request C of this report.

Development away from Willamette River
Section 4.514 (.03)

- D8. To the greatest possible degree, proposed development is directed away from the Willamette River. However, development proposed in the Greenway is river-dependent, including WRWTP seismic stabilization measures, or river-related, such as new trails and related amenities. Other RWF development is designed to be outside the Greenway, away from the river, including the pipeline in the park and through the Upper Site and the Electrical Building and ancillary facilities on the Upper Site. Temporary development and construction activities in the Greenway, including the access road, are designed to limit their impact in the Greenway.

Required Setback
Section 4.514 (.04)

- D9. The proposed water-dependent seismic stabilization measures and water-related trails are exceptions to the 75-foot setback in this standard. Otherwise, the water-related pipeline is

RECEIVED
FEB 26 2020

OWRD

both within and beyond the 75-foot setback and the proposed water-related Electrical Building and ancillary facilities are beyond the 75-foot setback.

Fish, Riparian and Wildlife Corridors

Section 4.514 (.05)

D10. The ravine along the western edge of the project site is an existing corridor leading into the Willamette River. The SROZ boundaries mapped as part of this application encompass the ravine and its tree cover. Proposed development was collaboratively designed with the City to avoid the ravine and the SROZ Area of Limited Conflicting Use and SROZ Title 3 area associated with it. The pipeline and its work area, as it travels through the park, is east of the SROZ Title 3 area and SROZ Area of Limited Conflicting Use. The existing park pathway, which is located in the SROZ Impact Area and SROZ Title 3 area, will be restored in place. This proposed development will avoid the ravine area and will allow that corridor to remain open.

Public Safety and Protection of Property

Section 4.514 (.06)

D11. Access to the proposed development in the Greenway (e.g., trails) will be regulated as access to the existing park and park pathway is regulated, which has been successful in protecting public safety and public and private property. Further, for purposes of public safety during construction, public access will be limited to the site and the Greenway, consistent with the Construction Management Plan and in coordination with the City and the public.

RECEIVED
FEB 26 2020

OWRD

Request E: SI19-0001 Abbreviated SROZ Map Refinement and Request F: SI19-0002 Abbreviated SRIR Review

As described in the Findings below, the applicable criteria for these requests are met or will be met by Conditions of Approval.

Significant Resource Overlay Zone (SROZ)

Both Request E: SI19-0001 Abbreviated SROZ Map Refinement and Request F: SI19-0002 Abbreviated SRIR Review are reviewed for compliance with the SROZ Ordinance in this section.

The applicant is requesting approval of an Abbreviated SRIR Review for exempt development that is located within the SROZ and its associated 25-foot Impact Area.

The proposed exempt development will encroach into the SROZ and its associated 25-foot Impact Area. The impact to the SROZ is necessary to accommodate public improvements associated with the project. Proposed exempt development includes the following:

- A pipeline bored under SW Arrowhead Creek at the Upper Site;

- A pipeline construction corridor along the western side of the Lower Site;
- Staging areas, grading and seismic stability improvements along the south side of the Lower Site; and
- A new path and pedestrian overlook in the Willamette River riparian area.

RECEIVED
FEB 26 2020

QWRD

General Findings

- EF1. The area designated SROZ includes riparian areas and upland wildlife habitat associated with an unnamed, intermittent creek (Site ID Number 4.10U), Arrowhead Creek (Site ID Number 4.15S) and the Willamette River (Site ID Number 4.101U).
- EF2. A mixed-deciduous forest (i.e., primarily Douglas fir and bigleaf maple) comprises most of the riparian areas and upland wildlife habitat on the lower and upper sites. The understory has been disturbed in the past, and the shrub and herbaceous layers have been impacted by non-native invasive plant species. Native tree species include grand fir, western red cedar, western hemlock, red alder, cottonwood, Oregon white ash, vine maple, and Indian plum. Non-native invasive plant species include common cherry, Himalayan blackberry, English ivy, and English holly. The forest provides habitat and wildlife corridors for a variety of native species, including mammals, amphibians, reptiles and birds.
- EF3. The unnamed, intermittent creek is at the base of a steep ravine along the west side of the Lower Site. Arrowhead Creek marks the north and northeast boundary of the Upper Site. A small (0.04 acre) wetland was delineated at the northern end of the intermittent creek. The vegetation in the wetland is primarily non-native reed canarygrass and climbing nightshade. In addition, two wetlands (0.03 acre and 0.09 acre) were delineated within the narrow floodplain of Arrowhead Creek. The delineated wetlands were not included in the City's Natural Resources Inventory and do not qualify as locally significant due to their size (i.e., less than 0.5 acre). However, these wetlands are considered jurisdictional and subject to regulation by the Oregon Department of State Lands and the U.S. Army Corps of Engineers.
- EF4. The SROZ ordinance prescribes regulations for development within the SROZ and its associated 25-foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality Resource Areas, Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. Wetlands, streams and riparian corridors shall have at least a minimum 50-foot buffer, but buffers may extend to the top of the slope for riparian corridors. All significant natural resources have a 25-foot Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated 25-foot Impact Area through an Abbreviated SRIR Review.
- EF5. Pursuant to the City's SROZ ordinance, development is only allowed within the Area of Limited Conflicting Use (ALCU). The ALCU is located between the riparian corridor boundary, riparian impact area, or the Metro Title 3 Water Quality Resource Area

boundary, whichever is furthest from the wetland or stream, and the outside edge of the SROZ, or an isolated significant wildlife habitat (upland forest) resource site.

- EF6. The applicant's Abbreviated SRIR delineated specific resource boundaries and analyzed the impacts of development within the SROZ. The applicant's SRIR contained the required information, including a mitigation plan for the proposed impacts to the SROZ.

Use and Activities Exempt from These Regulations
Section 4.139.04 (.08) and (.20)

RECEIVED
FEB 26 2020

- EF7. Proposed exempt development in the SROZ and its associated 25-foot Impact Area comply with the following exemptions:

OWRD

- **Pursuant to Subsection (.08)** (construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area), The existing overlook will be removed and replaced with a new viewing area (i.e., Upper Overlook). The new overlook will be approximately 425 feet larger in size and provide park users with an enhanced view of the river. In addition, there will be new overlook areas at the west end of the bluff (i.e., West Overlook) and near the river (Lower Overlook). All of the overlooks will be connected by a trail network. Due to minimizing impacts to trees and utilizing pervious materials, the new overlooks and paths will have minimal impact to the SROZ.
- **Pursuant to Subsection (.20)** (installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan), The WRWTP Master Plan Update (2017) includes the plant expansion and pipeline projects. These projects provide critical public infrastructure for current and future water needs. At the Upper Site, the pipeline crossing underneath Arrowhead Creek will be installed using trenchless technology to reduce impacts. However, a small group of trees will be removed for the receiving shaft. At the Lower Site, the pipeline will be constructed directly east of the existing trail, which will minimize impacts to the SROZ. By far, the most significant impact to the SROZ will result from the seismic slope stabilization improvements. Grading and tree removal will be necessary for the construction of the improvements. Due to the impact to the soil profile in the construction area, this part of the forest will only be suitable for a native shrub community.

Significant Resource Impact Report (SRIR) and Review Criteria
Section 4.139.06 (.01) A.-I.

- EF8. The applicant has provided sufficient information demonstrating compliance with the Abbreviated SRIR Review criteria as follows (* indicates information City Staff may have readily available to assist an applicant):

- **Pursuant to Criterion A** (Site Development Permit Application), A land use application has been submitted in compliance with the Development Code.

- **Pursuant to Criterion B** (outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations*), The site plans include the required information.
- **Pursuant to Criterion C** (location of any wetlands or water bodies on the site and location of stream centerline and top-of-bank), A wetland delineation report was submitted which identified three, small, wetlands. None of the wetlands are considered locally significant.
- **Pursuant to Criterion D** (within area proposed to be disturbed, location, size and species of all trees more than six (6) inches diameter at breast height (DBH)), A tree survey was completed for the project. Trees slated for removal have been identified.
- **Pursuant to Criterion E** (location of SROZ and Impact Area boundaries*), The SROZ and Impact Area have been depicted on the plans. The boundaries are consistent with the City's Development Code requirements.
- **Pursuant to Criterion F** (minimum of three slope cross-section measurements transecting site, equally spaced at no more than 100-foot increments; measurements should be made perpendicular to the stream*), These measurements were completed as part of the SROZ mapping.
- **Pursuant to Criterion G** (map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary using Metro Title 3 field observed standards*), The Metro Title 3 boundaries are depicted on the plans.
- **Pursuant to Criterion H** (current photos of site conditions to supplement above information*), The SRIR includes current photos of the site conditions.
- **Pursuant to Criterion I** (narrative describing possible and probable impacts to natural resources and plan to mitigate for such impacts*), The SRIR includes the required information. Impacts to the SROZ will be mitigated at the Upper Site. Native plants will be installed in the area directly adjacent to the Arrowhead Creek riparian area. The mitigation will enlarge the riparian corridor and provide valuable habitat.

RECEIVED
FEB 26 2020
OWRD

Sign-off accepting Conditions of Approval

Case File # DB19-0019 et al

Project Name: Willamette Water Supply System Raw Water Facilities

The Development Review Board's Decision and Conditions of Approval have been received and accepted by:

Signature

Title

Date

Signature

Title

Date

RECEIVED
FEB 26 2020
OWRD

This decision is not effective unless this form is signed and returned to the planning office as required by WC Section 4.140(.09)(L).

Adherence to Approved Plan and Modification Thereof: The Applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development.

Please sign and return to:

Shelley White
Planning Administrative Assistant
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070



Exhibit A3 DB19-0019 et. al.

Planning Division Memorandum

From: Cindy Luxhoj AICP, Associate Planner
To: Development Review Board Panel 'B'
Date: November 25, 2019
RE: Willamette Water Supply System Raw Water Facilities –
Recommended Modification to Condition of Approval

RECEIVED
FEB 26 2020
OWRD

On November 20 and 22, 2019, the applicant for the above-referenced project requested changes to four Conditions of Approval in the Development Review Board staff report. Specifically these include PDB 5 and PDB 6 (Site Design Review) and PDC 2 and PDC 4 (Type C Tree Removal Plan). Following review of the requested changes and discussion with the applicant, Planning staff determined the following:

- Requested modifications to Conditions of Approval PDB 6, PDC 2 and PDC 4 are not warranted as these conditions are based directly on standards of the Wilsonville Code and there is not a compelling reason to alter the language as written.
- Modification to Condition of Approval PDB 5 is warranted to clarify the requirements of the condition. PDB 5 specifies requirements for planting of shrubs and ground cover. The modification clarifies that the requirements of this condition only apply to plantings in landscaped areas of the site, not to mitigation sites for SROZ impacts or to plantings in stormwater facilities which are reviewed for compliance by Natural Resources staff. Specifically, the recommended modification adds the following phrase at the beginning of the condition (added text shown in *bold, italic, underline*):

PDB 5. *Except for mitigation sites and stormwater facilities to be reviewed and approved, in writing, by Natural Resources staff pursuant to the conditions and findings outlined in the staff report,* the following requirements for planting of shrubs and ground cover shall be met:

- Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.
- Native topsoil shall be preserved and reused to the extent feasible.
- Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.

13376 -

- All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10 to 12 inch spread
- Shrubs shall reach their designed size for screening within 3 years of planting.
- Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4 inch pot spaced 2 feet on center minimum, 2-1/4 inch pots spaced at 18 inches on center minimum.
- No bare root planting shall be permitted.
- Ground cover shall be sufficient to cover at least 80 percent of the bare soil in required landscape areas within 3 years of planting.
- Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
- Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns.

Staff recommends that this clarification be made to Condition of Approval PDB 5 by adding the proposed language.

RECEIVED
FEB 26 2020
QWRD