



- VII. Board Member Communications:
  - A. Recent City Council Action Minutes

- VIII. Staff Communications:

- IX. Adjournment

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting.

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.
- To obtain such services, please call the Planning Assistant at 503 682-4960

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, NOVEMBER 25, 2019**

**6:30 PM**

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V. Consent Agenda:

- A. Approval of minutes from the October 28, 2019  
DRB Panel B meeting

**Wilsonville City Hall  
29799 SW Town Center Loop East  
Wilsonville, Oregon**

**Development Review Board – Panel B  
Minutes–October 28, 2019 6:30 PM**

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**I. Call to Order**

Chair **Richard Martens** called the meeting to order at 6:30 p.m.

**II. Chair's Remarks**

The Conduct of Hearing and Statement of Public Notice were read into the record.

**III. Roll Call**

Present for roll call were: Richard Martens, Samy Nada, Shawn O'Neil, and Elizabeth Schroeder. Tracy Meyer was absent.

Staff present: Daniel Pauly, Amanda Guile-Hinman, and Kimberly Rybold

**IV. Citizens' Input** This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

**V. Consent Agenda:**

A. Approval of minutes of August 26, 2019 DRB Panel B meeting

**Ellie Schroeder** requested two changes to her comments on Page 7 of 7 of the meeting minutes from the August 26, 2019 DRB Panel B meeting. In the second line stating, "...with the Mayor at a public meeting and made him mad.", she believed she had put her own interpretation on his reaction, as she could not know if he was mad or not. As such, she wanted to delete that. In the last full line, she requested that it state, "...it ~~would~~ **could** have been against her."

**Shawn. O'Neil** asked if Ms. Schroeder wanted to delete the words because they were inaccurately recorded or because she did not like it the way it was.

**Ms. Schroeder** replied she believed she had said "it **could** have been against her" in the last full line. She wanted to change the second line because although the wording accurately reflected what she had said, she was interpreting the Mayor's mood, which she did not believe she should do.

**Mr. O'Neil** explained that, in his opinion, whether or not words and phrases were inappropriately recorded, they should not be deleted because the speaker decided at a later date that they did not like what they had said. In this instance, he believed the Mayor would take it as is in stride. Having served on the Board himself for 5½ years, he had said things he wished



he could take back but they still stayed in. He believed the record had to be kept the way it was stated.

**Amanda Guile-Hinman** stated that without knowing the context of the original conversation, her only comment was that if the indication was that was Ms. Schroeder's perception, it could be changed to, "she thought she made him mad"; but if that was said, then that was how it should be reflected.

**Mr. O'Neil** said that perhaps he had misunderstood Ms. Schroeder.

**Daniel Pauly, Planning Manager**, recalled Ms. Schroeder was smiling when she had made the comment about the Mayor.

**Mr. O'Neil** noted he just wanted to ensure the record was accurate. In this instance, he was amenable to the record being clarified because he had not heard Ms. Schroeder correctly, and the context was not being changed.

Following that brief discussion about the accuracy and intention of her comments, Ms. Schroeder agreed to the following corrections:

- In the second line, "...she had disagreed with the Mayor at a public meeting, and *she believed she had* made him mad."
- In the last line, "She did not see any prejudice, as she believed if he would have had prejudice, it ~~would~~ *could* have been against her."

**Samy Nada moved to approve the August 26, 2019 DRB Panel B meeting minutes as amended. Ellie Schroeder seconded the motion, which passed 3 to 0 to 1 with Shawn O'Neil abstaining.**

## **VI. Public Hearings:**

- A. Resolution No. 370. Wilsonville Business Center Master Sign Plan: Ramsay Signs Inc. – Representative for LBA RV-Company XXI, LP and LBA RV Company XXIII, LP – Owners.** The applicant is requesting approval of a Master Sign Plan for Wilsonville Business Center. The subject property is located on Tax Lots 100, 200, 300, 400, 601 and 602 of Section 11C and Tax Lot 300 of Section 11D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold.

Case File: DB19-0029 Class 3 Sign Permit for Master Sign Plan

**Chair Martens** called the public hearing to order at 6:40 p.m. and read the conduct of hearing format into the record. Chair Martens declared for the record that he had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

**Kimberly Rybold, Senior Planner**, announced that the criteria applicable to the application were stated on pages 1 and 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

**Ms. Rybold** presented the Staff report via PowerPoint, briefly noting the site's location, zoning, and surrounding features, and reviewing the updated Master Sign Plan proposal for the Wilsonville Business Center with these key comments:

- The entire Wilsonville Business Center had a Master Sign Plan approved for the entire development in 1988. The multi-building complex extended farther out than the subject property. Over time, the multi-building complex had been divided into individual tax lots with several different property owners.
  - The legibility of the previously-approved Master Sign Plan had often presented challenges for both individual tenants in the complex, as well as City Staff, in determining individual tenant sign allowances throughout the complex and achieving a consistent sign style.
- The owner of the subject portion of the Wilsonville Business Center, LBA Realty, had applied for and received approval of a revised monument directory and building identification signs in 2017. Those signs utilized a more modern design and created a system of wayfinding and identification for LBA Realty's portion of the development.
  - Because the subject complex was multi-tenant, the City liked to have a Master Sign Plan on file. As a result of the work the City had done with the Applicant a couple of years ago to obtain the previously approved signs, Staff had also encouraged the Applicant to apply for an updated Master Sign Plan based on the City's current Sign Code regulations. The prior sign approvals would be incorporated into the new Master Sign Plan, along with a minor modification to the directory sign to incorporate some additional logos that would complement some building address identification signs on the complex.
  - The proposed Master Sign Plan would provide a framework for the approval of future tenant signs through the City's Class I Sign Permit process and an easier approach for tenants to get sign approvals in a timelier manner, while meeting the current City standards and other standards outlined in the Plan. The Master Sign Plan would also provide a framework for the location of signs relative to the existing tenant spaces, and address sign materials, size, and other placement requirements.
  - As an existing development, a number of existing signs already existed at the complex, (Exhibit B2) and while some might not meet the existing requirements, those signs would be considered legally nonconforming and allowed to remain place. Any subsequent tenant sign requests would have to meet the requirements of the new Master Sign Plan.
- The proposed Master Sign Plan had the same criteria as the General Sign Permit as well as these few additional items that were specific to master sign plans:
  - Compatibility with the zone. New tenant signs, as well as building and monument identification signs, would require a refreshed modern look consistent with industrial development and surrounding PDI zone.

- Nuisance. No evidence or testimony had been provided suggesting that the Master Sign Plan would create a nuisance or negatively impact the value of surrounding properties.
- The Master Sign Plan focused on how tenant signs related to the individual tenant spaces and other sign elements. All of the proposed signs would be located in a defined sign band on the existing building, and the existing monument signage was spaced out in a way to account for other site elements, such as landscaping.
  - Signage design was consistent and compatible throughout the development. All of the signs would be constructed of a minimum of 1-in deep, individually fabricated aluminum pan letters with aluminum face and returns, which would create a consistent look. Any modifications would require landlord approval prior to a tenant applying for a permit with the City.
- The Master Sign Plan had been developed to be consistent with the City's existing building sign regulations, which were based on tenant size. If a tenant space were to increase or decrease, the City would look at the entirety of the tenant size to determine the sign allowances. This provided flexibility for different tenant configurations, and any fonts and colors could be approved by the landlord on a case-by-case basis, which also provided flexibility for tenants.
- Staff recommended approval of the proposed Class III Master Sign Plan with the conditions as noted in the Staff report.

**Chair Martens** confirmed there were no questions and called for the Applicant's testimony.

**Darin Hauer, Ramsay Signs, 9160 SE 74th Ave, Portland, OR, 97206** said the Applicant would appreciate approval of the Master Sign program, noting it had been quite a journey. All of the buildings' drawings had to be recreated since no plans existed due to the age of the development.

- He confirmed there was no signage advertising the business over the loading docks. He explained that numbers were permitted at the loading docks, which were strictly for delivery trucks.

**Ellie Schroeder** asked how a driver would know which business a loading dock belonged to if there were businesses on each side of it. Page 13 showed an elevation that featured a sign on either end of the building with loading docks in the middle.

**Mr. Hauer** responded that the loading docks were pretty dedicated. Tenants were allowed a sign at their business entrance, but not above the loading dock. The small, black squares shown above the loading dock doors were numbers for the dock doors, which were allowed per the Sign Code.

**Ms. Schroeder** said she was unclear how a new driver would know which loading dock belonged to which company.

**Daniel Pauly, Planning Manager**, noted that the City was content neutral, so whether the sign had identifying information or not was irrelevant. Per the City's Sign Code, the loading dock elevation was not a sign eligible façade, other than for onsite identification, like numbers.

**Mr. Hauer** introduced Project Manager Eric Conrad, who was present in the audience and had done a lot of the work on putting together the Master Sign Plan.

**Chair Martens** noted no one else was in the audience to testify. He confirmed there were no additional comments or questions from the Board and closed the public hearing at 6:55 p.m.

**Shawn O'Neil moved to approve Resolution No. 370. The motion was seconded by Ellie Schroeder and passed unanimously.**

**Chair Martens** read the rules of appeal into the record.

#### **VII. Board Member Communications:**

- A. Results of the September 9, 2019 DRB Panel A meeting
- B. Recent City Council Action Minutes

**Kimberly Rybold, Senior Planner**, noted the minutes from the Panel A meeting, which involved a sign permit with a waiver for a new, digital changeable copy sign at the Wilsonville Library. The sign would be the first in the city designed to coordinate with the City's recently approved Signage and Wayfinding Program. The library was still in the process of obtaining a building permit, but the sign should be up soon.

**Chair Martens** noted an email earlier in the day that mentioned another sign change that was approved by Staff.

**Daniel Pauly, Planning Manager** explained that Class II Sign Permit was for a refresh of the signs at Target.

**Shawn O'Neil** asked if anyone had addressed the issue with the digital signs. He commented how lucky it was that Panel A addressed that application.

**Mr. Pauly** responded it had been drafted. He noted that Panel B had still reviewed more digital signage applications than Panel A.

**Ms. Rybold** concluded the only item of note in City Council's action minutes was Council's approval of the right-of-way vacation that had come before Panel B in August.

#### **VIII. Staff Communications**

**Kimberly Rybold, Senior Planner**, reported that the Planning Department was now fully staffed. New Assistant Planner Georgia McAlister and new Associate Planner Phillip Bradford

would be introduced to the Board at some point in the near future. Mr. Bradford, in particular, would be working with the DRB a lot on some applications. A few applications had come in that Staff was in the process of reviewing and should be brought forward to the Board within the next few months.

**Chair Martens** stated he continued to be impressed by the level of detail that went into the planning process in the city. As a citizen, he appreciated that very much and commended Staff for a job well done.

**Ms. Rybold** confirmed the November Board meeting would address a project near the water treatment plant to accommodate the Willamette Water Supply Project. The proposed application would look at the proposed construction of a raw water intake facility.

**Mr. Pauly** noted he would be out of town that week.

**Mr. O'Neil** added he would also be out of town.

**Ellie Schroeder** noted that her husband and her had just taken a tour of the water treatment plant and encouraged others to do so as well.

**Daniel Pauly, Planning Manager**, asked that Board members confirm their schedules with Shelley White to ensure a quorum was present for the November meeting.

**Ms. Rybold** stated the project timeline was such that Staff hoped to have the meeting in November.

**Chair Martens** asked if there were any updates on the final Villebois project.

**Mr. Pauly** replied he had not had any updates from the realtors on the Clermont project since the last Board meeting.

**Mr. O'Neil** asked if the shutoff valve for the Kinder Morgan Pipeline had gone into place, as he had noticed Staff had approved some of the trees being cut for that purpose.

**Mr. Pauly** responded the tree cut allowed for the masonry enclosure for the electrical and communication equipment associated with the pipeline. A satellite and some cell phone receptors were still needed in order to communicate from the offsite location. He was uncertain of the status of the enclosure, but quite a bit more work needed to be done. The enclosure would look like a waste and recycling enclosure when finished.

## **IX. Adjournment**

The meeting adjourned at 7:03 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for  
Shelley White, Planning Administrative Assistant

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, NOVEMBER 25, 2019**

**6:30 PM**

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**VI. Public Hearing:**

- A. Resolution No. 371. Willamette Water Supply System Raw Water Facilities: Tualatin Valley Water District and City of Wilsonville – Owners, Willamette Water Supply Program – Applicant.** The applicant is requesting approval of a Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement and Abbreviated SRIR Review for development of water intake and transmission facilities and associated improvements at the Willamette River Water Treatment Plant. The site is located at 10350 SW Arrowhead Creek Lane on Tax Lots 1800 and 1900 and on temporary and permanent easements on Tax Lot 1700 of Section 23B, Township 3 South Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Staff: Cindy Luxhoj

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

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 371**

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Richard Martens, Chair - Panel B  
Wilsonville Development Review Board

Attest:

\_\_\_\_\_  
Shelley White, Planning Administrative Assistant  
RESOLUTION NO. 371





Exhibit A1  
Staff Report  
Wilsonville Planning Division  
Willamette Water Supply System Raw Water Facilities  
Development Review Board Panel 'B'  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	November 25, 2019
<b>Date of Report:</b>	November 18, 2019

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<b>Application Nos.:</b>	DB19-0019 Conditional Use Permit DB19-0020 Site Design Review DB19-0021 Type C Tree Removal Plan DB19-0022 Willamette River Greenway Conditional Use Permit SI19-0001 Abbreviated SROZ Map Refinement SI19-0002 Abbreviated SRIR Review
<b>Request/Summary:</b>	The requests before the Development Review Board include a Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated Significant Resource Overlay Zone Map Refinement, and Abbreviated Significant Resource Impact Report Review for the Willamette Water Supply System Raw Water Facilities. The Willamette Water Supply Program is seeking land use approvals from the City of Wilsonville in order to develop water intake and transmission facilities at the Willamette River Water Treatment Plant.
<b>Location:</b>	The property is approximately 31.20 acres in two parcels located at 10350 SW Arrowhead Creek Lane, specifically known as Tax Lots 1800 (11.1 ac) and 1900 (20.1 ac), and an additional 0.45 acres in temporary (0.20 ac) and permanent (0.25 ac) easements on Tax Lot 1700, Section 23B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.
<b>Owner:</b>	Tualatin Valley Water District (Contact: Mark Knudson) City of Wilsonville (Contact: Delora Kerber)
<b>Applicant:</b>	Willamette Water Supply Program (Contact: David Kraska)
<b>Authorized Representative:</b>	Angelo Planning Group (Contact: Joe Dills)

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

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

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

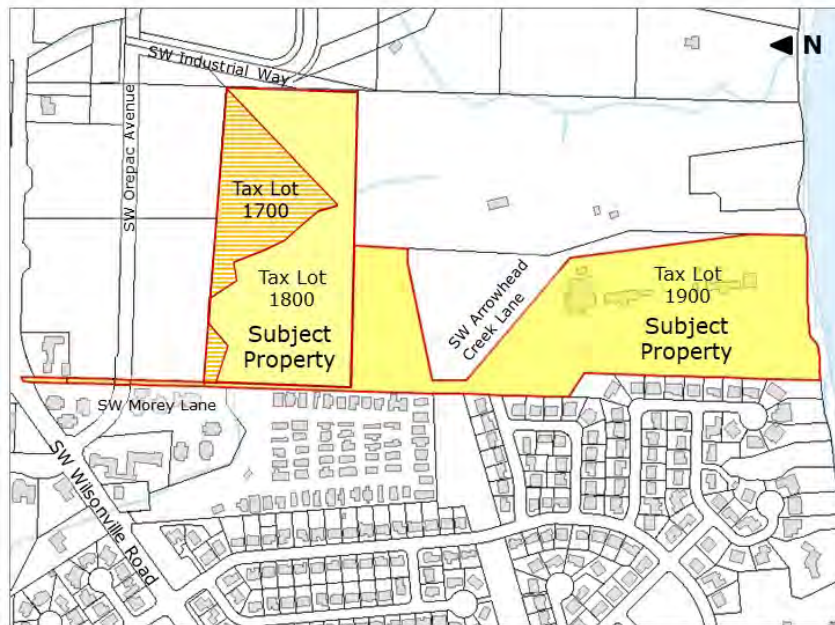
**Staff Recommendation:** Approve with conditions the requested Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement, and Abbreviated SRIR Review (DB19-0019 through DB19-0022, SI19-0001 and SI19-0002).

**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.034	Application Requirements
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.120	Zones. RA-H Residential Agricultural – Holding Zone
Section 4.135	Planned Development Industrial (PDI) Zone
Section 4.139	Significant Resource Over Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.156.01 through 4.156.11, as applicable	Sign Code Regulations
Section 4.167	Access, Ingress and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.172	Flood Plain Regulations
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering

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

### Vicinity Map



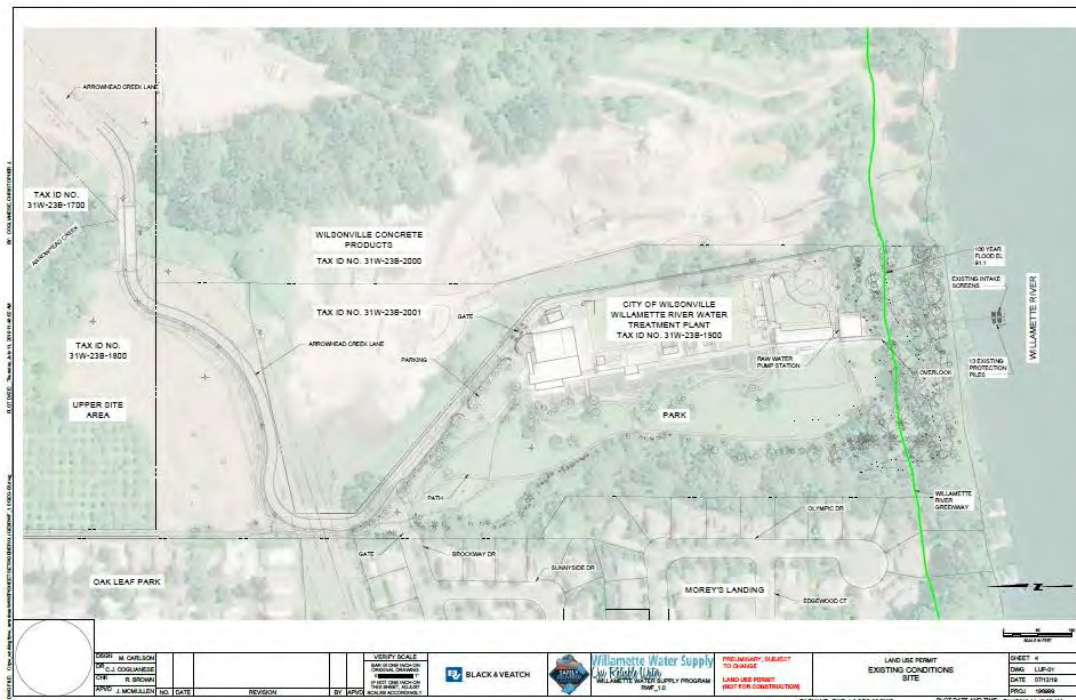
### Background:

#### Project Proposal

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

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

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



### Project Context

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

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

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



### Proposed Facilities

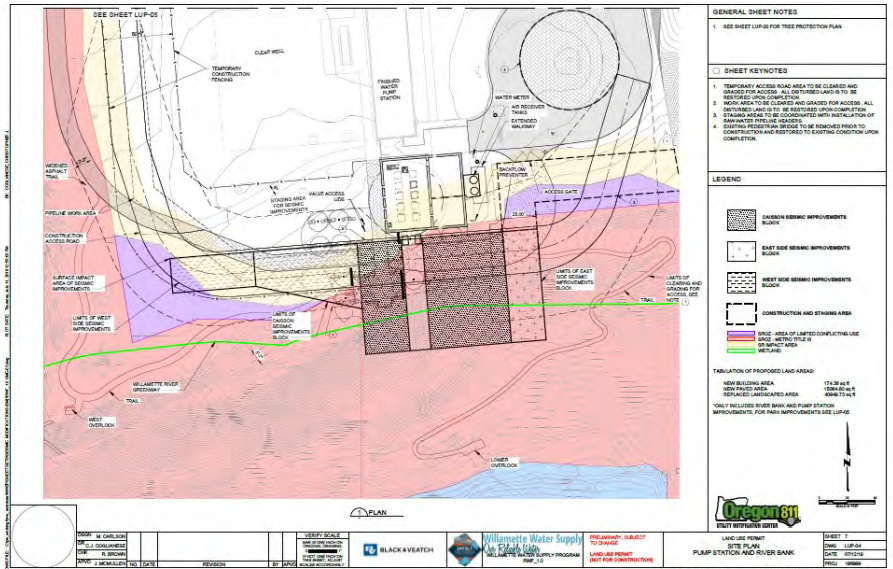
The proposed RWF, which are being reviewed in this application, consist of modifications to the existing Willamette Intake Facilities (WIF) and new facilities at the WRWTP site. The WWSS has been coordinating with the City over the last several years to design and plan operations for the RWF in a manner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

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

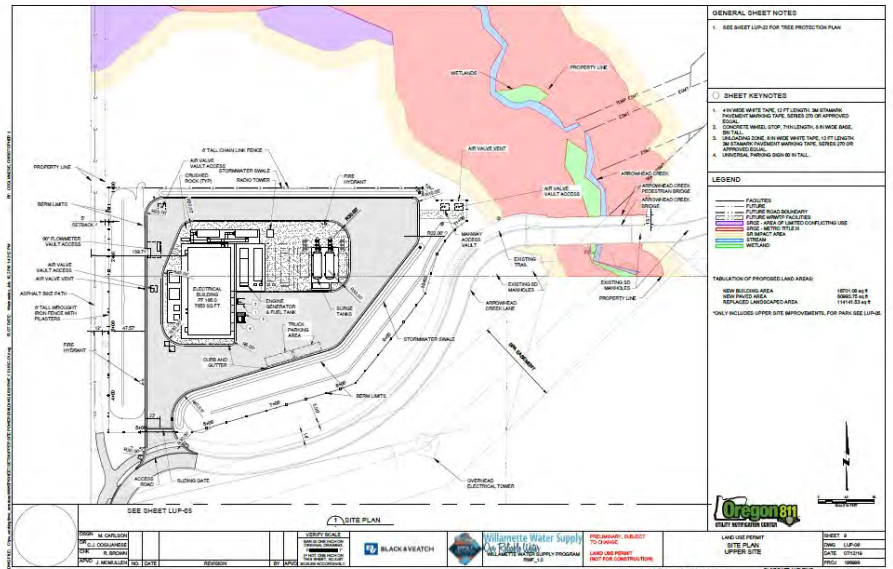


- Electrical duct bank, a buried conduit for electrical wiring, located west of the pipeline alignment, west of and parallel to the pathway through the park
- Arrowhead Creek pipeline crossing (trenchless construction)
- New Electrical Building (approximately 7,853 square feet) and related facilities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

**Site Plan - Lower Site**



**Site Plan - Upper Site**



## Project Timeline

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

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

## Land Use Context

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

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

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

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

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

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

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

**Outreach and Coordination**

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

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



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

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

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

**Summary:**

Conditional Use Permit (DB19-0019)

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

### Site Design Review (DB19-0020)

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

### Type C Tree Removal Plan (DB19-0021)

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

### Willamette River Greenway Conditional Use Permit (DB19-0022)

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

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

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

### Waivers

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

### **Neighborhood and Public Comments:**

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

### **Discussion Points:**

#### Intergovernmental Agreement

The City of Wilsonville and the WWSS Commission entered into an Intergovernmental Agreement (IGA) for the RWF Project (RWF\_1.0) to allow, and coordinate design and construction of, the proposed work on the WRWTP and Park property. The IGA was fully executed on October 30, 2019, and is included in this report as Exhibit B5.

## Tree Removal and Mitigation

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

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

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

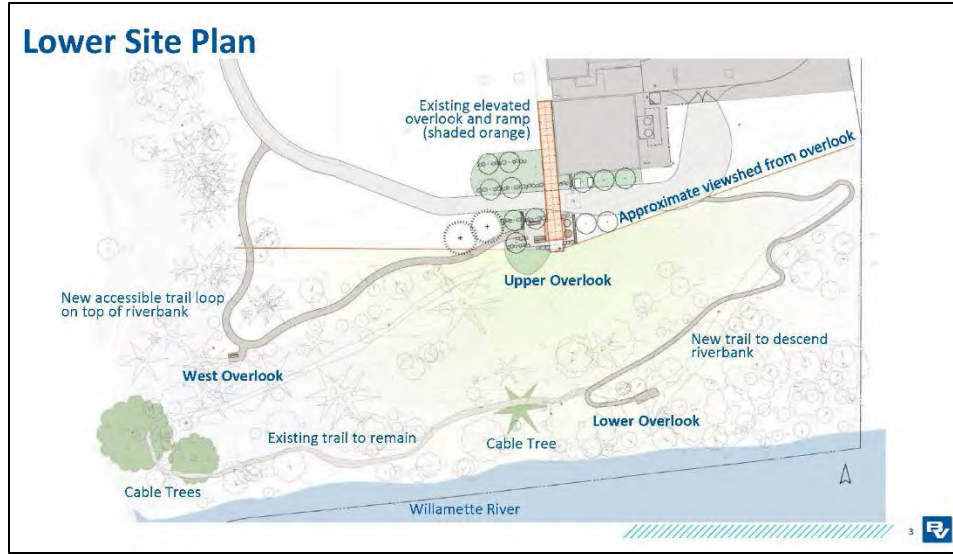
Trees that will be preserved were identified by the City as priorities for preservation. Areas of tree removal on the Willamette River bank will be mitigated in several ways:

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

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

## Park Improvements

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



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

**Conclusion and Conditions of Approval:**

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

Planning Division Conditions:

Request A: DB19-0019 Conditional Use Permit

<b>PDA 1.</b> No Conditions of Approval have been identified for this Request.
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Request B: DB19-0020 Site Design Review

<b>PDB 1.</b> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030.
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<b>PDB 2.</b> All landscaping required and approved by the Development Review Board shall be installed prior to occupancy of the proposed development unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined
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	<p>by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.</p>
<p><b>PDB 3.</b></p>	<p>The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code.</p>
<p><b>PDB 4.</b></p>	<p>All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board, unless altered as allowed by Wilsonville's Development Code.</p>
<p><b>PDB 5.</b></p>	<p>The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10 to 12 inch spread.</li> <li>• Shrubs shall reach their designed size for screening within 3 years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4 inch pot spaced 2 feet on center minimum, 2-1/4 inch pots spaced at 18 inches on center minimum.</li> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80 percent of the bare soil in required landscape areas within 3 years of planting.</li> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns.</li> </ul>

<b>PDB 6.</b>	All trees shall be balled and burlapped and conform in grade to “American Standards for Nursery Stock” current edition. Tree size shall be a minimum of 2 inch caliper.
<b>PDB 7.</b>	Plant materials shall be installed and irrigated to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
<b>PDB 8.</b>	All proposed lighting shall conform with the City’s Outdoor Lighting Ordinance. Conformance will be determined at the time of Building Permit review.

**Request C: DB19-0021 Type C Tree Removal Plan**

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

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

<b>PDD 1.</b>	No Conditions of Approval have been identified for this Request.
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**Request E: SI19-0001 Abbreviated SROZ Map Refinement**

<b>PDE 1.</b>	Conditions of Approval for this Request are listed under Natural Resources Conditions, below, and in Exhibit C2 of this report.
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**Request F: SI19-0002 Abbreviated SRIR Review**

<b>PDF 1.</b>	Conditions of Approval for this Request are listed under Natural Resources Conditions, below, and in Exhibit C2 of this report.
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*The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, performance standards, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.*

**Engineering Division Findings and Conditions:**

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

<b>PFA 9.</b>	Design and install a new key card kiosk at the WRWTP entry gate on the east side of the drive area.
<b>PFA 10.</b>	Primary access shall be through SW Arrowhead Creek Lane and SW Industrial Way. The City plans to reconstruct portions of SW Arrowhead Creek Lane and SW Industrial Way as part of its SW 5th Street/SW Kinsman Road Project. Alternative access shall be provided during that period of time and shall not be through SW Brockway Drive. Limited access via SW Brockway Drive may be permitted, subject to the City Engineer approval.
<b>PFA 11.</b>	Construct new Overlook area at WRWTP, as approved by the City.
<b>PFA 12.</b>	Design and install pedestrian path lighting on SW Morey's Lane next to the upper site.

**Natural Resources Conditions:**

<b>NR 1.</b>	Natural Resource Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.
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**Master Exhibit List:**

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

**Planning Staff Materials**

- A1.** Staff report and findings (this document)
- A2.** Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

**Materials from Applicant**

- B1.** Applicant's Narrative and Submitted Materials
  - Table of Contents
  - Application
  - Narrative including Project Proposal, Project Context, and Project Timeline
  - Response to Applicable Review Criteria
  - Lower Site Overlooks Presentation
  - Willamette River Water Treatment Plant 2017 Master Plan Update (February 2018) [excerpts]
  - Significant Resources Impact Report (Abbreviated)
  - U.S. Army Corps of Engineers Permit and Oregon Department of State Lands Permit



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

- B2.** Drawing Package  
 LUG-00 – Cover  
 LUG-01 – Index of Drawings  
 LUG-03 – Legend  
 LUP-01 – Existing Conditions – Site  
 LUP-02 – Existing Conditions – Vicinity  
 LUP-03 – Site Plan – Overall  
 LUP-04 – Site Plan – Pump Station and River Bank  
 LUP-05 – Site Plan – Park  
 LUP-06 – Site Plan – Upper Site  
 LUP-07 – Grading Plan – Pump Station and River Bank  
 LUP-08 – Grading Plan – Upper Site  
 LUP-09 – Erosion Control Plan – Pump Station and River Bank  
 LUP-10 – Erosion Control Plan – Upper Site  
 LUP-11 – Erosion Control Plan - Details  
 LUP-12 – Utility Plan – Pump Station and River Bank  
 LUP-13 – Utility Plan - Park  
 LUP-14 – Utility Plan – Upper Site  
 LUP-15 – Landscape Plan - Legend

- LUP-16 – Landscape Plan – Pump Station and River Bank
- LUP-16.1 – Landscape Plan – Pump Station and River Bank 2
- LUP-17 – Landscape Plan – Upper Site 1
- LUP-18 – Landscape Plan – Upper Site 2
- LUP-18.1 – Landscape Plan – Upper Site 3
- LUP-19 – Landscape Details
- LUP-20 – Tree Removal and Protection Plan – River Bank
- LUP-21 – Tree Removal and Protection Plan – River Bank Aerial
- LUP-22 – Tree Removal and Protection Plan – Park
- LUP-23 – Tree Removal and Protection Plan – Upper Site
- LUP-24 – Building Design - Perspectives
- LUP-25 – Building Design - Elevations
- LUP-26 – Building Design - Elevations
- LUP-27 – Entrance Gate
- LUP-28 – Bank Stabilization Profile
- LUP-29 – Proposed Work Zone
- LUP-30 – Upper Site Perspectives
- LUP-31 – Operating Floor Plan
- LUP-32 – Outdoor Lighting Plan
- GEE-03 – Panel and Lighting Fixture Schedule
- VSC-00 – Visual Site Calculations
- USL-06 – Irrigation Plan 1
- USL-07 – Irrigation Plan 2
- USL-08 – Irrigation Legend
- USL-09 – Irrigation Details 1
- USL-10 – Irrigation Details 2
- ECC-04 – Stormwater Plan – Upper Site
- ECC-05 – Stormwater Profile – Upper Site
- ECC-06 – Stormwater Profile – Upper Site 1
- ECC-07 – Stormwater – Details 1
- ECC-08 – Stormwater – Details 2
- PSA-02 – Raw Water Pump Station – Building Elevations
- B3.** Raw Water Facilities Design Update – Prepared for Parks and Recreation Advisory Board Meeting, Dated November 2019
- B4.** Intergovernmental Agreement Between the City of Wilsonville and the Willamette Water Supply System Commission, Raw Water Facilities Project (RWF\_1.0), Dated October 29, 2019
- B5.** Land Use Application Package Update, Dated November 13, 2019

**Development Review Team Correspondence**

- C1.** Public Works Plan Submittal Requirements and Other Engineering Requirements
- C2.** Natural Resources Requirements

- C3. Memorandum from Cindy Luxhoj, Associate Planner, to Parks and Recreation Advisory Board about Park Improvements, Dated October 30, 2019

**Procedural Statements and Background Information:**

1. The statutory 120-day time limit applies to this application. The City received applications on May 3, 2019 for a Conditional Use Permit, Site Design Review, Willamette River Greenway Conditional Use Permit, Type C Tree Removal Permit, Abbreviated SROZ Map Refinement, and Abbreviated SRIR Review. On May 31, 2019, the City issued a Notice of Incomplete Application, and on June 13, 2019, received the applicant’s Acknowledgement of Intent to Submit Additional Materials. On July 25, 2019, the City received a response to the Incompleteness Notice and a revised submittal package. On August 23, 2019, the City issued a second Notice of Incomplete Application, and on September 3, 2019, received the applicant’s Acknowledgement of Intent to Submit Additional Materials. On October 30, 2019, the City received a fully executed copy of the Intergovernmental Agreement for the RWF\_1.0 design and construction (RWF IGA), and on October 30, 2019, deemed the application complete. The City must render a final decision for the request, including any appeals, by February 27, 2020.
2. Surrounding land uses are as follows:

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

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

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

- 2017 City of Wilsonville Willamette River Water Treatment Plant Master Plan Update

- 2018 TVWD Water Master Plan Update
- 2013 City of Hillsboro Water Master Plan

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

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

## Findings:

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

## General Information

### Application Procedures - In General

Section 4.008

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

### Initiating Application

Section 4.009

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

### Pre-Application Conference

Subsection 4.010 (.02)

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

### Lien Payment before Approval

Subsection 4.011 (.02) B.

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

### General Submission Requirements

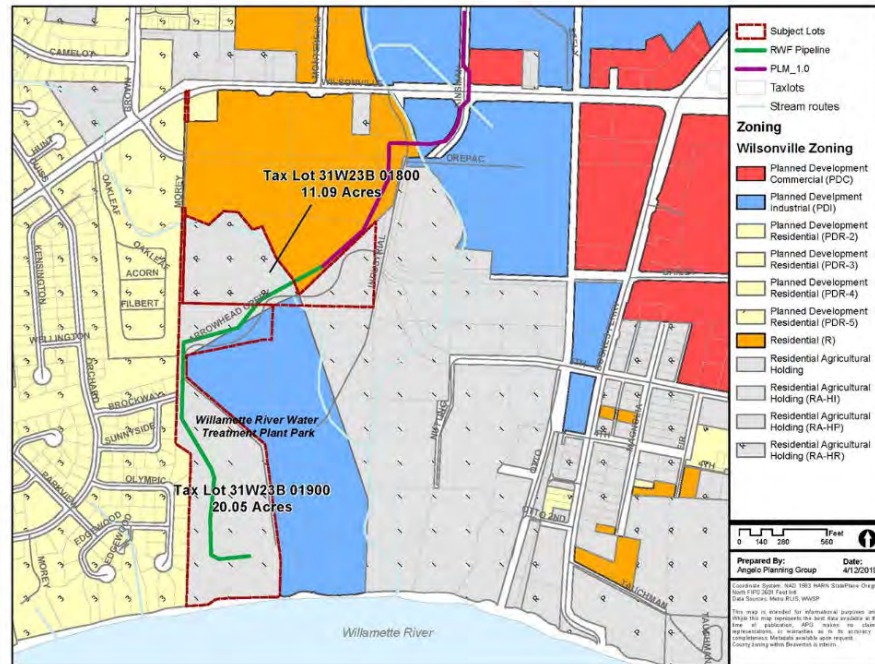
Subsections 4.035 (.04) A. and 4.035 (.05)

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

## Zoning - Generally

Section 4.110

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



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

Section 4.120 (.01) through (.03)

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

## PDI – Planned Development Industrial Zone - Purpose

Section 4.135

There is a small amount of Planned Development Industrial (PDI) zoning adjacent to the proposed Upper Site development that is occupied by SW Arrowhead Creek Lane and a BPA easement. Development proposed for this area includes the edge of a berm and landscaping that borders the proposed Upper Site development.

## Request A: DB19-0019 Conditional Use Permit

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

### Conditional Use Permits

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

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

#### Conditional Use Permits - Authorization

Subsection 4.184 (.01) A.

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

#### Consistency with Applicable Plans and Regulations

Subsection 4.184 (.01) A. 1.

- A2.** Compliance with applicable plans and regulations in the Comprehensive Plan, Chapter 4 of the Wilsonville Code, and other applicable policies is as follows:
- Comprehensive Plan – Citizen Involvement: The applicant has participated in or organized numerous public involvement efforts and there has been a robust level of interagency coordination as part of the application process.
  - Comprehensive Plan – Public Facilities and Services: Proposed improvements, such as widened paths in the park and trail connections providing visual and physical access to the Willamette River, will contribute to the health, safety, education, and recreational experience of park users, and support the objectives of conserving open space and maintaining and developing the existing park system for centralized community-wide facilities.
  - Comprehensive Plan – Residential Development: While the proposed improvements on the Upper Site are not residential development, they comply with the requirement because they are public uses designed to be compatible with adjacent residential uses; further they improve the entry into the park, enhance walking and other recreational

opportunities, and support ongoing use of the site by neighbors and the larger Wilsonville Community.

- Comprehensive Plan – Industrial Development: The WRWTP is an established use on the Lower Site and the proposed pipeline and associated improvements are consistent with this existing use. In addition, existing and proposed improvements together allow the project site to serve as a buffer between heavy industrial uses to the east and established residential uses to the west.
- Comprehensive Plan – Environmental Resources: Proposed improvements are designed to protect natural resources from incompatible development and protect people and property from natural hazards consistent with this element. Further, Areas of Limited Conflicting Use and Title 3 areas of the SROZ are avoided and construction techniques, such as trenchless construction, are used to minimize impacts on the SROZ.
- Comprehensive Plan – Areas of Special Concern G and K. The project site is located in Areas G and K of the Comprehensive Plan.



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

- Chapter 4 of the Wilsonville Code. Consistency with the standards of Chapter 4 is addressed in responses to the code criteria as contained in this staff report.
- Ice Age Tonquin Trail Master Plan. Proposed improvements, such as preserving the path alignment along the western edge of the Upper Site to Morey Lane, adding bollard

lighting to the path, restoring the trail along SW Arrowhead Creek Lane, and adding a new trail to provide access to additional areas of the park and the Willamette River, complement and are consistent with the Ice Age Tonquin Trail Master Plan.

- Parks and Recreation Master Plan. The proposal supports and implements long-term Parks and Recreation Master Plan actions for the City's Water Treatment Plan Park such as replacing the upper overlook and creating new trails to provide visual and physical access to the river, and widening the pathway through the park.
- Tualatin Valley Water District Water Master Plan Update (2018). The Program Formulation Summary of the Master Plan Update demonstrates the significance of the WWSS and integration of the proposed RWF as an essential component of this system.
- City of Hillsboro Water Master Plan. The Water Master Plan identifies the "Mid-Willamette" option for the WWSP as the preferred alternative based on several factors such as reliability, redundancy, growth responsiveness, and cost criteria.
- City of Wilsonville Willamette River Water Treatment Plant 2017 Master Plan Update. The proposed RWF improvements are accounted for in and consistent with the City's WRWTP Master Plan including the objectives of increasing supply resiliency and reliability and coordinating with WWSP plans to pump raw water from the WRWTP to a treatment plant in the Sherwood area.

#### Characteristics of the Site

Subsection 4.184 (.01) A. 2.

**A3.** The proposed improvements are suitable relative to the physical characteristics of the project site considering size, shape, design, location, topography, existence of improvements, and natural features as follows:

- Expansion of pump station capacity. The proposed pump station improvements fit within the footprint of the existing building and are, therefore, suitable for the site. Seismic upgrades to the pump station building and a slight (8-inch) increase in height of the roof parapet are consistent in design of other buildings on the site.
- Seismic stabilization. The proposed seismic stabilization measures are in a suitable location and of suitable design because: they are the only location where such improvements will protect the caisson from a seismic event (i.e., they are location-dependent); they have been minimized with respect to impacts in the SROZ while still meeting engineering and resiliency objectives; and the bank-top areas where they interface with the park have been designed to enhance the park experience.
- Pipeline. The proposed pipeline will be located underground, which will not interfere with any existing site features, and the work area required to install the pipeline has been collaboratively designed with City staff so that it does not impact the Title 3 area of the SROZ.
- Paths and trails. The existing pathway in the park is suitable relative to the site's physical characteristics and will be restored, widened, and have a more durable base and surface. New trails also are suitable and will provide visual and physical access to the river.



- Electrical Building and ancillary facilities. The location and design of the new Electrical Building and ancillary facilities are suitable because the building is away from the river, buffered from neighbors to the west, and in a functional and proximate location for the facilities.
- Temporary construction-related uses. To the extent feasible, the staging areas and access road will make use of existing road, paved areas, and undeveloped areas on the site.

#### Adequacy of Public Facilities and Services

Subsection 4.184 (.01) A. 3.

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

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

#### Character of the Area and Uses of Surrounding Properties

Subsection 4.184 (.01) A. 4.

**A5.** The proposed improvements will not alter the character of the surrounding area in a manner that substantially limits, or precludes the use of, surrounding properties for the uses listed as permitted in the applicable zones. The proposed uses are continuations or enhancements of existing uses and do not include alterations that would negatively change the character of the area. Compatibility with residential uses to the west and industrial uses to the east of the project site is achieved as follows:

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

### **Public Utility Structures**

Subsection 4.184 (.06) A. and B.

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

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

### **Willamette River Greenway Development**

Subsection 4.184 (.08)

- A7.** The proposed project includes modifications to the existing Water Intake Facilities (WIF), seismic stability measures, including stabilization along the Willamette River bank, and landscape improvements and new trails along the Willamette River bank, within the Willamette River Greenway. These improvements are being reviewed in compliance with Section 4.500 and this Section (see Request D).

## Request B: DB19-0020 Site Design Review

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

### Site Design Review

Development Review Board Jurisdiction  
Section 4.420

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

Submission Requirements  
Section 4.440

- B2.** The applicant has submitted materials in addition to requirements of Section 4.035, as applicable.

Time Limit on Approval  
Section 4.442

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

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

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

The Electrical Building and Upper Site are proposed to be improved as a cohesively designed area located between the boundaries of the path and residential development to the west, SW Arrowhead Creek Lane to the south and southeast, and Arrowhead Creek to the north and northeast. The Electrical Building is designed to be simple, attractive, and complementary to other buildings on the WRWTP property. The building and ancillary facilities on the Upper Site are buffered and screened from the adjacent trail, residential area, and road by a high berm and variety of plantings, including trees (see discussion under Landscaping Standards later in this section).



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

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

- **Excessive Uniformity:** The proposed development is unique to the particular development context and does not create excessive uniformity.
- **Inappropriate or Poor Design of the Exterior Appearance of Structures:** The proposed Electrical Building on the Upper Site and seismic upgrades to the pump station on the

Lower Site are designed in a manner that is consistent with the existing WRWTP and the context of other improvements on the project site. Landscaping and improvements to the park on the Lower Site are appropriate and complimentary to the existing facilities within the context of the project site.

- **Inappropriate or Poor Design of Signs:** Signs and advertising structures or features are not proposed as part of the project.
- **Lack of Proper Attention to Site Development:** The appropriate professional services have been used to design the site, demonstrating appropriate attention being given to proposed development.
- **Lack of Proper Attention to Landscaping:** Landscaping is provided exceeding the area requirements, has been professionally designed by a landscape designer, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

#### Purposes and Objectives

Subsection 4.400 (.02) and Subsection 4.421 (.03)

**B5.** The applicant has provided sufficient information demonstrating compliance with the objectives of this subsection as follows:

- **Pursuant to Objective A** (assure proper functioning of the site and high quality visual environment), The proposed improvements on the Upper Site create a new landscaped entry to the park along SW Arrowhead Creek Lane, replacing the large mound of fill material and scrubby vegetation that exists on the Upper Site today. The Electrical Building and ancillary facilities on the Upper Site will be screened by the proposed berm and landscaping, while visible from the driveway to the Upper Site. The building's materials and design are similar to the main WRWTP building to ensure consistency with the rest of the site. The functional qualities of paths on the site will be improved. Existing multi-use paths along the western edge of the site (adjacent to Oakleaf Mobile Home Park) and along SW Arrowhead Creek Lane – both part of the Ice Age Tonquin Trail system – will be restored and landscaping bordering the paths will be enhanced. Bollard lighting will be added to the path along the western edge of the site. The path through the park will be restored and widened, and will connect to an enhanced upper overlook and to new trails (the west trail and lower trail) proposed on the river bank.
- **Pursuant to Objective B** (encourage originality, flexibility, and innovation), Refer to Objective A, above.
- **Pursuant to Objective C** (discourage inharmonious development), Refer to Objective A, above.
- **Pursuant to Objective D** (conserve natural beauty and visual character), The park will be restored to a state consistent with existing conditions. The proposed placement of the pipeline just east of the existing path has been designed so that trees will not be removed along most of the west edge of the park. Park visitors will be able to enjoy the

visual qualities of that part of the park – a large lawn, path, and vegetated edge along the ravine and tributary – upon completion of project construction.

- **Pursuant to Objective E** (protect and enhance City’s appeal), Refer to Objectives A and D, above.
- **Pursuant to Objective F** (stabilize property values/prevent blight), Ensuring high visual quality and proper functioning of the project site, and conserving natural beauty and visual character as proposed for this project help to stabilize property values and prevent blight.
- **Pursuant to Objective G** (insure adequate public facilities), As discussed earlier in this report, the WWSS will provide a resilient and redundant water supply for the TVWD-Hillsboro service area and partnering urban areas. When complete, the WWSS will be one of Oregon’s most seismically resilient water systems – built to better withstand natural disasters, protect public health, and speed regional economic recovery by restoring critical services more quickly than existing systems.
- **Pursuant to Objective H** (achieve pleasing environments and behavior), Refer to Objectives A and D, above.
- **Pursuant to Objective I** (foster civic pride and community spirit), The project has been designed considering the aesthetics and functionality of the site, and with an awareness of the civic importance of the property.
- **Pursuant to Objective J** (sustain favorable environment for residents), Refer to Objectives A and D, above.

#### Design Standards Subsection 4.421 (.01)

**B6.** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection as follows:

- **Pursuant to Standard A** (Preservation of Landscape), Landscaping on the site outside the Willamette River Greenway will be preserved, replaced, or improved. Low maintenance and resistance to invasive species are key factors in the planting design. Top soil removed in the park during pipeline installation will be stockpiled and re-used.
- **Pursuant to Standard B** (Relation of Proposed Buildings to Environment), WWSP and City staff have met and coordinated closely to review the project designs and to avoid impacts to SROZ areas on the site. The Electrical Building on the Upper Site and exterior modifications to the pump station on the Lower Site are designed to match the overall aesthetics of the existing WRWTP. Upper Site structures will be buffered and screened from this trail and housing to the west by a high berm with an assortment of plantings, and berms and landscaping will help buffer and screen views of the structures from along SW Arrowhead Creek Lane and the Ice Age Tonquin Trail to the south and southeast.
- **Pursuant to Standard C** (Drives, Parking, and Circulation), Safe and convenient access and circulation will be maintained and improved for vehicles and pedestrians on the

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

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

#### Applicability of Design Standards

Subsection 4.421 (.02)

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

#### Conditions of Approval

Subsection 4.421 (.05)

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

#### Color or Materials Requirements

Subsection 4.421 (.06)

- B9.** No specific paints or colors are being required. The architectural design of the Electrical Building on the Upper Site and exterior modifications of the pump station on the Lower Site are based on a brick or cast-in-concrete and modern look to match the overall aesthetics

of the existing WRWTP and uses colors that are consistent with those of surrounding development.

## **Standards of RA-H Residential Agricultural – Holding Zone**

### Dimensional Standards

Section 4.120 (.04) and 4.181

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

## **On-Site Pedestrian Access and Circulation**

### Continuous Pathway System

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

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

### Safe, Direct, and Convenient Pathways

Section 4.154 (.01) B. 2.

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



## Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

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

## Crosswalks

Section 4.154 (.01) B. 4.

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

## Pathway Width and Surface

Section 4.154 (.01) B. 5.

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

## Pathways Clearly Marked

Section 4.154 (.01) B. 6.

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

## Parking Area Design Standards

### Purpose

Section 4.155 (.01)

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

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

#### Minimum and Maximum Off-Street Parking Requirements

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

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

#### Parking and Design Standards

Section 4.155 (.02) and (.03)

**B19.** The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	☒	One (1) standard and one (1) ADA-accessible parking space are proposed on the Upper Site and there is sufficient maneuvering area for a service vehicle.
J. Sturdy bumper guards of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	☒	Parking and maneuvering area on the Upper Site will be surrounded by a six-inch curb.
K. Surfaced with asphalt, concrete or other approved material.	☒	Upper Site parking and vehicle circulation area will be surfaced with asphalt.
Drainage meeting City standards	☒	Drainage from parking and vehicle circulation area will be collected in swales on north and south sides of Upper Site that will lead to new proposed storm drains, which will connect to a

		reconstructed outfall at Arrowhead Creek.
L. Lighting that does not shine into adjoining structures or into the eyes of passersby.	<input checked="" type="checkbox"/>	Proposed lighting on Upper Site will be fully shielded and landscaping and berm screening proposed on west, south, and southeast sides of site will prevent light from shining into any nearby structures or the eyes of passersby.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	Compact spaces are not proposed.
O. Planting areas increased to 7 feet deep when vehicles overhang beyond curb	<input checked="" type="checkbox"/>	A double row of parking and planting areas is not proposed; therefore, no planting areas are increased to 7 feet deep.
<b>Subsection 4.155 (.03) Minimum and Maximum Off-Street Parking Requirements</b>		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	Upper Site will not have active parking areas, loading areas, or pedestrian areas. The proposed parking spaces, a sidewalk around the northeast and north side of the building, and vehicle circulation around the site from the gate and driveway are adequate to accommodate sporadic traffic to and on the site.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	The two (2) loading spaces along the edge of the parking and circulation area are separate from service vehicle parking and pedestrian areas.
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	Vehicle circulation areas on Upper Site are clearly indicated on the plans.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Vehicle and pedestrian traffic is clearly delineated and separated to the greatest extent possible.
C. Safe and Convenient Access, meet ADA and ODOT Standards. For parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.	<input checked="" type="checkbox"/>	Two (2) parking spaces outside the Electrical Building on the Upper Site, including one (1) ADA-accessible space, are on an even grade and have enough room for vehicles to maneuver in the circulation area.
D. Efficient on-site parking and circulation.	<input checked="" type="checkbox"/>	On-site parking is designed for efficient and convenient circulation. There are no parking areas on adjacent sites to which to connect.

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

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

Multiple Use Parking, Shared Parking, Off-Street Parking, Non-Parking Use of Parking Areas

Subsection 4.155 (.02) D. through H.

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

Screening to Residential Areas

Subsection 4.155 (.02) I.

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

Parking for Uses Not Listed

Subsection 4.155 (.02) M.

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

Landscaping in Parking and Loading or Delivery Areas

Subsection 4.155 (.03) B.

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

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

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

### **Access, Ingress and Egress**

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

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

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

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

### **Public Safety and Crime Prevention**

Design to Deter Crime and Insure Public Safety  
Section 4.175

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

- An address placard for new development on the Upper Site will be clearly provided as shown in the Entrance Gate Plan.
- An 8-foot ornamental metal fence will be installed along the western, southern, and eastern sides and an 8-foot chain link fence will be installed along the northern side of the Upper Site.
- Lighting will be provided on the Upper Site to support safe operations and site security, and is discussed in detail in responses to criteria in Section 4.199 of this report.
- Security cameras on the Upper Site and Lower Site, including a pole-mounted camera on the river bank aimed at the fish screen, will enhance safety and security on the project site.
- Site access will be controlled and personal protective equipment will be required during RWF construction and maintenance activities.
- Safety measures in place for the existing WRWTP site will be maintained.

## Landscaping Standards

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

### Landscape Installation or Bonding Subsection 4.450 (.01)

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

### Approved Landscape Plan Subsection 4.450 (.02)

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

### Landscape Maintenance and Watering Subsection 4.450 (.03)

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

### Modifications of Landscaping Subsection 4.450 (.04)

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

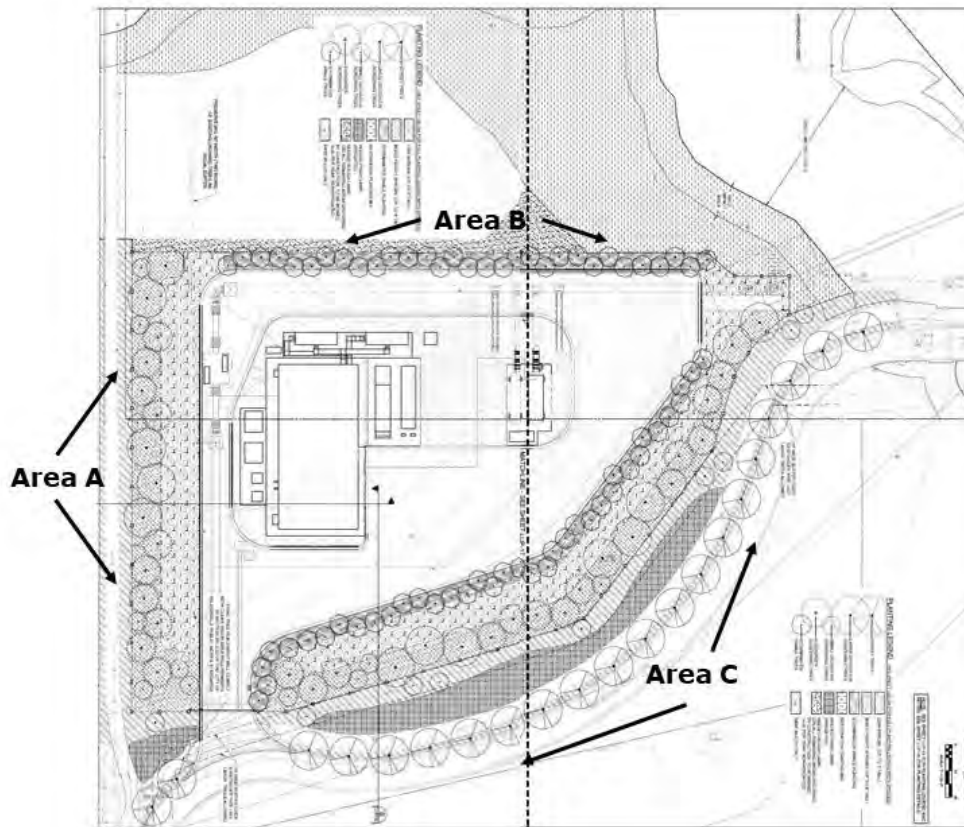
### Landscape Standards Code Compliance Subsection 4.176 (.02) B.

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

### Intent and Required Materials Subsections 4.176 (.02) C. through I.

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

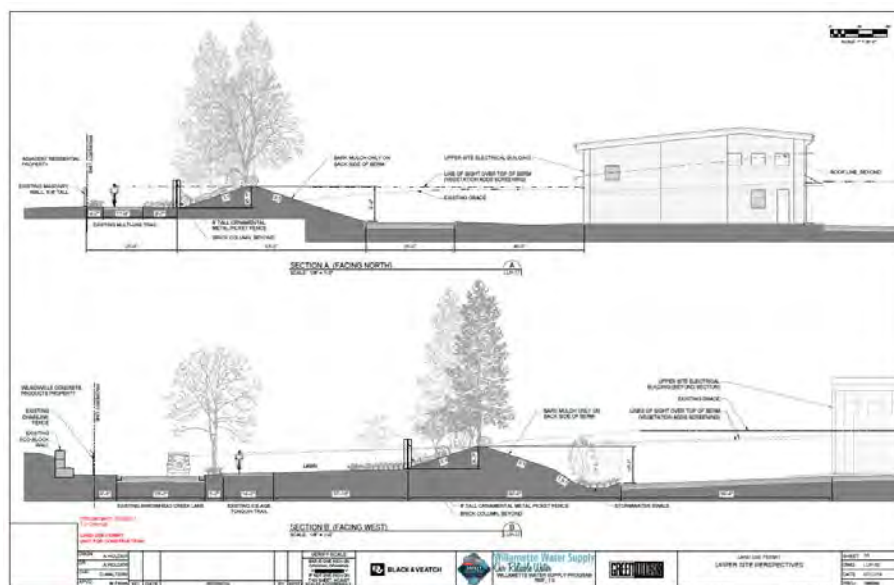
## Upper Site



### Landscape Area A

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

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



### Landscape Area B

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

### Landscape Area C

- Area Description:** Southern and eastern boundary of Upper Site; provides screening and buffering between Electrical Building and associated facilities and pathway and road to south and east
- Landscaping Standard:** High Berm Standard
- Comments on Intent:** Extensive screening to reduce both visual and noise impacts to protect abutting uses from one-another and provide separation by both distance and sight-obscuring materials





association with the upper overlook that will be replaced and enhanced. Plantings in this area include western red cedar, Pacific dogwood, and ornamental shrubs.

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

#### Landscape Area and Locations

Subsection 4.176 (.03)

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

#### Buffering and Screening

Subsection 4.176 (.04)

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

#### Sight-Obscuring Fence or Planting

Subsection 4.176 (.05)

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

#### Shrubs and Groundcover Materials

Subsection 4.176 (.06) A.

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

Plant Materials-Trees  
Subsection 4.176 (.06) B.

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

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

Plant Materials-Buildings Larger than 24 Feet in Height or Greater than 50,000 Square Feet in Footprint Area  
Subsection 4.176 (.06) C.

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

Plant Materials-Street Trees  
Subsection 4.176 (.06) D.

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

Types of Plant Species  
Subsection 4.176 (.06) E.

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

On the Lower Site, existing vegetation in the ravine on the western edge of the site will be preserved, as will much of the river bank vegetation. This vegetation is marked by native

plant species such as Douglas fir and sword fern. Plants proposed for restoration planting on the river bank include hardy and native species such as salal, sword fern, Oregon grape, vine maple, red flowering currant, red alder, Douglas fir, western hemlock, and western red cedar.

#### Tree Credit

Subsection 4.176 (.06) F.

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

#### Exceeding Plant Standards

Subsection 4.176 (.06) G.

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

#### Landscape Installation and Maintenance

Subsection 4.176 (.07)

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

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

#### Landscape Plans

Subsection 4.176 (.09)

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

#### Completion of Landscaping

Subsection 4.176 (.10)

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

## Street Trees Not Typically Part of Site Landscaping

Subsection 4.176 (.11)

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

## Mitigation and Restoration Plantings

Subsection 4.176 (.12)

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

## Standards for Mixed Solid Waste and Recyclables Storage

### Mixed Solid Waste and Recyclables Storage

Subsection 4.179 (.01) and 4.179 (.07)

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

## Outdoor Lighting

### Applicability

Sections 4.199.20 and 4.199.60

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

### Outdoor Lighting Zones

Section 4.199.30

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

## Optional Lighting Compliance Methods

Subsection 4.199.40 (.01) A.

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

## Wattage and Shielding

Subsection 4.199.40 (.01) B. 1.

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

## Compliance with Oregon Energy Efficiency Specialty Code

Subsection 4.199.40 (.01) B. 2.

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

## Mounting Height

Subsection 4.199.40 (.01) B. 3.

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

## Luminaire Setback

Subsection 4.199.40 (.01) B. 4.

**B58.** Lighting zones are the same to the west, north, east, and south of the Upper Site. Other than the low-height, low-wattage lighting proposed for the existing path on the western border of the Upper Site, lighting proposed on the west side of the Upper Site will be on the development side of the high berm, directed away from properties to the west, and approximately 77 feet from the property line, which is more than three times the 25-foot mounting height of the fixtures. Lighting in the northeast corner of the Upper Site, nearest the SROZ associated with Arrowhead Creek, will be approximately 80 feet from the SROZ Title 3 area boundary, more than three times the 20-foot mounting height of the fixtures, which is consistent with the standard.

## Lighting Curfew

Subsection 4.199.40 (.02) D.

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

## Standards and Submittal Requirements

Sections 4.199.40 and 4.199.50

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

## Underground Utilities

### General Requirements

Section 4.300

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

## Natural Features and Other Resources

### Protection of Valued Natural Features and Cultural Resources

Section 4.171

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

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

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

informal river bank trails will be decommissioned and replanted during RWF construction, a portion of the existing informal trail will be retained to provide access to the cable trees.

## Flood Plain Regulations

Section 4.172

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

## **Request C: DB19-0021 Type C Tree Removal Plan**

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

### **Type C Tree Removal-General**

#### Tree Related Site Access

Subsection 4.600.50 (.03) A.

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

#### Review Authority

Subsection 4.610.00 (.03) B.

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

#### Conditions of Approval

Subsection 4.610.00 (.06) A.

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

#### Completion of Operation

Subsection 4.610.00 (.06) B.

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

#### Security for Permit Compliance

Subsection 4.610.00 (.06) C.

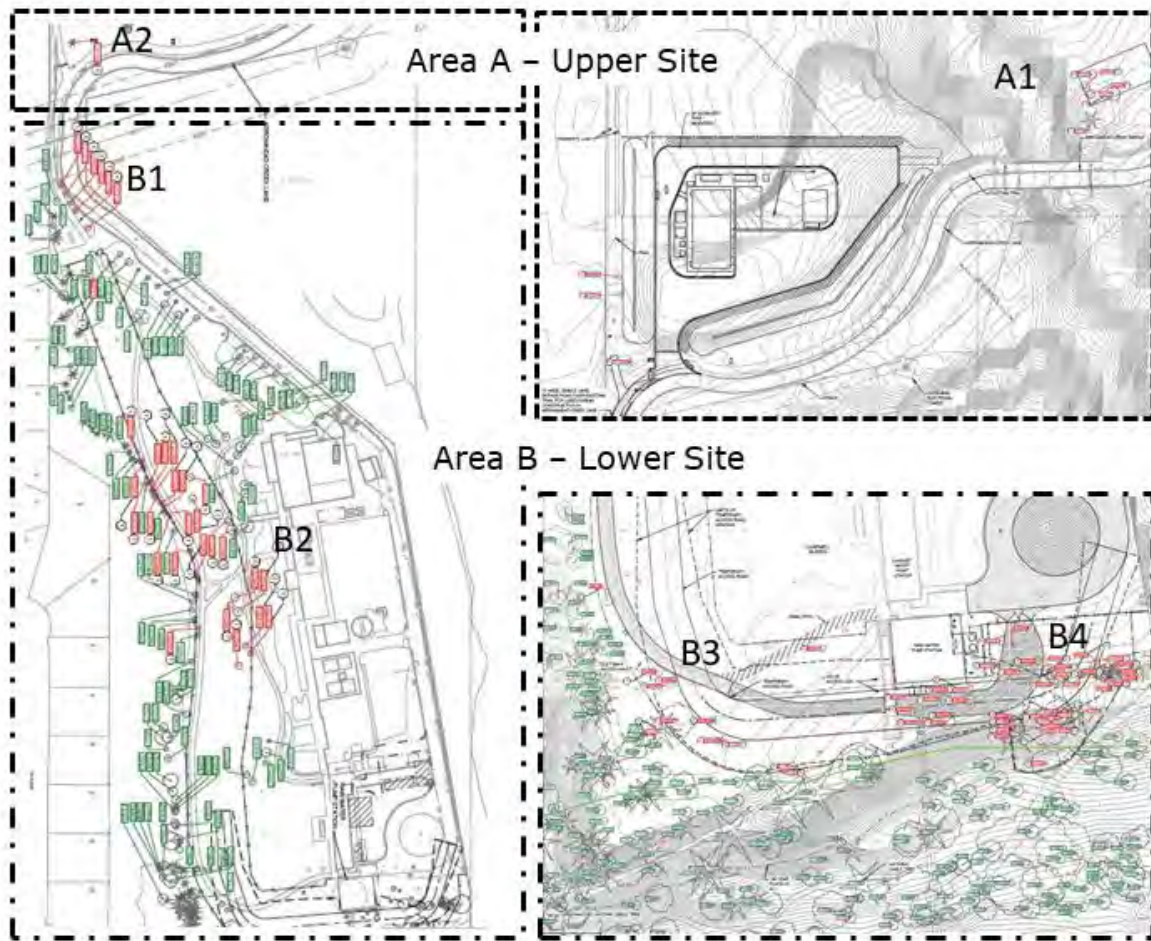
- C5.** No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.



Tree Removal Standards  
Subsection 4.610.10 (.01)

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

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



Tree Removal Plan				
Tag No.	Location	In SROZ Outside SROZ		
		Species	Size	Health
25120	A1 (see Plan, below)	Fir	34"	
25121	A1	Cottonwood	14"	
25122	A1	Cottonwood	14"	
71412	A1	Cottonwood	24"	Fair
71413	A1	Cottonwood	16"	Fair
101041	A1	Willow	8"	Fair
101042	A1	Alder	9"	Fair
Area A1 - Total No. of Trees		7 (5 in SROZ)	14"-34"	
101108	A2	Douglas fir	14"	Fair
Area A2 - Total No. of Trees		1 (0 in SROZ)	14"	
101218	B1	Norway maple	10"	Poor
101219	B1	Linden	4"	Fair
101220	B1	Linden	8"	Poor
101222	B1	Linden	9"	Poor
101223	B1	Linden	9"	Fair
101224	B1	Linden	10"	Fair
25017	B1	Unknown Dactduous	10"	
Area B1 - Total No. of Trees		7 (0 in SROZ)	4"-10"	
102240	B2	Pussy willow	8"	Fair
102242	B2	Douglas fir	6"	Fair
102243	B2	Douglas fir	7"	Fair
102245	B2	Douglas fir	7"	Fair
102246	B2	Hemlock	8"	Fair
102247	B2	Douglas fir	10"	Fair
102248	B2	Douglas fir	13"	Fair
102249	B2	Douglas fir	9"	Fair
102251	B2	Douglas fir	9"	Fair
102252	B2	Hemlock	6"	Fair
102253	B2	Douglas fir	10"	Fair
102254	B2	Douglas fir	12"	Fair
102342	B2	Alder	12"	Fair
102343	B2	Red maple	10"	Fair
102344	B2	Red maple	10"	Fair
102345	B2	Alder	16"	Fair
102346	B2	Alder	12"	Fair
102347	B2	Alder	14"	Poor
102348	B2	Alder	15"	Fair
102349	B2	Red maple	11"	Fair
102350	B2	Red oak	13"	Fair
102351	B2	Red oak	13"	Fair
102345	B2	Alder	10"	Fair
102351	B2	Pussy willow	8"	Fair
102352	B2	Pussy willow	8"	Fair
Area B2 - Total No. of Trees		25 (19 in SROZ)	10"-18"	
25028	B3	Unknown Dactduous	10"	
20010	B3	Unknown	Unknown	Unknown
71160	B3	Linden	7"	Fair
71161	B3	Linden	6"	Fair
71166	B3	Linden	6"	Fair
71184	B3	Douglas fir	36"	Fair
102929	B3	Poplar	9"	Fair
102930	B3	Poplar	7"	Fair
102931	B3	Poplar	10"	Fair
102937	B3	Linden	29"	Fair
102938	B3	Western hemlock	7"	Fair
102945	B3	Western hemlock	8"	Fair
Area B3 - Total No. of Trees		12 (11 in SROZ)	6"-36"	

Tree Removal Plan				
Tag No.	Location	In SROZ Outside SROZ		
		Species	Size	Health
103044	B4	Cottonwood	13"	Fair
103045	B4	Douglas fir	7"	Fair
103046	B4	Alder	10"	Fair
103047	B4	Alder	7"	Fair
103048	B4	Alder	6"	Fair
103049	B4	Alder	4"	Fair
103050	B4	Alder	6"	Fair
103051	B4	Alder	8"	Fair
103052	B4	Douglas fir	8"	Fair
103087	B4	Alder	21"	Fair
103088	B4	Alder	7"	Fair
103191	B4	Alder	8"	Fair
103192	B4	Western hemlock	5"	Fair
103193	B4	Western hemlock	7"	Fair
103194	B4	Big leaf maple	13"	Fair
103195	B4	Alder	15"	Fair
103196	B4	Alder	9"	Fair
103197	B4	Big leaf maple	15"	Fair
103198	B4	Big leaf maple	6"	Fair
103199	B4	Big leaf maple	7"	Fair
103200	B4	Western cedar	11"	Fair
103201	B4	Alder	13"	Fair
103202	B4	Western cedar	20"	Fair
103203	B4	Big leaf maple	15"	Poor
103204	B4	Western cedar	15"	Fair
103205	B4	Big leaf maple	22"	Fair
103206	B4	Big leaf maple	32"	Fair
71077	B4	Cherry	7"	Fair
71080	B4	Big leaf maple	15"	Fair
71081	B4	Big leaf maple	12"	Fair
71082	B4	Big leaf maple	18"	Fair
71084	B4	Big leaf maple	15"	Fair
71085	B4	Big leaf maple	22"	Fair
71086	B4	Cottonwood	45"	Fair
71087	B4	Big leaf maple	15"	Fair
71089	B4	Big leaf maple	8"	Fair
71090	B4	Douglas fir	46"	Fair
71091	B4	Big leaf maple	24"	Fair
71092	B4	Big leaf maple	17"	Fair
71102	B4	Big leaf maple	15"	Fair
Area B4 - Total No. of Trees		40 (40 in SROZ)	4"-46"	
Total Trees All Areas		92 (75 in SROZ)	4"-46"	

Response to the standards of this section is as follows:

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

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

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

#### Review Process

Subsection 4.610.40 (.01)

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

#### Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

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

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



## Replacement and Mitigation

### Tree Replacement Requirement

Subsection 4.620.00 (.01)

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

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

### Basis for Determining Replacement and Replacement Tree Requirements

Subsection 4.620.00 (.02) and (.03)

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

### Replacement Tree Stock Requirements

Subsection 4.620.00 (.04)

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

### Replacement Trees Locations

Subsection 4.620.00 (.05) A.

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

## Protection of Preserved Trees

### Tree Protection During Construction

Section 4.620.10

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

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

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

### Willamette River Greenway Conditional Use Permit

#### General Purpose and Greenway Boundaries

Sections 4.500 and 4.504

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

#### Uses Permitted Outright and Uses Permitted Conditionally

Sections 4.506 and 4.508

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

#### Maximum Vegetated Area between Activity and Willamette River

Section 4.510 (.01) A.

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

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

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

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

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

#### Necessary Public Access to and along Willamette River

Section 4.510 (.01) B.

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

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

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

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

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

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

**Use Management Standards**

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

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

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

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

Development away from Willamette River  
Section 4.514 (.03)

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

Required Setback  
Section 4.514 (.04)

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



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

Fish, Riparian and Wildlife Corridors  
Section 4.514 (.05)

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

Public Safety and Protection of Property  
Section 4.514 (.06)

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

**Request E: SI 19-0001 Abbreviated SROZ Map Refinement and  
Request F: SI 19-0002 Abbreviated SRIR Review**

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

**Significant Resource Overlay Zone (SROZ)**

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

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

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

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

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

## General Findings

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

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

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

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

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

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

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

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

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

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



# Willamette Water Supply

## Our Reliable Water

November 2019

### Raw Water Facilities Design Update

In coordination with the City of Wilsonville, the Willamette Water Supply Program team plans to begin building improvements in and around the Willamette River Water Treatment Plant in Wilsonville in 2020.

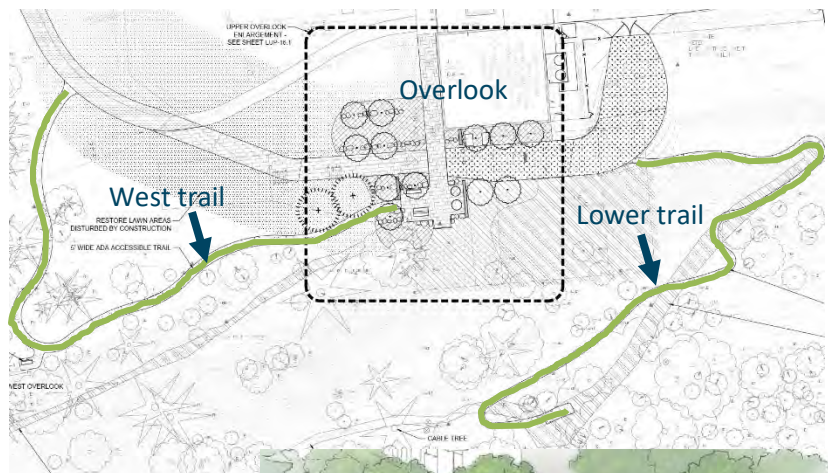


Raw Water Facilities Layout

Construction is expected to take four years. Improvements include an improved pump station, a seismically reinforced Willamette Riverbank, increased water intake capacity, a new electrical building, and a new raw water pipeline. Following is an update for the Park, Riverbank, and Upper Site.

### Willamette Riverbank

- The existing path through the Park will be restored and widened. The path will connect to an enhanced pedestrian overlook and new trails (the west trail and lower trail) proposed on the riverbank.
- The proposed overlook will be 34 feet wide overall and an average of 19 feet deep, with a 31-foot-wide viewing area along the south edge—about eight feet closer to the riverbank than the existing overlook.
- Riverbank soil stabilization will protect the new and existing water facilities from damage during an earthquake. The design and construction approach minimize impacts on the riverbank environment.



Pedestrian Overlook



## Willamette River Water Treatment Plant Park

- The path through the Park will be restored and widened and will connect to the enhanced pedestrian overlook. An electrical conduit duct bank and 66-inch raw water pipeline will be built beneath the path.
- The construction schedule has been designed to minimize disruption to the public. The site will be closed to the public during construction to protect the public and allow construction to be completed more quickly, returning the Park to normal operations sooner.
- A few protected areas of the Park can remain open to the public during most of the construction, including the water feature that runs along the west side of the water treatment plant.
- The Park will be restored after construction. A landscape plan is being developed in collaboration with the City of Wilsonville staff.



New Pedestrian Trail

## Upper Site

- The path along the western edge of the Upper Site to Morey Lane will be preserved and lighting will be added.
- Facilities on the Upper Site include an electrical building.



Upper Site Electrical Building

## Contact Information

Marlys Mock, Communications Supervisor  
marlys@twwd.org 503-941-4563

## INTERGOVERNMENTAL AGREEMENT

### BETWEEN

### THE CITY OF WILSONVILLE AND THE WILLAMETTE WATER SUPPLY SYSTEM COMMISSION

### RAW WATER FACILITIES PROJECT (RWF\_1.0)

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into between the **City of Wilsonville**, a political subdivision of the State of Oregon, acting by and through its City Council ("Wilsonville"), and the **Willamette Water Supply System Commission**, an Oregon intergovernmental entity organized under ORS Chapter 190 (the "WWSS Commission"). Wilsonville and the WWSS Commission are referred to herein individually as a "Party" and jointly as the "Parties." **Tualatin Valley Water District**, a domestic water supply district organized under ORS Chapter 264, acting by and through its Board of Commissioners ("TVWD"), is a co-owner of the "WRWTP/Park Property," as defined below, and is therefore also a necessary party to this Agreement.

### RECITALS

- A. WHEREAS, ORS Chapter 190 authorizes units of local government to enter into intergovernmental agreements for the performance of any or all activities and functions that a party to such an agreement has the authority to perform; and
- B. WHEREAS, TVWD, the City of Hillsboro ("Hillsboro"), and the City of Beaverton ("Beaverton") entered into an intergovernmental agreement creating the WWSS Commission to set forth the terms for the joint ownership, financing, design, permitting, construction, operation, maintenance, repair, and replacement of the Willamette Water Supply System ("WWSS") in a prudent, economic, and efficient manner to provide high quality water to their respective municipal water supply systems; and
- C. WHEREAS, TVWD, Hillsboro, Beaverton, and the Cities of Wilsonville, Sherwood, and Tigard have entered into the Willamette Intake Facilities Intergovernmental Agreement, dated April 18, 2018 ("WIF Agreement"), creating an ORS Chapter 190 intergovernmental entity for the ownership, management, and operation of the Willamette Intake Facilities, as those facilities are defined in the WIF Agreement ("WIF"), and to provide for design and construction to upgrade and expand the Willamette Intake Facilities; and
- D. WHEREAS, TVWD, Hillsboro, and Wilsonville entered into a Ground Lease for the Raw Water Pipeline, dated March 21, 2018 ("Ground Lease"), and a Pipeline Easement, signed March 26, 2018 but not recorded ("Pipeline Easement"), that will allow the Willamette Intake Facilities to connect via pipeline over the real property owned by TVWD and Wilsonville to the WWSS raw water pipeline located in and along Wilsonville right-of-way. The Pipeline Easement will be recorded in the future with the as-built conditions; and
- E. WHEREAS, Wilsonville and TVWD entered into a Willamette Water Supply System Intake Facility Agreement and the First Amendment to Agreement Regarding Water Treatment Plant Design, Construction, Operation, and Property Ownership, both documents dated March 21, 2018, which provide, among other things, placement of the raw water pipeline, electric duct bank, and appurtenant structures; and



- F. WHEREAS, the WWSS Commission oversees the Willamette Water Supply Program (“WWSP”) and has designated the WWSP to exercise the responsibilities and obligations for the planning and design of WWSS projects; and
- G. WHEREAS, the WWSS Commission desires to construct improvements to a raw water intake and pump station and construct a large diameter water supply transmission line and related improvements (“Project Work”) and the Project Work will occupy portions of the Willamette River Water Treatment Plant (“WRWTP”) and adjacent Wilsonville public park property (“Park”), which property is currently owned by Wilsonville and TVWD (collectively, “WRWTP/Park Property”); and
- H. WHEREAS, as co-owners of the WRWTP/Park Property, Wilsonville and TVWD must agree to the use of the WRWTP/Park Property, as described herein; and
- I. WHEREAS, TVWD is also the managing agency of the WWSS Commission and has advocated to Wilsonville to allow for this use of the WRWTP/Park Property by the WWSS Commission; and
- J. WHEREAS, WWSP has entered into a contract with a construction contractor that includes the Project Work (“RWF\_1.0 Contract”) with a layout plan and scope of work that must be approved, in writing, by Wilsonville, due to its location on WRWTP/Park Property; and
- K. WHEREAS, in conjunction with the construction of the Project Work, the WWSS Commission wishes to move two of Wilsonville’s existing WRWTP raw water pumps, which Wilsonville is willing to allow as long as the WWSS Commission provides an inspection of the pumps and restores them back in place in good and efficient operating condition, as more particularly described below; and
- L. WHEREAS, it is the mutual desire of the Parties to enter into this Agreement to allow the Project Work on WRWTP/Park Property, in exchange for the consideration set forth below, including relocation of the existing WRWTP pumps described below, on behalf of Wilsonville;

**AGREEMENT**

NOW, THEREFORE, in consideration of the terms, conditions, and covenants set forth below and the recitals set forth above, which are incorporated into this Agreement as if fully set forth herein, the Parties agree as follows:

**ARTICLE I - PROJECT GOALS**

- 1.1 The Parties are coordinating the design and construction of the Project Work on the WRWTP/Park Property.
- 1.2 The Project Work is intended to achieve the following overall goals (“Project Goals”):
  - 1.2.1 Wilsonville: To review and approve the Project Work to ensure it does not unreasonably disturb the WRWTP/Park Property, operation of the WRWTP, or other Wilsonville work in those areas.
  - 1.2.2 WWSS Commission: Through the WWSP, to design and construct portions of the water transmission facilities and pipeline constructed to further the objectives of the WWSS Commission in increasing water



supply, reliability, redundancy, and resiliency to its member service areas. The Project Work under this Agreement is part of that effort. For purposes of this Agreement, all rights and responsibilities of WWSP identified herein shall be deemed to be the rights and responsibilities of the WWSS Commission.

- 1.3 The Parties acknowledge that the Project Work cannot interfere in any way with the ability of the WRWTP to produce safe, reliable, and uninterrupted drinking water.

## **ARTICLE II - PROJECT DESCRIPTION**

- 2.1 The Project Work primarily consists of design and construction of raw water facilities and a large-diameter water transmission line and appurtenances according to design, plans, and technical specifications, as depicted in **Exhibit 1**, RWF Project Overall Site Plan and Other Ancillary Improvements.
- 2.2 Because two of the existing raw water pumps at WRWTP are being relocated as part of the Project Work, WWSP will provide an inspection of the existing pumps and refurbish as needed to fully restore pumps to good operational condition, at no cost to Wilsonville. WWSP will work with its consultant, pump suppliers, and others, as needed, to determine the feasibility of adding resiliency improvements for the existing pumps, such as a seismic clip for the pump column and anchorage for the pump and motor. It is assumed these improvements will be designed by the pump supplier. WWSP will design and construct new discharge butterfly valves and dismantling joints on the discharge of the two relocated existing WRWTP pumps for resiliency. WWSP will also compensate Wilsonville \$50,000 for two new pump inlet baskets (payment to be made within ninety (90) days of the date of this Agreement). Repairs and reinstallation will be fully warranted for two (2) years. The foregoing is collectively referred to hereinafter as the "Relocation Work."
- 2.3 One set of contract documents will be used for the Project Work, including the Relocation Work.
- 2.4 The use of Water Infrastructure Finance and Innovation Act ("WIFIA") funding is anticipated for the Project Work. WIFIA funding requires compliance with certain conditions, including, but not limited to, Davis-Bacon and related acts, American Iron and Steel Act, Disadvantaged Business Enterprises Program, regulations governing debarment and suspension, Equal Employment Opportunity Executive Order, civil rights laws, Drug-Free Workplace Act, and restrictions on lobbying. Project Work will be constructed under a single construction contract complying with the requirements of WIFIA funding. WWSP will be solely responsible for compliance with all of the foregoing. Because the Relocation Work is part of the Project Work, some WIFIA requirements may be coincidentally applied but compliance and costs associated therewith will be the sole responsibility of WWSP.

## **ARTICLE III - PROJECT CONSIDERATION**

- 3.1 In consideration for allowing the Project Work to include relocation of two existing WRWTP pumps, WWSP will make all of the above-described Relocation Work at no charge to Wilsonville.
- 3.2 Additional consideration provided by the WWSS Commission for this Agreement includes:

- Construction of a new H20 rated 12-foot wide paved pedestrian path in the Park;
- Construction of a path to the river and river view path;
- Construction of a new river overlook area;
- Installation of pedestrian trail lighting on Morey Lane along the upper site area;
- Installation of 4-inch fiber conduit, per Public Works standards, the length of the WRWTP/Park Property, with pull boxes parallel to the Project Work duct bank;
- Reconstruction of the Arrowhead Creek stormwater outfall from point of connection to the outfall, including downstream energy dissipation;
- Planting of landscape outside of the WWSS Commission fence on the upper site;
- Installation of an 8-inch domestic waterline that connects at Brockway Drive and the future 5<sup>th</sup> and Kinsman Road waterline; and
- Design and installation of a new key card kiosk at the WRWTP entry gate on the east side of the drive area that will provide access for both the WWSS Commission and Wilsonville.

3.3 As additional consideration for allowing WWSP to construct on WRWTP/Park Property, WWSP must also meet all of the Wilsonville Development Review Board (DRB) conditions of approval, as agreed to and set forth in the DRB conditions of approval.

#### **ARTICLE IV - WWSP OBLIGATIONS FOR DESIGN**

- 4.1 WWSP has designated Jenn Minton, P.E., as WWSP Project Manager for the Project Work and the WWSP representative responsible for coordination of the Project Work with Wilsonville pursuant to this Agreement. Mike Britch, P.E., will be the WWSP Principal Engineer for the Project Work.
- 4.2 WWSP will perform or cause to be performed all tasks needed to design and construct the Project Work, including preparation of plans/drawings, standard details, technical specifications, contractor's estimate, and other documents required for completion of the contract documents and design milestones described in **Exhibit 2**. WWSP will provide Wilsonville ten (10) business days to complete a design review of the Project Work at the following significant milestone: 90 percent design documents. WWSP will consider and incorporate Wilsonville review comments that do not significantly impact Project Work costs or schedule. If WWSP disagrees with the Wilsonville comments and Wilsonville still desires to have the comments addressed or included, the Parties will utilize the mediation process set forth in the Ground Lease.
- 4.3 WWSP will coordinate and will cause its consultants to coordinate with Wilsonville and its consultants, including attendance at all design team meetings, permit team

meetings, real estate meetings, public information/outreach meetings, and other scheduled meetings. The Wilsonville Project Representative and WWSP Project Manager will mutually determine the type, frequency, and timing of meetings to meet the needs of a well-coordinated project.

- 4.4 WWSP will share and coordinate updates on the Project Work schedule with the Wilsonville Project Representative.
- 4.5 WWSP will provide necessary design coordination to advance the design and construction of the Project Work to achieve the key milestones described in **Exhibit 2**.
- 4.6 WWSP will prepare the bid package for the Project Work, inclusive of the 'front-end' documents, including bidding information, bid forms, contract forms, standard general conditions, special provisions, technical specifications, design plans, and others as required for successful bidding and construction of the Project Work (collectively, "Contract Documents"). The Relocation Work will be included in the Project Work bid package.
- 4.7 WWSP will provide and pay for key card access at the new south personnel gate from the WRWTP Park and into the raw water pump station that will provide access for both the WWSS Commission and Wilsonville. The access point will have a hard key as a manual override as part of the design.
- 4.8 WWSP will prepare the draft Contract Documents and provide them to Wilsonville for review and comment. WWSP will incorporate or otherwise respond to Wilsonville's review comments in a manner acceptable to both Parties' Project Managers.
- 4.9 WWSP will administer the Project Work bidding and solicit bids in compliance with all public contracting laws and in compliance with the agreement for the RWF\_1.0 Contract.
- 4.10 WWSP will perform the design and design coordination for all Project Work.
- 4.11 WWSP will design, construct, and pay for all of the items listed in Article III - Project Consideration.
- 4.12 As required in Section 5 of the Pipeline Easement, WWSP will design the raw water pipeline and an ancillary pipe/duct to have a minimum of eight feet of cover. Notwithstanding the foregoing, Wilsonville agrees that if WWSP replaces certain existing Wilsonville pipelines with new pipe, encased in a steel casing extended a minimum one foot beyond the edge of trench, then in that specific area, as shown on **Exhibit 1**, the raw water pipeline may cross over the top of the newly encased Wilsonville pipeline(s) at a depth of less than eight feet but not less than five feet. Additionally, when WWSP completes its proposed design for related duct banks, it may request that it be allowed to place the duct banks at a lesser depth, and Wilsonville will consider that request upon review of the final plans.

## **ARTICLE V - WILSONVILLE OBLIGATIONS**

- 5.1 Wilsonville hereby designates Delora Kerber, P.E., as Wilsonville Project Representative responsible for coordination of the Project Work with WWSP and WRWTP pursuant to this Agreement. Patty Nelson is Wilsonville's Principal

Engineer, responsible for Design Documents and construction oversight of the Relocation Work.

- 5.2 Wilsonville will review and approve the design, drawings, and specifications WWSP provides for the Relocation Work.
- 5.3 By executing this Agreement, Wilsonville grants to WWSP and any WWSS Commission consultants and contractors a right-to-rely on the information provided by Wilsonville under this Agreement.
- 5.4 Wilsonville is planning an independent expansion of the existing WRWTP. The Wilsonville WRWTP Expansion Work is not part of the Project Work. See Section 9.9.

#### **ARTICLE VI - JOINT OBLIGATIONS FOR DESIGN**

- 6.1 To minimize Project delays or cost increases, the Parties agree to work together diligently to identify and jointly resolve any design or constructability issues with the Project Work at the earliest possible stage of the design process. When such issues arise, the Parties agree to work together to find mutually acceptable solutions in furtherance of the stated Project Goals.
- 6.2 The location of any pipeline, pipeline appurtenances, and other facilities related to the Project Work shall be mutually agreed to by both Parties during the design of the Project and before any construction can occur.
- 6.3 The Parties will provide each other reasonable amounts of information not otherwise required by this Agreement, and will coordinate and attend regular design coordination meetings, regular permit team meetings, public information and outreach team meetings, and other meetings as required for successful coordination and completion of the Project. The Parties' Project Managers will determine the anticipated frequency and timing of meetings depending on the needs of the Project.
- 6.4 The Parties will jointly perform a constructability review of the Contract Documents at 90 percent design completion of the Project Work and incorporate comments into final Contract Documents.
- 6.5 The Parties will work collaboratively in developing Project Work schedules, milestones, reviews, health and safety plans, Project performance metrics, and other activities as required for the successful coordination and completion of the Project Work.

#### **ARTICLE VII - WWSP OBLIGATIONS FOR CONSTRUCTION**

- 7.1 WWSP has designated Rod Warner as WWSP Construction Manager. The WWSP Construction Manager shall be the designated point of contact with the Wilsonville Project Representative and the Wilsonville Principal Engineer. Mike Britch, P.E., will be the WWSP Principal Engineer and the WWSP representative to handle dispute resolution for this Project.
- 7.2 WWSP will be responsible for the overall management and administration of the construction contract for the Project Work.

- 7.3 WWSP will be responsible for inspection, construction management, and administration for the Project Work.
- 7.4 WWSP will be responsible for the Relocation Work, to be included in the Project Work, at no cost to Wilsonville, as described in Section 2.2.
- 7.5 WWSP will include the Wilsonville Project Representative and Wilsonville Principal Engineer in regular construction coordination meetings, public information and outreach meetings, and other meetings as required for successful coordination and completion of the Project.
- 7.6 WWSP will review shop drawings, contractor and subcontractor submittals, requests for information (RFI), and other requested clarifications related to construction of the Project Work.
- 7.7 WWSP is solely responsible for managing the Project Work construction schedule, including established milestones. WWSP will provide its construction contractor's baseline schedule and monthly schedule updates for Wilsonville review and comments. WWSP will consider and incorporate Wilsonville review comments that do not significantly impact Project Work costs or schedule. WWSP will closely coordinate with Wilsonville on Project Work that may impact the operation of the WRWTP.
- 7.8 WWSP will receive, catalog, and route to Wilsonville RFIs, requests for substitutions, submittals, and any other documents pertaining to the Relocation Work for review and comment within five (5) business days, using e-Builder as administered by WWSP for the Parties. WWSP will defer to Wilsonville for the disposition and/or response for all RFIs, substitutions, and submittals related solely to the Relocation Work. Access to all Project Work documents, including, but not limited to, submittals, RFIs, contract correspondence, quality control and assurance requirements, daily reports, and photos, will be available to the Parties through e-Builder.
- 7.9 WWSP will cause the construction contractor to name and endorse WWSP, the WWSS Commission, Wilsonville, and their elected or appointed officials, staff, employees, consultants, and agents, as additional insureds on all policies provided by the construction contractor under the contract. The endorsements to policies shall provide for not less than thirty (30) days' written notice of cancellation. WWSP will provide Wilsonville a copy of the certificates for its records. WWSP will cause the construction contractor to extend indemnity and hold harmless provisions given to WWSP to Wilsonville, its members, officers, boards, employees, consultants, and agents.
- 7.10 WWSP will have overall responsibility for Project administration and inspection of the Project Work and at all times be responsible to monitor and manage the construction contractor's work as provided in the construction Contract Documents. WWSP will regularly communicate with and direct the contractor performing the Relocation Work to be consistent with the decisions of the Wilsonville Principal Engineer. WWSP will have sole and total decision-making authority on Project Work, except for Project Work that impacts the operation of the WRWTP, including the operation of the existing pumps, in which case WWSP will coordinate with Wilsonville.

- 7.11 If Wilsonville's Project Representative, or her designated onsite inspector, or the Wilsonville Principal Engineer, observes a situation reasonably believed to involve safety issues that threaten life, bodily harm, environmental harm, or damage to the WRWTP, Wilsonville will notify the WWSP Construction Manager of the need to stop the Project Work based on those observations. The WWSP Construction Manager will immediately stop the Project Work at the request of Wilsonville. WWSP's Construction Manager has the authority to issue a stop work order at any time and will notify Wilsonville's Project Representative, Principal Engineer, or the designated onsite supervisor as soon thereafter as reasonably possible.
- 7.12 WWSP will be responsible to ensure that the Relocation Work is installed in accordance with the Contract Documents and will handle any disagreements, disputes, delays, or claims with the construction contractor related to or as a result of the Relocation Work, as provided by Section 12.6. Wilsonville agrees to cooperate with WWSP in handling any claims related to the Relocation Work. WWSP will fully warrant the installation and good working condition of the pumps for two (2) years from the date of a full installation inspection and written approval by the City.
- 7.13 WWSP will not authorize or consent to construction contractor's changes to key milestones, as shown in **Exhibit 2**, without written approval by Wilsonville, except in the case of a force majeure as defined in the Contract Documents.
- 7.14 After the Relocation Work has been accepted by Wilsonville and the relocated pumps have been fully operational for two (2) years, WWSP will assign any remaining rights under performance and payment bonds or warranties with respect to the two existing pumps to Wilsonville.
- 7.15 Upon the completion of the construction and completion of record drawings, WWSP will deliver one set of redline as-built drawings for the Project Work to Wilsonville. WWSP will be responsible for producing record drawings for the Project Work.
- 7.16 WWSP, its consultants, and its construction contractor shall coordinate with Wilsonville and its consultants, including jointly attending regular construction coordination meetings, regular permitting and environmental meetings, real estate meetings, public information and outreach meetings, and other meetings as required for successful coordination and completion of the Project Work. The WWSP Construction Manager and Wilsonville Project Representative shall mutually determine the anticipated frequency and timing of meetings depending on the needs of the Project.
- 7.17 WWSP's contractor will be responsible for providing controlled access to the WRWTP during construction. WWSP's contractor will limit access to the Park by the public for public safety reasons during the construction as needed. Time frames for limited access will be defined in the final approved version of the land use application or as otherwise modified.
- 7.18 WWSP will be responsible for maintenance of Park areas that are closed to the public during construction during the closure period. This requirement applies to lands that are not directly affected by the construction activities that will be replaced at the completion of construction. Maintenance requirements will be generally consistent with Wilsonville's Parks & Recreation Department historical practices.

- 7.19 WWSP will plan and execute outages as needed for the Project Work. Provisions will be made for operation of the plant, utilizing bypass pumping or other methods, if the duration of a planned outage exceeds the agreed upon timeframe established in a collaborative manner and documented in the Contract Documents.
- 7.20 WWSP will provide materials testing, independent of construction contractor testing requirements of the Contract Documents, and construction inspection for Project Work.
- 7.21 WWSP understands that Wilsonville's 5<sup>th</sup> to Kinsman Project may be occurring at the same time as some of the Project Work. A portion of the 5<sup>th</sup> and Kinsman Project will reconstruct portions of Arrowhead Creek Way and Industrial Way (collectively, "Arrowhead Way"), during which time the existing roadways will not be available for construction access for the Project Work. During those overlapping times, WWSP will be required to obtain and construct an alternative construction access for the Project Work. The City Engineer will provide WWSP with at least ninety (90) days' prior notice of the dates when the Arrowhead Way access will not be available for WWSP use.

#### **ARTICLE VIII - WILSONVILLE OBLIGATIONS FOR CONSTRUCTION PHASE**

- 8.1 Wilsonville hereby designates Delora Kerber, P.E., as the Wilsonville Representative responsible for coordination of the Project Work with WWSP and WRWTP pursuant to this Agreement and the Wilsonville Representative to handle dispute resolution for this Project. Patty Nelson is Wilsonville's Principal Engineer responsible for the coordination of the Relocation Work. In addition to the Representative and Principal Engineer, Wilsonville may have a full time construction oversight inspector on site (On-Site Inspector) and, if Wilsonville elects to do so, Wilsonville will supply the WWSP Construction Manager with contact information for the On-Site Inspector.
- 8.2 Wilsonville will cause its contract operator for the WRWTP to coordinate and cooperate with WWSP and its representatives and contractor to achieve timely and efficient delivery, commissioning, and startup of the Project Work as long as the construction work does not hinder the ability of the WRWTP to produce safe and reliable drinking water.
- 8.3 Wilsonville will coordinate with WWSP on any disagreements, disputes, delays, or claims with the construction contractor related to or as a result of the Relocation Work, as provided by Section 12.6.
- 8.4 Wilsonville will provide a raw water source for use by WWSP during construction for testing of the Project Work. Raw water for pump testing and other related system commissioning and startup activities for Project Work will be returned to the caisson or to the stormwater outfall to Arrowhead Creek. Any discharge to Arrowhead Creek must be in compliance with City of Wilsonville stormwater discharge requirements.
- 8.5 Wilsonville shall participate in WWSP monthly health and safety meetings.
- 8.6 Wilsonville will provide review of RFIs and other requested clarifications related to the Relocation Work. Wilsonville shall provide a response to WWSP as set forth in Section 7.8.

- 8.7 Wilsonville may require additional or corrective work to be completed for the Relocation Work if, in the sole judgment of Wilsonville, the work is not complete in accordance with the Contract Documents. If Wilsonville determines the Relocation Work is not in compliance with the Contract Documents, the Wilsonville Principal Manager shall inform WWSP at the earliest opportunity following discovery, and WWSP will require its construction contractor to perform corrective actions as necessary. The method of enforcement will be agreed upon and the cost of enforcement will be paid by WWSP.
- 8.8 Wilsonville will determine, in its reasonable discretion, when the Relocation Work has achieved substantial completion and final completion, as defined in the Contract Documents. The Wilsonville Project Representative and Principal Engineer shall jointly provide a construction punch list for the Relocation Work to WWSP upon substantial completion of the Relocation Work and participate with the WWSP Project Manager for inspection and final completion of the Relocation Work.
- 8.9 WWSP is responsible to properly install the relocated pumps, in accordance with the Contract Documents, and for the pumps to be in good working order and operational condition. Wilsonville must review and approve any change orders or work change directives relating to the Relocation Work prior to issuance to the construction contractor. Within five (5) business days of receiving the proposed change order or work change directive, Wilsonville will notify WWSP in writing of any concerns or disputes with a proposed change order or work change directive. WWSP may proceed to direct its construction contractor to perform work only if it deems an emergency or other circumstance requires immediate action to prevent adverse health and safety conditions. In such a case, Wilsonville reserves all rights to make a claim against WWSP for any damages suffered as a result thereof. WWSP may be liable to Wilsonville for any contract delays as a result thereof or for any other damages or claims by Wilsonville. Wilsonville will be entitled to seek relief directly from WWSP, and WWSP will be required to seek relief from the contractor if the damage was caused by the contractor's work.
- 8.10 Wilsonville will coordinate and meet with WWSP to resolve any disagreements, disputes, delays, or claims related to, or as a result of, the Relocation Work, as provided by Section 12.6.
- 8.11 Wilsonville and its consultants shall coordinate with WWSP, its construction contractor, and its consultants, including jointly attending regular construction coordination meetings, regular permitting and environmental meetings, real estate meetings, public information and outreach meetings, and other meetings as required for successful coordination and completion of the Project Work. Wilsonville and the WWSP Construction Manager shall mutually determine the anticipated frequency and timing of meetings depending on the needs of the Project Work.
- 8.12 Wilsonville will support a request to WIF to allow a WWSP contractor to install a water quality panel in the raw water pump station and associated instruments to monitor raw water quality. The type and size of the panel will be agreed upon by WWSP and Wilsonville.
- 8.13 Wilsonville will support a request to WIF to allow WWSP to tie into the existing electrical system to make provisions for added resiliency. The tie in will allow the WWSS to provide backup power to the WIF infrastructure, including air burst system, raw water pump station building lighting and heating, and raw water pump station



security, in case of WRWTP power loss. Backup power will not be provided to WRWTP infrastructure downstream of the system separation point, as defined in the WIF agreement. Backup power will be provided by using a transfer switch. In the event of an emergency, the WWSS Commission will notify Wilsonville that the transfer switch is being used to provide backup power as soon as practicable.

- 8.14 Wilsonville will allow a WWSP contractor, and support a request to WIF where applicable, to install security cameras and key card access readers for security purposes in locations including, but not limited to, the interior and exterior of the raw water pump station building, the bike path, and the upper site. WWSP will provide Wilsonville with card keys for the readers and access to the data/video from the security cameras.

## **ARTICLE IX - JOINT OBLIGATIONS FOR CONSTRUCTION**

- 9.1 The Parties shall mutually determine the anticipated frequency and timing of meetings depending on the needs of the Project Work.
- 9.2 The Parties will coordinate and work collaboratively in developing Project Work milestones, constraints, work sequences, construction administration requirements, quality control and assurance requirements, and other activities as required for successful coordination and completion of the Project Work.
- 9.3 To minimize potential Project Work schedule delays, construction contractor cost increases, or other Project Work issues, the Parties agree to work together diligently to identify and jointly resolve any construction issues at the earliest possible stage, including those issues that involve the construction contractor. When such issues arise, the Parties agree to work together to find mutually acceptable solutions in furtherance of the Project Goals. WWSP will lead the resolution with the construction contractor as mutually agreed by the Parties.
- 9.4 The Parties agree the operation of the WRWTP will take precedence over any and all Project Work construction activities.
- 9.5 The Parties agree to include health and safety requirements in the Contract Documents that meet the objectives of both Parties.
- 9.6 The construction contractor is required to develop and maintain a Project Work baseline schedule on which the WWSP Construction Manager and Wilsonville Project Representative shall collaboratively review and comment. Each Party shall allow the other Party to comment on schedule revisions.
- 9.7 WWSP will generally take the lead on managing complaints, including, but not limited to, general public complaints and complaints related to environmental and/or land use permitting. Notwithstanding the foregoing, Wilsonville reserves the right to report environmental, land use, or permit violations. If WWSP is violating land use or permitting requirements by Wilsonville, Wilsonville reserves the right to issue a stop work order.
- 9.8 The Parties agree to the following guidelines for handling public/media interactions:
  - 9.8.1 Social media includes all means of communicating or posting information or content of any sort on the Internet, including to one's own or someone

else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board, chat room, whether or not associated or affiliated with WWSP or Wilsonville, or any other form of electronic communication to the public.

- 9.8.2 Wilsonville and WWSP each agree to allow the other to review its social media content related to Project Work before posting it.
- 9.9 The Parties acknowledge Wilsonville's WRWTP Plant Expansion Project will be occurring at the same time as the Project Work and agree to coordinate their construction schedules to avoid disruption or delay of either Party's work. The Parties also acknowledge that the WRWTP Plant Expansion Project must take priority. Therefore, in the event of any critical construction conflict or delay that Wilsonville determines, in good faith, cannot be reasonably resolved to avoid such conflict or delay, the WWSP Project Work will be required to stand down as necessary to allow the WRWTP Project to timely proceed or to produce safe, reliable, and uninterrupted drinking water at all times.
- 9.10 The Parties agree to coordinate on outreach efforts such as signage, groundbreaking, and ribbon cutting.

#### **ARTICLE X - COMPENSATION FOR CONSTRUCTION**

- 10.1 All costs related to Wilsonville's inspection, oversight, and supervision of Project Work shall be paid for by WWSP at actual cost plus eight percent (8%), consistent with the Ground Lease, and will be paid by WWSP within thirty (30) days after receipt of an invoice for the same from Wilsonville.

#### **ARTICLE XI - JOINT FUTURE OBLIGATIONS AFTER CONSTRUCTION**

- 11.1 Following final completion of the Project Work, it shall be the WWSS Commission's responsibility to maintain stormwater facilities from WWSP's point of connection to, and including, the outfall at Arrowhead Creek. WWSP will also maintain key card access readers at the raw water pump station gate and south WRWTP personnel gate. The WWSS Commission will discharge raw water through the outfall to support ongoing maintenance activities. Actual discharge will be in compliance with the City of Wilsonville's discharge requirements.
- 11.2 The WWSS Commission will obtain an irrigation meter from Wilsonville to pay for water usage and will maintain the new irrigation system inside the fence at the upper site and continue to use the connections to Wilsonville's potable water supply following construction for longer-term operation of the irrigation system. Temporary irrigation, of limited duration of two years, as required for plant mitigation outside of the fence at the upper site, will also be metered, paid for, and maintained by WWSP.
- 11.3 The WWSS Commission will maintain all landscaping it installs (or that is replaced by either the WWSS Commission or Wilsonville) outside of the WWSS Commission fence, as shown on the Project Work plans.
- 11.4 Following final completion, it shall be Wilsonville's responsibility to maintain the Park pedestrian path, path to the river, river view path, river overlook area, pedestrian trail lights, entry gate key card kiosk, 8-inch redundant domestic water line, and the 4-inch fiber conduit.

## ARTICLE XII - GENERAL PROVISIONS

- 12.1 *Laws of Oregon.* The Parties agree to abide by all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be governed by the laws of the State of Oregon. Jurisdiction will be in Clackamas County Circuit Court. The construction contract shall contain all required public contract provisions of ORS Chapter 279A and 279C.
- 12.2 *Default.* Either Party will be deemed to be in default if it fails to comply with any term, condition, or covenant in this Agreement. The Parties agree time is of the essence in the performance of this Agreement. The non-defaulting Party will provide the defaulting Party with written notice of default and allow thirty (30) days within which to cure or diligently commence to cure the defect within a reasonable time. If a defaulting Party fails to cure or fails to diligently commence to cure the default, the non-defaulting Party may elect to terminate this Agreement. In the event this Agreement is terminated, the Parties will pay for costs incurred for satisfactorily completed and authorized work up to the time of termination. Each Party will be liable for all costs and damages arising from its individual default. If a default causes a delay to the non-defaulting Party's construction schedule that results in actual additional costs, including but not limited to delay damages, the defaulting Party will be responsible for all cost increases and related damages, plus the non-defaulting Party's construction schedule will take priority for the purposes of avoiding or minimizing additional delay and allowing the non-defaulting Party to retain the original schedule, and the defaulting Party's construction may need to be delayed.
- 12.3 *Indemnification.* This Agreement is for the benefit of the Parties only and there are no third-party beneficiaries. Subject to the limitations related to government agencies under the Oregon Constitution, each Party agrees to indemnify and hold the other harmless, including their respective officers, employees, agents, and representatives, from and against all claims, demands, causes of action, and suits of any kind or nature for personal injury, death, or damage to persons or property on account of any acts or omissions arising out of this Agreement. Indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each Party shall be solely responsible for any contract claims, delay damages, permit compliance, permit violations, or similar items arising from or caused by the action or inaction of the Party.
- 12.4 *Documents Are Public Records.* All records, reports, data, documents, systems, and concepts, whether in the form of writings, figures, graphs, or models, that are prepared or developed in connection with the Project Work shall be subject to the applicable provisions of the Oregon public records law.
- 12.5 *Modification of Agreement.* No waiver, consent, modification, or change of terms of this Agreement shall bind either Party unless in writing, signed by both Parties. Such waiver, consent, modification, or change, if made, shall be effective only in specific instances and for the specific purpose given.
- 12.6 *Dispute Resolution.*
- 12.6.1 Mediation. Should any dispute arise between the Parties, the Parties agree to meet informally to negotiate the problem, upon notice from one Party to the other specifying the dispute that needs to be resolved. If such informal negotiation fails, the Parties will mediate the dispute using a

professional mediator, and the Parties will split the cost of the mediator. A Party desiring mediation shall provide the other Party with a written notice (the "Request to Mediate"), which shall set forth the nature of the dispute. The Parties will cooperate in good faith to select the mediator within seven (7) days of either Party requesting mediation, and may adopt any procedural format that seems appropriate for the particular dispute. Mediation should be scheduled within fourteen (14) days of selection of the mediator, or as soon as possible, based on availability.

In the event the Parties cannot agree on a mediator, the Parties will ask any circuit court judge to appoint a mediator. The mediator will then set the ground rules for the mediation. In the event a written settlement agreement cannot be reached by the Parties within thirty (30) days from the date of the Request to Mediate, or such longer time frame as may be agreed upon, in writing, by the Parties, then the Parties may either agree to binding arbitration or, if the Parties do not agree, then either Party may seek legal relief through the circuit court in Clackamas County.

12.6.2 Arbitration. If the Parties agree to arbitration, selection of the arbitrator, time frame for arbitration, and ground rules for arbitration will be agreed upon at that time. Any arbitrator or arbitrators selected must have a minimum of ten (10) years' of municipal law experience, unless the Parties mutually agree, in writing, otherwise.

12.6.3 Injunctive Relief and Specific Performance. Notwithstanding Subsection 12.6.1 or 12.6.2, even if the Parties agree to mediation or arbitration, either Party may still request immediate equitable remedies of either specific performance or injunctive relief to occur while mediation or arbitration is pending or ongoing. The Parties will otherwise agree to abate the court case pending resolution.

12.7 *Remedies.* Subject to the provisions of Article X - Compensation for Construction, and the dispute resolution process set forth in Section 12.6, any Party may institute legal action to cure, correct, or remedy any default, to enforce any covenant or agreement, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Clackamas County Circuit Court. The Parties, by signature of their authorized representative below, consent to the personal jurisdiction of those courts.

12.8 *Severability.* If any term(s) or provision(s) of this Agreement or the application thereof to any person or circumstance shall, to any extent, be determined by a court to be invalid or unenforceable, the remainder of this Agreement and the application of those terms and provisions shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

12.9 *Nondiscrimination.* No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this Agreement on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status. Any violation of this provision shall be considered a material defect and shall be grounds for cancellation, termination, or suspension, in whole or in part, by Wilsonville or WWSP.

- 12.10 *Excused Performance.* In addition to the specific provisions of this Agreement, no default shall be deemed to have occurred where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the Parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, or similar bases for excused performance that are not within the reasonable control of the Party to be excused.
- 12.11 *Integration.* This Agreement contains the entire agreement between the Parties with respect to the subject matter herein. Notwithstanding the foregoing, this Agreement is not intended to supersede any provision of the WIF Agreement, the Ground Lease, or the Pipeline Easement.
- 12.12 *Assignment/Additional Parties.* This Agreement may be assigned by either Party subject to the consent of the non-assigning Party, which consent shall not be unreasonably withheld.
- 12.13 *Access to Books, Records, and Accounting.* WWSP will maintain books, records, and reports of the Project Work showing all income, receipts, expenses, and costs. These records shall be maintained for a period of three (3) years following Final Completion. All such books, records, and reports may be examined and copies made by Wilsonville at reasonable times upon reasonable notice.

**ARTICLE XIII - TERM OF AGREEMENT**

- 13.1 The term of this Agreement shall be from the date of execution through the end of the Project Work warranty period, two (2) years following final acceptance of the Project Work, unless mutually agreed to by both Parties, in writing. Notwithstanding the above, the ongoing maintenance responsibilities described in Article XI – Joint Future Obligations After Construction remain enforceable obligations under this Agreement (including the default, remedy, venue, and attorneys' fees provisions) after the term expires.
- 13.2 This Agreement may be amended or extended for periods of up to one (1) year at a time by mutual written consent of the Parties, subject to the provisions of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year hereinafter written. This Agreement is effective upon the date of the final signature.

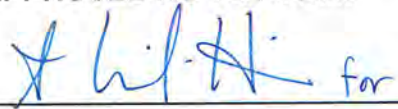
**CITY OF WILSONVILLE, OREGON**

By:   
 Bryan Cosgrove

As Its: City Manager

Dated: 10/29/19

**APPROVED AS TO FORM:**

 for  
 Barbara A. Jacobson, City Attorney

**TUALATIN VALLEY WATER DISTRICT**

By: 

Name: Tom Hickmann

As Its: Chief Executive Officer

Dated: 10/28/19

**APPROVED AS TO FORM:**



Clark Balfour, Legal Counsel TVWD

**WILLAMETTE WATER SUPPLY SYSTEM  
COMMISSION, OREGON**

By: 

Name: DAVID KRASKA

As Its: GENERAL MANAGER

Dated: 10-28-2019

**APPROVED AS TO FORM:**



Clark Balfour, Legal Counsel WWSS

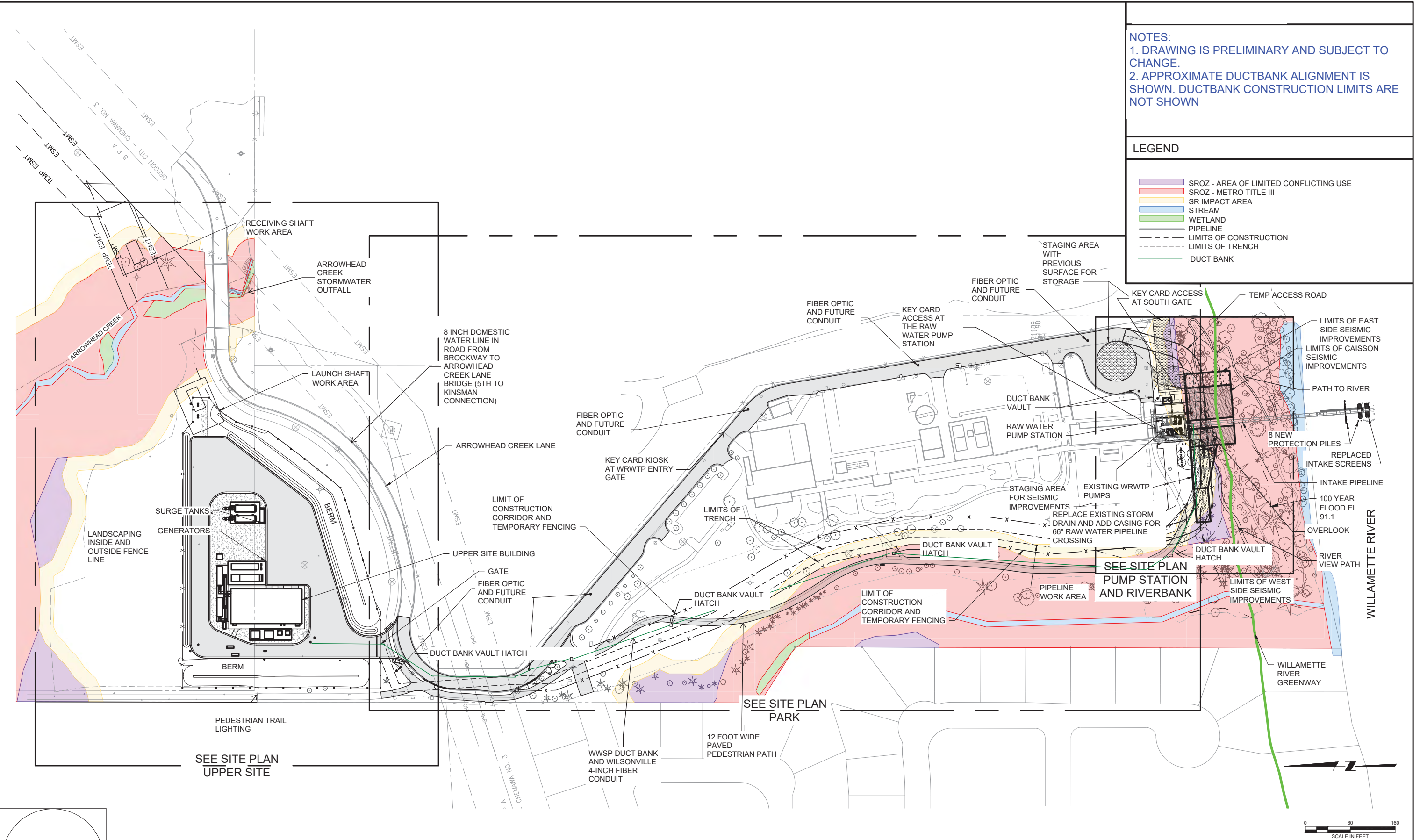


BY: COGLIANESE, CHRISTOPHER J.  
 PLOT DATE: Thursday, July 11, 2019 1:10:15 PM  
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**NOTES:**  
 1. DRAWING IS PRELIMINARY AND SUBJECT TO CHANGE.  
 2. APPROXIMATE DUCTBANK ALIGNMENT IS SHOWN. DUCTBANK CONSTRUCTION LIMITS ARE NOT SHOWN

**LEGEND**

- SROZ - AREA OF LIMITED CONFLICTING USE
- SROZ - METRO TITLE III
- SR IMPACT AREA
- STREAM
- WETLAND
- PIPELINE
- LIMITS OF CONSTRUCTION
- LIMITS OF TRENCH
- DUCT BANK



DSGN	M. CARLSON					
DR	C.J. COGLIANESE					
CHK	R. BROWN					
APVD	J. MCMULLEN	NO.	DATE	REVISION	BY	APVD

**VERIFY SCALE**  
 BAR IS ONE INCH ON ORIGINAL DRAWING.  
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

**BLACK & VEATCH**  
 SAFELY DELIVERED  
 Page 79 of 98

**Willamette Water Supply**  
 Our Reliable Water  
 WILLAMETTE WATER SUPPLY PROGRAM  
 RWF\_1.0

PRELIMINARY, SUBJECT TO CHANGE  
 (NOT FOR CONSTRUCTION)

**EXHIBIT 1 - RWF PROJECT  
 OVERALL SITE PLAN AND OTHER  
 ANCIILLARY IMPROVEMENTS**

Exhibit 2: Schedule Design and Construction Milestones  
 Date Updated: September 20, 2019

Project	100% Draft Final Design	100% Final Design	Construction Start	Construction End
<b>RWF Work</b>				
Phase 1	11/27/2019	2/5/2020	6/5/2020	2/24/2022
Phase 2 <sup>(1)</sup>	11/27/2019	2/5/2020	9/16/2022	12/3/2024

**(1) Construction end represents achievement of final completion**



Exhibit C1  
Public Works Plan Submittal Requirements  
and Other Engineering Requirements

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1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards – 2017.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

<b>Coverage</b> ( <i>Aggregate, accept where noted</i> )	<b>Limit</b>
<b><u>Commercial General Liability:</u></b>	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
<b><u>Business Automobile Liability Insurance:</u></b>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<b><u>Workers Compensation Insurance</u></b>	\$500,000

3. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained, and Staff is notified a minimum of 24 hours in advance.
4. All public utility/improvement plans submitted for review shall be based upon a 22" x 34" format and shall be prepared in accordance with the City of Wilsonville Public Works Standards.
5. Plans submitted for review shall meet the following general criteria:
  - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
  - b. Design of any public utility improvements shall be approved at the time of issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
  - c. In the plan set for the Public Works Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter grey print. Proposed public improvements shall be shown in bolder, black print.

- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
  - e. All proposed on- and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
  - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
  - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
  - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
  - i. Erosion Control Plan that conforms to City Code and the Public Works Standards.
  - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
  - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
  - l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
6. Submit plans in the following general format and order for all public works construction to be maintained by the City:
- a. Cover sheet
  - b. City of Wilsonville construction note sheet
  - c. General construction note sheet
  - d. Existing conditions plan
  - e. Erosion control and tree protection plan
  - f. Site plan; include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties
  - g. Grading plan, with 1-foot contours
  - h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes
  - i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'
  - j. Street plans
  - k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
  - l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference
  - m. Detailed plan for stormwater management facilities (both plan and profile views), including water quality orifice diameter, manhole and beehive rim elevations, growing medium, and a summary table with planting area, types and quantities. Provide details of inlet structure, energy dissipation device, drain inlets, structures, and piping for outfall

structure. Note that although stormwater facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set

- n. Composite franchise utility plan
  - o. City of Wilsonville detail drawings
  - p. Illumination plan
  - q. Striping and signage plan
  - r. Landscape plan
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
  8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with City Code and the Public Works Standards during construction and until such time as approved permanent vegetative materials have been installed.
  9. Applicant shall notify City before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
  10. The applicant shall be in conformance with all stormwater treatment and flow control requirements for the proposed development per the Public Works Standards. Unless the City approves the use of an Engineered Method, the City's BMP Sizing Tool shall be used to design and size stormwater facilities.
  11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
  12. Proprietary stormwater management facilities are only allowed where conditions limit the use of infiltration (e.g., steep slopes, high groundwater table, well-head protection areas, or contaminated soils). If a proprietary stormwater management facility is approved by the City, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
  13. Stormwater management facilities shall have approved landscape planted and approved by the City of Wilsonville prior to paving.
  14. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems.

Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.

15. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
16. Sidewalks, crosswalks and pedestrian linkages shall be in compliance with the requirements of the U.S. Access Board.
17. No surcharging of sanitary or storm water manholes is allowed.
18. The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
19. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
20. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
21. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
22. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Republic Services for access and use of their vehicles.

23. The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained.
24. Stormwater management facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all stormwater management facilities; maintenance shall transfer to the respective homeowners association when it is formed.
25. The applicant shall “loop” proposed waterlines by connecting to the existing City waterlines where applicable.
26. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

Exhibit C2  
Natural Resources Requirements

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**Significant Resource Overlay Zone**

1. The applicant shall submit the SROZ mapping as ARCGIS shape files or a compatible format.
2. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Manager. Native plants are required for landscaping or site restoration in the SROZ.
3. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
4. The applicant shall submit a monitoring and maintenance plan to be conducted for a period of three years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Natural Resources Manager documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 3 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards.



## Planning Division Memorandum

**From:** Cindy Luxhoj AICP, Associate Planner  
**To:** Parks and Recreation Advisory Board  
**Date** October 30, 2019  
**RE:** Willamette Water Supply System Raw Water Facilities –  
Design Update – Park Improvements

The City is currently conducting land use review of the Willamette Water Supply System (WWSS) Raw Water Facilities (RWF). The application includes requests for Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated Significant Resource Overlay Zone (SROZ) Map Refinement, and Abbreviated Significant Resource Impact Report (SRIR) Review.

The Willamette Water Supply Program (WWSP) project includes an improved pump station, a seismically reinforced Willamette Riverbank, increased water intake capacity, a new Electrical Building, and a new raw water pipeline. Improvements also include enhanced park and recreation opportunities as discussed below. The applicant plans to begin building improvements in and around the Willamette River Water Treatment Plant and in Willamette River Water Treatment Plant Park in 2020 and construction is expected to take four years with completion in 2024.

In January 2019, the Parks and Recreation Advisory Board received a presentation about the proposed project that was very conceptual. Detailed design and construction plans are now available and City staff would like the Advisory Board's input about the proposed improvements as part of the land use review. This application is scheduled for public hearing before the Development Review Board on November 25, 2019.

Improvement of park and recreation opportunities throughout the site is an integral part of the project. The Willamette River overlook will be enlarged and upgraded. New west and lower river bank overlooks will be constructed and new trails along the river bank will be added to provide visual and physical access to the river. The trail along the western border of the upper part of the project site, where the new Electrical Building will be constructed, will be preserved. Structures will be buffered and screened from this trail and residential areas to the west, as well as from Arrowhead Creek Lane and the Ice Age Tonquin Trail to the south and southeast, by a high berm and landscaping.

The attached information sheet, drawings and perspectives provide additional detail about the proposed project.

### Raw Water Facilities Design Update

In coordination with the City of Wilsonville, the Willamette Water Supply Program team plans to begin building improvements in and around the Willamette River Water Treatment Plant in Wilsonville in 2020.

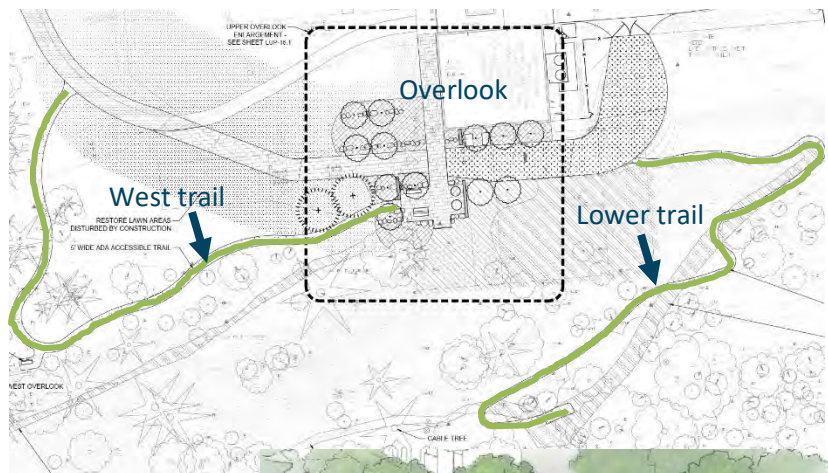
Construction is expected to take four years. Improvements include an improved pump station, a seismically reinforced Willamette Riverbank, increased water intake capacity, a new electrical building, and a new raw water pipeline. Following is an update for the Park, Riverbank, and Upper Site.



Raw Water Facilities Layout

### Willamette Riverbank

- The existing path through the Park will be restored and widened. The path will connect to an enhanced pedestrian overlook and new trails (the west trail and lower trail) proposed on the riverbank.
- The proposed overlook will be 34 feet wide overall and an average of 19 feet deep, with a 31-foot-wide viewing area along the south edge—about eight feet closer to the riverbank than the existing overlook.
- Riverbank soil stabilization will protect the new and existing water facilities from damage during an earthquake. The design and construction approach minimize impacts on the riverbank environment.



Pedestrian Overlook



## Willamette River Water Treatment Plant Park

- The path through the Park will be restored and widened and will connect to the enhanced pedestrian overlook. An electrical conduit duct bank and 66-inch raw water pipeline will be built beneath the path.
- The construction schedule has been designed to minimize disruption to the public. The site will be closed to the public during construction to protect the public and allow construction to be completed more quickly, returning the Park to normal operations sooner.
- A few protected areas of the Park can remain open to the public during most of the construction, including the water feature that runs along the west side of the water treatment plant.
- The Park will be restored after construction. A landscape plan is being developed in collaboration with the City of Wilsonville staff.



New Pedestrian Trail

## Upper Site

- The path along the western edge of the Upper Site to Morey Lane will be preserved and lighting will be added.
- Facilities on the Upper Site include an electrical building.



Upper Site Electrical Building

## Contact Information

Marlys Mock, Communications Supervisor  
marlys@twwd.org 503-941-4563







# Lower Site Plan

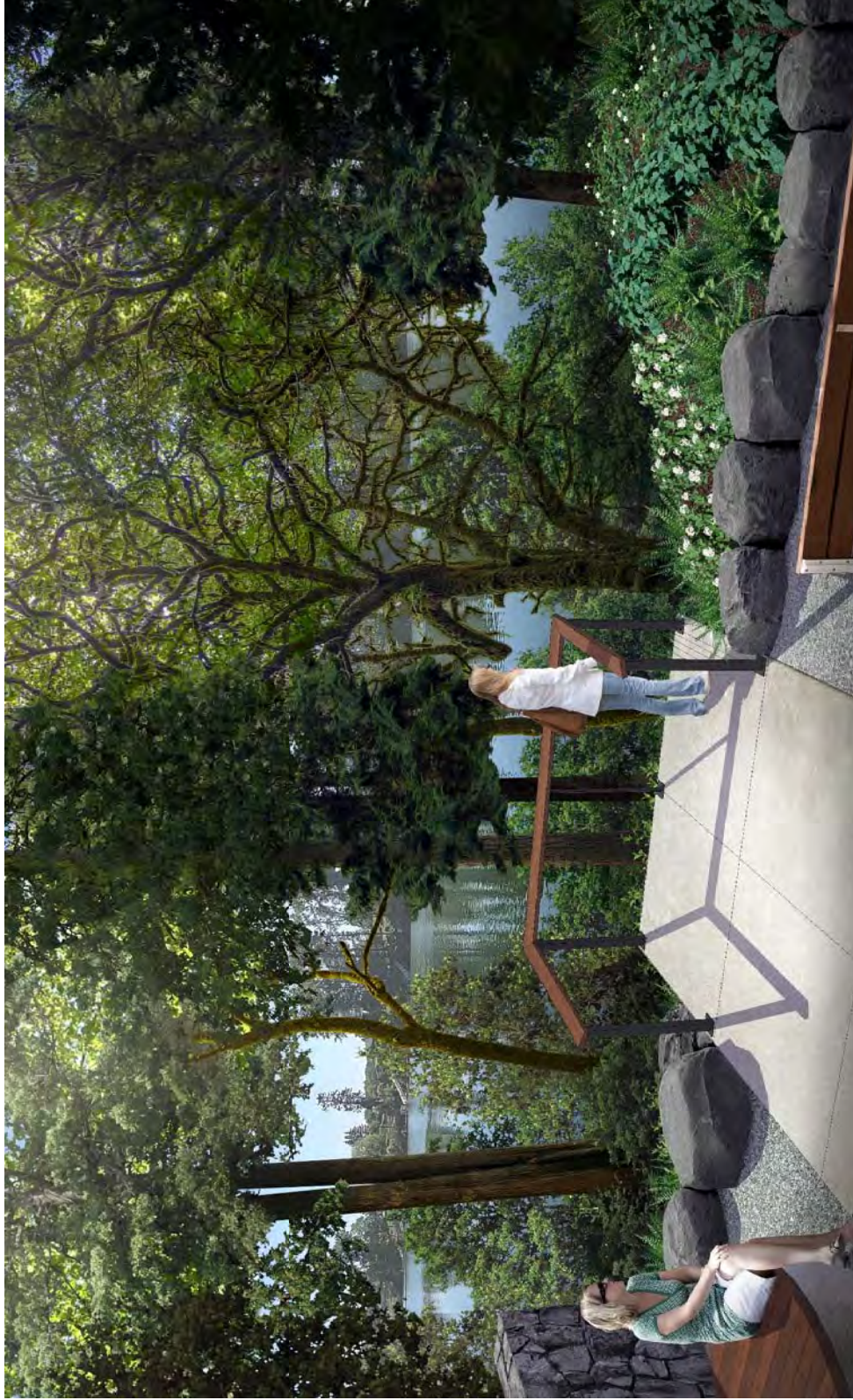


# Upper Overlook Perspective





# View from Proposed Upper Overlook, After 2 Years



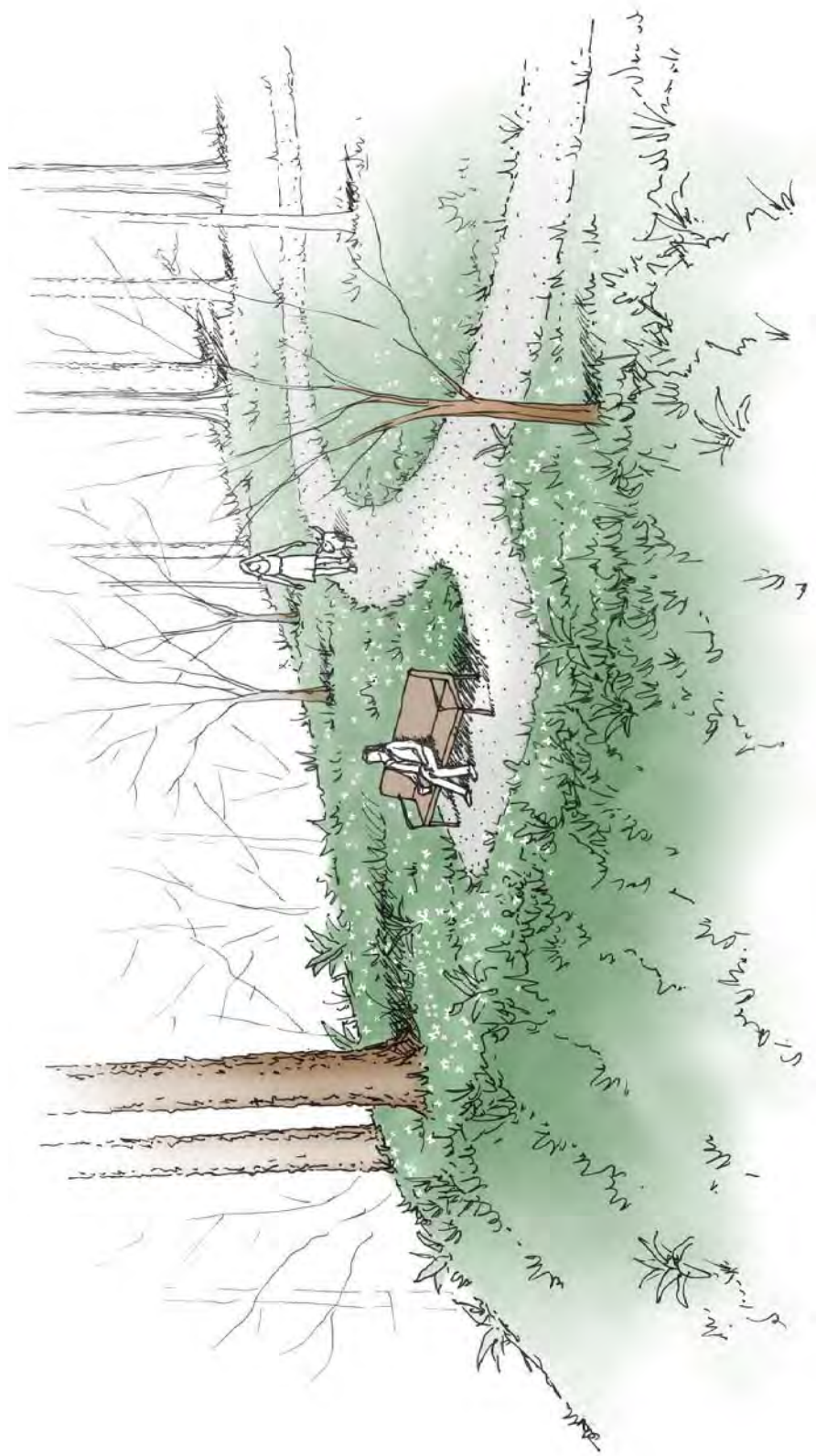


# View from Proposed Upper Overlook, After 10 Years

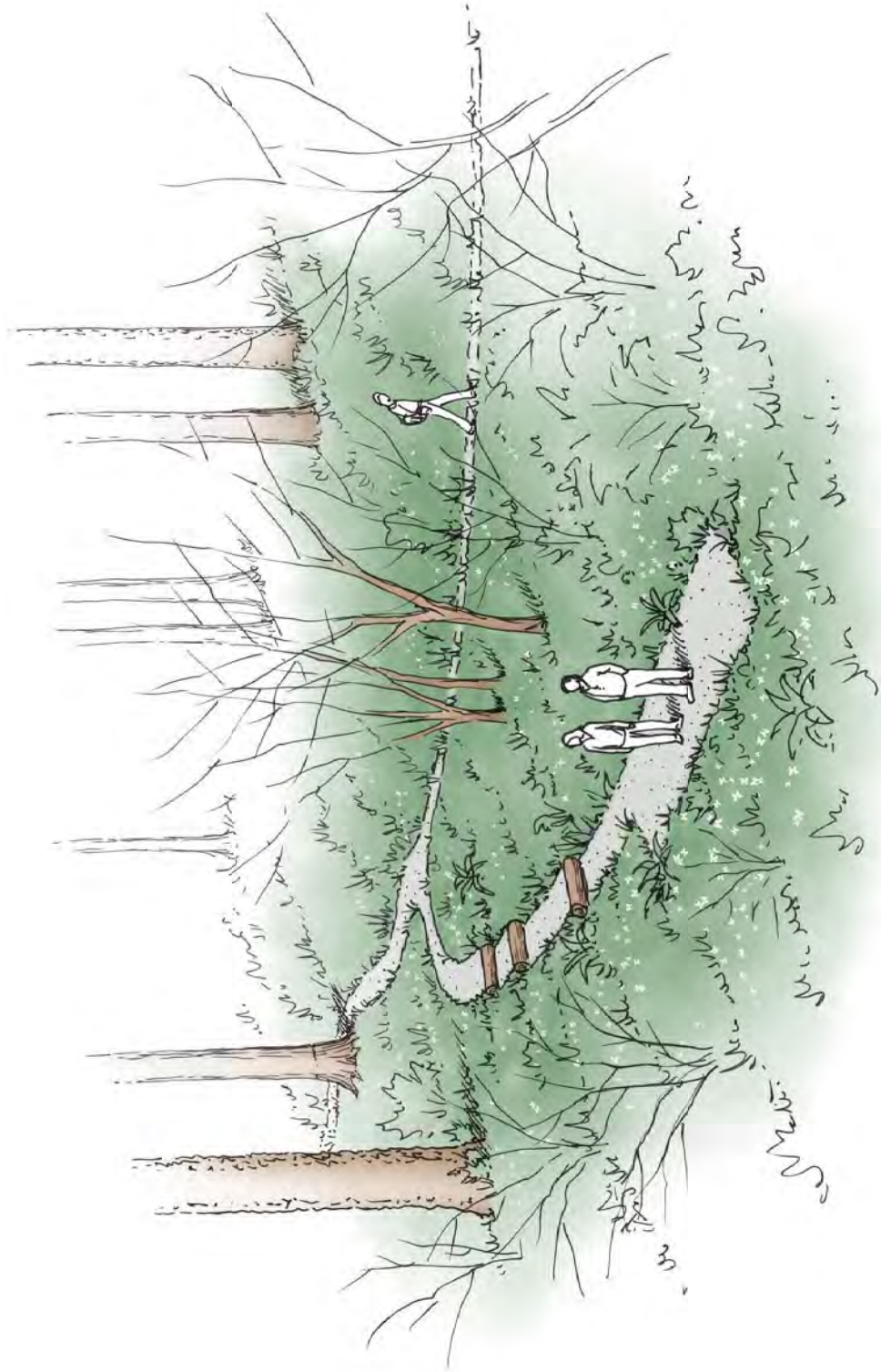




# West Overlook



# Lower Overlook





MATCHLINE - SEE SHEET LUP-18

**PLANTING LEGEND** (SEE SHEET USL-04 FOR FULL PLANTING LEGEND WITH SPECIES)

- STREET TREES
- LARGE DECIDUOUS SCREENING TREES
- SMALL DECIDUOUS SCREENING TREES
- EVERGREEN SCREENING TREES
- STORMWATER SWALE TREES
- LOW SHRUBS (UP TO 2' TALL)
- MIXED HEIGHT SHRUBS (UP TO 8' TALL)
- STORMWATER SWALE PLANTING
- RESTORATION PLANTING MIX
- SEEDED FINISH LAWN (IRRIGATED)
- SEEDED ROUGH LAWN (ON ALL REMAINING AREAS DISTURBED BY CONSTRUCTION, TO BE MOWED 1x-2x PER YEAR, NON-IRRIGATED)
- BARK MULCH ONLY

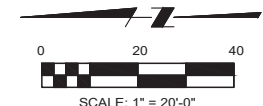
PRESERVE MIN. 60' WIDTH (TWO ROWS) OF EXISTING ORCHARD TREES AS VISUAL BUFFER

FINAL TREE PLACEMENT WILL COMPLY WITH CLEAR VISION AREA REQUIREMENTS IN SECTION 201.2.22 OF THE CITY OF WILSONVILLE PUBLIC WORKS STANDARDS

15' WIDE BUFFER OVER EXISTING 63" PIPE - NO LARGE TREES ALLOWED

1 PLAN

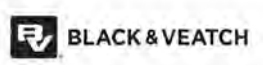
NOTE: SEE SHEET LUP-15 FOR PLANTING LEGEND AND NOTES; SEE SHEET LUP-19 FOR PLANTING DETAILS.



PRELIMINARY, SUBJECT TO CHANGE  
LAND USE PERMIT (NOT FOR CONSTRUCTION)

DSGN	AHOLDER						
DR	AHOLDER						
CHK	D.WALTERS						
APVD	M.FAHA	NO.	DATE	REVISION	BY	APVD	

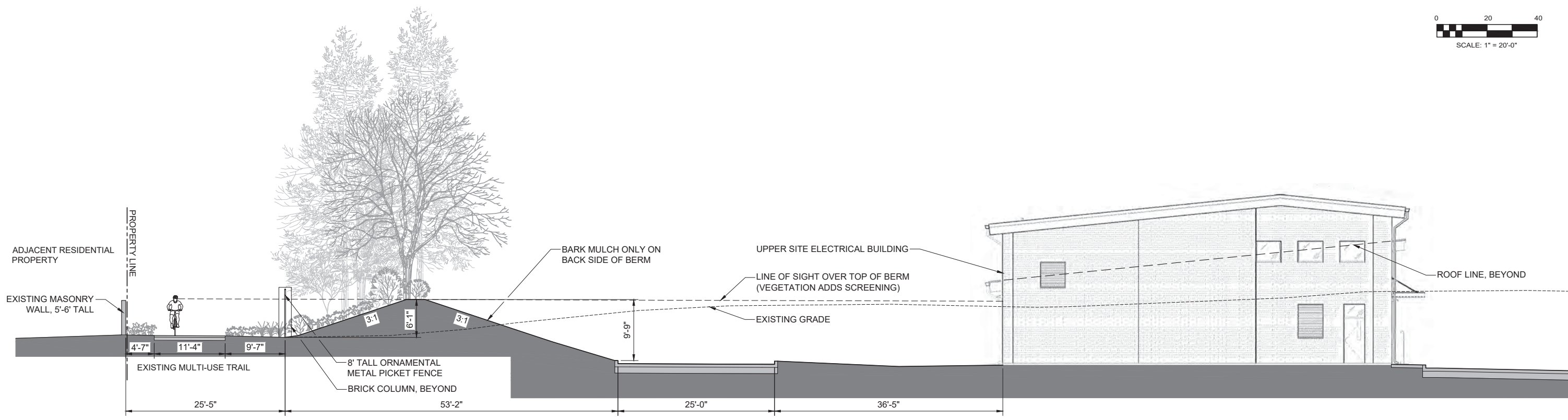
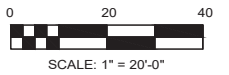
VERIFY SCALE  
BAR IS ONE INCH ON ORIGINAL DRAWING.  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



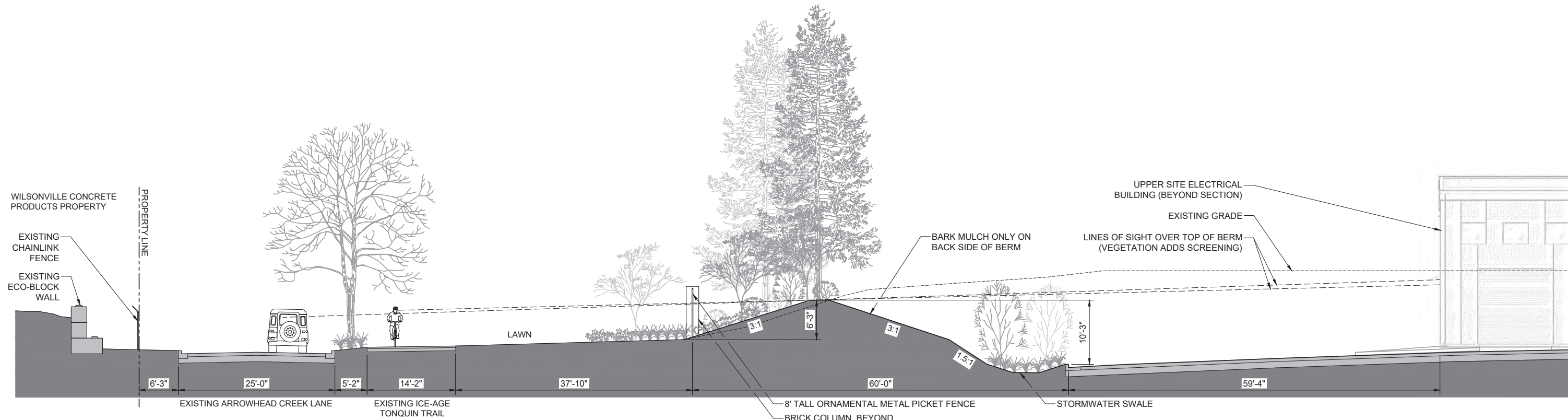
LAND USE PERMIT  
LANDSCAPE PLAN  
UPPER SITE 1

SHEET	21
DWG	LUP-17
DATE	07/12/19
PROJ	196999





**SECTION A (FACING NORTH)**  
SCALE: 1/8" = 1'-0"  
A  
LUP-17

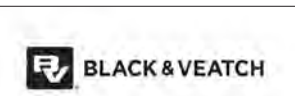


**SECTION B (FACING WEST)**  
SCALE: 1/8" = 1'-0"  
B  
LUP-17

PRELIMINARY, SUBJECT TO CHANGE  
LAND USE PERMIT (NOT FOR CONSTRUCTION)

DSGN	A.HOLDER						
DR	A.HOLDER						
CHK	D.WALTERS						
APVD	M.FAHA	NO.	DATE	REVISION	BY	APVD	

VERIFY SCALE  
BAR IS ONE INCH ON ORIGINAL DRAWING.  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



LAND USE PERMIT		SHEET	35
UPPER SITE PERSPECTIVES		DWG	LUP-30
		DATE	07/12/19
		PROJ	196999

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, NOVEMBER 25, 2019**

**6:30 PM**

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VII. Board Member Communications:

A. Recent City Council Action Minutes

City Council Meeting Action Minutes  
October 7, 2019

**City Council members present included:**

Mayor Knapp  
Council President Akervall  
Councilor Lehan  
Councilor West  
Councilor Linville

Chris Neamtzu, Community Develop. Director  
Cathy Rodocker, Finance Director  
Keith Katko, Assistant Finance Director  
Mark Ottenad, Public/Government Affairs Director  
Zoe Monahan, Assistant to the City Manager  
Jordan Vance, Economic Development Manager  
Patty Nelson, City Engineer  
Dan Pauly, Planning Manager  
Delora Kerber, Public Works Director  
Dan Carlson, Building Official

**Staff present included:**

Barbara Jacobson, City Attorney  
Kimberly Veliz, City Recorder  
Jeanna Troha, Assistant City Manager

AGENDA ITEM	ACTIONS
<b>WORK SESSION</b>	
A. Council Goal E-1 – Electric Vehicle (EV) Ready Homes	Council agreed with staff’s recommendation to await the October 1, 2020 statewide adoption of construction codes for all new homes to be made EV ready.
B. Tall Wood Structures – Fire Safety During Construction	Staff presented on the fire safety of tall wood structures during construction.
C. PERS Contribution Rate Relief Through the State’s EIF & UALRP	Council concurred with the recommendation to support participation in the State’s contribution rate relief program.
D. Tax Increment Financing Zone Program Expiration and Redesign	Council and staff discussed the Tax Increment Financing (TIF) Zone Program. Discussion to continue at a future Work Session.
E. 2019 Oregon Legislative Report	Staff provided a report on results of the 2019 Oregon legislative session and status of City priorities.
<b>REGULAR MEETING</b>	
<u>Mayor’s Business</u>	
A. World Polio Day Proclamation	The Mayor read a proclamation declaring the 24 <sup>th</sup> day of October as World Polio Day and presented a proclamation to Rotary members.
B. Updating 2019 Wilsonville City Council Representative Appointments to Regional and State Intergovernmental Bodies.	Councilor Linville was selected to the French Prairie Forum Local Governments Working Group and Willamette Falls Locks Commission.

<p>C. Council Member Appointment to the Wilsonville-Metro Community Enhancement Committee</p> <p>D. Upcoming Meetings</p>	<p>Councilor Linville was appointed to the Wilsonville-Metro Community Enhancement Committee.</p> <p>Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.</p>
<p><u>Public Hearing</u></p> <p>A. <b><u>Resolution No. 2768</u></b> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2019-20.</p>	<p>After a public hearing was conducted, Resolutions No. 2768 was approved 5-0.</p>
<p><u>Continuing Business</u></p> <p>A. <b><u>Ordinance No. 838</u></b> An Ordinance Of The City Of Wilsonville Declaring And Authorizing The Vacation Of An Approximately 2,075 Square Foot Stub Of SW Cherbourg Lane Public Street Right-Of-Way North Of SW Berlin Avenue In Villebois Legally Described In Attachment 3.</p>	<p>Ordinance No. 838 was adopted on second reading by a vote of 5-0.</p>
<p><u>City Manager's Business</u></p>	<p>Council was reminded of the Multi-City Equity Summit being held at Lake Oswego High School on Saturday, October 19, 2019.</p>
<p><u>Legal Business</u></p>	<p>The City Attorney updated Council on the following items: Basalt Creek and Aurora Airport.</p>
<p><b>URBAN RENEWAL AGENCY</b></p>	
<p><u>Consent Agenda</u></p> <p>A. Minutes of July 1, 2019 URA Meeting.</p>	<p>The URA Consent Agenda was approved 5-0.</p>
<p><u>Public Hearing</u></p> <p>A. <b><u>URA Resolution No. 303</u></b> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2019-20.</p>	<p>After a public hearing was conducted, URA Resolutions No. 303 was approved 5-0.</p>
<p><b>ADJOURN</b></p>	<p>8:21 p.m.</p>

City Council Meeting Action Minutes  
October 21, 2019

**City Council members present included:**

Mayor Knapp  
Council President Akervall  
Councilor Lehan  
Councilor West  
Councilor Linville

Cathy Rodocker, Finance Director  
Mark Ottenad, Public/Government Affairs Director  
Miranda Bateschell, Planning Director  
Patty Nelson, City Engineer  
Delora Kerber, Public Works Director  
Kim Rybold, Senior Planner  
Beth Penner, Finance Operations Manager  
Cricket Jones, Accountant  
Dan Pauly, Planning Manager  
Bill Evans, Communications & Marketing Manager  
Cindy Luxhoj, Associate Planner

**Staff present included:**

Barbara Jacobson, City Attorney  
Kimberly Veliz, City Recorder  
Jeanna Troha, Assistant City Manager  
Chris Neamtzu, Community Develop. Director

AGENDA ITEM	ACTIONS
<b>WORK SESSION</b>	
A. Continued Discussion on the Water Rate Review	Council requested that staff return at a future Work Session to continue discussion.
B. Equitable Housing Strategic Plan	Council heard an update on the progress of the Equitable Housing Strategic Plan and provided feedback.
C. IGA Willamette Water Supply System Commission and Tualatin Valley Water District for Raw Water Facility Project	Staff updated Council on Resolution No. 2770, authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with Willamette Water Supply Program Commission and Tualatin Valley Water District for the Water District for the Raw Water Facilities Project (RWF_1.0).
D. Washington County FD-20 Zoning Related to Contractor's Establishments in the Coffee Creek and Basalt Creek Industrial Areas	Council provided staff direction to address concerns about Washington County Future Development 20-Acre District zoning in the Coffee Creek and Basalt Creek Industrial Areas.
E. Basalt Creek Parkway Extension	Staff sought Council's input on the preferred alignment for Washington County's planned Basalt Creek Parkway Extension project.

<b>REGULAR MEETING</b>	
<u>Communications</u> A. Republic Services Presentation of 2019 Annual Report	Republic Services presented the annual report for 2019, detailing service goals and a summary of current operations.
<u>Mayor's Business</u> A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
<u>Consent Agenda</u> A. <b><u>Resolution No. 2770</u></b> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into An Intergovernmental Agreement With Willamette Water Supply Program Commission And Tualatin Valley Water District For The Raw Water Facilities Project (RWF_1.0).	Council made a motion to move this item to the New Business portion of the agenda. Motion passed 5-0.
<u>New Business</u> A. <b><u>Resolution No. 2770</u></b> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into An Intergovernmental Agreement With Willamette Water Supply Program Commission And Tualatin Valley Water District For The Raw Water Facilities Project (RWF_1.0).	Resolution No. 2770 was adopted 5-0.
<u>City Manager's Business</u> A. A Toast to Imagination  B. Meadows Parking Update	Staff reminded Council that they are invited to the Wilsonville Public Library Foundation's annual fundraiser, "A Toast to Imagination" on Saturday, November 9, 2019 from 7-9:30 p.m. at the Wilsonville Public Library.  Staff reported on the concerns brought forth by the Meadows neighborhood and the various ways staff has attempted to alleviate those concerns.
<u>Legal Business</u>	No report.
<b>ADJOURN</b>	9:11 p.m.



City Council Meeting Action Minutes  
November 4, 2019

**City Council members present included:**

Mayor Knapp  
Council President Akervall  
Councilor Lehan  
Councilor West  
Councilor Linville

Kimberly Veliz, City Recorder  
Jeanna Troha, Assistant City Manager  
Chris Neamtzu, Community Develop. Director  
Mark Ottenad, Public/Government Affairs Director  
Miranda Bateschell, Planning Director  
Jordan Vance, Economic Development Manager  
Bill Evans, Communications & Marketing Manager  
Dan Pauly, Planning Manager  
Zach Weigel, Civil Engineer

**Staff present included:**

Bryan Cosgrove, City Manager  
Amanda Guile-Hinman, Assistant City Attorney

AGENDA ITEM	ACTIONS
<b>WORK SESSION</b>	
A. Tax Increment Financing Zone Program Expiration and Redesign	Council provided staff consensus to move forward with the Tax Increment Financing Zone Program.
B. HB 2001 and HB 2003 Briefing	DLCD and City staff presented Council with a summary of two legislative actions, House Bills 2001 and 2003.
C. I-5 Monument Sign Retrofit Project	Council provided further direction on design of the I-5 monument sign located on Wilsonville Road.
<b>REGULAR MEETING</b>	
<u>Communications</u>	
A. 2019 State Legislative Update by Rep. Christine Drazan, House Minority Leader (House Dist. 39, Charbonneau/Canby)	Representative Drazan provided an overview of the 2019 legislative session and informed Council of what to expect during the 2020 session.
<u>Mayor's Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
<u>Consent Agenda</u>	
A. <b><u>Resolution No. 2772</u></b> A Resolution Of The City Of Wilsonville Consenting To The Transfer Of Control Of The Cable Franchise From Frontier Communications Corporation To Northwest Fiber, LLC, With Conditions.	The Consent Agenda was approved 5-0.



<p><u>New Business</u></p> <p>A. <b><u>Resolution No. 2771</u></b>  A Resolution Of The City Of Wilsonville Supporting The 2019 Technical Assistance Grant Application To The Oregon Department Of Land Conservation And Development For The Wilsonville Housing Variety Implementation Project.</p>	<p>Resolution No. 2771 was adopted 5-0.</p>
<p><u>City Manager's Business</u></p> <p>A. Leaves</p> <p>B. Day Road</p> <p>C. Street Sweeping</p> <p>D. Citizens Academy</p> <p>E. Beauty and the Bridge</p>	<p>Provided a public service announcement reminding businesses and residents not to rake leaves in the street, as it creates issues with the storm drains.</p> <p>Announced that staff is in the process of looking for solutions for fixing Day Road.</p> <p>Street sweeping contract may have some issues; staff will keep Council notified of any changes.</p> <p>Reported that about 30 applications were received for the 2020 Citizens Academy.</p> <p>Lastly, the Beauty and the Bridge interpretive panels are in the permitting process with ODOT and will be installed once the permits are approved.</p>
<p><u>Legal Business</u></p> <p>A. Subaru Appeal</p> <p>B. Friends of French Prairie vs. the Oregon Department of Aviation</p>	<p>Informed that the Legal department filed a response brief on October 8, 2019 for the Subaru Appeal. The reply brief from Subaru is due to the court of appeals on November 19, 2019.</p> <p>Council heard an update on the Friends of French Prairie vs. the Oregon Department of Aviation LUBA appeal. Following the update Council voted on a motion to direct Legal to proceed to challenge the land use decision and the administrative procedures of the Oregon Aviation Board's October 31, 2019 adoption of Findings of Compatibility and Compliance related to the Aurora State Airport 2012 Master Plan Update. Passed 4-1.</p>
<p><b>ADJOURN</b></p>	<p>8:36 p.m.</p>