



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

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Nike, Inc. Attn: Patrick Newsom
First Last

Mailing Address: One Bowerman Drive
Beaverton OR 97005
City State Zip

Phone: 503-532-9184
Home Work Other

*Fax: _____ *E-Mail Address: Patrick.Newsom@nike.com
**optional information*

2. AGENT INFORMATION

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

Agent: GSI Water Solutions, Inc. Attn: Theodore Ressler
First Last

Mailing Address: 55 SW Yamhill Street, Suite 400
Portland OR 97204
City State Zip

Phone: 503-239-8799 x106
Home Work Other

*Fax: 503-239-8940 *E-Mail Address: tressler@gsiws.com
**optional information*

3. LOCATION AND SOURCE

A. Reservoir Name: Jay Street Pond

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
 Source: Cedar Mill Creek Tributary to: Beaverton Creek

C. County in which diversion occurs: Washington

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 SALEM, OREGON

App. No. <u>R-07766</u>	For Department Use	Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
1 S	1 W	5	SW of SE	1S105D000700

E. Dam: Maximum height of dam: 3 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 1.81

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Wildlife and Wetland Enhancement

5. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir in-stream or off channel? **In-stream reservoir**

B. Wetland: Is the project in a wetland? Yes No Don't know

C. Existing: Is this an existing reservoir? Yes No
If yes, how long has it been in place? 17 years.

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D. Fish Habitat: Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? Not sure miles.

E. Partnerships: Have you been working with other agencies? Yes No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

Ken Loffink, ODFW Assistant Fish Passage Program Coordinator, 503-947-6256
Tom Murtagh, ODFW NWD Coast Range District Fish Biologist, 971-673-6044

7. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

A concrete weir will be used to pool water for storage. The weir was designed to allow storage of several volumes of water depending on whether stop logs were installed across two vertical 5' x 2' openings (see drawing below). With no stop logs in place, a pool of water is developed behind the weir covering approximately 1.35 acres, with varying depths of up to 3 feet, and a corresponding volume of approximately 1.81 acre-feet. In order to meet ODFW fish passage requirements, the optional stop logs for increased storage will NOT be used (see Attachment 2). The weir and reservoir will be maintained as required by ODFW to ensure continued fish passage (see Attachment 2).

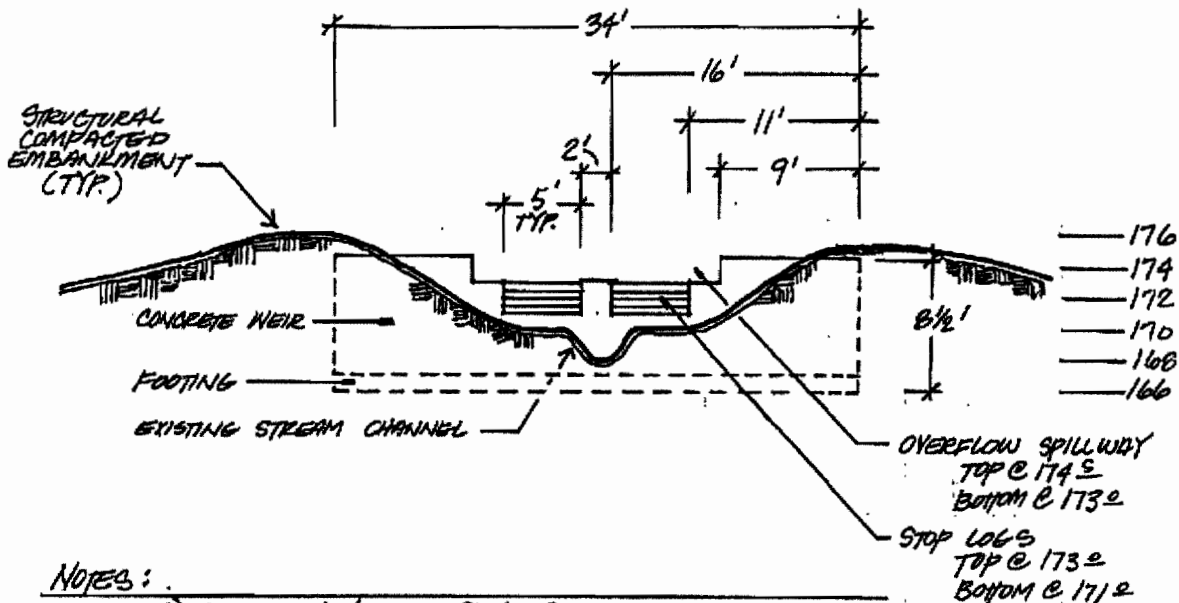
The weir was designed to pass the normal flow of the stream at all times once the pool of water was developed behind the weir. The pooled water in storage will be used for wildlife and wetland enhancement. There will be no out of reservoir uses.

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

Note: Stop logs shown on drawing will NOT be used. Top of dam will be at elevation of 171, channel bottom at elevation of 168, dam height of 3 feet. Design and operation will provide fish passage (see Attachment 2).



NOTES:

- 1.) Q_{peak w/o LOGS} = 91.6 CFS
WSE = 173.2
- 2.) Q_{peak w/ LOGS} = 91.6 CFS
WSE = 174.5
- 3.) Q_{cap (no logs)} = 247.7 CFS
WSE = 174.5
- 4.) ELEVATION/SECTION DRAWN FACING ALONG WATER FLOW.
- 5.) EMBANKMENTS WILL BE PROTECTED WITH APPROPRIATE RIP-RAP.
- 6.) REFER TO PLANS - SHEET 304 & 'GRADING & DRAINAGE' FOR EXACT WEIR LOCATION.

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8. SIGNATURE

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I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

John F. Coburn
Landowner Signature

October 17, 2011
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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OCT 13 2011

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R- Applicant's Name: *NIKE INC.*

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application? NO YES

Who:
Who:

Agency:
Agency:

Date:
Date:

ODFW Structure # PA-02-0034

Watermaster signature: *Daniel Helm* Date: *10/7/11*

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Nike, Inc. **Reservoir**

Name: Jay Street Pond

Source: Cedar Mill Creek **Twp Rng Sec QQ:** 1S 1W 5 SWSE **Volume**

(AF): 1.81

Stream Name: Cedar Mill Creek **Basin Name** Willamette **in channel** **off channel**

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? Yes No
 (if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present?... Yes No
 (if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW approved fish-passage plan?..... Yes No (see attach)
- b. Is there an ODFW approved fish-passage waiver or exemption?..... Yes No

If fish passage is required under (ORS 509.580 through .910) then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to #3(a) and #3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource? Yes No

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

N/A

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

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Lined area for notes or comments.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? NO (explain) YES (select from Menu of Conditions on next page)

N/A

Lined area for notes or comments.

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ODFW Signature: Ken Loffink Print Name: Ken Loffink

ODFW Title: Assistant Fish Passage Coordinator Date: 10/12/11

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Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Fish Division
3406 Cherry Avenue NE
Salem, OR 97303
503-947-6200
Fax: 503-947-6202
www.dfw.state.or.us

October 12th, 2011

Patrick Newsom
Nike Inc.
One Bowerman Drive
Beaverton, OR 97005



Re: Fish Passage Approval for Nike Water Control Structure; PA-02-0034

Dear Mr. Newsom and Nike Inc. representatives,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed, and approves, the fish passage design plan for the Nike Reservoir located on Cedar Mill Creek as required by ORS 509.585. Cedar Mill Creek is a tributary of Beaverton Creek in the Tualatin River basin, and is located in Washington County. The Nike Reservoir structure consists of a concrete slab with two five foot wide openings. In the past Nike Inc. personnel placed boards in these slots for increased reservoir storage.

A site visit was performed on 11/5/2010 by the Oregon Department of Fish and Wildlife (ODFW) North Willamette Watershed Coast Range District Biologist, Tom Murtagh, to evaluate the reservoir check structure for fish passage. During the site visit it was observed that without the check boards installed flow depths and velocities were adequate to provide fish passage to the native migratory fish present in Cedar Mill Creek (cutthroat trout).

ODFW Fish Passage Program and North Willamette District staff have reviewed the conditions and characteristics present on site, and based on these observations the ODFW finds the Nike water control structure (concrete slab) to meet fish passage requirements pursuant to OAR 635-412-0035 (1,2). There is no water diversion structure that pulls water out of Cedar Mill Creek at this site, therefore screening is not necessary. However, should water be diverted from this location in the future, screening shall meet all ODFW requirements. The basis of this approval is contingent on the following provisions:

1. Nike Inc. shall not install flash boards at the water control structure. Any deviation from this plan shall result in Nike Inc. being out of compliance with the provisions of their permit and shall constitute a violation of this approval and applicable fish passage laws (ORS 509.585 and 509.610).
2. The Department shall be allowed to inspect the check structure at reasonable times for the duration of this approval. Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends.

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3. Nike Inc. shall be responsible for monitoring the check structure to ensure volitional fish passage of native migratory fish is being achieved. Monitoring includes visual observations made during site visits paying special attention scour downstream of the check structure and deposition of spoils (sediment, woody debris, etc.) on and around the check structure.
4. Nike Inc shall be responsible for maintaining the structure to conditions described in this approval letter (depths, jump heights, velocities all meeting fish passage criteria). Maintenance activities shall include periodic debris removal as necessary to keep the control structure free of obstructions. Should monitoring and maintenance reveal that volitional fish passage is no longer being achieved, project owners Nike Inc., shall contact ODFW North Willamette District and Fish Passage Program staff, and shall be responsible for developing a solution to bring the water control structure back into compliance.

Please retain this correspondence for your records, and distribute as you deem fit to the appropriate personnel, as this documents ODFW's approval of fish passage at the Nike Reservoir site on Cedar Mill Creek. Again, please note that it is your responsibility to maintain fish passage at this location as approved (ORS 509.610).

Thank you for cooperation and patience as we worked through evaluating fish passage at this site. If you have any questions regarding this approval please contact me at 503-947-6256.

Sincerely,



Ken Loffink
Assistant Fish Passage Coordinator

Cc: Tom Murtagh, ODFW NWW District Biologist
Theodore Ressler, GSI Water Solutions Inc.
Gerry Clark, OWRD Water Rights and Adjudication Division
Greg Apke, ODFW Fish Passage Coordinator
Alan Ritchey, ODFW Fish Screening and Passage Program Manager
Project File: PA-02-0034

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Land Use Information Form



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

Applicant: Nike, Inc. Attn: Patrick Newsom
First Last

Mailing Address: One Bowerman Drive

Beaverton OR 97005 Daytime Phone: 503-532-9184
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1S	1W	5	SWSE	700	2310-Commercial in Industrial Zone Improved	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Store Water
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Washington County

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Cedar Mill Creek

Estimated quantity of water needed: 1.81 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Wildlife and Wetland Enhancement

Briefly describe:

Storage of water in a small existing pond for the benefit of wildlife and wetland enhancement

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Flood Plain Alteration	CDC Sec. 421, 422	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Casefile 92-674-FP/W allowed current use.
No changes are proposed.

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Name: Anne Kelly Title: Associate Planner
 Signature: Anne Kelly Phone: 503-846-8137 Date: 10/12/11
 Government Entity: Washington County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
LAND DEVELOPMENT SERVICES DIVISION
155 NORTH FIRST AVENUE SUITE 350
HILLSBORO, OREGON 97124 648-8781

TYPE I FINAL APPROVAL FOR LAND DIVISIONS & DEVELOPMENT REVIEW

PROPERTY DESCRIPTION:

Assessor Map No. Tax Lot No(s):
1515b TAX LOT 700

Land Use District(s):

IND - (INDUSTRIAL)

Case File No. _____

APPLICANT
Name OWNER - (SEE BELOW)
Contact Person _____
Address _____

Phone _____
FAX _____

APPLICANT'S REPRESENTATIVE NOTE: The Applicant's Representative will be the primary contact for the County.

Contact Person JIMMY BELLOWY, PROJECT MANAGER
Company Name W.R. PACIFIC, INC.
Address P.O. BOX 20040

PORTLAND OREGON 97280
Phone (503) 626-0453
FAX (503) 526-0779

OWNER CONTACT: JIM FEISCHE
Name NIKE, INC.
Address ONE BOWERMAN DRIVE (MS-4)

BEAVERTON OREGON 97005-6453
Phone (503) 671-2017
FAX (503) 671-6318

Final Approval of Casefile No. 92-674-FP/W

NOTE: This form will not be accepted unless accompanied by all of the documents required by the Conditions of Approval listed under "Prior To Final Approval".

J. Bellowy
Applicant's Signature (REPRESENTATIVE)

J.A. BELLOWY, A.S.L.A.
PROJECT MANAGER

Print Name

(Not Required)
Property Owner's Signature

(Required only if ownership is different from that shown on Development Application for preliminary approval)

N/A

Print Name

OFFICIAL USE ONLY

A. Findings of Fact:

1. The applicant has submitted written and graphic (plans) material required for final approval.
2. The final plan complies with the standards and conditions of the preliminary approval.
3. The final plan complies with the applicable Code and Community Plan provisions.
4. Preliminary conditions of approval of this request have been met.
5. Other: _____

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B. Action:

The information submitted by the applicant demonstrates that the request complies with the applicable regulations of the Community Development Code and the Community Plan. Based upon the above findings, final approval of this request is granted subject to the following Departmental condition(s):

**Land Development Services Division
Washington County Department of Land Use and Transportation**

Phil Healy
Signed Phil Healy
Print Name

8/8/94
Date

C. Additional Information:

The applicant and/or property owner must still comply with or fulfill other required conditions prior to such activities as grading, issuance of building permits, and/or final building inspection approval. Please see the original Notice of Decision for these conditions.

D. Appeal Information:

Approval or denial of this request or any conditions may be appealed by the applicant and/or owner if a written appeal is filed with the Washington County Department of Land Use and Transportation within 14 days of the date this notice is mailed. For information on appeals, contact the Department of Land Use and Transportation at the above address.

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WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
LAND DEVELOPMENT SERVICES DIVISION
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
648-8761

STAFF REPORT & NOTICE OF DECISION

CASEFILE: 92-674-FP/W

APPLICANT:

W & H Pacific
P.O. Box 80040
Portland, OR 97280

OWNER:

Nike, Inc.
One Bowerman Drive
Beaverton, OR 97005

PROCEDURE TYPE: II

COMMUNITY

CFO: 1 PLAN: Sunset West

LAND USE DISTRICT: IND- Industrial

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 1S1 5D
LOT#: 700
Site Size: 9.30 acres
ADDRESS: One Bowerman Drive
LOCATION: On the northwest
corner of the intersection of
SW Jay St. and SW Jenkins Rd.

PROPOSED DEVELOPMENT ACTION: Flood Plain Alteration for a Wetland Enhancement

December 28, 1992

I. APPLICABLE STANDARDS

- A. 1990 Washington County Comprehensive Plan
- B. 1985 Sunset West Community Plan
- C. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-2 Type II Procedure
 - Section 207-6 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 320 Industrial District
 - 3. Article IV, Development Standards:
 - Section 402 Development Review Intent and Purpose
 - Section 403 Development Review Applicability
 - Section 404 Master Planning
 - Section 405 Open Space
 - Section 407 Landscape Design
 - Section 410 Slopes and Grading
 - Section 412 Drainage
 - Section 416 Utilities
 - Section 417 Irrigation
 - Section 421 Flood Plain and Drainage Hazard Area Development
 - Section 422 Significant Natural Resource
 - Section 426 Erosion Control

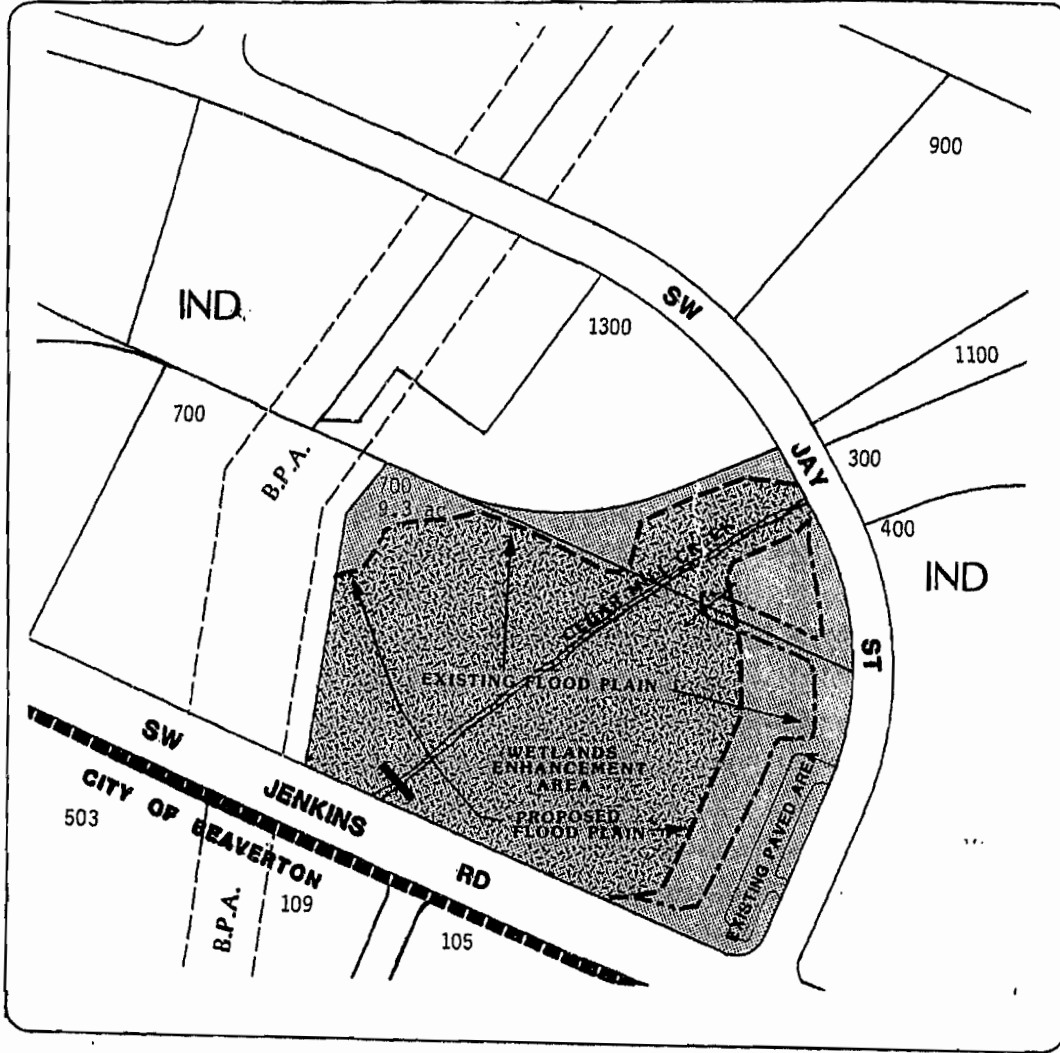
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TAX MAP/LOT NO. 1S1 5D TL 700 CASE FILE NO. 92-674-FP/W



▲ NORTH
 ■ AREA OF CONSIDERATION
 SCALE: 1" to 200'

SITE & SURROUNDING LAND USE DISTRICTS:
 IND District (Industrial)

REVIEW STANDARDS FROM ORDINANCE OR PLAN

- A. 1990 WASHINGTON COUNTY COMPREHENSIVE PLAN
- B. 1989 TRANSPORTATION PLAN
- C. WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE:
 - ARTICLE I, TRANSITION (if applicable)
 - ARTICLE II, PROCEDURES
 - ARTICLE III, LAND USE DISTRICTS
 - ARTICLE IV, DEVELOPMENT STANDARDS
 - ARTICLE V, PUBLIC FACILITIES AND SERVICES
 - ARTICLE VI, LAND DIVISIONS (if applicable)
- D. RESOLUTION & ORDER 86-95 TRAFFIC SAFETY IMPROVEMENTS
- E. ORDINANCE NO. 318 UNIFORM ROAD IMPROVEMENT STANDARDS
- F. ORDINANCE 379 TRAFFIC IMPACT FEE

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WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
LAND DEVELOPMENT SERVICES DIVISION
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124 648-8761

PUBLIC NOTICE

CASEFILE NO.: 92-674-FP/W

APPLICANT:

W & H Pacific
PO Box 80040
Portland, OR 97280

OWNER:

NIKE, Inc.
One Bowerman Dr.
Beaverton, OR 97005-6453

PROPERTY DESCRIPTION:

ASSESSOR MAP NO.: 1S1 5D
TAX LOT NO(S): 700
SITE SIZE: 9.30 acres
ADDRESS:
LOCATION: On the northwest corner of the inter-section of SW Jay St. & SW Jenkins Road.

PROCEDURE TYPE II

CPO: 1 COMMUNITY PLAN: Sunset West
LAND USE DISTRICT(S): IND (Industrial)

PROPOSED DEVELOPMENT ACTION: Flood Plain Alteration and Wetland Enhancement

COMMENT

PERIOD: 11/25/92 to 12/09/92
mailed date closing date (5:00 P.M.)

The applicant is seeking Administrative Approval of the above stated Proposed Development Action.

This is an opportunity for interested persons to submit written comments about this Proposed Development Action before the Director makes a decision on the request. In reviewing this request, the Director will consider all written comments/actually received by the Department within 14 calendar days from the date this Notice is mailed.

The Notice of Decision for this Proposed Development Action and Appeal Information will be mailed to those persons entitled to receive a Notice of Decision pursuant to ORS Ch. 215.416(11). (Individuals who receive a copy of this Public Notice and other persons who submit written comments to the Department will receive a Notice of Decision.)

The decision of the Director may be appealed by those persons entitled to appeal the decision pursuant to ORS Ch. 215.416(11). (Individuals who receive a Notice of Decision are entitled to appeal the decision.)

The complete Application, applicable standards and other information are available for public review at the Department of Land Use and Transportation. A copy of this material will be provided at reasonable cost.

FOR FURTHER INFORMATION, CONTACT

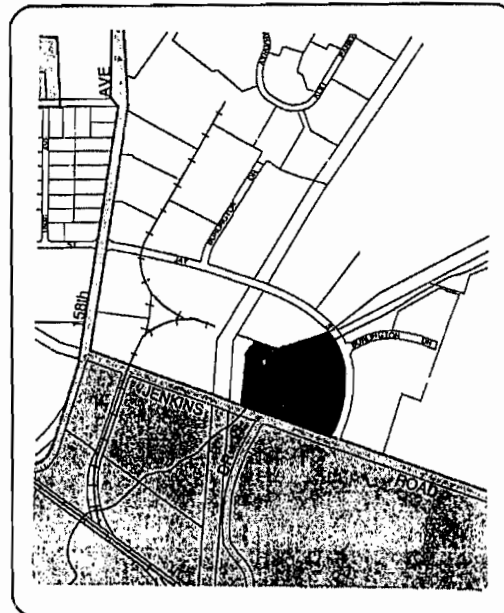
Phil Healy

AT THE DEPARTMENT OF LAND USE AND TRANSPORTATION.

PHONE: 648-8761.

AREA MAP

■ SUBJECT PROPERTY



Notice to Mortgagee, Lien Holder, Vendor or Seller:

ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

FORM #1 11/91

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- H. Resolution and Order No. 91-47 as Amended by R&O 91-75 - Concerning Erosion Control, Water Quality and Quantity

II. AFFECTED JURISDICTIONS

Water Quality
and Quantity: Unified Sewerage Agency
Erosion
Control: Unified Sewerage Agency
Wetlands: State of Oregon Division of State Lands
Wildlife: Oregon Department of Fish and Wildlife

III. FINDINGS

A. Background Information:

1. The applicant proposes to construct a wetland enhancement within the Cedar Mill Creek flood plain.
2. Conceptual plans for the proposed wetland enhancement have been submitted by the applicant. If preliminary approval is granted, final wetland enhancement plans and engineering plans will need to be submitted.

B. 1990 Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals which affect this request that are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan which, in this instance, is the Sunset West Community Plan. By demonstrating in this report that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

C. 1983 Sunset West Community Plan:

The site is located in the Windolph Subarea.
The site is not located in an Area of Special Concern.
Portions of the site contain Significant Natural Resources.

The following Sunset West General Design Elements (GDEs) apply to this request.

- GDE #1 In the design of new development, flood plains, drainage hazard areas, streams and their tributaries, riparian and wooded areas, steep slopes, scenic features, and power line easements and rights-of-way shall be:

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- a. used to accent, define, or separate areas of differing residential densities and differing planned land uses;
- b. preserved and protected to enhance the economic, social, wildlife, open space, scenic, recreation qualities of the community, and
- c. where appropriate, interconnected as part of a park and open space system.

APPLICANT: The design of the enhancement area has been completed using the floodplain to accent, define, and separate differing land uses; preserve and protect to enhance the economic, social, wildlife, open space, and scenic qualities of the community; and be interconnected as an open space system.

6.9 acres of the 9.3 acre site will be a wetland enhancement project. The enhancement of the 6.9 acres will preserve and protect the existing plant and animal life. All enhancement in the flood plain area will be in accordance with Section 422-3.4 and be reviewed and approved by O.D.S.L. The dedication of the 6.9 acre enhancement to T.H.P.R.D. is not anticipated at this time.

STAFF: The applicant's proposal will provide protection for the floodplain and wetland area.

GDE #2 Master Planning - Planned Development and/or Master Planning - Primary Use may be required for development on land which includes a Significant Natural Resource and steep slopes as a means of protecting the resource while accommodating new development. A density transfer from the resource area to the buildable portion shall be allowed for any Significant Natural Resource site as specified in the Community Development Code.

APPLICANT: Master planning by licensed professionals has been completed as part of the preparation of this application and density transfers are not required.

STAFF: The request is for a wetland enhancement and flood plain alteration only. No other development approval is requested as a part of this request. Therefore, no density transfer is necessary.

GDE #3 Trees located within the Significant Natural Resource area shall not be removed without first obtaining a development permit for tree removal as provided within the Community Development Code. A permit shall not be required for tree removal from power line rights-of-way, public parks and playgrounds or mineral and aggregate sites.

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APPLICANT: Trees shall not be removed from the site without first obtaining a development permit for tree removal. Tree removal, if any, will be minimal and will not be encouraged.

STAFF: Final approval of this application will constitute a development permit for tree removal.

GDE #6 Open space shall be utilized for park and recreation facilities or passive recreation and dedicated to the appropriate recreation service provider wherever feasible.

APPLICANT: The enhancement area shall be utilized as open space and protect existing wetlands and wildlife. At this time, dedication of the enhancement area to THPRD is not anticipated.

STAFF: There is no requirement that the property be dedicated to THPRD. However, the applicant will have to describe the ownership, use, and maintenance of the enhanced area as required by Section 405.

The following Windolph Subarea Design Elements (SDEs) apply to this request:

SDE #1 Cedar Mill Creek crosses the southern portion of the Windolph subarea. Specifically, the creek crosses the Windolph Industrial Park. As development occurs, the flood plain shall be preserved, protected and incorporated into site development plans as set forth in the Community Development Code.

APPLICANT: With the enhancement of the subject site, the Cedar Mill Creek and adjacent flood plain has been protected and preserved. The majority of the site, situated in the flood plain, will be enhanced to preserve the existing integrity and wildlife of the area as approved by ODSL and the requirements of Section 422-3.4. There will be very little modification to the creek alignment other than the creation of the pond area.

STAFF: The wetland enhancement proposal is subject to review by both the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife.

SDE #2 The power line easement through the Windolph subarea has been identified as a part of the proposed off right-of-way bike route system on the Transportation Plan. For development that occurs adjacent to the power line easement, the opportunity to establish a bike route using the power line easement shall be considered an important site design element in the development review process.

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APPLICANT: Development will not be occurring adjacent to the power line easement through the proposed site. The site area adjacent to the powerline easement is the wetland area and access is not desirable if wildlife protection and preservation is to be a success.

STAFF: The powerline easement is not a part of the subject site.

D. Washington County Community Development Code:

1. Article II, Procedures:

Section 202-2 Type II Procedures

202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

STAFF: This application is being reviewed as a Type II application. A public notice advertising the request has been mailed to all property owners within 250 feet of the site. A public notice sign has been posted on the site as required by the Community Development Code (CDC) Section 204-1.4. The posting affidavit is in the casefile.

No written comments were received during the two week comment period.

Conditions of approval may be imposed to ensure compliance with the standards of the Code and other County regulations, and to minimize identified impacts upon surrounding properties.

Section 207-6 Conditions of Approval:

207-6.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

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STAFF: As previously stated in the findings for CDC Section 202-2.1, conditions of approval may be imposed to ensure compliance with the standards of the Code and other County regulations and to mitigate any adverse impacts the use may have on the surrounding area.

2. Article III, Land Use Districts:

Section 320 Industrial District

STAFF: The subject parcel is a lot of record in the Industrial District.

3. Article IV, Development Standards:

Section 402 Intent and Purpose

Section 403 Applicability

Section 404 Master Planning

Master Planning through the Site Analysis or Planned Development is provided to encourage development which best utilizes the existing on and off-site characteristics, to encourage flexibility and a creative approach in land development with a more efficient, aesthetic and desirable use of open space, and to establish desirable physical links within a community. It is not the intent of this Section to require full engineering or landscape drawings prior to receiving approval of a requested use. Preliminary (conceptual) plans shall be submitted with the Master Plan application. Prior to issuance of permits final drawings will be required.

STAFF: The applicant has submitted preliminary plans for the wetland enhancement and flood plain alteration. The applicant has not submitted full engineering plans or a complete wetland enhancement plan. However, the plans and written statement demonstrate intent to comply with all requirements of the Code. In accord with this Section, final plans can be required prior to issuance of a permit for site work.

Section 405 Open Space

STAFF: The Cedar Mill Creek floodplain is designated as a Water Area and Wetland and is therefore subject to the Open Space provisions. Essentially, the applicant will need to describe the intended ownership, use, and maintenance of the wetland area prior to final approval of the application.

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Section 410 Slopes and Grading:

STAFF: Grading will take place to facilitate the wetland enhancement. The applicant has submitted a preliminary grading plan. Final grading plans will be reviewed at the time of construction.

Section 412 Drainage:

STAFF: The applicant has submitted a preliminary drainage plan. There will be no creation of additional impervious surface and therefore no collection and routing system. For impacts to off-site properties, the relevant review criteria is found in Section 421.

Pursuant to Resolution and Order No. 91-47 as amended by R&O 91-75 the Unified Sewerage Agency (USA) also has the responsibility for review and approval of storm drainage plans as well as erosion control plans. The applicant will be required to obtain approval from USA prior to any on-site work.

Section 421 Flood Plain & Drainage Hazard Area Development:

STAFF: Since the wetland enhancement area is within the 100 year flood plain of Cedar Mill Creek, the provisions of Section 421 apply.

Through a Type II procedure, Section 421-5.9 allows dams, weirs, ponds and similar impoundment devices and mitigation and enhancement improvements when in conjunction with an enhancement plan approved through Subsection 422-3.4

The development standards of Section 421-7 apply to all Type II development in the flood plain. Section 421- 7.1 requires that the applicant demonstrate through hydraulic analysis that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin, will not result in any increase in flood levels within the community during the occurrence of the base (regional) flood discharge.

Section 421-7.4 requires that structures be designed to minimize debris loading.

Section 421-7.5 requires demonstration that the velocity of flood flows will not be increased.

The County Building Engineer and the Senior Engineer of the Engineering Division have reviewed this proposal. They have recommended preliminary approval

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subject to submission of final plans. The applicant's engineer will need to submit "HEC-2" hydraulic models of the site to show that there will be no effective increase in the flood elevation as a result of the proposal. The applicant's engineer will also need to address debris potential and flow velocities.

Section 422 Significant Natural Resources:

STAFF: This Section requires that in areas designated as Significant Natural Resources, the applicant must identify the resource, discuss the proposed treatment of the resource area, apply the design elements of the Community Plan, and demonstrate that the proposal will not have a significant impact on the wildlife habitat values of the resource.

Cedar Mill Creek and its flood plain are designated as Water Areas and Wetlands on the Sunset West Community Plan. The applicant has applied the design elements. Findings can be found under the Community Plan section of this report.

The applicant has identified the location of the flood plain. The applicant has not delineated the wetland boundaries on the site. The applicant will need to delineate existing and proposed wetland boundaries on the final plans.

Section 422-3.3.A.(7) allows enhancement of degraded areas through a Type II procedure, subject to the criteria of 422-3.4.

A beaver dam existed in previous years on the subject site, which kept the site flooded. Since the time the beaver dam disappeared, reed canary grass has invaded the site and caused a reduction in habitat.

ODFW and DSL have had agreements with previous property owners that the area be enhanced to improve the habitat.

The applicant proposes to enhance the area in a manner acceptable to ODFW, DSL, and the County. Staff has routed the application to ODFW and DSL and obtained comments regarding the proposal. Both agencies support preliminary approval of the enhancement plan.

- 422-3.4 Enhancement of a degraded riparian zone, Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3A.(7) shall meet the following:

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A. For the purposes of Section 422-3.3A.(7) an enhancement is a modification, as a result of which no later than five (5) years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.

B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-3.4.

STAFF: The applicant will need to identify the credentials of the wildlife biologist who prepares the final plans.

C. Submittal Requirements

1) The proposal shall include detailed information and mapping of the site, including all of the following subjects:

- (a) Hydrology, including 100 year flood and 25 year flow events/surface water flow patterns, and groundwater information, if available;
- (b) Substrate(s) and existing rates of sedimentation;
- (c) Existing vegetation, including species list and community types, with approximate percent coverage, and all trees six inches in diameter or larger;
- (d) Animal life census (macrofauna species list), preferably based on mid-April to mid-May field observations, but at least conducted during spring, summer and/or early fall.

STAFF: The applicant still needs to provide a hydrologic analysis.

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- (2) The proposal shall include a color photographic record (taken sometime between mid-spring and mid-fall) showing the major

portion of the site at sufficient detail to compare with the later transformation.

- (3) The proposal shall include a map showing the expected outcome of the proposed enhancement, with detailed description of how this is to be accomplished.

- (a) To the maximum feasible extent, the overall design of the site shall minimize parking and human activity directly adjacent to the Significant Natural Resource, and where avoidable shall incorporate special design techniques (e.g., thick or thorny vegetation or fencing) to reduce adverse impacts such as littering and harassment of wildlife and damage to vegetation.
- (b) A surrounding vegetation buffer of closely spaced (six feet to eight feet) trees and shrubs shall be included within the outer twenty-five feet of the Significant Natural Resource area unless there are special circumstances or design measures.
- (c) All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
- (d) As many existing trees over six inches in diameter as possible shall be preserved.
- (e) Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)
- (f) Measures for the prevention of undesirable monotypic plant dominance, especially reed canarygrass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.

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- (g) Ponds shall have varying open water depth up to at least three feet, unless required otherwise by the Oregon Department of Fish and Wildlife, Oregon Division of State Lands or the U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.
- (h) Islands are encouraged to be two feet above normal water level, flat-topped, spaced every 1/4 acre of open water, and no smaller than 450 sq. ft. where possible.
- (i) Rocks and large tree trunks are encouraged to be placed in water areas.

STAFF: The applicant's plans and written statement demonstrate an intent to comply with the above requirements. Final plans will be reviewed for compliance.

- (4) The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the Division of State Lands and the Army Corps of Engineers.

STAFF: A copy of the application was sent to ODFW and DSL for review. As previously stated, both agencies support preliminary approval. A Corps permit will likely be required.

The applicant intends to and will be required to submit final enhancement plans to ODFW, DSL, and the Corps for approval.

- (5) The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to Tualatin Hills Park and Recreation District or any other jurisdiction.

Section 426 Erosion Control

STAFF: Section 426 requires erosion control measures in the Tualatin River and Oswego Lake sub-basins during construction to control and limit soil erosion. Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of any on-site work or construction. The applicant shall therefore be required to submit an erosion control plan, consistent with the requirements of Section 426, prior to any physical change or construction on the site.

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On July 1, 1990, Unified Sewerage Agency (USA) assumed responsibility for erosion control within their district boundaries. The applicant will be required to submit an erosion control plan to USA for their approval prior to any on-site or off-site work or construction.

IV. SUMMARY AND CONCLUSION

The applicant proposes to construct a wetland enhancement within the flood plain of Cedar Mill Creek.

Findings have been made which demonstrate the request meets the standards of the Code and other County regulations, subject to conditions of approval to ameliorate potential off-site impacts.

Preliminary plans, including grading and wetland enhancement plans, were submitted as required by CDC Section 404. Staff has reviewed these plans for conformance to the applicable review criteria. Through the review of these plans and other accompanying information, staff has concluded that the request conforms to the review criteria, subject to complying with the recommended conditions of approval listed below. These conditions of approval must be imposed to ensure compliance with standards of the Code, the Community Plan and other County regulations, and to ameliorate potential off-site impacts.

V. DECISION:

Based upon the findings of this report and the material in the casefile, Preliminary approval of the applicant's request for a wetland enhancement and flood plain alteration is hereby granted, subject to the following Code and Community Plan standards and Departmental conditions:

A. Prior to Obtaining Final Approval and Prior to Commencing any On-Site Improvements, Including Grading, Excavation and/or Fill Activities the Applicant and/or Property Owner Shall:

[Final Approval shall be granted when the applicant submits a Type I Final Development Review form along with the current review fee (currently 32.00) and evidence that all the following conditions have been satisfied.]

1. Submit to the Unified Sewerage Agency for review and approval:
 - a. A final grading and drainage plan showing the existing sanitary sewer, and, if required, any notes that describe necessary adjustments to manholes or the main, shall be required.
 - b. A sedimentation and erosion control plan in accordance with USA Resolution and Order No. 91-47, Chapter 5, as amended by R&O 91-75. (Obtain an Erosion Control Permit).

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2. Submit for review and approval a HEC-2 Hydraulic Model to verify compliance with CDC Sections 421-7. Submittal shall be made to Department of Land Use and Transportation Engineering Section and the Unified Sewerage Agency.
3. Submit a grading plan to Washington County Building Services which is consistent with the standards of CDC Sections 410 and 412.
4. Submit Final Wetland Enhancement Plans to Land Development Services and the Engineering Section. Final Plans shall demonstrate compliance with 422-3.4 and shall include the following:
 - a. Existing and proposed wetland delineations.
 - b. Credentials of the wildlife biologist or ecologist who supervised the preparation of the plans.
 - c. Provide documentation describing the ownership, use, and maintenance of the enhanced areas of the site.
5. Submit agency approvals from ODSL, ODFW, and Army Corps of Engineers.

B. Additional Conditions:

1. This development shall be constructed in accordance with the conditions of this decision, the approved final plans, and the standards of the Community Development Code.
2. All conditions of approval shall be binding upon all heirs, successors, and assigns.
3. The following sources shall be used in preparing and executing the proposed enhancement:
 - (a) Wetland Functions, Rehabilitation and Creation in the Pacific Northwest: The State of Our Understanding, Proceedings of the Spring, 1986 Conference Port Townsend, Washington State Department of Ecology, Olympia.
 - (b) Gene Herb "Successes and Failures of Freshwater Wetlands Mitigation in Oregon," Oregon Department of Fish and Wildlife, n.d.
 - (c) National Wetlands Newsletter, Vol. 8, No. 5 (Sept. - Oct. 1986).
4. Upon completion of the wetland enhancement the applicant shall notify the county and submit as-built construction plans, including a final grading plan certified by the applicant's engineer, and a planting plan certified by the applicant's landscape architect.

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5. Follow-up Requirements

- (a) A detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two (2) years after completion of the modification and again after five (5) years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five (5) years, the current property owner shall submit plans to the County Department of Land Use and Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.
- (b) The County may modify or revoke the Development Permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.

V. ACTION:

Approval _____ Approval with Conditions Denial _____

Signature Joe Grillo Date 12/28/92
Joe Grillo, Land Development Manager

NOTE: Appeal information is attached to this report as Attachment "A".

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VII. ADDITIONAL INFORMATION

- A. This approval shall automatically expire two years from the date of this approval, unless development has commenced, an application for an extension is filed, or this approval is revoked or invalidated. (CDC Section 201-4)
- B. In addition to the Code Regulations and Departmental Conditions listed above, the applicant must also obtain all building permits and pay all associated fees, including the Traffic Impact Fee, as may be required prior to any development on the subject property, including but not limited to construction, change of occupancy or placement of mobile homes on the site.
- C. Time Limits on Conditions:
Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the County deems appropriate. (CDC Section 207-6.5)
- D. Failure to Fulfill Previous Conditions:
Notwithstanding any other provision, the Review Authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or if necessary to protect the public from future noncompliance. (CDC Section 207-6.6)
- E. Within thirty (30) days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, are to be revegetated to control erosion, unless covered with impervious or other improved surfaces. Areas requiring vegetative measures should be seeded and fertilized by September 1 of each year. If vegetative measures cannot be adequately established by that date, erosion devices must keep the sediment on the site and out of drainageways, streams and other water carrying systems.
- F. Transferability of Development Permit:
Unless otherwise provided in the Development Permit (Notice of Decision), a Development Permit shall be transferable provided the transferor files a statement with the Director signed by the transferee and recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the development permit and all conditions of approval, understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this Code. The transferor shall be jointly responsible for ensuring compliance until such a statement is filed, at which time the transferor's obligation shall be terminated.

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I. If any of the following is required please contact:

Washington County Survey Division (648-8723)
Street Waivers - Jamil Kamawal
Right-of-Way Dedication - Jamil Kamawal

Washington County Engineering Division (693-4563)
Review of Construction Plans
for Sidewalks and Road
Improvements - Paul Ward
Street Lighting - Matthew Martin
Wetland Enhancement - Rick Raetz

Washington County Building Division (640-340)
Grading Plans/Permits - John Salber
Drainage
Flood Plain
Wetland Enhancement - Jerry Kammerman
Access Permits - Vicki Olds

Washington County Land Development Division (648-8761)
Submittal of Construction Plans
for: Sidewalks,
Road Improvements - Tracy Stone/Jo Marie Tessman
Administration Deposit - Tracy Stone/Jo Marie Tessman
Assurances - Tracy Stone/Jo Marie Tessman
Facility Permit - Tracy Stone/Jo Marie Tessman
Sign Permit - Permit Counter
Final Approval - Phil Healy

Washington County Operations Division (681-7034)
Road Maintenance IID - John Kuppler

Unified Sewerage Agency (648-8621)
Drainage Plans
Erosion Control Plans
Sanitary Sewer Plans - Walt Haight (U.S.A.)

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WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124 648-8761

APPEAL INFORMATION

Attachment "A"

Casefile # 92-674-FP/W

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within fourteen (14) calendar days of date written notice is provided (date mailed). **APPEAL PERIOD:** Date mailed: 12-29-92 to 5:00 PM on 01-12-93.
Appeal Due Date

A motion for reconsideration also may be filed within seven calendar days of the date written notice of the decision is provided (see Section 208). A motion for reconsideration does not stop the appeal period(s) from running and is available only as an extraordinary remedy for when a mistake of law or fact has occurred. A motion for reconsideration requires a filing fee of \$62.00.

This decision will be final if an appeal is not filed by the due date(s), and a motion for reconsideration is not granted by the Review Authority.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following:

1. The name of the applicant and the County case file number;
2. The name and signature of the petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
3. A statement of the interest of the petitioner;
4. The date the notice of decision was sent as specified in the notice;
5. The nature of the decision and the specific grounds for appeal. (The appeal of Type I and Type III applications is limited to the specific issues raised in the petition for review unless in the case of Board review the petitioner requests a full or a partial de novo hearing.) For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed; and
6. The fee of \$280.00 for Director's decisions being appealed to the Hearings Officer, OR
The fee of \$330.00 plus the cost of the completed transcript for Hearings Officer's decisions being appealed to the Board of Commissioners.

For further appeal information contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 648-8761.

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WATER RESOURCES DEPT
SALEM, OREGON



Water Solutions, Inc.

November 7, 2011

Jeana Eastman
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Application for a Permit to Store Water (Alternate Review)

Dear Jeana:

On behalf of the applicant, Nike, Inc. (Nike), please find enclosed an Application for a Permit to Store Water in a Reservoir (Alternate Review) and a check totaling \$750 to cover the necessary filing fees for the application.

The attached application proposes water storage in a small wetland pond on Nike's campus near Beaverton, Oregon. This pond does have an existing storage permit associated with it, Permit R-12187; however, it is Nike's intent for the enclosed application to be for a replacement permit to supersede Permit R-12187. Pending a favorable review of the enclosed application by the Department, Nike requests that the Department cancel Permit R-12187 upon issuance of the final order approving the enclosed application.

Please send copies of all correspondence relating to this application to both Patrick Newsom at Nike and to my attention. If you have any questions regarding the enclosed application or the information contained therein, please call me at (503) 239-8799 x106. Thank you for your assistance and I look forward to hearing from you soon.

Sincerely,

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

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

Enclosures: Application for a Permit to Store Water
\$750 application filing fee

R-87766