



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

Application for Groundwater Registration Modification

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Completed Applicant Information and Signature.
- Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Groundwater registration modification fees – Amount enclosed: \$ **\$1,250.00**. (\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

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Attachments:

- N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
 Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) **or** the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. 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.

(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	___ Assignment Form and fee not enclosed/insufficient
___ Additional signature(s) required	___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: / /

Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- 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 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 appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes hachuring, 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 registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- N/A ***This is a municipal water right.*** If you are proposing a modification in place of use, show the proposed place of use with hachuring including 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 appropriation with distance and bearing or coordinates from a recognized survey corner.
- N/A If you are proposing a modification in point(s) of appropriation, 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°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Newberg ATTN: Jay Harris, Public Works Director		PHONE NO. (503) 537-1221	ADDITIONAL CONTACT NO.
ADDRESS PO Box 970			FAX NO.
CITY Newberg	STATE OR	ZIP 97132	E-MAIL Jay.Harris@newbergoregon.gov
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

APPLICANT/BUSINESS NAME GSI Water Solutions, Inc. ATTN: Ted Ressler		PHONE NO. 971-200-8509	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill Street, Suite 300			FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.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.			

Explain in your own words what you propose to accomplish with this modification; and why:
The City of Newberg seeks to modify groundwater registration (GR-63), by changing the POAs from Well 1 and Well 2 to Well 7, Well 8, and Well 9 and changing the place of use to the City of Newberg Water Service Area

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

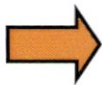
(Check one box)

- By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a);
OR
- I (we) 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 (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

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I understand that prior to Department approval of the groundwater registration modification, 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 groundwater registration 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 paper: _____.

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



Jay Harris
 Applicant Signature

James Harris Director 2/6/2020
 Print Name (and Title if applicable) Date

 Applicant Signature

 Print Name (and Title if applicable)

 Date

Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located? Yes No **N/A –The applicant is a municipality** *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 Groundwater registration has been conveyed.*

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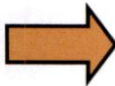
Check the appropriate box, if applicable:

- Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district. **N/A**

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity. **N/A**

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Yamhill County Department of Planning and Development	ADDRESS 525 NE 4th Street	
CITY McMinnville	STATE Oregon	ZIP 97128

ENTITY NAME Marion County Planning Division	ADDRESS 5155 Silverton Road NE	
CITY Salem	STATE Oregon	ZIP 97305

ENTITY NAME City of Newberg Community Development	ADDRESS 414 E. First Street	
CITY Newberg	STATE OR	ZIP 97132

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Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

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

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

POA Name or Number	Is this POA Authorized by the registration or is it Proposed?	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)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 191	3 S	2 W	29	NE SW	2200	1300 feet East and 502 feet South of the quarter corner between Section 29 and Section 30
Well 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 190	3 S	2 W	29	NE SW	2200	1300 feet East and 502 feet South of the quarter corner between Section 29 and Section 30
Well 7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	YAMH 51996	3 S	2 W	29	SE NW	400	242 feet North and 2235 feet East from the W ¼ corner of Section 29
Well 8	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 59721	3 S	2 W	29	SE NW	400	18 feet North and 2408 feet East from the W ¼ corner of Section 29
Well 9	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 66282	3 S	2 W	29	SE NW	400	65 feet North and 2118 feet East from the W ¼ corner of Section 29

Check all type(s) of modifications(s) proposed below (modification “CODES” are provided in parentheses):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input checked="" type="checkbox"/> Point of Appropriation (well) (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |

Will all of the proposed changes affect the entire Groundwater registration?

- Yes** Complete only the proposed (“to” 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 registration to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 5 for instructions.

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

Table 2. Description of Modifications to Registration GR-63 (Certificate # GR-54)

List only the part of the registration that will be modified. For the acreage in each 1/4 1/4, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

AUTHORIZED (the "from" or "off" lands)										PROPOSED (the "to" or "on" lands)											
The listing that appears in the registration BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES											
List only that part or portion of the groundwater registration that will be changed.										are made.											
Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC	Acreage	Type of USE listed on Certificate	POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC	Acreage	New Type of USE	POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																					
2	S	9	NE	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	NW	500	1	10.0		POD #5	1901	
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	SW	500		5.0		POD #6	1901	
3	S	2	W	All						POU/POA	Within the City of Newberg Water Service Area										
3	S	2	W	All		N/A	Municipal Use	Well 1, Well 2	July, 1952									N/A	Well 7, Well 8, Well 9	July, 1952	
3	S	2	W	All																	
3	S	2	W	All																	
										TOTAL ACRES											
										N/A											

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Additional remarks: _____

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Groundwater Registration # GR-63 (Certificate # GR-54)

For a modification in place of use or character of use:

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

If YES, list the other certificate, water use permit, or other Groundwater registration numbers:
N/A – The Applicant is a municipality and the authorized use is municipal supply. The layered water use provisions do not apply to municipal water rights.



Pursuant to OAR 690-382-0200, any “layered” water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the “to” lands must be filed separately with a Groundwater registration modification.

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

- Well log(s) are attached for each well 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/)

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 adequate information is likely to delay the processing of your modification 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

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Attachment A

GR 63

Application for a Groundwater Registration Modification- GR 635 -
City of Newberg

13380 -

Well No. 2

1955

REGISTRATION NO. GR-63

CERTIFICATE NO. GR-54

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

(Under Chapter 708, Oregon Laws 1955.)

TO THE STATE ENGINEER OF OREGON: #1

I The City of Newberg, a municipal corporation
of _____ County of Yamhill
State of Oregon, does hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is pump well
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: approximately two miles south of the Newberg City Hall in Marion County, Oregon.
(Approximate distance and direction from nearest city or town)
and is more particularly described as follows: situated.

(a) 1300 feet east and 502 feet south of the quarter corner between
(Give distance and bearing to corner of section or other legal subdivision)

being within Sec. 29 and 30 in Twp. 3 South, Rge. 2 West.
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city: Not applicable.
in Lot _____, Block _____ of _____
(Name of plat or addition)

County of _____
(If within city or town, give name)

3. Construction Work was begun on September, 1951; was completed on October, 1951
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on July, 1952
(Date)

since which time the water has been used intermittently
(Continuously or intermittently)

from July, 1952 to present time
(Date) (Date)

4. Quantity of water claimed and used is 1000 gallons per minute; _____ acre feet per year.

5. Purpose or Purposes for which water is used municipal
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 90 feet. Type drilled
(Dug or drilled)

diameter 12 inches. Elevation of ground at well site approx. 100 feet, mean sea level.
(As near as known)

Depth to water table 35 feet.

7. Capacity of Well: 1500 g.p.m. with no feet drawdown.

_____ g.p.m. with _____ feet drawdown.

Date of test 1951

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Cap, valve, etc.)

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8. Casing: (Give diameter, commercial specifications and depth below ground surface of each casing size.)

12 inch diameter from top to bottom feet
 inch diameter from to feet
 inch diameter from to feet
 inch diameter from to feet

Describe and show depth of shoe, plug, adapter, liner or other details:

9. Perforated Casings or Screens:

Perforations approx. 1 1/2" x 3" approx. 6 ft. of perforated casing.
(Number per foot and size of perforations, or describe screen)
 from to
 from to
 from to

10. Log of Well: (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

MATERIAL	Thickness (Feet)	Depth to Bottom (Feet)
Black dirt	44	44
Sand and scattered gravel (heaved like quicksand)	15	59
Sand, gravel and wood	4	63
Blue sand and gravel	14	77
Large gravel (much water)	11	88
Sand (no water)	2	90

GR-54 A

If log of well is not available, give name and address of driller.

11. Infiltration Trench: Covered or open Not applicable.

Dimensions: Length ft. Minimum depth ft. Maximum depth ft.

Bottom width ft. Discharge g.p.m. Date of test

12. Tunnel: Type of lining Not applicable.

Dimensions:
(Length, course, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials, as pertinent.)

13. Pumping Equipment:

(a) Pump Gyron Jackson, submersible, 8 inch. Capacity approx. 750 g.p.m.
(Make, type and size)

(b) Motor Electric, 3 phase, 40 H.P.
(Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

Township North or South	Range E. or W. of Willamette Meridian	Section	PROPERTY	Number Acres & to be irrigated	Date of Reclamation
T 3 S.	R. 2 W.	17, 18, 19 & 20	City of Newberg, Oregon, municipal use.		

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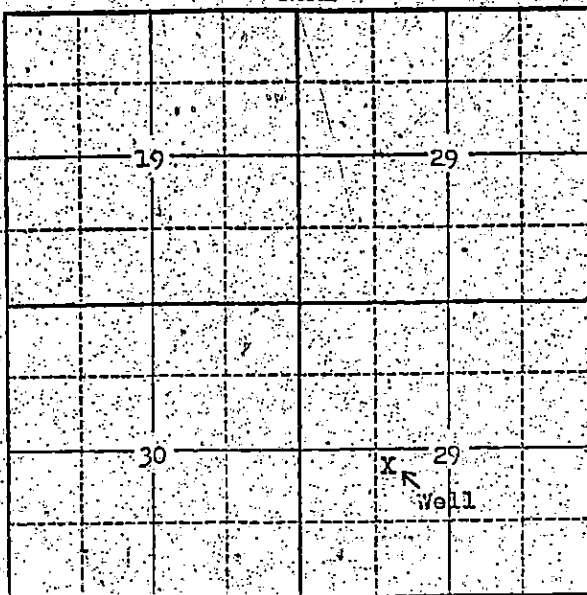
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15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant. Supplemental to existing water rights held by City of Newberg in various springs outside the city limits on the north and northeast. See records of State Engineer.

Township 3 South Range 2 West W.M.

North



Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON

County of Vanhill

ss.

I, Weller Probasco, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Weller Probasco
(Signature of Registrant)

Subscribed and sworn to before me this 5th day of December, 1955

My commission expires 11-15-57

Herbert Jupp
(Notary Public) for Oregon

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

ss.

For Registration Certificate see page GR-54 G

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 7th day of December, 1955, at 8:00 o'clock A. M. and has been duly recorded in said office in Book No. 1 of Registration Statements on page _____

Construction shall be completed by 10, and the water completely applied to beneficial use by 10

Witness my hand this _____ day of _____, 1955

Lewis A. Stanley
(State Engineer)

By _____

(Deputy)

GR-54 C

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FEB 27 1955
STATE ENGINEER

REGISTRATION NO. GR-63

CERTIFICATE NO. GR-54

Well No. 2

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

(Under Chapter 708, Oregon Laws 1955.)

TO THE STATE ENGINEER OF OREGON:

#2

X The City of Newberg, a municipal corporation
of _____ County of Yamhill

State of Oregon, does hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is pump well
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: approximately two miles south of the Newberg City Hall
(Approximate distance and direction from nearest city or town)
in Marion County, Oregon. Within the acre tract in which Well No. 2
and is more particularly described as follows: is situated.

(a) 1300 feet east and 502 feet south of the quarter corner between
(Give distance and bearing to corner of section or other legal subdivision)
being within Sec. 29 and 30 in of Sec. 29, Twp. 3 South Rge. 2 West, W.M.
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city: Not applicable.
in Lot _____, Block _____ of _____
(Name of plat or addition)

County of _____
(If within city or town, give name)

3. Construction Work was begun on May, 1946; was completed on December, 1948
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on July, 1949
(Date)

since which time the water has been used intermittently
(Continuously or Intermittently)

from July, 1949 to present time
(Date) (Date)

4. Quantity of water claimed and used is 1000 gallons per minute; _____ acre
feet per year.

5. Purpose or Purposes for which water is used municipal
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 90 feet. Type drilled
(Dug or drilled)
diameter 12 inches. Elevation of ground at well site APPROX. 100 feet, mean sea level.
(As near as known)
Depth to water table 35 feet.

7. Capacity of Well: 1500 g.p.m. with no feet drawdown.
_____ g.p.m. with _____ feet drawdown.
Date of test 1948

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Cap, valve, etc.)

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8. Casing: (Give diameter, commercial specifications and depth below ground surface of each casing size.)

12 inch diameter from top to bottom feet
 inch diameter from to feet
 inch diameter from to feet
 inch diameter from to feet

Describe and show depth of shoe, plug, adapter, liner or other details:

9. Perforated Casings or Screens:

Perforations approx. 1 1/2" x 3", approx. 6 ft. of perforated casing.
(Number per foot and size of perforations, or describe screen)

from to
 from to
 from to

10. Log of Well: (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

MATERIAL	Thickness (Feet)	Depth to Bottom (Feet)
Black dirt	11	11
Sand and scattered gravel (heaved like quicksand)	15	59
Sand, gravel and wood	4	63
Blue sand and gravel	14	77
Large gravel (much water)	11	88
Sand (no water)	2	90

If log of well is not available, give name and address of driller:

11. Infiltration Trench: Covered or open Not applicable.

Dimensions: Length ft. Minimum depth ft. Maximum depth ft.

Bottom width ft. Discharge g.p.m. Date of test

12. Tunnel: Type of lining Not applicable.

Dimensions:
(Length, course, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials, as pertinent.)

13. Pumping Equipment:

(a) Pump Eyron Jackson, submersible, 8 inch. Capacity approx. 750 g.p.m.
(Make, type and size)

(b) Motor Electric, 3-phase, 10 H.P.
(Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

Township North or South	Range E. or W. of Willamette Meridian	Section	PROPERTY	PROPERTY	PROPERTY
T. 3 S.	R. 2 W.	17, 18, 19 & 20	City of Newberg, Oregon, municipal use.		

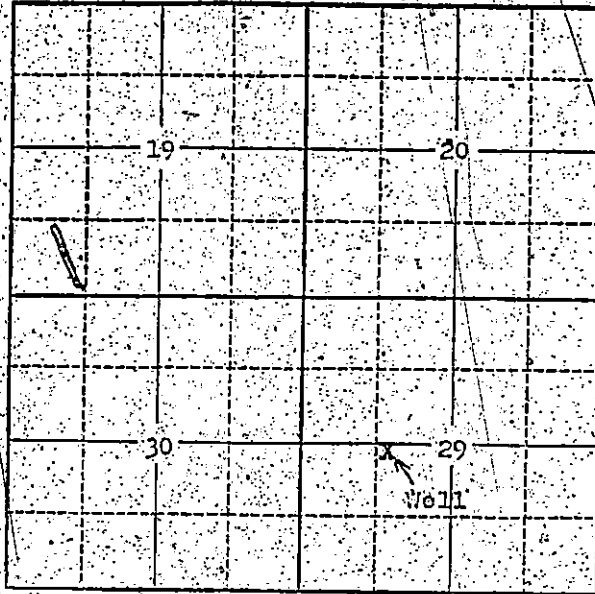
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15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.

Supplemental to existing water rights held by City of Newberg in various springs outside the city limits on the north and northeast. See records of State Engineer.

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Township 3 South Range 2 West, W.M.
North



Locate well and acreage of irrigated land on plat.
Scale: 2" = 1 Mile

STATE OF OREGON

County of Yamhill

ss.

I, Weller Probasco, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Weller Probasco
(Signature of Registrant)

Subscribed and sworn to before me this 5th day of December, 1955

My commission expires 11-15-57

Harold Jiff
(Notary Public) - 104 OREGON

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

ss.

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 7th day of December, 1955, at 8:00 o'clock A.M. and has been duly recorded in said office in Book No. 1 of Registration Statements on page 54

Construction shall be completed by 15, 1955, and the water completely applied to beneficial use by 10

Witness my hand this 24th day of February, 1956

Lewis A. Stanley
(State Engineer)

By

(Deputy)

GR-546

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Attachment B
Application Map

Application for a Groundwater Registration Modification- GR 635 -
City of Newberg

Ted Ressler

From: Zach Pike-Urlacher
Sent: Tuesday, February 25, 2020 2:37 PM
To: Ted Ressler
Subject: FW: Map Scale Waiver for Groundwater Registration Modification in the Name of City of Newberg

Zach Pike-Urlacher

Water Resources Analyst

direct: 541.753.0933 | mobile: 360.739.2303
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Tuesday, February 25, 2020 1:59 PM
To: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>
Subject: RE: Map Scale Waiver for Groundwater Registration Modification in the Name of City of Newberg

Hi Zach

The Department grants a map scale waiver for your attached GR modification application map.

Please attach a copy of this e-mail to the map when you send in the application.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

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From: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>
Sent: Tuesday, February 25, 2020 10:29 AM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Cc: Ted Ressler <tressler@gsiws.com>
Subject: FW: Map Scale Waiver for Groundwater Registration Modification in the Name of City of Newberg

Kelly:

In my previous email I sent you a map depicting Newberg's water system but meant to send you the place of use map we intend to use for the GR modification.

We are requesting a map scale waiver for the POU map attached to this email.

Sorry for any confusion.

Thanks,

Zach Pike-Urlacher

Water Resources Analyst

direct: 541.753.0933 | mobile: 360.739.2303
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

From: Zach Pike-Urlacher

Sent: Tuesday, February 25, 2020 10:06 AM

To: patrick.k.starnes@oregon.gov

Cc: Ted Ressler <tressler@gsiws.com>

Subject: Map Scale Waiver for Groundwater Registration Modification in the Name of City of Newberg

Kelly:

We are planning to file a groundwater registration modification on behalf of the City of Newberg to change the points of appropriation for GR-63.

Can you grant a map scale waiver for the attached map?

Thank you,

Zach Pike-Urlacher

Water Resources Analyst

direct: 541.753.0933 | mobile: 360.739.2303
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

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Attachment C

Land Use Information Form

Application for a Groundwater Registration Modification– GR 635 –
City of Newberg

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City of Newberg Planning

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Chapter 15.305 ZONING USE TABLE

Sections:

15.305.010 Classification of uses.

15.305.020 Zoning use table – Use districts.

15.305.030 Zoning use table – Use subdistricts.

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

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If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table – Use districts.

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
100	AGRICULTURAL USES																				
Def.	Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Def.	Livestock and poultry farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Def.	Home gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Def.	Home livestock and poultry raising	S	S															S		NMC Title 6	
200	RESIDENTIAL USES																				
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)		Subject to density limits of NMC 15.405.010(B)	

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#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	<u>Dwelling, single-family attached</u>	S(2)	S	S(3)		S		C(4)	C(5)								P	P(6)		NMC <u>15.415.050</u> ; subject to density limits of NMC <u>15.405.010(B)</u>
Def.	<u>Manufactured home on individual lot</u>	S(2)	S	S(3)	P(7)	S												P(6)		NMC <u>15.445.050</u> – <u>15.445.070</u> ; subject to density limits of NMC <u>15.405.010(B)</u>
Def.	<u>Manufactured dwelling park</u>		S	S	S															NMC <u>15.445.075</u> – <u>15.445.160</u>
Def.	<u>Mobile home park</u>		S	S	S															NMC <u>15.445.075</u> – <u>15.445.160</u>
Def.	<u>Manufactured home subdivision</u>		S		S															NMC <u>15.445.075</u> – <u>15.445.160</u>
Def.	<u>Dwelling, two-family (duplex)</u>	P(2)	P	P	C	P		C(4)	P(8)/C(5)								P			Subject to density limits of NMC <u>15.405.010(B)</u>
Def.	<u>Dwelling, multifamily</u>	C	P	P	C	P		C(4)	P(8)/C(5)								P			Subject to density limits of NMC <u>15.405.010(B)</u>
Def.	<u>Dwelling, accessory</u>	S	S	S		S		C	C								S	S		Chapter <u>15.445</u> NMC, Article V
Def.	<u>Dwelling, mixed use</u>						P(9)	P(10)	P(8)/C(5)	P(11)	C	C								
Def.	<u>Dwelling, caretaker</u>										P	P	P	C					P(12)	Limited to one per <u>lot</u> , and allowed whenever the <u>use</u> requires the on-site residence of such <u>person</u> .
Def.	<u>Dormitory</u>		C	P		P											P			
Def.	<u>Home occupation (no more than one outside paid employee)</u>	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)	NMC <u>15.415.060</u>
Def.	<u>Home occupation (more than one outside paid employee)</u>	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)	NMC <u>15.415.060</u>
300	INSTITUTIONAL AND PUBLIC USES																			
310	INSTITUTIONAL CARE AND HOUSING																			

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	<u>Family child care home</u>	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		ORS Chapter 657A
312	<u>Day care</u>	P	P	P	C	P	P	P	P		C	C	C	C	P		P		P(14)	ORS Chapter 657A
Def.	<u>Residential care home (5 or fewer people)</u>	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		ORS 197.665
Def.	<u>Residential care facility (6 – 15 people)</u>	C	P	P	C	P		C	C								P			ORS 197.665
315	<u>Group care facility (16+ people)</u>	C	C	C		C		C									P			
316	<u>Hospital</u>	C	C	C		C		P	P								P			
Def.	<u>Prison</u>										C	C	C	C						
320	ASSEMBLY																			
321	<u>Religious institution, place of worship</u>	P	P	P	P	P	P	P	P	P		P(29)				C	P			
322	<u>Private club, lodge, meeting hall</u>			C	C			P	P	C							P			
330	SCHOOLS																			
330	School, primary or secondary	P	P	P		P										C				
331	<u>College</u>	P	P	P		P	P	P	P(15)							C	P			
332	<u>Commercial educational services</u>	C	C	C		C	P	P	P								C			
340	PARKS AND OPEN SPACES																			
341	<u>Open space</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
342	<u>Park</u>	P	P	P	P	P	P	P	P	P				P(16)		P(17)	P			
Def.	<u>Golf course</u>	P	P	P												P(17)				
350	PUBLIC SERVICES																			
351	<u>Community services</u>	C	C	C	C	P		P	P	P						C	P			
352	<u>Emergency services</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	<u>Pound, dog or cat</u>							C	C		C	P	P	C	C					
Def.	<u>Cemetery</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	ORS Chapter 97.46
360	TRANSPORTATION																			
Def.	<u>Transportation facilities and improvements</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	<u>Transit center</u>							P	P	P	P	P								
Def.	<u>Parking facility</u>			P		C	C	P	P(18)	C	P	P	P		P		P			
Def.	<u>Airport, landing field</u>										C	C							P	
Def.	<u>Helipad, helipad</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Def.	<u>Marina</u>									C										
	<u>Pilings, piers, docks, and similar in-water structures</u>									C										
370	UTILITIES																			

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#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-J	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	<u>Basic utilities</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	<u>Utility distribution plant or yard</u>											P	P	P						
Def.	<u>Wastewater treatment plant</u>											C	P	C						
Def.	<u>Telecommunication facility</u> incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	C	C	C	C	C	S	S	S	S	S	S	S	S	S		S			Chapter 15.445 NMC, Article IV
Def.	<u>Telecommunication facility</u> , including <u>radio</u> towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing <u>structure</u> no taller than 18 feet above that <u>structure</u>						C	C	C		C	S(19)	S(19)	P	C		C			Chapter 15.445 NMC, Article IV
Def.	<u>Telecommunication facility</u> , including <u>radio</u> towers and transmitters, which are over 100 feet						C	C	C		C	C	C	C	C		C			Chapter 15.445 NMC, Article IV
400	COMMERCIAL USES																			
410	COMMERCIAL OFFICES																			
411	<u>Medical office</u>			C		P	P(20)	P	P(21)								P			
412	<u>Local business office</u>					P(22)	P(20)	P	P(21)											
420	COMMERCIAL SALES AND RENTALS																			
421	<u>Retail sales – General</u>						P(20)	P	P(15)/(21)	P		P(23)								
422	<u>Retail sales – Bulk outdoor</u>							P	C			P								
423	<u>Retail sales – Convenience</u>						P(20)	P	P(21)	P		P(24)		P(25)						
Def.	<u>Temporary merchant</u>							S	S(21)											NMC 5.15.050 et seq.
425	<u>Retail food and beverage production</u>							S	S											Chapter 15.445 NMC, Article VIII
430	EATING AND DRINKING ESTABLISHMENTS																			
430	<u>Eating and drinking – Alcohol-related</u>							P	P(21)	P										Requires liquor license
430	<u>Eating and drinking – Non-alcohol-related</u>						P(20)	P	P(21)	P	P	P							C(26)	

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
440	COMMERCIAL SERVICES																			
441	<u>Personal services</u>					P	P(20)	P	P(21)	P										
442	<u>Commercial services</u>						P(20)	P	P(21)											
443	<u>Commercial vehicle service</u>							P	C		P(27)	P			P(28)					RECEIVED FEB 28 2020
Def.	<u>Kennel, commercial</u>							C	C		C	P	P	C	C					
450	COMMERCIAL RECREATION																			
451	<u>Commercial recreation – Indoors</u>							P	P(15)		P(29)	P(29)								
452	<u>Commercial recreation – Outdoors</u>							P				C								
453	<u>Commercial recreation – Motor-vehicle-related</u>											C							C(33)	
460	COMMERCIAL LODGING																			
Def.	<u>Vacation rental home</u>	C	C	S	S	S	S(13)	S(13)	S(13)	S(13)										Chapter 15.445 NMC, Article VII
Def.	<u>Bed and breakfast (2 or fewer rooms)</u>	C	S	S		S	S	S	S	S										NMC 15.445.010
Def.	<u>Bed and breakfast (3 or more rooms)</u>	C	C	C		C	C	S	S	S										NMC 15.445.010
Def.	<u>Hotel or motel</u>							P	P(15)	P										C(26)
Def.	<u>Recreational vehicle park</u>							C		C	C	C	C							NMC 15.445.170
500	INDUSTRIAL USES																			
501	<u>Traded sector industry office</u>					P(30)	P(30)	P	P		P	P		P						P(33)
502	<u>Industrial services</u>							C				P	P	P						P(33)
503	<u>Wholesale and industry sales</u>							C(31)			P(31)	P	P	P						P(33)
504	<u>Warehouse, storage, and distribution</u>										P(32)	P	P	P						P(33)
505	<u>Self-service storage</u>							P			P	P	P	P						
506	<u>Light manufacturing</u>										P	P	P	P						P(33)
507	<u>Heavy manufacturing</u>											P(34)	P	C						
508	<u>Waste-related</u>												C	C						
600	MISCELLANEOUS USES																			
Def.	<u>Accessory building and use incidental to other permitted uses in the zone</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
	Uses similar to permitted uses in the zone and not defined or categorized	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Uses similar to conditional uses in the zone and not defined or categorized	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Medical marijuana dispensary	X	X	X	X	X	P(35)	P(35)	P(35)	P(35)	X	X	X	X	X	X	X	X	X	
	Medical marijuana processor	X	X	X	X	X	X	P(38)	X	X	P(37)	P(37)	P(37)	P(37)	X	X	X	X	X	
	Medical marijuana grow site	P(36)	P(36)	P(36)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X
	Medical marijuana wholesaler	X	X	X	X	X	X	C(31)/(38)	X	X	P(38)	P(38)	P(38)	P(38)	X	X	X	P(38)	X	
	Recreational marijuana processor	X	X	X	X	X	X	C(38)	X	X	P(37)	P(37)	P(37)	P(37)	X	X	X	X	X	
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	X	X	
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	X	X	X	
	Recreational marijuana retailer	X	X	X	X	X	P(38) I(39) I(40)	P(38) I(39) I(40)	P(38) I(39) I(40)	P(38) I(39) I(40)	X	X	X	X	X	X	X	X	X	
	Recreational marijuana wholesaler	X	X	X	X	X	X	C(31)/(38)	X	X	P(38)	P(38)	P(38)	P(38)	X	X	X	P(38)	X	
	Marijuana laboratories	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	X	X	
	Marijuana research certificate	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	X	X	

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

(1) Limited to sites with preexisting agricultural uses, including at time of annexation.

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

(3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.

(4) The permitted density shall be stated on the conditional use permit.

- (5) The dwelling units must front onto Hancock or Second Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.
- (6) One residence per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter 15.336 NMC.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) Must be located above ground floor commercial uses.
- (12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.
- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (16) Allowed in areas designated in industrial area plans.
- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.

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(30) Limited to 10,000 square feet maximum floor area.

(31) Allowed indoors only.

(32) Allowed indoors only. Outdoor use requires a conditional use permit.

(33) Must be aviation-related. See Chapter 15.332 NMC.

(34) Limited to expansion or change of existing heavy manufacturing uses.

(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(36) Allows up to 12 mature plants; indoor operations only.

(37) Indoor use only.

(38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.

(39) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(40) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m. [Ord. 2840 § 1 (Exh. A § 1, Att. 1), 10-15-18; Ord. 2832 § 1 (Exh. A, Att. 1), 7-2-18; Ord. 2820 § 1 (Exh. A § 1, Att. 1), 9-18-17; Ord. 2809 § 1 (Exh. A § 1), 9-19-16; Ord. 2801 § 1 (Exh. A § 2), 6-6-16; Ord. 2798 § 1 (Exh. A § 2), 4-4-16; Ord. 2793 § 2 (Exh. A § 1), 2-1-16; Ord. 2780 § 1 (Exh. A § 2), 4-6-15; Ord. 2763¹ § 1 (Exh. A § 6), 9-16-13.]

15.305.030 Zoning use table – Use subdistricts.

#	Use	R-1/ PD	R-1/ 0.1	R-1/ 0.4	R-1/ 6.6	R-1/ SP	R-2/ PD	R-2/ SP	SD/ LDR	SD/ MMR	R-3/ PD	RP/ SP	RP/ LU	AO	ARO	C-1/ SP	C-2/ LU	C-2/ PD	C-2/ SP	C-3/ LU	SD/ V	SD/ NC	SD/ H	CC	CF/ RF	RF	IO
600	MISCELLANEOUS USES																										
	Medical marijuana dispensary	X	X	X	X	X	X	X	X	X	X	X	X	(5)	X	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	X	X	X	X
	Medical marijuana processor	X	X	X	X	X	X	X	X	X	X	X	X	(5)	X	X	X	X	X	X	X	X	X	X	X	X	X
	Medical marijuana grow site	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Medical marijuana wholesaler	X	X	X	X	X	X	X	X	X	X	X	X	(5)	X	X	X	X	X	X	X	X	X	X	X	X	X
	Recreational marijuana processor	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	X	X	X	X	X	X	X	X	X	X	X	X
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	X	X	X	X	X	X	X	X	X	X	X	X
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	X	X	X	X	X	X	X	X	X	X	X	X

#	Use	R-1/PD	R-1/0.1	R-1/0.4	R-1/6.6	R-1/SP	R-2/PD	R-2/SP	SD/LDR	SD/MMR	R-3/PD	RP/SP	RP/LU	AO	ARO	C-1/SP	C-2/LU	C-2/PD	C-2/SP	C-3/LU	SD/V	SD/NC	SD/H	CC	CF/RF	RF	IO	
	Recreational marijuana retailer	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	X	X	X	X	
	Recreational marijuana wholesaler	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Marijuana laboratories	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	P	P	P	P	P	P	P	P	P	P	X	X	X
	Marijuana research certificate	X	X	X	X	X	X	X	X	X	X	X	X	(6)	X	P	P	P	P	P	P	P	P	P	P	X	X	P

#	Use	M-1/SP	SD/E	FHO	II	AIO	H	SC	BI
600	MISCELLANEOUS USES								
	Medical marijuana dispensary	X	X	X	X	X	X	X	(5)
	Medical marijuana processor	P	P	X	X	X	X	X	(5)
	Medical marijuana grow site	C	C	C	C	C	C	C	
	Medical marijuana wholesaler	P(1)	P(1)	X	P(1)	X	X	X	(5)
	Recreational marijuana processor	P	P	X	X	X	X	X	(6)
	Recreational marijuana producer (indoor)	P	P	X	P	X	X	X	(6)
	Recreational marijuana producer (outdoor)	C	C	X	C	X	X	X	(6)
	Recreational marijuana retailer	X	X	X	X	X	X	X	(6)
	Recreational marijuana wholesaler	P(1)	P(1)	X	P(1)	X	X	X	(6)
	Marijuana laboratories	P	P	X	P	P	X	X	(6)
	Marijuana research certificate	P	P	X	P	P	X	X	(6)

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Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

(1) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line

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of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational retailer or wholesaler, or medical marijuana wholesaler.

(2) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(3) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m.

(4) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(5) See NMC 15.305.020, Zoning use table – Use districts, for districts where medical marijuana dispensaries, processors, grow sites, and wholesalers are allowed or prohibited.

(6) See NMC 15.305.020, Zoning use table – Use districts, for districts where recreational marijuana processors, producers (indoor and outdoor), retailers, wholesalers, and marijuana laboratories and research certificates are allowed or prohibited.

[Ord. 2840 § 1 (Exh. A § 2, Att. 2), 10-15-18; Ord. 2820 § 1 (Exh. A § 2, Att. 2), 9-18-17; Ord. 2809 § 1 (Exh. A § 2), 9-19-16; Ord. 2801 § 1 (Exh. A § 3), 6-6-16; Ord. 2798 § 1 (Exh. A § 3), 4-4-16; Ord. 2793 § 3 (Exh. A § 2), 2-1-16.]

¹ Code reviser's note: Section 25 of Ordinance 2763 provides:

SECTION 25: Grace period for previously permitted or conditional uses. Where an applicant demonstrates that a particular use was a permitted or conditional use on a specific property immediately prior to adoption of this ordinance, but that the use is no longer either a permitted or conditional use on that property due to this ordinance, the applicant may establish the use as either a permitted or conditional use, as provided in the prior code, provided the use is legally commenced prior to January 1, 2018.

The Newberg Municipal Code is current through Ordinance 2854, passed December 9, 2019.

Disclaimer: The city recorder's office has the official version of the Newberg Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.newbergoregon.gov/>

City Telephone: (503) 537-1283

Code Publishing Company

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BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the Matter of the)

Case No. 00-32

OWRD

Application of:)

Clerk's File No. 4825

CITY OF NEWBERG)

ADMINISTRATIVE REVIEW/FLOOD-
PLAIN AND GREENWAY PERMIT

ORDER

This matter came before the Marion County Board of Commissioners at its regularly scheduled meeting of December 20, 2000, to consider the appeal of the Hearings Officer's approval of the application made by the City of Newberg for an administrative review, floodplain development permit and greenway development permit to expand an existing municipal well field in the identified 100 year floodplain and greenway of the Willamette River on a 116 acre parcel in an EFU (EXCLUSIVE FARM USE) zone in the 4,800 block of Champoeg Road NE, St. Paul.

A public hearing was opened on this application on August 9, 2000. A written request to continue the hearing was received from the applicant prior to the date of the hearing. The hearing was continued to August 30, 2000.

At the conclusion of the August 30, 2000 hearing, the record remained open until September 6, 2000 for the applicant, September 13, 2000 for the opponents, and until September 20, 2000 for the applicant to submit additional information. On November 22, 2000, the Hearings Officer issued a decision finding that the applicant had met the burden of proving compliance with the applicable criteria and **GRANTED** the Administrative Review/Floodplain permit/Greenway permit application. On December 4, 2000, the opponents appealed the Hearings Officer's decision.

The Board, after having thoroughly reviewed the Planning Division's and Clerk's files, Hearings Officer's decision, and the testimony and evidence in the record, makes the following Orders:

IT IS HEREBY ORDERED that the Board adopts the Findings of Fact and Additional Findings of Fact and Conclusions of Law contained in Section IV and V of the Hearings Officer's order dated November 22, 2000, (Exhibit A), attached as its own and affirms the decision of the Hearings Officer **GRANTING** the Administrative Review/Floodplain permit/Greenway permit application, subject to conditions of approval contained in Section VI of the Hearings Officer's Order dated November 22, 2000.

DATED at Salem, Oregon this 20th day of December, 2000.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

orig. clerk
cc: Planning
1302

JUDICIAL NOTICE

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Order becomes final.

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EXHIBIT A

BEFORE THE MARION COUNTY HEARINGS OFFICER

In the Matter of the)	Case No.
)	
Application of:)	Clerk's File No.
)	
CITY OF NEWBERG)	Administrative Review/ Flood
)	Plain Permit/Greenway Permit

ORDER

I. Nature of the Application

This matter comes before the Marion County Hearings Officer on the application of the City of Newberg for an administrative review, floodplain development permit, and greenway development permit to expand an existing municipal well field in the identified 100 year floodplain and greenway of the Willamette River on a 116 acre parcel in an EFU (EXCLUSIVE FARM USE) zone in the 4,800 block of Champoeg Road NE, St. Paul, Marion County, Oregon (S29; T3S; R2W; Lot Nos. 100, 200, and 300).

II. Relevant Criteria

The standards and criteria relevant to this application are found in the Marion County Comprehensive Plan (MCCP) and the Marion County Zoning Ordinance (MCZO) (Rural), especially chapters 110, 136, 178 and 179.

III. Public Hearing

A public hearing was opened on this application on August 9, 2000. A written request to continue the hearing was received prior to the start of the hearing. Norm Bickell from the Marion County Planning Division testified at the hearing. Exhibits 1 through 4 were presented, marked and entered into the record as exhibits. The hearing was continued to August 30, 2000.

At the August 30, 2000 hearing, the Planning Division file was made part of the record. Planning Division file FP/ADM 96-13 was also made a part of the record. The record remained open until September 6, 2000 for applicant, September 13, 2000 for opponents, and until September 20, 2000 for applicant to submit additional information. The following persons appeared at the hearing and provided testimony on the application:

1. Dave Epling	Planning Division
2. John Junkin	Applicant's attorney
3. Jeff Barry	City of Newberg
4. Duane Cole	City of Newberg

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5.	Andy Linehan	City of Newberg
6.	Charles Cox	City of Newberg
7.	Paul Frankenburger	Newberg School District
8.	Ann Pesola	Newberg Area Chamber
9.	W. Don Clements	Chehalem Park & Recreation District
9.	Pat Haight	Opponent
10.	A.D. Dority III	Opponent

The following documents were presented, marked and entered into the record as exhibits:

Ex. 1	Statement by Pat Haight
Ex. 2	August 9, 2000 facsimile cover sheet, with attached August 9, 2000 letter by John M. Junkin
Ex. 3	Comments from AAC 5
Ex. 4	Comments from Marion County Building Inspection
Ex. 5	August 16, 2000 facsimile transmission cover sheet, with attached list of property owners in Yamhill County
Ex. 6	August 16, 2000 letter from George V. Schaaf
Ex. 7	August 18, 2000 letter from Bill Fujii, Oregon Water Resources Department (ORWD)
Ex. 8	August 23, 2000 letter from G. Michael Gougler
Ex. 9	August 25, 2000 letter from Robert Ficker
Ex.10	City of Newberg's response to Staff Report, John M. Junkin, August 29, 2000
Ex.11	LUBA # 99-123, <i>Dayton Prairie Water Assn. v. Yamhill County</i> , Opinion
Ex.12	August 9, 2000 affidavit of Paul Kirsch
Ex.13	December 13, 1994 City of Newberg farm lease
Ex.14	August 9, 2000 letter from Tom Pattee, Oregon Department of Human Resources
Ex.15	August 24, 2000 letter from Dennis Nelson, Oregon Department of Human Resources
Ex.16	August 8, 2000 letter from Julie K. Harvey, Oregon Department of Environmental Quality
Ex.17	Packet of letters in support (23 pages)
Ex.18	Hard copy of power point presentation
Ex.19	August 25, 2000 letter from A.D. Dority III, with attachments regarding hiring of CH2M Hill
Ex.20	August 30, 2000 comments by Pat Haight
Ex.21	Packet of documents, listed 1-11
Ex.22	September 1, 2000 letter from Pat Haight, with attached packet of documents (39 pages)
Ex.23	September 5, 2000 letter from Pat Haight, with eight pages attached
Ex.24	September 6, 2000 letter from Ted Lopuszynski and Robert Johnstone

- Ex.25 September 6, 2000 letter from John M. Junkin, with attached
September 5, 2000 letter from Kan Hwee
- Ex.26 Oregon Division of State Lands Wetland Land Use Notification
Form
- Ex.27 September 20, 2000 facsimile cover sheet, with attached
September 20, 2000 letter from John M. Junkin and September
19, 2000 memo from Jeff Barry

No objections were raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

IV. Findings of Fact

The hearings officer, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

1. The subject property is designated Primary Agriculture in the MCCP and is zoned EFU. The primary intent of the designation and zoning is to promote the continuation of commercial agriculture. Utility facilities necessary for public service are uses permitted, subject to standards, within the EFU zone. The subject property is within the 100 year floodplain, floodway and greenway of the Willamette River.
2. The subject property is on the north and east side of Champoeg Road, at its intersection with Riverside Drive. Surrounding uses consist of commercial farm uses to the west, south and southeast, all on land zoned EFU. To the north and northeast is the Willamette River. The City of Newberg is across the river.
3. The subject property contains five wells that supply water to the City of Newberg. Another well is on an adjacent property to the west. Applicant proposes locating up to five new conventional wells on the eastern perimeter of the subject property. A Ranney water collection system is proposed as an alternative to some of the wells. A Ranney well is a system where a hole is drilled vertically, and then tentacles are drilled that radiate horizontally from the stem to collect water from a large area surrounding the well. A conventional test well was drilled that would be converted to municipal well #7 on approval of this application. Applicant submitted a similar proposal in 1996 that was denied (FP/ADM 96-13).
4. The Marion County Planning Division requested comments on the application from various governmental agencies. The Marion County

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Building Inspection Department stated it had no comment. No other comments were received from contacted agencies.

V. Additional Findings of Fact and Conclusions of Law

1. Applicant has the burden of proving all applicable standards and criteria are met.

ADMINISTRATIVE REVIEW

2. Under MCZO 110.680, the Planning Director shall determine whether uses subject to standards are permitted uses within a zone. In this case, the Planning Director deferred the initial decision on this application to the hearings officer.
3. According to MCZO 110.680(a), an administrative review decision shall be made on the basis of the MCCP and the applicable criteria in the MCZO, and conditions may attach to an approval to ensure compliance with standards or criteria.
4. MCZO 136.040 contains the uses permitted subject to standards in the EFU zone. MCZO 136.040(i) includes utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height, as a use permitted subject to standards. Under this section, a facility is necessary if it must be situated in the EFU zone for the service to be provided.
5. MCZO 136.040(i) is based on ORS 215.283(1)(d), which allows utility facilities necessary for public service in the EFU zone. In 1999, ORS 215.275, regarding utility facilities necessary for public service was added to state law:
 - (1) A utility facility established under ORS 215.213(1)(d) or 215.283(1)(d) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.
 - (2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213(1)(d) or 215.283(1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - (a) Technical and engineering feasibility;

- (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (c) Lack of available urban and nonresource lands;
 - (d) Availability of existing rights of way;
 - (e) Public health and safety; and
 - (f) Other requirements of state or federal agencies.
- (3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.
- (4) The owner of a utility facility approved under ORS 215.213(1)(d) or 215.283(1)(d) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- (5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213(1)(d) or 215.283(1)(d) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.
- (6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated

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facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

6. Utility facilities necessary for public service are also addressed by *McCaw Communication, Incorporated vs. Marion County*, 96 OR App 552 (1989). In *McCaw*, the court held that siting utility facilities on resource land is permitted only when it can be established that: (a) it is necessary to situate the facility in an agricultural zone for the service to be provided; and (b) a permitted use having no direct supportive relationship to agricultural use of the land should be understood as being as nondisruptive of farm use as the language defining the use allows.

McCaw was further examined in *Dayton Prairie Water Association v. Yamhill County*, LUBA No. 99-123 (May 11, 2000). In *Dayton Prairie*, LUBA found that, once an entity decides what kind of public utility facility to construct to meet its needs, the utility facility can be located on EFU zoned land if there are no feasible alternative sites that are not zoned EFU. The governing body is not required to second guess an applicant's chosen method of meeting its need. LUBA also found no need compare alternate EFU zoned sites to find the one least disruptive to agriculture. LUBA's decision was affirmed in *Dayton Prairie Water Association v. Yamhill County*, CA A110515 (September 27, 2000).

Opponents Pat Haight and A.D. Dority III would have the county examine alternatives to drilling wells, such as conservation, purchasing water from other sources or developing a surface water source. Under the *Dayton Prairie* cases, the county has no basis for reviewing alternate methods of obtaining sufficient water. The method of satisfying the public need is decided by the City of Newberg, not the county. Likewise, the City is not required to demonstrate that there is another EFU zoned site that is less disruptive to agriculture than the subject site. The county examines only the subject site in light of ORS 215.275.

7. Development of the subject well involves constructing wells and wellheads, elevated equipment vaults, conveyance pipe and an access road. The water pipes would be buried five feet underground to avoid interference with farm equipment. The wells and access road will be on the eastern perimeter of the farmed portion of the property, and will take only about ½ acre of the site out of farm use. The water will be conveyed to Newberg's treatment plant by existing pipes and a bridge across the Willamette River. The water treatment plant is just across the River from the subject property. The City of Newberg owns the

well field expansion site, and has water rights for the subject property. No interstate natural gas pipeline is involved in this case.

Mr. Dority, a neighboring land owner, believes that a wellhead protection program, and development of a Ranney collector system will force changes in agricultural practices on his property.

The wellhead protection program is a voluntary program to protect the quality of groundwater sources that supply public water systems. If the City of Newberg initiates a wellhead protection program, it will encompass only the subject and Mr. Dority's property because of the groundwater migration pattern. Mr. Dority believes that a wellhead protection program would, for example, prohibit application and storage of agricultural chemicals or storage of fuel on his property. Applicant counters that the city can only restrict use on its own land, not the Dority property. The city notes that its tenant farmer fully cooperates with the city's farm management requirements without interference with farm practices on the subject site.

The wellhead protection program is voluntary, is not in place, and is not a part of this application. The program, if ever implemented by the city, requires coordination and cooperation between the city, surrounding property owners, and several state agencies, including the Oregon Department of Agriculture. Mr. Dority's concern about a program that may never exist is too speculative to consider. In addition, a wellhead protection program could be implemented now, based on the existing wells, and the new wells would have no greater impact on a wellhead protection program than the existing wells. A nonexistent program that will not necessarily flow from approval of this application does not impact farming practices or their cost.

According to Mr. Dority, a Ranney collector system will divert groundwater from agricultural uses on his property, and will make it more difficult to convert his surface water right to a groundwater right should Endangered Species Act (ESA) requirements limit his surface water right. Mr. Dority claims that a Ranney well will draw groundwater that should be allocated to his property because the city included the Dority property in its Ranney permit application. (At one time the City of Newberg attempted to condemn the Dority property for well field development, but failed.) Mr. Dority also believes that ESA requirements may restrict his surface water right at some time, and he would not be able to transfer the surface right to a

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groundwater right because the city's Ranney permit allows such a large appropriation of groundwater.

The city claims that the Ranney permit is not connected with the previous condemnation attempt, or to the water under the Dority property. The city notes that OWRD approves permits based on water being available and not injurious to senior water rights.

OWRD is responsible for ensuring that senior water rights are not harmed. The Ranney permit has been approved, pending land use approval. Approval by OWRD is strong evidence that the proposed use will not be injurious to Mr. Dority's water rights. Unknown potential ESA restrictions on Mr. Dority's surface water rights, and their tie to the subject proposal are too speculative and tenuous to consider here. The preponderance of evidence shows that approval of the proposed use will not injure water rights on surrounding properties.

The proposed well field will have no significant impact on surrounding lands devoted to farm use. Approval of the subject application will not force a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

8. To determine what alternatives might be available for well sites, applicant had to determine where to look for water. Applicant looked at an area five to ten miles from Newberg. Applicant looked at the geology and all well logs for the area. A geologic map shows alluvium, Willamette silt, Troutdale formation and Columbia River basalt in the Newberg area. The Troutdale formation is made up of cemented silt and sand. The Troutdale formation and Willamette silt are not productive for the large groundwater production a municipal well requires. The Columbia River basalt is underneath the other formations and surfaces in the Newberg hills. Twelve of thirteen groundwater limited areas, including the Chehalem and Parrett Mountain groundwater limited areas, are in the Columbia River basalt. Columbia River basalt is influenced by underlying marine sediments that tend to be salty. The salt can be drawn upward when water is taken from the basalt layer.

The alluvium is a buried river channel made up of sand, silt, gravel and clay. The portion of the alluvium, roughly from the south property line of the subject property, north to the extent of the alluvium, contains a productive sand and gravel aquifer. Applicant looked at alternative sites within this productive sand and gravel aquifer.

Under the *Dayton Prairie* cases, applicant is not required to look at other EFU zoned site in its evaluation of alternative sites, but applicant looked at four EFU zoned sites and four non-EFU zoned sites. The EFU zoned sites do not need to be examined, and are not considered in this evaluation. The four nonresource zoned sites are on the Yamhill County side of the Willamette River. Site 1 is about one mile southwest of Newberg, within the City of Dundee. Site 2 is within the Newberg urban growth boundary, just south of the city. Site 3 is an acreage residential area about two miles southeast of Newberg. Willamette Mission State Park is about four miles southeast of Newberg and is zoned park, recreation, open space.

Site 1 is separated from the City of Newberg by EFU zoned lands. A well in this area would require construction of new infrastructure across EFU zoned land to convey water to the city for treatment and distribution. There is no direct or convenient right-of-way connecting the two sites that a water pipeline could follow to avoid resource land. The City of Dundee's well is in site 1. Dundee's well has limited capacity because the water bearing sand and gravel aquifer is thin in this area. A new well for Newberg could interfere with the Dundee's well. In addition, Newberg does not have water rights or own property in this area. Given the thin aquifer and the potential for interference with the City of Dundee's well, and the need for a new conveyance system across farm land, site 1 does not offer a reasonable alternative to the subject site.

Site 2 does not require conveying water over EFU zoned land to reach the water treatment plant, but most of the site is covered by an old landfill. The landfill is largely unlined. Drilling through the landfill and piercing its containment system could lead to groundwater contamination and violate environmental laws. There is little chance the city would receive permission to drill through the lined or unlined portion of the landfill. Even land outside the landfill contains a potential for contamination because the fill was not fully lined and the water capture zone may draw water through or under the landfill. Site 2 is not a suitable alternative site because of health and safety concerns.

Site 3 is a residentially zoned area of Gearns Ferry, and is on the edge of the water bearing aquifer. Well logs indicate the aquifer is only about 25' thick in the area. The city needs to locate its wells in an area capable of producing 700 gallons per minute, and is looking for an aquifer 60' to 100' thick. The aquifer in Gearns Ferry is fine grained and has little capacity for a large municipal well. A new conveyance system would be

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required that would need to cross EFU zoned land. In addition, the city does not own land or have water rights in the area. Site 3 is not a reasonable alternative site.

The Willamette Greenway State Park is four miles from Newberg, and would require extensive infrastructure construction for conveying water from the site. The pipeline would have to cross EFU zoned land. The suitability of the aquifer is not known, but nearby wells have low yields. The site is within the Parrett Mountain groundwater limited area. Municipal water use is not exempt from groundwater limited area permitting under OAR 690-11-014. Applicant would have to prove that water taken from the overlying aquifer would not divert water from recharging the basalt layer. The site is not a feasible or reasonable alternate site.

The subject site is within the most productive portion of the sand and gravel aquifer, and has access to an existing conveyance system and right-of-way. The city has water rights for the subject property and owns the land. Development of the subject site is feasible, cost effective, and will be minimally disruptive to agriculture. Little land will be taken out of agricultural use, and the site will be recovered to the extent possible because conveyance pipes will be buried and the land restored to agricultural use. The proposed use will not significantly change or increase the cost of accepted farming practices on neighboring properties. The subject well field, as proposed, is a utility facility necessary for public service and is allowed in the EFU zone at the subject site.

FISH AND WILDLIFE HABITAT

9. The Willamette River is an MCCP identified perennial sensitive river. Under MCZO 110.835, the impact of land use actions regulated by the MCZO on fish and wildlife habitat identified in the MCCP shall be evaluated and the proposal modified or conditioned as necessary to minimize potential adverse impacts and to preserve the existing resource.

The proposed structures are on land already disturbed by agricultural activity. No construction will occur within the Willamette River. The bank area and its existing vegetation will not be disturbed. The potential for adverse impact on the Willamette River is minimal. MCZO 110.835 is satisfied.

FLOODPLAIN DEVELOPMENT

10. Under 178.050(C), prior to obtaining a building permit the owner shall be required to sign and record in the deed records for the county a declaratory statement, binding the landowner and the landowner's successors in interest, acknowledging that the property and the approved development are located in a floodplain. Filing a declaratory statement can be made a condition of any approval.
11. Under 178.050(D), prior to obtaining a building permit, commencing development or placing fill in the floodplain the applicant shall submit a certification from a registered civil engineer demonstrating that a development or fill will not result in an increase in the floodplain area on other properties and will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduce slope stability downstream of the development or fill.

A registered professional engineer evaluated applicant's proposal and noted that only 100 to 200 cubic feet of rip rap base fill rock per well will be required for the project. The contours of the land will not be altered. Equipment storage structures will be elevated above the floodplain, and the legs of the structures should not measurably increase the floodplain area on other properties or increase the erosive velocity of the river that could cause downstream channel scouring or reduced slope stability. The letter from the certified professional engineer provides substantial evidence that it is feasible to meet MCZO 178.050(D) requirements. With a condition of approval requiring an engineer's certification that these requirements are met, MCZO 178.050(D) will be met.

12. Under 178.060(C):
 - (1) New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to two (2) feet above the level of the base flood elevation. Where the base flood elevation is not available, the lowest floor, including basement, shall be elevated to two (2) feet above the highest adjacent natural grade (within 5 feet) of the building site; or together with attendant utility and sanitary facilities, shall:

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- (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (c) Be certified by a registered professional engineer or architect that the standards in this subsection and subsection (E) are satisfied. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are floodproofed.
 - (d) Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 178.060(A)(4).
 - (e) Applicants floodproofing non-residential buildings shall be notified by the Zoning Administrator that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level)
- (2) New construction of any commercial, industrial or other non-residential structures are prohibited in the floodway. An exception to this prohibition may be granted if a floodplain development permit, and variance consistent with Section 178.080, are obtained. This prohibition does not apply to water dependent uses.

13. According to MCZO 178.020(P), lowest floor:

Means lowest floor of the lowest enclosed area (including basement). A finished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Equipment vaults will be used solely to store equipment. None of the proposed development will have a lowest floor. Still, the equipment vaults will be elevated ten feet above the floodplain. The wellheads will be water tight in the floodplain and vented

above the floodplain. Applicant's engineer notes that structural components will be designed to be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. It is feasible to meet MCZO 178.060(C)(1) requirements. With a condition of approval requiring an engineer to certify that these requirements are met, MCZO 178.060(C)(1)(a) through (f) will be satisfied.

14. The MCZO 178.060(C)(2) floodway construction prohibition does not apply to uses that are water dependent. MCZO 178.020 defines water dependent as:

A use or activity that can be carried out only on, in or adjacent to water area because the use requires access to the water body for water related transportation, recreation, energy production or source of water. These uses include structures that to serve their purpose must be in or adjacent to water areas, such as bridges, culverts, and erosion and flood control structures.

The entire property and the productive aquifer are within the Willamette River floodway. The aquifer is hydraulically connected to the Willamette River and is dependent on the river as its source of recharge. The proposed use is dependent on the productive aquifer as its water source. The proposed use falls within the definition of a water dependent use, and is allowed in the floodway. The proposed use is not prohibited under MCZO 178.060(C)(2).

15. MCZO 178.060(D)(1) requires all new construction and substantial improvements to be anchored to prevent flotation, collapse, or lateral movement of the structure. This requirement needs to be certified by a registered professional engineer or architect. A registered engineer determined that the design of the structures and the proposed method of construction are in accord with accepted standards of practice for preventing flotation, collapse or lateral movement of the structures. The final design will be certified by a registered engineer. The engineer has demonstrated that it is feasible to meet MCZO 178.060(D)(1) certification requirements. With a condition of approval requiring an engineer's certification to be submitted to the Planning Division, MCZO 178.060(D)(1) will be met.
16. Under MCZO 178.060(E):

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- (1) All new construction and substantial improvements below base flood level shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.

A registered engineer determined that the design of the structures and the proposed method of construction are in accord with accepted standards of practice. The preliminary design was reviewed by a registered engineer, and the final design will be certified by a registered engineer. The well head will be water tight and impermeable to infiltration of water during flooding. The structure will be vented and the equipment vault will be elevated about 10' above the 100 year floodplain. The structure will be anchored with large footings that will resist buoyancy, and hydrostatic and hydrodynamic loads due to flooding. The engineer has demonstrated that it is feasible to meet MCZO 178.060(E)(1) and (2) certification requirements. With a condition of approval requiring an engineer's certification to be submitted to the Planning Division, MCZO 178.060(E)(1) and (2) will be met.

17. The entire treatment facility is within a floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which can carry debris, potential projectiles and erosion potential, MCZO 178.060(J)(1) must be satisfied:

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a certified technical evaluation is provided by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review.

The wells will be subsurface and the equipment vaults will be elevated. Only the legs of the structure will intrude into the floodway. Because the proposed construction will be minor, it is feasible no rise will result from the proposed project. A no rise

certificate from a registered engineer or architect must be provided for proposed structures.

FEMA review of the no rise certification is optional. FEMA review is often required when large amounts of fill or other major projects within the floodway are requested. This application involves only minor construction. FEMA review of the no rise certification would not serve the same purpose in this situation as it would in the situation of major fill or structures being added to the floodway. FEMA review is not warranted in this situation. With a condition of approval requiring submission of a no rise certificate, MCZO 178.060(J) will be satisfied.

GREENWAY DEVELOPMENT

18. Under MCZO 179.030, all activities, uses of land and site development requirements set forth in underlying specific zone districts within the Greenway Management Overlay Zone shall be permitted subject to obtaining a greenway development permit for all proposed development, change of use or intensification of land or water.

The underlying zone for the subject property is EFU. MCZO 136.040(i) lists utility facilities necessary for public service as a use subject to standards in the EFU zone.

19. Under MCZO 179.050, in reviewing a request for a greenway development permit, compliance with the following considerations and criteria shall be determined:
 - (a) Agricultural lands shall be preserved and maintained for farm use.
 - (b) Significant fish and wildlife habitats shall be protected.
 - (c) Significant natural and scenic areas, viewpoints and vistas shall be preserved.
 - (d) Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
 - (e) The quality of the air, water and land resources in and adjacent to the greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway Management Zone.

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- (f) Areas of annual flooding, floodplains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.
- (g) The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.
- (h) The commercial harvesting of timber shall be done in a manner which will ensure that wildlife habitat and the natural scenic qualities of the Greenway will be maintained or will be restored. Only partial harvesting shall be permitted. Limitations on the extent or type of harvest shall be those necessary to satisfy the appropriate use management consideration and criteria in Section 179.050.
- (i) The proposed development, change or intensification of use is compatible with existing uses on the site and the surrounding area.
- (j) Areas considered for development, change or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone.
- (k) Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization stream flow, visual quality, noise and safety and to guarantee necessary reclamation.
- (l) Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.
- (m) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practical.
- (n) A minimum building setback line from the ordinary high water line of the Willamette River will be specified that will minimize adverse impacts upon the scenic qualities of lands along the river except for buildings and structures in conjunction with a water-related or a water-dependent use.

- (o) Public access to and along the river be considered in conjunction with subdivision, commercial and industrial development and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property.
- (p) The development shall be directed away from the river to the greatest possible extent.
- (q) The development, change or intensification of use shall provide the maximum possible landscaped area, open space or vegetation between the activity and the river.
- (r) Private docks, wharfs, and covered storage shall be limited to one per property ownership, shall not extend more than ten (10) feet above water level, and shall be limited to 300 square feet of gross area. Walkways to the dock, wharf or covered storage shall be not more than five (5) feet wide. When approving covered storage Criteria a, b, c, e, and f in "s" below shall be considered.
- (s) Houseboats and houseboat moorages shall satisfy [certain] criteria and requirements[.]

20. **Agricultural lands shall be preserved and maintained for farm use.**

Under OAR 660-033-0020(1)(a)(A), agricultural land, as defined in Goal 3, includes lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon. Under OAR 660-033-0020(1)(b), land in capability classes other than I-IV that is adjacent to or intermingled with lands in capability classes I-IV within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Under OAR 660-033-0020(1)(c), agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

The subject site contains Chehalis silty clay loam (Ch) and Cloquato sandy loam (Cm). According to the U.S. Department of Agriculture Soil Conservation Service *Soil Survey of Marion County Area, Oregon*, (USDA SCS, 1972), the Chehalis soils are class I agricultural soils, and the Cloquato soils are a class II agricultural soils. The subject site is not within an acknowledged urban growth boundary or within an acknowledged goal

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3 or 4 exception area. The subject site is agricultural land. A utility facility necessary for public service is a nonfarm use.

The proposed well field expansion takes little land out of farm use. A maximum of five wells, with access road, will take only about ½ acre out of farm production. The wells and access road will be on the perimeter of the property. Pipes carrying water, if not located within the access road, will be trenched and covered at a depth sufficient to allow agricultural activity to continue. There will be only minor disruption to farm use, and loss of farmland will be *de minimus*. MCZO 179.050(a) is satisfied.

21. **Significant fish and wildlife habitats shall be protected.**

The Willamette River is an MCCP identified sensitive river. No sensitive nesting sites or other sensitive habitat are identified in the area. The access road and wells will be on the perimeter of the farmed portion of the parcel. The river bank and riparian vegetation will not be disturbed. MCZO 179.050(b) is satisfied.

22. **Significant natural and scenic areas, viewpoints and vistas shall be preserved.**

No MCCP identified significant natural areas, scenic areas, viewpoints or vistas are on, adjacent or near the subject site. Development will be minimal and will be obscured from the river view by the treed fringe. MCZO 179.050(c) is met.

23. **Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.**

The Willamette River is an MCCP identified sensitive river and was discussed above. There are no other MCCP identified significant ecological, scientific, historical or archeological sites on or adjacent to the subject property. MCZO 179.050(d) is satisfied.

24. **The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway Management Zone.**

The proposed use will not release particulate matter into the air, nor will it cause land or groundwater contamination.

Development will be limited to about ½ acre, so there will be little disruption to the land or existing activities. MCZO 179.050(e) is satisfied.

25. **Areas of annual flooding, floodplains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.**

MCCP identified wetlands are on the river side of the subject property. The vegetative fringe will not be disturbed. The property is within the 100-year floodplain and the floodway of the Willamette River. Floodplain permitting will ensure proper functioning of the floodplain. MCZO 179.050(f) is met.

26. **The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.**

The natural vegetative fringe along the Willamette River will be maintained at its current level. MCZO 179.050(g) is satisfied.

27. **The commercial harvesting of timber shall be done in a manner which will ensure that wildlife habitat and the natural scenic qualities of the Greenway will be maintained or will be restored. Only partial harvesting shall be permitted. Limitations on the extent or type of harvest shall be those necessary to satisfy the appropriate use management consideration and criteria in Section 179.050.**

No timber harvest is associated with this application. MCZO 179.050(h) is not applicable.

28. **The proposed development, change or intensification of use is compatible with existing uses on the site and the surrounding area.**

The subject site is in agricultural use and contains Newberg's well field. The expanded well field will not change the existing use of the property as a well field or for agriculture. The Willamette River is to the east and northeast, and the City of Newberg is across the river. The city currently draws water from the well field and will continue to do so. Mr. Dority complains that the wellhead protection program will force changes in his agricultural practices, and if a Ranney collector well is allowed, it will divert groundwater from agricultural uses on his

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property, and make it more difficult to convert his surface water right to a groundwater right should ESA requirements limit his surface water right.

Mr. Dority has no objection to a conventional well field from a water appropriation stand point, but claims that a Ranney well will draw groundwater that should be allocated to his property. At one time the City of Newberg sought to condemn the Dority property for well field development. According to Mr. Dority, the city's Ranney permit was filed based on the city owning the Dority property as well as the subject property. The condemnation failed, but Mr. Dority says that the Ranney permit is based on the combined properties, and will appropriate the Dority's groundwater. Mr. Dority says that if ESA requirements restrict his surface water right, he may not be able to transfer the right to a groundwater right because of magnitude of the city's groundwater appropriation under the Ranney permit.

The city claims that the Ranney permit is not connected with the previous condemnation attempt, or the water under the Dority property. The city notes that OWRD approves permits based on water being available and not injurious to senior water rights. OWRD is responsible for ensuring that senior water rights are not harmed. The Ranney permit has been approved, pending land use approval. Approval by OWRD is strong evidence that the proposed use will not be injurious to Mr. Dority's water rights. Unknown potential ESA restrictions on Mr. Dority's surface water rights, and their tie to the subject proposal are too speculative and tenuous to consider here. The preponderance of evidence shows that approval of the proposed use will not injure water rights on surrounding properties.

The wellhead protection program is a voluntary program. If the City of Newberg initiates a wellhead protection program, it will encompass only the subject and Mr. Dority's property because of the way groundwater migrates to the subject property. Mr. Dority believes that a wellhead protection program would restrict farming practices on his land, such as prohibiting application and storage of agricultural chemicals or storage of fuel on the property. The city counters that the city can only restrict use on its own land, not the Dority property. The city notes that its tenant farmer fully cooperates with the city's farm management requirements without interference with farm practices on the subject site.

The wellhead protection program is voluntary, is not in place, and is not a part of this application. The program, if

implemented by the city at sometime, requires coordination and cooperation between the city, surrounding property owners, and several state agencies, including the Oregon Department of Agriculture. The possible effects of a program that does not and may never exist are too speculative to consider.

The proposed development is compatible with existing uses on the subject site and the surrounding area. MCZO 179.050(i) is satisfied.

29. Areas considered for development, change or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone.

There is little chance of erosion associated with the subject proposal. The river bank will not be disturbed. The site is fairly flat, and erosion control measures, such as silt fences or hay bales will be used to contain soils during ground disturbance. The well sites and pipe installation areas will be replanted. MCZO 179.050(j) is satisfied.

30. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization stream flow, visual quality, noise and safety and to guarantee necessary reclamation.

No aggregate extraction is associated with this proposal. MCZO 179.050(k) is not applicable.

31. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.

No public recreational use or facility is proposed. MCZO 179.050(l) is not applicable.

32. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practical.

The proposed expansion will not increase public access to the well field. The City will design well facilities to minimize the potential for vandalism. Public safety and protection of the expansion area from vandalism and trespass will be maintained to the maximum extent practical. MCZO 179.050(m) is satisfied.

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33. A minimum building setback line from the ordinary high water line of the Willamette River will be specified that will minimize adverse impacts upon the scenic qualities of lands along the river except for buildings and structures in conjunction with a water-related or a water-dependent use.

Equipment will be in structures elevated above the floodplain. The structures will be at least 200' from the Willamette River and behind existing riparian vegetation. The well facilities will not significantly impact scenic views. MCZO 179.050(n) is satisfied.

34. Public access to and along the river be considered in conjunction with subdivision, commercial and industrial development and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property.

Public access to the river will not change as a result of this application. In addition, the proposed project involves no subdivision, commercial or industrial development. The subject property is already owned by the City of Newberg, and this proposal involves no public land acquisition. MCZO 179.050(o) is satisfied.

35. The development shall be directed away from the river to the greatest possible extent.

The proposed well field will be at least 200' from the Willamette River, and behind the vegetative fringe along the river bank. Development will be minimal and the location selected provides the greatest access to the aquifer and least disturbance to agriculture. Development is directed as far away from the river as practical. MCZO 179.050(p) is satisfied.

36. The development, change or intensification of use shall provide the maximum possible landscaped area, open space or vegetation between the activity and the river.

The riparian area will be undisturbed. There will be minimal development (about ½ acre), and the agricultural field will remain the dominant feature of the property. MCZO 179.050(q) is satisfied.

37. Private docks, wharfs, and covered storage shall be limited to one per property ownership, shall not extend more than ten (10)

feet above water level, and shall be limited to 300 square feet of gross area. Walkways to the dock, wharf or covered storage shall be not more than five (5) feet wide. When approving covered storage Criteria a, b, c, e, and f in "s" below shall be considered.

No private docks, wharfs or covered storage are associated with this application. MCZO 179.050(r) is not applicable.

38. Houseboats and houseboat moorages shall satisfy [certain] criteria and requirements[.]

No houseboats or moorages are associated with this application. MCZO 179.050(s) is not applicable.

VI. Order

It is hereby found that the applicant has met the burden of proving the applicable standards and criteria for proving that proposed well field is a utility facility necessary for public service are satisfied. Therefore, the administrative review application finding that the proposed use is a use subject to standards in the EFU zone is **GRANTED**.

It is hereby found that applicant has met the burden of proving the applicable standards and criteria for approval of a floodplain development permit have been satisfied. Therefore, approval of floodplain development permit is **GRANTED**.

It is hereby found that applicant has met the burden of proving the applicable standards and criteria for approval of a greenway development permit have been satisfied. Therefore, approval of greenway development permit is **GRANTED**.

These applications are granted **SUBJECT TO** the conditions set forth below. These conditions are necessary for the public health safety and welfare.

1. Applicant shall obtain all necessary building permits from the Marion County Building Inspection Division.
2. Prior to issuance of any permits, or placement of any material in the floodplain the property owner must sign and record in the deed records for the county a declaratory statement binding the landowner, and landowner's successors in interest, acknowledging

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that the property and the approved development are located in a floodplain.

*SA
10/22/01*

3. Prior to issuance of any permits, or placement of any material in the floodplain, a registered engineer or architect shall certify that the project meets the requirements contained in MCZO 178.050(D), 178.060(C)(1), 178.060(D)(1), 178.060(E)(1) and (E)(2).
4. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited unless stored within a structure or on land elevated above the base flood level. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

*SA
10/22/01*

5. Prior to issuance of any permits, or placement of any material in the floodway, a registered engineer or architect shall provide a technical evaluation demonstrating that the project meets the requirements of MCZO 178.060(J)(1).
6. The natural vegetative fringe along the river shall be maintained to the maximum extent possible.

VII. Other Permits

The applicant herein is advised that the use of the property proposed in this application may require additional permits from other local, state or federal agencies. The Marion County land use review and approval process does not take the place of, or relieve the applicant of responsibility for, acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approved herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

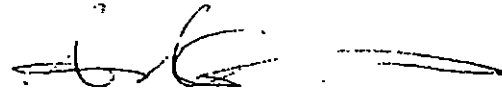
VIII. Effective Date

The application approved herein shall become effective on the 5th day of December 2000, unless the Marion County Board of Commissioners, on their own motion or by appeal timely filed, is asked to review this Order. In case of Board review, this Order shall be stayed and shall be subject to such final action as is taken by the Board.

IX. Appeal Rights

An appeal of this decision may be taken by anyone aggrieved or affected by this Order. An appeal must be filed with the Marion County Clerk by 5:00 p.m. on the 4th day of December, 2000. The appeal must be in writing, must be filed in duplicate, must be accompanied by a payment of \$100, and must state wherein this Order fails to conform to the provisions of the applicable Ordinance.

DATED at Salem, Oregon, this 22nd day of November 2000.



Ann M. Gasser
Marion County Hearings Officer

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Yamhill County Planning

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Well 1 - MARI 191
Well 2 - MARI 190
Well 7 - YAMH 51996
Well 8 - MARI 59721
Well 9 - MAIA 66282

Attachment D

Well Logs

Application for a Groundwater Registration Modification- GR 635 -
City of Newberg

13380 - =

STATE ENGINEER
Salem, Oregon

MARI...191

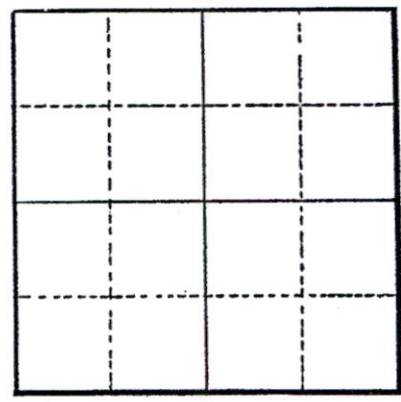
Well Record

STATE WELL NO. 3/2W-29M
COUNTY Yamhill
APPLICATION NO. GR-63

OWNER: City of Newberg MAILING ADDRESS:

LOCATION OF WELL: Owner's No. #1 CITY AND STATE: Newberg, Oregon

NE 1/4 SW 1/4 Sec. 29 T. 3 N. S. R. 2 E. W.M.
Bearing and distance from section or subdivision
corner 1300' E. and 502' S. of the quarter
corner between Sec. 29 and Sec. 30



Section 29

Altitude at well 100'

TYPE OF WELL: Drilled Date Constructed

Depth drilled 90' Depth cased 90'

CASING RECORD:

12" casing 0 to 90'

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FINISH:

6' perforated casing, location of perforations unknown

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AQUIFERS:

Large gravel, (much water) 77 to 88'

WATER LEVEL:

35'

PUMPING EQUIPMENT: Type Byron Jackson 8" submersible H.P. 40 Elec.
Capacity G.P.M.

WELL TESTS:

Drawdown No ft. after hours 1500 G.P.M.
Drawdown ft. after hours G.P.M.

USE OF WATER Municipal Temp. °F., 19
SOURCE OF INFORMATION Weller Probasco / City of Newberg

DRILLER or DIGGER

ADDITIONAL DATA:
Log Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

13380 -

STATE ENGINEER
Salem, Oregon

MARI. 190

Well Record

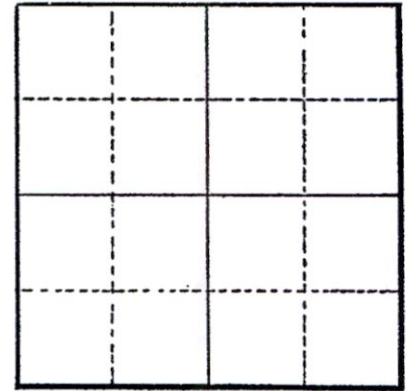
STATE WELL NO. 3/2W-29M
COUNTY Marion ~~Yamhill~~
APPLICATION NO. GR-63

OWNER: City of Newberg MAILING ADDRESS: _____

LOCATION OF WELL: Owner's No. #2 CITY AND STATE: Newberg, Oregon

NE 1/4 SW 1/4 Sec. 29 T. 3 N. S., R. 2 E. W., W.M.

Bearing and distance from section or subdivision corner 1300' E. and 502' S. of the quarter corner between Sections 29 & 30



Section 29

Altitude at well 100'

TYPE OF WELL: Drilled Date Constructed Oct. '51

Depth drilled 90' Depth cased 90'

CASING RECORD:

12 inch casing 0 to 90'

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FINISH:

6' perforated casing location of perforations unknown

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AQUIFERS:

Large gravel (much water) 77 to 88 feet

WATER LEVEL:

35 feet

PUMPING EQUIPMENT: Type Byron Jackson 8" submersible H.P. 40 Elec.
Capacity 750 G.P.M.

WELL TESTS:

Drawdown No ft. after _____ hours 1500 G.P.M.
Drawdown _____ ft. after _____ hours _____ G.P.M.

USE OF WATER Municipal Temp. _____ °F., 19 _____

SOURCE OF INFORMATION Weller Probasco / for City of Newberg

DRILLER or DIGGER _____

ADDITIONAL DATA:

Log _____ Water Level Measurements _____ Chemical Analysis _____ Aquifer Test _____

REMARKS:

13380 -

WATER SUPPLY WELL REPORT

YAMH 51996

Received Date **01/14/2000**

(as required by ORS 537.765)

Well ID Tag # **L 33668**

Instructions for completing this report are on the last page of this form.

Start Card # **124820**

(1) OWNER

Well Number

Name
CITY OF NEWBERG
Street **414 E 1ST**
City **NEWBERG** State **OR** Zip **97132**

(2) TYPE OF WORK

- New Alter (Recondition) Alter (Repair)
 Deepening Abandonment

(3) DRILL METHOD

- Rotary Air Rotary Mud Cable Auger
Other

(4) PROPOSED USE

- Domestic Community Industrial Irrigation Injection
 Livestock Thermal Other

(5) BORE HOLE CONSTRUCTION

Special Standards Depth of completed well **102 ft.**
Explosives Used Amount Type

Diameter	From	To	Material	Begin Depth	End Depth	Material Amount	Units
20.00	0.00	46					
16.00	46.00	102	Cement	0.00	46.00	53.00	S

How as seal placed: Method C Other

Backfill placed from ft. TO ft. Material

Filter pack from ft. TO ft. Size in.

(6) CASING/LINER

Casing or Liner	Diameter	Begin Depth	End Depth	Gauge	Material	Construction		Location Of Shoe
						Weld	Threaded	
C	16.00	0.00	65.00		S			
C	14.00	56.00	67.00	.250	S			
L	14.00	77.00	83.00	.250	S			
L	14.00	89.00	102.00	.250	S			

(7) PERFORATIONS/SCREENS

- Perforations: Method
 Screens Type Material

Diameter	From	To	Gauge	Material	Type	Slot Size
14.00	67	77		S	P	.125
14.00	83	89		S	P	.125

(8) WELL TESTS (Minimum testing time is 1 hour)

Type	Yield	Units	Drawdown	Stem at	Duration
Pump	525.0	G	10.9		73.5

Temperature of water **58** °F/C Depth artesian flow found ft.

Was water analysis done?

By Whom? **CH2M HILL**

Did any strata contain water not suitable for intended use? Too Little Salty

Muddy Odor Colored Other

Depth of strata ft.

(9) LOCATION OF HOLE By legal description

County Latitude Longitude
Township **3.00 S** Range **2.00 W** Subdivision
Tax lot **100** Lot Block
Section **29 NE 1/4 NE 1/4**

Street Address of Well (or nearest address)

2000 FT NORTH OF RIVERSIDE DR AND CHAMPOEG RD
MAP with location identified must be attached

(10) STATIC WATER LEVEL

25.5 Ft. below land surface. Date **01/05/2000**

Artesian Pressure lb/sq. in. Date

(11) WATER BEARING ZONES

Depth at which water was first found **25** ft.

From	To	Est. Flow Rate	SWL
44	89	1500	22

(12) WELL LOG

Ground Elevation ft.

Material	Ground Elevation		SWL
	From	To	
ROCK FILL	0	1	
SILTY SAND BROWN	1	44	
SANDY GRAVELS	44	57	44
SILTY GRAVELS	57	67	
SILTY GRAVELS MED	67	77	
SILTY GRAVELS	77	83	
SAND & GRAVELS MED	83	89	
CLAY MED BROWN	89	102	

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Date started **10/03/1999** Completed **01/05/2000**

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to the best knowledge and belief.

Signed By **TERRY M MCCOY JR**

(bonded) Water Well Constructor Certification: WWC Number **1672**

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number **1464**

Signed By **GREG MCINNIS**

GEO-TECH EXPLORATIONS

13380-

MARI 59721

MARI 59721

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

06-01-2006

WELL LABEL # L 07722 8277Z

START CARD # 181434

Amended

(1) LAND OWNER

Owner Well I.D. Well # 8
First Name _____ Last Name _____
Company City of Newberg
Address 414 E 1st Street
City Newberg State OR Zip 97132

(2) TYPE OF WORK

New Well Deepening Conversion
 Alteration (repair/recondition) Abandonment

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other

(4) PROPOSED USE

Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION

Special Standard Attach copy
Depth of Completed Well 100.00 ft.

BORE HOLE			SEAL			sacks/ lbs
Dia	From	To	Material	From	To	
24	0	57	Cement	0	4	4 S
20	57	100	Bentonite Chips	4	13	16 S
			Cement	13	53	45 S

How was seal placed: Method A B C D E

Other _____

Backfill placed from 57 ft. to 53 ft. Material sugar sand

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	0	60	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	18	79.23	89.25	.375	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	18	94.9	100	.375	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____

Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type Tele/wire wrap Material 304 stainless

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrns/slot width	Slot length	# of slots	Tele/ pipe size
Screen	Liner	18	52.57	58.27	.035			20
Screen	Liner	18	58.27	79.23	.135			20
Screen	Liner	18	89.25	94.9	.15			20

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
4,000	17	82	47

Temperature 59 °F Lab analysis Yes By GSI

Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Marion Twp 3.00 S N/S Range 2.00 W E/W WM
Sec 29 NE 1/4 of the SW 1/4 Tax Lot 100
Tax Map Number _____ Lot _____
Lat _____ ° 0 ' _____ " or _____ DMS or DD
Long _____ ° 0 ' _____ " or _____ DMS or DD
 Street address of well Nearest address

4500 Champoeg Road NE, St. Paul, OR

(10) STATIC WATER LEVEL

Existing Well / Predeepening	Date	SWL(psi)	+ SWL(ft)
Completed Well	<u>05-31-2006</u>		<u>32</u>

Flowing Artesian? Dry Hole?

WATER BEARING ZONES

Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
<u>05-31-2006</u>	<u>32</u>	<u>96</u>	<u>3,000</u>		<u>32</u>

(11) WELL LOG

Ground Elevation _____

Material	From	To
Silt w/ brown clay	0	33
Black and brown sand	33	41
Wood	41	46
Sand and Wood	46	53
Gravel and fine sands	53	96
Clay (brown / gray)	96	100

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JUL 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

Date Started 03-28-2006

Completed 05-31-2006

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1530 Date 06-01-2006

Electronically Filed

Signed STEVEN VIBBARD (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1464 Date 06-01-2006

Electronically Filed

Signed GREG MCINNIS (E-filed)

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

13380 -

DRAFT REPORT

REPORT (as required by ORS 537.705 & OAR 690-205-0210)

Mari 66282

(1) LAND OWNER Owner Well I.D. Well No. 9 First Name Last Name Company City of Newberg Address 414 E 1ST ST City Newberg State OR Zip 97132

(2) TYPE OF WORK [X] New Well [] Deepening [] Conversion [] Alteration (complete 2a & 10) [] Abandonment (complete 5a)

(2a) PRE-ALTERATION Casing: Dia + From To Gauge Stl Plstc Wld Thrd Seal: Material From To Amt sacks/lbs

(3) DRILL METHOD [] Rotary Air [] Rotary Mud [] Cable [] Auger [] Cable Mud [] Reverse Rotary [X] Other Dual Rotary Reverse

(4) PROPOSED USE [] Domestic [] Irrigation [X] Community [] Industrial/ Commercial [] Livestock [] Dewatering [] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION Special Standard [X] (Attach copy) Depth of Completed Well 100 ft. BORE HOLE Dia From To Material SEAL From To Amt sacks/lbs

How was seal placed: Method [] A [] B [X] C [] D [] E Backfill placed from ft. to ft. Material Filter pack from ft. to ft. Material Size Explosives used: [] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd Shoe [] Inside [X] Outside [] Other Location of shoe(s) 55 Temp casing [X] Yes Dia 24 From 0 To 45

(7) PERFORATIONS/SCREENS Perforations Method Screens Type V-Wire Material 304 SS Perf/S Casing/Screen Liner Dia From To Scm/slot width Slot length # of slots Tel/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour [X] Pump [] Bailer [] Air [] Flowing Artesian Yield gal/min Drawdown Drill stem/Pump depth Duration (hr) Temperature 60 °F Lab analysis [X] Yes By Owner Water quality concerns? [] Yes (describe below) TDS amount

(9) LOCATION OF WELL (legal description) County MARION Twp 3 S N/S Range 2 W E/W WM Sec 29 NE 1/4 of the SW 1/4 Tax Lot 00100 Tax Map Number Lot Lat Long DMS or DD Street address of well Nearest address 4500 CHAMPOEG RD NE, ST PAUL OR

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft) Existing Well / Pre-Alteration Completed Well 04-16-2016 24 Flowing Artesian? Dry Hole? WATER BEARING ZONES Depth water was first found SWL Date From To Est Flow SWL(psi) + SWL(ft) 04-16-2016 45 82 3,000 24

(11) WELL LOG Ground Elevation Material From To Fine Silty Sand Brown 0 5 Fine Sandy Silty Clay Brown 5 20 Fine Silty Sand Brown 20 35 Fine Silty Sand Gray Dark 35 45 Sand and Gravel Black/Brown 45 50 Fine to Course Gravel Black 50 75 Medium to Course Sand 75 83 Blue Clay 83 100 RECEIVED RECEIVED BY OWRD FEB 28 2020 MAY 26 2016 OWRD SALEM, OR

Date Started 02-22-2016 Completed 04-29-2016

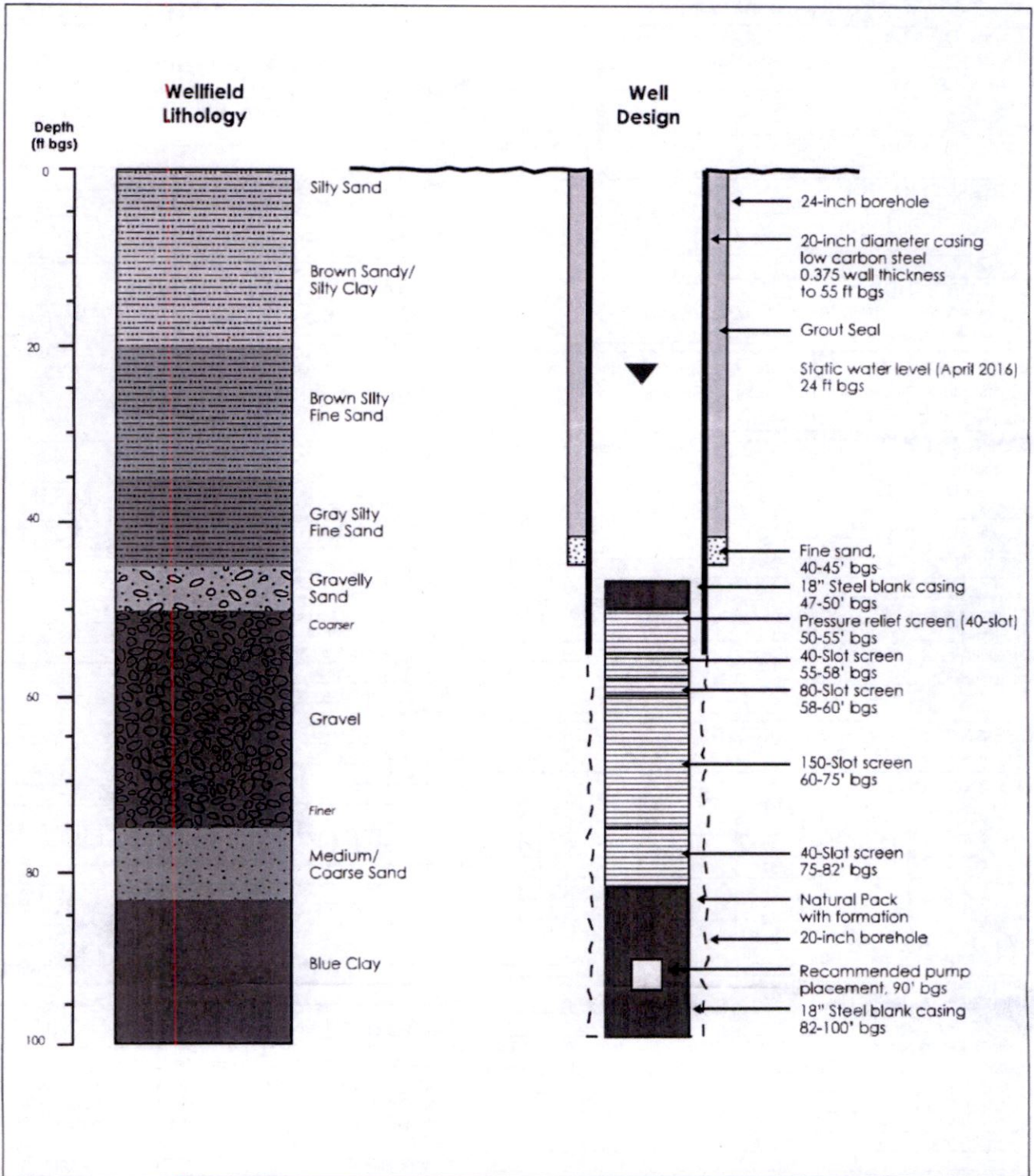
(unbonded) Water Well Constructor Certification I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1523 Date 05-24-2016 Signed Robert Stadel

(bonded) Water Well Constructor Certification I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1953 Date 05-24-2016 Signed Contact Info (optional)

MARI 66282



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MAY 26 2016

SALEM, OR

FIGURE 1
New Production Well (Well 9)
Lithology and Schematic Design
 City of Newberg

MAP NOTES:
 Date: May 10, 2016
 P:\Portland\116 - MSA\013-Newberg Well 9\Figures



43881



Water Solutions, Inc.

February 26, 2020

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

RE: Application for a Groundwater Registration Modification
Groundwater Registration GR-63, City of Newberg

Dear Lisa:

On behalf of the applicant, City of Newberg (City), please find enclosed an Application for a Groundwater Registration Modification involving Groundwater Registration GR-63 held by the City. Please also find enclosed a check in the amount of \$1,250 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE
GSI Water Solutions, Inc.

Enclosures: Application for a Permit Amendment
Check #144429 in the amount of \$1,250

CC: Paul Chiu, PE, Senior Engineer – City of Newberg
Jay Harris, Public Works Director – City of Newberg

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FEB 28 2020

OWRD

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