

ORDINANCE NO. 608

AN ORDINANCE AMENDING THE CITY OF WILSONVILLE STORMWATER MASTER PLAN

WHEREAS, the City currently has a Stormwater Master Plan that was adopted by Ordinance No. 515 on May 7, 2001; and

WHEREAS, ORS 197.175 requires cities to prepare, adopt, and implement Comprehensive Plans consistent with statewide planning goals adopted by the Land Conservation and Development Commission; and

WHEREAS, ORS 197.712 (2)(e) requires cities to develop and adopt a public facilities plan for areas within the Urban Growth Boundary containing a population greater than 2,500 persons and shall include rough cost estimates for projects needed to provide sewer, water and transportation uses contemplated in the Comprehensive Plan and Land Use Regulations; and

WHEREAS, the Stormwater Master Plan is a support document to the City's Comprehensive Plan; and

WHEREAS, the Stormwater Master Plan identified regional detention and water quality facilities needed to adequately convey, detain and enhance the quality of stormwater runoff in the Coffee Lake Creek (CLC) and Boeckman Creek (BC) basins; and

WHEREAS, HDR Engineering, Inc. prepared a study that modeled and assessed the effect proposed regional detention facilities in the Coffee Lake Creek basin would have on the floodplain water surface elevation, inundation area, and existing wetland areas; and

WHEREAS, the HDR study determined the proposed regional detention facilities (CLC-5, CLC-9 and CLC-11) would have little beneficial effect in regards to the floodplain water surface or inundation area; and

WHEREAS, City staff proposes amendments to the Stormwater Master Plan that deletes the detention requirements for projects CLC-5 and CLC-11, and eliminates project CLC-9; and

WHEREAS, the Wilsonville Planning Commission adopted Resolution No. LP-2005-12-00013 and recommends the City Council adopt the amendments to the Stormwater Master Plan; and

WHEREAS, after providing due notice as required by City Code and State Law, a public hearing was held before the City Council on March 20, 2006, at which time the Council

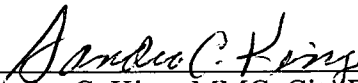
considered the recommendation of the Planning Commission and City staff, gathered additional evidence and afforded all interested parties an opportunity to present oral and written testimony concerning the amendments to the Stormwater Master Plan; and

WHEREAS, the Council has carefully considered the public record, including all recommendations and testimony, and being fully advised wish to adopt the proposed amendments to the Stormwater Master Plan as detailed in the staff report,

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Findings. The foregoing recitations and those findings and conclusions in the attached staff report in this matter dated March 14, 2006, attached hereto as Exhibit A, are hereby adopted as findings of fact and conclusions of law.
2. Order. Based upon the foregoing findings, the City Council hereby adopts the amendments to Stormwater Master Plan, specified in Exhibit A and instructs staff to incorporate the changes into such Plan.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 20th day of March, 2006, at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon and scheduled for second reading at a regular meeting thereof on the 3rd day of April, 2006, commencing at the hour of 7.P.M. at the Wilsonville Community Center.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 3rd day of April, 2006, by the following votes:

YEAS:-4-

NAYS: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 4th day of April 2006.


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Council President Kirk	Yes
Councilor Holt	Excused
Councilor Knapp	Yes
Councilor Ripple	Yes

Attachments: Exhibit A, Staff report dated March 14, 2006

WILSONVILLE COMMUNITY DEVELOPMENT
Legislative
STAFF REPORT

HEARING DATE: MARCH 20, 2006

DATE OF REPORT: MARCH 14, 2006

APPLICATION NO: LP-2005-12-00013

APPLICANT: City of Wilsonville

REQUEST: Adoption of an Ordinance to amend the City of Wilsonville Stormwater Master Plan, which includes the deletion of references to some of the proposed regional detention facilities in the Coffee Lake Creek basin, and the elimination of project CLC-9.

STAFF REVIEWER: Kerry Rappold, Natural Resources Program Manager

CRITERIA:

Wilsonville Comprehensive Plan:

Citizen Involvement Goal 1.1, Policy 1.1.1

Implementation Measures 1.1.1.a, 1.1.1e, 1.1.1.f

Public Facilities and Services Goal 3.1, Policy 3.1.7

Implementation Measures 3.1.7.a, 3.1.7.b, 3.1.7.c, 3.1.7.d, 3.1.7.j, 3.1.7.k, 3.1.7.q

Wilsonville Development Code:

Section 4.003 - Consistency with Plan and Laws

Section 4.008 - Application Procedures in General

Section 4.009 - Who May Initiate Applications

Section 4.032 - Authority of the Planning Commission

Section 4.033 - Authority of the City Council

Section 4.172 - Flood Plain Regulations

Section 4.198 - Comprehensive Plan Changes – Adoption by City Council

SUMMARY:

Staff is proposing amendments to the City of Wilsonville Stormwater Master Plan (Exhibit 1). The proposed amendments include the deletion of detention requirements for projects CLC-5 and CLC-11, and the elimination of project CLC-9. Projects CLC-5 and CLC-11 will be modified to provide only the planned water quality treatment.

The Planning Commission conducted a public hearing on this matter on February 8, 2006 and forwarded a recommendation of approval of staff's proposal with the understanding that the Planning Commission would revisit issues raised during public testimony. The public testimony was provided by Sheri Young. Her comments addressed primarily the long-term maintenance of Seely Ditch, and who has responsibility (i.e. the city or private property owners) for this maintenance. Staff has prepared a brief summary memo of the current City policies that address this issue, which is included as Exhibit 6. Staff will also submit the memo to the Planning Commission for their April 12th meeting.

The basis for the proposed amendments was a study completed by HDR Engineering, Inc. (Exhibit 2), which looked at the existing and future flows for the Coffee Lake Creek basin and the effect proposed regional (i.e. facilities identified in the city's Stormwater Master Plan) and Villebois detention facilities would have on these future flows. As part of the study, Inter-Fluve, Inc. assessed the impact of the increased future flows on the Boeckman Road wetland mitigation site and the Coffee Lake Creek wetland complex (Exhibit 3). Results from the study indicate that future flows without the proposed regional and Villebois detention facilities would have little impact on the water surface elevation or the function of the wetlands in the Coffee Lake Creek floodplain.

The elimination of the proposed Villebois detention facilities that discharge to the Coffee Lake Creek floodplain have been addressed through proposed legislative amendments to the Villebois Village Master Plan. These amendments were presented to the Planning Commission for their recommendation to the City Council.

RECOMMENDATION:

Staff respectfully recommends that the City Council conduct a public hearing on the proposed amendments to the Stormwater Master Plan, and adopt Ordinance No. 608.

BACKGROUND:

The city's Stormwater Master Plan was adopted in June 2001. The Stormwater Master Plan evaluated local hydrology, the stormwater conveyance system, system hydraulics, and the water quality of the city's stormwater system. It also identified regional facilities needed to adequately convey, detain and enhance the quality of stormwater runoff. Projects were identified for the Coffee Lake Creek (CLC) and Boeckman Creek (BC) basins.

The Stormwater Master Plan recommended four regional detention facilities for managing stormwater discharged to the Coffee Lake Creek floodplain and wetlands. These projects included CLC-5, CLC-8, CLC-9 and CLC-11. One of the projects - CLC-11 - was identified for the Coffee Lake Creek basin area east of I-5, and the remaining three were to be located in the area west of I-5. All four facilities were to be designed to delay stormwater runoff by restricting flows from the subbasins, releasing runoff from the facilities at a controlled rate that reduces the peak flow rates downstream, and improving water quality through wetland enhancement. In conjunction with the Boeckman Road Extension project, the city initiated a floodplain study in 2003 of the Coffee Lake Creek floodplain. The study, completed by HDR and submitted to FEMA for approval, extends the mapped 100-year floodplain boundary from Barber Street to Grahams Ferry Road. A steady-state Hydrologic Engineering Center's River Analysis System (HEC-RAS) model was developed by HDR to meet FEMA requirements for the floodplain study.

The FEMA floodplain study provided an opportunity for city staff to reassess the need for proposed regional detention facilities identified in the Stormwater Master Plan for the Coffee Lake Creek basin. In 2005, the city contracted with HDR to have an analysis completed of the Coffee Lake Creek floodplain and the effect proposed regional and Villebois detention facilities would have on the 100-year floodplain elevation.

The HEC-RAS model developed for the FEMA floodplain study was modified to allow the use of hydrographs (unsteady state) as input to the hydraulic model. The objective of the additional modeling was to quantitatively determine if flood elevations in the Coffee Lake Creek floodplain would be significantly affected by the presence or absence of the proposed regional and Villebois detention facilities. The five scenarios analyzed in the study were as follows:

- 1) Scenario 1: Existing conditions with existing flows.
- 2) Scenario 2: Future flows with proposed conveyance improvements and no detention facilities.
- 3) Scenario 3: Future flows with construction of Villebois detention facilities.
- 4) Scenario 4: Future flows with Villebois detention facilities and regional detention facilities (CLC-5 and CLC-9).
- 5) Scenario 5: Future flows with Villebois detention facilities and CLC-9.

Results from the study indicate that future flows without the proposed regional and Villebois detention facilities would have little impact on the water surface elevation or the function of the wetlands in the Coffee Lake Creek floodplain. Modeling of the 100-year storm event indicates the proposed regional and Villebois detention facilities would only change the water surface elevation by 0.01 feet or a net decrease in the inundated area of 0.22%. These changes are considered insignificant.

In response to the results of the floodplain analysis, city staff has proposed changes to the planned regional detention facilities identified in the Stormwater Master Plan. Projects CLC-5 and CLC-11 will be modified to provide only the planned water quality treatment, and project CLC-9 will be eliminated.

Exhibit List:

- Exhibit 1: Proposed amendments to the Stormwater Master Plan
- Exhibit 2: Memorandum from HDR Engineering, Inc. (dated November 13, 2005) regarding the regional floodplain study
- Exhibit 3: Memorandum from Inter-Fluve, Inc. (dated November 3, 2005) regarding the regional floodplain study
- Exhibit 4: Resolution No. LP-2005-08-00013
- Exhibit 5: Ordinance No. 608
- Exhibit 6: Memorandum to Planning Commission (dated March 14, 2006) regarding the relevant policies addressing maintenance of the stormwater conveyance system

FINDINGS:

Comprehensive Plan

Citizen Involvement Goal 1.1: To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.

Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.

Implementation Measure 1.1.1.a Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions have been made.

Response: The City has drafted the proposed amendments to the Stormwater Master Plan, and has provided copies of the draft to interested parties. Notice was provided to DLCD on December 16, 2005, at least 45 days prior to the first evidentiary hearing. The Planning Commission public hearing was held on February 8, 2006. The City Council public hearing is scheduled for March 20, 2006. Public notice of the hearings was sent to a list of agencies, interested individuals, and surrounding property owners.

The public hearings provide an opportunity for the public to participate in the review and approval of the changes to the Stormwater Master Plan. This goal, policy and measure are satisfied.

Implementation Measure 1.1.1.e Encourage the participation of individuals who meet any of the following criteria:

1. They reside within the City of Wilsonville.
2. They are employers or employees within the City of Wilsonville.
3. They own real property within the City of Wilsonville.
4. They reside or own property within the City’s planning area or Urban Growth Boundary adjacent to Wilsonville.

Response: Property owners within 250 feet of the affected properties have been notified of the public hearings as well as a list of agencies and interested individuals. Public notices were posted at four locations around the City, and printed in the local newspaper. The notification encourages participation of a diversity of individuals. This measure is satisfied.

Implementation Measure 1.1.1.f Establish and maintain procedures that will allow any interested parties to supply information.

Response: The City of Wilsonville is the initiator of these proposed amendments. These amendments provide for additional public hearings and opportunity for interested parties to participate in decisions regarding the Stormwater Master Plan. This measure is satisfied.

Public Facilities and Services Goal 3.1: To assure that good quality public facilities and services are available with adequate capacity to meet community needs, while also assuring that growth does not exceed the community's commitment to provide adequate facilities and services.

Policy 3.1.7 The City of Wilsonville shall develop and maintain an adequate storm drainage system. However, where the need for new facilities is the result of new development, the financial burden for drainage system improvements shall remain primarily the responsibility of developers. The City will use systems development charges, user fees, and/or other funding sources to construct facilities to improve storm water quality and control the volume of runoff.

Implementation Measure 3.1.7.a In order to adequately provide for urban development, the City has established and will maintain a Stormwater Master Plan, development policies/standards for control of an on and off-site drainage, Public Works Standards, and a Capital Improvements Program to upgrade deficient structures and drainage ways.

Response: In accordance with OAR 660-011-0045, the proposed amendments to the public facilities identified in the Stormwater Master Plan are being processed as a land use decision. The proposed amendments to the Stormwater Master Plan will maintain a drainage system that adequately provides for future urban development. As demonstrated in the study completed by HDR, the changes proposed to the planned regional detention facilities will have little impact on the water surface elevation or the function of the wetlands in the Coffee Lake Creek floodplain. This goal, policy and measure are satisfied.

Implementation Measure 3.1.7.b. To assure maximum efficiency and effectiveness of the drainage system, a maintenance program has also been established to assure compliance with the City's NPDES (National Pollution Discharge Elimination System) permit. In some circumstances, private maintenance of facilities (by homeowners associations or other entities) may be required, as has been the case for the maintenance of neighborhood parks in Wilsonville.

Response: The proposed amendments to the Stormwater Master Plan will not affect the best management practices identified in the City of Wilsonville NPDES Stormwater Management Plan. The public drainage conveyance system, including storm sewer pipes, culverts, ditches, swales, and inlets, will continue to be maintained and/or repaired by the City as needed. This measure is satisfied.

Implementation Measure 3.1.7.c. A storm drainage systems development charge shall continue to be collected from developers prior to issuance of a building permit. The Stormwater Master Plan and the Capital Improvements Program will continue to be the basis of establishing Systems Development Charges for storm drainage. The funds are used to upgrade the storm drainage system beyond those improvements required to serve individual developments. Provision of drainage control within a given development shall remain the responsibility of the developer, with the City assisting only insofar as the system will also accommodate off-site

drainage. In reviewing planned improvements, the City Engineer may specify the use of on-site or off-site storm water detention, based on specific site characteristics and drainage patterns of the area.

Response: The proposed amendments will not affect the continued use of storm drainage systems development charges (SDC) for implementing projects identified in the Stormwater Master Plan. The Capital Improvements Program will accommodate the amendments to the Stormwater Master Plan, whereby, projects CLC-5 and CLC-11 will be modified to provide only water quality treatment and project CLC-9 will be eliminated. On-site detention and water quality treatment will still be required for future development sites in the Coffee Lake Creek basin and will not be affected by these amendments. Developed sites will be required to have stormwater managed on-site to pre-development levels; which will minimize the impacts to downstream properties and drainage ways. This measure is satisfied.

Implementation Measure 3.1.7.d Major natural drainage ways shall be retained and improved as the backbone of the drainage system and designated as open space. The integrity of these drainage ways shall be maintained as development occurs. Where possible, on-site drainage systems will be designed to complement natural drainage ways and designated open space to create an attractive appearance and will be protected by conservation, utility, or inundation easements. Alteration of minor drainage ways may be allowed provided that such alterations do not adversely impact stream flows and in-stream water quality of the major drainage ways and provide for more efficient use of the land. Such alteration must be approved by the City. Remnant creek channels, which previously carried water that has since been diverted, shall be evaluated for their wildlife habitat value before being selected for use as drainage ways. Where a remnant creek channel is found to provide unique habitat value without being a riparian zone, and that habitat value would actually be diminished through the re-introduction of storm water, alternate methods of conveying the storm water will be considered and, if feasible, used.

Response: No changes are proposed to major or minor drainage ways as part of the proposed amendments to the Stormwater Master Plan. In preparing modeling scenarios for the study, HDR analyzed a "worst case scenario" that looked at future flows with proposed conveyance improvements and no regional or Villebois detention facilities. This scenario was the basis for showing the insignificant changes in the water surface elevation and inundation area of the floodplain. Drainage ways will continue to be managed and repaired in accordance with the Stormwater Master Plan and the NPDES Stormwater Management Plan. This measure is satisfied.

Implementation Measure 3.1.7.j The natural system must also be improved and maintained to handle the anticipated run-off in a manner that meets the requirements of the Stormwater Master Plan. Where wetlands are constructed for the purpose of accommodating storm drainage, certain areas of those wetlands may be designed to accumulate sediment. The City will periodically dredge and maintain those areas in constructed wetlands, or will permit others to do so, as necessary to maintain the storm drainage functions of those constructed wetlands.

Response: Amending the Stormwater Master Plan will not affect future goals for maintaining and improving the natural drainage system. Conveyance improvements identified in the

Stormwater Master Plan will remain an essential part of the proposed capital project list. This measure is satisfied.

Implementation Measure 3.1.7.k One-hundred year flood plains and floodways have been established through the Federal Flood Insurance program, for all flood-prone areas of the City except Coffee Lake Creek, north of Barber Street. For that area along Coffee Lake Creek, a hydrology study to establish the 100-year flood elevation will be required prior to development approval. The floodways must continue to be protected from encroachment. Development within the flood plain shall be regulated consistent with the standards of the Federal Flood Insurance Act, and Title 3 of Metro's Urban Growth Management Functional Plan. Storm water runoff from upstream development shall be controlled so as to not adversely impact the peak flood flow in the mainstream channels.

Response: The FEMA floodplain study of Coffee Lake Creek, completed by HDR, includes the area north of Barber Street to Grahams Ferry Road. By completing the floodplain study, the City had the basis for analyzing the relative stormwater management benefits that would be provided by the proposed regional detention facilities in the Coffee Lake Creek basin. Changes to the floodplain water level and inundation areas were deemed to be insignificant without the proposed regional detention facilities. Future development in the basin will still be required to provide on-site detention and water quality facilities, and be regulated consistent with the standards of the Federal Flood Insurance Act and Metro Title 3 provisions adopted as part of the City's Significant Resource Overlay Zone. This measure is satisfied.

Implementation Measure 3.1.7.q Natural drainage ways shall be stabilized as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion. The City Engineer may require the use of energy dissipaters to help minimize erosion.

Response: The need and responsibility for stabilizing natural drainage ways will not be affected by the proposed amendments to the Stormwater Master Plan. Conveyance improvements identified in the Stormwater Master Plan will still be part of the proposed capital project list. This measure is satisfied.

PLANNING AND LAND DEVELOPMENT ORDINANCE:

Section 4.003. Consistency with Plan and Laws.

Actions initiated under this Code shall be consistent with the Comprehensive Plan and with applicable State and Federal laws and regulations as these plans, laws and regulations may now or hereafter provide.

Response: The proposed amendments to the Stormwater Master Plan are consistent with the Comprehensive and with applicable State and Federal laws and regulations. This criterion is satisfied.

Section 4.008. Application Procedures - In General.

(.01) The general application procedures listed in Sections 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

H. Changes to the text of the Comprehensive Plan, including adoption of new Plan elements or sub-elements, pursuant to Section 4.198;

Response: Compliance with Section 4.198 is demonstrated by the findings in this staff report. All submittal requirements have been adhered to for this proposal. The City of Wilsonville is the applicant for this proposed Master Plan amendment. This criterion is satisfied.

Section 4.009. Who May Initiate Applications.

(.04) In the event that the City of Wilsonville is the applicant, the City Manager may authorize any City employee or consultant to act as the City's agent.

Response: The City of Wilsonville is the applicant for this proposed Master Plan amendment. The Natural Resources Program Manager has been authorized to act as the City's agent on this matter. This criterion is satisfied.

Section 4.032. Authority of the Planning Commission.

(.01) As specified in Chapter 2 of the Wilsonville Code, the Planning Commission sits as an advisory body, making recommendations to the City Council on a variety of land use and transportation policy issues. The Commission also serves as the City's official Committee for Citizen Involvement and shall have the authority to review and make recommendations on the following types of applications or procedures:

C. Legislative changes to, or adoption of new elements or sub-elements of, the Comprehensive Plan;

Response: The Planning Commission had the authority to review the proposed amendments to the Stormwater Master Plan, which is a sub-element of the Comprehensive Plan. This criterion is satisfied.

Section 4.033. Authority of the City Council.

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

B. Applications for amendments to, or adoption of new elements or sub-elements to, the maps or text of the Comprehensive Plan, as authorized in Section 4.198.

E. Consideration of the recommendations of the Planning Commission.

Response: The City Council has the authority to consider the recommendation of the Planning Commission in regards to the proposed amendments to the Stormwater Master Plan. These criteria are satisfied.

Section 4.172 Flood Plain Regulations.

(.01) Purpose:

F. To implement the policies of the Comprehensive Plan and to provide standards consistent with – Wilsonville’s adopted Storm Drainage Master Plan.

Response: The proposed amendments to the Stormwater Master Plan implement the policies of the Comprehensive Plan. This criterion is satisfied.

Section 4.198 Comprehensive Plan Changes – Adoption by the City Council.

(.01) Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

- A. That the proposed amendment meets a public need that has been identified;
- B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;
- C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and
- D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.

(.02) Following the adoption and signature of the - Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.

(.03) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.

(.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.

Response: The proposed amendments to the Stormwater Master Plan meet a public need, and comply with the goals and policies enumerated in the Comprehensive Plan. In addition, the proposed amendments substantially comply with applicable Statewide Planning Goals. The public notice of the Council’s consideration of this matter will be provided as set forth in 4.012. These criteria are satisfied.

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- Exhibit 4: Resolution No. LP-2005-08-00013
- Exhibit 5: Ordinance No. 608
- Exhibit 6: Memorandum to Planning Commission (dated March 14, 2006) regarding the relevant policies addressing maintenance of the stormwater conveyance system