

City of Wilsonville

City Council Meeting

June 4, 2018



AGENDA

**WILSONVILLE CITY COUNCIL MEETING
JUNE 4, 2018
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville’s livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION** [20 min.]
A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(h) Litigation
- 5:20 P.M. REVIEW OF AGENDA** [5 min.]
- 5:25 P.M. COUNCILORS’ CONCERNS** [5 min.]
- 5:30 P.M. PRE-COUNCIL WORK SESSION**
- A. Seeking Guidance on Selection of Pro Tem Municipal Court Judge(s) (Katko) [5 min.]
 - B. Boones Ferry Park Master Plan (McCarty) [30 min.] **Page 5**
 - C. WWSP Ground Lease Proceeds (Cole) [20 min.] **Page 9**
 - D. French Prairie Bridge Location Recommendation (Weigel) [5 min.]
 - E. Frog Pond West Development Applications (Pauly) [5 min.]
 - F. I-5 Wilsonville Facility Plan (Kraushaar/Adams) [15 min.]
- 6:50 P.M. ADJOURN**
-

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, June 4, 2018 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on May 30, 2018. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

7:10 P.M. MAYOR'S BUSINESS

- A. Upcoming Meetings

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7:15 P.M. COUNCILOR COMMENTS

- A. Council President Starr
- B. Councilor Stevens
- C. Councilor Lehan
- D. Councilor Akervall

7:25 P.M. PUBLIC HEARING

- A. **Resolution No. 2688** (*Legislative Public Hearing Script*) Page 14
A Resolution Of The City Of Wilsonville To Select The Preferred Bridge Location For The French Prairie Bicycle-Pedestrian-Emergency Access Bridge: Boones Ferry Road To Butteville Road (CIP #9137). (Weigel)
- B. **Resolution No. 2690** (*Legislative Public Hearing Script*) Page 189
A Resolution Of The City Of Wilsonville Recommending Adoption Of The I-5 Wilsonville Facility Plan To The Oregon Transportation Commission. (Kraushaar)
- C. **Ordinance No. 818** - 1st Reading (*Legislative Public Hearing Script*) Page 269
An Ordinance Of The City Of Wilsonville Amending Chapter 8 –Environment Of The Wilsonville Code To Revise WC 8.500 Through 8.536 And To Make Other Revisions And To Repeal Ordinance No. 482. (Guile-Hinman / Rappold)
- D. **Ordinance No. 819** - 1st Reading (*Land Use Public Hearing Script*) Page 500
An Ordinance Of The City Of Wilsonville Annexing Approximately 16 Acres On The North Side Of Boeckman Road Just West Of Stafford Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Thelma J. Roethe, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, Amy Pike, Matt Wingard, And Doris A. Wehler, Petitioners. (Pauly)
- E. **Ordinance No. 820** - 1st Reading (*Land Use Public Hearing Script*) Page 523
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (Rrff5) Zone To The Residential Neighborhood (Rn) Zone On Approximately 16 Acres On The North Side Of Boeckman Road Just West Of Stafford Road; The Land Is More Particularly Described As Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. West Hills Land Development LLC, Applicant. (Pauly)

8:30 P.M. NEW BUSINESS

A. Resolution No. 2689

Page 605

A Resolution Of The Wilsonville City Council Adopting The Wilsonville-Metro Community Enhancement Committee's 2018-19 Funding Recommendations. (Handran)

8:40 P.M. CITY MANAGER'S BUSINESS

8:45 P.M. LEGAL BUSINESS

8:50 P.M. ADJOURN

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the 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 services, please contact the City Recorder, (503) 570-1506 or veliz@ci.wilsonville.or.us.



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: June 4, 2018</p>	<p>Subject: Review Draft of Boones Ferry Park Master Plan Developed by GreenPlay, LLC, City Staff and residents of Wilsonville.</p> <p>Staff Member: Mike McCarty, Parks & Recreation Director</p> <p>Department: Parks & Recreation</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p> <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda </p>	<p> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable </p> <p>Comments:</p>	
<p>Staff Recommendation: N/A</p>		
<p>Recommended Language for Motion: N/A</p>		
<p>Project / Issue Relates To:</p>		
<p> <input checked="" type="checkbox"/> Council Goals/Priorities Complete the Master Planning for Boones Ferry Park. </p>	<p> <input type="checkbox"/> Adopted Master Plan(s) </p>	<p> <input type="checkbox"/> Not Applicable </p>

ISSUE BEFORE COUNCIL:

Staff will present a draft of the Boones Ferry Park Master Plan.

EXECUTIVE SUMMARY:

The Boones Ferry Park Master Plan was initiated as part of the update to the overall Parks and Recreation Master Plan. The process is now entering its final phase, where a proposed vision has been outlined and is moving toward a final draft. The purpose of this presentation will be to allow Council to review the current plan that is in draft form, and provide feedback.

EXPECTED RESULTS:

Consultants receive recommendations and suggestions regarding the Boones Ferry Park Master Plan that will provide guidance in completing this project.

TIMELINE:

Public Meeting: Tuesday, June 5, 2018
Planning Commission Work Session: Wednesday, July 11, 2018
Parks and Recreation Advisory Board Meeting: Thursday, June 14 or Thursday, July 12, 2018
Planning Commission Public Hearing: Wednesday, August 8, 2018
City Council Adoption and first reading of Ordinance: Monday, August 20, 2018
City Council Adoption and second reading of Ordinance: Thursday, September 6, 2018

CURRENT YEAR BUDGET IMPACTS:

The total cost of the contract with GreenPlay, LLC for the Boones Ferry Park Master Plan is \$44,000, and is budgeted in CIP project #9149.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/29/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/30/2018

COMMUNITY INVOLVEMENT PROCESS:

The community has provided input at hands-on public workshops held at City Hall and at Boones Ferry Park, as well as an online survey that was open Dec. 1, 2017 – Jan. 15, 2018. Feedback has also been received via email.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Providing amenities and services for Boones Ferry Park that the community has requested from the Parks and Recreation Department.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Boones Ferry Park Summary for Council
- B. Boones Ferry Park Draft Master Plan



Boones Ferry Park – Draft Conceptual Plan
June 4th, 2018

After its historic heyday as the site of an important transportation link in the Willamette Valley, Boones Ferry Park has served as a quiet, peaceful spot at the end of the road. Boones Ferry Road—a bustling regional metropolitan thoroughfare named for this very location—dwindles as it approaches the shore of the Willamette River, where Boones Ferry operated until the middle of the 20th century. Wilsonville grew from this location, originally known as Boones Landing, into the city it is today. The ferry-keeper’s house (Tauchman House), located in Boones Ferry Park, served as Wilsonville’s city hall prior to 1974. The site is one of the few places in Wilsonville—a river town from the beginning, thanks to the ferry—where residents can actually get near the river.

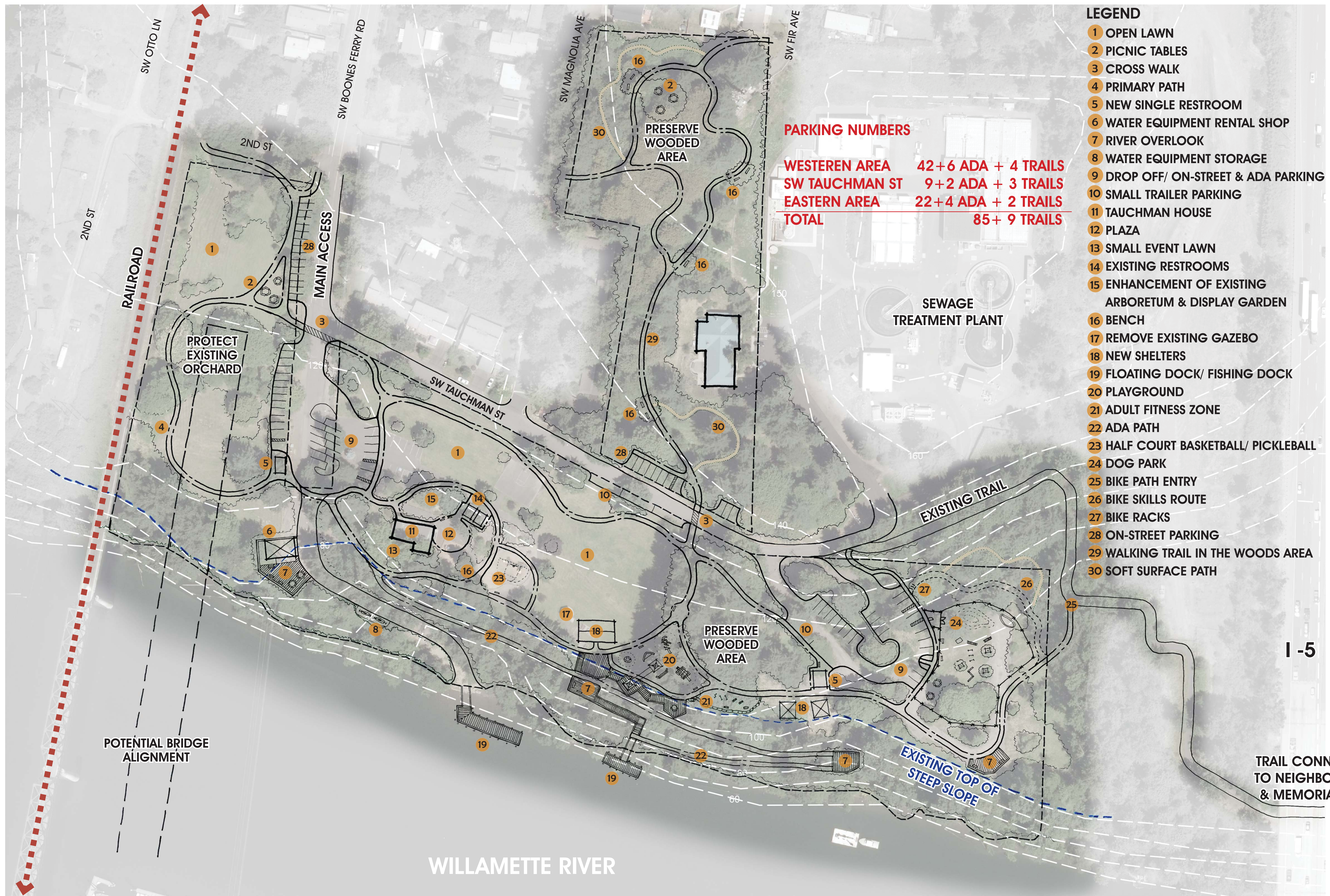
As a park, Boones Ferry serves its purpose in a workmanlike fashion. One reviewer on Yelp.com described the park as “fine . . . but uninspired”. But Boones Ferry Park is more than just a typical park. It is a special place. Wilsonville’s 2007 Parks and Recreation master Plan recognized this:

“Boones Ferry Park is a community park with the potential to become a signature element of Wilsonville’s park system. The historic features of this site, its location on the river, and its connection to Old Town offer tremendous opportunities for providing more unique recreation experiences.”

Recognizing this, a new master plan for Boones Ferry Park was initiated as part of the current update of the parks and recreation master plan. The process is now entering its final phases, where a proposed vision for its future will be outlined and recorded. This vision is approaching its final form. The purpose of this presentation will be to show Council the plan in its current form and review the process that brought it to this point. That process included two hands-on public workshops (one held onsite at the Tauchman House), an online-survey where constituents could voice their opinions on several alternative plans, as well as extensive review and input from Wilsonville staff.

The plan is being prepared by Design Concepts, CLA, Inc. as part of their subcontract role with GreenPlay LLC in the preparation of the new parks and recreation master plan. Robby Layton, Principal of the firm, will give a brief presentation and answer questions.

The attached map shows the plan in its current draft form. The simple line drawing format is intended to convey the intent that, while the plan is indeed close to completion, input from Council and the public will be taken into consideration in drafting a final, presentation-quality version of the plan, along with cost projections and other supporting documentation.



- LEGEND**
- 1 OPEN LAWN
 - 2 PICNIC TABLES
 - 3 CROSS WALK
 - 4 PRIMARY PATH
 - 5 NEW SINGLE RESTROOM
 - 6 WATER EQUIPMENT RENTAL SHOP
 - 7 RIVER OVERLOOK
 - 8 WATER EQUIPMENT STORAGE
 - 9 DROP OFF/ ON-STREET & ADA PARKING
 - 10 SMALL TRAILER PARKING
 - 11 TAUCHMAN HOUSE
 - 12 PLAZA
 - 13 SMALL EVENT LAWN
 - 14 EXISTING RESTROOMS
 - 15 ENHANCEMENT OF EXISTING ARBORETUM & DISPLAY GARDEN
 - 16 BENCH
 - 17 REMOVE EXISTING GAZEBO
 - 18 NEW SHELTERS
 - 19 FLOATING DOCK/ FISHING DOCK
 - 20 PLAYGROUND
 - 21 ADULT FITNESS ZONE
 - 22 ADA PATH
 - 23 HALF COURT BASKETBALL/ PICKLEBALL
 - 24 DOG PARK
 - 25 BIKE PATH ENTRY
 - 26 BIKE SKILLS ROUTE
 - 27 BIKE RACKS
 - 28 ON-STREET PARKING
 - 29 WALKING TRAIL IN THE WOODS AREA
 - 30 SOFT SURFACE PATH

**BOONES FERRY PARK
DRAFT MASTER PLAN**

APRIL 2018

0' 60' 120' 180' NORTH

WILSONVILLE PARKS & RECREATION
DESIGN CONCEPTS
Community + Landscape Architects



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: June 4, 2018	Subject: Ground Lease Proceeds	
	Staff Member: Susan Cole, Finance Director	
	Department: Finance Department	
Action Required	Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: Discussion of use of proceeds from Ground Lease with Tualatin Valley Water District for use of rights of way for water transmission pipe.	
Staff Recommendation: N/A		
Recommended Language for Motion: N/A		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Staff will present options to Council on the use of lease proceeds from the Tualatin Valley Water District.

EXECUTIVE SUMMARY:

As part of the arrangement for Tualatin Valley Water District to occupy large underground sections of Wilsonville's rights of way for their 66-inch water transmission pipe, Wilsonville negotiated to receive \$17,184,127.00 as lease rental proceeds. The payments will be annual for ten years, in the amount of \$173,577 each year. A lump sum payment of \$15,448,357 is due on July 1, 2026.

Staff have been exploring various options for the use of these proceeds. Questions include whether the proceeds should be dedicated to one or two large infrastructure projects, or divided between many projects.

Questions also arise as to the criteria to use to aid in the decision making. Suggested criteria are listed below, in no particular order:

- Mitigate utility rates
- Leveraging other funds
- Economic development
- Visibility of project
- Timeline of project
- Alignment with City's strategic vision and goals

To determine the best use of the proceeds, potential projects could be weighed against the above criteria or other factors as the Council determines. The outcome would be a proposed resolution declaring the Council's intent, with a framework for how the decision was reached.

It is important to note that this approach would not bind future Councils, but would create a path forward and inform how the annual payments should be accounted for, and aid future Councils in the ultimate allocation of the lump sum receipt of proceeds.

The attached table displays examples of projects for which the funds could be used, together with their estimated cost, timeline and other potential sources.

BACKGROUND INFORMATION:

After years of negotiation between the City and Tualatin Valley Water District, the City has agreed to allow a large water transmission pipe to occupy portions of its underground rights of way. The City engaged a consultant to help in the analysis of an equitable payment for the disruption to the community to install this large pipeline, and for the use of the City's rights of way. Factors such as the 99-year length of the lease, the community disruption, the lack of benefit to the City from this pipe, the risk associated if this large pipe burst or had a leak, and the lost opportunity for other utilities within that right-of-way area were considered. The parties agreed to prepaid rent in the sum of \$17,184,127. Annual payments will be made retroactive to July 1, 2016 and then a lump sum for the balance of \$15,448,357 is due July 1, 2026.

The City received two annual payments in May of 2018, for fiscal year 2016 and the fiscal year 2017. These funds will be held in the Water Capital Improvement Fund until such a time the City Council chooses to allocate the funds, either through an annual budget cycle, or through a supplemental budget adjustment.

EXPECTED RESULTS:

The expected result may be, at Council's option, a resolution declaring the Council's intent on how to allocate the proceeds of the ground lease.

TIMELINE:

Two payments have recently been received by the City, and a third payment is due July 1, 2018. Annual payments will continue until July 1, 2025. A lump sum payment is due July 1, 2026. The City Council may choose to allocate the funds for spending as the funds come in, or may choose to wait until all proceeds are received and then determine how the funds will be allocated.

CURRENT YEAR BUDGET IMPACTS:

There are no current year budget impacts.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/31/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/30/2018

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Installing this large water transmission pipe will disrupt the community as portions of the pipe will be installed under current roadways and other designated locations. Lanes will need to be closed, and traffic and bus routes may need to be rerouted for a period of time as the pipe is installed. The pipe will limit the availability and configuration of the space below the right-of-way for other underground utilities. If this pipe were to burst or leak, which is deemed to be unlikely, it could potentially cause disruptions within the City's right of way. Therefore, the thoughtful use of the proceeds from the ground lease is the primary way to benefit the community.

ALTERNATIVES:

The proceeds could accumulate until such a time as the Council decides to allocate the funds.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Possible options for projects to fund with the proceeds of the ground lease.

Ground Lease Proceeds**Total: \$17,184,127.00**

Timeline:

- 10 years of annual payment of \$173,577
For 10 years, FYE 2017 (due 7/1/2016) through FYE 2026 (due 7/1/2025)
Total received at end of 10 years: \$1,735,770
- Lump sum due in 2026: \$15,448,357
Due FYE 2027 (due 7/1/2026)

Options for use:

Project Name	Estimated Total Cost	Estimated Timing	Other Revenue Sources
Water Treatment Plant Improvements & Expansions	\$18.5 million	2018 – 2023 <i>Design to begin in 2018 or 2019</i>	<ul style="list-style-type: none"> • Water Rates, • Water SDCs
Public Works Building	\$18 million	2021-2025 Dependent upon funding availability	<ul style="list-style-type: none"> • Water Rates • Sewer rates • Storm rates • Gas tax • General Fund
I-5 overcrossing ped/bike bridge	\$12 million?	2018-2028 <i>Beginning stages; some design work done; Funding being set aside</i>	<ul style="list-style-type: none"> • Transportation SDCs • GO Bond • Grants
French Prairie Bridge	\$20 million?	2018-2028 <i>Beginning stages; Current work funded via grants</i>	<ul style="list-style-type: none"> • Grants • Transportation SDCs • Parks SDCs • GO Bond
Memorial Park & Other Park Master Plan implementation	\$20 million?	2018 - ? <i>Memorial Park incrementally underway; Dependent upon funding availability</i>	<ul style="list-style-type: none"> • Parks SDCs • General Fund • GO Bond
5 th Street Extension (aka “Old Town Escape”)	Project shortfall; under review	2018 - 2020 Design complete; Construction dependent upon funding availability	<ul style="list-style-type: none"> • Transportation SDCs • Year 2000 UR, Program Income • Developer contributions through reimb. district
Garden Acres Road; ➤ Either use as interim funding until Coffee Creek tax increment high enough ➤ Or use to fund the one-third funding gap as identified in UR Plan	\$18 million	Coffee Creek Urban Renewal Plan estimates completion by 2021. Dependent upon funding availability	<ul style="list-style-type: none"> • Coffee Creek UR • Transportation SDCs • Gas tax • Developer Contribution

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2018

Items known as of 05/31/18

June

DATE	DAY	TIME	EVENT	LOCATION
6/4	Monday	7:00 p.m.	City Council Meeting	Council Chambers
6/6	Wednesday	6:00 p.m.	Budget Committee	Council Chambers
6/7	Wednesday	6:00 p.m.	Budget Committee - TENTATIVE	Council Chambers
6/13	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Wilsonville Community Center
6/13	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
6/11	Monday	6:30 p.m.	DRB Panel A	Council Chambers
6/18	Monday	7:00 p.m.	Wilsonville Citizens Academy	City Hall
6/18	Monday	7:00 p.m.	City Council Meeting	Council Chambers
6/25	Thursday	6:30 p.m.	DRB Panel B	Council Chambers
6/27	Wednesday	6:30 p.m.	Library Board Meeting	Library

July

DATE	DAY	TIME	EVENT	LOCATION
7/2	Monday	7:00 p.m.	City Council Meeting	Council Chambers
7/11	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Wilsonville Community Center
7/11	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
7/9	Monday	6:30 p.m.	DRB Panel A	Council Chambers
7/16	Monday	7:00 p.m.	City Council Meeting	Council Chambers
7/23	Thursday	6:30 p.m.	DRB Panel B	Council Chambers
7/25	Wednesday	6:30 p.m.	Library Board Meeting	Library

Community Events:

- 6/6** SMART Walk at Lunch, 12:00 p.m. - 1:00 p.m., at Next Level Chiropractic
- 6/11** Summer Reading Program Begins at Wilsonville Public Library
- 6/16** Korean War Remembrance Ceremony, 10:30 a.m. - 11:30 a.m., at Town Center Park
- 6/26** Signage & Wayfinding Open House, 5:30 p.m.- 7:30 p.m. at Wilsonville City Hall
- 6/26** History Pub, 6:30 p.m. - 8:00 p.m. at Wilsonville McMenamins' Old Church
- 7/4** City Offices Closed in Observance of Independence Day

All dates and times are tentative; check the City's online calendar for schedule changes at www.ci.wilsonville.or.us.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: June 4, 2018	Subject: Resolution No. 2688 To Select the Preferred Bridge Location for the French Prairie Bicycle-Pedestrian-Emergency Access Bridge: Boones Ferry Road to Butteville Road (CIP #9137). Staff Member: Zachary Weigel, P.E. Capital Projects Engineering Manager Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: June 4, 2018 <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: TAC and the Task Force selected the W1 route as the preferred bridge location.	
Staff Recommendation: Staff recommends that Council adopt Resolution No. 2688.		
Recommended Language for Motion: I move to approve Resolution No. 2688.		
Project / Issue Relates To:		
<input checked="" type="checkbox"/> Council Goals/Priorities Complete the French Prairie Bridge feasibility study.	<input checked="" type="checkbox"/> Adopted Master Plan(s) High Priority Regional Trail Project RT-06 of the City's 2016 Transportation System Plan.	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A City of Wilsonville resolution selecting the preferred bridge location of the French Prairie Bicycle-Pedestrian-Emergency Access Bridge: Boones Ferry Road to Butteville Road.

EXECUTIVE SUMMARY:

In 2009, the City was awarded Regional Flexible funds through Metro for planning and project development of the French Prairie Bridge, a multi-modal (pedestrian, bike, and emergency vehicle) bridge crossing the Willamette River. The project development work aims to address three key questions:

- Where are the preferred landing points for the bridge?
- What is the preferred bridge type?
- What is the estimated cost of the preferred bridge and how might its construction be funded?

Beginning in September 2016, the Project Management Team (PMT), comprised of OBEC Consulting Engineers, City of Wilsonville, Clackamas County, and the Oregon Department of Transportation, identified three potential bridge locations within the project study area (**Attachment A**). The consultant team performed technical investigations documenting the potential opportunities and constraints associated with each bridge location, summarized in **Attachment B**.

The decision-making approach included formation of a Technical Advisory Committee (TAC) and Task Force. The TAC, whose members represent public agencies and organizations having expertise and implementation authority, provides recommendations on regulatory and technical issues related to bridge siting and design. Stakeholders with a wide range of values and interests represented the Task Force with members from affected neighborhoods and businesses, walking and cycling enthusiasts, local parks and trails interests, tourism associations, and emergency services personnel. The Task Force provides recommendations to the decision makers at key milestones in the bridge planning and design process. The TAC and Task Force each held three meetings and minutes from each of the meetings are provided in **Attachment E and F**, respectively. Membership roster for the TAC and Task Force can be found at: <http://frenchprairiebridgeproject.org/about/committees/>.

Out of the public feedback, technical documents, and meetings with the TAC, Task Force, Clackamas Board of County Commissioners, and Wilsonville City Council, the PMT drafted bridge location evaluation criteria to help select a bridge location that best met stakeholder priorities, interests, and concerns. The TAC and Task Force evaluated and finalized the bridge location evaluation criteria with the Task Force assigning weighting to each criterion at their second meeting in May 2017. The process to determine the evaluation criteria is summarized in **Attachment G** and outcome as follows:

Criterion A – Connectivity and Safety	20%
Criterion B – Emergency Access	20%
Criterion C – Environmental Impacts	11.5%
Criterion D – Compatibility with Recreational Goals	20%
Criterion E – Compatibility with the Existing Built Environment	17%
Criterion F – Cost and Economic Impact	11.5%

At their third meeting on February 28, 2018, the TAC provided scoring for each of the three potential bridge locations from a technical perspective. The TAC made a unanimous decision to recommend alignment W1 as the preferred bridge location for the Task Force consideration. The Task Force, on April 12, 2018, evaluated the bridge locations, adjusted the scoring, and unanimously recommended to City Council alignment W1 as the preferred bridge location. The bridge selection process is summarized in **Exhibit 1 of Resolution No. 2688**.

EXPECTED RESULTS:

Upon selection of the preferred French Prairie Bridge location, the project team will begin work to determine the preferred bridge type. Determination of the preferred bridge location and type are necessary steps to begin the environmental assessment work and produce estimated bridge design and construction costs. Eliminating project risks and understanding project costs is a key milestone in the project to be considered “construction ready”, placing the project in a more favorable position to receive additional federal funding to complete design and construction.

TIMELINE:

The project team is planning a public open house to kick off the preferred bridge type selection process in September 2018. Selection of the preferred bridge type is anticipated by the end of 2018.

While the bridge type selection work is underway, the project team will be coordinating with ODOT to identify the work needed to perform the environmental assessment of the preferred bridge location. This work is anticipated to begin in October 2018 and completed by spring 2019.

CURRENT YEAR BUDGET IMPACTS:

Project #9137 is funded through a combination of Parks System Development Charges (SDC) and Federal funding. The FY2017/18 budget includes \$227,112.00 in Parks SDCs to cover the City’s required 10.27% match of the Federal grant and City overhead, of which approximately \$55,000 has been expended. The project is anticipated in the City’s five-year capital improvement plan and will carry into the next fiscal year.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/29/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/31/2018

COMMUNITY INVOLVEMENT PROCESS:

Public involvement is a focus of the project work to help ensure the bridge location selection thoughtfully considers project stakeholder priorities, interests, and concerns. The project team created a project website updated regularly with project information and upcoming events and included a sign-up form to be added to the project stakeholder list. These stakeholders were notified of upcoming meetings and provided regular project updates at key milestones in the project.

Project information was shared via mailers and door hangers to residents and businesses located within the project area, as well as articles published in the Boones Ferry Messenger and Wilsonville Spokesman. All correspondence included links to the project website and information on how to be added to the stakeholder list, review project materials and submit comment cards.

Input on the three bridge locations were solicited from the public through 19 individual stakeholder interviews (**Attachment C**), an in-person and online public open house (**Attachment D**), online comment forms, and presentations to interested stakeholder groups.

The project team convened a Task Force, with members representing a wide range of stakeholder values and interests, including affected neighborhoods and businesses, walking and cycling enthusiasts, local parks and trails interests, tourism associations, and emergency services personnel, to provide recommendations to the Wilsonville City Council at key milestones in the bridge planning and design process. The Task Force meetings were open to interested community members and time provided for public comment.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

There are no impacts to the community by selecting the preferred location for the French Prairie Bridge. The project development work currently underway will help the community to decide whether to pursue final design and construction of the bridge project. Selection of the preferred bridge location is a key piece of information to help make this decision and does not commit the City to design or build the French Prairie Bridge.

ALTERNATIVES:

1. Accept the recommendation of the TAC and Task Force, and select Alignment W1 as the preferred French Prairie Bridge location.
2. Determine additional factors for consideration and select either Alignment W2 or Alignment W3 as the preferred French Prairie Bridge location.
3. Determine that none of the identified bridge locations are preferred and direct staff to modify the bridge study area to a new location.

CITY MANAGER COMMENT:

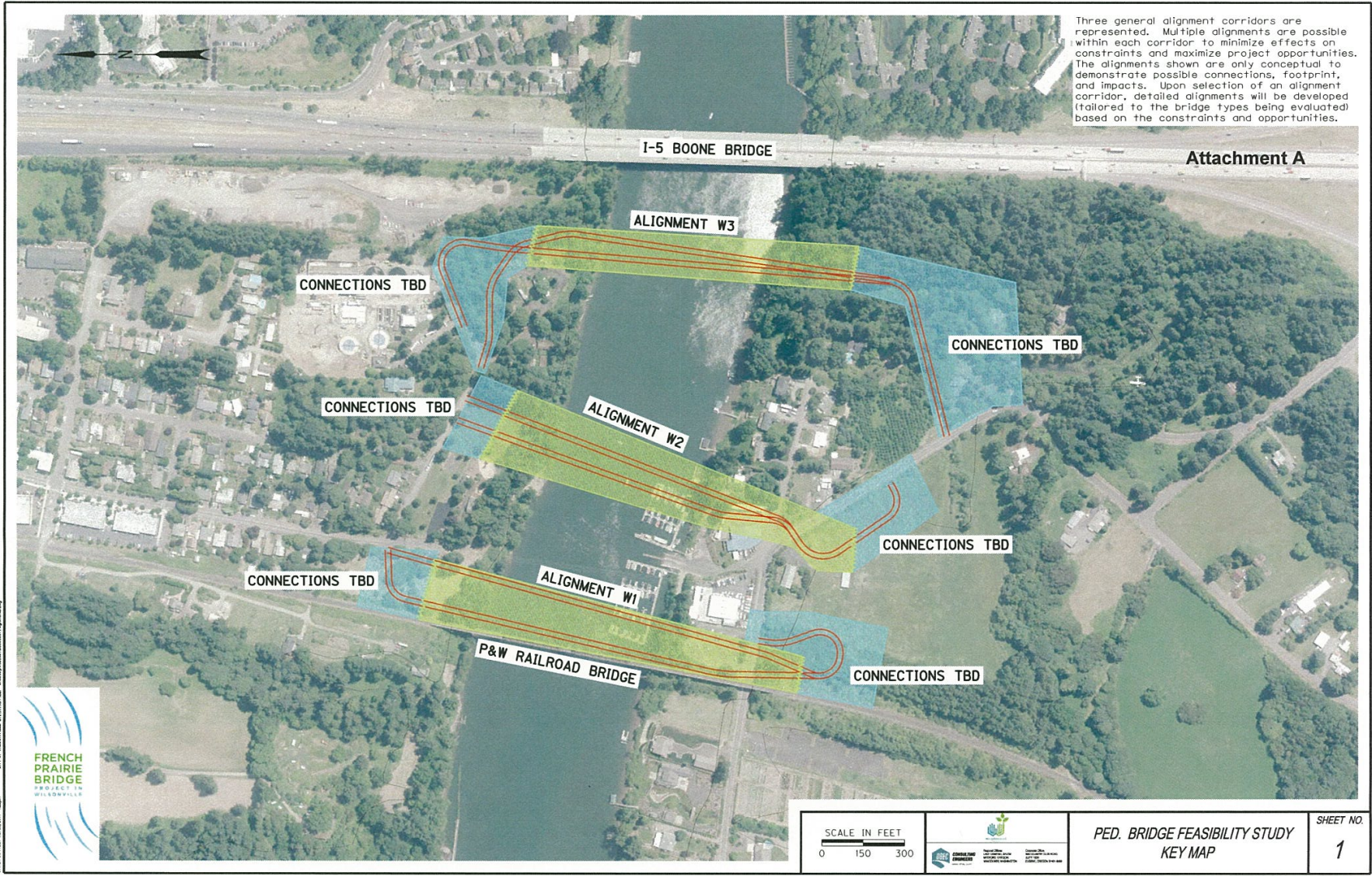
N/A

ATTACHMENTS:

- A. Attachment A – French Prairie Bridge Location Map
- B. Attachment B – French Prairie Bridge Opportunity and Constraints Report
- C. Attachment C – French Prairie Bridge Project Stakeholder Interviews Summary
- D. Attachment D – French Prairie Bridge Open House Overview
- E. Attachment E – French Prairie Bridge TAC Meeting Minutes (Meetings 1-3)
- F. Attachment F – French Prairie Bridge Task Force Meeting Minutes (Meetings 1-3)
- G. Attachment G – French Prairie Bridge Evaluation Criteria Memo
- H. Resolution No. 2688

Attachment A

Three general alignment corridors are represented. Multiple alignments are possible within each corridor to minimize effects on constraints and maximize project opportunities. The alignments shown are only conceptual to demonstrate possible connections, footprint, and impacts. Upon selection of an alignment corridor, detailed alignments will be developed (tailored to the bridge types being evaluated) based on the constraints and opportunities.



SCALE IN FEET
0 150 300



PED. BRIDGE FEASIBILITY STUDY
KEY MAP

SHEET NO.
1

Attachment B

OPPORTUNITIES AND CONSTRAINTS REPORT



April 5, 2017

Prepared for the City of Wilsonville



Prepared By



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Introduction

The City of Wilsonville is undertaking a project to develop preliminary designs for the French Prairie Bridge, a proposed bicycle/pedestrian/emergency vehicle crossing of the Willamette River between Interstate 5 (I-5) and the railroad bridge. The project addresses bridge alignment, bridge type selection, 30% design, and preliminary environmental documentation.

This report is a summary of many issues pertinent to the selection of the alignment of the French Prairie Bridge. The information below summarizes existing conditions within the immediate area of the proposed project. The discussion is focused on major issues that affect construction and use of the bridge (opportunities and constraints) with the intent of providing a basis for selection of a bridge alignment. Additional detail regarding opportunities and constraints described herein can be found in supporting reconnaissance reports prepared for this project. This document should not be considered exhaustive.

At the current level of project development, potential biological constraints and opportunities, including wildlife impacts, are expected to be substantially similar for all potential bridge alignments within the project study area and are not specifically discussed herein. Project permitting and Endangered Species Act compliance is anticipated to follow a programmatic process with best management practices implemented to minimize impacts. A discussion of wetlands and waters is included which can provide some insight into potential impacts to aquatic species. Subsequent analysis and investigations of the selected bridge alignment will address project impacts specific to the chosen alignment. These further investigations will build upon the work contained in this document and assist with selection of a bridge type. Once a bridge type is selected, the French Prairie Bridge project will be prepared to begin the 30% design phase.

Project Setting and Constraints

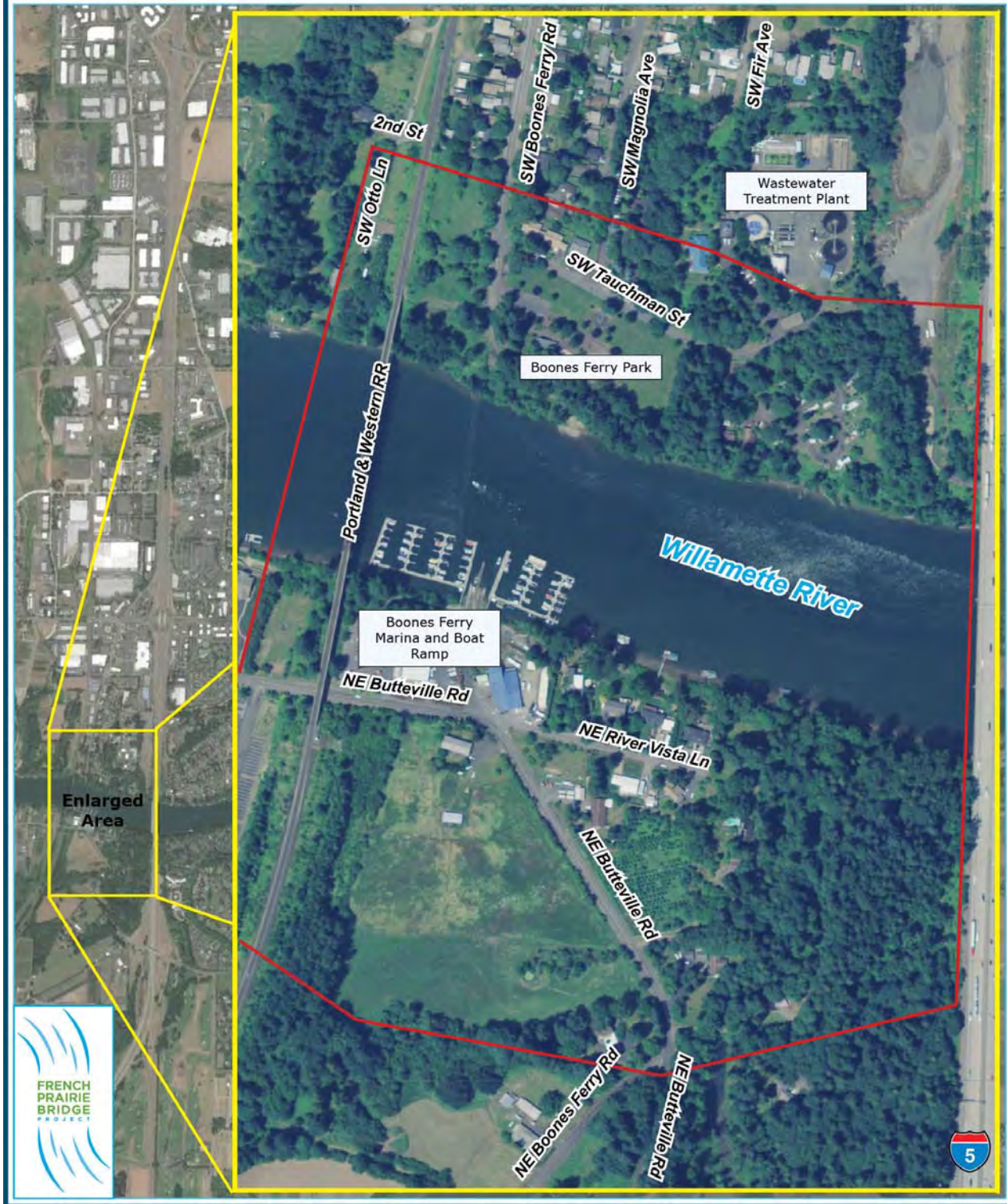
Topography

The French Prairie Bridge project area lies at the south edge of the City of Wilsonville, west of I-5. The project setting is a broad river valley with the north bank of the river consisting of urban development and the south bank being rural. See Figure 1 on page 2 for a vicinity map.

The Willamette River runs east-west through the City. The water level of the Willamette River varies from a normal low water elevation of approximately 53 feet to a 100-year flood elevation of approximately 94 feet. The river channel is somewhat incised. The top of bank on the north side of the river is at an elevation of approximately 105 feet and the ground gradually rises away from the river over the next 1000 feet to an elevation of approximately 150 feet. Top of bank on the south side of the river is at an elevation of approximately 90 feet. Moving south from the top of bank, the ground is approximately level for 1000 feet before rising quickly up to another level area at an elevation of approximately 160 feet. The project area is bounded on the west and east by man-made embankments for a railroad and I-5. These embankments are at an elevation of approximately 135 feet.



FIGURE 1: VICINITY MAP



The east end of the project area has drainages discharging into the Willamette River. The drainage on the north bank of the river is approximately 300 feet west of I-5 and drains a relatively small area. The drainage on the south bank of the river is approximately 600 feet west of I-5 and drains a large area including a portion of Charbonneau and the Langdon Farms Golf Club. These drainages are incised and interrupt the river bank.

See Figure 2 on page 7 for a topographic map of the project area.

Transportation Network

Existing crossings of the Willamette River are limited. There are only two bridges and one active ferry service between the highway bridges at Oregon 219 near Newberg and Oregon 43 in Oregon City, a distance of approximately 22 river miles. Two bridge crossings are located in Wilsonville, approximately midway between the Newberg and Oregon City highway bridge crossings. One bridge, located on the west boundary of the project study area, serves rail traffic. The other bridge, located on the east boundary of the project study area is the Boone Bridge carrying I-5 traffic. The ferry, between the Boone Bridge and Oregon 43 bridge in Oregon City, serves vehicle, bicycle, and pedestrian traffic during scheduled hours of service.

Public Roads

The only existing fixed crossing of the Willamette River between Newberg and Oregon City is the Boone Bridge which carries I-5. Bicycles and pedestrians can legally use the shoulders of I-5, though no specific facilities have been provided.

The Boone Bridge is routinely congested with freight traffic and heavy commuter traffic in mornings (northbound) and evenings (southbound) with substantial delays possible between Wilsonville Road and Miley Road/Butteville Road. The congestion and associated delays inhibit commerce and hinder emergency response across the Willamette River.

The Canby Ferry, a toll service operated by Clackamas County, is located approximately four miles downstream of the project location. The ferry can carry up to six vehicles at a time. It is open from 6:45am to 9:15pm every day (7:30am to 4:30pm in December and January) except select holidays and times when the river level is above 70 feet (on an assumed datum).

The project study area is located at the site of the former Boones Ferry service, which ceased operation in the 1950s. Boones Ferry Road extends north and south of the project location to Wilsonville (north) and towards Donald (south). Wilsonville Road is the first east-west collector north of the project site. Butteville Road is the first east-west collector south of the project site. These roads can be used to access the project location.

Bicycle and Pedestrian Paths

The existing path network is intermittent on both sides of the Willamette River. Where dedicated bicycle and pedestrian connections do not exist, public streets

(with or without sidewalks or shoulders) are used to make the connections. As such, the existing transportation network is a blend of roadways and paths.

Existing paths north of the Willamette River include the Ice Age Tonquin Trail and Wilsonville Waterfront Trail. The Ice Age Tonquin Trail is located north west of the project area. Plans exist to extend this trail to the vicinity of Boones Ferry Park. The Wilsonville Waterfront Trail is located primarily between Boones Ferry Park and Memorial Park, crossing under the Boone Bridge and connecting to neighborhoods to the east. Planned improvements of the Wilsonville Waterfront Trail include upgrading the facility to comply with ADA requirements.

The only existing path south of the Willamette River is the Willamette River Greenway Trail. This trail currently extends through the Charbonneau neighborhood east of I-5 as a separated sidewalk parallel to SW French Prairie Road. Metro's regional trails and greenways program shows a future extension of this trail under the Boone Bridge extending along Butteville Road to the west. Clackamas County's Transportation System Plan (TSP) plans for widened shoulders along Butteville Road to extend an active transportation connection to Champoeg State Park.

No current north-south connections exist across the Willamette River.

Railways

The Portland & Western Railroad, a Class III railroad, operates on the railroad track and bridge at the west end of the project study area. Construction of the bridge was completed in 1975. Portland & Western Railroad owns the railroad tracks. The State of Oregon owns the bridge and the land underlying the tracks on either side of the river. This bridge carries freight traffic on a single track.

Boating

The Willamette River is the primary navigable waterway through the central and lower Willamette Valley. This reach of the Willamette River is part of the Willamette River Water Trail, part of the National Water Trails System and managed by Willamette Riverkeeper. The approximate location of the navigational channel is represented on Figure 2 on page 7.

A permit from the United States Coast Guard (USCG) is required to construct a bridge over the Willamette River in accordance with Section 10 of the Rivers and Harbors Act. Bridges are located immediately upstream and downstream from the project location. The I-5 Boone Bridge is located immediately downstream and was constructed in the 1950s and widened in the 1960s. The railroad bridge is located immediately upstream and was constructed in 1975. Each bridge provides approximately 240 feet of clear width between piers and a vertical clearance of approximately 75 feet over low water. A restriction of navigable clearances to less than that which is currently available will require a navigational study and coordination with the USCG.

The Boones Ferry Marina and public boat ramp are located on the south bank of the river within the project study area. The marina is privately operated under a lease from Clackamas County. This facility provides access and moorages for recreational boaters with small craft as well as a parking lot for users. An overflow parking lot is located south of Butteville Road and west of the project area. The facility also

supports commercial business. Additional private moorages are located along the south bank of the river in the project study area.

Aviation

The project location is approximately 13,000 feet north of the Aurora State Airport (KUAO). This facility primarily serves general aviation users with an average volume of 260 flights per day, including instrument operations. The longest runway is 5000 feet in length with a surface elevation of 200 feet. The Aurora State Airport is owned and managed by the Oregon Department of Aviation.

Due to the proximity of the project to the Aurora State Airport, the Federal Aviation Administration (FAA) must be notified if the project proposes to construct any features more than 200 feet above ground level or above elevation 330 feet. The FAA may require an aeronautical study to determine whether the proposed structure is a hazard to air navigation.

Hydraulics, Floodplain, and Floodway

The Willamette River in the vicinity of the project is within a Federal Emergency Management Agency (FEMA) defined floodplain and floodway. According to the FEMA Flood Insurance Rate Maps the 100-year floodplain in the vicinity of project is at an elevation of approximately 94 feet. The floodplain and floodway boundaries can be seen on Figure 2 on page 7.

The construction of piers within the defined floodway will require a no-rise analysis to determine what mitigation is necessary to avoid increasing the 100-year flood elevation. Mitigation measures within the floodway will be required to compensate for hydraulic impacts of piers. These mitigation measures will likely include excavation along or between the river banks within the floodway.

Potential for scour at the new bridge site is an important hydraulic design consideration. Scour around the piers will best be addressed through extending the piers adequately below the scour depth, although scour countermeasures could be used if necessary. Potential scour at the abutments, if applicable, will be addressed through a deepened foundation or the placement of revetment depending upon the selected bridge geometry and layout.

Utilities

The project area has many public and private utilities. These vary from domestic utility services (not individually identified) to regional facilities transmitting electricity and natural gas. The utilities which have been identified are shown on Figure 2 on page 7 and are discussed below.

Northwest Natural (NWN) Gas Line

A NWN gas facility is located on the west side of Boones Ferry Road. Based on visual markers, the line appears to cross the Willamette River in a subterranean bore on a line that is an extension of Boones Ferry Road to a point on Butteville Road just east of the northern boat ramp parking lot. From that point, it extends to the east along Butteville Road before continuing south along Boones Ferry Road.

Existing distribution lines serving adjacent properties are anticipated to exist along Butteville Road and River Vista Lane.

Bonneville Power Administration (BPA) Transmission Lines

BPA operates high voltage power transmission lines located west of the railroad bridge. These lines extend north and south of the project area west of the Portland and Western Railroad facility.

Power and Communications

Local power transmission, distribution, and communication are present in the project area. Overhead utilities are located on both sides of Boones Ferry Road and the north side of Tauchman Street. A local transmission line extends from the west side of Boones Ferry Road across the Willamette River to the west side of the Boones Ferry Park boat ramp. Overhead lines are present in the immediate vicinity of the boat ramp, extending both directions along Butteville Road and along River Vista Lane.

Municipal Sanitary Sewer and Water Facilities

The City of Wilsonville operates a wastewater treatment plant north of Tauchman Street. Generally speaking, this facility receives flows from north of the project area and, after treating the water, discharges through the east end of the project area into the Willamette River. An upcoming project will improve and realign the existing outfall into the Willamette River.

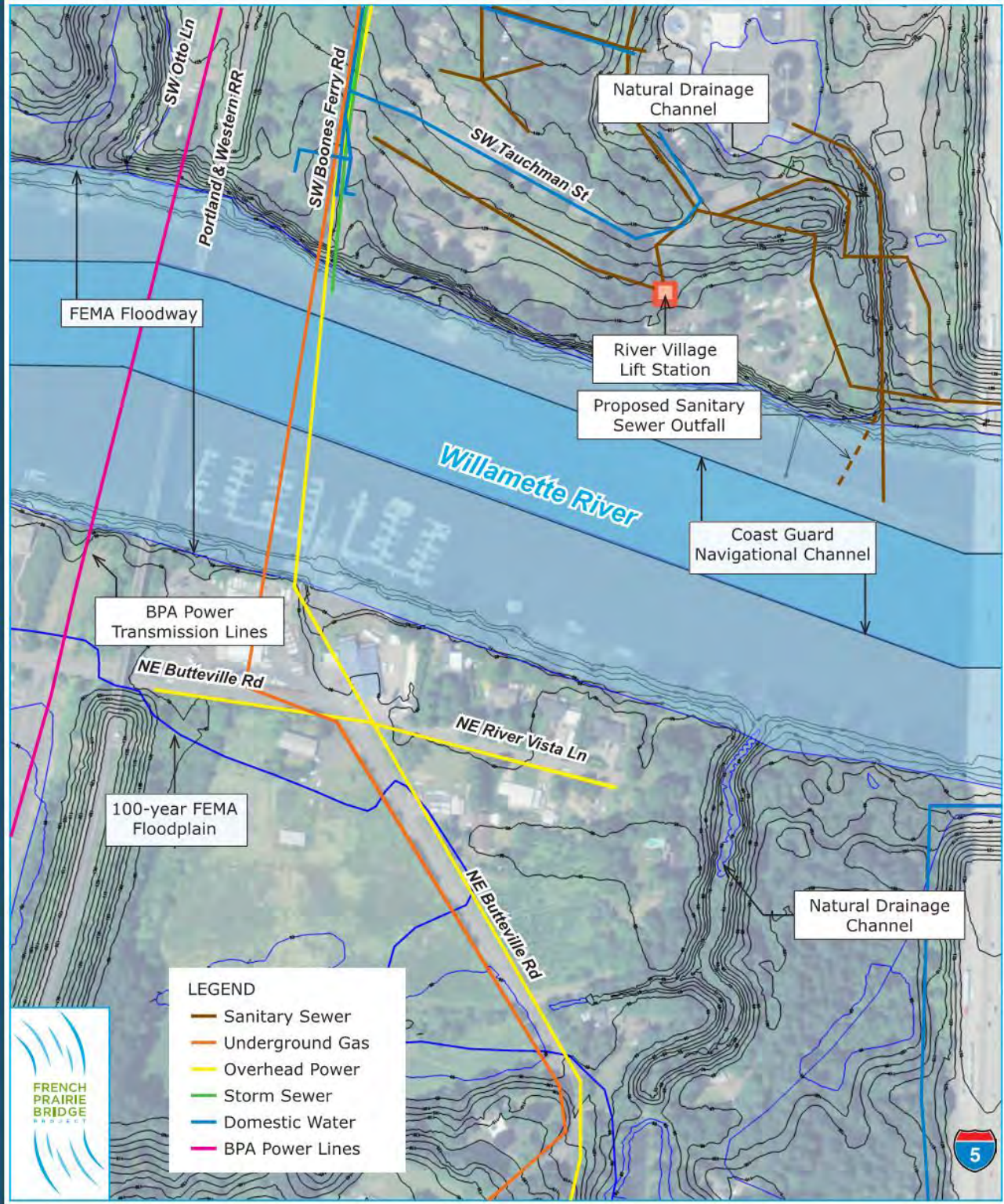
Boones Ferry Park is served by the River Village Lift Station located within the project area.

Charbonneau is served by the Charbonneau Pump Station. This pump station conveys wastewater northerly over the Boone Bridge in a force main. The force main discharges into the Charbonneau Interceptor lower branch, near the end of Tauchman Street, and then to the wastewater treatment plant.

Municipal water facilities are located along the east side of Boones Ferry Road and the north side of Tauchman Street. Water service lines are located within Boones Ferry Park. Water transmission lines to Charbonneau cross the Willamette River on the Boone Bridge. A six-inch-diameter City waterline serving the French Prairie Rest Area is located west of I-5 south of the Willamette River.

Existing municipal stormwater facilities are discussed in the Water Quality and Stormwater section on page 21.

FIGURE 2: TOPOGRAPHY, RIVER, AND UTILITIES



Land Use and Zoning

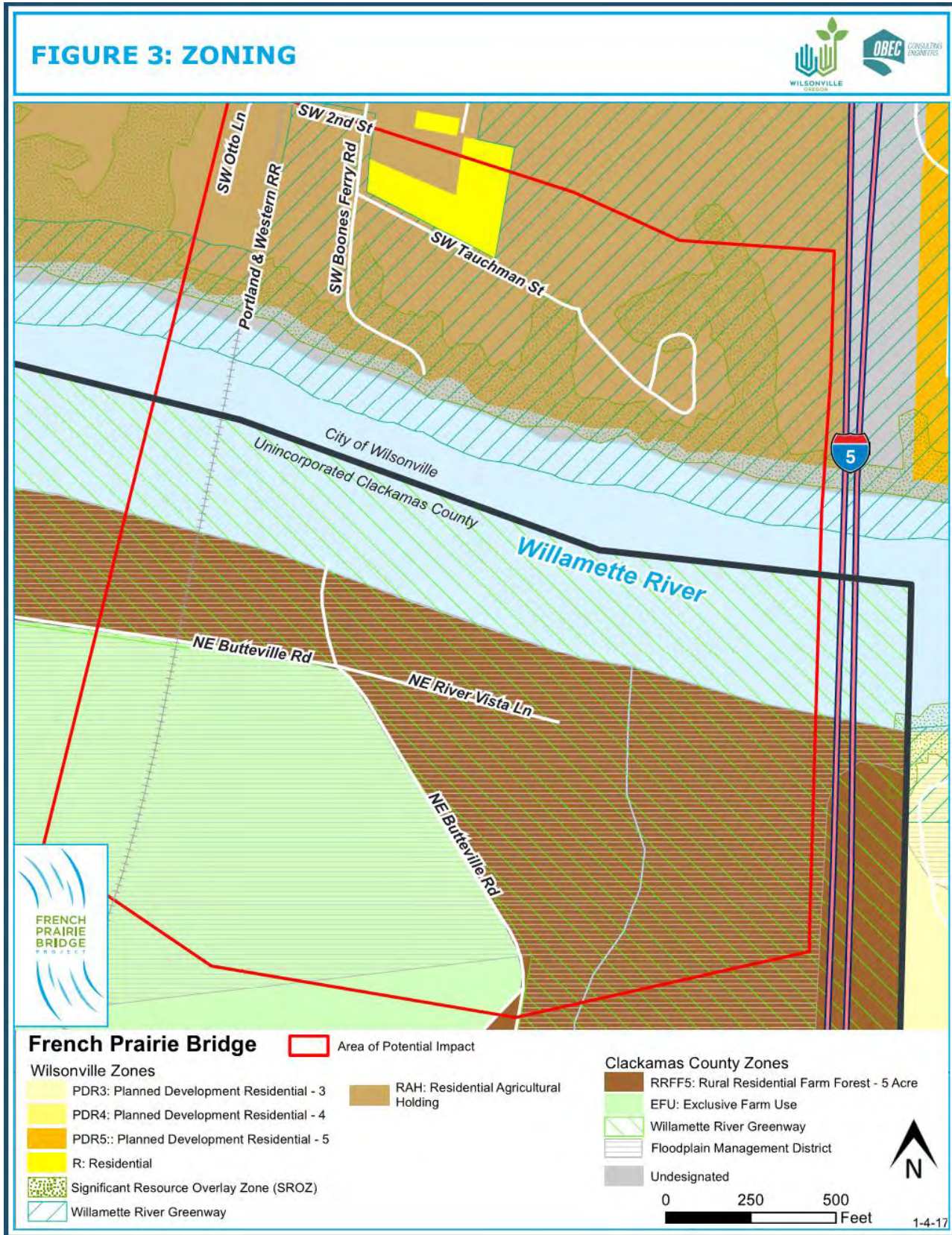
The project is located partially within the City of Wilsonville and partially in unincorporated Clackamas County. Land use is generally urban within Wilsonville and rural in unincorporated Clackamas County. Figure 3 on page 9 shows each jurisdiction's zoning. The project crosses the Willamette River Greenway established by Statewide Planning Goal 15.

City of Wilsonville

The bridge project may require City approval under the Willamette River Greenway provisions of the City's Planning and Land Development Ordinance. Bridge improvements, such as a pier, located within the Greenway overlay zone, as shown on Figure 3, will trigger the requirement. Ancillary improvements located within the zone, such as new access to the water or an intensification of an existing access could also trigger the requirement.

Clackamas County

The proposed bridge is expected to require a conditional use permit from Clackamas County under the Willamette River Greenway provision of the County's Zoning and Development Ordinance. The bridge will also require a floodplain development permit. The bridge or connecting ramp and path that extend south or west of NE Butteville Road into land zoned Exclusive Farm Use (EFU) also will likely require a conditional use permit under the EFU District provisions of the Ordinance. Depending on the extent of expected use of the bridge by emergency vehicles, the County could determine that project improvements on EFU land make them subject to state statutory standards that would preclude land use approval, if there is a reasonable alternative that does not impact EFU land.



Parks and Recreational Uses

The City will have to obtain FHWA approval of the bridge under Section 4(f) of the United States Department of Transportation Act, but the approval can be as a *de minimis* use. Figure 4 on page 11 shows the parks in the project area that are subject to Section 4(f) on the north and south sides of the Willamette River. Section 4(f) restricts the conversion of parkland to transportation use. Bridge improvements, including connecting ramps and paths, located within Boones Ferry Park, as well as land planned for park expansion, will require such approval. Similarly, the placement of piers in the Boones Ferry Boat Launch will require Section 4(f) approval. In addition, effects on recreational trails outside the parks, including the trail under the Boone Bridge on the north side of the Willamette River, will require Section 4(f) approval. Impacts of bridge improvements are likely to qualify as *de minimis*, as long as the improvements are compatible with existing park and recreational uses and do not preclude planned park development. The approvals will require documentation. FHWA will likely assign substantial weight to the views of Wilsonville officials regarding Boones Ferry Park and the trail under the Boone Bridge and of Clackamas County officials regarding the Boones Ferry Boat Launch when deciding whether the impacts qualify as *de minimis*.

A portion of Boones Ferry Park is subject to the requirements of Section 6(f) of the Land and Water Conservation Fund Act (LWCFA), because the City used LWCFA grant funds to purchase and improve the park. See Figure 5 on page 12. The National Park Service and Oregon Parks and Recreation Department will review any project improvements located in the portion of Boones Ferry Park subject to Section 6(f) and judge whether they qualify as recreational enhancements. If they don't, the land used for the improvements will have to be replaced with lands of equivalent appraised value, recreational value, and size. Approval is expected, but will have to be applied for.

FIGURE 4: SECTION 4(f) LAND



FIGURE 5: LAND SUBJECT TO SECTION 6(f)

Design Criteria and Standards

It is anticipated that the project will need to comply with applicable standards for federally funded projects. The *AASHTO Guide for the Development of Bicycle Facilities*, *AASHTO Guide Specifications for the Design of Pedestrian Bridges*, *AASHTO LRFD Bridge Design Specifications*, *AASHTO A Policy on Geometric Design of Highways and Streets*, the Americans with Disabilities Act, and City of Wilsonville and Clackamas County standards as applicable.

Seismic design of the bridge can be performed in accordance with ODOT's latest criteria. The application of the *AASHTO Guide Specifications for LRFD Seismic Bridge Design* using ground motions from a full rupture of the Cascadia Subduction Zone would be required in accordance with ODOT's *Bridge Design and Drafting Manual*. Application of these criteria would result in a bridge that is anticipated to be used almost immediately after a Cascadia Subduction Zone earthquake.

Table 1 on Page 13 summarizes the project's design standards.

Table 1. Geometric Design Standards

Design Criteria	Standard
Design Speed	18 mph
Path Width	10 feet
Bridge Width	14 feet
Maximum Grade	5 percent
Stopping Sight Distance	200 feet
Cross Slope	2 percent
Vertical Clearance on Bridge	TBD (from project TAC)
Vertical Clearance over Roadways	17 feet
Vertical Clearance over River	TBD (from USCG)

Right of Way and Land Ownership

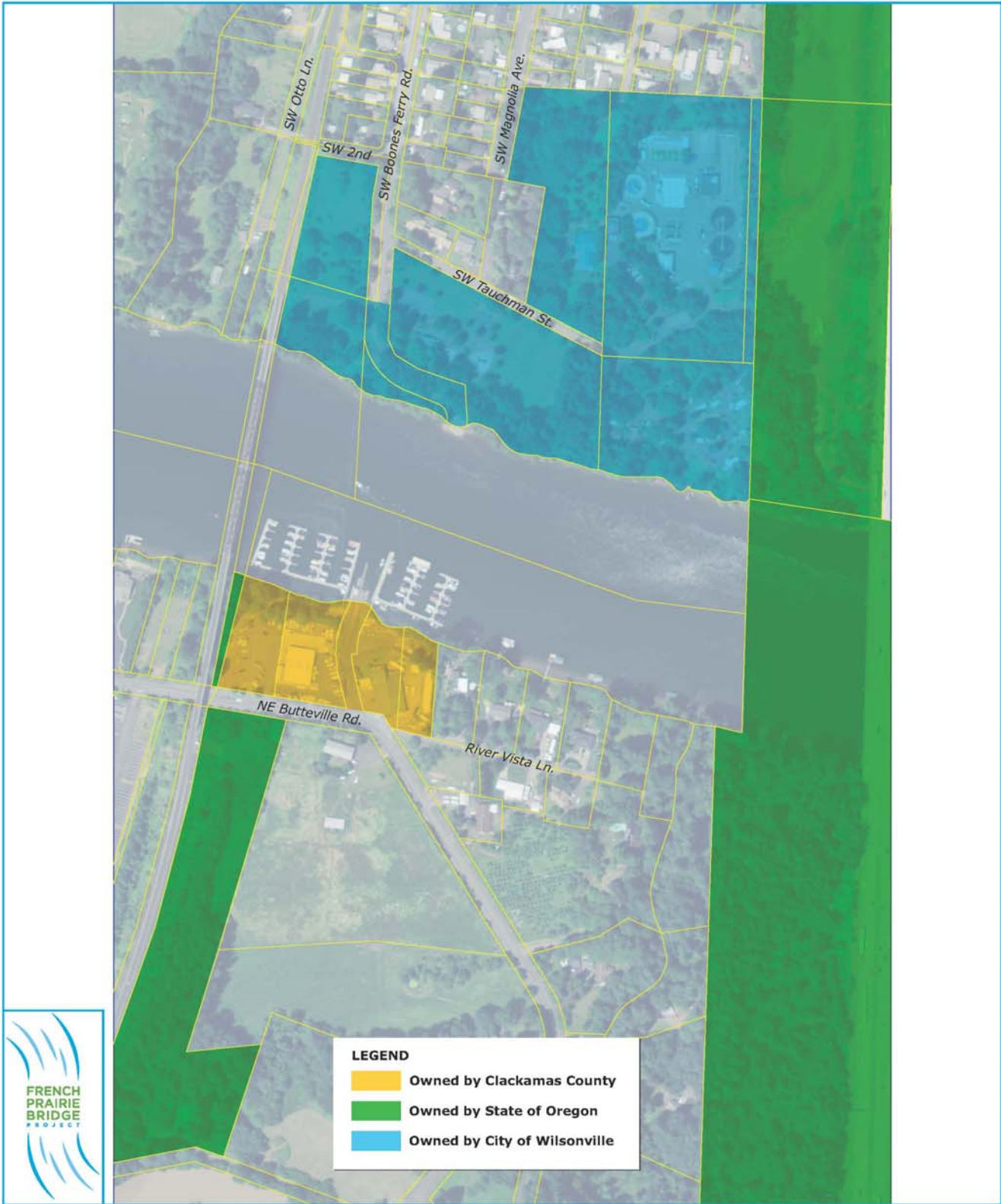
Property ownership in the project area is mixed. Figure 6 on page 14 illustrates public ownership of property within the project study area. Public rights of way of various jurisdictions exist throughout. The west edge of the project area is railroad right of way owned by the State of Oregon. The east edge of the project area is Oregon Department of Transportation (ODOT) right of way for I-5. The remaining rights of way are owned by either the City of Wilsonville (north of the Willamette River) or Clackamas County (south of the Willamette River).

North of the Willamette River, the City of Wilsonville owns the properties between 2nd and Tauchman Streets and the river. North of Tauchman Street, the City owns the wastewater treatment plant property. Property north of Tauchman Street and west of the wastewater treatment plant is privately held, while property east of the wastewater treatment plant is owned by ODOT. Property north of Second Street is privately held.

South of the Willamette River, the river frontage is split between Clackamas County (along Butteville Road) and private parties (along River Vista Lane). Property south of Butteville Road and River Vista Lane is privately held.

Use of private land will require acquisition of the land in accordance with the Uniform Relocation Act and State Law. Use of public land or right of way is likely to require an intergovernmental agreement with the owning government agency.

FIGURE 6: PUBLICLY HELD PROPERTY



Geology, Soils, and Seismicity

A preliminary desktop study that included assessment of available subsurface data such as site geology, soils, and seismicity has been performed. The site geology is generally well understood. This section of the Willamette Valley is underlain by Troutdale Formation clays, likely to a depth of 100 or more feet. The upper layers of soil are predominantly silts and sands with some pockets of gravels. Based on this information, it is expected that the river bottom consists of a thin layer of silt or sand over Troutdale Formation clays. The river banks are expected to be layers of silts, sands, and gravels. Geotechnical explorations from the construction of the railroad bridge immediately upstream (1972) are included in the Preliminary Geotechnical Assessment.

The water table elevation varies seasonally and is generally located above the water surface elevation of the Willamette River. The layers of sand located below the water table are susceptible to liquefaction during a seismic event. Seismic motions may cause local slope failures in the areas underlain with these liquefiable soils, particularly where the river banks are steepest. Geotechnical exploration of the river banks to assess the risk of slope failure is recommended once a bridge alignment corridor has been selected.

Construction of embankment fills may result in settlement of the underlying soil layers. In addition to potential settlement, consideration should be given to the risks of potential slope failures before embankment or bridge piers are constructed on the sloping banks of the Willamette River. Based on the expected site geology, it is anticipated that deep foundations (driven piles or drilled shafts) will be necessary to support a bridge at this location.

Seismic design parameters for the bridge include a 1000-year return period bedrock peak ground acceleration of 0.25g and a Site Class E for this location. These parameters are preliminary pending further geotechnical investigation.

Wetlands and Other Waters¹

The project area contains wetlands and waters that are or may be under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and/or Oregon Department of State Lands (DSL) (referred to here as "jurisdictional"). Project improvements involving cumulative fill or excavation of 50 cubic yards or more of material in jurisdictional locations will require an Oregon Removal-Fill Permit from the DSL. The USACE requires permits for most work in jurisdictional waters under the Clean Water Act, regardless of a cubic yard threshold. The following locations of wetland and waters are shown on Figure 7 on page 17 and are either jurisdictional or potentially jurisdictional:

- The Willamette River

¹ The information here is based on a review of wetlands information available online and a site reconnaissance that was limited to publicly accessible lands. A more detailed analysis will be prepared for the selected alignment.

- On the north side of the Willamette River:
 - A seasonal drainage channel located between the wastewater treatment plant and I-5 as shown on Figure 7 on page 17.
 - Small depressional areas at the east end of the former mobile home park that was vacated in 2015. They are considered to have low potential to be jurisdictional due to their artificial creation and upland location.
 - A stormwater treatment swale serving stormwater runoff from I-5.
- On the south side of the river:
 - An unnamed stream channel and associated wetlands east of NE Butteville Road. The drainage and associated wetlands meet state and federal jurisdiction criteria.
 - The locations labeled High Wetland Probability Area, (based on database information such as the presence of hydric soils), Stock Pond, and Agricultural Drainage Ditch on Figure 7 on page 17.

Temporary or permanent structures in or over the river will require easements from DSL.

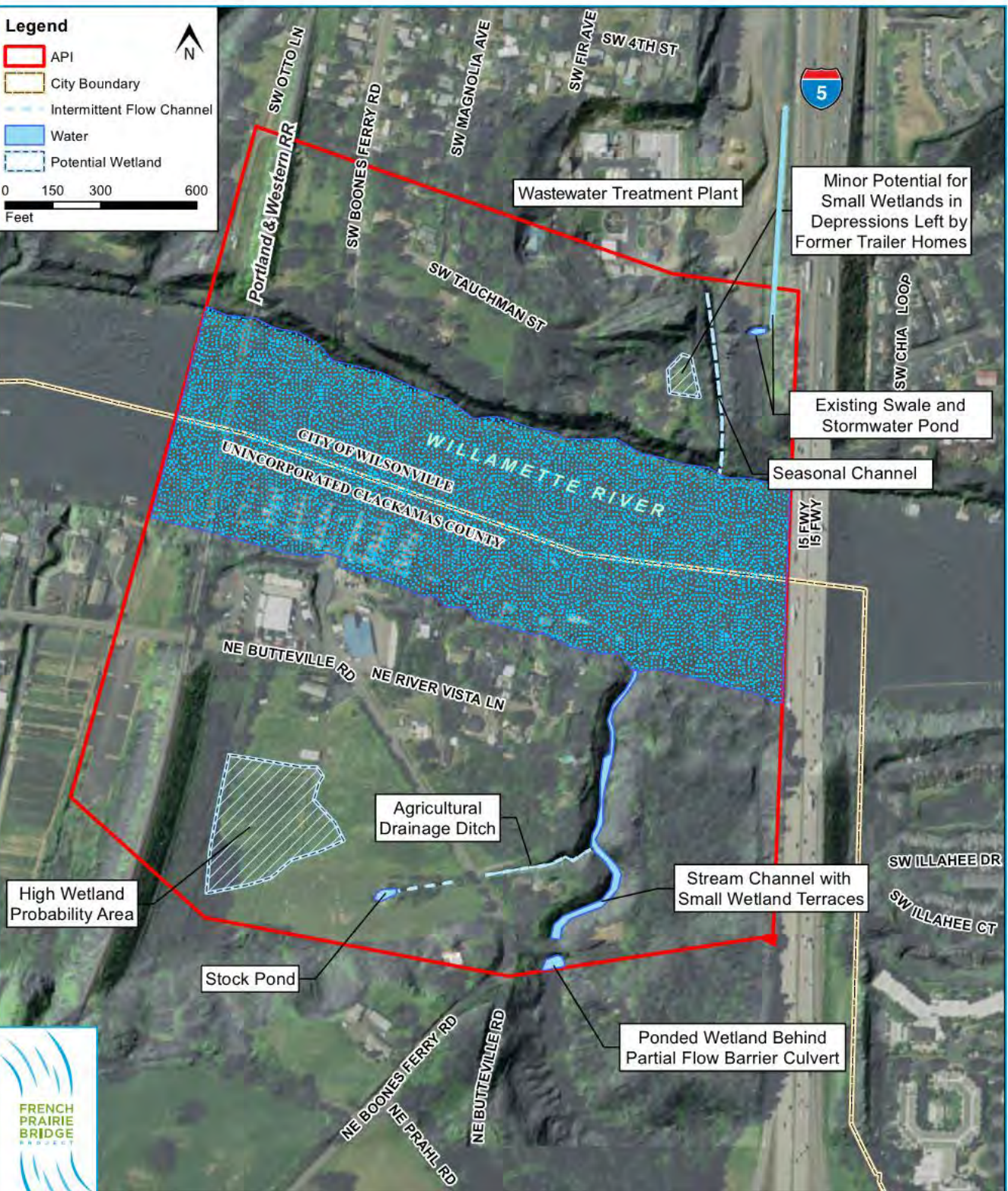
FIGURE 7: WATERS AND POTENTIAL WETLANDS



Legend

- API
- City Boundary
- Intermittent Flow Channel
- Water
- Potential Wetland

0 150 300 600
Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Metro RLIS 2016

Historic and Archaeological Resources

Historic Resources

Project improvements that adversely impact one of the historic resources listed below will require compliance with Section 106 of the National Historic Preservation Act (Section 106) and possibly Section 4(f) of the Department of Transportation Act, because they are potentially eligible for the National Register of Historic Places (NRHP).² An adverse impact can be physical destruction, substantial alteration, movement, change in property use, and/or introduction of incompatible visual elements. Any potential impact requires compliance with procedures to protect historic resources, which include assessment of eligibility for the National Register, evaluation of impacts, and analysis of alternatives to avoid adverse impacts (if any). If adverse effects are unavoidable, mitigation would be required.

Figure 8 on page 20 shows the potentially eligible historic resources the project could impact. They are:

- The Oregon Electric Railway, presently known as Portland & Western Railroad (location 3)
- The Tauchman House at 31240 SW Boones Ferry Road in Boones Ferry Park (location 6)
- An apple orchard in Boones Ferry Park (location 4)
- A Portland General Electric power line (location 8)
- A BPA transmission line (location 10).

The structures at the locations shown in blue could be eligible based on their age, but are likely outside the limits of the bridge alignment based on preliminary alignment layouts. Should it be determined that the selected bridge alignment will impact any of the structures shown in blue, further evaluation of the structures as eligible historic resources will be performed.

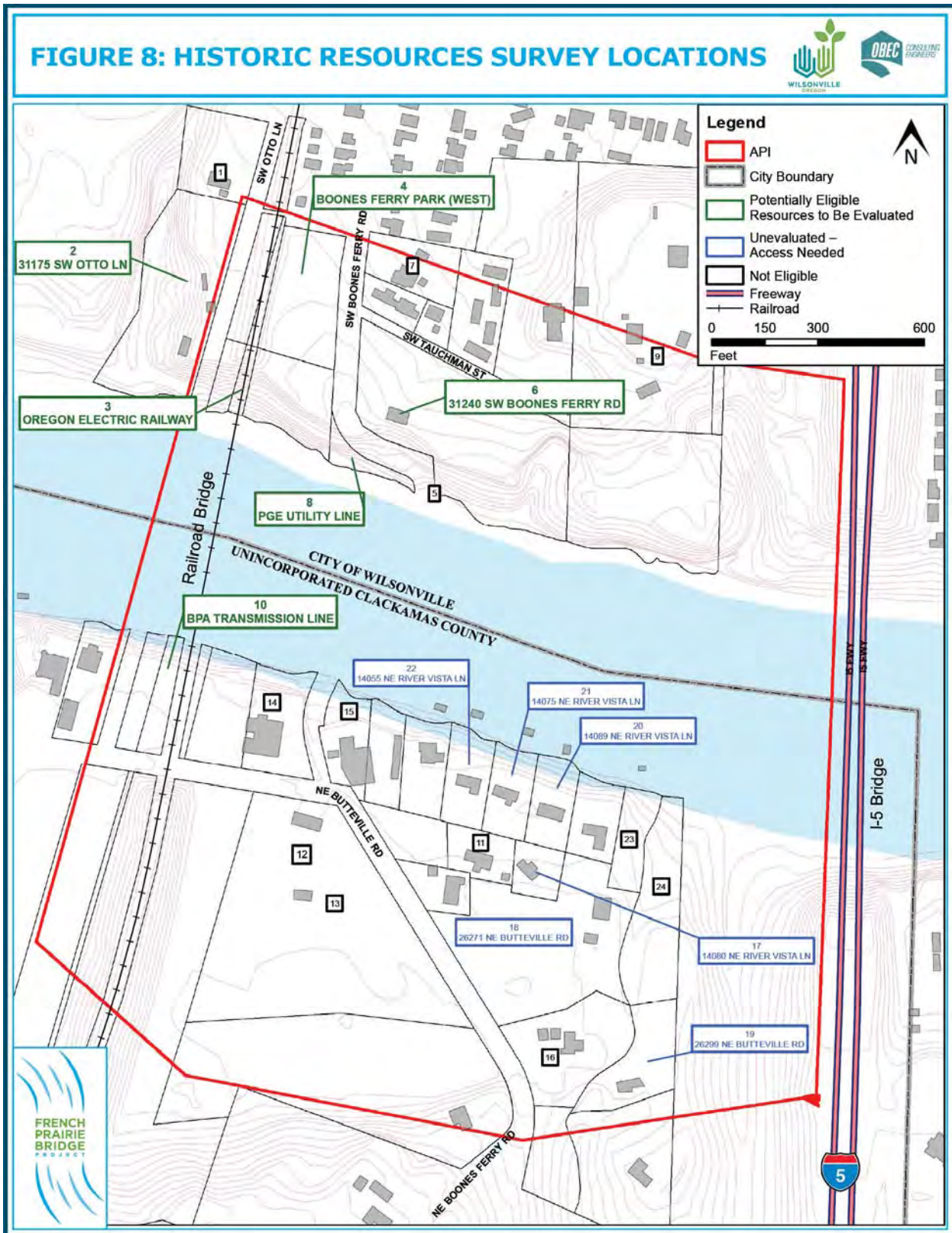
Archaeological Resources

Similar to Historic Resources, project improvements that adversely impact an archaeological resource will require compliance with Section 106. The potential for encountering archaeological material during construction is moderate to high due to the intensive historic and pre-contact use of the area.³ The north and south terraced banks of the Willamette River were an important source of subsistence for Native American Kalapuyans. Archaeological materials related to subsistence activities or occupation may be present along both banks of the Willamette River. In addition, the site of the Boones Ferry Crossing, which was established in 1847, is located in the project area. Archaeological resources associated with the small

² AECOM. 2016. Draft Historic Resources Baseline Report, French Prairie Bridge Project. Prepared for the City of Wilsonville. October 10.

³ A. Becker and S. Butler. 2016. Draft Phase I Archaeological Investigation, French Prairie Bridge Project. Prepared for the City of Wilsonville. October 7.

Boones Ferry community and ferry crossing may be situated on the north bluff of the river. Related archaeological resources are more likely near the alignment of Boones Ferry Road than further east. There is ongoing coordination with the Confederated Tribes of Grand Ronde.



Water Quality and Stormwater

Existing stormwater collection and treatment facilities within the project area are sparse.

Boones Ferry Road has inlets on both sides of the street at or north of Tauchman Street and a 30-inch-diameter stormwater pipe which conveys stormwater from approximately the west half of Old Town to an outfall on the Willamette River. No water treatment facilities appear to exist along Boones Ferry Road within the project study area, likely due to this area being developed prior to water quality standards being required.

Runoff from Tauchman Street sheet flows to the south and disperses into Boones Ferry Park. Runoff from Butteville Road is collected in shallow ditches or sheet flows to adjoining properties. Runoff from River Vista Lane appears to sheet flow to adjoining properties. Parking lots in the project area do not appear to have any existing stormwater collection or treatment systems.

The project will likely create more than one acre of new impervious area with the resulting runoff split between the two sides of the Willamette River. Additional impervious area created by the project will require treatment for water quality based on required Endangered Species Act (ESA) and consultation with National Marine Fisheries Services (NMFS). It is anticipated that the project will be eligible for a programmatic biological opinion. As a result, the project will be exempt from water quantity management if the Willamette River will receive the flows directly. However, should an individual biological opinion be necessary, water quantity management requirements will be determined as part of the biological opinion review.

The preferred methods of providing water quality treatment are vegetated treatment systems such as water quality swales, bioretention ponds, and vegetated filter strips.

Hazardous Materials

The project team reviewed Oregon Department of Environmental Quality (DEQ) databases for hazardous materials sites within the API. Records of hazardous materials at two sites were identified. The DEQ Leaking Underground Storage Tank (LUST) database includes a 2001 record of the cleanup of a release at the location of the building on the east side of the boat ramp at the Boones Ferry Marina. Similarly, the database includes a 1999 record of the cleanup of a release at the residence at 26291 NE Butteville Road. At both locations, some contaminated soil may remain, but present a low risk to the project. There are no records of significant contamination within the project area. Additional hazardous material assessment will be conducted for the selected alignment. Regardless of bridge alignment, any hazardous materials encountered during construction will be abated.

Opportunities

Transportation Network

The project provides an opportunity to improve bicycle and pedestrian connectivity across the Willamette River. The proposed project would improve the user experience and safety for bicyclists and pedestrians desiring to cross the Willamette River by providing an alternative to I-5. Figure 9 on page 24 shows existing and planned trails, bike lanes, and sidewalks in the area around the project area. The project also promotes and supports Wilsonville's endeavors as a Healthy and Active Lifestyle (HEAL) City which improves the health of its residents.

The project can also provide improved emergency vehicle access across the Willamette River. Tualatin Valley Fire and Rescue (TVF&R) provides emergency services for all residents within the City of Wilsonville, including the Charbonneau District on the south side of the river. TVF&R currently uses the Boone Bridge to reach calls in the Charbonneau District. Response times crossing a shared use bridge will ordinarily be longer than using I-5 due to the need to remove bollards and share the path with bicyclists and pedestrians. However, such a facility will reduce response times when the Boone Bridge cannot practically be crossed due to congestion. Emergency vehicle access would be from Boones Ferry Road or Tauchman Street in Wilsonville to Butteville Road and ultimately the Charbonneau District.

Additionally, when there is an incident on I-5, second responders such as tow trucks and clean up vehicles cannot access the incident because of severe traffic congestion. With this bridge in place, second responders would be able to reach the incident faster, therefore cleaning it up and restoring normal traffic patterns more quickly.

The bridge also provides the opportunity to construct a bridge that is anticipated to be serviceable following a large earthquake. Based on current Oregon and AASHTO seismic design criteria, there is uncertainty regarding the ability of the adjacent Boone Bridge to carry emergency traffic following a Cascadia Subduction Zone earthquake. The existing retrofit measures were intended to assure life safety rather than operational use. Construction of the bridge to the current Oregon standard for State highways would result in a bridge that is anticipated to be operational shortly after an earthquake as large as a full rupture of the Cascadia Subduction Zone.

All bridge alignments currently under consideration provide comparable connections. All alignments connect Boones Ferry Park to Butteville Road. The relative merits of each alignment vary by the user's origin and destination as these determine the length of out of direction travel required by a given user.

Utilities

Municipal services to Charbonneau rely upon only a single crossing of the Willamette River. The project presents an opportunity to provide additional redundancy for water and sanitary sewer systems serving Charbonneau. It also provides an opportunity for other utilities to be accommodated on the bridge.

Parks and Recreational Uses

A new bridge and connection across the river is an amenity that would likely increase usage of Boones Ferry Park as well as the trail connection to Memorial Park. The regional recreational aspect could draw cyclists and outdoor enthusiasts from outside areas. Beyond the recreational benefits, the local businesses would experience economic gains as well.

While not directly connected to this project, residents could be more likely to access the river area and enjoy the natural setting as a result of coming to use the bridge.

Historic and Archaeological Resources

The proposed project is consistent with the historic transportation uses of the project area given the presence of the Portland & Western Railroad bridge, the I-5 Boone Bridge, and the former site of the Boones Ferry. Additional visitation to the project area by bicycle riders, particularly to Boones Ferry Park, would raise public awareness of the historic and archaeological resources in the Project vicinity and create additional interpretative opportunities.

FIGURE 9: BICYCLE AND PEDESTRIAN TRANSPORTATION NETWORK



BICYCLE AND PEDESTRIAN ACCESS

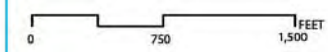
FRENCH PRAIRIE BRIDGE

Legend

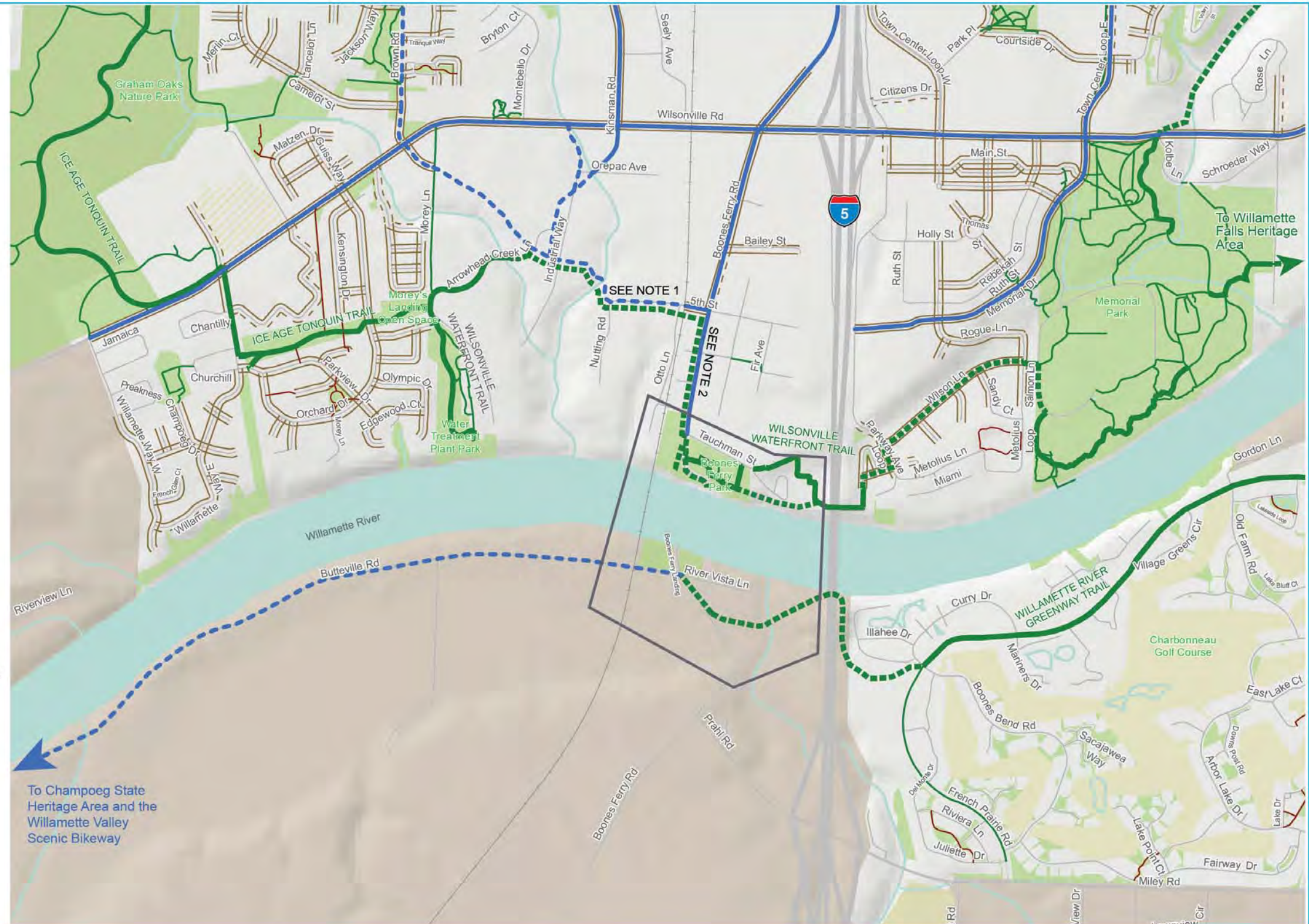
- Existing Regional Trail
- Existing Local Trail
- Existing Private Trail
- - - Planned Trail
- Railroad
- Existing Bike Lane
- - - Planned Bike Lane/Shoulder
- Existing Full Sidewalk
- - - Existing Partial Sidewalk
- Area of Potential Impact
- Park/Open Space
- Outside of UGB
- Golf Course
- School
- Rivers/Streams

Notes:

- 1) The Boones Ferry Road to Brown Road Connector will connect to 5th St.
- 2) Boones Ferry Rd only has bike lanes on the west side of the street south of Bailey St.



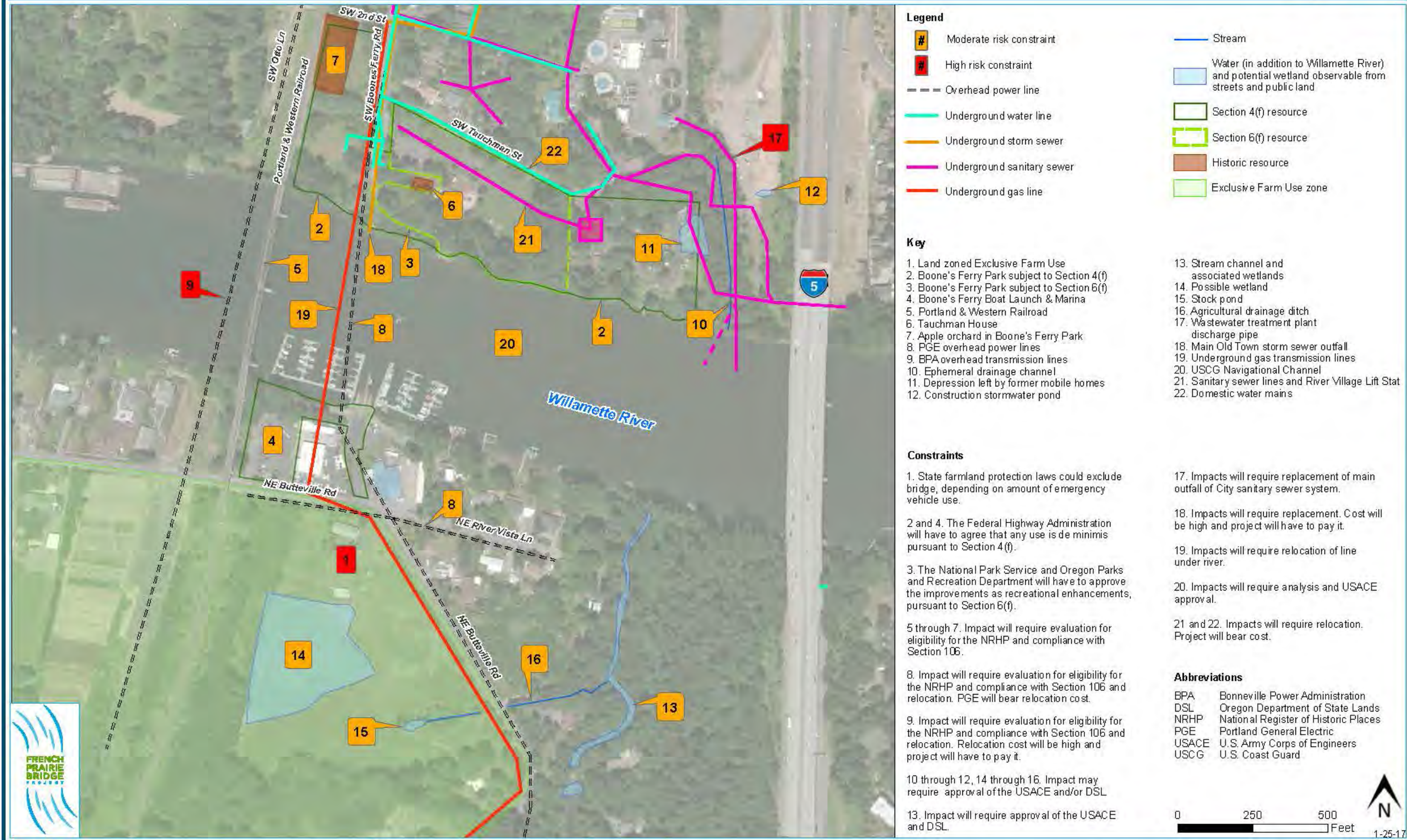
Data provided by RLIS.
Map produced October 2016.



Summary

Unless otherwise noted, the constraints identified herein are anticipated to be low risk items that are normally encountered during development of a project of this type. The moderate and high risk constraints on the proposed bridge and path construction identified within the project area are identified on Figure 10 on page 26. Moderate risk constraints are expected to shape project development through effects to schedule and budget but appear to be resolvable with reasonable impacts. High risk constraints are expected to substantially affect project schedule and budget and may result in “fatal flaw” issues being realized during project development.

FIGURE 10: CONSTRAINTS



Mason, Bruce & Girard, Inc.
707 S.W. Washington Street, Suite 1300
Portland, OR 97205-3530

MEMORANDUM

DATE: November 21, 2016

TO: Zach Weigel (City of Wilsonville)

CC: Dave Arena (ODOT) and Bob Goodrich (OBEC)

FROM: Kate Parker (MB&G) and Becca Thomsen (Quinn Thomas)

SUBJECT: French Prairie Bridge Project Stakeholder Interviews

This memorandum summarizes the results of interviews conducted with French Prairie Bridge Project stakeholders between September and November 2016. The project team conducted 15 stakeholder interviews with a total of 19 participants. One of the interviews was conducted by phone and the remainder were conducted in-person. The project team began each interview by describing the project location, scope, and timeline. The interview objectives were as follows:

- Identify stakeholder goals and concerns,
- Engage stakeholders in planning and preliminary design process, and
- Obtain input on public involvement process and additional stakeholders.

Interviewees

The project team spoke with the following stakeholders:

- Gerik Kransky, Bicycle Transportation Alliance (BTA) Advocacy Director. *The BTA is a regional advocacy organization that has 8,000 dues paying members and an email list of 70,000.*
- Steve Chinn, River Vista Lane Resident. *Mr. Chinn has lived on River Vista Lane since 1977. He maintains a group email listserv for his neighbors.*
- Tony Holt, Charbonneau Country Club President. *Charbonneau Country Club runs the largest of the 14 Homeowner Associations (HOAs) in the Charbonneau District. Mr. Holt is a 15-year resident of Charbonneau.*
- Ray and Leslie Kush, Boat Works LTD. *The Kushs facilitated the sale of the Boones Ferry Marina to Clackamas County 30 years ago and currently manage the marina leases for the County. They also live part time at the Marina.*
- Doug Muench, Barbara Bergmans, and Monica Keenan, Old Town Neighborhood Association. *Mr. Muench is the President of the Neighborhood Association and Ms. Bergmans is the Vice President and Treasurer. The Neighborhood Association holds at least two meetings per year and distributes flyers on subjects of interest to the neighborhood (approximately 80 homes).*

-
- Alex Philips, Oregon Parks and Recreation Department (OPRD) Bicycle Recreation Specialist. *OPRD manages the State-designated Scenic Bikeways, a significant tourist attraction.*
 - Danielle Cowan, Clackamas County Tourism Executive Director. *Clackamas County Tourism has been actively promoting bicycle tourism and related business development in conjunction with Travel Oregon.*
 - Simon Springall, Wilsonville Resident and Planning Commissioner. *Mr. Springall is a 10-year resident and 2-year veteran of the City Planning Commission. He runs the frenchprairiebridge.org website.*
 - Mayor Figley, City of Woodburn. *Mayor Figley represents the City of Woodburn, participates in the inter-governmental French Prairie Forum, and takes the WES to work.*
 - Chair Ludlow, Clackamas County. *Clackamas County is a key stakeholder in this process, as the proposed bridge would land on property owned by the County. Additionally, Chair Ludlow previously lived in the Old Town Neighborhood and considers himself a stakeholder in this process.*
 - Councilor Lehan, City of Wilsonville. *Councilor Lehan played a pivotal role in the earlier, exploratory phases of the French Prairie Bridge Project. Additionally, as part of the Wilsonville City Council, Councilor Lehan will have an opportunity to weigh in on the project development.*
 - Greg Leo, City of Wilsonville contract lobbyist. *Mr. Leo has played a key role in communicating externally about the French Prairie Bridge Project thus far. Additionally, he represents several other area stakeholders, such as the Charbonneau community and the Aurora Airport.*
 - Division Fire Chief Brian Sherrad, Tualatin Valley Fire & Rescue. *TVFR serves Wilsonville and portions of Clackamas County, as well as several other nearby communities, and has a vested interest in the design and access to the proposed French Prairie Bridge.*
 - Councilor Craig Dirksen, Metro. *Councilor Dirksen represents Metro District 3, which includes portions of Washington and Clackamas counties, including Wilsonville. Funds for this project were provided through a Metro grant program.*
 - Sheriff Craig Roberts, Clackamas County Sheriff's Office. *The Sheriff's Office serves Clackamas County and portions of Marion County (on contract). It operates a traffic unit, a marine unit that frequently accesses the Boones Ferry Marina, and an aero unit that accesses the Aurora Airport.*
 - Robert Spurlock, Metro Senior Regional Planner. *Metro manages regional planning efforts and provided grant funding for this project. Mr. Spurlock plans offstreet active transportation infrastructure and played a key role in the development in the Ice Age Tonquin Trail Master Plan.*
 - Lake McTighe, Metro Senior Transportation Planner. *Metro manages regional planning efforts and provided grant funding for this project. Ms. McTighe plans on-street active transportation infrastructure and has an interest in road connections to the proposed site.*

Is the French Prairie Bridge relevant to goals or initiatives being pursued by your agency/organization?

Interviewees representing organizations noted that the proposed bridge was related to the following goals and initiatives:

- Danielle Cowan, Clackamas County Tourism: County Tourism Master Plan: Promotion of bicycle tourism and related economic development; State Water Trail development.
- Gerik Kransky, BTA: Improving regional bicycle route connectivity
- Alex Philips, OPRD: Supporting use of Willamette Valley Scenic Bikeway (WVSB). Tourists visiting Portland frequently contact Ms. Philips and ask how to reach the WVSB from Portland. Riders often make a loop traveling down the coast and up the WVSB, but then have no safe way to get to Portland from Champoeg State Park. (Ms. Philips noted that traveling east from Salem to Mt. Angel to the Oregon City Arch Bridge is an option; other options are very hilly and complicated.)
- Councilor Lehan, City of Wilsonville: Attracting bike tourism to the Wilsonville area and increasing connectivity between portions of Wilsonville located on either side of the Willamette
- Greg Leo, City of Wilsonville: Attracting bike tourism and supporting connectivity via the State Water Trail
- Robert Spurlock, Metro: Providing major crossing planned as a component of the Ice Age Tonquin Trail
- Division Fire Chief Brian Sherrad, TVFR: Providing an alternate option to the I-5 Boone Bridge for crossing the Willamette River. TVFR's Kinsman Station is closest to and serves the Charbonneau community—and must cross the I-5 Boone Bridge to do so
- Mayor Figley, City of Woodburn: Improving speed to clean up or move accidents blocking I-5

Who do you think would use a bridge in this location?

Interviewees said that they expected the proposed bridge would be used by the following:

- Regional cyclists
- Charbonneau residents, if the bridge is designed right
- River Vista Lane residents
- Tourists
- Touring cyclists
- Bicycle tourism industry (businesses expected to develop as a result of bridge)
- No one
- Emergency services, if the bridge fits their needs

What do you think is important to consider when deciding where to site the bridge?

Interviewees suggested the following criteria be factored into the selection of the bridge site:

- Connection to major roads to support emergency access
- Proximity to residential populations/improved connectivity for residents
- Accessibility/ease of use (slope of approach, merging with existing roads)
- Seismic resiliency
- Economical
- Number of impacted people
- Ease of construction

- Effect on Marina
- Effects to boating community
- Safety for users
- Traffic impacts in Old Town neighborhood/directness of route to prevent motorists from being lost in neighborhood
- Need to improve Boones Ferry Road
- Connections to other modes of transportation
- Connectivity east and west from the bridge head to provide access to site for cyclists and pedestrians
- Preventing views into the backyards of Old Town residents

From your perspective, what does success look like on this project?

Interviewees expressed a wide range of ideas on what would constitute success for the project, including:

- Quality planning analysis that includes origin-destination surveys and range of bridge options with different price points
- Moving the project forward quickly so the bridge can be built soon.
- A bridge that allows Charbonneau residents to use golf carts to reach Fred Meyer
- A bridge that connects multiple transportation modes
- A bridge that provide emergency access
- A bridge that provides an alternative crossing in the event of a major earthquake
- A bridge that allows golf cart use, for travel between Charbonneau and Fred Meyers
- An iconic bridge that has regional significance and value
- A bridge that enables people to get somewhere they want to go
- A finished project that keeps bicyclists from parking on Miley Road
- End result: Cycle Oregon can use Wilsonville as a stop off
- A bridge that supports the City's tourism plan

Do you have concerns about the bridge? If so, what are they?

Stakeholders expressed a variety of project concerns relating to the planning process, bridge design, potential regional and local support, and costs. Specific concerns included:

- Cheaper cantilevered structure not under consideration
- Sites east of I-5 are not under consideration
- Security, use of bridge by transients to gain greater access to community
- Perception that bridge is unattractive or unsafe
- Visibility from I-5
- Sight lines for users
- Project will get "dragged down" by contention surrounding rural reserves allocations
- Community interest in vehicle bridge may be greater
- Insufficient funding for all of the proposed active transportation projects in the region
- Cost that would specifically be borne by Wilsonville residents
- Process to obtain funding will take too long
- Local Improvement District could be developed to fund project
- Need to separate bicycles and pedestrians, similar to Tilikum Crossing, to make it more comfortable for pedestrians who travel at ~1-2 mph (bikes at ~10-15 mph)

- Kids may throw rocks at boaters from bridge
- Perceived conflict of interest for Councilor Lehan (belief that bridge site would use her property)
- Bridge would not address needs of Wilsonville residents; local, not regional interests, should be put first
- Encouraging more cyclists to use Butteville Road will add to conflicts with vehicles pulling boats
- Regular vehicle traffic could be rerouted to bridge in future
- Impact on the roads and intersections leading to the bridge, including the intersection of SW Wilsonville Road and SW Boones Ferry Road
- Impact on larger regional planning discussions, including expansion of the Wilsonville Urban Growth Boundary, from the potential addition of utilities to the bridge

How would you/your organization like to be involved in the planning process?

All of the interviewees were interested in receiving informational updates about the project. A few had more specific ideas about their desired involvement in the project. These included:

- Danielle Cowan: Interested in serving on task force or having a staff member serve on TAC. Also foresees role in cross promotion, sharing information, identifying potential funding sources, providing simple additions to improve tourism aspects of project.
- Tony Holt: Requested that the team hold a meeting for Charbonneau residents and involve the homeowner's board in some way.
- Simon Springall: Serving on project task force.
- Alex Philips: Sharing information.
- Division Fire Chief Brian Sherrad: Serving on project task force
- Metro Councilor Dirksen: Sharing information, including sharing with the Metro communications team
- Sheriff Roberts: Sharing information, including possibly sharing on their social media
- Robert Spurlock and Lake McTighe: Willing to have a Metro representative on the TAC

Who else do you think should be involved?

Interviewees recommended involving the following people and organizations:

- Traditionally underserved populations, including Latino community and communities of color
- Travel Oregon—Scott Bricker (former director of BTA), Staj Pace, Kristin Dahl, Harry Dalgaard, Scott West
- “Bikepacking” community—Steve Bozone and Gabrielle Amadeus with Limberlost may have suggestions on how to reach this community
- Butts on Bikes Meetup group
- Ride with GPS (Portland based company that serves international bicycle tourists)
- Salem Bike Club—Doug Parro
- Oregon Walks
- Charbonneau Homeowner's Board
- Arlene Barnettt, new resident with home on souths side of river; retired Executive VP with PGE
- Darlene Hooley and Lisa Naito (due to role leading the locks' removal project)
- Willamette Falls Heritage Area Coalition—Andy Cutugno

- City Planning Commission
- Wilsonville Chamber of Commerce
- Jonathan Maus
- Clackamas County Tourism
- Oregon Parks and Recreation Department
- Friends of French Prairie
- Trimet—Jeff Owen, Active Transportation Planner
- Steve Wetzel
- Al Levitt

Where do you get your news?

Interviewees noted that they routinely use the following sources for news and information:

- Boones Ferry Messenger
- Charbonneau Village newspaper
- Wilsonville Spokesman
- Portland Tribune
- Willamette Week and Portland Mercury
- BikePortland.org
- The Oregonian
- Facebook
- Metros' Big Backyard newsletter
- Metro's monthly Hot Sheet

How would you like to receive information about the project?

Nearly all of the interviewees said that they would prefer to get information about the project by email. A few suggested use of project newsletters. Mr. Holt requested direct outreach to the Charbonneau homeowner's board from project staff. Use of Spanish language radio to reach Latino communities on the south side of the river was also recommended. Chair Ludlow suggested a small group meeting with the Old Town Neighborhood Association.

Do you have questions about the project at this time?

The questions that were raised included:

- How much will the bridge cost?
- Is the previously publicized \$20 million cost estimate accurate?
- When will you have information about emergency services access and uses?
- Who will pay for this project?

Other

Additional insights and background information provided by stakeholders during the course of the interviews is summarized below.

Area Knowledge

- According to Mr. Chinn, neighborhood kids and homeless individuals walk across the railroad bridge.
- According to Mr. Holt, many Charbonneau residents travel to Canby for shopping rather than to Wilsonville because of the severity of the I-5 traffic.

- Bicyclists visiting the south side of the river currently park in the Marina lot and along Miley Road.
- According to the Kushs, the Marina is used by approximately 100 boats per day during the high season.

Emergency Needs

- TVFR's Kinsman Station serves the Charbonneau community and needs to cross the I-5 Boone Bridge to access the area.
- According to Sheriff Roberts, the County marine unit conducts a water rescue every three days. There are few places to safely enter the Willamette River and his team frequently uses the Boones Ferry Marina, and he has considered adding a boat house at this location.
- According to Mr. Holt, TVFR paramedics typically travel to the Spring Ridge Senior Center in Charbonneau several times a day.
- According to Mr. Chinn, the I-5 overpass between Charbonneau and the proposed bridge location has not been seismically retrofitted.

Funding

- Ms. Philips noted several state grant programs that may be applicable, including: Recreation Trail Program Grant, Community Program Grant, and Connect Oregon Grant. She thought the latter would be most applicable to construction of the bridge.
- Metro planners suggested looking into funding related to the emergency access elements of the bridge. The City of Portland's recent bike/pedestrian bridge apparently secured funding with this approach.

OPEN HOUSE OVERVIEW
French Prairie Bridge Project
April 4, 2017

Attachment D



OVERVIEW

The City of Wilsonville, in partnership with Clackamas County, hosted an open house on Feb. 22 for the proposed French Prairie Bridge Project. More than 70 people participated in the event, weighing in on key questions at four stations around the room, and completing 35 comment forms. The City also hosted an online open house which was live from Feb. 22 to March 12. Thirty-six participants weighed in online.



With community Task Force members and staff present, City Councilor and Task Force Co-Chair Charlotte Lehan opened the event. She thanked participants for their time and interest, and gave a short overview of the history of the project, which was conceived by citizens more than two decades prior. Clackamas County Chair and Task Force Co-Chair Jim Bernard then introduced Zach Weigel, City project manager, and Bob Goodrich, consulting team manager. They gave a short presentation on key dates leading up to this study, other alternatives considered, the project schedule and the importance of the evaluation criteria in decision-making. Facilitator

Kirstin Greene encouraged participants to complete the comment form before leaving, and to share the online link with friends, family and co-workers.

Station 1: Project Overview

Station 1 presented an overview of the project, with boards displaying the project's key questions and study area, as well as a regional context map and project schedule. Participants were asked if they had any thoughts or comments on the project overview provided.

While community members had differing opinions regarding the desirability of the project, many felt that the bridge would be a valuable asset to Wilsonville, both for emergency access, active transportation connections and the tourism draw. Community members raised questions about plans for funding, parking impacts in riverside neighborhoods, as well as the lack of bicycle and pedestrian infrastructure along the narrow countryside roads on the south side of the river. In addition, many were interested in learning more about the location choice of the Study Area.



Station 2: Bridge Uses

Station 2 asked community members to describe how they would use French Prairie Bridge and what they see as the key destinations served by the bridge. A large format aerial map of the Study Area and its surroundings was provided for people to make notes about the uses and destinations.

Overall, the use of the bridge for emergency access was well supported. Short and long-haul bicycling touring around the Willamette Valley was also mentioned, in addition to short trips across the river to enjoy the waterfront, fishing opportunities and local stores in Wilsonville. Many agreed that the extent of bridge's use for recreation purposes may be limited by topography as well as infrastructure for cyclists and pedestrians on the south side of the river.

The most frequently mentioned key destinations served by the bridge included:

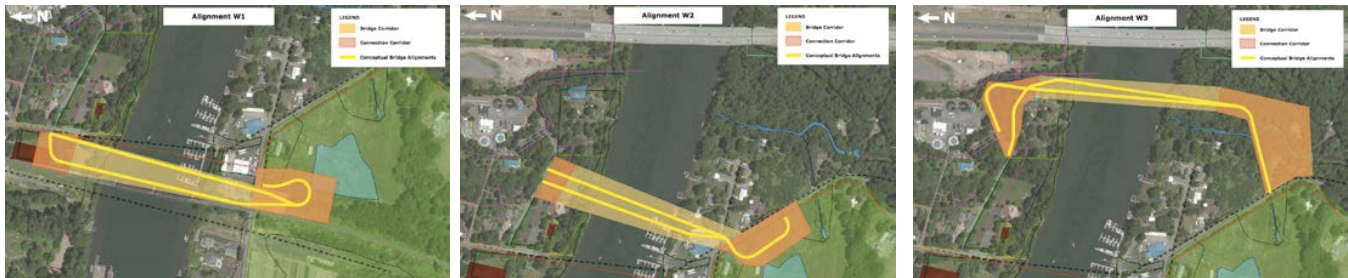
- Willamette Valley Bike Trails (9)
- Charbonneau (6)
- Access to shopping and Wilsonville's downtown (6)
- Champoeg State Park (5)
- Willamette River (2)
- Medical facilities (2)

Station 3: Bridge Alternatives

Station 3 asked for feedback on the three bridge alternatives. The Station provided a display board with an aerial image of the project study area, overlaid with a graphic of the three alignment alternatives.

While responses were varied, some community members indicated their preference for alignment W1 and W3 because they have the least impact on homes and existing businesses. W1 was noted several times as being the most direct and logical corridor in terms of connectivity and access, while W3 has ample park area around the bridge landing points for parking, restrooms and event staging. Several questions were raised for W3 about potential freeway noise and impacts from the nearby sewer plant.

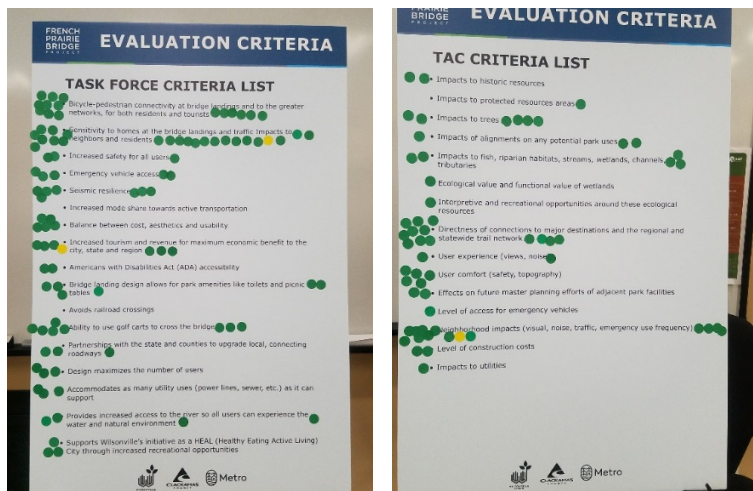
Overall, community members expressed interest in learning more about the cost of the bridge and the potential impacts it would have on homes, private property and the Boones Ferry Marina, as well as the quality and aesthetic of the bridge. Questions were raised over the lack of infrastructure for cyclists and pedestrians on the south side of the river.



Station 4: Evaluation Criteria

Station 4 asked community members two key questions: what is most important to them; and what should be considered in the selection of bridge landing points and types. A list of evaluation criteria proposed by the project Task Force and the Technical advisory Committee was displayed on two boards. Participants were asked to use a green dot sticker to identify which criteria they thought was most important. A nearby easel pad also provided the opportunity to suggest additional criteria.

Overall, community members felt that the evaluation criteria proposed by the Task Force and TAC were comprehensive. Between the Task Force and TAC lists, the following top two criteria were identified as most important:



Task Force Evaluation Criteria

- Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents (23)
- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists (15)

TAC Evaluation Criteria

- Neighborhood impacts (visual, noise, traffic, emergency use frequency). (14)
- Directness of connections to major destinations and the regional and statewide trail network. (13)

Other thoughts/recommendations?

Community members were invited to provide any additional ideas or overall thoughts. Some of these included:

- The bridge would be a major asset to Wilsonville and connect it to the valuable regional bike network, increasing the tourism draw to the area.
- Impacts to private residences, businesses and neighborhoods should be closely monitored.
- Questions were raised about the greater traffic and transportation issues in the area.
- Questions were raised about the infrastructure for pedestrians and cyclists when they come off the bridge, especially on the south side of the river.

Next steps

At the end of the Open House, City project manager Zach Weigel thanked community members for attending and providing valuable feedback. He reviewed next steps, reminding the group that the Project Management Team and Task Force members will consider this feedback when determining the evaluation criteria and associated weights for each criteria in order to inform the decision-making process.



**French Prairie Bridge Project Technical Advisory Committee
Meeting #1**

**Draft Meeting Summary
Thursday, January 26, 2017
9– 11 AM**

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Members Present

Tod Blankenship, Carrie Bond, Dan Cary, Gail Curtis, Rick Gruen, Vince Hall, Scott Hoelscher, Reem Khaki, John Mermin, Tom Loynes, Tom McConnell, John Mermin, Tom Murtaugh, Chris Neamtzu, Andrew Phelps, Kerry Rappold, Robert Tovar

Members Unable to Attend

Nancy Bush, Karen Buehrig, Terry Learfield

Project Management Team

Bob Goodrich, OBEC Consulting Engineers; Zach Weigel, City of Wilsonville; Kirstin Greene, Cogan Owens Greene; Anais Mathez, Cogan Owens Greene

Conversation summarized by agenda item below.

1. Welcome and Introductions

9 – 9:15 am

City Project Manager Zach Weigel welcomed committee members. Facilitator Kirstin Greene asked members to introduce themselves and briefly describe their role or interest in the French Prairie Bridge project. She invited the consulting team to introduce themselves first.

- Bob Goodrich, OBEC: Consultant Team Project Manager.
- Zach Weigel, City of Wilsonville: Project Manager.
- Kirstin Greene, Cogan Owens Greene (COG): facilitation and public involvement support services.
- Anais Mathez, Cogan Owens Greene (COG): meeting summaries.
- Carrie Bond, US Army Corps of Engineers, Oregon Department of Transportation (ODOT) Liaison.
- Tom McConnell, ODOT Region 1 Environmental Coordinator: handles the NEPA process.
- Tom Loynes, National Marine Services: provides Endangered Species ACT (ESA) consultations. Interested in running this project through a streamlined process.
- Tom Murtaugh, Oregon Department of Fish and Wildlife (ODFW): interest in the effects on sensitive fish and wildlife.
- Robert Tovar, ODOT Region 1 Bridge Design.
- Gail Curtis, ODOT Region 1 Planner: Interest in aligning with the right land use processes.
- Reem Khaki, ODOT Local Agency Liaison.

- Chris Neamtzu, City of Wilsonville Planning Director: Led planning process that identified project as a need.
- Tod Blankenship, City of Wilsonville Parks and Recreation: Manages Boones Ferry Park.
- Dan Cary: Department of State Lands: permitting with ODOT, interest in trails.
- John Mermin, Metro: project funded through the Regional Flexible Funds (RFF), interest in connections to the Tonkin Trail system.
- Rick Gruen, Clackamas County Parks, Boones Ferry Marina Owner.
- Scott Hoelsher, Clackamas County Planner: acting as a staff liaison with the County's pedestrian/bicycle committee.
- Vince Hall, Clackamas County Engineer: represents bridge maintenance issues.
- Andrew Phelps, Oregon Office of Emergency Management: interest in increasing the ability to move people and resources over the river in the event of a seismic event.

Kirstin thanked everyone and reviewed the meeting objectives, to

- Receive a presentation on the project's history.
- Receive a presentation orienting the committee to the project roadmap.
- Review and consider adoption of the TAC charter.
- Contribute to the list of technical considerations to evaluate project alternatives.
- Receive a presentation on alternative bridge alignments.

Gail Curtis, ODOT, commented that the transportation use of the bridge, particularly the emergency component, should be clearly defined early on, as it influences the land use process. Gail commented that ODOT considers the project to be defined as a "transportation improvement" project with regards to land use requirements, rather than a recreational use. Clackamas County Planner Scott Hoelsher noted that Clackamas County has a staff planner looking into that question.

2. Project History and Outcomes

9:15 – 9:35 am

Zach Weigel gave a short presentation on the project's history including the following key dates.

- In 1847, the Boones Ferry Operations started in the project area. In 1954 the I-5 Bridge opened.
- In 1993, a need for a pedestrian/bicycle crossing over the river was identified.
- In 2006, several alternatives were evaluated for river crossing options. The preferred alternative resulted in a stand-alone bridge.
- In 2009 Metro awarded a grant for project development, with an emergency access component added to the bridge design.
- In 2013 the Tonquin Trail Plan was completed, showing the trail ending at the bridge.
- In 2014, a Tourism Development Strategy called for capitalizing on cycling tourism in the Willamette Valley. Listed French Prairie Bridge as a top priority.
- Wilsonville City Council directed the focus of the study area to the west of the I-5 bridge, due to topography constraints on the east side.

Bob Goodrich reviewed the project outcomes:

- Produce a preliminary 30% design with the following elements:
 - Bridge location and landings
 - Preferred bridge type and configuration (level of aesthetics)
 - Impacts and benefits (land use, environment)
 - Project Costs

- Inform regional partners on decision to proceed

Other project outcomes, objectives and comments:

- The funding application made by the City of Wilsonville recognized three distinct transportation components: pedestrian, bicycle and emergency use. Emergency use is anticipated as infrequent.
- The project anticipates to be classified as a documented categorical exclusion, and desires to strike a balance between stakeholder and public support, NEPA permitting and cost.
- The project study area is described as have a steep north side, and a flatter south side.
 - A comment clarified that the Scenic Bikeway currently ends at Champoeg Park, but in the future could connect through this area.
- The project objectives include listening to community values and priorities, identifying bridge land points, type, and configuration, as well as project cost and funding opportunities.
- The project's Task Force is composed of regional and local stakeholders that represent community and its various perspectives. The Task Force is co-chaired by Wilsonville City Councilor Charlotte Lehan and Clackamas County Commissioner Jim Bernard.
- The TAC and PMT will provide technical horsepower to the Task Force. The Task Force is a body that will receive input from TAC and the public, and will make recommendations to City Council about all project items.

3. Project Roadmap

9:35 – 9:55 am

Bob reviewed the roadmap sequence and milestones.

- The first Task Force meeting is next week, with a public open house on February 22nd.
- In late spring/early summer, City Council will be presented with evaluation criteria and bridge landing points will be selected. Starting in the summer/fall, four bridge types will be narrowed from two to a preferred over the course of a year. Following selection of preferred bridge, the design will be refined, permitting challenges resolved and a cost estimate developed by late 2018.

Gail commented that the County may require a particular public process, and suggested plugging in the application and public process into the schedule. Scott noted that he will bring back information and research on what the County public process would look like. He indicated that the process would dependent on which zoning district the bridge points land in, and the bridge classification (transportation or recreational).

4. TAC Role and Charter

9:55 – 10:10 am

Kirstin welcomed latecomer Kerry Rappold, the City's Natural Resources manager. He introduced himself and noted that he is currently working on an adjacent trail project (I-5 Undercrossing) that will ultimately connect to this bridge.

Kirstin reviewed the contents of the Draft Charter. The following meeting ground rules were added:

- Review materials in advance.
- Stick to the agenda.
- Silence cell phones.
- Actively listen.
- Avoid side conversations.
- Respect all perspectives.

Kirstin clarified that consensus means you can “live with it,” and suggested that any TAC members who do not support a recommendation can simply write an email or make a statement, effectively changing the Charter language to read “prepare a minority opinion” rather than “prepare a minority report.”

The TAC reached unanimous agreement on the changes to the Draft Charter.

5. Evaluation Criteria Discussion

10:10 – 10:50 am

Bob identified baseline work to date. The design team is currently pulling information into an Opportunities and Constraints Report, with a map that flags moderate and high constraints. The report will be available for distribution and review in early March. Bob presented the three alignment options, or corridors, with the following parameters:

- Avoid the Tauchman House (Wilsonville) and the Marina boat ramp and structures(County)
- Keep the bridge design roughly perpendicular to the river
- Try to avoid most of the River Vista neighborhood on the north side.
- Southerly connections should connect to the scenic bikeway via Butteville Road

TAC members made the following comments and questions:

- Kerry clarified the location of his I-5 Bridge undercrossing trail, noting the first phase widened and resurfaced the trail. The second phase will continue the trail west concluding near the newly purchased (by the City) Boones Ferry Park parcel.
- In Alignment #3, staff clarified that ODOT owns the majority of the property where the bridge lands on the south side.
- A TAC member raised about the preferred connection to the Tonquin Trail, and it was noted the alignment furthest to the west would be the most direct connection to that trail.
- One member recommended that the map identify and label all main features, including County/City boundaries, as well as current and future trails and the existing bike and sidewalk network. It was noted that these will be incorporated for the public meeting.
- Another member requested a public lands ownership map.
- Staff shared that a Boones Ferry Park Master Plan will be initiated in the next six months, they wanted to see this project underway first as it helps set direction for the master plan process.
- The opportunities and constraints memo will be available for TAC review on the project website once the report has been reviewed by the project team.
- Please describe the seismic stability of the bridge. Staff clarified that ODOT bridge design standards for seismic performance will be met. This includes a recent update to reflect bridges remaining serviceable after the Cascadia Subduction Zone event.
- Another TAC member asked whether an inquiry has been made into the future plan of the current railroad bridge, as it could provide a rails-to-trails if it were abandoned in the next 10-20 years. Bob was not aware of any intent to abandon, but would confirm this with a contact provided by Gail.

Bob identified the three steps in developing evaluation criteria. The PMT will propose an initial criteria list, which will be expanded upon and approved by the TAC. At the next meeting, criteria will be finalized and the TAC will move into technically scoring each alignment against each criteria. Weighting of criteria will fall on the Task Force, as they represent functional users of the bridge. The PMT will work with the Task Force and TAC to make a recommendation to City Council on the scoring on the alignment corridors.

- Kirstin noted the distinction between a design criteria and evaluation criteria weighting, in that the former encompasses current ground rules and the latter reflects values.

- One member asked if the Task Force would adequately consider and weigh the environmental perspective. Bob noted that he and Zach will help guide the Task Force in the consideration of environmental impacts.
- Gail suggested looking at the Clackamas County conditional use criteria because it sums up the state's intentions regarding impacts to resource lands. She noted that there will need to be agreement over language at the technical level so that is understood what the broader language means as it is communicated to the public.

Facilitated Discussion on Initial List of Evaluation Criteria

Kirstin asked members to identify what's most important to them.

- Historic resources, i.e. places that must be avoided (this may be more of a design criteria).
- Impacts to protected resources areas (Goal 5 – Willamette River Greenway (WRG)).
- Impacts to trees (based on species and maturity).
- Impacts of alignments on any potential park uses (Goal 12), whether active or passive, current or future.
- Limit impacts to fish in the river, wetland areas and streams. Avoid, minimize, mitigate. Tom Murtaugh will provide some input of resources present.
- Consider the ecological value and functional value of wetlands.
- Consider interpretive and recreational opportunities around these ecological resources.
- Directness to connections to the regional and statewide trail network.
- User experience (views, desirability, sound/noise).
- User comfort (safety of connections, slope)
- Directness of connections to major origins and destinations.
- Parks effects: Constraints on the future use (master planning) of adjacent facilities including current use, financial, capacity, operational, maintenance, visual.
- Level of access for emergency vehicles, both incident response and regional event (i.e. earthquake).
- Neighborhood impacts (visual, noise, traffic, emergency use frequency).
- Impacts to the Clean Water Act. [Impacts to waters of the U.S. as regulated by the Corps under the Clean Water Act and Rivers and Harbors Act](#)
- Level of avoidance and mitigation of impacts during design process. [Level of avoidance, minimization, and mitigation of impacts during design process in accordance with the following laws and regulations:](#)
 - Clean Water Act
 - Federal Rivers and Harbors Act – navigable waterways
 - Endangered Species Act –. Consider functional floodplain.
 - Other Federal projects, i.e. channels and levees (Section 408)
 - Archeological resources, treaty rights, essential fish habitats, etc. [National Historic Preservation Act \(archaeological resources\)](#), [Federal Tribal Trust responsibility \(tribal treaty reserved rights\)](#), and [Magnuson-Stevens Fishery Conservation and Management Act \(essential fish habitat\)](#)
 - US Corp Section 408 Carrie noted that she will look at the GIS layers for the study area to see if anything comes up.
- Effects on stream bank hardening, riparian habitats, channels, tributaries.
- Construction costs. Differences in bridge length and level of aesthetics.
- Impacts to utilities.
- Safety

Other comments:

- Tom McConnell made a recommendation to look at Section 6F of Boones Ferry Park and to consider early coordination with Michelle Scalise with the Land Conservation Fund of OPRD.
- Kerry noted that the bridge landing on the north side of Alignment #3 is currently by a manmade channel.
- Tom Loynes noted that building a bridge designed primarily for bicycles and pedestrians is easier to permit, particularly if the bridge landings occur in areas where there are few riparian impacts/land is already impacted (i.e. spans a built environment). This type of bridge can be programmatically approved through the FAHP to avoid a year-long report-writing process. To qualify for this programmatic approval the impacts must be demonstrated to be similar to a replacement bridge rather than new bridge
- Bob would like to confirm that if the project ends up outside of programmatic ESA consultation, the project can still achieve a documented CE. It was agreed this would be possible.
- A member noted that a bridge designed as a full span structure, while meeting seismic requirements, would be better for fish, wildlife, WRG, boating and recreation. Along the banks, a vegetated wildlife corridor should be maintained so animals can move up and down the river without being obstructed.
- Reem Khaki noted the importance of showing the public all the great benefits of a new bridge, such as lower commute times, trail connections, etc.

6. Wrap up and Next Steps

10:50 – 11 am

Bob thanked members for their time and announced that a key messaging document will be sent out to all TAC members. At the next TAC meeting, the initial list of criteria will be synthesized into a handful of overarching criteria, of which each will be defined.

A TAC member asked to know which Tribes were invited to participate in this process. ODOT has reached out to the following Tribes regarding notification of and possible involvement in this project:

- Confederated Tribes of Siletz
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Warm Springs

Zach provided directions for those members who were interested in participating in a site tour immediately following the meeting.

Kirstin thanked members and adjourned the meeting at 11 am.



French Prairie Bridge Project Technical Advisory Committee Meeting #2

Draft Meeting Summary
Wednesday, May 10, 2017
9:30– 11:30 AM

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Members Present

Carrie Bond, Dan Cary, Terra Lingley, Vince Hall, Scott Hoelscher, John Mermin, Tom Loynes, Tom McConnell, , Chris Neamtzu, Andrew Phelps, Kerry Rappold, Robert Tovar, , Nancy Bush, Julia Uravich

Members Unable to Attend

Rick Gruen, Anthony Buczek, Tod Blankenship, Tom Murtaugh

Project Management Team/ Staff

Karen Buehrig, Clackamas County; Bob Goodrich, OBEC Consulting Engineers; Reem Khaki, Oregon Department of Transportation (ODOT) Zach Weigel, City of Wilsonville; Kirstin Greene, Cogan Owens Greene; P. Elise Scolnick, Cogan Owens Greene

Conversation is summarized by agenda item below.

1. Welcome and Introductions

9:30 – 9:50 am

City Project Manager Zach Weigel welcomed committee members. Facilitator Kirstin Greene asked members to introduce themselves and briefly describe their role.

- Kirstin announced that the meeting agenda was scheduled until 11:30, but the invitation was until 11. She asked if anyone had to leave before 11:30. Three people said they would need to leave early. Kirstin said that she will manage the agenda to get through by 11.
- Kirstin asked if there were any corrections to the meeting summary of TAC Meeting #1. None were identified.
- Kirstin asked participants to review the charter and if there were any concerns. None were expressed. All in attendance agreed on adoption of the charter as presented in the meeting packet.

2. Review of Project Schedule

9:50 – 10 am

- Consulting team project manager Bob Goodrich reviewed the updated project schedule. The project team has identified a need to consult with the Confederated Tribes of the Grand Ronde and do some field work prior to alignment selection. Accordingly, the schedule has been moved out to select bridge landing points in Fall 2017. The end date for the project has not changed.
- Kirstin and Bob clarified that TAC meetings should be considered in each time the Task Force meetings are shown on the updated schedule. The next set of scheduled TAC and Task Force

meetings are expected in early fall, to apply the evaluation criteria to the bridge alternatives. The PMT will take a first run at applying the evaluation criteria to the alternatives for TAC consideration and adjustment, where needed, prior to Task Force consideration.

Opportunities and Constraints:

- Bob noted that the City had provided the Opportunities and Constraints (O & C) Memo for TAC review prior to the meeting. Notable issues identified include overhead wires, water treatment plant and Exclusive Farm Use (EFU) zoned lands. OBEC expects these all can be avoided, addressed or mitigated if an alternative that impact those constraints is selected.
- As these reports are background and not subject to TAC approval per se, they are foundational and worth correcting if TAC members see anything that needs correcting. Kirstin asked that TAC members who have additional questions contact Zach.
- Bob reminded participants that all the reports are included on the project web site: www.Frenchprairiebridgeproject.com. There is a library on the site with the relevant technical documents. If more information is desired, contact Zach or Bob directly.

3. Work to Date

10:00– 10:30 am

- Bob presented the evaluation criteria proposed by the TAC, Task Force and public meeting which were collected during the previous set of meetings. . The results are part of Appendix A of the Evaluation Criteria report memo.
- Tom Loynes asked if the trails would be allowed for motorized vehicles.
 - *Bob responded that allowing motorized golf carts is a concern of Charbonneau residents. Currently golf cart use is only allowed in the Charbonneau District. It is up to the City to determine whether golf carts can be used outside if the district.*
- Kirstin reviewed the public guidance received associated with the public open house and online. More than 100 people participated in these first events. A summary was included in the TAC packet.
- John Mermin asked how will the team use public input on the criteria going forward?
 - *Bob: There are six major criteria that will be used. The weighting will depend on the criteria that are finally selected at the May 22nd Task Force meeting. He reviewed the formal process for moving forward.*

4. Evaluation Criteria

10:30 – 11 am

- Bob stated that Zach has presented the evaluation criteria to City Council. Today, Task Force Members will discuss the evaluation criteria and scoring guidance.
- Scoring of Alternatives will be done by the project team and TAC. Weighting will be done by the Task Force. Bob described the Evaluation Criteria elements by category. He referred the TAC to the memo for details.
- Reem Khaki: Should there be one on feasibility?
 - *They all seem feasible; and all have some property owner concerns. Bob said that the TAC will be getting to the discussion of alignment W-3 later in the meeting.*

Category A, Connectivity & Safety

- Bob reviewed the listed criteria and asked for questions or concerns.
Questions:
- Karen Buehrig -It appears that if you connect to the regional route you get more points than to the local route. For scoring between 7-10, it should read connecting to “regional or local

planned bike/ped facilities”. Score at 4-6 for connecting to “local or regional facilities”. More points should be assigned if connecting to both. By adding these two together, you would get a better score.

- *Bob proposed that the 7-10 scoring should be “regional and local” connection.*
- Karen: Is this direct connection or more broadly defined? The word “connect” might need a little more definition.
- *Bob: Leaving some discretion may be helpful.*
- Zach Weigel: It is a range of scores.
- Reem Khaki suggested that the team add another criterion for impact on long-term planning into Category E.
 - *Bob suggested the TAC discuss this when Category E is reviewed later in the meeting.*
- Terra: There is a need to address out-of-direction travel, which may not be direct, but will get one to their destination. It is addressed for emergency traffic, but not for general bike/ped connectivity. Bob said he’d adjust the verbiage to reflect more direct connections should receive a higher score.

Category B-Emergency Access

TAC members reviewed the three proposed criteria in Category B.

- Andrew Phelps: Seismic and flood hazard should be addressed. He suggested the addition of a new B-4, mitigate against seismic/flood hazards. Clarify design criteria.
- *Bob Goodrich: The bridge will be designed to survive a Cascadia event. It is a basic design criteria for the project regardless of alternative. The Memo will be revised to reflect those considerations which are design criteria.*

Category C-Environmental Impacts

TAC members reviewed the three criteria proposed in Category C.

- Tom Loynes: Some alternatives would have more streamlined permitting than others. Some would not be permissible. There should be a comparison between easily permissible and not permissible for scoring. This may need a new scoring guidance to address Endangered Species Act (ESA), Division of State Lands (DSL), a Goal Exception, or other review.
 - *Bob Goodrich asked if there are there other issues like this?*
- Scott Hoelscher: A goal exception will be a different process for EFU lands. That would go into the permitting process. If W-3 is selected, that doesn’t involve EFU land and hence not a goal exception process. Where would that fall in the criteria? Would it be a separate category?
 - *Bob Goodrich: Programmatic or permitting-we weren’t looking at it differently. These are processes either way. This is open to discussion. If it’s not permissible that shows in the scoring. We are looking at the raw impacts on different resources. There is a lot of time to consider this.*
- Carrie Bond suggested a change in scoring criteria under 4-6, changing the wording from “minimizes adverse impact” to “minimal adverse impact”.
- Bob: Will look at adding a C-4 to catch permitting and programmatic process issues.
- Tom Loynes: Our (ODOT) scoring would be opposite of Scott Hoelscher’s agency (Clackamas County).
- Kirstin Greene: Routes with additional permitting complexity certainly will take more time. Clarify that Goal Exception in scoring criteria to allow that to feed into the score.
- Reem Khaki: The evaluation criteria have a focus on avoiding. Maybe we should add in mitigation strategies for clarity for evaluators (TAC/TF).

- *Bob: The scoring guidance is intended to provide what you are describing here. It's not simply "avoid" for exactly that purpose, which gets a maximum score. It is minimal impact is the medium score.*
- Kirstin asked if "minimize" would include mitigation?
- *Bob Goodrich stated that you would have to mitigate to minimize.*
- Carrie Bond: From a permitting perspective, you don't look at compensatory mitigation. You are always looking at a mitigation sequence of avoid and minimize. We prefer to look at impacts in general for the preferred alternative, then narrow down the mitigation.
- Dan Cary: Agrees with Carrie. The minimal impacts and adverse impacts, then add in substantial impacts: explain these more clearly. There would be mitigation in 4-6 as well as 0-3 scores. He compared the scoring definitions to being "a little bit pregnant".
- *Bob explained the intention. If you need less mitigation, there are less impacts to be reflected in the scoring. At 0-3 there is a lot of impact and more mitigation is needed. At 4-6, less mitigation would be needed. We could add language to this affect.*
- Dan Cary: Is the mitigation doable for something that is bigger, costlier? What if there is mitigation bank credit available for substantial impact? What about onsite mitigation for lesser impacts? What about if nothing can be done because there is no credit is available? That is something to think about.
- Carrie Bond: We don't want to choose an alternative with adverse impacts just because there is cheaper mitigation.
- *Bob suggested minimal impacts vs. minimizing impacts and removing mitigation altogether.*
- Dan Cary: It's good to know what you're talking about. If you are going to mitigate for seismic?
- Carrie Bond: If you are having adverse impacts, if there are not mitigation options...It seems hard to think about all of that.
- *Bob Goodrich: We should use "avoid", remove "minimize" and use minimal, to make the scoring cleaner.*
- Tom Loynes: Use something less than total avoidance. Not one of these avoids impacts.
- *Bob proposed that at the 7-10 range, use "avoid or minimal impacts". For a score of 4-6 use "moderate impacts" and use "adverse impacts" for a score of 0-3. Members agreed.*
- Kerry Rappold: Some categories have three, and some four, criteria. That would weight some more than others.
 - *Bob Goodrich: The intent is to use an average weighted score, not a numerically weighted one.*
 - Kirstin asked if the TAC agrees with the use of "moderate impacts" in the 4-6 scoring criteria? TAC members agreed.
- Kirstin asked for a TAC vote on adding new criteria:
 - Add new criteria C-4 related to permitting: **0 Votes.**
 - Leave proposed criteria as-is (at 3 criteria) **Vote: Unanimous approval.**
- Kirstin: The Project Management Team will consider how best to incorporate the permitting discussion and comments.

Category D: Compatibility with Recreational Goals

- John Mermin: Sub-criteria D-1 (positive user experience) impacts number of people who will use the new bridge and thus provides benefits beyond recreation. When the task is force is considering how to weight different criteria, consider that some provide greater benefits than just the category they're housed within.

- *Bob though this was a good idea and this guidance/recommendation will be shared with the Task Force.*

Category E – Existing Environment

- Karen: Is this is where we would add new criteria for long-term impacts on ODOT facilities, the railroad, marina, or other facilities?
 - *Bob Goodrich: Would that be an E-4?*
 - Karen Buehrig said she thinks it would. We think we would be getting at the impacts on the marina. We don't know how you'd fold in the railroad. Are we going to change Criteria E-3?
 - Bob Goodrich thought the marina is important enough to score separately. What else could be built that we'd have to consider for impacts.
 - Kirstin asked if TAC members wanted to add long-term planning for other existing or planned future infrastructure uses, e.g. railroad (in addition to the marina). The TAC agreed to add E-4 addressing long-term planning impacts on other existing facilities.

Category F: Cost of Economic Impact

- Carrie: Doesn't understand what environmental mitigation costs?
 - *Bob: Suggested a change to "environmental project costs" to clarify that the intent is to reflect total project cost for baseline comparison of the alternatives.*
 - Karen Buehrig.: On F-2, property acquisition, the difference in the amount of costs should be reflected, also easements should be considered as part of acquisition. Figure out how to differentiate costs. None of them would get 7-10 points as currently crafted.
 - Terra agreed.
 - Bob Goodrich: With F-1, the lowest cost would score highest. For F-2 should we consider the number of properties or square feet of property?
 - Terra Lingley: We need to differentiate between displacement costs and acquisition costs.
 - Dan Cary: We need real numbers to determine the actual costs.
 - *Kirstin-The project team will be taking a first look at the acquisition costs guidance in the scoring guide.*
 - Vince Hall: There will be right-of-way costs associated with public meetings, technical experts, etc. for acquisitions and displacements that should also be considered.
 - Robert Tovar: For (F-2), look at the number of properties. Stay away from square footage. Look at the intervention with the properties, including easements. Sometimes it takes as much effort to acquire easements as to acquire whole properties.
 - *Bob Goodrich Displacements will have to be addressed too. Suggests looking at the number of properties. Displacements will have to be looked at as well.*
 - Kirstin: Would these both be in F-2.
 - Bob Goodrich: Yes.
- Kirstin: This will be something for the PMT to work out and bring back to the TAC in the emailed version to be presented to the Task Force on May 22.
- Zach Weigel said that there are 6 main categories, A-F. Is there anything missing we didn't capture?
 - Terra: Environmental justice (EJ), Title VI.
 - Kirstin noted there are Latino community members present; additional outreach to reach and inform those residents is anticipated.
 - *Bob: will add it to E-1 & E-2.*
 - Terra Lingley: There could be benefits and adverse impacts to different communities.

- *Kirstin: The PMT will work this in for scoring. She thanked Terra for bringing this up.*

5. Alternatives

11 – 11:20 am

- Bob noted that the alignments haven't changed from the last meeting. In coordination with ODOT, ODOT has communicated to the project team that there is a portion of property owned by ODOT on the south side of the river for which ODOT wants to retain access. They also would like to retain their full ROW for expected widening and improving the Boone Bridge and I-5 in the future.
 - Reem spoke about plans to widen I-5 at the Boone Bridge in the future. There is ODOT concern about the land needed for widening and for maintenance (on the north side). This is the only place to access underneath the Boone Bridge.
 - Terra: One of the priorities of the City is to widen the Boone Bridge. A new bridge wouldn't preclude it from happening, but ODOT wants to make sure this concern is addressed.
- Kirstin: Knowing that this alignment is proposed for removal by ODOT, the question is whether we should maintain or remove the W-3 alignment in the scoring criteria? Should the Task Force consider W-3?
 - Carrie: If the bridge is being widened, are there going to be planned bike/ped improvements?
 - Terra: Yes, we are considering bike facilities. There are no plans on a map yet though.
 - Robert: Don't we discourage bikes on the Interstate?
 - Terra Lingley: Bikes are allowed everywhere unless they are specifically prevented. Carrie: Can we shift bike/ped to a widened I-5 Bridge?
 - Terra Lingley: We don't have a timeline yet.
 - Robert: We have a seismic retrofit program. No plans are currently in place, but those things can change. When widening is considered, both retrofit and widening bridges at the same time would be considered. We don't' want to preclude this in the future. ODOT is currently working with the Legislature on seismic improvements statewide.
 - Vince: In the last meeting, wasn't there a proposal to put a bike lane under, or attached to, the existing I-5 bridge?
 - Zach Weigel: That was considered in the previous studies. The conclusion at that time was that a stand-alone bridge is preferred.
 - Vince Hall: The experience of the I-5 bike path would be different than a stand-alone bridge.
 - John Mermin: Widening /adding a lane to the I-5 bridge is not in the adopted Regional Transportation Plan. If ODOT and the City desire this widening it should be discussed within the context of the update to the Regional Transportation Plan currently underway. A major investment like that needs public input. Karen Buehrig: We would benefit from keeping it (W-3) in the analysis. We should keep it in the analysis. If we don't, we won't have the info on that alternative.
- **Kirstin took a straw poll:** Remove W-3 from scoring: (4 yes votes). Keep W-3 in consideration (8 yes votes). Abstain (1 vote).

6. Next Steps

11:20 – 11:30 am

- The PMT will make these changes for the Task Force packet. Their meeting is May 22 at 6 pm with an optional tour prior.

Kirstin thanked members and adjourned the meeting at 11 am.



French Prairie Bridge Project Technical Advisory Committee Meeting #3

Meeting Summary
Wednesday, February 28, 2018
10:00– 12:00 PM

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville,
OR Willamette River Rooms I & II

Members Present

Carrie Bond, Tod Blankenship, Anthony Buczek, Gail Curtis, Scott Hoelscher, Russ Klassen, Tom Loynes, Tom McConnell, Chris Neamtzu, Andrew Phelps, Kerry Rappold, Robert Tovar, Julia Uravich

Members Unable to Attend

Rick Gruen, Vince Hall, Tom Murtaugh, Nancy Bush, John Mermin

Project Management Team/ Staff

Karen Buehrig, Clackamas County; Bob Goodrich, OBEC Consulting Engineers; Reem Khaki, Oregon Department of Transportation (ODOT); Zach Weigel, City of Wilsonville; Kirstin Greene and Megan Burns, EnviroIssues

The meeting packet included Project Management Team scoring criteria for reference, original scoring with changes in red can be found at the end of this summary. Conversation is summarized by agenda item below.

1. Welcome and Introduction

City of Wilsonville French Prairie Bridge Project Manager Zach Weigel welcomed Technical Advisory Committee (TAC) committee members and thanked them for staying with this important project. Acknowledging it had been a year since this committee had met, facilitator Kirstin Greene asked members to introduce themselves and briefly describe their agency and perspective. She recapped the purpose of the meeting, to review project team evaluation criteria scoring results and agree upon a set of scores to advance to the Task Force.

Kirstin asked if there were any corrections to the meeting summary of TAC Meeting #2. TAC members did not identify any changes needed.

2. Project Updates

For TAC members, Zach reviewed the project schedule. Since finalizing the evaluation criteria in May, Federal Highway Administration reviews decided that an Environmental Assessment is the best approach for this project to determine bridge location and type. This will be instead of pursuing what's known as a Categorical Exclusion under the National Environmental Policy Act (NEPA). Zach explained

this change should not affect the chartered work or schedule for this phase of the project as a whole. Key milestones include the following. Zach showed the updated project schedule. The current schedule, summarized in the bullets below, also is on the website at www.frenchprairiebridgeproject.org.

- The TAC is asked to score each alternative according to the evaluation criteria today. That information will be presented to the Task Force in April.
- The Task Force will consider the scoring, discuss, and will be asked to make a location recommendation to City Council at their April meeting.
- With that information, City Council is expected to select an alternative in May.
- With that information, project team members will work to present bridge types for committee and community consideration this summer/early fall, with a selection on final type by the end of the year.

3. Evaluation Criteria-Based Scoring of the Alternatives

Bob Goodrich, consulting team project manager with OBEC, presented the final evaluation criteria weighting determined by the Task Force last year. The complete methodology and process to develop alignment evaluation criteria are included in the Evaluation Criteria report memo.

Tom Loynes asked for more information on the Task Force evaluation criteria weighting process.

Kirstin offered that committee members spent considerable time on the criteria and associated weighting and reached consensus through discussion. Some, e.g., cost, was considered to be large among all alternatives and not necessarily a differentiator from the community's perspective. Likewise, they assumed that environmental regulations would need to be met for any alternative to be built.

Bob added that, regardless of which alignment was selected, Task Force members understood that the economic impact of the cost and the environmental impact would be given the thorough refinement it needed at the time of engineering and design. This information allowed members to settle on the final weighted criteria that emphasized other aspects that were important to them.

Zach added that the weighting of the criteria does not necessarily reflect those topics that are most important to the community, but rather what the task force thought the topics were most important in deciding between the three bridge locations. For example, environmental impact is important as an overall goal, but there may not be much difference between the three bridge locations, so it is not as important when comparing bridge locations.

Bob then led a discussion of each evaluation criteria vis a vis the rankings for each of the three alignments (W1, W2 and W3). A map of the alternatives is available online. TAC members discussed each criterion and the pre-scoring provided by the Project Management Team (OBEC, City of Wilsonville, Clackamas County, and Oregon Department of Transportation staff). Comments and questions follow.

Category A: Connectivity and Safety

- ODOT noted that the reason they scored A1 (connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of bridge) for Alignment W1 higher than the project team was due to existing bike lane facilities. Zach pointed out that

the current bike lane ends north of this project site and becomes a shared lane where traffic volumes decrease.

- Kirstin addressed the TAC asking if A1 W1 should be adjusted. Members agreed and A1 W1 was bumped up to a 7.
- TAC members did not have comments or changes to A2 or A3.
- ODOT scored A4 (connects to planned bike/pedestrian routes on south side of the bridge) for Alignment W3 a 3.
 - Karen Buehrig asked for why PMT scoring and ODOT scoring were significantly different.
 - Tom McConnell responded that ODOT thought the disparity should be greater than one point because W3 offered substantially less connection to regional bicycle and pedestrian network.
 - TAC members agreed to lower A4 W3 to 5.

Category B; Emergency Access

- ODOT scored B1 (connects to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus) for Alignment W3 a 1.
 - Tom McConnell said that ODOT wanted a larger distinction between the three alignments.
 - TAC members agreed that the difference should be greater to better emphasize the capabilities of each alignment, and lowered B1 W3 from a 2 to a 1.
- Anthony Buczek asked if with B2 (connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus), there was information on where emergency responders are typical heading on the south side of the river.
 - Zach responded that the Charbonneau community is a frequent, daily destination.
- TAC members did not have any other changes to the PMT scores for emergency access.

Category C: Environmental Impacts

- Tom Loynes suggested that since all criterion had a 10% weighting, Category C responses should have a greater spread between the points for each alignment as there also are fewer subcategories. Tom suggested that considering the variation of vegetation on the south landing, that C1 (avoid or minimize adverse impacts on wildlife habitat and trees) and C2 (avoid or minimize adverse impacts on waters and wetlands) for alignment W3 be lowered.
 - Tom McConnell said that ODOT had C1 alignment W1 scored at 7 and alignment W3 scored as a 2 because of the existing trees and vegetation on the south landing that would be impacted.
 - Gail Curtis suggested that the text for that category be changed to reflect the environmental impact of that route.
 - TAC members agreed and decided to change the scoring for C1 to 7 for alignment W1, 8 for alignment W2, and 2 for alignment W3.
- Russ Klassen asked why alignment W1 was less favorable for impacts to wildlife compared to alignment W2.
 - Bob responded that there will be tree impact for both W1 and W2.
 - Russ asked whether a creek flows through that area.
 - Bob didn't think there was a creek but noted that there is a railroad track.
- Carrie Bond felt that for category C2 (avoid or minimize adverse impacts on waters and wetlands) alignment W1 with its proximity to wetlands warranted a lower score than

alignment W2.

- TAC members agreed to lower C2 alignment W1 to a 6 due to wetland impacts. They lowered alignment W3 to a 2 due to the potential impact on the tributaries.
- TAC members discussed C3 (avoid or minimize adverse impacts on cultural and historic resources).
 - Tom McConnell justified ODOTs lower ranking of each alignment due to the unknown impacts for this category, especially because of the high probability of cultural resources in this area.
 - Chris Neamtzu and Carrie Bond gave the alignments scores of 6-6-7 also due to the unknown factors.
 - Karen Buehrig said that given alignment W1's location on the historical Native American crossing and the high probability of archaeological potential, W1 should be ranked one lower than the other two alignments.
 - Given the unknown factors and alignment W1's proximity to highly probability archaeological cultural resources, TAC members agreed to score alignment W1 a 5, and alignments W2 and W3 6.

Category D: Compatibility with Recreational Goals

- TAC members agreed to lower D1 for Alignment W3 from a 4 to a 3, which matched ODOT's score, to better reflect the much less positive user experience.
- The TAC had no change to D2.
- TAC members agreed to lower D3 alignment W3 from a 10 to an 8 due to the impacts on parking, both current parking infrastructure and projected parking from the community driving to the new bridge to walk and bike over it.
- They agreed to lower the score for D4 alignment W3 from a 4 to a 3 due to poor river access.

Category E: Compatibility with Existing Built Environment

- TAC members agreed to lower the score for section E2 alignment W1 from a 7 to a 6 due to the close proximity to a private resident.
- No other changes to the Project Management Team scoring were made in this Category.

Category F: Cost and Economic Impact

- Since there are no actual numbers to work with for cost and economic impact, all scoring is relative to one another based on potential cost difference. Lowest scores received a 10, higher costs were proportionally scaled downward.
 - Russ asked if the numbers included the cost for easements and property acquisitions.
 - Bob responded that F2 addresses those impacts and costs.
- Decimal points for F1 were used because the relative costs for the three alignments were very close.
 - TAC members advised to remove the decimal points to avoid overstating the level of accuracy for costs at this early planning stage of the project.
 - TAC agreed that final scoring for F1 should be 9-9-8 due to environmental mitigation expected for alignment W3.
 - Gail advocated for the lowering of the final score and wanted to be sure that the task force be explained the consideration for environmental mitigation costs are the reasoning behind the change.
 - Bob will rewrite the narrative to explain the scoring is a combination of the

proportioning of costs and a qualitative consideration of environmental mitigation.

- TAC members agreed to lower F2 alignment W3 from a 7 to a 6.
 - Reem had a change to the note for W3, and would like it to say, 'moderate impact to ODOT maintenance facility and future I5 bridge expansion.'
 - Bob confirmed that he expected that maintenance functions should not be impacted and will put in the notes 'moderate impact to ODOT maintenance property but facilities will not be impacted.'
- TAC members agreed to lower F3 alignment W3 from a 3 to a 1 because of the highest potential for a significant utility impact: The City's wastewater outfall. Relocation would be very expensive.
- Participants discussed the cost of displacement of the wastewater outfall and where that cost should be represented. In the end, TAC members decided to omit the cost from F1 and modifying the F1 narratives to clarify/limit the costs that are included for that score.

Kirstin closed the scoring evaluation criteria agenda item by recapping what was decided (outlined above). Kirstin then asked if the TAC was comfortable recommending the decided upon scoring to the task force. All TAC members agreed they were comfortable advancing that scoring to the Task Force.

4. Next Steps

Zach advised TAC members of the Task Force meeting date scheduled for April 12th.

Kirstin mentioned that a meeting summary would be provided and encouraged folks to leave their comment forms and notes to be incorporated. Kirstin also said that a packet would be put together providing Task Force members with the TAC recommendations, who will use this information to make an alignment selection recommendation for City Council.

Bob recapped the upcoming steps:

- Bridge type selection is the next milestone after a bridge landing recommendation is approved.
- Bob updated the TAC on the project timeline.
 - Task Force meeting on April 12th
 - Final bridge landing recommendation to City Council in May
 - Towards the end of summer/early fall the City will host an Open House to present bridge types to community members
 - In the fall, the City will host another round of TAC and Task Force meetings for bridge type selection, narrowing to two bridge types, and finally recommending a preferred bridge type to City Council by the end of the year.

With no other business, Kirstin adjourned the meeting.



French Prairie Bridge Project

Scoring for Task Force Review

March 23, 2018

A Connectivity and Safety		W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.
20.0% Criteria A Weighting		13.5	9.0	8.5	



French Prairie Bridge Project

Scoring for Task Force Review

March 23, 2018

B		Emergency Access	W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus		10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus		5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.
B-3	Minimize emergency response impacts on residents, park activities, and marina operations		6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.
20.0% Criteria B Weighting			14.0	10.0	7.3	



French Prairie Bridge Project

Scoring for Task Force Review
March 23, 2018

C Environmental Impacts		W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources possible. *Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.
11.5% Criteria C Weighting		6.9	8.1	3.8	



French Prairie Bridge Project

Scoring for Task Force Review

March 23, 2018

D	Compatibility with Recreational Goals	W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	3	5	8	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts.
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wasterwater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		14.0	12.0	11.0	



French Prairie Bridge Project

Scoring for Task Force Review
March 23, 2018

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	5	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future
17.0% Criteria E Weighting		10.2	9.4	10.2	



French Prairie Bridge Project

Scoring for Task Force Review
March 23, 2018

F Cost and Economic Impact		W1	W2	W3	W2
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.
F-3	Minimize the displacement of utilities	5	4	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly.
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.
11.5%	Criteria F Weighting	9.2	7.2	6.0	
100%	Total, Weighted Score	68	56	47	



French Prairie Bridge Project Task Force Meeting #1

**Draft Meeting Summary
Tuesday, January 31, 2017
6 PM – 9 PM**

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Task Force Members Present

Jeremy Apt, Heidi Bell, Jim Bernard, Steve Chinn, Mark Cross
Tony Holt, Karen Houston, Pete Ihrig, Charlotte Lehan, Douglas Muench, Samara Phelps, Patricia
Rehberg, Michelle Ripple, Leann Scotch, Ryan Sparks, Simon Springall, David Stead, Susie Stevens,
Steven Van Wechel, Gary Wappes

Project Team (PT)

Bob Goodrich, OBEC Consulting Engineers; Zach Weigel, Nancy Kraushaar, Chris Neamtzu, Mark
Ottenad, Candi Garrett, City of Wilsonville; Kirstin Greene, Anais Mathez, Cogan Owens Greene; Karen
Buehrig, Clackamas County

Task Force Members and PT Unable to Attend

Blake Arnold; Andrew Harvey; Reem Khaki, Oregon Department of Transportation (ODOT); Kerry
Rappold, City of Wilsonville; Brian Sherrard, Tualatin Valley Fire & Rescue

Community

Jeff Andre, Lynda Andre, Michele Dempsey, Rhonda Fletcher, Aaron Hanson, John Schenk, Nate White,
Pat Wolfram, Anthony Yeznach, Kim (didn't sign in, last name unknown)

Conversation summarized by agenda item below.

1. Welcome and Introductions

6 – 6:30 pm

City Councilor and Task Force Co-Chair Charlotte Lehan opened the meeting, thanking Task Force members for their participation. She noted the close partnership between Clackamas County and the City of Wilsonville to further the project objectives of tourism, transportation connectivity and emergency access. County Commission Chair and Task Force Co-Chair Jim Bernard also introduced himself and expressed enthusiasm for the project and working with both City Councilors and the Task Force.

Kirstin Greene, Task Force Facilitator with Cogan Owens Greene, invited members to introduce themselves and while doing so, to identify what moved them to serve on this Task Force:

- *City Councilor Susie Stevens*: acting alternative to City Councilor Charlotte Lehan.

- *Mark Cross*: Representing Tualatin Valley Fire and Rescue and standing in for Brian Sherrard who was unable to attend this meeting, interested in access for emergency vehicles.
- *David Stead*: Manager of Langdon Farms and Golf Club, representing a business across the river. David was on the City's Tourism Task Force and aware of the growing bicycle tourism revenue.
- *Steven Van Wechel*: Resident of the Old Town neighborhood. Steven was on the Citizen Advisory Committee for the City's Master Plan in 2002, and the bridge was identified as a top priority, so the interest is in seeing this project completed and done well.
- *Steve Chinn*: Resident of the River Vista Neighborhood. He has prior experience working with the City and has interest in seeing this project through to completion.
- *Tony Holt*: President of the Charbonneau Country Club and the Homeowner Association. He has an interest in creating another connection for residents to access Wilsonville.
- *Pete Ihrig*: Member of the Clackamas Bike/Pedestrian Advisory Committee. The bridge represents a wonderful alternative to the scary proposition of using I-5 as a bicyclist or pedestrian.
- *Douglas Muench*. Resident of the Old Town Neighborhood. He has an interest in what is happening in the City and providing input.
- *Gary Wappes*: Resident in Villebois. Gary is excited at the prospect of being able to bike or walk to the other side of the river.
- *Leann Scotch*: Resident of the City of Wilsonville. Leann is an avid cyclist and excited to be involved in making this a viable project.
- *Samara Phelps*: Representing Clackamas County Tourism. Excited about the connectivity and tourism prospects that this bridge can create.
- *Jeremy Apt*: Resident of the City of Wilsonville. Recent graduate of the Wilsonville Leadership Academy. He saw this as a good opportunity to get involved, and would love to create more access to the waterfront.
- *Patricia Rehberg*: Resident of the City of Wilsonville. Patricia is an avid cyclist, enthusiastic about the project and interested in connecting all of the area's bike routes.
- *Heidi Bell*: Represents the City of Donald, on the south side of the river, and is familiar with current traffic issues in the area.
- *Ryan Sparks*: Represents Oregon Parks and Recreation, and interested in possible connections to Champoeg Park and the Willamette Scenic Bikeway.
- *Karen Houston*: Program Coordinator for FACT Oregon, representing the disability community and their associated interests including access.
- *Michelle Ripple*: Resident of Wilsonville, and was on the original Citizen's Advisory Committee for the City's Master Plan. She is excited that this project came directly from citizen input 15 years ago.
- *Simon Springall*: Member of the Wilsonville Planning Commission, and has been involved in this project since its inception during the City's Master Plan update many years ago.

Staff:

- *Zach Weigel*: City of Wilsonville, Project Manager
- *Bob Goodrich*: OBEC Engineering, Consultant project manager.
- *Kirstin Greene*: Cogan Owens Greene (COG), lead facilitator.
- *Anais Mathez*: Cogan Owens Greene, meeting summaries.
- *Karen Buehrig*: Clackamas County Transportation Planning M Supervisor.
- *Nancy Kraushaar*: City of Wilsonville Community Development Director.
- *Chris Neamtzu*: City of Wilsonville, Planning Director

Community:

- *Anthony Yeznach*: a current member of the Wilsonville Citizen Academy.
- *Aaron Hanson*: Resident of Charbonneau.
- *John Schenk*: Resident behind Morey's Landing on the river.
- *Nate White*: PSU student and interested in the project.
- *Kim*: Resident of Old Town.
- *Michele Dempsey*: Resident of Old Town. Her family used to own the trailer park that was sold to the City.
- *Rhonda Fletcher*: Resident of Old Town.

Kirstin reviewed the agenda. She mentioned that typically, as the Task Force is here to provide guidance and advice, we will try to keep at least half of the meeting for their guidance to us. This evening, the focus on Task Force guidance will be on the Charter and the Evaluation Criteria. She asked Project Manager Zach Weigel to give participants an overview to the project history.

2. Review of Project History**6:30-6:40pm**

Zach Weigel gave a short presentation on the project's history, also available by PowerPoint. Highlights include:

- 1847, the Boones Ferry began operations across the river.
- 1954, the I-5 Bridge opened and the ferry ceases operating.
- 1993, a need for a pedestrian/bicycle crossing over the river was identified.
- 2006, as part of the update to the City's Bicycle and Pedestrian master Plan, several alternatives were evaluated for river crossing options. The preferred alternative resulted in a stand-alone bridge.
- 2009, Metro awarded a grant for project development through the Regional Flexible Funds (RFF), with an emergency access component added to the bridge design.
- 2013, the Ice Age Tonquin Trail Plan was completed, showing the trail ending at the bridge.
- 2014, the City's Tourism Development Strategy called for capitalizing on cycling tourism in the Willamette Valley by moving to study and build this project. Identified completion of the French Prairie Bridge as a top priority.
- 2015, the Wilsonville City Council directed the focus of the study area to the west of the I-5 bridge due to constraints.
 - Councilor Lehan noted that other locations were considered but road access to and from the bridge was not as suitable as the Boones Ferry Road.

3. Project Roadmap Presentation**6:40-7:20 pm**

Consultant Team Project Manager Bob Goodrich provided an overview of the project and planning process. He reviewed the following project outcomes:

- Produce a preliminary 30% design with the following elements:
 - Bridge location and landings
 - Preferred bridge type and configuration (level of aesthetics)
 - Impacts and benefits (land use, environment)
 - Project Costs
- Inform agencies and regional partners on decision to proceed

Bob noted that the City is proceeding with the project in accordance with the National Environmental Policy Act (NEPA). Project Management Team members anticipate project will fit under a "categorical exclusion," defined as where individual and cumulative effects are not significant to the human

environment (including natural, built and cultural, as well as environmental justice populations). Project managers aim to strike a balance between stakeholder and public support, NEPA permitting and cost.

Bob introduced the other disciplines represented on the project team:

- Design Team: OBEC, AECOM, DKS, Alta, COG, Quinn Thomas, Shannon and Wilson, Mayer-Reed.
- Technical Advisory Committee (TAC): ODOT, Clackamas County, City of Wilsonville, Metro, Permitting Agencies, Oregon Emergency Management

Meeting summaries from all TAC meetings will be shared with the Task Force for their information and review.

Bob reviewed the Project Study Area. Task Force members made the following comments and questions. Responses follow in italics.

- It is unclear if a plan to extend a bike route across the Sellwood Bridge through Lake Oswego and further south is still on the table. *It could be. Not a direct part of this project.*
- The study area excludes the existing bridges, i.e. the railroad and existing I-5 bridge due to infrastructure constraints and limited bicycle/pedestrian access.
- The importance of the bridge for emergency vehicles can't be overemphasized. The bridge will be designed to be resilient against a major earthquake event.

Bob listed the following project objectives: listening to community values and priorities, identifying bridge land points, type, and configuration, as well as project cost and funding opportunities. He gave an overview sampling of bridges for a vision of what things could look like subject to design and cost considerations.

Bob then reviewed the decision-making process for this project:

- The TAC is comprised of relevant agencies and provides a technical perspective to the project.
- The Task Force is comprised of regional and local stakeholders that represent community views. The Task Force is led by Wilsonville City Councilor Charlotte Lehan and Clackamas County Commissioner Jim Bernard. They have delegated facilitation to a professional facilitator.
- The TAC and Project Management Team will provide technical horsepower to the Task Force. The Task Force is a body that will receive input from TAC and the public, and will make recommendations to City Council about all project items.

Bob presented the project schedule and major milestones – also in the Task Force packet. Participants were reminded that the public Open house is on February 22nd, 2017. Comments and questions follow.

- Deliberate efforts will be made to make sure the County and the City have ample opportunity to interact throughout this process.
- Preliminary (30% level) bridge design plans will be available in late 2018, but the Task Force is only committed through recommendation of a final bridge type anticipated in the early Spring of 2018. Renewal of the Task Force's charge will be reviewed prior to the end of their commitment.
- The next Task Force meeting date has not yet been set. Zach will send out a doodle poll. We expect it to be in April or May.
- Property owners within the study area will be receiving mailers this week to notify them of the Open House on February 22nd. All Task Force members are encouraged to be at the Open House.

- Staff clarified that a new bike path between Bailey Road and 5th Street was constructed as part of the Subaru Development is a neighborhood connectivity project and not directly associated with this project.

4. Task Force Charter Review

7:30-8:00 p.m.

Kirstin reviewed the contents of the Draft Charter. Kirstin suggested City staff check on helping Task Force members declare any potential conflicts of interest. For that reason, she asked Task Force members to hold off on adopting the Charter until their next meeting.

The following edits and elements were added to the draft Charter:

Meeting Protocol

- Add: “the ex-officio co-chairs will help guide the overall process, open and close the meetings, contribute to agenda development, work with the facilitator on additional time for public comment as needed and are free to contribute to discussions as needed.”
- Edit: “the Facilitator will start and end meetings on time unless the ~~group~~ *co-chairs* agrees to extend the meeting time.”

Internal Communications additions:

- Review materials in advance.
- Stick to the agenda.
- Silence cell phones.
- Actively listen.
- Avoid side conversations.
- Respect all perspectives.

Task Force members did not have any other changes to suggest at this time.

Kirstin clarified that Task Force agenda items may be discussed at outside meetings, such as a neighborhood association meeting, but deliberations over a Task Force decision may not occur outside of Task Force meetings.

Co-Chair Bernard suggested moving public comment to the beginning of each agenda, and also at the end as time allows.

5. Evaluation Criteria Discussion

8-8:40 pm

Bob identified baseline work to date and noted that the design team is currently pulling information into an Opportunities and Constraints Report. He presented the three alignment options, or corridors.

Members made the following suggestions.

- Caution regarding/avoiding impacts to the Marina.
- Keep the bridge design perpendicular to the river.
- Try to avoid the Vista neighborhood on the north side.
- Southerly connections should connect to the scenic bikeway.

Task Force members requested that the Opportunities and Constraints report be emailed to them electronically, as the report is important for furthering their understanding of the project. Bob confirmed that it will be available before the public meeting, and that time on the agenda can be saved

for the next Task Force meeting to take questions about this report. Other comments included the following.

- Alignments shown now are preliminary and represent an initial understanding of constraints. The operations of the marina need to be considered, though there could exist a hybrid alignment between W1 on the north and W2 on the south side.
- Bob clarified that the project area does not extend to the east side of I-5 because of topography on the river banks, as well as a lack of trail connections. Further information can be found on the project website.
- The height of the bridge above the river will be determined through coordination with and approval by the United States Coast Guard.
- A public comment was made about the absence of an alignment option further west by the BPA power lines (West of the railroad bridge). Trail connections currently exist in this area and there are clear sight lines. There have been many iterations of the project area between 1993 and 2006. Zach suggested that eliminating this option may have been due to the fact that the bridge landing structures may interfere with the power lines, and the value of the bridge as an emergency access drops the further away it is from the highway.
- The importance of the emergency aspect of this bridge was emphasized. The seismic resilience should be brought up to the forefront of the project's messaging.

Bob described the process of developing evaluation criteria for the bridge alignments. Kirstin asked Task Force members to list what is most important to them. Numbers in parenthesis denotes the number of times mentioned; sub-bullets are additional commentary.

- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists. (5)
 - Wilsonville is well located for big events like marathons and bike road races. The key to the success of these events is safe connectivity to the trail systems. These would be well received in Wilsonville if we had the right infrastructure.
 - Connectivity to the train station and other hubs is important for long-distance cyclists.
 - How would someone go from Charbonneau to Freddie's?
 - Encourage people to get out of their cars.
 - Consider central parking.
- Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents. (3)
 - Old Town residents will be most affected. Concerned about more cars to park and increased use of Boones Ferry Park.
 - River Vista residents could be affected too.
- Increased safety for all users. (3)
 - Butteville and Ehlen Roads are very dangerous for cyclists.
 - Alignments by the new Fargo interchange must incorporate wayfinding so users are not directed onto this new interchange.
 - Upgrade connecting facilities on the south side of the river.
- Seismic resilience. (2)
- Increased mode share towards active transportation. (2)
- Balance between cost, aesthetics and usability so the bridge can continue to fund itself. (2)
 - An aesthetic bridge will create a landmark and help put Wilsonville on the map for major events such as the 2024 pre-Olympics for cycling.
 - Consider ongoing maintenance costs too. Avoid lots of long-term costs.
- Opportunities for increased tourism and revenue.

- Wilsonville is a hub for the wine country and cycling tours. Opportunities and amenities should be provided for people to stay overnight and recreate (“Bike, Bed and Breakfast”).
- A bridge can help the community position themselves business-wise, helping create a stronger tax base.
- Hire a bridge ambassador to “program” the bridge so people come and use it.
- ADA accessibility and safety within that accessibility.
- Opportunities for amenities like toilets and picnic tables.
- Avoid railroad crossings.
- Ability to use golf carts to cross the bridge.
- Emergency vehicle access.
- Partnerships with the state and counties to upgrade local roadway infrastructure to minimize conflicts between cyclists and vehicles.
- A bridge built in a manner that maximizes the number of people that use it.
- The bridge should accommodate as many uses (power lines, utilities, etc.) that it can support.
- Designing and using the bridge for the maximum economic benefit for the city, state and region.
- Provide increased access to the river so all users can experience the water and natural environment.
- Supports Wilsonville is a HEAL (Healthy Eating Active Living) city through increased recreational opportunities.

Co-Chair Lehan noted that the hotel and tourism piece is very important, as well as the safety aspect. Special attention should be made to make the bridge comfortable (i.e. good lighting), without negatively impacting neighbors and wildlife.

Co-Chair Bernard noted that the cost impact, in terms of the extent of the study area, should be limited. The boat marina brings in revenue, so limit impacts to these facilities.

Kirstin thanked everyone for the rich discussion, and summarized the similar list generated by the TAC.

6. Public Meeting Preview and Next Steps

8:40-8:50 pm

Kirstin provided an overview of the public open house on February 22nd. It will take place at City Hall, from 5-7pm. There will be short presentations at 5:30 and 6:15. An online component will accompany the open house as well. Zach will create a calendar invite and send it out to Task Force members.

7. Public Comments

8:50 – 9 pm

- Comment #1: The evaluation criteria brainstormed by the Task Force is a good start. Respect towards private property owners on the south side should be emphasized.
- Comment #2: Access to the river and opportunities to get people out of their cars should be enhanced.
- Comment #3: Consider the utilities that could be provided by this bridge connection, such as sewer from Charbonneau to Wilsonville.

Other comments and announcements included:

- Be respectful of south side private property owners
- Expand the project vision to include increased river access.
- Will there be sewer infrastructure (pipes) hung off the new bridge? City staff offered this isn’t a driver, but hasn’t been ruled out.

- On March 21st there will a traffic safety meeting at the St Paul Community Center at 6pm.
- The landing point on alignment # W2 does not go over a house, but very close to it.
- Task Force members are encouraged to drive around the area and become familiar with the project study area.
- A central parking area should be considered to accommodate people traveling to this area, especially for a large event.
- Wilsonville should act as a funnel to connect all the regional trails.

Co-Chair Bernard thanked everyone for their participation and adjourned the meeting at 9pm.



French Prairie Bridge Project Task Force Meeting #2

Draft Meeting Summary
Monday, May 22, 2017
6 PM – 9 PM

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Task Force Members Present

Jeremy Appt, Heidi Bell, Steve Benson, Jim Bernard, Jenny Cavarano (Alt. for Karen Houston), Steve Chinn, Andrew Harvey, Tony Holt, Pete Ihrig, Douglas Muench, , Samara Phelps, Patricia Rehberg, Michelle Ripple, Leann Scotch, Ryan Sparks, , David Stead, Susie Stevens, Steven Van Wechel, Gary Wappes

Project Team (PT) Present

Bob Goodrich, OBEC Consulting Engineers; Zach Weigel, Nancy Kraushaar, Mark Ottenad, City of Wilsonville; Kirstin Greene, Elise Scolnick, Cogan Owens Greene; Karen Buehrig, Clackamas County, Barbara Jacobson, City Attorney; Reem Khaki, Terra Lingley, ODOT

Task Force and PT Members Unable to Attend

Councilor Charlotte Lehan, Blake Arnold; Brian Sherrard, Tualatin Valley Fire & Rescue, Simon Springall

Community Present

Mark Heininge, Sophia Pace, Michelle Ratter, Anthony Yeznach, Ross Zimmerman

Conversation summarized by agenda item below.

1. Welcome and Introductions

6 – 6:05 pm

City Councilor Susie Stevens opened the meeting on behalf of Co-Chair Councilor Charlotte Lehan, thanking Task Force members for their participation. She summarized the tour of bridge alignments that took place during the late afternoon, just before the meeting.

Kirstin Greene, Task Force Facilitator with Cogan Owens Greene, invited members to introduce themselves. She noted the two times for public comment on the agenda and invited those who would like to make a comment to indicate that interest on the meeting sign in sheet.

Kirstin stated the goals of the meeting that evening: to finalize the charter, to review the Technical Advisory Committee (TAC)'s recommended evaluation criteria and to consider/possibly adjust the weighting of the six (6) evaluation criteria. Finally, she noted that Task Force members will receive an update regarding Alignment W3.

City of Wilsonville Project manager Zach Weigel introduced Barbara Jacobson, City Attorney, who gave an overview of conflict of interest standards. Barbara shared that committee members should state

their conflicts of interest – meaning if they stand to personally benefit from any decision, to state that before any deliberation or decision is made. If anyone has a question about conflicts of interest, Barbara encouraged them to call and discuss it with her. For decision-making, Task Force members should recuse themselves if they can't represent the community interests at large, or state their conflict before the vote, affirming that they are voting not on behalf of that interest, but with impartiality.

One member asked about the difference between being a stakeholder and having a conflict of interest. Barbara mentioned that having a benefit or a friend or relative with a benefit/self-interest would be a conflict. Where Task Force members were appointed due to their stakeholder perspective, they should declare a) when they have a potential conflict, and b) whether or not that conflict affects their ability to cast an unbiased vote on behalf of the community at large.

Steve Chinn mentioned that his neighborhood had a community meeting on this topic. He asked if he could express the view of his community at the table. *Barbara: Yes.*

2. Agenda Review

6:05-6:10pm

Kirstin reviewed the proposed agenda. No changes were made to it.

Zach mentioned these project updates:

- Selection of bridge alignment landing points is moved from June to fall 2017 to allow for additional research requested by the Confederated Tribes of the Grand Ronde.
- There may be a need for additional Task Force meeting(s).

A community member asked when bridge selection would take place. Kirstin went over the project timeline and indicated there would be a future selection process in the fall. This evening is focused on the evaluation criteria alone; without respect to location.

3. Charter Updates and Vote

6:10-6:20 pm

- Kirstin read through the charter changes on page 30 of the meeting packet. She asked for any changes that are proposed. She asked for agreement. Members agreed unanimously to adopt the charter as amended.
- Kirstin also asked for any changes to the meeting summary; none were identified.
- Zach reviewed the W3 alignment and ODOT's request to reserve that right-of-way for future widening of the Boone Bridge. The City looked at whether there can be a shift to the west of alignment W3. Due to the location of existing homes and a natural drainage channel, alignment W3 cannot shift far enough west such that the ODOT property is not impacted. The Technical Advisory Committee (TAC) recommended keeping the W3 alignment in the scoring criteria as it is early in the planning process and funding phase is very far out into the future.
 - Tony Holt: Is the full wide area shown on the map needed?
 - Zach: ODOT wants to preserve a large amount of width for right-of-way since it is unknown on what is needed to widen/improve the Boone Bridge.
 - Steve Benson: What is the size of the right-of-way area?
 - Zach: Right-of-way area is about 270 from the west edge of the Boone Bridge to the proposed French Prairie Bridge and 400 feet to the edge of the property.
 - Terra Lingley: It is all about managing risk. ODOT has a potential future project in this area.
 - Reem Khaki: This W3 alignment is closest to I-5 and needed for staging and maintenance. It is high priority to improve Boone Bridge.

4. Public Comment**6:20-6:30 pm**

- Sophia Pace, Riverside resident, stated that Butteville Lane is too narrow. Is the project to build a bigger Boone Bridge, which is her preference? There is no infrastructure to handle tourists. The neighbors are not prepared to deal with tourists.

Kirstin noted that in addition to the public meeting where Sophia and other members contributed these perspectives, Task Force members will take Sophia's comments under advisement.

Work-to-Date-Bob Goodrich, OBEC**6:30-6:45 pm**

- Opportunities and Constraints Memo
 - In his presentation, consulting team project manager Bob Goodrich, OBEC, showed a map indicating the risks/constraints shown in the Opportunities and Constraints memo. These risks include overhead power lines, Exclusive Farm Use (EFU) land and a water treatment plant discharge pipe. There are also historic and cultural resources in the area.
 - Kirstin mentioned the goal exception process for land use.
 - Tony: The two west alignments land in EFU zones on the south sides.
 - Jim Bernard: They also land in the Urban Reserves. Existing roads can be widened but not new roads under the state statute for urban reserves. The legislature may have to address this. The urban reserves don't exist yet, but they will by tomorrow when a decision is expected.
 - Bob: The Opportunities and Constraints report is multidisciplinary; geotechnical, hydraulics, etc. The report can be found on the project web site at www.Frenchprairiebridgeproject.com.
 - Steve C: Question about the Project Update map; orange sections on map indicate historic resources on the end of each alignment, according to the legend.
 - Bob: Red areas are historic resources, not the orange ones. Orange is actually bridge, retaining wall, or path to be further determined following a location decision. Yellow areas are the main bridge spans.
 - David Stead: Is this Task Force to decide the preferred alignment or recommend not to build a bridge?
 - Zach: Yes, a recommendation for one of the three alignments, which will go to City Council.
 - Kirstin: It's up to City Council to pursue. She acknowledged Sophia's question about why not widen the Boone Bridge; that option had been previously studied and not selected by the City of Wilsonville in a preceding process.
 - Steve C: How long a timeline until construction? Three, four years?
 - Kirstin: Longer than that; more like ten.
 - Susie: It's been in discussion since the 1990's. There is not yet funding for it. Many surveys have indicated public interest in a new bridge. It is a huge project.
 - Nancy Kraushaar: It could be 8-10 years from now, or longer. It will have to go through many reviews.
 - Reem: Expanding I-5 bridge is an option.
 - Heidi Bell: had a question about funding for widening I-5.
 - Reem: ODOT doesn't have funding yet.
 - Terra: The Regional Transportation Plan goes out to 2040 and it not even on that list.
 - Kirstin: Council will make ultimate decision on the preferred French Prairie bridge alignment.
 - Michelle Ripple: Asked ODOT to say when this bridge will likely be planned.
 - Jim: It will be well over \$1B. Many other bridges need to be earthquake retrofitted and updated first. The Boone Bridge is way, way off in the future.

- Mark Ottenad: During the research on congestion that a southbound lane, bridge is not on the State Transportation Improvement Plan (STIP). Study of auxiliary lanes, WES, French Prairie Bridge is needed to see what makes the most sense.
- Steve C: Wishes this info would have come out sooner in the process. He and his neighbors didn't know that bridge construction is way off in the future. Three of his neighbors have already put their houses up for sale.
- Kirstin commented that everyone should do due diligence on properties.

5. Evaluation Criteria-Bob Goodrich, OBEC

6:45-7:15 pm

Bob described work-to-date has included feedback from the Technical Advisory Committee (TAC), Task Force (TF), public open house, City Council, and Clackamas County Board of Commissioners. In the Task Force packet, there is an Evaluation Criteria memo with listed criteria that was reviewed by the TAC at their meeting last week. He showed a slide on how the evaluation, scoring, design and weighting criteria and appendices are listed in the memo. Compliance with Americans with Disabilities Act, earthquake, environmental requirements and other federal criteria are not explicitly mentioned in the evaluation and weighting because they are basic design criteria which must be met, no matter what.

Bob reviewed each of the evaluation criteria with the Task Force. Comments on each section are below:

Refinements to TAC-Recommended Set

● **A-Connectivity and Safety**

- Michelle: On A2 and A4, she asked if there were any bike and pedestrian facilities planned on the south side of the bridge?
- Heidi said she had done some research on Clackamas County and Marion County Transportation System Plans (TSP). This bridge was mentioned in the Marion County TSP. [Note: the bridge and widening Butteville Road are in Clackamas County's TSP.]
 - On A-4 she wants to see folks come together to write a grant to do a feasibility study for bike paths.
- Michelle: A4 should be tied to the Clackamas County Transportation System Plan (TSP). Marion County doesn't have a plan yet.
- Bob: We are looking at regional and county plans for bike/ped facilities for connectivity.

● **B-Emergency Access**

- Heidi: B-1 (north), B-2(south) are not weighted fully. Why aren't they lumped together?
- Bob clarified how to score separately for direct connection from the north and south.
- Kirstin: The Project Management Team (PMT) will take a first crack at scoring, then make a recommendation to the TAC who will do the final scoring. This information will be presented to the TF to inform their location recommendation.
- Andrew Harvey: B-2-Emergency vehicles-do we know which alignments have better access?
- Bob reviewed the direct and indirect connections of the alignment options, and how they might be scored.
- Tony: His biggest concern is getting to the south. Is this taken into account somehow? One of the problems of Charbonneau is that emergency response time is not currently being met on the Boone Bridge. It is key to get to the south. Is it key to get to the north?
- Zach: Yes, for a variety of reasons, if the Boone Bridge is impassible.
- Michelle: The connections from the north or south is important.
- Susie: It's not just fire and ambulance. It could be the police, tow trucks, or National Guard.
- Jeremy: He's not seeing the earthquake need as being as great. Emergency services will be busy within the City, not serving north or south outside the city.

- Nancy: We might need fuel, helicopters, water, and power generators being delivered. This bridge could serve the community not just in a seismic event, but long term.
- Jeremy: Is there consideration of going straight up to the highway for rapid access instead of through Old Town?
- Bob: That has not been considered yet. For example, W3 could consider that, but it is unlikely because the access point would be within the I-5 traffic jam.

- **C-Environmental Impacts**

- Steven VW: Are there concerns and input from the Confederated Tribes of Grand Rhonde?
- Bob: This is an area of historical interest, from prior to European settlement; this area was a canoe crossing. More investigation is needed. The tribes want to know more before selection of an alignment. The first priority is avoidance of cultural resources. There is potential for impact these resources. An archaeology report would be done first, before selection. The report will address potential resources that are above ground and below ground.
- Heidi: Signage or wayfinding information would be good to have in the river area about the historical and cultural importance of the place.

- **D-Compatibility with Recreational Goals**

- Steven VW: Is the parking issue related to recreation? The bridge and recreation would increase parking.
- Zach: Parking is not related to the bridge criteria. It is more a design issue. All alignments will need parking.
- Kirstin: Mentioned Metro's concern about impacts and benefits of tourism
- Bob: Criteria for tourism are in Category F.
- Susie: Why are we providing for exceeding design criteria?
- Bob: Exceeding minimum design criteria can provide for a better user experience. As an example, a slope of 5% meets minimum criteria, but a less steep slope would provide a better experience, better access.
- Gary Wappes: Asked a question about improving access to the river.
- Zach: We wanted to capture the impact of improving access to the river.
- Steven VW: Wants comments from Parks & Rec about the impacts to Boones Ferry Park.
- Kirstin: The Master Plan for Parks is on hold now for completion of the bridge plan.
- Zach: The Boones Ferry Park master plan has just kicked off and the bridge project is being coordinated with Parks & Rec.
- Steve B: We don't have anything on the bridge that has been brought to the Parks Advisory Committee yet for the Master Plan. What will make a good park?
- Heidi: Consider getting comments from DEQ regarding any conflicts with providing river access near the discharge pipe.
- Michelle: Shouldn't access be measured separately for the park and for the marina. The impacts might be very different.
- Steve VW: Agrees with the difference in impacts.
- Kirstin: Records a suggestion to amend D-2 to separate parks and marina (New D-3) on each side of the river.
- Michelle: The marina is on the south side of the river.
- Steve B: New park may have docks for boats (kayaks, canoes, etc.) on the north side.
- Zach: The intent is to capture impacts of recreational uses of the river. If you split out you may be missing other recreational uses of the river.

- Michelle: One alignment may have good compatibility with the park on one side or the other, but another may not.
- Bob: We limited sub-criteria to 3-4 items to keep each sub-criteria meaningful. Too many in a list would dilute the importance of each one.
- There was extensive discussion on the options for rewording the criteria.
- Susie: Lack of access to the river is concern to the community.
- Michelle: Reword for each side of the river.
- Bob: **The consensus is to keep D-3, make it D-4 and revise D-2 and D-4, to be D-2 & D-3. These last two will focus on maximizing compatibility and flexibility on the north and south sides of the river. Specifically:**

D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.
D-4	Maintain or improve river access.

- **E-Compatibility with Existing Built Environment**

- Steve C: Has the railroad expressed any concerns?
- Zach: Yes, they have concerns. We are meeting with them next week.

- **F-Cost & Economic Impact**

- Gary: How will we know how to make these judgements? How will we get enough information on total costs?
- Bob: There will be qualitative analysis of costs for each alignment. We don't yet have enough information on costs. We can provide order-of-magnitude cost estimating. The project team will use design information and come up with relative costs. The TF will only be asked about the weighting of the criteria.
- Kirstin: As a community representative, you will not be asked to score the criteria.
- Steve C: Sought to clarify Gary's question and Kirstin's response.
- Kirstin: The Task Force will only comment on and weight the criteria, not score it. The TAC will be scoring .
- Michelle: If Task Force disagrees with the TAC, can we comment on disagreements?
- Gary: He thought the Task Force would evaluate the criteria and make a recommendation for decision-making.
- Kirstin: That is not the process.
- Jim: Has someone already determined what we're going to do re: bike/ped/golf cart/emergency access, correct? Is that based on wanting to get money from ODOT, FHA?
- Kirstin: Yes.
- Zach: That decision was made years ago when applying for the grant for this bridge planning.
- Michelle: She was on the original committee when the bridge was first proposed. Bike/ped/golf cart/emergency access was desired by the community from day one. There have been years of study and input on this. It would be cheaper if it was just bike/ped.
- Steve B: As a community we are limited by I-5 and river for cross access.
- Jim: Five Eugene bridges have been built, mostly bike/pedestrian.

- Steve C: He would feel better if the Task Force makes recommendation on the evaluation criteria, then compares it with the Project Team, and present both to the City Council.
- Kirstin: Even the TAC members have different expertise to be used for scoring and weighting. The Project Team are the technical experts. Task Force comments are relevant, but not necessarily made with technical expertise. Comments are germane to the discussion.
- Steve C suggests having both Task Force and TAC participate scoring.
- Kirstin: The Task Force will recommend changes to criteria this evening. The Task Force will consider and use the TAC scoring to facilitate Task Force bridge alignment discussion and recommendation. Ultimately, the Task Force makes the recommendation to City Council on the final alignment, which does not have to match the TAC scoring.
- No changes to economic impact piece were proposed.

6. Alternatives-Bob Goodrich, Kirstin Greene

7:15 – 8:50 pm

- Any Weighting-Should there be any difference in weighting? All criteria are currently weighted evenly (at about 17 percent).
 - Susie: What would be less
 - Patricia Rehberg: Is this weighting for the greater good or personal opinion?
 - Kirstin: Yes, for the greater good.
 - Steve B: An emergency access example given. Some criteria may be diminished. What about conflicts with other criteria? How will that be considered? If looking at the representation, all should be weighted equally.
 - Heidi said she doesn't agree. The Main reason for the bridge is emergency access. That should be weighted more. A & B are more important.
 - Steve C: None of this will be done without economic impact known. Criteria F, Economic Impact, is more important.
 - Steven VW: We should also look at economic impact that the bridge can bring to Wilsonville. If done right, it will bring in enough to pay for itself. He's conservative but is not concerned about the cost. Cost should be considered, but balanced with benefits.
 - Tony: What are the bridge project objectives? Safety, emergency access, recreation are the objectives. Can we afford it or not is the question.
 - Susie: Asked for clarification on if costs vs. benefits are even out yet? Her concern is environmental impacts (trees, wildlife, birds, water, etc.). We need to do this in way that protects them.
 - David: His initial thoughts were with the costs. We're really here because the community spoke about emergency access and connectivity. Keep perspective on these two items.
 - Steve B: How do you go about scoring something like the fact that a bridge would go through the middle of a park versus on the edges of the park?
 - Bob: Current uses compatibility and flexibility of future uses are addressed in the criteria. There are several pages of scoring guidance that will help in the scoring decisions.
 - Jeremy Appt: Criteria A & B should be weighted a little bit heavier. If there are impacts you can mitigate for them.
 - Bob: If there are options that have less impacts, they score better.
 - Kirstin: Think about what would be diminished.
 - Steve C: He understands raising A & B higher. He wants E-Compatibility with Existing Built Environment, raised an equal amount. Leave them all at 17% and go with it.
 - David: A, B & D should be more important. We weren't brought here to look after the needs of Steve C's community, we are here for connectivity, safety and recreational opportunities,

which are A, B and D. He is still concerned with the impacts on the community, but that is not why we are here.

- Kirstin: Bob has a program to see how the pie chart changes with new inputs from the Task Force.
- Michelle: Understands the concerns of people’s homes being impacted. If we weighted A & B at 20 percent, and 15 percent on the rest of the criteria, then that would reflect why we are here.
- Douglas Muench agreed with Michelle.
- Steve C: Everything said benefits the city of Wilsonville, it does nothing for the people being most impacted which are the people on the south side of the river. With that said, you guys do what you want.
- Reem: ODOT must look at the project from a variety of aspects. The original concern was emergency access. She supports Steve C in leaving the criteria evenly weighted. The Federal Highway Administration on this project and they said they will provide a permit only for environmental aspect (recreational use) because the bridge is impacting the connectivity between parks. Emergency use is not a major aspect.
- Nancy: At the Metro funding meeting, part of the application was bike/ped, emergency access.
- Jenny Cavarno: The compatibility of the recreational goals is a big piece. When talking about more weighting of A & B, we are not talking about recreation at all.
- Heidi: Her constituents don’t want people to come on rural roads and get injured. Look at A-20, B-20, and 13 percent for the rest.
- Tony: Stay with the 3 objectives. Supports A, B and D.
- Steve B: Supports D being up there with A & B as well. Since cost is going to be enormous, just put \$0 for cost.
- Terra: She has no preference in weighting. This is just a tool, and gives us a perspective. Use the spreadsheet to show scenarios and see if there is a difference. There may be a wash in the end.
- Kirstin: City Council asked for weighting or not from this Task Force.
- Steven VW: All six criteria are in the discussion. What is the real difference if one is 20% or one is 15%? Are we splitting hairs that don’t need to be split?
- Steve B: It could be mathematically different.
- Kirstin: If Task Force considers one element is more important than another, it could be significant to City Council.
- Steve B: You could leave them the same and express the opinions.
- Jeremy: Steve B tossed out \$0 cost, but taxpayers will want to know what they are. We could diminish C, with mitigation. Keep A, B & D, + C & F (minus).
- Steve B: We have 4 scenarios that should be proposed for a vote. *[Informal motion]*

• **Vote #1**

7 votes	Option 1. Leave criteria equal as is in 5/18/17 Evaluation Criteria Memo.
5 votes	Option 2: Elevate A, B & D (20/20/20%) [diminish, F, C @11.5%,x2; E@ 17%]
2 votes	Option 3: Elevate A & B, 20/20 > rest of criteria @15, 15, 15, 15%
2 votes	Option 4: Elevate A, B, D, E (18%) (F, C @14%)

• **Vote #2**

6 votes	Option 1. Leave as is.
10 votes	Option 2: Elevate A, B & D (20/20/20%) [diminish F, C @11.5% each; E@ 17%]

- Other Changes: None presented.
- Public Comment
 - None
- Task Force Recommendation for City Council
Task Force members recommended this change:

D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.
D-4	Maintain or improve river access.

Regarding weighting:

- *Elevate Criteria A, B & D to (20/20/20%); diminish F, C @11.5% each; E@ 17%.*
- Alternative 3 (ODOT), Task Force Recommendation
 - No discussion or action was taken on this item.

7. Next Steps-Zach Weigel, Bob Goodrich

8:50-8:55 pm

- We will finalize the technical research including the archaeology report.
- The Task Force’s recommendation will be communicated to City Council.
- The TAC will score the criteria which will be brought before the Task Force to assist with their location recommendation.
- Considering the Task Force’s recommendation, the City Council will make the ultimate decision on the alignment. .
- Next meeting will likely be in September.
- We will let Task Force members know of the next TAC meeting; they are welcome to be present for the scoring discussion. .
- We expect a recommendation on the alignment to City Council in October.

8. Closing Comments and Adjourn-Co-chairs Bernard

8:55-9 pm

- Co-Chair Bernard thanked Task Force members for coming, appreciating their valuable work. He looks forward to making a decision on the bridge.

We adjourned the meeting at 8:31 PM.



**French Prairie Bridge Project Task Force
Meeting #3**

**Meeting Summary
Wednesday, April 12, 2018
6:00– 9:00 PM**

Wilsonville City Hall
29799 SW Town Center Loop E, Wilsonville, OR
Willamette River Rooms I & II

Members Present

Co-Chairs Commission Chair Jim Bernard, City Councilor Susie Stevens
Jeremy Appt, Heidi Bell, Steve Benson, Steve Chinn, Andrew Harvey, Tony Holt, Pete Ihrig, Douglas Muench, Samara Phelps, Patricia Rehberg, Leann Scotch, Ryan Sparks, Simon Springall, David Stead, Steven Van Wechel

Members Unable to Attend

Blake Arnold, Karen Houston, Charlotte Lehan, Michelle Ripple, Brian Sherrard, Gary Wappes

Project Management Team/ Staff

Bob Goodrich, OBEC Consulting Engineers; Reem Khaki, Oregon Department of Transportation (ODOT); Gail Curtis, Oregon Department of Transportation (ODOT); Zach Weigel, City of Wilsonville; Nancy Kraushaar, City of Wilsonville; Kirstin Greene, Enviroissues; Megan Burns, Enviroissues

Community Members/Public

Cory Buchanan, Michelle Demsey, Bill Hall, Jim Hoffman, Monica Keenan, David Leckey, Kris McVay, Eric Winters, Pat Wolfram

Conversation is summarized by agenda item below.

1. Welcome and Meeting Purpose

Co-Chairs Councilor Susie Stevens and County Chair Jim Bernard opened the meeting and began introductions.

Meeting Objectives:

City Project Manager Zach Weigel welcomed committee members. Facilitator Kirstin Greene asked members to introduce themselves and briefly describe their role.

Kirstin announced that the meeting is scheduled until 9:00pm. Kirstin informed the group that they were welcome to participate on their area of expertise, additionally that the intention of the meeting was to reach a consensus on the PMT scoring and for a recommendation to be formed for the City Council.

2. Project Updates

Zach Weigel, City of Wilsonville and Project Manager updated the Task Force some activities conducted by the project team over the last 11 months:

- The project team has not conducted the archaeological work yet as the Federal Highway Administration (FHWA), Oregon Department of Transportation (ODOT) and the City have since reassessed the environmental classification for the project. Previously, the project team laid out a process that would locate and design the bridge to fit within a categorical exclusion under the National Environmental Policy act. A categorical exclusion (CE) would only require an archaeological assessment of the selected alignment. The results of the technical reports indicate that there might be environmental risks associated with this project. Accordingly, FHWA, ODOT, and the City agreed that an increased level of permitting is necessary to reduce future environmental risk to the project. As a result, an Environmental Assessment on the preferred alignment needs to take place.
- Since the last Task Force Meeting, team members also have conducted stakeholder meetings to gather input from Genesee & Wyoming Railroad, emergency services providers and the Marine Board.
- Project team members have accordingly adjusted the schedule about six months later than what was envisioned. The bridge type selection process will begin this summer.
- Zach reminded participants of the Task Force's chartered goals: to select a preferred bridge alignment and a preferred bridge type. He reminded Task Force members of the three bridge alignments under consideration.

A community member, asked a clarifying question about when the archaeological digs would begin. Zach reminded Steven that an Environmental Assessment would be happening instead after the preferred alignment and bridge type were selected. The assessments would be conducted at that time.

Kirstin Greene then introduced voting blocs as a tool for consensus for a bridge location decision. The blocks are three sided, 1 is green and means comfortable with the decision, 2 is yellow means not fully comfortable with the decision, and 3 is red and means uncomfortable with the decision and is a consensus block. She explained that tonight's recommendation would go to City Council in May.

3. Public Comment

Pat Woolfram lives on Butteville Road

In reference to a planned corridor, I am wondering if this corridor will connect Charbonneau and Champoeg State Park. As a biker, it would be a nice addition.

Zach responded that there are regional bicycle and pedestrian trails and connections that have been identified as needs by Metro's Active Transportation Plan and Clackamas County's Transportation Systems Plan, but no exact routes have been determined, just generally planned.

Michelle Demsey, lives at the very end of Boones Ferry Road

Old town is changing quickly. I have had to call the police twice in the last month; the nonemergency line is on my speed dial. I have always known the Alignment 1 is the preferred route. There are increased vagrants, one lit a fire behind our garage, one spray painted our garage door, more people are on the railroad tracks that go through our backyard. When you look at the parks in Wilsonville, they all have an entrance a gate that can close when needed and can stop cars if they want. We are virtually inviting the entire region into our neighborhood with this alignment. Because it is not regulated with a gate, people will be parking throughout our neighborhood, and who knows what they're doing down there. It is concerning and frightening and we really hope that you think about that as you plan this project. It impacts us and not in a good way.

Bill Hall, SW Country View Court N in Charbonneau

I have been riding my bike and hiking around and I am concerned a little bit about the connections. So far, from the alternative design it doesn't get into the connections specifics. The south end connections have the lowest rating. Anyone from Charbonneau will use any of the alternatives. It is important to consider off road connections for safety issues., and It would be nice to know those connections for the alternatives ahead of a decision and ahead of an Environmental Assessment.

Eric Winters SW Magnolia Ave

I would like to reiterate everything Michelle said about the fears from Old Town residents, I've been one for about 12 years. It seems like regardless of what we want or not, this project will move forward. The changes to Old Town that have happened in the last ten years have impacted our ability to drive around and leave from or return to Old Town depending on the time of day. Boones Ferry is very crowded. We are stuck in our neighborhood because there is a bike lane that prevents us from taking right turns, and the bike lane is completely unused. I want the alignment that would have the least impact on Boones Ferry, which is alignment 3. Perhaps you can redirect bike traffic along a road that doesn't clog up Boones Ferry.

Kirstin thanked participants for their comments. She introduced Bob Goodrich who would lead the bridge alternative scoring discussion.

4. Bridge Alternative Scoring Review

Bob Goodrich, consulting team project manager with OBEC consulting engineers presented the evaluation criteria and scoring proposed by the Technical Advisory Committee (TAC). These criteria were established by the Task Force and informed by public meetings. They were solidified during the previous TAC meeting. The results are part of Appendix A of the Evaluation Criteria report memo.

The project team met with the technical advisory committee 6 weeks ago to formalize the scoring for each alignment. He noted that this scoring and the scores settled on tonight will all be given to city council for alignment recommendation.

He then touched upon each evaluation criteria (A1 thru F4) and the rankings for each of the three alignments (W1 thru W3). Task Force discussion follows.

Category A: Connectivity and Safety scoring

- Category A1
 - Simon Springall asked if there is an alignment that goes toward Champoeg because it

is currently a 4-mile walk without sidewalks.

- Zach responds that he does not believe there is a pedestrian connection to the west, but there is a bicycle connection via Butteville Road.
- Bob added that there is a plan to add wider shoulders to Butteville Road to accommodate cycling on the road, but no sidewalks. The scoring is ranked higher the closer the bridge connection is to Champoeg.
- Heidi asked a clarifying question about whether the shoulder widening is happening in both Clackamas and Marion Counties.
 - Zach responded that Marion County does not have a plan for that area yet. The two counties have not coordinated transportation plans. When Marion County updates their transportation plan, there will be more coordination and more focus on the border between Marion and Clackamas Counties.
 - Zach added that Marion County Staff are serving on the TAC and are aware of the need to coordinate transportation planning and how this project may affect their roadways in the future.
- Steven Chinn asked if it is against the law for pedestrians to walk in bike paths, suggesting that if it isn't then when the shoulders are widened, and a bike path is put in then pedestrians could use it, too.
- Category A3
 - Tony Holt wanted clarification regarding 'direct connections,' wondering if the scoring was based on one alignment being closer than the others. Tony also asked why Alignment W1 is scored a 10 and Alignment W2 is only scored a six.
 - Bob clarified that the Ice Age Tonquin trail directly connects right into Alignment W1. It comes down Boones Ferry road and would be a direct connection onto the bridge, whereas Alignments W2 and W3 would force the user to navigate through the park system.
 - Kirstin mentioned that there are sometimes minor differences in the scoring that reflect more heavily. This is one of the categories that the Task Force assigned a 20% greater importance, so minor differences have a greater weight than other sections.

The Task Force then voted unanimously to keep the scoring for the entire category A the same.

- Leann Scotch noted that avid cyclists enjoy spending money on their bikes, drinking coffee and enjoying beers. This economic opportunity should be a consideration when building a regional trail; trails connect to communities and activities.
- Simon Springall is very excited about the Tonquin Trail, which connects to the Tualatin National Wildlife Refuge. The trail is good for pedestrians and bikes simultaneously and comfortably. The trail is being planned for connection into old town. Simon is invested in the bridge because, to Simon, the bridge is a real essential part of the trail; the whole point of this bridge is to connect the regional trail.
- Steve Chinn asked in jest if the county is going to build a brewery and a Starbucks.
- Steve Benson spoke to the Parks and Rec's interest in the bridge, noting that they are currently in the process of developing the Boones Ferry Park Master Plan. The current trails go under the I-5 Bridge and up a steep hill to overlook the sewer plant. That trail is changing; it will likely traverse along the river instead. The exact alignment is not in place yet, but there are three potential plans that will likely meld into one.

Category B Emergency Access scoring

- Steven Van Wechel mentioned that although alignment W1 has minor parking, it may also provide shading for parking, which he noted as a bonus.
- Patricia Rehberg asked if emergency vehicles would use this bridge over the Boone Bridge.
 - Zach responded that emergency vehicles would only use this bridge if I-5 is not passable. If there were a major earthquake, this bridge would be designed to current earthquake standards and would serve as the main passable route for some time.
 - Jeremy Appt had questions regarding first and second responders and if the new bridge would be traffic controlled. He also wondered which authority this bridge falls under in an emergency.
 - Bob and Zach responded that the authority of the bridge is to be determined. Dependent on funding sources and how agreements work out between different agencies, the answer could go a few different ways.
 - Steve Benson asked how the emergency system would work. Steve wondered if there would be stoplights at either end for north/south traffic. Steve was concerned about a communication breakdown should multiple vehicles try to cross a one-lane bridge from both directions.
 - Bob responded that those are details the team will have to take up during the design progresses. As in every situation, emergency vehicles would communicate with each other. In an emergency response situation, there are typically only a handful of first responders and it is unlikely that secondary responders would ever use the bridge.
 - Pete Ihrig pointed out that emergency vehicles would have procedures in place to handle use of the bridge.

The Task Force then voted unanimously to keep the scoring for the entire category B the same.

Category C Environmental Impacts scoring

There were not any questions or comments on this category. Task Force members voted unanimously to keep the scoring the same.

Category D Compatibility with Recreational Goals scoring

- Category D1
 - Andrew Harvey asked how often the train travels through the project area and what the noise impacts are.
 - Steven Chinn replied that the train travels through usually four times a day at various times. Steven also noted that wherever there is a train there will be some noise impact but pointed out that the freeway noise is constant and has a greater negative impact.
 - Councilor Susie Stevens noted the sightline impact of the bridge if it sat too close to the railroad bridge and obstructed the upstream view of the Willamette River. She wants the design to fit and capitalize on the aesthetic of the area.
 - Pete Ihrig emphasized that the train would be sporadic and only four times a day, while freeway noise is constant.
 - Zach reminded folks about the tour given during the last Task Force

meeting where they all walked down to alignment 3 noticed how significant the freeway noise was even standing below I-5. There would be an even worse constant drone of traffic if the bridge were to be at freeway level.

- Steven Van Wechel wanted the timing of noise to be considered.
- Category D2
 - Councilor Susie Stevens asked if the question of alignment W2 for category D2 played into the Boones Ferry Master Plan.
 - Steven Benson from Parks and Recreation said that the bridge alignment would impact the master plan. Alignment W2 would split the park in half and would require the Parks department to adjust the Master Plan. When a bridge creates a tunnel, the underside of the bridges is dark and can limit recreation, but there are also options for transforming the covered area into something usable.
 - Simon Springall pointed out that because of the slope, the bridge would land steep slopes. The space under the bridge could connect the two sides of the park.
 - Steve responded that creating a usable space under the bridge wouldn't be impossible, mentioning basketball courts as an example, but pointed out that once there is a bridge, nothing big can be built that might encroach on the bridge.
- Category D3
 - Councilor Susie Stevens wondered how the Technical Advisory Committee defined 'impact' on marina parking. She wondered if that meant that parking wouldn't be able to be expanded, or if that implied that parking would be eliminated.
 - Bob responded that it is expected that some parking will be eliminated, but that the team is not certain yet what that looks like.
 - Zach added that this scoring captures future impacts to the area because when you put a bridge in this area, it limits what you can do with the area. For example, once the bridge is built, a building cannot be placed there.
 - Susie clarified that impacts could be defined as 'future impacts'.
 - Steve Chinn felt that the scoring was backwards. Steve felt that alignment W1 should be scored an 8 and alignment W3 should be scored a 3, noting that alignment W2 is the worst for the marina. The two lowest scoring alignments would significantly impact the maintenance area for the marina and the facility would be unusable. Steve felt that any alignment besides alignment W1 would have no flexibility for recreational uses.
 - Bob asked whether Steve was saying that alignment W3 should be scored lower because it is not near the marina and couldn't be a part of the recreational use for someone on the bridge.
 - Steve said that was correct and that there would be no recreational use there because it is a wetland and has many more trees that would have to be removed compared to the other alignments.
 - Chair Bernard also felt that the scoring is wrong. Although alignment W3 is scored the lowest, Chair Bernard thought that alignment W2 has the greatest impact on the marina by far. Chair Bernard also wanted to see alignment W1 scoring to be lowered.
 - Steve Benson brought up that category D2 talks about the recreational uses on the north side of the river. Regardless of where the bridge is placed, it

affects how the master plan comes out. A bridge landing on the north side only affects boating and cycling. Additionally, marina recreational uses should not be impacted. Steve Benson felt that category D2 is more important than category D3.

- Bob clarified the Technical Advisory Committee’s reasoning for the scoring, pointing out that the recreational connections were in regards to how the position of each alignment preclude or enhance the ability of the Marina to continue to be a recreational facility, and not in regards to the ability of someone using the bridge to access the recreational amenities offered by the Marina. The main question was about whether the Marina would be able to operate differently in the future if it wanted should the bridge be built.
- Heidi Bell asked if a Marina representative served on any of the boards and asked what they prefer.
 - County Chair Jim Bernard stated that Clackamas County owns the marina and reiterated that alignment W2 has the greatest impact.
 - Zach added that County Parks & Recreation staff sit on the TAC.
- Steve Van Wechel clarified whether alignment W1 is being counted down because of the loss of a parking space or two and if alignment W2 is marked up because of the loss of existing buildings. Steve wondered if a parking space was valued higher than existing buildings.
 - Bob said that that if that area was ever envisioned to be different than a parking lot, then options would be severely limited with certain alignments. For alignment W2, parking was valued higher because over the course of the past year on this project, parking concerns have been a major concern of Clackamas County, the community and the TAC.
 - Steve asked if future potential use is more important than current use of the building.
 - Zach responded that alignment W2 would go over a boat storage yard. The TAC decided that the parking impact would be greater than the boat storage area impact because the boat storage building could still possibly be used with alignment W2.
 - Steven Chinn pointed out that alignment W1 doesn’t impact the Marina because it is all on Burlington Northern property.
 - Tony Holt expressed concern over the lack of attention being paid the potential parking impacts. Tony has noticed many people driving to areas around Charbonneau to park and ride their bikes and because of this feels that parking should be a real consideration.
 - Zach responded that parking has always been a major consideration for the project team and the TAC, pointing out that all three alignments will have the same parking needs and issues. How parking works is more of a design phase problem to tackle and will be given the attention it deserves once an alignment and bridge type has been chosen.
 - Simon Springall hoped that if there is a bridge, then people will use parking on their own side of the river.
 - Tony Holt pointed out that the south side parking would still be impacted.

- Douglas Muench emphasized how large of a concern parking is for Old Town Neighborhood Association and recommended the advertisement of public transportation including SMART and WES options as part of an overall parking mitigation strategy.
- Patricia Rehberg emphasized Douglas' recommendations and noted that more people parking and shopping in Wilsonville is an economic opportunity for the community.
- Kirstin then requested that the project team briefly talk about the stages of bridge design to understand when parking concerns can legitimately be addressed.
 - Bob said that parking considerations would take place during the NEPA process - the Environmental Assessment would have to look at potential parking areas as part of the bridge permitting process.
- Leann Scotch encouraged the Task Force to go to Tualatin and see how the bridge that was built there ties together Tigard and Tualatin. Leann emphasized the importance of experiencing the look and feel of the bridge as a connectivity measure and how much it has offered the region, as a comparison to what this bridge could do for Wilsonville.
- Pete Ihrig noted that along the Springwater, the Trolley Trail, and other trails in the region, people don't park in one spot to use the trails, they park in dispersed areas along the trail. Pete mentioned that while a parking strategy in Wilsonville is important, there would be a lot of riders who will not be coming to the marina and Wilsonville to use the bridge.
- Steve Chinn did not feel that south side parking would be an issue and noted that parking lots defile the natural beauty of the area. Steve did not feel that adding additional parking is an issue or necessity.
- Patricia Rehberg recommended that the project team put restrooms where they want people to park.

Kirstin had the Task Force vote on Chair Bernard's recommendation for scoring change for Category D3 alignment W1 to be changed from a 3 to an 8, alignment W2 to be changed from a 5 to a 3, and alignment W3 to be changed from an 8 to a 5.

- Members discussed the fact that the only land available for parking belonging to ODOT. ODOT is not inclined to sell it because it is being put aside for an I-5 freeway expansion project. The committee tied on a vote to change the scoring. They then averaged the old and suggested scores for their final recommendation of:
 - alignment W1-6
 - alignment W2-3
 - alignment W3-6

Task Force members did not make any alterations for D4 scoring.

Category E Compatibility with Existing Built Environment scoring

- Category E4
 - Steven Van Wechel asked about the bridge alignment W2 going over the boat storage and if it had any impacts on that building.
 - Bob said that alignment W2 has a potential for that and pointed out that those impacts were captured in category E3.
 - Simon Springall asked if bridge alignment W3 would impact the widening of the

freeway, and that because it will, Simon recommended lowering the score for alignment W3.

- Bob said that ODOT has expressed concern over alignment W3 and has already said that they will likely not give the project team the property to build alignment W3.
- Andrew Harvey pointed out that an I-5 widening would put traffic closer to alignment W3, Andrew also recommended the score be lowered.
- Steve Benson brought up that a score cannot be lowered to 0 because that would mean the alignment is impossible. The lowest you could score it is a 1.
 - Zach pointed out that ODOT has several members on the TAC and that the TAC scoring reflected that theoretically the bridge and freeway widening could happen simultaneously because the area is so wide.

Task Force members agreed unanimously to lower Category E4 alignment W3 from a 5 to 1.

Category F: Cost and Economic Impact scoring

- Category F1
 - Simon Springall asked the project team to define the wall was in the context of the bridge.
 - Bob explained that retaining walls are used to transition from bridge spans to a fill ramp in areas of alignment where a wall costs less than a bridge or where fill needs to be contained to reduce impacts.
- Category F3
 - Pete Ihrig brought up the Opportunities and Constrains report from April 2017 and asked about the three fatal flaw issues that could potentially shut down the third alignment.
 - Bob responded that the BPA lines, identified as number 9, are on the west side of the railroad bridge. These transmission lines will not be impacted by alignment W1.
 - Zach addressed the zoning for exclusive farm use, identified as number 1. Since publishing the report, more conversations with the County planning department indicated there is a land use path forward for impacts to EFU land.
 - Steven Van Wechel gave an anecdote about bridgework in Eugene and how BPA had been partial funders for the bridges so that they could run power lines in the bridges themselves. Steven then suggested that Bonneville Power Administration be considered a potential funding opportunity. He then proposed that Category F3 alignment W1 be raised a point or two.
 - Pete then brought up number 17 which is the City's wastewater treatment plant outfall. Alignment W3 could conflict with this feature. Pete was concerned that would render alignment W3 impossible. Bob clarified it would not be impossible, would be notably more expensive and introduce additional complex to the project.
 - Kirstin pointed out that, based on current scoring, this alignment may be eliminated very shortly.
 - Heidi Bell recommend putting Public Private Partnerships up as a possibility for exploring funding opportunities.
 - Simon Springall asked if alignment W2 also had power lines and wondered if

alignment W2 had the same potential for carrying the lines as alignment W1.

- Bob verified that there were PGE power lines potentially in conflict with both alignments.
- Steve Benson pointed out that alignment W3 has flexibility to potentially avoid conflicting with outfall pipe.
- Bob and Zach assured Task Force members these issues were no longer considered fatal flaws.

The Task Force agreed to change the scoring for Category F3 alignment W1 from a 5 to a 6, alignment W2 from a 4 to a 5, and alignment W3 to stay at a 1.

Kirstin asked for questions and comments from the Task Force before a final decision.

- Heidi Bell recommended the Council and staff to focus on traffic and pedestrian safety as the top priority, to be sure that there are safe connections for pedestrians and bicyclists to exit onto. Heidi also wanted the City to consider how they would work out ownership of the bridge; to make sure the police are patrolling the area and protecting the community. Heidi wants the City to consider whether the bridge would or should be open 24/7. Furthermore, Heidi wanted the City to remember that it would be beneficial for them to really work on how to connect the two sides of Wilsonville.
- Tony Holt was surprised by the total lack of explicit categories addressing safety.
 - Bob replied that safety was implicit in each of the subcategories for Category A, but also mentioned that perhaps those could have been called out specifically.
 - Steven Van Wechel clarified that the scores reflect both connectivity and safety even though safety is not mentioned.
 - Bob said that yes, the existing and future connections are created with safety in mind.
- Heidi Bell asked ODOT to talk about the I-5 improvement studies happening at the Donald Interchange.
 - Reem Khaki and Gail Curtis with ODOT noted that they were from Region 1; the Donald interchange is in Region 2. They would need to check.

Kirstin called for a final round of public Comment before the Task Force made their final recommendation to be passed on to City Council.

Pat Woolfram

I walk my dog on Butteville Road every day and have noticed that people only slow down because of a blind curve, at a place where there are no shoulders on the road. Pat recommends that if the project team plans to land people on that road, it needs to be widened or another safety measure needs to be put in place. Otherwise, it will be very dangerous.

- Simon Springall agreed with the community member and mentioned that the one benefit to alignment W3 is that it lands on the north side of Butteville Road so that no one must cross it to get to Charbonneau. If the future connection is made under the south end of the Boone Bridge, Charbonneau residents will have a direct connection and not need to cross Butteville Road.
- Steve Benson pointed out that it is possible to tunnel under Butteville Road for a bike or pedestrian path, which would be much better than going over the road.

As a closing comment, Steve recommended that alignment W1 be moved as far west as possible as to not impact the park.

Andrew Harvey asked if the project would need Right of Way from the railroad for alignment W1. Zach responded that the Railroad is open to it and that the project and the Railroad would have to enter in to an agreement.

Michelle Demsey

I am very concerned with losing the 100-year-old Orchard in Old Town. The Orchard is one of the few remaining green spaces left in the neighborhood/Old Town and is full of wildlife that the neighborhood considers an asset. The Orchard is important to residents.

- Steve Benson responded that in all iterations of the Parks Master Plan, the natural areas in Old Town are being taken into strong consideration to remain intact.

5. Recommendation for City Council

Task Force member unanimously recommended alignment W1.

6. Next Steps

Zach told the Task Force that the next public open house for the top four bridge types will be held in September, towards the end of the summer. Later into September and October the project team will host a Task Force meeting to narrow down the bridge types to two alternatives. In late fall and early winter, Task Force members will be asked to recommend a single bridge type. The project team will then initiate the Environmental Assessment period and cost estimates. After the Environmental Assessment is complete, the search for funding can begin.

7. Closing Comments

Co-Chairs Councilor Charlotte Lehan and County Chair Jim Bernard thanked Task Force and community members for coming and for their deliberation and guidance.

Zach reminded Task Force members that the project team will be presenting the Task Force and TAC recommendations for a preferred bridge alignment to the City Council at their meeting on May 21st.

Chair Bernard adjourned the meeting.

Appendix: Task Force and Public Comment Forms

Comments and suggestions:

1. High potential for impact to orchard is very troublesome. Old Town has lost the majority of its green space and loss of the orchard would be unacceptable. Turning the orchard into a parking lot is not an option for the Old Town neighborhood. We already have the railroad bridge and the sewage treatment plant. We deserve to keep the remaining green space. For that matter, turning any of Boones Ferry Park into a parking lot for a bike bridge is horrific for the neighborhood.
 - a. Need to address camping in Old Town. Motor homes are coming to the park and trying to stay overnight. There was a motor home parked on Boones Ferry at the orchard when we left for this meeting tonight. This bridge will bring more overnight campers.
 - b. The underrepresented populations on Tauchman are all renters. There are no homeowners on Tauchman. Just landlords who do not live there.
 - c. Adding more traffic to Boones Ferry Rd. could be very problematic. It is already difficult to get in and out of Old Town at certain times.
 - d. Did I really hear someone say this bridge would become the I-5 bridge in the event of an earthquake? Really?? That would destroy the neighborhood. That sounds extremely dangerous for the people who live on Boones Ferry. Crime to be concerned about is not only traffic and car problems. I'm talking about property crimes to the homeowners that live near this site. It is already on the increase with more people coming into Old Town to check out the river/potential bridge sides.
 - e. More emphasis is being placed on future user experience (noise, etc.) than current homeowner and neighborhood impact.
2. Could use a better understanding of the timing for these regional trails and connectivity to this project.
 - a. What would be the connection to Charbonneau on the South end. Needs to be off road (under I-5 bridge) W1 and W2 are coming down on wrong side of Butteville Road.
 - b. If you're doing an EA on only one alignment need to show various approach alignments on each end to adequately address environmental impacts.
 - c. Alignment 1 is relatively close to the railroad bridge. This bike/ped bridge (to be used also for emergency vehicles) will be designed to latest seismic codes, however railroad bridge is not-so proximity to the new bridge pier boating, etc. would need to be carefully evaluated.
 - d. Alignment 3 is relatively close to the existing I-5 bridge. Need to evaluate proximity to I-5 bridge for future auxiliary lane widening and allowing for an in-water work

- bridge between the two structures.
- e. Whichever alignment is chosen needs to look at in water pier locations in relation to the existing railroad and I5 piers and existing boat ramp locations. With the activity of boating around the marina and those passing through more piers in the water in this location are just more problematic. I have a boat at Charbonneau marina so sometimes on the weekends this can get fairly bury.
 - f. The poorer the Charbonneau connection the more need for parking and at the south trailhead.
 - g. Is there an opportunity for a utility to use the bridge and share in the cost?
3. The numbers used on the evaluation criteria scoring seem subjective and biased toward the wants of the team; Totally different numbers could be established from a different viewpoint/personal experience.
 4. Please consider Old Town residents. This bridge should be given the alignment tend has the least long-term impact on traffic on Boones Ferry Road. Alignment W3 preferred. W2 is second. Alignment W1 is least preferred. If we have to build this thing, please minimize impact of bikes on Boones Ferry Rd.



French Prairie Bridge Project

Scoring for City Council

April 12, 2018

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

Scoring for City Council

April 12, 2018

B		Emergency Access			W1		W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.				
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.				
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.				
20.0% Criteria B Weighting		14.0	10.0	7.3					



French Prairie Bridge Project

Scoring for City Council

April 12, 2018

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources are possible. <i>*Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.</i>
11.5%	Criteria C Weighting	6.9	8.1	3.8	



French Prairie Bridge Project

Scoring for City Council

April 12, 2018

D Compatibility with Recreational Goals		W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	6	3	6	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts. The Task force adjusted scores to reflect alignments closer to the Marina offer better recreational opportunities.
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wasterwater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		15.5	11.0	10.0	



French Prairie Bridge Project

Scoring for City Council

April 12, 2018

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	1	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future infrastructure improvements, such as widening of I-5. The Task Force wanted to more strongly reflect ODOT's concern with this alignment.
17.0%	Criteria E Weighting	10.2	9.4	8.5	



French Prairie Bridge Project

Scoring for City Council

April 12, 2018

F Cost and Economic Impact		W1	W2	W3	Notes
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant mitigation.
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.
F-3	Minimize the displacement of utilities	6	5	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly. The Task force adjusted scores to reflect possible economic opportunities for utilities to participate in project costs if the bridge could accommodate one or more utilities.
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.
11.5%	Criteria F Weighting	9.5	7.5	6.0	
100%	Total, Weighted Score	70	55	44	

EVALUATION CRITERIA MEMO



June 7, 2017

Prepared for the City of Wilsonville



Prepared By



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Attachment G

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INTRODUCTION

The City of Wilsonville is undertaking a project to develop preliminary designs for the French Prairie Bridge, a proposed bicycle/pedestrian/emergency vehicle crossing of the Willamette River between Interstate 5 and the railroad bridge. The project addresses bridge alignment, bridge type selection, 30% design, and preliminary environmental documentation.

This memo is intended to provide a decision-making framework for selection of the preferred bridge alignment corridor. Since project kickoff in August 2016, the project team and project management team (PMT) have collected a comprehensive set of information and data that informs alignment corridor selection. Sources of information include: the Opportunities and Constraints Memo, the Technical Advisory Committee (TAC), the project's Task Force (TF), and public events and comments. The Opportunities and Constraints Memo has previously been submitted under separate cover. Appendix A summarizes the lists of criteria collected from the TAC meeting, TF meeting and Open House.

This memo distinguishes between design criteria and evaluation criteria, and presents the recommended evaluation criteria, the approach to scoring of alternatives, and the weighing of each criterion.

DESIGN CRITERIA

Design criteria are those items and considerations that will be met or achieved by the project, regardless of the preferred alignment or bridge type. For each of the alternatives, the design criteria apply equally and are therefore not included as evaluation criteria. Some of the project considerations identified as part of the project meetings (Appendix A) fall into the design criteria category and are therefore not included in the evaluation criteria presented below. Project design criteria include:

- Bridge design according to ODOT's loading conditions, and seismic and hydraulic performance criteria
- Bicycle, pedestrian, roadway and emergency vehicle design standards.
- Compliance with the Americans with Disability Act (ADA)
- Compliance with all federal, state, and local laws and regulations

EVALUATION CRITERIA

Based on the lists of criteria in Appendix A, and as tabulated in Appendix B, six evaluation criteria are recommended. The six criteria capture nearly all of the criteria listed in Appendix A, but with sufficient clarity and specificity to provide meaningful comparisons of alignment corridor alternatives.

Each criterion has three or four sub-criteria. The purpose of the sub-criteria is to capture the variety of considerations in the input received.

The six criteria and respective sub-criteria are presented below in narrative form and are tabulated in Appendix B.

Criterion A - Connectivity and Safety

The criterion is to connect to existing or planned bike/pedestrian routes directly or using streets with sidewalks and bike lanes and meet minimum safety and design standards for bicycle and pedestrian users. The alignment corridors differ in how they connect to existing and planned local and regional bike/pedestrian routes. In addition, they differ in the ability to meet or exceed design standards for bike and pedestrian facilities. Exceeding design standards will provide users with a more functional facility. The four sub-criteria are:

- A-1 – Connect to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge
- A-2 – Connect to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge
- A-3 – Connect to planned bike/pedestrian routes on north side of the bridge
- A-4 – Connect to planned bike/pedestrian routes on south side of the bridge

Criterion B – Emergency Access

The criterion is to provide direct and rapid emergency vehicle access to the bridge while minimizing impacts to bridge users, residents, park activities, and marina operations. The alignment corridors differ in ease of bridge access by emergency vehicles. Emergency access includes emergency response to Charbonneau and areas south of the Willamette River and secondary emergency response to clear accidents and debris when the I-5 Boone Bridge is congested. Emergency access also includes the movement of equipment and materials should the I-5 Boone Bridge not be accessible after a major earthquake. The three sub-criteria are:

- B-1 – Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus
- B-2 – Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus
- B-3 – Minimize emergency response impacts on residents, park activities, and marina operations

Criterion C – Environmental Impacts

The criterion is to avoid adverse impacts on environmental resources with the goal of maximizing project eligibility for programmatic environmental permitting processes. Impacts will vary depending on alignment corridor. The three sub-criteria are:

- C-1 – Avoid or minimize adverse impacts on wildlife habitat and trees
- C-2 – Avoid or minimize adverse impacts on waters and wetlands
- C-3 – Avoid or minimize adverse impacts on cultural and historic resources

Criterion D – Compatibility with Recreational Goals

The criterion is to maximize the recreational benefits the bridge provides. There are several opportunities to improve or enhance recreational opportunities. The opportunities vary among the alignment corridor. The four sub-criteria are:

- D-1 – Provide a positive user experience (e.g. noise, aesthetics, view, comfort, security, compatible with other travel modes, exceeds minimum design standards for turns and slopes)
- D-2 – Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.
- D-3 – Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side
- D-4 – Maintain or improve river access

Criterion E - Compatibility with the Existing Built Environment

The criterion is to avoid displacement of and incompatibility with residences, businesses, marina operations, and planned infrastructure improvements and to minimize adverse effects of locating and accessing the bridge.

Consideration is given to project benefits or impacts to underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth). The four sub-criteria are:

- E-1 – Minimize bridge location and access impacts on residences in Old Town
- E-2 – Minimize bridge location and access impacts on residences at the south terminus in Clackamas County
- E-3 – Minimize bridge location and access impacts on marina facilities

- E-4 – Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)

Criterion F – Cost and Economic Impact

The criterion is to minimize the cost and adverse economic impacts of the project. There are temporary and permanent economic impacts which could improve or hinder local and regional economics. Those impacts vary depending on the preferred alignment corridor. The four sub-criteria are:

- F-1 – Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.
- F-2 – Minimize property acquisition (e.g. right-of-way, easements) and avoid displacements of residences and businesses
- F-3 – Minimize the displacement of utilities
- F-4 – Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections

SCORING OF ALTERNATIVES

The three or four sub-criteria within each criterion will be arithmetically averaged to provide a score of 0 to 10 for each alternative. This avoids giving more weight to criteria with four sub-criteria.

For each sub-criterion three scoring ranges are recommended to provide an objective baseline. However, the scoring ultimately contains a necessary and appropriate level of subjectivity based on factors that are not readily quantified.

Scores of 0 to 3 are recommended when an alternative generally does not meet most or any of the sub-criterion's objectives. Scores of 4 to 6 are recommended where an alternative meets some of the objectives. Scores of 7 to 10 are recommended where an alternative meets most or all of the objectives. A brief description for each scoring range for each sub-criterion is provided in Appendix C.

WEIGHING CRITERIA

The TF weighted criteria at their May 22, 2017 meeting as follows:

Criterion A – 20%

Criterion D – 20%

Criterion B – 20%

Criterion E – 17%

Criterion C – 11.5%

Criterion F – 11.5%



French Prairie Bridge Project

Appendix A – Criteria Lists

Task Force Criteria List

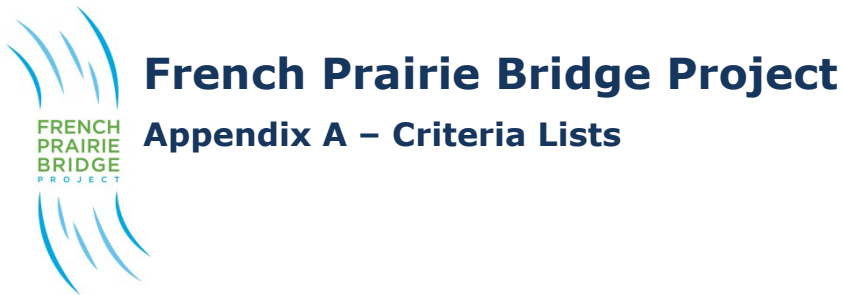
At the first Task Force meeting, the following list of criteria to consider when evaluating bridge alignment was created by the membership:

- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists
- Sensitivity to homes at the bridge landings and traffic Impacts to neighbors and residents
- Increased safety for all users
- Emergency vehicle access
- Seismic resilience
- Increased mode share towards active transportation
- Balance between cost, aesthetics and usability
- Increased tourism and revenue for maximum economic benefit to the city, state and region
- ADA accessibility
- Bridge landing design allows for park amenities like toilets and picnic tables
- Avoids railroad crossings
- Ability to use golf carts to cross the bridge
- Partnerships with the state and counties to upgrade local, connecting roadways
- Design maximizes the number of users
- Accommodates as many utility uses (power lines, sewer, etc.) as it can support
- Provides increased access to the river so all users can experience the water and natural environment
- Supports Wilsonville's initiative as a HEAL (Healthy Eating Active Living) City through increased recreational opportunities

Technical Advisory Committee Criteria List

At the first Technical Advisory Committee meeting, the following list of criteria to consider when evaluating bridge alignment was created by the membership:

- Impacts to historic resources
- Impacts to protected resources areas
- Impacts to trees
- Impacts of alignments on any potential park uses
- Impacts to fish, riparian habitats, streams, wetlands, channels, tributaries
- Ecological value and functional value of wetlands
- Interpretive and recreational opportunities around these ecological resources
- Directness of connections to major destinations and the regional and statewide trail network
- User experience (views, noise)
- User comfort (safety, topography)
- Effects on future master planning efforts of adjacent park facilities
- Level of access for emergency vehicles
- Neighborhood impacts (visual, noise, traffic, emergency use frequency)
- Level of construction costs
- Impacts to utilities



French Prairie Bridge Project

Appendix A – Criteria Lists

Open House Criteria List

At the Open House a list of criteria proposed by the project Task Force and the Technical Advisory Committee was displayed on two boards. Participants were asked to use a green dot sticker to identify which criteria they thought were most important. A nearby easel pad also provided the opportunity to suggest additional criteria.

Overall, community members felt that the evaluation criteria proposed by the Task Force and TAC were comprehensive. Between the Task Force and TAC lists, the following top two criteria were identified as most important:

Task Force Evaluation Criteria

- Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents (23)
- Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists (15)

TAC Evaluation Criteria

- Neighborhood impacts (visual, noise, traffic, emergency use frequency). (14)
- Directness of connections to major destinations and the regional and statewide trail network. (13)

Community members were invited to provide any additional ideas or overall thoughts. Some of these included:

- The bridge would be a major asset to Wilsonville and connect it to the valuable regional bike network, increasing the tourism draw to the area.
- Impacts to private residences, businesses and neighborhoods should be closely monitored.
- Questions were raised about the greater traffic and transportation issues in the area.
- Questions were raised about the infrastructure for pedestrians and cyclists when they come off the bridge, especially on the south side of the river.



French Prairie Bridge Project

Appendix B - Evaluation Matrix

June 7, 2017

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge							
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge							
A-3	Connects to planned bike/pedestrian routes on north side of the bridge							
A-4	Connects to planned bike/pedestrian routes on south side of the bridge							
20.0%	Criteria A Weighting	0	0	0				

B		Emergency Access			W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus							
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus							
B-3	Minimize emergency response impacts on residents, park activities, and marina operations							
20.0%	Criteria B Weighting	0	0	0				



French Prairie Bridge Project

Appendix B - Evaluation Matrix

June 7, 2017

Attachment G

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees				
C-2	Avoid or minimize adverse impacts on waters and wetlands				
C-3	Avoid or minimize adverse impacts on cultural and historic resources				
11.5%	Criteria C Weighting	0	0	0	

D	Compatibility with Recreational Goals	W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)				
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.				
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.				
D-4	Maintain or improve river access				
20.0%	Criteria D Weighting	0	0	0	



French Prairie Bridge Project

Appendix B - Evaluation Matrix

June 7, 2017

Attachment G

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town				
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County				
E-3	Minimize bridge location and access impacts on marina facilities				
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)				
17.0%	Criteria E Weighting	0	0	0	

F	Cost and Economic Impact	W1	W2	W3	Notes
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.				
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses				
F-3	Minimize the displacement of utilities				
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections				
11.5%	Criteria F Weighting	0	0	0	

100%	Total, Weighted Score	0	0	0	
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French Prairie Bridge Project

Appendix C - Scoring Guidance
June 7, 2017

SCORING GUIDANCE - Blue text indicates evaluation considerations to determine the appropriate range of point value based on how well each alternative achieves the sub-criteria

Criteria
Sub-criteria

0 to 3

4 to 6

7 to 10

A Connectivity and Safety

A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	Does not connect well to existing pedestrian and bike facilities or facilities do not meet most design and safety standards	Connects to existing pedestrian and bike facilities that do not comply with all design and safety standards	Directly connects to existing pedestrian and bike facilities that meet or exceed design and safety standards
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	Does not connect well to existing pedestrian and bike facilities or facilities do not meet most design and safety standards	Connects to existing pedestrian and bike facilities that do not comply with all design and safety standards	Directly connects to existing pedestrian and bike facilities that meet or exceed design and safety standards
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	Does not connect well to planned bike and pedestrian routes	Connects to planned regional or local bike and pedestrian routes	Directly connects to planned regional and local bike and pedestrian routes
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	Does not connect well to planned bike and pedestrian routes	Connects to planned regional or local bike and pedestrian routes	Directly connects to planned regional and local bike and pedestrian routes

B Emergency Access

B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	Indirect route from Wilsonville Road to middle of Willamette River	Neither direct nor indirect route from Wilsonville Road to middle of Willamette River	Direct route from Wilsonville Road to middle of Willamette River
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	Indirect route from Miley Road @ I-5 to middle of Willamette River	Neither direct nor indirect route from Miley Road @ I-5 to middle of Willamette River	Direct route from Miley Road @ I-5 to middle of Willamette River
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	Route for emergency responders directly adjoins residences or businesses or emergency vehicle use interrupts park activities or marina operations	Route for emergency responders avoids residences or businesses, but emergency vehicle use impacts park activities or marina operations	Route for emergency responders avoids residences, businesses, and parks and is separated from them



French Prairie Bridge Project

Appendix C - Scoring Guidance

June 7, 2017

SCORING GUIDANCE - Blue text indicates evaluation considerations to determine the appropriate range of point value based on how well each alternative achieves the sub-criteria

Criteria	0 to 3	4 to 6	7 to 10
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Sub-criteria			
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C Environmental Impacts

C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	Adverse impacts to wildlife habitat and trees	Moderate adverse impacts on wildlife habitat and trees	Avoids or has minimal adverse impacts on wildlife habitat and trees
C-2	Avoid or minimize adverse impacts on waters and wetlands	Adverse impacts to waters and wetlands	Moderate adverse impacts on waters and wetlands	Avoids or has minimal adverse impacts on existing waters and wetlands
C-3	Avoid or minimize adverse impacts on cultural and historic resources	Adverse impacts to cultural and historical resources	Moderate adverse impacts on cultural and historical resources	Avoids or has minimal adverse impacts on existing cultural and historical resources

D Compatibility with Recreational Goals

D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	Achieves some or few facets of a positive user experience	Achieves most facets of a positive user experience	Achieves all or nearly all facets of a positive user experience
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	Generally incompatible with existing uses (Permanent inconvenience or displacement) and/or precludes future improvements.	Compatible with existing uses with some temporary modifications and/or minor permanent displacement or limits flexibility for future improvements.	Compatible with existing uses with minor temporary modifications and no permanent displacement, while being flexible for future improvements.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	Generally incompatible with existing uses (Permanent inconvenience or displacement) and/or precludes future improvements.	Compatible with existing uses with some temporary modifications and/or minor permanent displacement or limits flexibility for future improvements.	Compatible with existing uses with minor temporary modifications and no permanent displacement, while being flexible for future improvements.
D-4	Maintain or improve river access	The alignment provides opportunities to view the river, but adversely impacts existing public accesses to the river bank.	Provides opportunities to view the river and maintains existing public river bank access points	Provides opportunities to view the river and allows for improved public access to the river bank



French Prairie Bridge Project

Appendix C - Scoring Guidance
June 7, 2017

SCORING GUIDANCE - Blue text indicates evaluation considerations to determine the appropriate range of point value based on how well each alternative achieves the sub-criteria

Criteria
Sub-criteria

0 to 3

4 to 6

7 to 10

E Compatibility with Existing Built Environment

E-1	Minimize bridge location and access impacts on residences in Old Town	The alignment directly impacts residences in Old Town or impacts underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)	The alignment or its intended accesses is in close proximity to, but does not directly impact, residences in Old Town	The alignment and its accesses are not in close proximity to residences in Old Town or benefit underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	The alignment directly impacts residences in Clackamas County or impacts underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)	The alignment is in close proximity to, but does not directly impact, residences in Clackamas County	The alignment is not in close proximity to residences in Clackamas County or benefit underrepresented populations (e.g. communities of color, limited English proficient and low-income populations, people with disabilities, seniors, and youth)
E-3	Minimize bridge location and access impacts on marina facilities	The alignment directly impacts Marina operations and those impacts cannot be readily mitigated	The alignment impacts Marina operations, but those impacts can be readily mitigated	The alignment does not impact Marina operations
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	The alignment impacts future infrastructure improvements	The alignment does not substantially impact future infrastructure improvements	The alignment does not impact future infrastructure improvements

F Cost and Economic Impact

F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	Formula based on relative project costs. Costs are not actual cost since there is insufficient information at this stage. Once each alignment has a relative cost based on the proportion of bridge, wall, path and mitigation, the least cost will receive a 10. Each of the other two alternatives will be scored lower in proportion to how much higher their cost is when compared with the lowest cost.		
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	The alignment affects more than four properties or may result in one or more displacements.	The alignment affects no more than four properties and does not result in any displacements.	The alignment affects no more than two properties and does not result in any displacements.
F-3	Minimize the displacement of utilities	The alignment directly impacts existing City or Franchise utilities which cannot be easily relocated	The alignment directly impacts existing City or Franchise utilities which can easily be relocated	The alignment does not impact existing City or Franchise utilities
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	Provides limited opportunity to increase revenue for the local and regional economies through improved access and tourism	Provides some opportunity to increase revenue for the local and regional economies through improved access and tourism	Provides significant opportunity to increase revenue for the local and regional economies through improved access and tourism

RESOLUTION NO. 2688

A RESOLUTION OF THE CITY OF WILSONVILLE TO SELECT THE PREFERRED BRIDGE LOCATION FOR THE FRENCH PRAIRIE BICYCLE-PEDESTRIAN-EMERGENCY ACCESS BRIDGE: BOONES FERRY ROAD TO BUTTEVILLE ROAD (CIP #9137).

WHEREAS, the adopted 2013 City of Wilsonville Transportation System Plan (TSP), updated in 2016, identifies a regionally significant gap in the bicycle and pedestrian network between Wilsonville and the area south of Willamette River, including Charbonneau; and

WHEREAS, the TSP identifies a critical need to link bicycle and pedestrian routes in the region, connecting nearby communities and regional trail systems, such as the Ice Age Tonquin Trail, to areas south of the Willamette River, such as Charbonneau and the French Prairie and Mid-Willamette Valley areas, including Champoeg State Park and the Willamette Valley Scenic Bikeway; and

WHEREAS, the TSP identifies the narrow shoulders along the I-5 Boone Bridge, which is the only bicycle and pedestrian connection over the Willamette River for 30 miles, as a significant safety deficiency; and

WHEREAS, the adopted 2006 City of Wilsonville Bicycle and Pedestrian Master Plan evaluated six alternatives to provide a pedestrian and bicycle crossing of the Willamette River and a new standalone bicycle/pedestrian bridge was identified as the preferred option.

WHEREAS, the TSP identifies the need to construct a bridge over the Willamette River for bike, pedestrian, and emergency access to provide an alternative to the I-5 Boone Bridge; and

WHEREAS, the TSP lists the Willamette River Bike/Pedestrian/Emergency Bridge (aka French Prairie Bridge), Project RT-06 and RT-P3, to serve as a standalone, pedestrian and bicycle regional trail alternative to the I-5 Boone Bridge; and

WHEREAS, the adopted 2013 Clackamas County Transportation System Plan lists the French Prairie Bridge, Project #1085, as a 20-year capital project need; and

WHEREAS, the French Prairie Bridge north landing is to be located within the City of Wilsonville and the south landing is to be located within unincorporated Clackamas County; and

WHEREAS, the Wilsonville City Council authorized Staff (Resolution No. 2129) to apply for regional flexible funds through the Metropolitan Transportation Improvement Program 2010-2013 project solicitation for project development of the French Prairie Bridge; and

WHEREAS, the Metro awarded \$1.25 Million from 2010-2013 Regional Flexible funds to perform project development for the French Prairie Bridge; and

WHEREAS, the Wilsonville City Council authorized the Mayor to enter into an Intergovernmental Agreement with the State of Oregon to initiate the use of federal funding for planning and preliminary design of the French Prairie Bridge project (the Project); and

WHEREAS, the Project will determine the final bridge location, type, and preliminary design necessary to determine whether to pursue final bridge design and construction; and

WHEREAS, the Project identified three potential bridge locations within the Project study area and the French Prairie Bridge Opportunities and Constraints Report, dated April 5, 2017, documents the opportunities and constraints associated with each location; and

WHEREAS, a Project Management Team leads the Project, comprised of City of Wilsonville, Clackamas County, and the Oregon Department of Transportation staff and the lead consulting firm; and

WHEREAS, the Project formed a Technical Advisory Committee (TAC), with members representing public agencies and organizations having expertise and implementation authority to provide recommendations on regulatory and technical issues relevant to bridge siting and design; and

WHEREAS, the Project formed a Task Force, with members representing a wide range of stakeholder values and interests, including affected neighborhoods and businesses, walking and cycling enthusiasts, local parks and trails interests, tourism associations, and emergency services personnel, to provide recommendations to the Wilsonville City Council at key milestones in the bridge planning and design process; and

WHEREAS, the Project solicited public input on the three potential bridge locations through individual stakeholder interviews, a public open house (in-person and online), and online comment forms; and

WHEREAS, the Task Force finalized bridge location evaluation criteria based on input obtained from interested members of the public, Project Management Team, TAC, Wilsonville City Council, and Clackamas Board of County Commissioners meetings as documented in the French Prairie Bridge Evaluation Criteria Memo, dated June 7, 2017; and

WHEREAS, the three bridge locations were evaluated based on six criteria, including Connectivity and Safety, Emergency Access, Environmental Impacts, Compatibility with Recreational Goals, Compatibility with the Existing Built Environment, Cost and Economic Impact; and

WHEREAS, the TAC provided a technical evaluation of the three potential bridge locations utilizing the Opportunity and Constraints Report and Evaluation Criteria Memo, identifying bridge alignment W1 as the preferred bridge location; and

WHEREAS, the Task Force evaluated the three potential bridge locations utilizing the TAC technical evaluation, Opportunity and Constraints Report, and Evaluation Criteria Memo, unanimously recommending bridge alignment W1 as the preferred bridge location; and

WHEREAS, of the three potential locations, bridge alignment W1 is identified as providing the least cost and best connectivity and safety, emergency access, compatibility with recreational goals, compatibility with existing built environment, and economic impact; and

WHEREAS, the French Prairie Bridge Location Selection Summary, dated May 2018, attached hereto as **Exhibit 1** and incorporated herein, documents the preferred bridge location; and

WHEREAS, future project work, particularly information gained through further bridge design environmental assessment, may result in a variation from the W1 alignment as the final bridge site.

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

1. The French Prairie Bridge Location Evaluation Report summarizes the results of the comprehensive study completed to determine the preferred bridge location for the French Prairie Bridge.
2. The preferred French Prairie Bridge location is identified as alignment W1.
3. The City of Wilsonville will continue to work with Clackamas County and staff through bridge type selection and future project design to address concerns and mitigate potential impacts to the Boones Ferry Marina and Butteville Road due to the construction and operation of the French Prairie Bridge.
4. The City of Wilsonville will continue to work with members of the Old Town neighborhood association as part of future design work to address concerns and mitigate potential neighborhood impacts resulting from the Project.
5. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of June 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall

Attachment:

1. Exhibit 1 – French Prairie Bridge Location Selection Summary, dated May 2018

Resolution No. 2688 - Exhibit 1

Bridge Location Selection Summary



May 2018

Prepared for the City of Wilsonville



Prepared By



OBEC Consulting Engineers
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Lake Oswego, OR 97035
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Introduction

The City of Wilsonville is undertaking a project to develop preliminary designs for the French Prairie Bridge, a proposed bicycle/pedestrian/emergency vehicle crossing of the Willamette River between Interstate 5 (I-5) and the Portland and Western Railroad bridge. The project addresses bridge location, bridge type selection, 30% design, and preliminary environmental documentation.

Three locations have been conceptually developed for analysis. Following selection of a preferred location, the project team will analyze and select a preferred bridge type, and then proceed to complete preliminary environmental documentation in preparation for a future Environmental Assessment.

Prior to preparation of this report, the project team performed preliminary investigations of the project site and compiled the resulting information into reports. These reports were prepared using the project team's best judgement, and were supplemented with guidance offered by the Technical Advisory Committee (TAC). This information is summarized in the Opportunities and Constraints Report.

Following development of the Opportunities and Constraints Report, the project team, with input from the TAC, Task Force, an open house, Wilsonville City Council, and Clackamas County Board of Commissioners, prepared a list of criteria to evaluate the relative merits of each location. These criteria are based on the needs and values of the community, including City and County goals. The Task Force assigned relative weighting to the criteria to provide for a quantitative comparison of the locations. This work is summarized in the Evaluation Criteria Memo.

This Location Selection Summary is a capstone document for determining the preferred bridge location using the information prepared in the technical reports, Opportunities and Constraints Memo, and Evaluation Criteria Memo. This qualitative discussion has been prepared considering the Evaluation Criteria Memo and its quantitative scoring guidance to determine which location, as a whole, best meets the varied needs and values of the City of Wilsonville and the region.

The discussion below is grouped by location and then by evaluation criteria with an explanation of how the quantitative score for that portion of the evaluation was reached.

The quantitative evaluation criteria and resulting alignment evaluation scores from both the TAC and the Task Force are included in Appendix A. The figures depicting the project's opportunities and constraints are included in Appendix B.

Alignment W1

Alignment W1 is located at the far west edge of the project area, adjacent to the Portland and Western Railroad facility. The north end of the path connects to the west shoulder of SW Boones Ferry Road in Boones Ferry Park. The south end of the path connects to NE Butteville Road, opposite the Boones Ferry Boat Launch parking lot.

The alignment starts closely following the grade and alignment of SW Boones Ferry Road. Near the entrance to the Boones Ferry Park parking lot, the alignment begins to climb to the elevation required to clear the assumed United States Coast Guard (USCG) navigational clearance (assumed to be the same as the railroad bridge) at a maximum grade of 5%. After crossing over the navigational channel, the alignment descends at approximately a 2% grade. The alignment crosses over the westernmost boat slips of the Boones Ferry Marina and the main parking lot of the Boones Ferry Boat Launch before crossing over NE Butteville Road. After crossing NE Butteville Road, the alignment makes a big sweeping loop at a maximum grade of 5% down to connect to NE Butteville Road.

The path through the W1 alignment corridor is approximately 2,000 feet long. The main span crossing of the Willamette River is approximately 750 feet in length. The total bridge length, including approach spans, is anticipated to be approximately 1,200 feet long. Retaining walls are anticipated to minimize property impacts at both ends of the alignment.

See Figure 1 for a conceptual plan of Alignment W1.

Connectivity and Safety

This criterion is related to the alignment's effectiveness of safely connecting existing and planned pedestrian routes on the two sides of the river.

North Terminal Connection

The alignment connects directly to the existing southbound bike lane on the west shoulder of SW Boones Ferry Road. This bike path connects directly to the planned extension of the Ice Age Tonquin Trail, which extends to Sherwood and Tualatin and connects to trails extending farther north. There are currently no pedestrian accommodations in this area.

The alignment connects to existing local trails to the east by way of SW Tauchman Street. The east end of SW Tauchman Street connects to the Wilsonville Waterfront Trail, which crosses under I-5 and connects to Memorial Park. SW Tauchman Street has no current accommodations for bicycles or pedestrians.

South Terminal Connection

There are no existing bicycle or pedestrian accommodations on the south side of the Willamette River.

The alignment's connection to NE Butteville Road provides opportunity to connect to a planned bicycle and pedestrian path located along the south bank of the Willamette River. This path will cross under I-5 and connect NE Butteville Road to the Charbonneau District. Users will need to pass through the busy area at the Boones Ferry Marina, Boones Ferry Boat Launch, and NE River Vista Lane to connect to this planned path.

The alignment's relatively direct connection to NE Butteville Road provides excellent access to a planned widening of NE Butteville Road to Champoeg State Park and connections to the Willamette Valley Scenic Bikeway, which extends southward to Eugene.

Emergency Access

This criterion is related to the alignment's effectiveness at conveying emergency vehicles across the Willamette River and assessing the impacts of such use on existing land uses.

North Terminal Connection

Alignment W1 offers the most direct route possible from Wilsonville Road to the south side of the Willamette River, connecting to the south end of SW Boones Ferry Road and extending directly south over the river.

South Terminal Connection

Alignment W1 uses a loop to connect to NE Butteville Road. Additionally, the alignment connects at the west end of the project corridor, while most emergency vehicle trips are expected to be headed east towards I-5, Miley Road, and the Charbonneau District.

Impacts to Existing Uses

Alignment W1 is generally routed away from homes. The alignment has limited impacts to Boones Ferry Park users, as it is located in an undeveloped portion of the park. The alignment does not directly affect marina and boat launch users on the south side of the Willamette River, as it crosses overhead, but some noise impacts to marina and boat launch users are expected.

Environmental Impacts

This criterion is related to the anticipated impacts to terrestrial and aquatic habitat, animals and plants, and cultural and historic resources.

Impacts to Terrestrial Habitat and Wildlife

Alignment W1 has some impacts to wooded areas and wildlife habitat. The alignment will impact trees and habitat on the river banks and along the railroad property south of Butteville Road. Beyond these areas, the alignment is located within developed areas and grassy fields.

Impacts to Waters, Wetlands, and Aquatic Wildlife

Alignment W1 minimizes impacts to wetlands, waters, and aquatic wildlife. The impacts to the Willamette River will be minimized. There is the potential to impact some wetland areas within the grassy fields on the south side, but these impacts are anticipated to be minimal.

Impacts to Cultural and Historic Resources

This assessment is based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.

Alignment W1 is located in relatively close proximity to the historic location of Boones Ferry and a historic orchard located within Boones Ferry Park. As a result, it is possible that the alignment could impact these known historic resources, though

these resources likely have already been disturbed. There is a moderate to high possibility of encountering pre-contact resources.

Compatibility with Recreational Goals

This criterion is related to how well recreational objectives are achieved. It includes the influence of the bridge on existing and future park uses on both sides of the river.

User Experience

Alignment W1's location at the west edge of the project corridor is as far as practical from the busy I-5 Boone Bridge, minimizing the volume of highway noise heard by bridge users. However, this location is in close proximity to the railroad bridge, and the periodic noise due to railroad traffic will be loud. The alignment will provide good views downstream, but upstream views may be partially obstructed by the railroad bridge.

The alignment is out in the open for the majority of the path. A portion of the loop may feel secluded because of the proximity of the railroad embankment, but it is a safe and visible alignment.

Alignment W1 accommodates several features that meet or exceed the minimum design standards for the facility. In general, this alignment will provide a very good user experience.

Compatibility with North Bank Recreational Uses

On the north bank of the Willamette River, Alignment W1 is located west of SW Boones Ferry Road. This location places the alignment outside of the developed portion of Boones Ferry Park. The path can be located at either the west or east edge of the portion of the park west of SW Boones Ferry Road, maximizing the possible future uses of that portion of the park.

Compatibility with South Bank Recreational Uses

On the south bank of the Willamette River, Alignment W1 crosses over some of the Boones Ferry Marina boat slips, potentially limiting future flexibility with slip arrangement. The alignment is also elevated above the primary parking lot for the Boones Ferry Boat Launch, possibly affecting the number and arrangement of parking spaces within the lot. In addition to the potential loss of parking spaces, the County is concerned with parking impacts of new path and bridge users. It is expected this project's preliminary and final design will include explicit accommodation of the increased parking demand by providing a designated lot.

River Access

Alignment W1 has no direct influence on river access. The alignment is located near the existing river access at the end of SW Boones Ferry Road on the north bank of the river, creating the best opportunity to bring additional users to the north bank. The alignment is located near the existing Boones Ferry Boat Launch, potentially bringing additional users to the south bank of the river, though river access needs to be coordinated with Boones Ferry Marina operations.

Compatibility with Built Environment

This criterion is related to the potential impacts to the existing built environment and compatibility with future improvements in the immediate vicinity of the bridge alignment. Specific areas of consideration are residences, parks, and the Boones Ferry Marina.

North Terminal Connection

The north terminal connection of Alignment W1 is located on the west side of SW Boones Ferry Road. It is anticipated that the end of the path would connect to SW Boones Ferry Road at or south of SW Tauchman Street. The nearest residences are located east of SW Boones Ferry Road and north of SW Tauchman Street. These residences include underrepresented populations. Users would access the path via SW Boones Ferry Road, which already has some accommodations for bicycle users.

South Terminal Connection

The south terminal connection of Alignment W1 is located over a parking lot and lands in undeveloped or agricultural property south of NE Butteville Road. There is only one residence in proximity to the alignment and it is located approximately 50 feet from the closest approach of the alignment.

Marina Facilities

Alignment W1 crosses over boat slips for the Boones Ferry Marina. The bridge can be configured to be compatible with the existing boat slips and marina usage.

Future Infrastructure Improvements

Alignment W1 is located adjacent to the existing railroad bridge. The alignment requires use of a portion of the existing railroad right of way (ROW). Based on a meeting with the railroad, this alignment will not limit future expansion of railroad facilities. The railroad's primary concern focuses on trespassing and safety. Should this alignment be selected, further coordination would be necessary to determine what, if any, positive barriers between the path and rail line would be required.

Cost and Economic Impact

This criterion is related to the construction cost, anticipated property acquisition and displacements of residences and businesses, required utility relocations, and anticipated economic benefits generated by the bridge crossing.

Estimated Project Cost

A comparative cost analysis was performed for Alignments W1, W2, and W3. All alignments are fairly comparable in relative cost. Though there are other costs, this analysis only compared the relative quantities of bridge, retaining walls, and path required by each alignment along with a qualitative assessment of environmental mitigation. For Alignment W1, the quantities used for this comparison were: 1,200 feet of bridge (800 feet of main span, and 400 feet of approach span); 5,100 square feet of retaining walls; and 850 feet of on-grade path. Environmental mitigation costs are expected to be minor to moderate and are qualitatively considered in this criterion.

At the conclusion of this analysis, Alignment W1 was scored 9 points out of a possible 10.

Anticipated Property Acquisitions and Displacements

Alignment W1 will primarily require transfer of public properties. The portion of the alignment located on the north bank of the river is wholly owned by the City of Wilsonville. On the south bank of the river, easements would be required from Clackamas County and the Oregon Department of Transportation (ODOT). Property acquisition from one private party is anticipated on the south bank.

No residential or business relocations are anticipated for alignment W1.

Impacts to Utilities

Alignment W1 will require the relocation of existing overhead power distribution lines located along NE Butteville Road. The placement of a path and bridge along Alignment W1 will require coordination with an adjacent underground gas line, overhead power transmission lines, and existing water and sewer lines on the north bank.

Economic Benefits

Alignment W1 provides significant potential benefit to the local and regional economies as a result of the good connections to regional trails and parks, and a direct connection to Boones Ferry Road. Some impact from railroad noise is expected.

Alignment W2

Alignment W2 is located roughly in the middle of the project area. The north end of the path connects to the south shoulder of SW Tauchman Street east of SW Magnolia Avenue. The south end of the path connects to NE Butteville Road south of NE River Vista Lane.

The alignment crosses a relatively open portion of Boones Ferry Park. From SW Tauchman Street, the path becomes elevated as it falls at a maximum grade of 5%, while the existing ground underneath falls at close to 10%. The path then begins to climb to the elevation required to clear the assumed USCG navigational clearance at a maximum grade of about 3.5%. After crossing over the navigational channel, the alignment descends at approximately a 2.5% grade. The alignment crosses over the easternmost boat slips of the Boones Ferry Marina. On the south bank of the Willamette River, the path crosses over a portion of the Boones Ferry Marina boat storage and a residential parcel before crossing over NE River Vista Lane. After crossing over NE River Vista Lane, the path turns towards the west and crosses over NE Butteville Road. The path then makes a loop and descends at a maximum grade of 5%, connecting to NE Butteville Road south of NE River Vista Lane.

The path through the W2 alignment corridor is approximately 1,900 feet long. The main span crossing of the Willamette River is approximately 700 feet in length. The total bridge length, including approach spans, is anticipated to be approximately 1,200 feet long. Retaining walls are anticipated to minimize property impacts at both ends of the alignment.

See Figure 1 for a conceptual plan of Alignment W2.

Connectivity and Safety

This criterion is related to the alignment's effectiveness of safely connecting existing and planned pedestrian routes on the two sides of the river.

North Terminal Connection

The alignment connects to SW Tauchman Street, which does not have existing bicycle or pedestrian accommodations. Currently, traffic on SW Tauchman Street at the point of connection is very light, as the only traffic generator is a relatively small number of residences and the wastewater treatment plant.

Path users can follow SW Tauchman Street west to SW Boones Ferry Road. SW Boones Ferry Road connects directly to the planned extension of the Ice Age Tonquin Trail, which extends to Sherwood and Tualatin and connects to trails extending farther north. Path users can follow SW Tauchman Street east to the Wilsonville Waterfront Trail, which crosses under I-5 and connects to Memorial Park.

South Terminal Connection

There are no existing bicycle or pedestrian accommodations on the south side of the Willamette River.

The alignment's connection to NE Butteville Road provides opportunity to connect to a planned bicycle and pedestrian path located along the south bank of the Willamette River. This path will cross under I-5 and connect NE Butteville Road to the Charbonneau District.

The alignment's connection to NE Butteville Road provides access to a planned widening of NE Butteville Road to Champoeg State Park and connections to the Willamette Valley Scenic Bikeway, which extends southward to Eugene. Users will need to pass through the busy area at the Boones Ferry Marina, Boones Ferry Boat Launch, and NE River Vista Lane to make this connection.

Emergency Access

This criterion is related to the alignment's effectiveness at conveying emergency vehicles across the Willamette River and assessing the impacts of such use on existing land uses.

North Terminal Connection

Alignment W2 connects emergency responders from Wilsonville Road across the Willamette River by way of SW Boones Ferry Road and SW Tauchman Street. After turning off of SW Tauchman Street, the path proceeds directly across the Willamette River.

South Terminal Connection

Alignment W2 uses a loop to connect to NE Butteville Road. This loop runs roughly parallel to NE Butteville Road, bringing responders towards I-5. The path is reasonably direct for the majority of emergency vehicle trips, which are anticipated to be headed east towards I-5, Miley Road, and the Charbonneau District.

Impacts to Existing Users

Alignment W2 requires emergency responders to travel down SW Tauchman Street, which has residences located on the north side of the street. The alignment bisects the main portion of Boones Ferry Park, skirting to the east of the main improvements. The alignment does not directly affect residents, marina uses, and boat launch uses on the south side of the Willamette River as it crosses overhead. It is anticipated that noise impacts will be experienced by residents, as well as park and river users along the path alignment.

Environmental Impacts

This criterion is related to the anticipated impacts to terrestrial and aquatic habitat, animals and plants, and cultural and historic resources.

Impacts to Terrestrial Habitat and Wildlife

Alignment W2 avoids most impacts to wooded areas and wildlife habitat. The alignment will impact trees and habitat on the river banks. Beyond the river banks, the alignment is located within developed areas and grassy fields.

Impacts to Waters, Wetlands, and Aquatic Wildlife

Alignment W2 has the practical minimum impacts to wetlands, waters, and aquatic wildlife. The impacts to the Willamette River will be minimized. There is the potential to impact some wetland areas within the grassy fields on the south side, but these impacts are anticipated to be minimal.

Impacts to Cultural and Historic Resources

This assessment is based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.

Alignment W2 is located east of the Tauchman House and crosses the Willamette River adjacent to, but east of, the historic location of Boones Ferry. As a result, it is possible that the alignment could impact historic era resources, though these resources likely have already been disturbed. There is a moderate possibility of encountering pre-contact resources, though most areas have been disturbed by historic era activities.

Compatibility with Recreational Goals

This criterion is related to how well recreational objectives are achieved. It includes the influence of the bridge on existing and future park uses on both sides of the river.

User Experience

Alignment W2's location in the middle of the project corridor means that it is not particularly close to either the I-5 Boone Bridge or the railroad bridge. The alignment will provide good views both upstream and downstream.

The alignment is out in the open for the entirety of the path length. This alignment is safe and visible.

Alignment W2 accommodates several features that meet or exceed the minimum design standards for the facility. In general, this alignment will provide a great user experience.

Compatibility with North Bank Recreational Uses

On the north bank of the Willamette River, Alignment W2 bisects Boones Ferry Park. This location places the alignment east of the main developed portion of Boones Ferry Park. The location of the path can be adjusted today to accommodate current uses, but possible future uses of the park will be restricted by the presence of the path.

Compatibility with South Bank Recreational Uses

On the south bank of the Willamette River, Alignment W2 crosses over some of the Boones Ferry Marina boat slips, potentially limiting future flexibility of slip arrangement. The alignment is also elevated above dry boat storage for the Boones Ferry Marina, possibly affecting the number and arrangement of storage spaces within the lot.

River Access

Alignment W2 has no direct influence on river access. It will provide the best view of the river from the bridge. There are limited opportunities to enhance river access on this alignment.

Compatibility with Built Environment

This criterion is related to the potential impacts to the existing built environment and compatibility with future improvements in the immediate vicinity of the bridge alignment. Specific areas of consideration are residences, parks, and the Boones Ferry Marina.

North Terminal Connection

The north terminal connection of Alignment W2 is located in Boones Ferry Park on SW Tauchman Street. Residences are located across SW Tauchman Street from the end of the path. These residences include underrepresented populations. Users would access the path via SW Tauchman Street, which has no accommodations for bicycle or pedestrian use.

South Terminal Connection

The south terminal connection of Alignment W2 is located over a storage yard for the Boones Ferry Marina, two residential properties, and agricultural property. One residence is located immediately adjacent to the alignment, and two other residences are located in proximity to the alignment.

Marina Facilities

Alignment W2 crosses over boat slips for the Boones Ferry Marina. The bridge can be configured to be compatible with the existing boat slips and parking. Impacts are anticipated to marina operations and/or existing marina buildings.

Future Infrastructure Improvements

Alignment W2 does not have an appreciable impact on future expansion of existing infrastructure.

Cost and Economic Impact

This criterion is related to the construction cost, anticipated property acquisition and displacements of residences and businesses, required utility relocations, and anticipated economic benefits generated by the bridge crossing.

Estimated Project Cost

A comparative cost analysis was performed for Alignments W1, W2, and W3. All alignments are fairly comparable in relative cost. Though there are other costs, this analysis only compared the relative quantities of bridge, retaining walls, and path required by each alignment along with a qualitative assessment of environmental mitigation. For Alignment W2, the quantities used for this comparison were: 1,160 feet of bridge (720 feet of main span and 440 of approach span); 11,400 square feet of retaining walls; and 740 feet of on-grade path. Environmental mitigation costs are expected to be minor to moderate and are qualitatively considered in this criterion.

At the conclusion of this analysis, Alignment W2 was scored 9 points out of a possible 10.

Anticipated Property Acquisitions and Displacements

Alignment W2 will primarily require transfer of public properties. The portion of the alignment located on the north bank of the river is wholly owned by the City of Wilsonville. On the south bank of the river, easements would be required from Clackamas County. Property acquisition from three private parties is anticipated on the south bank of the river.

One potential residential displacement is possible for Alignment W2. One business displacement is possible for Alignment W2.

Impacts to Utilities

Alignment W2 will require the relocation of existing overhead power transmission and distribution lines located along NE Butteville Road. The placement of a path and bridge along Alignment W2 will require coordination with underground gas lines located along NE Butteville Road and existing water and sewer lines located within Boones Ferry Park and along SW Tauchman Street.

Economic Benefits

Alignment W2 provides the greatest potential benefit to the local and regional economies as a result of the good connections to regional trails and parks, inviting river views, and limited impact from I-5 and the railroad.

Alignment W3

Alignment W3 is located at the east edge of the project area. The north end of the path connects to the south shoulder of SW Tauchman Street at the entrance to the wastewater treatment plant. The south end of the path connects to NE Butteville Road, well south of NE River Vista Lane.

The alignment begins at the east end of SW Tauchman Street and heads east through a wooded area within a parcel acquired by the City of Wilsonville for expansion of Boones Ferry Park. The path turns south at the bank of a drainage and crosses the Willamette River. The path more or less follows existing ground in this area, descending at a maximum 5% grade before beginning to climb at 4% to clear the assumed USCG navigational channel. After crossing over the navigational channel, the alignment descends at approximately a 4.5% grade. The alignment lands on the south bank of the river east of an existing drainage. After landing on the south bank of the river, the path follows existing ground through wooded terrain along the east bank of the channel before turning to the west and crossing over the channel on a single-span bridge. Once across the channel, the path follows an existing driveway to NE Butteville Road, with a maximum grade of about 3.1%.

The path through the W3 alignment corridor is approximately 2,550 feet long. The main span crossing of the Willamette River is approximately 800 feet in length. The total bridge length, including approach spans, is anticipated to be approximately 1,000 feet long. The second bridge is approximately 140 feet long. Retaining walls are anticipated to minimize property impacts at the north end of the alignment.

See Figure 1 for a conceptual plan of Alignment W3.

Connectivity and Safety

This criterion is related to the alignment's effectiveness of safely connecting existing and planned pedestrian routes on the two sides of the river.

North Terminal Connection

The alignment connects to the end of SW Tauchman Street, which does not have existing bicycle or pedestrian accommodations. Currently, traffic on SW Tauchman Street at the point of connection is very light, as the only traffic generator is a relatively small number of residences and the wastewater treatment plant.

Path users can follow SW Tauchman Street west to SW Boones Ferry Road. SW Boones Ferry Road connects directly to the planned extension of the Ice Age Tonquin Trail, which extends to Sherwood and Tualatin and connects to trails extending farther north. Path users can directly connect to the Wilsonville Waterfront Trail, which crosses under I-5 and connects to Memorial Park.

South Terminal Connection

There are no existing bicycle or pedestrian accommodations on the south side of the Willamette River.

The alignment's eastern location provides the opportunity to directly connect to a planned bicycle and pedestrian path located along the south bank of the Willamette

River. This path will cross under I-5 and connect NE Butteville Road to the Charbonneau District.

The alignment's connection to NE Butteville Road provides access to a planned widening of NE Butteville Road to Champoeg State Park and connections to the Willamette Valley Scenic Bikeway, which extends southward to Eugene. Bridge users wanting to travel west do not have to cross the NE Butteville Road at the alignment connection point. Users will need to pass through the busy area at the Boones Ferry Marina, Boones Ferry Boat Launch, and NE River Vista Lane to make this connection.

Emergency Access

This criterion is related to the alignment's effectiveness at conveying emergency vehicles across the Willamette River and assessing the impacts of such use on existing land uses.

North Terminal Connection

Alignment W3 connects emergency responders from Wilsonville Road across the Willamette River by way of SW Boones Ferry Road and SW Tauchman Street. At the end of SW Tauchman Street, the path proceeds east through Boones Ferry Park before turning south to cross the Willamette River.

South Terminal Connection

Alignment W3 connects to NE Butteville Road by way of a long path. The route is fairly direct for responders headed towards I-5, Miley Road, and the Charbonneau District, but emergency vehicles would need to proceed carefully and slowly due to the shared use nature of the facility.

Impacts to Existing Users

Alignment W3 requires emergency responders to travel down SW Tauchman Street, which has residences located on the north side of the street. The alignment travels along the east edge of an undeveloped portion of Boones Ferry Park. The alignment does not affect marina uses or the boat launch on the south side of the Willamette River. The alignment is in proximity to residences as it nears NE Butteville Road. It is anticipated that noise impacts will be experienced by residents, as well as park and river users along the path alignment.

Environmental Impacts

This criterion is related to the anticipated impacts to terrestrial and aquatic habitat, animals and plants, and cultural and historic resources.

Impacts to Terrestrial Habitat and Wildlife

Alignment W3 impacts wooded areas and wildlife habitat for the majority of its length on both sides of the river.

Impacts to Waters, Wetlands, and Aquatic Wildlife

Alignment W3 minimizes impacts to wetlands, waters, and aquatic wildlife. The impacts to the Willamette River will be minimized. There are additional impacts due

to wetlands and tributary crossings. In particular, there is a second bridge required to cross the drainage south of the Willamette River.

Impacts to Cultural and Historic Resources

This assessment is based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.

Alignment W3 is located well east of the historic location of Boones Ferry. Impacts to historic era resources are not considered likely. There is a moderate possibility of encountering pre-contact resources, particularly because much of the area is undisturbed.

Compatibility with Recreational Goals

This criterion is related to how well recreational objectives are achieved. It includes the influence of the bridge on existing park uses on both sides of the river.

User Experience

Alignment W3 is located relatively close to the I-5 Boone Bridge. Freeway noise is anticipated to be noticeable on the bridge. The alignment will provide good views upstream, but the I-5 Boone Bridge will limit views in the downstream direction.

The alignment is largely secluded. The wooded nature of the path would make it a unique experience; however, it may also make the alignment feel unsafe due to lack of visibility.

Alignment W3 accommodates several features that meet or exceed the minimum design standards for the facility. In general, this alignment will provide a poor user experience.

Compatibility with North Bank Recreational Uses

On the north bank of the Willamette River, Alignment W3 skirts the east edge of Boones Ferry Park. This location places the alignment outside of currently developed park areas and maximizes flexibility for future uses of the undeveloped portion of the park. However, this location may limit local trail flexibility.

Compatibility with South Bank Recreational Uses

On the south bank of the Willamette River, Alignment W3 is well east of the Boones Ferry Marina and Boones Ferry Boat Launch. Existing recreational uses will not be impacted by this alignment.

River Access

Alignment W3 brings users to portions of the river bank not currently accessed. However, there is little opportunity to create river bank access due to the I-5 Bridge, the Wastewater Treatment Plant outfall, and the drainage channels on both sides of the river.

Compatibility with Built Environment

This criterion is related to the potential impacts to the existing built environment and compatibility with future improvements in the immediate vicinity of the bridge

alignment. Specific areas of consideration are residences, parks, and the Boones Ferry Marina.

North Terminal Connection

The north terminal connection of Alignment W3 is located at the end of SW Tauchman Street. Residences are located along the north side of SW Tauchman Street. These residences include underrepresented populations. Users would access the path via SW Tauchman Street, which has no accommodations for bicycle or pedestrian use.

South Terminal Connection

The south terminal connection of Alignment W3 is located in undeveloped forest and through three residential parcels. It is anticipated that the path will share an existing driveway for access to NE Butteville Road. All three residences are in proximity to the path.

Marina Facilities

Alignment W3 will avoid all marina facilities.

Future Infrastructure Improvements

Alignment W3 is located adjacent to the I-5. The alignment requires use of a portion of ODOT property. If selected, further coordination with ODOT would be required to determine the feasibility of accommodating the future expansion of I-5 and this project.

Based upon discussions and coordination with ODOT to-date, there is a very low likelihood of ODOT agreeing to allow the new bridge and path to be sited on their property west of I-5. It is their perspective that all ODOT property in this area must be reserved for the widening of the I-5 Boone Bridge and Southbound I-5.

Cost and Economic Impact

This criterion is related to the construction cost, anticipated property acquisition and displacements of residences and businesses, required utility relocations, and anticipated economic benefits generated by the bridge crossing.

Estimated Project Cost

A comparative cost analysis was performed for Alignments W1, W2, and W3. All alignments are fairly comparable in relative cost. Though there are other costs, this analysis only compared the relative quantities of bridge, retaining walls, and path required by each alignment along with a qualitative assessment of environmental mitigation. For Alignment W3, the quantities used for this comparison were: 1,180 feet of bridge (800 feet of main span, and 380 feet of approach span); 2,400 square feet of retaining walls; and 1,400 feet of on-grade path. Environmental mitigation costs are expected to be moderate and are qualitatively considered in this criterion.

At the conclusion of this analysis, Alignment W3 was scored 8 points out of a possible 10.

Anticipated Property Acquisitions and Displacements

Alignment W3 will primarily require transfer of public properties. The portion of the alignment located on the north bank of the river is owned by the City of Wilsonville and ODOT. No impacts to ODOT's maintenance facilities are expected. On the south bank of the river, easements would be required from ODOT. Property acquisition from three private parties is anticipated on the south side of the river to connect the path west to NE Butteville Road.

No residential or business relocations are anticipated to be required for Alignment W3.

Impacts to Utilities

Alignment W3 will require coordination to avoid impacts to the existing City of Wilsonville sanitary sewer lines and outfall. It is expected a conflict can be avoided. However, even bridge foundations in the vicinity of the outfall (no direct impact) could result in a conflict and potential outfall relocation.

Economic Benefits

Alignment W3 provides the least potential benefit to the local and regional economies. It is the furthest away from regional trails and parks, closest to I-5 noise impacts, and requires more out of direction travel.

Scoring of Alignments

The alignments were individually scored against the criteria by members of the project team. Upon conclusion of this process, the scorers met and discussed each of the subcriteria in succession. Each subcriteria was scored and the criteria scores were tallied. A total score for each alignment was reached using the relative weighting determined by the project Task Force.

The project team's score and notes were provided to the Project Management Team (PMT) for review and revision. The PMT provided additional insight and made revisions to the subcriteria scores. Following this process, the TAC provided review comments and scoring revisions. As the final step in the scoring, the Task Force completed a similar process. The TAC scores and scores resulting from the TAC revisions are the final evaluation scores and are the basis for the recommended alignment.

TAC Scoring

The TAC met on February 28, 2018. Their recommended scoring changes are summarized below:

Criteria A – Connectivity and Safety: No recommended changes

Criteria B – Emergency Access: No recommended changes

Criteria C – Environmental Impacts: Reduce Alignments W1 and W3 for both habitat and waters/wetland impacts to reflect the regulatory importance of the affected resources. Recognize the unknown, but potential impacts to above ground and below ground cultural resources by lowering the score for all three Alignments.

Criteria D – Compatibility with Recreational Goals: Reduce most of the scores for Alignment W3 because of its disadvantageous location.

Criteria E – Compatibility with Existing Built Environment: Reduce Alignment W1 relative to impacts at the south terminus to better reflect the effects on the marina and the private residence.

Criteria F – Cost and Economic Impact: Recognize the relative environmental mitigation costs as part of the total project cost. Reduce Alignment W3 more since this alignment would require the most mitigation. Reduce the scores for Alignment W3 for property and utility impacts to better represent the challenges associated with the ODOT property and the City's wastewater outfall structure.

Table 1 –TAC Scoring Summary

Criterion	W1	W2	W3
A – Connectivity & Safety	13.5	9.0	8.5
B – Emergency Access	14.0	10.0	7.3
C – Environmental Impacts	6.9	8.1	3.8
D – Recreational Goals	14.0	12.0	11.0
E – Built Environment	10.2	9.4	10.2
F – Cost & Economic Impact	9.4	7.2	6.0
TOTAL	68	56	47

The TAC unanimously agreed with recommending Alignment W1 to the Task Force as the preferred bridge location.

Task Force Scoring

The Task Force met on April 12, 2018. Their recommended scoring changes are summarized below:

Criteria A – Connectivity and Safety: No recommended changes

Criteria B – Emergency Access: No recommended changes

Criteria C – Environmental Impacts: No recommended changes

Criteria D – Compatibility with Recreational Goals: Modify the scoring for each Alignment to reflect that alignments closer to the marina offer better recreational opportunities. Accordingly, Alignment W1 increased and Alignments W2 and W3 decreased.

Criteria E – Compatibility with Existing Built Environment: Reduce Alignment W3 to better reflect ODOT's strong concerns with this location relative to the future widening of I-5.

Criteria F – Cost and Economic Impact: Increase the scores for Alignments W1 and W2. The Task Force adjusted scores to reflect possible economic opportunities for utilities to participate in project costs if the bridge could accommodate one or more utilities.

Table 2 –Task Force Scoring Summary

Criterion	W1	W2	W3
A – Connectivity & Safety	13.5	9.0	8.5
B – Emergency Access	14.0	10.0	7.3
C – Environmental Impacts	6.9	8.1	3.8
D – Recreational Goals	15.5	11.0	10.0
E – Built Environment	10.2	9.4	8.5
F – Cost & Economic Impact	9.5	7.5	6.0
TOTAL	70	55	44

The Task Force unanimously agreed with recommending Alignment W1 as the preferred bridge location to the Board of County Commissioners and Wilsonville City Council.

Conclusion

Over the last 18 months, the project team has implemented a comprehensive reconnaissance, analysis, and evaluation process with broad stakeholder engagement and input to evaluate three bridge locations. Key documents prepared during that time include the Opportunities and Constraints Memo and the Evaluation Criteria Memo. Using those two documents, PMT direction, TAC and Task Force input, and public outreach, the team outlined a scoring criteria matrix.

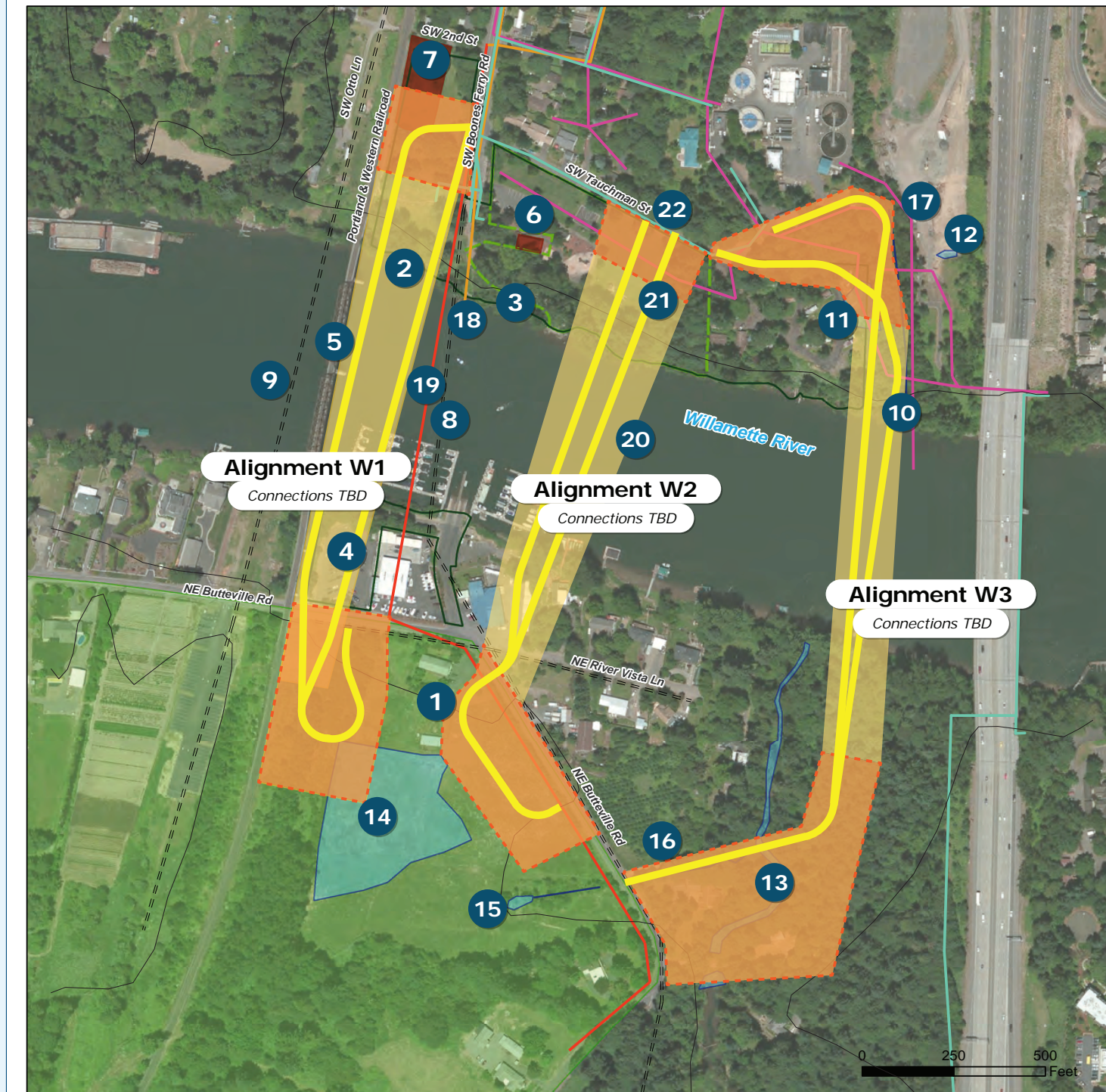
Alignment W1 scored the highest in five of the six major criteria. The exception is Criterion C – Environmental Impacts where Alignment W2 scored highest. Accordingly, Alignment W1 is the overall highest scoring location. The project team, PMT, TAC, and Task Force are in unanimous agreement that Alignment W1 is the preferred bridge location.

At the May 17th meeting, the Clackamas County Board of County Commissioners agreed with the Task Force recommendation and approved a Resolution identifying Alignment W1 as the preferred French Prairie Bridge location.

The Wilsonville City Council, at the regular session meeting on May 21st affirmed the Task Force recommendation, identifying French Prairie Bridge Alignment W1 as the preferred bridge location through a Resolution.

Figure 1. Alignment Alternatives

ALIGNMENT ALTERNATIVES



KEY

- 1 Land zoned Exclusive Farm Use
- 2 Boone's Ferry Park subject to Section 4(f)
- 3 Boone's Ferry Park subject to Section 6(f)
- 4 Boone's Ferry Boat Launch subject to Section 4(f)
- 5 Portland & Western Railroad
- 6 Tauchman House
- 7 Apple orchard in Boone's Ferry Park
- 8 PGE overhead power lines
- 9 BPA overhead transmission lines
- 10 Ephemeral drainage channel
- 11 Depression left by former mobile homes
- 12 Construction stormwater pond
- 13 Stream channel and associated wetlands
- 14 Possible wetland
- 15 Stock pond
- 16 Agricultural drainage ditch
- 17 Wastewater treatment plant discharge pipe
- 18 Main Old Town storm sewer outfall
- 19 Underground gas transmission lines
- 20 USGS navigational channel
- 21 Sanitary sewer lines
- 22 Domestic water mains

LEGEND

- === Overhead power line
- Underground water line
- Underground storm sewer
- Underground sanitary sewer
- Underground gas line
- Stream
- Water (in addition to Willamette River) and potential wetland observable from streets and public land
- Section 4(f) resource
- Section 6(f) resource
- Historic resource
- Exclusive Farm Use zone

APPENDIX A

Evaluation Criteria Scoring



French Prairie Bridge Project

Technical Advisory Committee Scoring

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

Technical Advisory Committee Scoring

B		Emergency Access			W1		W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.				
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.				
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.				
20.0% Criteria B Weighting		14.0	10.0	7.3					



French Prairie Bridge Project

Technical Advisory Committee Scoring

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources are possible. <i>*Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.</i>
11.5%	Criteria C Weighting	6.9	8.1	3.8	



French Prairie Bridge Project

Technical Advisory Committee Scoring

D Compatibility with Recreational Goals		W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	3	5	8	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts.
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wastewater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		14.0	12.0	11.0	



French Prairie Bridge Project

Technical Advisory Committee Scoring

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	5	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future infrastructure improvements, such as widening of I-5.
17.0%	Criteria E Weighting	10.2	9.4	10.2	



French Prairie Bridge Project

Technical Advisory Committee Scoring

F Cost and Economic Impact		W1	W2	W3	W2
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant mitigation.
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.
F-3	Minimize the displacement of utilities	5	4	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly.
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.
11.5%	Criteria F Weighting	9.2	7.2	6.0	
100%	Total, Weighted Score	68	56	47	



French Prairie Bridge Project

Task Force Scoring

A		Connectivity and Safety			W1	W2	W3	Notes
A-1	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on north side of the bridge	7	3	4	Assume Boones Ferry Road connection slightly higher priority than I-5 undercrossing trail. W1: No pedestrian facilities. Direct connection to SB bike lane on Boones Ferry Rd. W2: Connects east & west via Tauchman St, with no pedestrian or bicycle facilities. W3: Non-direct connection along Tauchman St. to a path towards Memorial Park.			
A-2	Connects to existing bike/pedestrian routes directly or using streets with sidewalks and bike lanes on south side of the bridge	2	2	3	No bike/ped routes exist on the south side. All connect directly to Butteville Road. W3: Connects to north side Butteville Road. No need to cross road to travel west or access marina.			
A-3	Connects to planned bike/pedestrian routes on north side of the bridge	10	6	5	W1: Directly connects w/ regional Ice Age Tonquin Trail (IATT). Connects to EB local trail. W2: Non-direct connection to both IATT and EB local trail. W3: About the same as W2. Further from regional IATT.			
A-4	Connects to planned bike/pedestrian routes on south side of the bridge	8	7	5	W1: Direct regional bike connection west and local ped/bike trail connection east. No planned ped. connection west. W2: Same as W1, but located further from regional connection. W3: Non-direct regional bike connection west and local ped/bike connection east. No planned ped. connection west.			
20.0% Criteria A Weighting		13.5	9.0	8.5				



French Prairie Bridge Project

Task Force Scoring

B		Emergency Access			W1	W2	W3	Notes
B-1	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the north terminus	10	6	2	W1: Direct route from Wilsonville Road to Boones Ferry Rd. W2: Some out of direction travel through the park onto Tauchman St. W3: Significant out of direction travel through the park onto Tauchman St.			
B-2	Connect to emergency routes directly, minimizing out of direction travel and response time at and near the south terminus	5	7	6	W1: Longest distant from I-5/Miley Rd. Slow access loop. W2: Fairly direct connection to I-5/Miley Rd. via Butteville Rd. with a less constrained access loop. W3: Closest access to I-5/Miley Rd., but requires out of direction travel.			
B-3	Minimize emergency response impacts on residents, park activities, and marina operations	6	2	3	W1: Furthest from and least impact to residents, minor impact to marina access, minimal impact to parking. W2: Closer to residents on both sides of river, minimal impact to marina operations, major impact to middle of park. W3: Closest and most impacts to residents, no impact to marina, potential for impact to east edge of park facilities.			
20.0% Criteria B Weighting		14.0	10.0	7.3				



French Prairie Bridge Project

Task Force Scoring

C	Environmental Impacts	W1	W2	W3	Notes
C-1	Avoid or minimize adverse impacts on wildlife habitat and trees	7	8	2	W1: Some tree and vegetation impacts on south side. W2: Mostly avoids wildlife & trees impact. W3: Moderate impacts to wildlife & trees on both sides of river.
C-2	Avoid or minimize adverse impacts on waters and wetlands	6	7	2	W1: Minimal impacts to river with potential wetland impacts. W2: Minimal impacts to river with potential wetland impacts. W3: Minimal impacts to river with likely impacts to wetlands and tributary crossings.
C-3	Avoid or minimize adverse impacts on cultural and historic resources	5	6	6	W1: Known resources are present (orchard and ferry crossing). Moderate to high potential for impacts. W2: Moderate potential for impacts, but most areas are previously disturbed. W3: Avoids known resources. Moderate potential for impacts. Area is undisturbed, so unidentified resources are possible. <i>*Each assessment based on potential for impacts as identified in the Opportunities and Constraints Report dated April 5, 2017.</i>
11.5%	Criteria C Weighting	6.9	8.1	3.8	



French Prairie Bridge Project

Task Force Scoring

D	Compatibility with Recreational Goals	W1	W2	W3	Notes
D-1	Provide a positive user experience (e.g. noise, aesthetics, view, security, compatible with other travel modes, exceeds design standards for turns and slopes)	8	9	3	W1: Secure/visible, view of RR bridge & river, some noise impact from train. Very good user experience. W2: Secure/visible, located away from existing bridges, least noise impact. Great user experience. W3: Natural setting, but less secure/visible. I-5 noise, least favorable views, wastewater plant nearby. Poor user experience.
D-2	Maximize compatibility with and flexibility for recreational uses including parks and the river on the north side.	9	4	8	W1: Compatible with existing park being located on edge of existing undeveloped park land. Easily integrate into future uses. W2: Minor displacement of existing open lawn and picnic area. Splits open lawn in half, limiting flexibility for future uses. W3: Compatible with existing park being located on edge of existing undeveloped park land. May limit incorporating local trail and existing drainage channel into future uses.
D-3	Maximize compatibility with and flexibility for recreational uses, including parks, the marina and the river on the south side.	6	3	6	W1: Compatible with existing use, but limits flexibility for marina parking, ramps, and slips. Limits use of land beneath bridge. W2: Similar to W1 with less parking impact, but potential building impacts. Parking impacts are more concerning to the County. W3: Avoids all related impacts. <i>The Task force adjusted scores to reflect alignments closer to the Marina offer better recreational opportunities.</i>
D-4	Maintain or improve river access	8	6	3	W1: Provides new river view from bridge. Provides best opportunity to improve river bank access via old ferry landing. W2: Provides best new views of river from the bridge. Limited opportunity to improve public access to the river bank. W3: Provides view of river to the west from the bridge. Little opportunity to improve river bank access due to I-5 Bridge, Wasterwater Treatment Plant outfall, and drainage channel.
20.0% Criteria D Weighting		15.5	11.0	10.0	



French Prairie Bridge Project

Task Force Scoring

E	Compatibility with Existing Built Environment	W1	W2	W3	Notes
E-1	Minimize bridge location and access impacts on residences in Old Town	6	5	6	W1: Close to residents on Boones Ferry Rd. W2: Close to residents on Tauchman St and requires travel through the neighborhood, which includes underrepresented populations. W3: Not close to residents, but requires the most travel through the neighborhood, which includes underrepresented populations.
E-2	Minimize bridge location and access impacts on residences at south terminus in Clackamas County	6	2	3	No underrepresented populations identified south of the river. W1: In close proximity to one residence. W2: Directly impacts two small lot, waterfront residences. W3: Directly impacts two large lot rural residences.
E-3	Minimize bridge location and access impacts on marina facilities	6	5	10	W1: Potential impact to parking that can be mitigated. Impact to marina slips and operations not anticipated. W2: Impact to marina operations or building is anticipated, but can be mitigated. Impact to marina slips and parking not anticipated. W3: Avoids all marina impacts.
E-4	Minimize bridge location and access impacts to possible future infrastructure improvements (e.g. Railroad, ODOT)	6	10	1	W1: Located on railroad property, but can accommodate future improvements. Meeting w/RR provided confidence moving forward. W2: No impact to future infrastructure improvements. W3: Located on ODOT property, but can likely accommodate future infrastructure improvements, such as widening of I-5. <i>The Task Force wanted to more strongly reflect ODOT's concern with this alignment.</i>
17.0%	Criteria E Weighting	10.2	9.4	8.5	



French Prairie Bridge Project

Task Force Scoring

F		Cost and Economic Impact			W1	W2	W3	Notes
F-1	Minimize total project cost (e.g. bridge, retaining wall, on grade path, environmental mitigation). This project cost does not consider architectural features or amenities.	9	9	8	Design Team initial calculation based on relative cost as determined by the proportion of bridge (most expensive), wall, and on-grade path (least expensive) for each alignment. Then potential environmental mitigation qualitatively considered. W1: 1200-ft bridge; 5100-sq ft wall; 850-ft on-grade path. W2: 1160-ft bridge; 11400-sq ft wall; 740-ft on-grade path. W3: 1180-ft bridge; 2400-sq ft wall; 1400-ft on-grade path. Most significant mitigation.			
F-2	Minimize property acquisition (e.g. right-of-way, easements) and avoid displacement of residences and businesses	9	3	6	W1: Minor impacts to two properties with no displacements anticipated. W2: Major/moderate impact to three properties with potential displacement of a residence and business. W3: Moderate/minor impact to three properties with no displacements anticipated. ODOT property impacted, but maintenance facility avoided.			
F-3	Minimize the displacement of utilities	6	5	1	W1: Adjacent to underground gas line. Overhead power lines that can be easily relocated. W2: Crosses underground gas line. Overhead power lines on Butteville Road/River Vista intersection that can be easily relocated, but intersection presents more challenges. W3: Potential impact to wastewater treatment plant outfall pipe that cannot be easily relocated. Might conflict with bridge foundation even if in proximity rather than directly. <i>The Task force adjusted scores to reflect possible economic opportunities for utilities to participate in project costs if the bridge could accommodate one or more utilities.</i>			
F-4	Maximizes economic benefit through tourism and access to commercial and regional destinations and trail system connections	9	9	6	W1: Provides significant benefit to local and regional economies. Closest to regional trails and parks, directly connects to Boones Ferry Rd, some noise impact from railroad. Also see D-1. W2: Provides significant benefit to local and regional economies. Good connection to regional trails and parks, good views, limited impact from I-5 and railroad. Also see D-1. W3: Provides some benefit to local and regional economies. Furthest from regional trails and parks, close to I-5, noise impacts, some out of direction travel. Also see D-1.			
11.5%	Criteria F Weighting	9.5	7.5	6.0				
100%	Total, Weighted Score	70	55	44				

APPENDIX B

Opportunity and Constraints Figures

FIGURE 1: VICINITY MAP

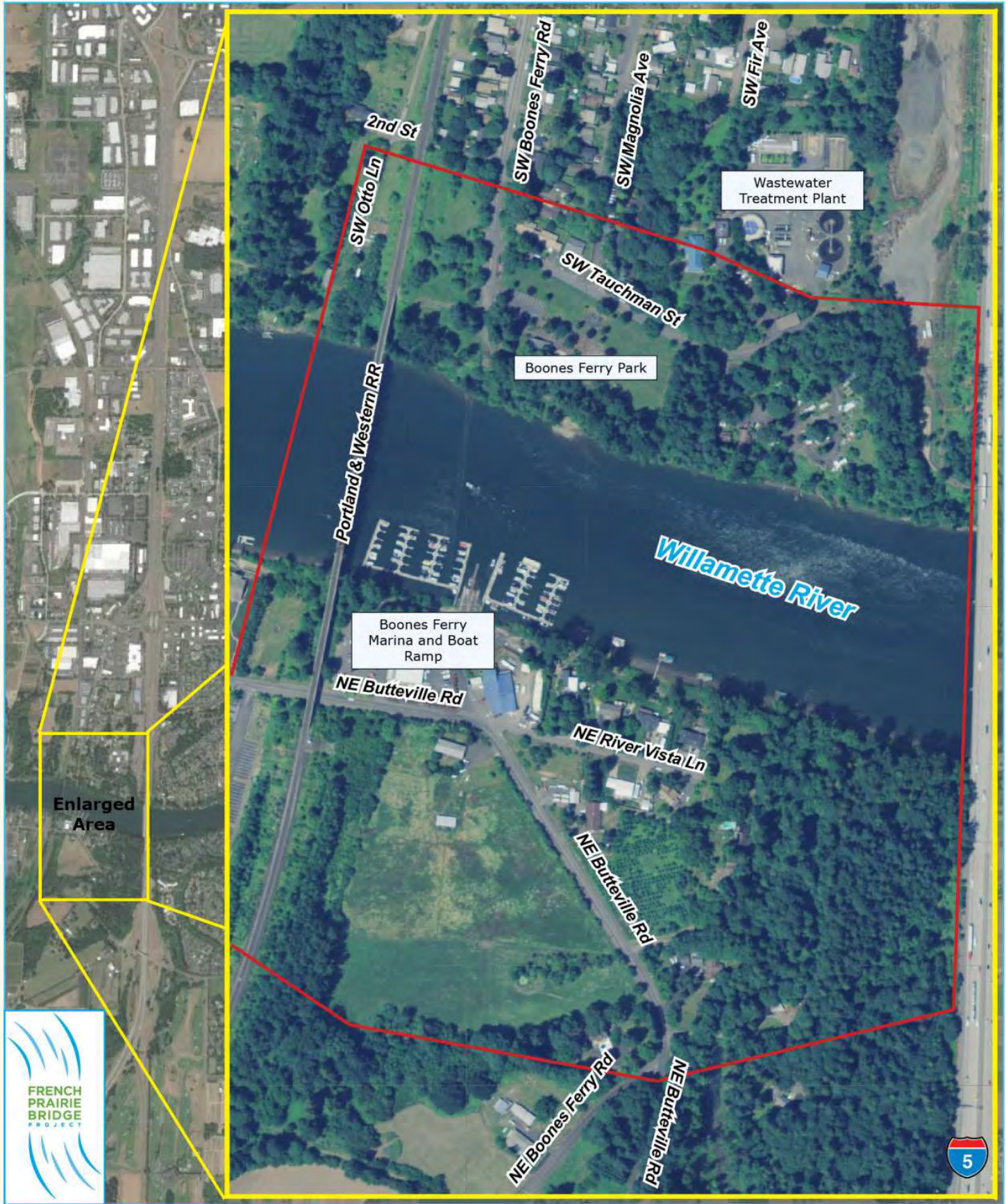


FIGURE 2: TOPOGRAPHY, RIVER, AND UTILITIES

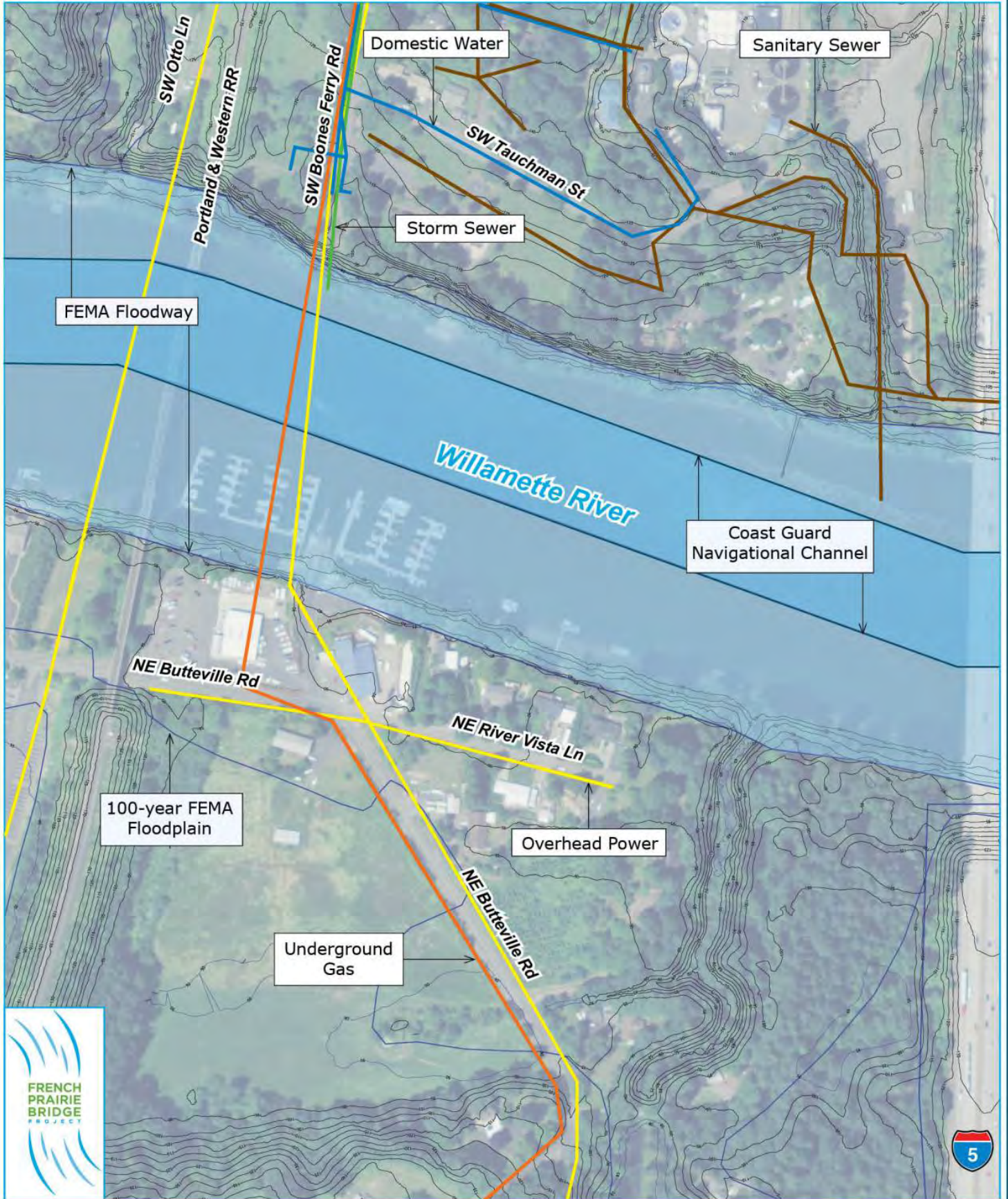
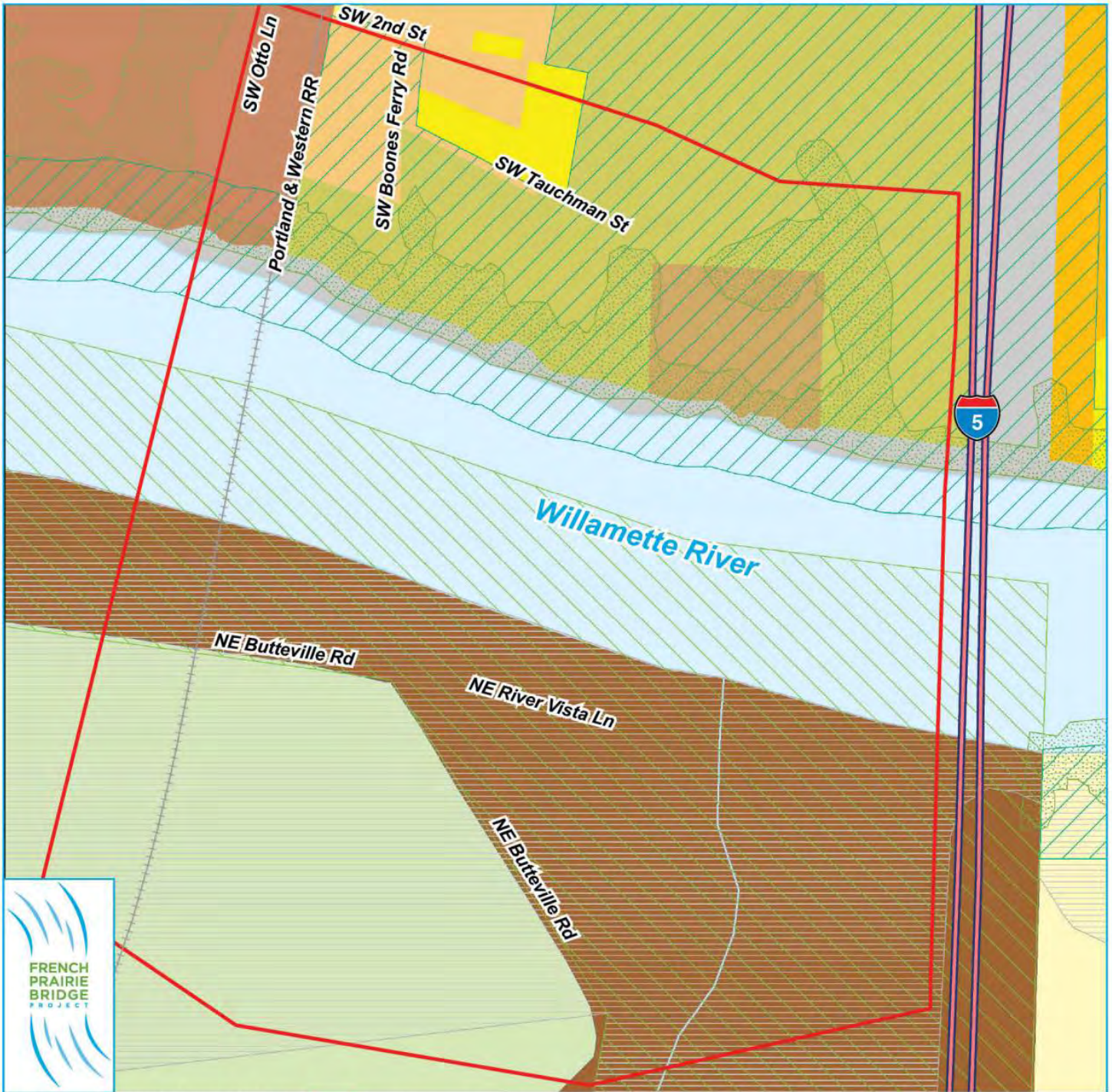


FIGURE 3: ZONING



French Prairie Bridge Area of Potential Impact

Wilsonville Zones

- PDR3: Planned Development Residential - 3
- PDR4: Planned Development Residential - 4
- PDR5: Planned Development Residential - 5
- R: Residential
- Significant Resource Overlay Zone (SROZ)
- Willamette River Greenway

- RAH: Residential Agricultural Holding
- RAHI: Residential Agricultural Holding - Industrial
- RAHP: Residential Agricultural Holding - Public
- RAHR: Residential Agricultural Holding - Residential

Clackamas County Zones

- RRRF5: Rural Residential Farm Forest - 5 Acre
- EFU: Exclusive Farm Use
- Willamette River Greenway
- Floodplain Management District
- Undesignated

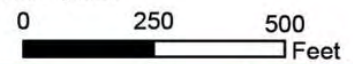


FIGURE 4: SECTION 4(f) LAND - BOONES FERRY PARK



LEGEND




-  SECTION 4(f) RESOURCE
-  BOONES FERRY PARK
-  PLANNED ADDITIONS TO BOONES FERRY PARK



FIGURE 5: SECTION 4(f) LAND - BOONES FERRY BOAT LAUNCH

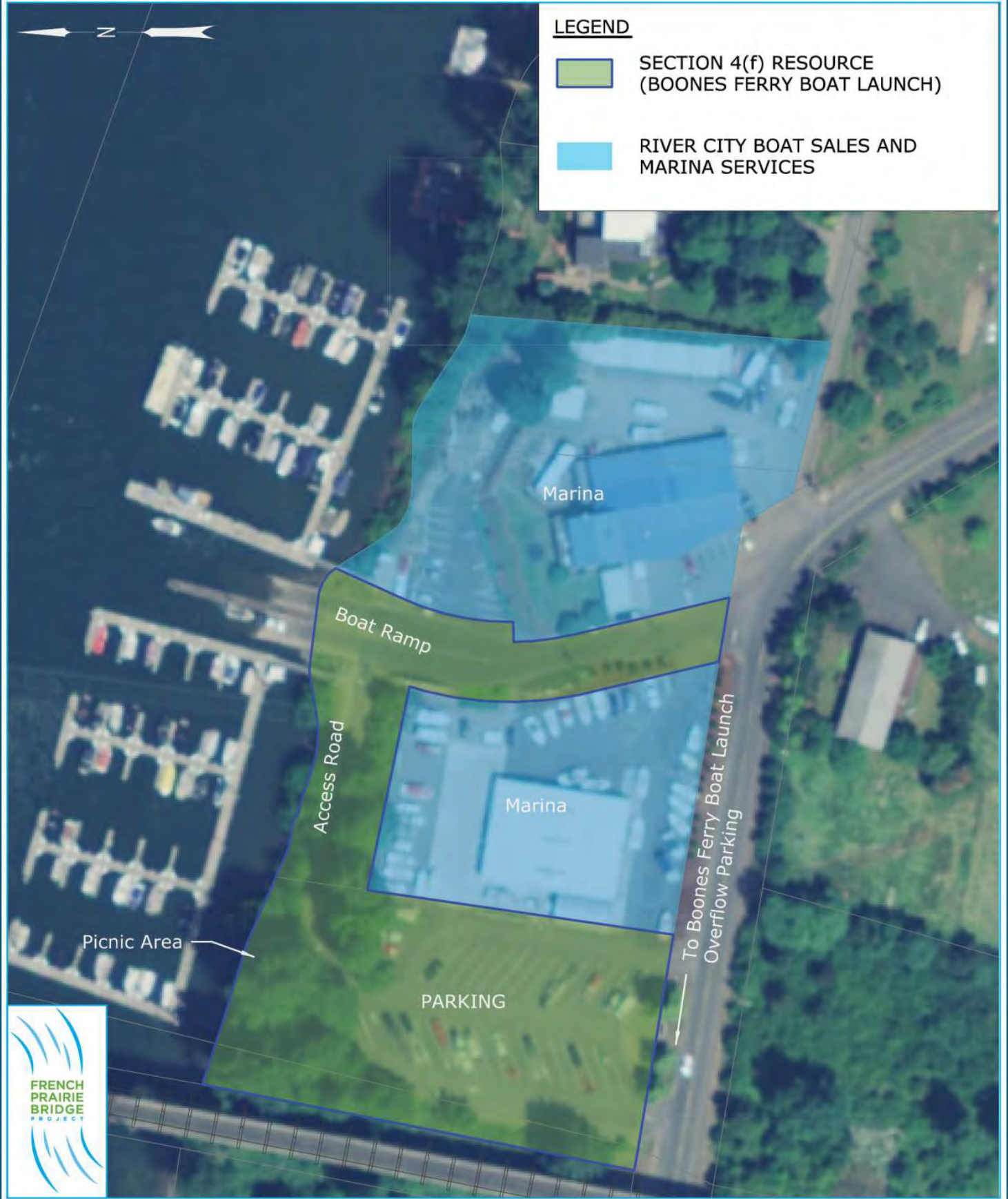


FIGURE 6: LAND SUBJECT TO SECTION 6(f)



LEGEND	
	New Boundary
	Old Boundary



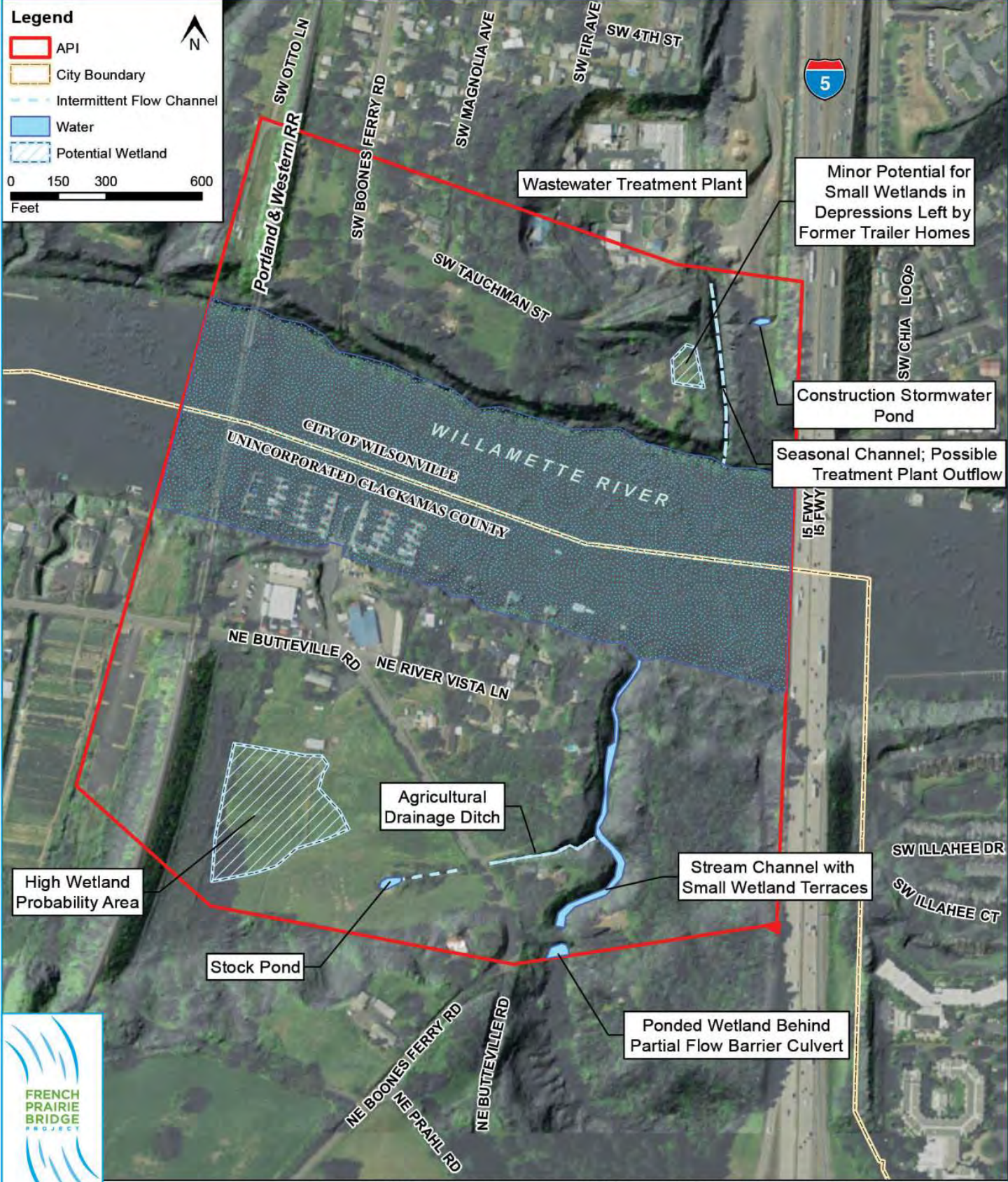
SCALE 1" = 100'
100 50 0 100
FEET

FIGURE 7: WATERS AND POTENTIAL WETLANDS

Legend

- API
- City Boundary
- Intermittent Flow Channel
- Water
- Potential Wetland

0 150 300 600
Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Metro RLIS 2016

FIGURE 8: HISTORIC RESOURCES SURVEY LOCATIONS

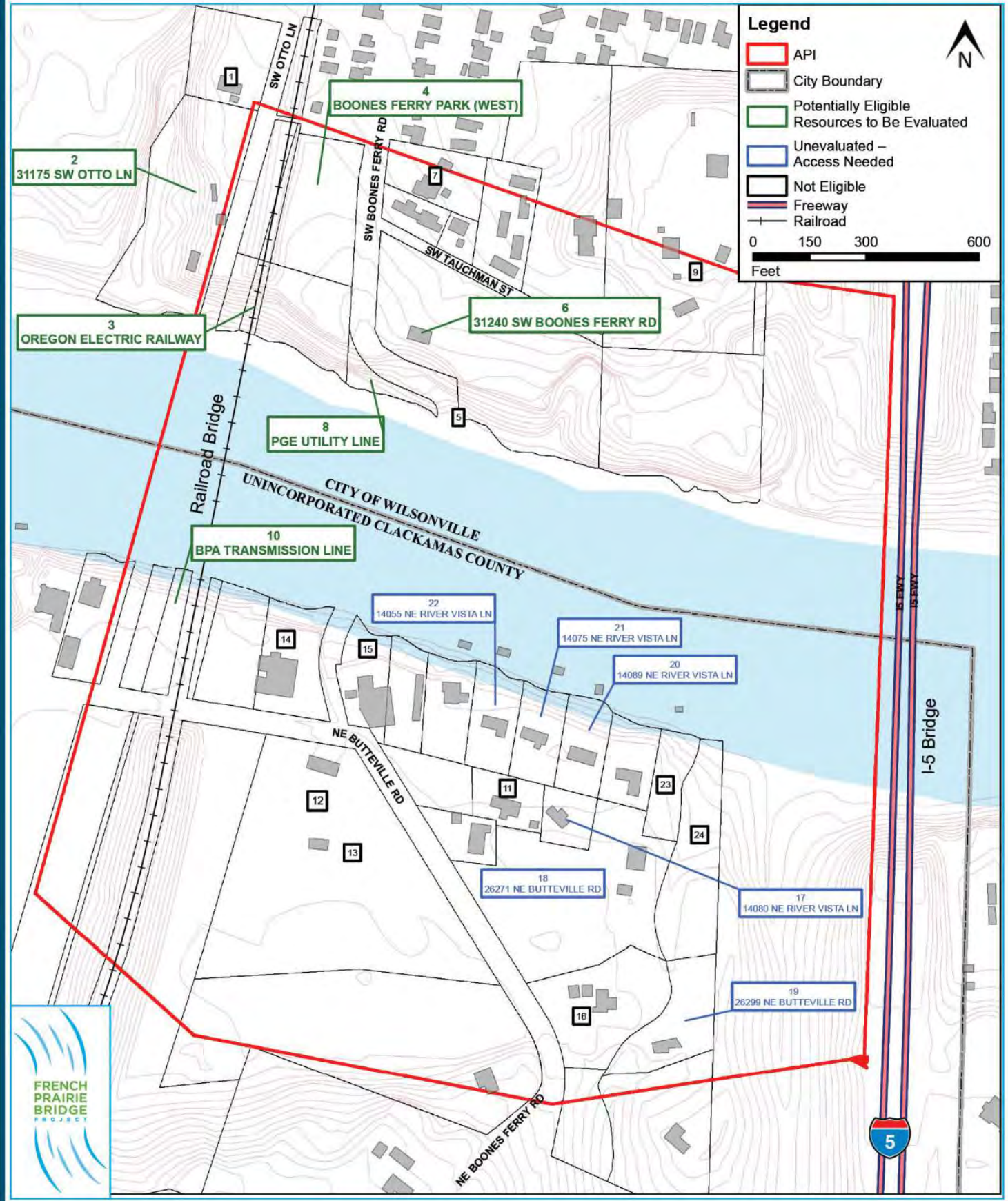


FIGURE 9: BICYCLE AND PEDESTRIAN TRANSPORTATION NETWORK

BICYCLE AND PEDESTRIAN ACCESS

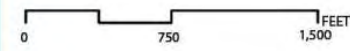
FRENCH PRAIRIE BRIDGE

Legend

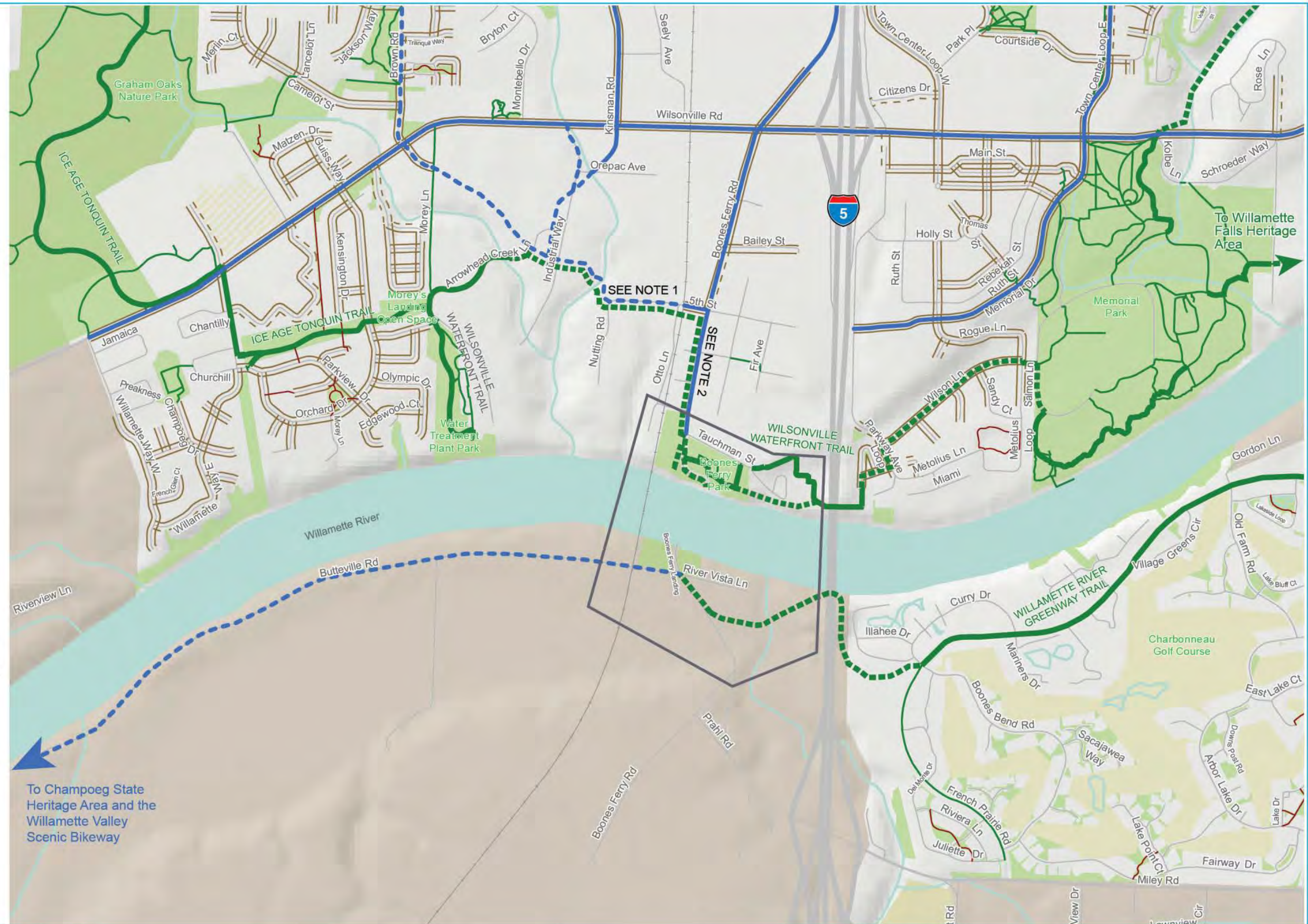
- Existing Regional Trail
- Existing Local Trail
- Existing Private Trail
- - - Planned Trail
- Railroad
- Existing Bike Lane
- - - Planned Bike Lane/Shoulder
- Existing Full Sidewalk
- - - Existing Partial Sidewalk
- Area of Potential Impact
- Park/Open Space
- Outside of UGB
- Golf Course
- School
- Rivers/Streams

Notes:

- 1) The Boones Ferry Road to Brown Road Connector will connect to 5th St.
- 2) Boones Ferry Rd only has bike lanes on the west side of the street south of Bailey St.



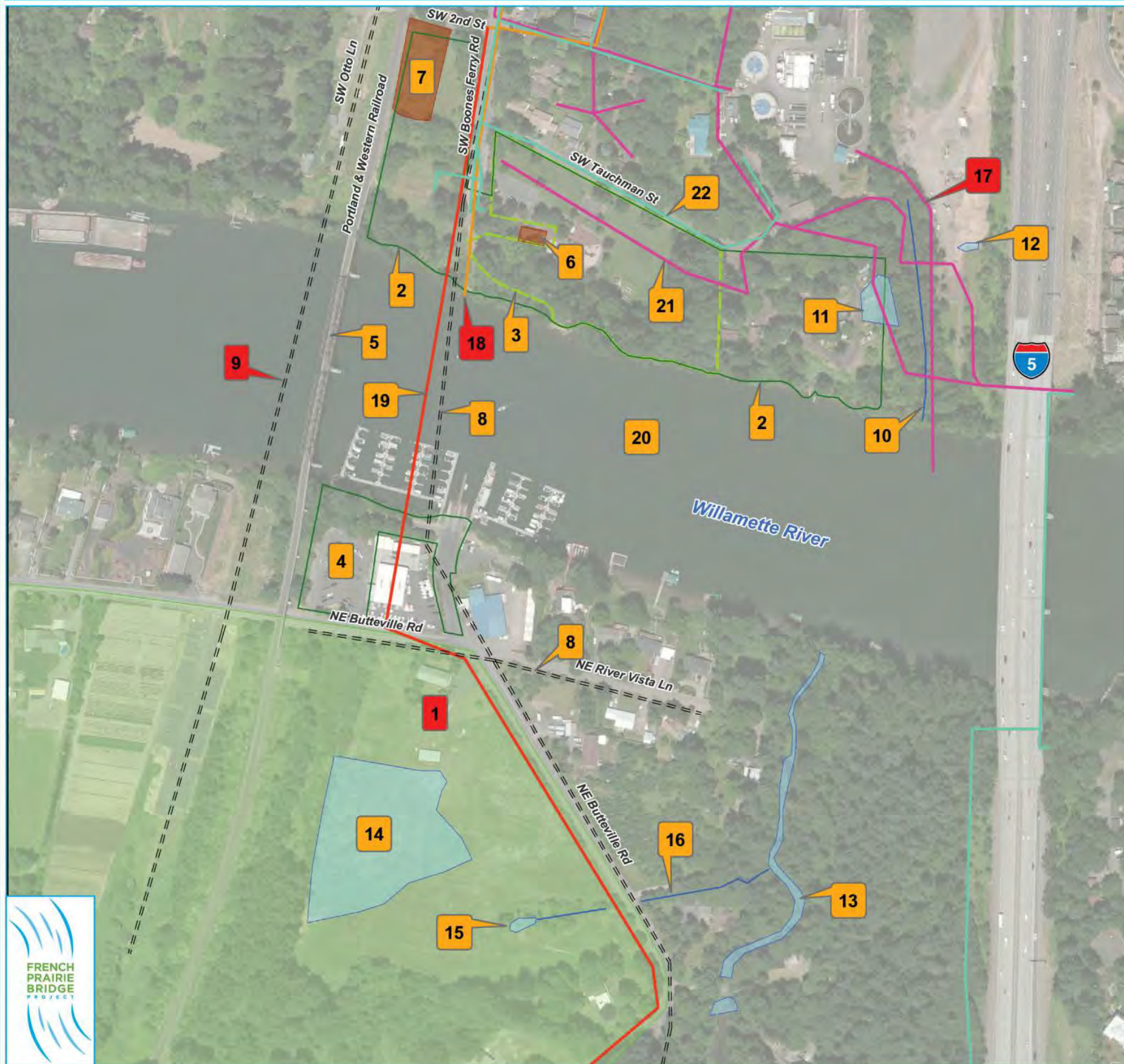
Data provided by RLIS.
Map produced October 2016.



To Champoege State Heritage Area and the Willamette Valley Scenic Bikeway

To Willamette Falls Heritage Area

FIGURE 10: CONSTRAINTS



Legend

- # Moderate risk constraint
- # High risk constraint
- == Overhead power line
- Underground water line
- Underground storm sewer
- Underground sanitary sewer
- Underground gas line
- Stream
- Water (in addition to Willamette River) and potential wetland observable from streets and public land
- Section 4(f) resource
- Section 6(f) resource
- Historic resource
- Exclusive Farm Use zone

Key

- 1. Land zoned Exclusive Farm Use
- 2. Boone's Ferry Park subject to Section 4(f)
- 3. Boone's Ferry Park subject to Section 6(f)
- 4. Boone's Ferry Boat Launch subject to Section 4(f)
- 5. Portland & Western Railroad
- 6. Tauchman House
- 7. Apple orchard in Boone's Ferry Park
- 8. PGE overhead power lines
- 9. BPA overhead transmission lines
- 10. Ephemeral drainage channel
- 11. Depression left by former mobile homes
- 12. Construction stormwater pond
- 13. Stream channel and associated wetlands
- 14. Possible wetland
- 15. Stock pond
- 16. Agricultural drainage ditch
- 17. Wastewater treatment plant discharge pipe
- 18. Main Old Town storm sewer outfall
- 19. Underground gas transmission lines
- 20. USGS Navigational Channel
- 21. Sanitary sewer lines
- 22. Domestic water mains

Constraints

- 1. State farmland protection laws could exclude bridge, depending on amount of emergency vehicle use.
- 2 and 4. The Federal Highway Administration will have to agree that any use is de minimis pursuant to Section 4(f).
- 3. The National Park Service and Oregon Parks and Recreation Department will have to approve the improvements as recreational enhancements, pursuant to Section 6(f).
- 5 through 7. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106.
- 8. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106 and relocation. PGE will bear relocation cost.
- 9. Impact will require evaluation for eligibility for the NRHP and compliance with Section 106 and relocation. Relocation cost will be high and project will have to pay it.
- 10 through 12, 14 through 16. Impact may require approval of the USACE and/or DSL.
- 13. Impact will require approval of the USACE and DSL.
- 17. Impacts will require replacement of main outfall of City sanitary sewer system.
- 18. Impacts will require replacement. Cost will be high and project will have to pay it.
- 19. Impacts will require relocation of line under river.
- 20. Impacts will require analysis and USACE approval.
- 21 and 22. Impacts will require relocation. Project will bear cost.

Abbreviations

- BPA Bonneville Power Administration
- DSL Oregon Division of State Lands
- NRHP National Register of Historic Places
- PGE Portland General Electric
- USACE U.S. Army Corps of Engineers
- USGS U.S. Coast Guard





**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: June 4, 2018		Subject: Resolution No. 2690 Recommending Approval of the ODOT I-5 Wilsonville Facility Plan to the Oregon Transportation Commission. Staff Members: Nancy Kraushaar, PE, Community Development Director Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: June 4, 2018 <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: The Planning Commission adopted Resolution LP18-0004 recommending approval of the ODOT I-5 Wilsonville Facility Plan to the City Council.	
Staff Recommendation: Staff recommends that Council adopt Resolution No. 2690.			
Recommended Language for Motion: I move to approve Resolution No. 2690.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities Administrative Initiative: Advocate for a southbound auxiliary lane on the Boone Bridge between the Wilsonville Road, Charbonneau, and Canby/Hubbard I-5 interchanges.	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

The City Council will consider recommending approval of the ODOT I-5 Wilsonville Facility Plan to the Oregon Transportation Commission.

EXECUTIVE SUMMARY:

The Oregon Department of Transportation (“ODOT”) has prepared the I-5 Wilsonville Facility Plan (“Plan”) Public Review Draft – see **Exhibit 1 to Resolution No. 2690**. The Plan is based upon results of the Southbound I-5 Boone Bridge Congestion Study, completed jointly by the City of Wilsonville and ODOT. ODOT conducted the technical analysis and the City of Wilsonville conducted the public involvement for the project.

The study was initiated to address a bottleneck that has emerged on I-5 in Wilsonville, slowing speeds and reducing travel reliability for people traveling southbound by car, by transit, or moving goods by truck. The study results are important because this I-5 segment serves as:

- The gateway between the Portland region and the rest of the state;
- A key segment on the primary west coast route for regional, interstate, and international goods movement by truck
- A key component of the state’s critical seismic lifeline route, and the Boone Bridge (which is part of the study area) will require upgrades to withstand a major Cascadia Subduction Zone earthquake.

The study evaluated operational problems on I-5 southbound from the Wilsonville on-ramp (Exit 283) to the Canby-Hubbard off-ramp (Exit 282A) and the benefits of adding a ramp-to-ramp lane to address the bottleneck that has emerged in this area. Technical analyses show that ignoring this bottleneck will lead to slower travel, more costly goods movement, reduced livability, and higher safety risks for those who use I-5 and the surrounding local transportation network.

Data analyses found that 60 percent of all traffic getting on I-5 at Wilsonville Road exits at either the Charbonneau or Canby/Hubbard exits. This condition lends itself well to a ramp-to-ramp solution that is intended to primarily serve short freeway trips. Ramp-to-ramp lanes improve safety and operation at closely-spaced interchanges, like those in the study area. According to ODOT, similar projects in the Portland region have reduced crashes by 30 to 50 percent.

The study analyzed three solutions (Options A, B, and C) for ramp-to-ramp configurations to address the bottleneck. The Plan recommends Option C, a congestion-mitigation solution that adds a ramp-to-ramp lane extending southbound on I-5 from the Wilsonville Road on-ramp across the Willamette River Boone Bridge past Charbonneau/Miley Road exit to the Canby/Hubbard Highway 551 off-ramp.

The Technical Advisory Committee (TAC) for the study included staff from ODOT, the City, Clackamas County, and Washington County and DKS Associates and Angelo Planning Group. (Marion County chose not to participate in the TAC but received updates at project milestones). After reviewing the technical analysis results, the TAC unanimously recommended Option C as the preferred solution.

EXPECTED RESULTS:

N/A

TIMELINE:

- ODOT shared the draft facility plan for a 45-day public comment period beginning in April with links to public review materials available on the City’s website.
- The Plan will be presented to the Oregon Transportation Commission in July when they will consider its adoption as an amendment to the Oregon Highway Plan.
- If adopted, ODOT intends to propose the ramp-to-ramp configuration in the adopted plan as a project for the 2018 update of the Metro Regional Transportation Plan (to be completed in December 2018).
- Due to a large backlog of transportation projects and limited funds, ODOT anticipates available funding for this project in the 2028-2040 timeframe. The state would seek to combine the ramp-to-ramp lane project with a seismic upgrade of the Boone Bridge.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/29/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/31/2018

COMMUNITY INVOLVEMENT PROCESS:

A primary goal established by ODOT Region 1 and the City of Wilsonville for the project was to promote public involvement and participation by local governments. The project team focused outreach efforts on gathering feedback about traveler experiences with the operational problems on I-5, presenting the ramp-to-ramp options, and asking for input on the recommendation that Option C should be constructed as part of a seismic retrofit project in the future.

Public and stakeholder involvement activities began in December of 2017, with Wilsonville area outreach efforts led by city staff and consultants and regional outreach efforts coordinated by ODOT. The City created a website for the congestion study, shared regular monthly articles in The Boones Ferry Messenger, sent media releases to The Spokesman Newspaper, and provided information via email.

An Open House was held on March 14, 2018 at Wilsonville City Hall. It drew 30 to 40 attendees, who discussed the results of the technical analysis with project team staff, received a presentation of major findings, and participated in a question and answer session. The same materials were shared in an Online Open House and survey hosted by the City during the second half of March. See below for additional information on results from the on-line survey.

The project team met with the following stakeholder groups in March and April to share congestion study findings, answer questions, and gather input:

- Wilsonville Chamber of Commerce
- Wilsonville Rotary Club
- Charbonneau Homeowners’ Association

- Washington County Coordinating Committee – Transportation Advisory Committee Oregon Freight Advisory Committee
- ODOT Region 1 Mobility Advisory Committee
- The French Prairie Forum
- Clackamas County Coordinating Committee – C4 Metro Subcommittee
- Metro’s Technical Advisory Committee and Transportation Policy Alternatives Committee

Based on meetings with the Chamber, Rotary Club, Charbonneau Homeowner’s Association, the French Prairie Forum, and the Planning Commission, the team put together a Questions and Answers document that describes common questions and answers. Please see **Attachment A**.

As noted above, the March 14 Open House was complemented by an “On-line Open House” survey. The survey ran from March 14 to March 31. It included key information that was available at the physical Open House, with questions posed regarding traveler experiences, the working recommendations, and participant demographics. The following is a brief summary of feedback received. Please see **Attachment B** for the Online Open House Summary, including verbatim comments received.

- There were about 280 respondents (not all participants answered all questions).
- Most survey respondents used I-5 to cross the Boone Bridge going south at least several times per week (41% at least once per day; 22% several times per week). Nearly 80% said they were likely to use the Wilsonville Road on-ramp on a typical trip, and over half said they were likely to use the Charbonneau District off-ramp. 43% said they were likely to use the Canby-Hubbard off-ramp. (All of which is to say – this survey appears to have reached those that use/would be affected by the proposal).
- Respondents generally experienced unpredictable travel times, frequent congestion, and spillback. A lower percentage (though still the majority) experienced dangerous weaving behavior.
- Given the information presented, 75% of respondents chose Option C as their preferred build. Option B was the second most preferred, with about 10% of respondents choosing it.
- About 7% of respondents checked “Other” regarding their preferred option – see the Comments for explanation of those ideas.
- Almost all respondents said that ODOT should invest in operational improvements in this part of I-5.
- The average level of support for the recommended alternative is 92/100.
- Asked to list primary reasons, people provided many separate comments. Congestion, safety and commuting times were among the most common issues.

The Wilsonville Planning Commission received five presentations from the project team between November 2017 and April 2018, including hosting the Open House followed by a work session in March and the public hearing on the draft facility plan in April. After the public hearing, the Planning Commission adopted Resolution No. LP18-0004 recommending approval of the I-5 Wilsonville Facility Plan to the City Council, for which a summary is provided in **Attachment C** - Planning Commission Record for Resolution LP18-0004.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

A southbound ramp-to-ramp lane on I-5 at this location has the potential to improve freeway operations by reducing merge conflicts and relieve the traffic bottleneck between the Wilsonville Road and Canby/Hubbard interchanges. Expected outcomes include improved safety and reliability in the Portland metropolitan area's South Metro I-5 corridor and reduced impacts of I-5 congestion on the City of Wilsonville. The I-5 Wilsonville Facility plan does not add general travel lanes to I-5 and is not intended to support conversion of rural reserves to urban reserves south of the Metro urban growth boundary.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Attachment A – Southbound I-5 Boone Bridge Congestion Study, May 18, 2018 Questions and Answers
- B. Attachment B – April 2, 2018 Online Open House Summary
- C. Attachment C – Planning Commission Record for Resolution LP-18-0004 can be accessed at: <N:\shared\The Record - LP18-0004 Southbound I-5 Boone Bridge Aux.pdf>
- D. Resolution No. 2690
 - 1. Exhibit 1 – I-5 Wilsonville Facility Plan – Public Review Draft April 2018

Attachment A

Southbound I-5 Boone Bridge Congestion Study

Questions and Answers

May 18, 2018

What is the timeline for construction?

- Based on revenue forecasts prepared for the 2018 Regional Transportation Plan, resources exist within ODOT's financially-constrained budget for the 2028-2040 period to design and construct a southbound ramp-to-ramp lane serving I-5 southbound from exits 283 to 282A. These resources are expected to be combined with additional funding from the ODOT bridge program to complete the seismic rehabilitation components of the Boone Bridge improvements. Completing the operation and seismic components as one project will allow ODOT to achieve economies of scale, reducing total costs.

What are the next steps?

- We are collecting public comment on the draft facility plan through May 29, and the final plan (the "I-5 Wilsonville Facility Plan") will go to the Oregon Transportation Commission for adoption in July. ODOT intends to propose the ramp-to-ramp lane project for the Financially Constrained project list in the 2018 Regional Transportation Plan. The next phase of work, project development, does not yet have assigned funding or a set timeframe.

Could I-5 Southbound be restriped now to include a ramp-to-ramp lane?

- No, the Boone Bridge is too narrow to be restriped for an additional lane. This would result in very narrow shoulders on both sides of the bridge. Very narrow shoulders on freeway increase the likelihood of fatal and severe crashes and make it more difficult for emergency responders to reach locations where incidents occur.

Will the project include bike/ped facilities?

- This study focuses on motor vehicle operations (including private vehicles, transit, and freight), as those are the modes directly affected by the bottleneck on I-5. No decisions have been made about bike/ped facilities.

Would a ramp-to-ramp lane affect local roads like Boeckman?

- No, Boeckman is north of the area where a ramp-to-ramp lane is recommended. In general, we do not expect a ramp-to-ramp lane to directly affect local roads. Indirectly, a reduction of I-5 congestion might reduce delays or detours on the local system related to queuing at the Wilsonville Road southbound on-ramp.

Would we need to widen the bridge?

- The study didn't explore bridge design or reconstruction options; it focused on identifying the right operational solution for I-5 southbound. In project development, more detailed engineering will identify what changes to the bridge structure might be needed to accommodate an added ramp-to-ramp lane.

What are the seismic improvements? When?

- The Boone Bridge has already received one seismic retrofit in 1998 to keep the bridge from falling off the piers in the event of a quake. We know the bridge will need more improvements to survive a major quake, but more analysis is needed to determine exactly what that project will be. ODOT does not have a set timeline for when that analysis will be finished or a seismic project will enter construction.

How is this coordinating with French Prairie?

- The French Prairie Bridge project is in project development and design, farther along than this study and plan. ODOT and Wilsonville staffs working on the two projects are coordinating, and the French Prairie Forum receive a presentation on the Southbound I-5 Boone Bridge Congestion Study this spring. We do not expect the two projects to conflict or directly impact each other.

How fast are people exiting at Canby?

- We don't have that data. Since this interchange provides a connection between higher-speed highways, it was designed for 50 mph where the Canby-Hubbard off-ramp departs the freeway, and higher speeds as the ramp crosses under I-5 to join OR-551.

Can we eliminate the Charbonneau exit and make travelers use the Canby-Hubbard exit instead?

- We don't expect this would fix the bottleneck on I-5 north of the Boone Bridge. The Wilsonville Road on-ramp and Canby-Hubbard off-ramp are within a mile of each other, offering only a short opportunity for drivers to merge into or out of the right-hand lane. (For comparison, ODOT standards are for freeway interchanges to be three miles apart in urban areas.) Removing the Charbonneau District off-ramp would not increase this distance. Providing connections back to Miley Road from Canby-Hubbard would require a costly federal review process, and the long ramps needed would have a significant footprint on the area around I-5. This design would not offer the opportunity to combine operational improvements with the Boone Bridge seismic project, and would therefore be more difficult to fund.

Can we raise highway speeds everywhere to 65 mph?

- This kind of major change would take a decision by the Oregon Transportation Commission and possibly the Oregon Legislature, and is beyond the scope of this plan. In addition, raising speed

limits in the study area would not fix the bottleneck, which results from too many vehicles trying to use the outermost lane over the Boone Bridge.

How would a ramp-to-ramp lane affect emergency response times?

- By reducing congestion, improving travel time reliability, and reducing the risk of crashes, this project would make it easier for emergency response vehicles to move swiftly through the study area in the evening peak.

Would signing the outermost lane as “exit only” resolve the bottleneck?

- This would effectively reduce I-5 from three travel lanes to two in the study area. This could increase interruptions to through travel, instead of improving it as a ramp-to-ramp lane would.

Could ODOT place signs on I-5 southbound north of the study area advising through traffic to merge left?

- ODOT is considering whether these signs would improve traffic flow as an interim measure and will share information after studying the suggestion.

Would a flyover ramp be a potential solution here?

- It would be a significantly higher cost project with higher environmental impacts, and it would not relate to the seismic retrofit needed on the Boone Bridge.

Why didn't you study adding more general travel lanes to I-5 and continuing them toward Salem and Eugene?

- In past planning efforts, the Portland metropolitan region made a collective policy decision that the right width for Metro area freeways was three travel lanes in each direction, plus interchanges and ramp-to-ramp lanes where needed. ODOT Region 1 has focused on identifying and solving specific operational problems on the freeways as the most cost-effective use of limited funds. Studying the creation of new lanes south of the Portland region would require a much broader effort involving many more constituencies and groups in the Willamette Valley. In general, adding general purpose travel lanes is costly and can have many impacts to the environment and to private property. It also is not a long-term solution to congestion, as new lanes fill up with drivers who were previously traveling at other times, on other routes, or using other modes of transportation.

Does this plan prevent a broader study of the I-5 South corridor (I-5 and parallel facilities from Tigard to Wilsonville)?

- Past regional planning efforts have recommended studying multimodal travel improvements for the I-5 corridor in the south part of the metro region. This plan doesn't preclude a broader study.

Attachment B

LAND USE PLANNING
TRANSPORTATION PLANNING
PROJECT MANAGEMENT

MEMORANDUM

Online Open House Summary

Southbound I-5 Boone Bridge Congestion Study

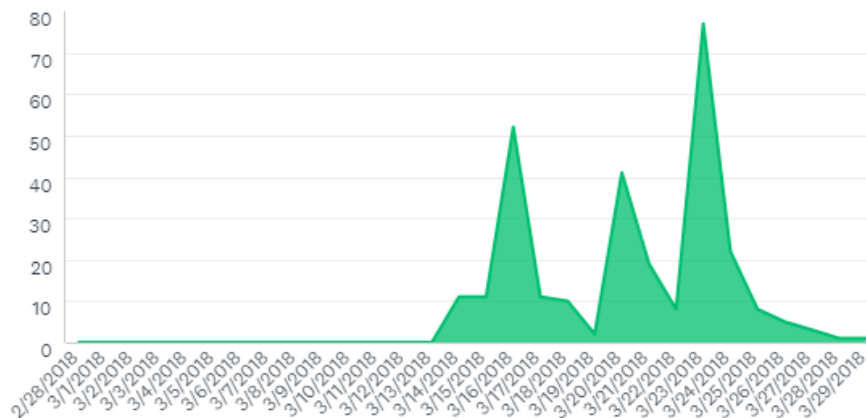
DATE 4/2/2018
TO Southbound I-5 Boone Bridge Congestion Study Project Team
FROM Andrew Parish, AICP, Angelo Planning Group
CC

INTRODUCTION & SUMMARY

This memorandum briefly describes the results of the Online Open House for the Southbound I-5 Boone Bridge Congestion Study. The purpose of the open house was to gather input from the public to determine community preferences regarding solutions to southbound congestion on Interstate 5 near Boone Bridge.

Total Responses

There were a total of 282 respondents to who provided at least some information in the survey. Responses came in three distinct spikes, associated with specific outreach efforts.



Key Takeaways

The following were the key takeaways from the online open house responses. Detailed information is provided on the following pages.

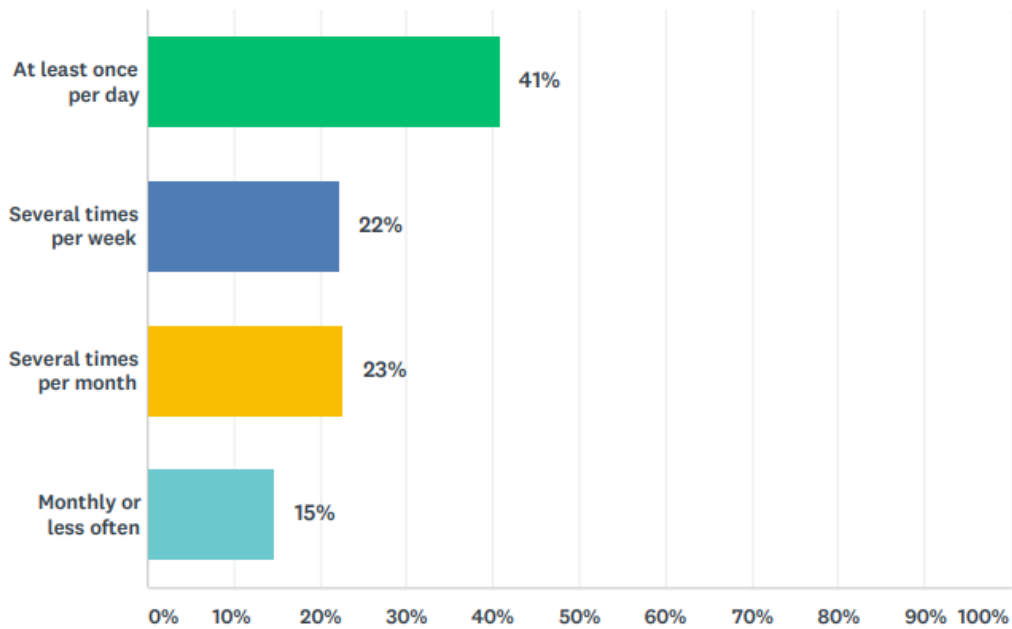
- Most survey respondents used I-5 to cross the Boone Bridge going south at least several times per week (41% at least once per day; 22% several times per week). Nearly 80% said they were likely to use the Wilsonville Road on-ramp on a typical trip, and over half said they were likely to use the Charbonneau District off-ramp. 43% said they were likely to use the Canby-Hubbard off-ramp. (All of which is to say – this survey appears to have reached those that use/would be affected by the proposal)
- Respondents generally experienced unpredictable travel times, frequent congestion, and spillback. A lower percentage (though still the majority) experienced dangerous weaving behavior.
- Given the information presented, **75% of respondents chose Option C** as their preferred build. Option B was the second most preferred.
- **Almost all respondents** said that ODOT should invest in operational improvements in this part of I-5.
- The average level of support for the recommended alternative is **very high: 92/100**.
- Asked to list primary reasons for their level of support, people provided many separate comments. Congestion, safety, and commuting times were among the most common issues identified.

DETAILED SURVEY RESPONSES

The following pages include detailed information for each question asked in the survey.

Q1: How often do you personally use I-5 to cross the Boone Bridge going South?

Answered: 280 Skipped: 2



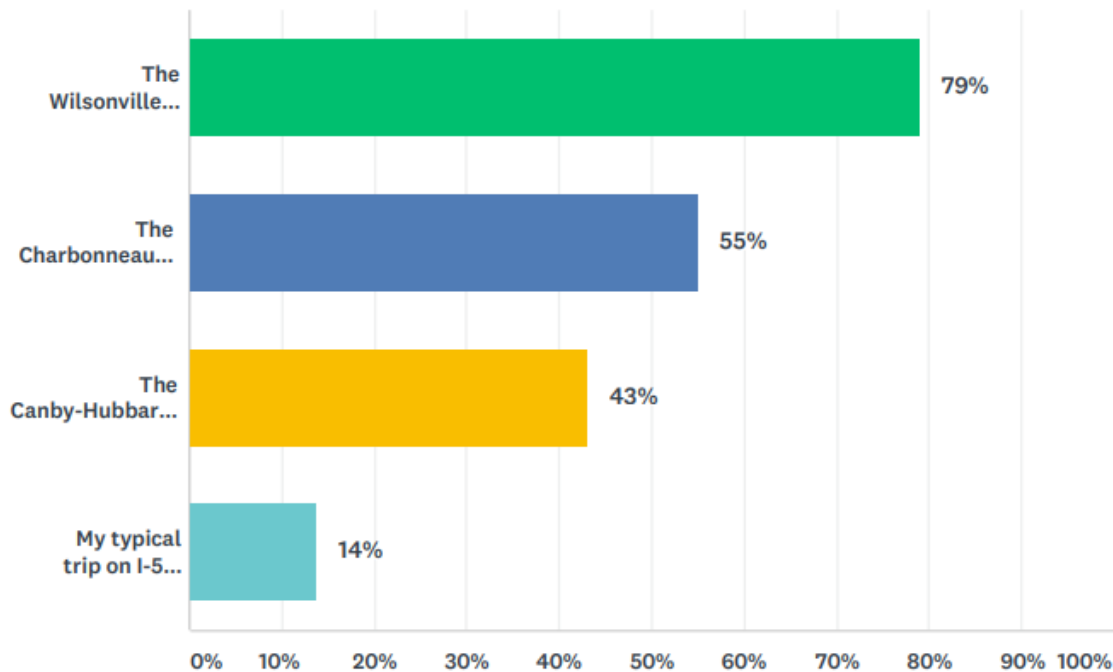
ANSWER CHOICES	RESPONSES	
At least once per day	41%	114
Several times per week	22%	62
Several times per month	23%	63
Monthly or less often	15%	41
TOTAL		280

#	ADDITIONAL COMMENTS	DATE
1	Daily Monday through Friday	3/28/2018 7:53 PM
2	Avoid it at all costs due to traffic. I gladly use the north Wilsonville exit.	3/25/2018 2:18 PM
3	Two to 3 times per day common	3/24/2018 10:35 AM
4	This is a real bottleneck, esp. when there is a traffic incident nearby. And as it is the only link across the river to the south, kind of scary.	3/23/2018 5:26 PM
5	Would use it more but try to avoid the traffic.	3/23/2018 4:31 PM
6	I commute from Canby to Wilsonville for work	3/23/2018 4:12 PM
7	Usually take the 1st Wilsonville exit when coming from Portland	3/23/2018 12:17 PM
8	never!	3/21/2018 7:42 AM
9	I'm retired and plan my trips to avoid driving during the peak time. I live in Canby and have family in Wilsonville. If we are visiting we either leave before 4:30 or wait until after 6:30 to drive home.	3/21/2018 7:38 AM
10	i live in salem so i use it 2 times a day to get to work	3/20/2018 3:17 PM
11	At 415pm	3/20/2018 2:43 PM

12	Wilsonville to the Canby-Aurora Exit 5 days/week	3/20/2018 2:39 PM
13	It is a dangerous area and would definitely help to relieve congestion and increase safety.	3/18/2018 7:28 PM
14	4x a day	3/18/2018 9:27 AM
15	I get off I5 at Thebes Wilsonville Road exit, this congestion effects me every day even though I don't cross the bridge	3/16/2018 7:18 PM
16	However, I'm still affected by traffic anytime I go to Fred Meyer	3/16/2018 6:49 PM
17	The impacts to the Boone Bridge don't start in Wilsonville, they start further North highlighting the need for a true regional option	3/16/2018 12:23 PM
18	RETIRED, LIVING IN CHARBONNEAU	3/16/2018 11:51 AM
19	While I do not cross the bridge daily, I am caught in the congestion every weekday. Depending on the traffic, the congestion can begin at the 217 interchange, but usually at the I-205 interchange.	3/16/2018 10:54 AM
20	Depending on time of day the merge can be challenging	3/16/2018 10:42 AM
21	I travel from Charbonneau to Wilsonville and back everyday. Even going to pick up groceries is a huge, time consuming ordeal.	3/16/2018 9:50 AM
22	My commute does not include the Boone bridge, but this bottleneck causes backups throughout Wilsonville roads that impact my commute. Occasionally these are severe, causing 30-60 min delays in my commute from Tualatin to Wilsonville.	3/16/2018 9:38 AM
23	I travel from Charbonneau to Wilsonville and back daily. If I want to just go shopping it takes extra time to merge on the freeway southbound just to go a short distance to Charbonneau exit.	3/16/2018 9:28 AM
24	Commute ... use it 2 times per day	3/15/2018 12:00 AM

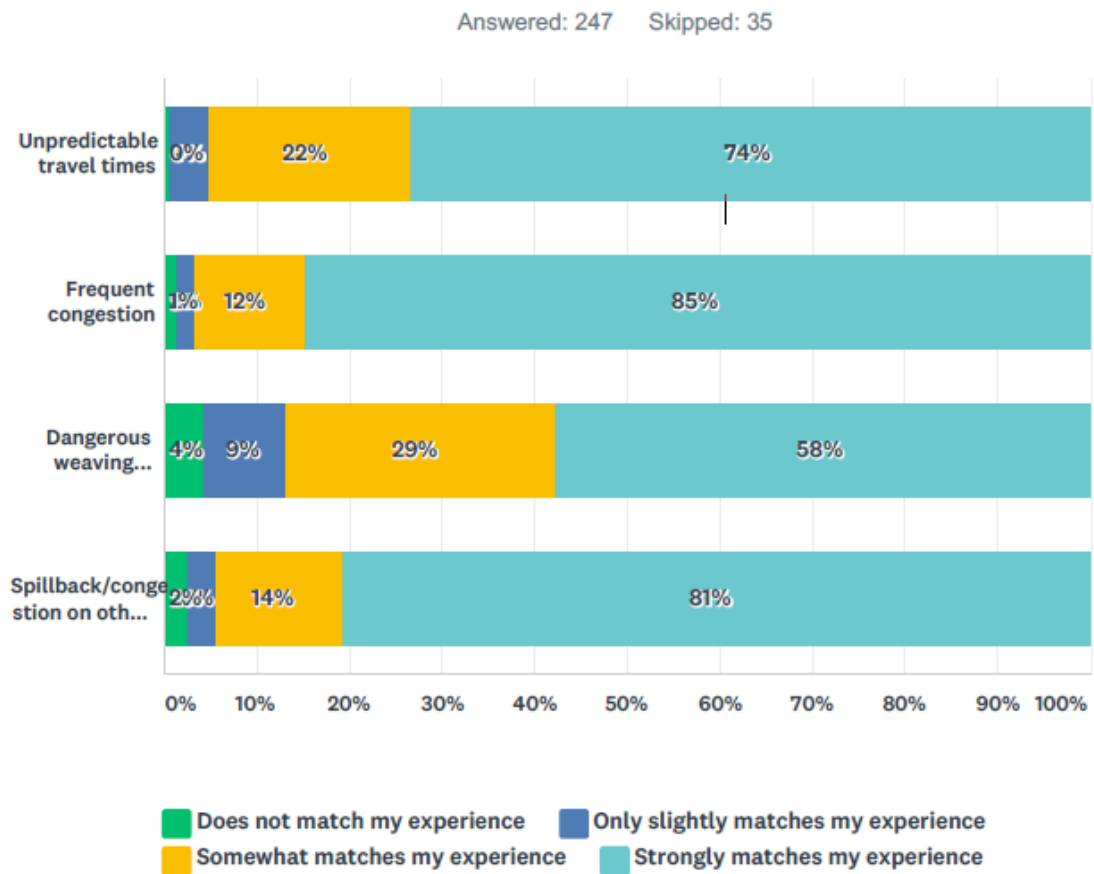
Q2 On the typical trip that takes you across the Boone Bridge going south, please mark all of the entrances/exits you are likely to use:

Answered: 262 Skipped: 20



ANSWER CHOICES	RESPONSES	
The Wilsonville Road on-ramp (Exit 283)	79%	207
The Charbonneau District off-ramp (Exit 282B)	55%	144
The Canby-Hubbard off-ramp (Exit 282A)	43%	113
My typical trip on I-5 starts farther north and ends farther south than these entrances/exits	14%	36
Total Respondents: 262		

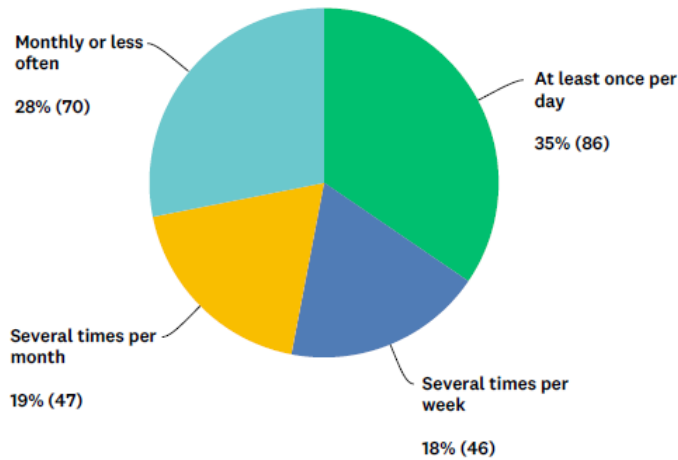
Q3 To what extent does your personal experience on this part of I-5 match our analysis?



	DOES NOT MATCH MY EXPERIENCE	ONLY SLIGHTLY MATCHES MY EXPERIENCE	SOMEWHAT MATCHES MY EXPERIENCE	STRONGLY MATCHES MY EXPERIENCE	TOTAL	WEIGHTED AVERAGE
Unpredictable travel times	0% 1	4% 11	22% 53	74% 181	246	2.73
Frequent congestion	1% 3	2% 5	12% 29	85% 207	244	2.84
Dangerous weaving behavior	4% 10	9% 21	29% 69	58% 137	237	2.54
Spillback/congestion on other roads in Wilsonville	2% 6	3% 7	14% 34	81% 197	244	2.78

Q4 How often do you personally use I-5 to the Charbonneau District (Exit 282B) or the Canby-Hubbard (Exit 282A) off ramp?

Answered: 249 Skipped: 33

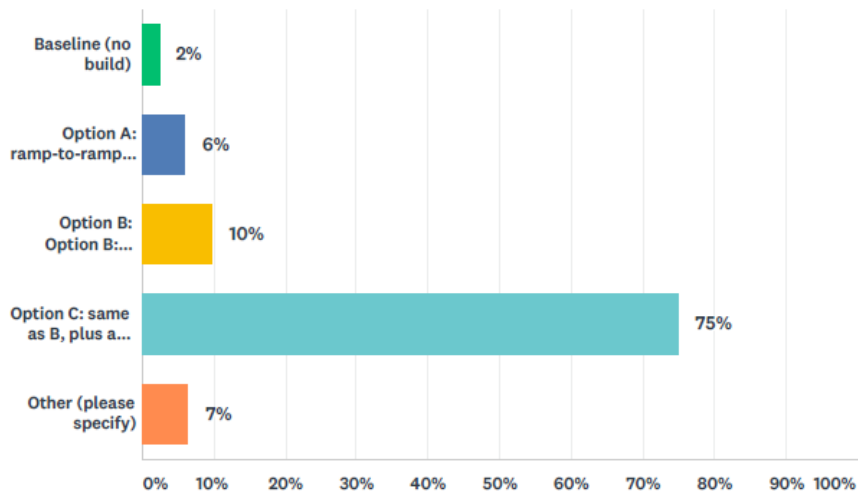


ANSWER CHOICES	RESPONSES	
At least once per day	35%	86
Several times per week	18%	46
Several times per month	19%	47
Monthly or less often	28%	70
TOTAL		249

#	ADDITIONAL COMMENTS	DATE
1	4-6 times per week	3/23/2018 3:04 PM
2	Monday through Friday on my way home from work	3/23/2018 2:32 PM
3	I continue traveling to Salem	3/23/2018 2:18 PM
4	No use of Exit 282B or Exit 282A.	3/23/2018 1:59 PM
5	We live in charbonneau and most trips we travel north on I5, thus when we return we are impacted by the backup. Even taking alternate routes, the backup is unacceptable. When traveling from the 217 south to charbonneau the 11 mile trip which usually takes us 13minutes takes over an hour during peak traffic. Average speed about 10 mph !!!	3/23/2018 12:56 PM
6	I work in town at the Library 9-5	3/20/2018 2:51 PM
7	only as a bypass route to avoid I-5 backup onto 99E	3/20/2018 2:45 PM
8	Ramp light is a joke	3/18/2018 9:28 AM
9	I get off at 283, I rarely go over the bridge during rush hour	3/16/2018 7:21 PM
10	Congestion & delays stretch North beyond Ellingson Rd Exit.	3/16/2018 12:44 PM
11	Boone Bridge travel issues impact me in 2 ways: 1) live in Wilsonville and visit parents in Woodburn and (2) work downtown Portland and live in Wilsonville. Without mid-day mass transit options direct to Wilsonville (train or express bus) the issue is compounded.	3/16/2018 12:25 PM
12	Having the "only" lane on the NB section of the bridge has helped tremendously!	3/16/2018 11:25 AM
13	I live in Wilsonville.	3/16/2018 10:56 AM
14	I'm so happy you're proposing this. It's so needed	3/16/2018 10:46 AM
15	Congestion & slower typical speed of travel poignant much further	3/16/2018 10:35 AM
16	The spillback/congestion on other wilsonville roads is severe at times, as there's no good alternative to the Boone Bridge for south-bound traffic across the Willamette. Any traffic avoiding I-5 due to congestion is forced on at Wilsonville, or must go far out to Oregon City or Newberg to cross the river.	3/16/2018 9:43 AM
17	About half the time I am on I-5 north of 283 and try to remain in the left lane to ease congestion from all of the traffic entering on 283. It is challenging and dangerous trying to merge right to exit at 282B.	3/16/2018 9:36 AM
18	These 2 exits are crucial for commuters not only going into Canby and Aurora but all cities South and east of Canby. The other options are unacceptable in order to cross the Willamette.	3/16/2018 9:36 AM
19	I don't use these exits, I'm traveling further down.	3/14/2018 4:31 PM

Q5 Given the information above, what is your preferred option?

Answered: 246 Skipped: 36



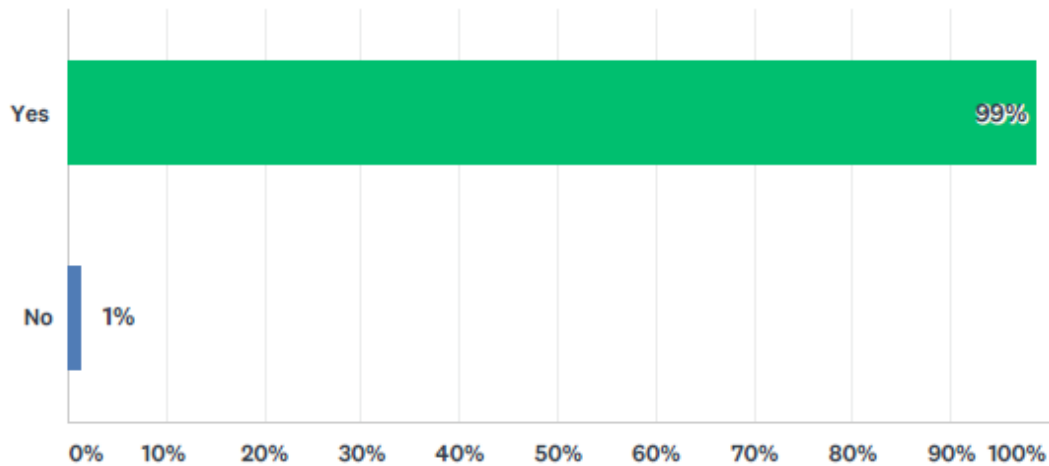
ANSWER CHOICES	RESPONSES	
Baseline (no build)	2%	6
Option A: ramp-to-ramp lane from Wilsonville Rd to Charbonneau exit	6%	15
Option B: Option B: ramp-to-ramp lane extends south to Canby-Hubbard exit	10%	24
Option C: same as B, plus a second turn lane added to the Canby-Hubbard off-ramp	75%	185
Other (please specify)	7%	16
TOTAL		246

#	OTHER (PLEASE SPECIFY)	DATE
1	Option C, but the extra lane extends north to connect to the SW Elligsen Rd. (Exit 286) exit-only lane.	3/25/2018 6:01 PM
2	If development was allowed south of the river it would take pressure off the Boone Bridge during peak times as the flow caused by development south of the river would run against the normal traffic flow. It will even be a more disastrous condition when industrial coffee creek is built out and trucks need to go south.	3/25/2018 5:44 PM
3	You need another bridge or bypass to get from WV to Canby	3/23/2018 2:20 PM
4	It is quite apparent that this is the solution that would reduce the congestion most significantly.	3/18/2018 6:05 PM
5	Option A is most relevant to me, but I support B as well if traffic supports that option.	3/18/2018 9:48 AM
6	add 3 or 4 lanes and be done with the problem	3/18/2018 9:29 AM
7	This needs to start at Elligsen Road ramp or will still be a bottleneck from the I 205 influx. Thanks for looking at this. We were thinking of moving from the area because of this nightmare. Tired of dealing with it.	3/17/2018 10:03 AM
8	I also think that adding signs indicating that the on-ramp merged would fix current problems.	3/17/2018 7:26 AM

9	I am in full agreement that something should be done and am happy to put money towards a project to relieve this issue. I like what option C proposes, but am disappointed that it essentially only brings us to a "D" grade. If we're investing in this, I want to see more of an improvement than that. There must be more options available.	3/16/2018 1:32 PM
10	The cross over traffic alone will cause congestion (those starting North of Wilsonville and exiting via Charbonneau or Canby-Hubbard or those leaving Wilsonville traveling beyond Canby-Hubbard on I5)	3/16/2018 12:28 PM
11	Scrap the bike/ped bridge and use those funds to do C with a special crossing attachment for bikes/peds under the bridge.	3/16/2018 10:59 AM
12	When will southbound traffic congestion from Tualatin to Charbonneau exit be addressed? It's just as bad.	3/16/2018 9:51 AM
13	Not an expert. Will this just move the bottleneck further south?	3/16/2018 9:40 AM
14	If we are going to do the project, do it correctly according to the engineering.	3/16/2018 9:38 AM
15	Although Option C performs the best, it is also the most costly. Some of the money should be put towards providing safe pedestrian and bicycle access across the bridge. Why isn't this part of your analysis? Doesn't ODOT realize that many people choose to ride their bike or walk across this bridge on the shoulders? If not room will be provided to peds and bikes, a separate bridge near the P&W railroad bridge should be built (as planned by the City) instead.	3/15/2018 10:41 AM
16	Build it ASAP ... in 10 years you will need a second bridge !! This is the main highway route from CA to WA	3/15/2018 12:12 AM

Q6 Do you believe that ODOT should invest in operational improvements in this part of I-5?

Answered: 236 Skipped: 46

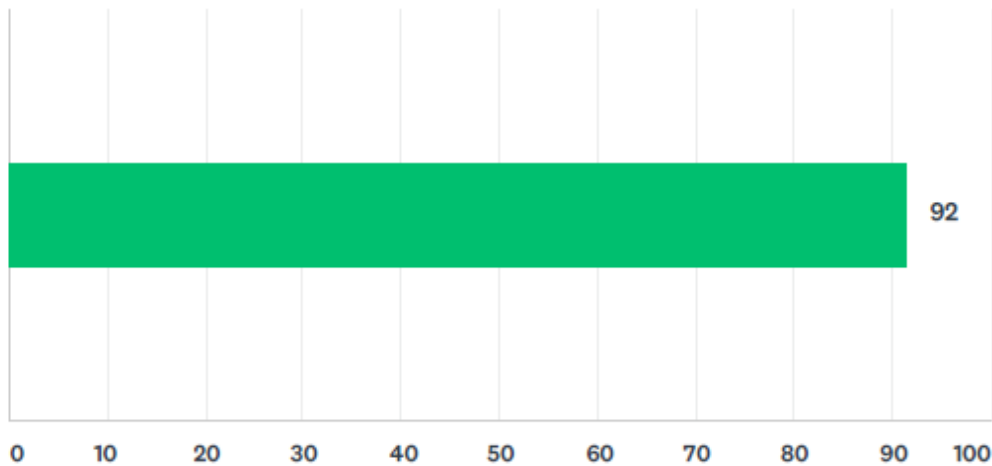


ANSWER CHOICES	RESPONSES	
Yes	99%	233
No	1%	3
TOTAL		236

#	ADDITIONAL COMMENTS	DATE
1	Must look at long term master plan for region. Region is out of employment lands. Development south not river is inevitable (even though political environment says "NO") The proper long term planning should ask "What are best options assuming development south of river."	3/25/2018 6:02 PM
2	a fourth lane should extend past the Miley road entrance for one mile	3/25/2018 12:06 PM
3	Please Incorporate any feasible noise barriers to new additions to freeway	3/24/2018 2:04 PM
4	Hurry!!!	3/23/2018 4:53 PM
5	ODOT Should be pouring resources into carpool lanes and effective light rail systems.	3/23/2018 2:58 PM
6	Also use signag southbound I-5 for through traffic stay right	3/23/2018 1:13 PM
7	When odot changed the n/b lane configuration for the Miley Road on ramp to the Wilsonville off ramp by adding a "through traffic lane" the results were dramatic. HOWEVER, traffic stopping for the off ramp signal at Wilsonville Road caused backups. If you develop the proposed plan, you need to consider what backup wil occur for traffic getting off for charbonneau. Currently there is a boulevard stop sign which even now causes some ramp backup.	3/23/2018 1:10 PM
8	Seems like a short term solution...will we just keep building out as our pop. grows?	3/22/2018 8:32 AM
9	This should have started roughly 10 years ago.	3/21/2018 11:12 PM
10	This evaluation should have happened at least 10 years ago.	3/21/2018 11:04 PM
11	As the only crossing on the Willamette River for miles in either direction this is problem spot with few alternatives available.	3/21/2018 8:57 AM
12	save lives, time, money	3/20/2018 2:49 PM
13	Already running late.	3/20/2018 2:24 PM
14	This problem has wide ranging impacts throughout the I-5 corridor and the solution should be implemented as soon as possible.	3/18/2018 6:08 PM
15	Increased DMV rental fees will assist greatly with this project.	3/16/2018 1:00 PM
16	And they need to see what then can do further North or invest in a Max train to go from south of Wilsonville, possible Salem w/a stop at a park & ride in the vicinity of Canby-Hubbard, direct to downtown PDX	3/16/2018 12:32 PM
17	Consider system management measures first, including pricing and transit improvements. Consider including HOV lanes, and potentially a dedicated transit ramp in the Barber St. vicinity.	3/16/2018 12:06 PM
18	Work must be done at night or weekends. There shouldn't be any construction during peak rush hour or commutes will be unbearable.	3/16/2018 9:57 AM
19	It is also worrisome that when so many cars are sitting on the bridge at once how much stress is on the bridge itself. This is a major artery bridge.	3/16/2018 9:47 AM
20	What about the bike lanes?	3/16/2018 9:41 AM
21	As a planner at Cherriots, we partner with SMART to provide bus service between Wilsonville and Salem, taking many cars off the road that would otherwise be contributing to the congestion. Improvements would help our buses keep their schedules and also help with reliability of the schedules, which people rely on to get to work or other appointments in Salem.	3/15/2018 10:50 AM
22	Immediately ... not in 10 years ! You'll need to add another bridge with 6 lanes in 10 years !!	3/15/2018 12:18 AM

Q7 What is your level of support for the recommended alternative?

Answered: 230 Skipped: 52



Q8 What are your primary reasons for this level of support?

203 responses, listed below.

Responses to Q8: Primary reasons for this level of support.

I have to deal with this situation on a daily basis. I have lived in other areas of the country with horrendous traffic, and there significant investment was made to expand the roadways to ease congestion.

My first choice is none of A-C, but instead "D", to build a bridge across the Willamette to serve local Wilsonville traffic between the north and south parts of the city and its immediate hinterlands. Include walking and cycling routes. Look to the Sellwood Bridge as a model. Why widen I-5, a regional and interstate expressway, to solve a local bottleneck? The problem isn't I-5, it's that there are too few crossings of the Willamette in the south metro area.

A site to consider would include a route connecting SW Boones Ferry Road and Boones Ferry Crossing NE at NE Butteville Road, or vicinity. A second is farther west connecting SW Kinsman Road and NE Butteville Road. Get legislative approval of an urban growth boundary (UGB) exception if necessary to site the bridge and connecting roads outside the metro UGB. Looking east of I-5, a third site is connecting SW Metolius Loop with SW French Prairie Road near the Charbonneau Golf Club. A fourth site is connecting SW Rose Lane with either SW French Prairie (near SW Lakeside Loop) or east to NE Eilers Road.

The advantage is that land on the east bank and west of I-5 is rural and so has less market value and is less expensive to buy or seize by eminent domain.

Also, because the bottleneck is a local problem, a special assessment can be levied on Wilsonville landowners for some proportionate share of the costs of the bridge over some time, say 20-30 years, based on the 60% or so that Wilsonville traffic constitutes of the I-5 congestion along the Boones Bridge.

Responses to Q8: Primary reasons for this level of support.

A similar example of the local bridge line of thinking is seen for the Columbia River Crossing in the video, "A Common Sense Alternative to the CRC"

(6 min., 14 sec.) View it to further understand what I'm getting at.

My second choice would be baseline (no build).

As a first reason, my first choice is actually none of A-C, but instead "D", to build a bridge across the Willamette to serve local Wilsonville traffic between the north and south parts of the city and its immediate hinterlands. Include walking and cycling routes. Look to the Sellwood Bridge as a model. Why widen I-5, a regional and interstate expressway, to solve a local bottleneck that is caused locally? The problem isn't I-5; it's that there are too few crossings of the Willamette River in the south metro area.

A site to consider would include a route connecting SW Boones Ferry Road and Boones Ferry Crossing NE at NE Butteville Road, or vicinity. A second is farther west connecting SW Kinsman Road and NE Butteville Road. Get legislative approval of an urban growth boundary (UGB) exception if necessary to site the bridge and connecting roads outside the metro UGB. Looking east of I-5, a third site is connecting SW Metolius Loop with SW French Prairie Road near the Charbonneau Golf Club. A fourth site is connecting SW Rose Lane with either SW French Prairie (near SW Lakeside Loop) or east to NE Eilers Road.

The advantage is that land on the east bank and west of I-5 or east of Charbonneau is rural and so has less market value and is less expensive to buy or seize by eminent domain.

Also, because the bottleneck is a local problem, a special assessment can be levied on Wilsonville landowners for some proportionate share of the costs of the bridge over some time, say 20-30 years, based on the 60% or so that Wilsonville traffic constitutes of the I-5 congestion along the Boones Bridge. Why should taxpayers across the metro area shoulder the full burden?

A similar example of the local bridge line of thinking is seen for the Columbia River Crossing in the video, "A Common Sense Alternative to the CRC"

(6 min., 14 sec.) View it to further understand what I'm getting at.

My second choice would be baseline (no build).

As a second reason, it seems automated vehicles (AVs) would increase capacity and reduce or eliminate the problem anyway in the 20-30 years it'll take for them to mainstream.

Third, Oregon has a climate action plan, and a de facto highway widening is clearly is not in support of that.

Fourth, has attempting to build our way out of automotive congestion for the last eighty-plus years taught DOTs nothing? The increased capacity would disappear because driving will become easier and faster, so there'll be more vehicle trips and more often.

Fifth, the legislature continues to kvetch about lacking money while not tackling tax reform,

Responses to Q8: Primary reasons for this level of support.

and I'd be loath if a project that ostensibly is limited to transportation funding through Metro might not become involved in a legislative session. I believe when the Portland city council considered cutting a much smaller capital project - Capitol Highway in Portland - the legislature in 2017 session found state money to fund it. I don't object against that project; my point is that regional projects have a way of having their proponents discover one pot of money isn't enough, and more is needed from a larger pool of taxpayers.

Sixth, as a Portland resident, I have no desire to improve the commutes of Wilsonville residents when the streets in my neighborhood in Southwest are crumbling -- literally -- with potholes and gravel growing by the week. And don't tell me it's institutional protocol that state projects get state and Metro money. It's political will. Aren't we supposed to pave unpaved streets, get crumbled streets resurface, and get sidewalks and bike paths to get us all to drive less? Why isn't the region blanketed with rail and frequent bus lines so I can travel to and from Portland and the 'burbs and beyond with little worry about service hours, frequency, travel times, and transfers? Spend the money on these things. And don't tell me it's institutional protocol that TriMet and ODOT (and SMART) are separate collections of pots of money.

Seventh, if there were fewer than 13 miles between the Boones Bridge and the next nearest road crossing, I-5 wouldn't be quite so bad, same as if there was a bridge near Lake Oswego between the Sellwood and I-205 bridges, that would do wonders for out-of-direction travel on the Ross Island and I-205 bridges. Now there are two projects that merit Metro funding!

Eighth, the bad publicity over the past several months (particularly in the Portland Tribune) of lack of ODOT oversight of its contractors with millions of dollars lost and a major bridge needing to be rebuilt doesn't instill confidence in the proposed project.

Ninth, in the scheme of things, I'd rather spend tax money on more important things, socialist goods such as universal health care, a universal basic income, housing as a right, and environmental remediation. Traffic congestion is a mere nuisance by comparison. I add that with the threat of excessive automation in the near future in the on-going class war if trends continue, I don't foresee thousands of jobless Metro residents (freight drivers, retail workers, even swaths of white collar workers) commuting across the Boones Bridge to jobs they no longer have because robots have replaced them. BTW, with more public housing, community land trusts, co-housing, and rent control, more people could afford live in closer proximity to work and wouldn't commute as much and as far; now there's a congestion mitigation measure!

Tenth, because capital has all but fully co-opted the federal government, leading to abandonment of the American people by Congress and the President, with some embattled progressive agency heads remaining, I expect no money from Washington. This means greater burden on and discretion with our state and Metro funds. The Boones Bridge doesn't make my list of priorities.

Reduce traffic on I-5 Southbound coming from further up towards Portland.

It makes the most sense, and seems to be the best option for handling future traffic increases.

There is no reason for this congestion. The biggest bother is the fact that it congests Wilsonville Rd. back to the high school.

Responses to Q8: Primary reasons for this level of support.
Time of travel. Safety of vehicles. Quicker response times of emergency vehicles. Lower pollutant effect of cars taking an extra 30 or more minutes to get from the Hwy 217 interchange to past the Boone Bridge.
Traveling it every day it gets so frustrating and alot of wasted time waiting in traffic.
Most cost effective alternative -let's solve for the future.
Safety during the movement of personnel and products.
I travel I5 southbound to Wilsonville Rd at least twice every weekday and experience extreme traffic delays more than twice per week which affects traffic flow as far north on I5 as hwy 217 (I rarely enter I5 southbound farther north than hwy 217). My arrival times to destinations on Wilsonville Rd often vary between 10-45 minutes! I imagine anyone traveling farther south on I5 experience even greater delays often.
The government is spending tax payer money but depriving the taxpayers from obtaining additional tax revenue from south of the river. Government is spending money for improvements for south of the river but receiving no revenue from south of the river. All groups knowledgeable of the regions shortfall of employment lands know that, but for the political position of anti-development groups, south of the river development is the ideal place for future employment land development.
Reduction in spillback congestion in southbound lanes north of Wilsonville road, and both east & west bound spillback traffic on Wilsonville queuing on to SB I-5 on ramp. Current 3-lane queuing will help, but only moderately. An additional question lane can't accommodate backups that on occasion extend as much as a mile to the west for eastbound Wilsonville road traffic in the afternoons.
I-5 southbound traffic flow would improve and reduce congestion seen south of Hwy 217. Traffic on Wilsonville Rd is greatly impacted during rush hour which affects travelers that have no intention of utilizing I-5.
Traffic will only get more congested over the years. There also needs to be more rail alternatives between Portland and Salem. Many people commute from Salem and a rail line that runs more frequently, and with earlier and later trains would help. adding a commuter lane, (2 or more occupants) for peak congestion times might help.
Only bridge over Willamette in the area, so it is often an absolute necessity to travel across it.
I would strongly support any of the suggested improvements!
Safety, Illuminatate congestion
These traffic issues impact our family daily as well as thousands of other people as is obvious. If at all possible please bump this ahead of other (possibly) less important or impactful projects. Is it possible to do a temporary ramp to ramp lane by rearranging the current traffic lanes - or even extending the first Wilsonville exit only lane as a drive through lane for as long as possible to ease the congestion at an earlier point on I5? Please find some temporary solution until you can put a permanent solution in place. To do nothing for several more years is not a viable option as far as I'm concerned.
safety and reliable transit times
Traffic congestion on I-5 and surface streets in Wilsonville
I drive this section every day. The people taking the Canby/Hubbard exit often wait until the last moment to cut in front of cars in the right lane to take their exit. Two lanes for the exit will hopefully alleviate that.
Congestion - making this portion nearly unusable during certain time periods. I worry about the ability of emergency vehicles to utilize the corridor during heavy traffic or blockage due to accidents.

Responses to Q8: Primary reasons for this level of support.
It does impact the quality of life/access to Wilsonville
Best for all I-5 users, freight, tourists, transit
Needed for those who take this to commute
Only way to prevent disaster on local Wilsonville Road use
Poor traffic flow, bottle-necking and issues effecting Wilsonville Rd.
I live off of Brown Rd and Wilsonville Rd as well as other side/back streets are getting increasingly congested during peak traffic hours. We feel trapped at home if we need to run what should be a 10-15 minute errand (such as to Fred Meyer) because it will/can take significantly longer than it should. I also drive home every evening (from the north) and often take a variety of other routes because of the heavy congestion on I-5 through Wilsonville.
Area growth will only continue and increase the problems that are currently observed.
Major congestion through i5 as well as the main roads of Wilsonville that lead to the on ramp for 283
something has to get done
Driving it every day for work
It's already not working. 10 yrs from now when a solution is finally implemented the area will be more crowded then it is now. We need to get this going now.
Safety for all traveling this stretch and beyond
Most likely of the three to improve traffic. Need bike infrastructure
Something must be done. Traffic in this area is horrible!
Safety
Sick of traffic, this has taken too long to correct
Not certain it will work
It is the most logical to improve the traffic flow with the greatest impact.
To improve traffic congestion and decrease risk of accidents.
Improving I-5 congestion will reduce the impact on wilsonville surface streets.
Option C provides LOS D, which is greatly needed, and should allow the Wilsonville Rd S ramp meter to offer increased flow, reducing local congestion in and around Wilsonville Road.
traffic is not getting better--it will only get worse
Live in Charbonneau. Anything that moves traffic along is safer for all.
This is an obvious improvement for all traffic traveling on I-5 south from Wilsonville. It will only get worse if not changed.
The problem is real, and getting worse. Something must be done!
I am affected by the Boone Bridge bottleneck every day during peak commute times in that it affects track slowdown far before one even reaches Wilsonville. It is my hope that this improvement will also help with the traffic that starts accumulating when driving south out of Tualatin during the commute work-week.
I live in Wilsonville and we need relief traveling from east side to west side and visa versa. Also, we need relief in effort to get home to Wilsonville while traveling south on I-5!! All summer long the commute is horrible on Fridays, and nearly horrible at any other time or day!

Responses to Q8: Primary reasons for this level of support.
We have considered moving from Wilsonville for our upcoming retirement, and we have lived here since 1990.
Will solve my waiting time to get home
daily useage
The ramp is needed to help alleviate the city congestion at peak hours. The poor planning in lights and roads in the city near I-5 is the major cause. Rude drivers weaving into on-ramp lanes and not waiting adds to the problem, yet law enforcement does not have a presence to deter the behavior.
This area has deteriorated at a surprisingly fast pace over the last several years. If we don't start on a solution quickly, it will be a significant constraint on travel before a solution is in place.
The candy ferry will soon by faster the I 5 southbound if we don't do something...
Safety in getting on and off the freeway
The lack of adequate traffic design throughout the city as well as poor redesign when the worked on the I-5 a few years ago has led to this massive problem. It has greatly decreased the quality of life in Wilsonville
Traffic
This is a problem that has been ignored until now, for inexplicable reasons.
Living in Charbonneau my husband and I use this section at least once a day, if not more.
Safety getting on and off I-5 plus timely travel.
I feel trapped in my home south of the river - there is less and less reliable "windows" (mid-day) that I can make round trips into W'ville or the city. Getting caught in congestion is awful, and drivers get impatient, behaving recklessly.
1. Facilitate access to/from Wilsonville and points South.
2. Relieve congestion on Wilsonville Road.
3. Improve through traffic safety and travel times on I-5.
safety
I feel the second lane for the Hubbard exit isn't necessary because by then the congestion is mostly gone. I use that exit all the time.
A major project of this nature should over designed for current volume and great margin for growth and growth will come as the metropolitan area moves south to find less expensive housing
Traffic is not just dangerous. It leads to wasted fuel. It worsens air quality. Save lives, save fuel, and air quality. Do it.
Tired of having to avoid driving through Wilsonville at certain times or having to leave considerably earlier to places because all side roads are backed up as a result of the terrible freeway congestion. The congestion is so bad on side roads in Wilsonville that people end up blocking intersections in a frustrated attempt to make any progress in their commute.
There is no reason to pursue this based on the current situation and the forcasted data
I work in Wilsonville and live in Canby - in current state commute home is terrible. Commute to work with ramp to ramp lane is fine majority of the time.
Having lived in Wilsonville for well over 40 years I have seen I-5 access constantly deteriorating. Considering how long it takes for any of the alternatives we will see not relief for at least 10 years. I shudder to think how bad it will be by then.

Responses to Q8: Primary reasons for this level of support.
Traffic around Wilsonville is terrible. It's frustrating and very limiting. No one from Portland wants to come and visit during peak hours.
I already have a 45 minute commute on a good day. I work in WV. Sometimes it can take me 45 min just to get on to the freeway because the in town traffic is backed up so bad due to the freeway.
Better function for I-5 and for Wilsonville streets.
less congestion now and in the future
Prevention of increased congestion on Wilsonville Rd. Right now Wilsonville Rd typically is congested to the extent of 20-30 minutes during peak hours to just enter the on-ramp to I-5.
I see the delays and know that the volume of traffic entering the freeway from Wilsonville is to blame. I also think that people going north and south through Wilsonville for some inexplicable reason slow down without traffic issues.
Driving this route daily increases the potential of an accident and wastes a great deal of time.
Ease in getting to area across the bridge
I5 needs lots of improvements and this is 1 of them. 4-5 Lanes in each direction would be ideal
I'm currently caught up in the discussed congestion!
Lack of frequent use. We are retired, and to some extent, can stay away from the congestion. We do recognize the problem, and agree that this solution has merit.
I live in Charbonneau, and my closest services are across the Boone bridge. Sometimes it may take 30 minutes to run an errand that should take no more than 10.
Safety and efficiency
Congestion
Inability to travel across I-5/Willamette River during rush hour times.
Traffic congestion backing up far past the 217 is terrible. If there were an emergency, emergency vehicles and personnel would be substantially delayed. THIS MUST BE RESOLVED
Traffic backed up on Wilsonville Rd and there being no other way to easily access south I-5
Safe and traffic flow
ANYTHING THAT HELPS RELIEVE CONGESTION OVER THE BRIDGE
Traffic is really bad. Need to widen all of I 5
safety and relief congestion on Wilsonville Road first, then I-5
Congestion is ridiculous and horribly unsafe!
We drive it everyday and it is a safety hazard now
Traffic is terrible, I5 needs to be improved.
The congestion on I-5 South at Boone Bridge is becoming more and more constant - not just at PM peak. Moreover, the PM peak congestion heavily impacts the Wilsonville road network, making it difficult for those not getting on I-5 South to easily move throughout the City.
This may temporarily relieve some congestion, but I would rather the state focus that funding on getting folks out of vehicles and into buses, vanpools, etc. by improving those services and making those the preferred choice.
When coming from the north to Wilsonville, I can't plan on getting home until around 7 pm. All bets are off for getting home earlier.

Responses to Q8: Primary reasons for this level of support.
When I have to leave Wilsonville during the week, I can never count on getting home in a timely manner. All the alternative routes to Wilsonville are also backed. It would be awesome to be able to get home before 7 pm.
Traffic seldom, if ever, gets better if ignored.
good solution to frequent problem
It would create less congestion
I think we need to look towards the future and predicted growth. I believe this option is the best to accommodate growth in the long-term.
Even though I only take this route a few times a month I always check my smart phone to see how bad traffic is before I leave work to see how much extra time I may need to take to cross the Boone Bridge.
Travel times. Emergency vehicals
Ease congestion, move around with more predictability in travel time.
The need to get this problem fixed for now and for future use.
Congestion is ridiculous. Only getting worse as Wilsonville expands. Soon I'll have to get off at 289 to get to my home in south Wilsonville.
Commuting times need to be improved for public safety and quality of life reasons.
Traffic is only going to get worse. This should have been addressed years ago when the traffic started getting so bad.
Traffic in this area will lead to fatality's
Southbound I5 traffic has become horrible, and the Boone Bridge seems to be a reason for it.
Time
Traffic is always backed up in Wilsonville. It could easily impact emergency vehicles. This area is growing so we should be solving current issues as well as plan for the future
Unless another bridge over the Willamette is built, the Boone bridge is the only North-South access for miles. Traffic gets worse every year and will not get better anytime soon. This seems to be the option that I have heard of.
Traffic safety and travel time reduction
anything to make traveling the state better and less frustrating is a plus. I am more likely to play "tourist" when the traffic isn't a major issue.
I use the bridge daily, coming and going to Wilsonville from the South. The dedicated lane from Charbonneau to Wilsonville was a great improvement with traffic and merging when put in and I believe this will have a huge beneficial impact as well. I believe we also need more turning lanes from Wilsonville Rd(from the West) entering the I5 South onramp.
less time on the road
There are no other options to get south of the river and it can frequently take 20-30 minutes to get on the Freeway and block traffic throughout Wilsonville. Wilsonville will be crippled with the predicted future traffic on this Bridge. This should help keep speeds higher over the bridge and reduce the back-up on I-5 S as well as on Wilsonville Road.
Dealing with this congestion everyday on my way home from work is frustrating. Option C would alleviate people needing to get over from regular traffic flow (causing further congestion) to exit at the Canby/Hubbard exit.
I'd like to see traffic flowing on I-5. I dislike hearing complaints about how bad traffic is in this location. There tend to be lots of accidents from congestion.
with this there may not be as many accidents from cars merging onto the freeway and totally stopping traffic when that is the only way over the river

Responses to Q8: Primary reasons for this level of support.
traffic jams, increased hostility road rage, potential for accidents. I want to get home in a timely manner.
Pro: better traffic flow for I5 AND throughout Wilsonville. Cons: More Cars on the road=environmental impact, and the high cost.
Safety
It would improve traffic conditions, safety, and increase productivity time by reducing travel time. Additionally, I think it would be wise to choose Option C, as this seems to be the most forward thinking and would serve as a better solution for a longer period of time, rather than having to make additional improvements sooner.
Less time spent on Wilsonville Rd or Town Center Loop W. waiting just to get to the on ramp and the congestion that becomes apparent as everyone is trying to make the light to make the South bound ramp. Also it should alleviate people from lane jumping at the base of the underpass where the first straight lane next to the turning lane will race up under the bridge and barge in and force less cars to be able to move through the turning lanes to the under bridge lanes as they block those up. The additional lane to Miley Rd will alleviate those having to jump over and drivers will have more time to get over to their exit ramp.
Safety and feelings of unhappiness with this area
Due to me and everyone else having to wait in traffic to get where we need to go.
I live in Woodburn and work in Wilsonville. It would help so much getting home every day, getting to work every day and even on weekends, when I need to make a trip to Tualatin.
This area is a death trap. There is always an accident or almost an accident daily. There is traffic congestion spillage into Wilsonville, preventing people from shopping/stopping here. They just want out.
Ease congestion, improve reliability
Traffic is terrible NOW !!!!!
Conditions are currently very unreliable so to hear that they could become worse as years go on, it is very unsettling. It would cause me to look elsewhere to live and work.
Safety
Safety
Heavy congestion increasing travel times, decreaseing reliability and impacting freight movement and commuters who move via SOV or transit.
Daily commute from North Marion County to Portland and back is bad at the Terwilliger Curves and Wilsonville. Traffic on/off from 551 always slows the freeway and the solution of auxilliary lane is relatively inexpensive solution
The traffic is terrible. Obviously this needs to be fixed.
Improving traffic speeds and safety.
If we don't do something soon, the next 20 years will be unbearable.
Most positive impact on congestion. Congestion impact should be manageable. This would be a very beneficial project with very little downsides.
Travel safely
The idea seems obvious or at least has come of its time.
Most important bridge between CA and WA
Travel over the bridge daily.
Safety, environmental and economic.
I commuted south to Albany every day for work for two years and had to factor in nearly half an hour to get from my home in South Wilsonville to I5 beyond the mentioned exits because

Responses to Q8: Primary reasons for this level of support.
of the congestion related to Wilsonville road and these exits. A trip that would typically only take me 5-10 minutes. The unreliability meant I often sat in my car for 30 minutes, either at work because I was early or in my car in Wilsonville simply trying to leave the traffic.
Safety, livability
By 2040 this might not be sufficient. I have heard growth in the valley is supposed to be much higher.
As a resident of Wilsonville I feel trapped in town during large portions of the day due to the congestion.
This is a daily time waster for so many people. It is affecting the livability of the whole area.
I am often affected by the back ups on this stretch of the highway whether I am traveling on I5 or just trying to get around town. I have even been stranded at Fred Meyer several times due to highway traffic backing up into the parking lot. It is very frustrating and concerning that I can't even get around when I'm not even trying to use the highway. So much so that if it continues to get worse we will likely move out of Wilsonville. While I definitely support ODOT investing in improvements here, I am concerned and disappointed that the recommended improvement is only bringing us from an "E" rating to a "D" rating. If we're going to invest time and money into improvements, I believe it should bring us up to an A or B level. Otherwise we'll be right back in the same situation in a couple years and spending even more money and time to do yet another upgrade again. In the end likely spending twice as much than if we had just done something better the first time.
This congestion affects not only that specific area of I-5, but Wilsonville road and congestion often spreads much further north.
There are so many people moving to the greater Wilsonville area that road conditions will worsen quickly on I-5, and the traffic is already terrible.
Difficulty getting home from Wilsonville and areas North due to extreme traffic backup.
We have lived in Wilsonville for 10 years, and the recent increase in congestion is affecting our daily living and preventing people from coming to our area to invest in our economy. Wilsonville is losing its appeal.
Horrible congestion on Wilsonville Rd. Frequent accidents in bottleneck area.
The traffic is horrible. In the summer on Sundays it is horrible as well! From noon to 5 pm it is terrible.
offers the greatest improvement in traffic flow
The need is clear.
Newly moved to area; try to avoid heavy traffic times in driving schedule.
Fear of accident without the improvement
Traffic & commute time is getting exponentially worse with the massive influx of new population in Oregon. This (and similar) projects will help mitigate an already frustrating daily experience.
Traffic has increased dramatically causing long travel times on I-5 south, with backups even prior to the North Wilsonville exit off ramp.
As previously noted, the cross over traffic will create issues, much like the 205/Tualatin interchange. I can't believe that fixes like these will do much to ease the issue as I've already stated, it is a regional issue with Wilsonville bearing the brunt of it due to location at the "funnel end" of the problem.
I live in charbonneau
Need options to manage the existing capacity better before adding additional freeway capacity.

Responses to Q8: Primary reasons for this level of support.
AGREE WITH WHAT YOU'VE LISTED ABOVE
Id rather not be stuck in traffic almost daily, beginning in Tualatin and thru Wilsonville
I live on Butteville Road (Charbonneau exit) and 99% of my travel is between points north, Wilsonville and exit 282B.
Something has to be done to maintain the sanity and safety of those of us who use Boones Bridge.
Ease congestion.
Reduced traffic/bottleneck and increased safety.
Option a and b will only Bandaid the problem and option C is forward thinking.
Something must be done NOW. We cannot wait 10+ years unless the state wants to be responsible for creating the most insane congestion problems in the history of I-5.
I live off Wilsonville Rd to the west of I-5, and sometimes traffic can be backed up on Wilsonville Rd beyond the railroad tracks, and getting onto I-5 can take a long time. During times like this it is practically impossible to exit the Fred Meyer Parking lot. Even when traffic is not terrible on Wilsonville Rd, merging onto I-5 south can be scary. I drive an SUV, but still feel vulnerable when I first get onto I-5 going south and I'm trapped between semi-trailers, or in front of one. Traffic can slow down so quickly right before the bridge that it gets scary, and often there is no other lane to escape to. Things don't speed up until after the Canby exit.
Since 2004 I've lived in Charbonneau & watched traffic on the i-5 corridor between just south of Miley Road to just north of Elligten Rd. become a parking lot several times a day. It effects traffic both north and south of that corridor so much that I join many in doing off freeway driving at high traffic house. This looks like a good first step toward a solution.
We need a solution. If the research shows this is the best alternative, lets get it done.
liviability, safety.
It appears that Option C will not only provide a good solution to the congestion over the Boone bridge but also the best opportunity to reduce the backups further north on I-5 that occur as a result.
The additional auxiliary lane is badly needed - Right now there are 4 north-bound lanes, but only 3 south-bound lanes on the bridge, causing much worse south-bound traffic. Extending the auxiliary lane to Exit 282A and adding a 2nd exit lane for minor cost difference seems like the obvious best case.
Living in Wilsonville is challenging due to these traffic issues. Not only does it make it more difficult to get home from the North but any travel within the city on any roads leading to the I-5 is extremely difficult. We often have to change or cancel plans during those hours.
Ability to travel from Charbonneau to Wilsonville and back, potential for accidents, reliability for transits to keep a consistent schedule, and stress/strain on bridge.
Travel from Charbonneau and back, inability for transit to keep a timely schedule that people can rely on, potential for traffic accidents, and stress on bridge itself.
Safety
This project, particularly Alternative C, makes sense. It's too bad it will take so long for study and implementation.
Help clear congestion on Wilsonville road by improving I-5 flow.
I think adding an exit only when you get onin Wilsonville will add to congestion most people want to go further and will have to immediately merge plus people will use lane to try to get around traffic adding to the problem
Lets help solve the high traffic and dangerous caused by the conditions on this bridge
Relieve traffic congestion

Responses to Q8: Primary reasons for this level of support.

Congestion spilling back onto Wilsonville Road means slower travel times for Cherriots and SMART buses going to Salem. I can't support it "strongly" because there are no provisions for bicycles and pedestrians going across the river. Some of the funding needs to support a bike/ped bridge across the river, even if it is a mile away from the Boone Bridge.

Spending 1/2 hour trying to get on 1-5 from Wilsonville Road

Provides the most relief from traffic congestion

Commute

Even getting TO Wilsonville from Points North in the aft/eve is a waste of time and a hassle.

to reduce congetion

to improve overall traffic flow south

Congestion is getting worse and the traffic is spilling over into the city streets already. It will

only get worse in the future

congestion has worsened to the point where it has significantly impacted quality of life, and without transit options that could get commuters to and from downtown in a reasonable amount of time, it is only going to get much worse as the population of Wilsonville expands.

Wilsonville Rd congestion every weekday

Very much needed for this traffic problem

Students coming to campus are greatly affected by the traffic backing up I-5 past Wilsonville. It often looks like a parking lot. This may help their commutes to campus.

Not only does this make my commute easier but it makes people more likely to consider our business viable in the late afternoon hours of the day. I think people avoid Wilsonville businesses after 3 pm during the week.

frequent personal use. reduce frequent accidents in this area

I take it daily and it's so frustrating how long it takes to get onto I-5 SB. When there's an accident it's even worst.

Q9 If a ramp-to-ramp lane moves forward for more detailed engineering and project development, what questions or concerns would you want ODOT and the City to address before constructing the improvements?

140 responses, listed below.

Responses to Q9: additional questions or concerns

Would this entail widening the Boone Bridge? What would be the time estimate for completion? How much would construction impact the current traffic pattern?

1. What alternatives besides Options A-C have the parties seriously developed and considered before selecting one of those options?

2. Who has political authority to stop the project?

3. How much would the project cost and who'd pay for it, by which I mean which bucket of tax money (any of federal, state, Metro, City of Wilsonville)?

Responses to Q9: additional questions or concerns
4. What's likely to go wrong (cost overruns, shoddy contractor work), who's responsible, and what's the contingency plan?
N/A
Signage so that drivers understand they don't have to immediately change lanes for further southbound travel.
Construction congestion
I feel a short term solution would be to move the I-5 South on-ramp metering lights further north to allow vehicles entering the freeway a greater distance to get up to speed before needing to merge. I understand the reason the metering lights are so far south is to allow for more cars to be staged in the on-ramp and keep them from creating congestion on surface streets.
But, I believe two things can be done to solve this problem between now and 2028 when the Boone Bridge improvements may start.
1. Widen the on-ramp staging area to allow for 3 lanes of cars behind the metering lights.
2. Convert the center island on Wilsonville road between Town Center Loop and Parkway Avenue on the east side of I-5 from a flower/tree bed into a Left Turn Only lane for entrance into the Southbound I-5 on-ramp.
While those trees and flowers contribute to the charm of Wilsonville, they are unfortunately wasted space that could be used to ease traffic flow.
Hopefully the work will be done during the night or from 9-2 during the day. Not during rush hour!!
Option "C" provides that those coming for north of exit 383 do not have to change to the far right lane to exit. Requires less "weaving".
The impact future truck traffic caused by the development of Coffee Creek Industrial lands will have on this short strip of I-5 in the future
Get it done! This should have been done a decade ago!!!
Reducing the impact on southbound I-5 traffic during any improvements is very important so that the situation that is currently bad is not made worse.
Can the bridge carry the extra load?
How construction would impact current traffic and how additional construction on the bridge would impact bridge safety. Also, if during construction, upgrades could be made to bridge to ensure safety.
Adding any kind of noise barriers to protect the surrounding neighborhoods from the freeway noise.
cost
please keep Fir trees along the on ramp. Plant more trees along I-5 throughout the area and in the median
Traffic during construction
Make sure seismic upgrade to bridge done at same time
Ensuring that construction is done on off peak hours, such as overnight between 8pm-5am, to prevent further back up and delays. Also ensuring that signage is clear near the exits as well as ahead of them so commuters can plan ahead on which lane they need to be in, avoiding the crazy last minute weaving and cutting in front of other cars to get into the correct lane

Responses to Q9: additional questions or concerns
boone bridge width
How will the construction effect my daily travel?
Canby exit - currently when taking the Canby exit it splits into two lanes. Those 2 lanes will need to be extended to the stop light or will have tons of folks backed up onto the freeway.
What, if any downsides would it have?
Bike infrastructure. There's no easy way south - all the way to Newberg, or the Canby ferry
Find out why the entire Portland area has such bad traffic problems due to no new highways in 40 years. Our senators and representatives have done a very poor job getting Federal funding for our roads. When spending time on the East Coast, the highway systems are so much newer and better. Those states are getting much more money than Oregon for their roads.
Safety concerns on the Boone Bridge as it will likely not have a shoulder lane.
The back up starts at 2pm at 205 south onto it. I totally use back roads as the freeway is not reliable
How long before the project could begin.
Can't think of anything.
Commit to providing safety factors for all modes of vehicular traffic (i.e. including bicycles) in the design, including separation of the non-motorized vehicle lane from the motorized vehicle lanes.
How will they add lanes over the bridge? How much more narrow will lanes be? Concerned about oversized trucks.
Hurry!
Just get it done
cost covered by bonds?
How soon could it happen
None
How will you address the congestion during construction? How long will it take to build?
Do an adequate design and plan for the future.
Traffic lights off of Wilsonville Rd.
There are so many traveling across the river from Charbonneau... why not consider a new bridge that does not require everyone to travel on I-5?
Is there room on the Boone Bridge to create a SAFE extra lane SB?
The Feds need to take account of the importance of the bridge upgrade for West Coast commerce now and for national security, e.g. in the event of seismic disaster.
city should make internal improvements (frontage roads or other) to relieve I5
Congestion during construction. And I still think Wilsonville Road will have bad congestion by a Fred Meyer.
It is needed MOW!
How quickly could this be completed to alleviate a never ending current issue.
Analyze what the traffic will be after 10 years and plan accordingly. The current congestion was predictable over 10 years ago. What was done in the last 10 years? Nothing!
Address bad drivers. It doesn't matter which way you come at the on ramp to go South by Fred Meyer, the almost accidents (and a couple actual accidents) and reckless driving that occurs in this area due to everyone's frustration w/ the traffic situation is astounding.

Responses to Q9: additional questions or concerns
Main caution would be not adding more development pressure on lands south of the Willamette, which would negate any advantages of the ramp-to-ramp improvements.
Future status of the Wilsonville-Hubbard Highway, i.e. when will it be widened to accept 2 lanes southbound?
Major spillage back onto Wilsonville road.
What can be done to minimize the impacts of the work on the bridge to allow another lane
how fast can you do it?! Will it cost Wilsonville residents?
How to coordinate the signals on Wilsonville road to better handle the congestion
How to minimize traffic congestion during construction and how long would the disruption be
None
Timeline, when and can the project be expedited.
Seismic upgrades to the bridge
Analyze the potential for further backup due to increased traffic speeds would have in the charbonneau off ramp, this causing off ramp backup. Possibly use a traffic regulated signal for charbonneau allowing faster movement of traffic for the I5 off ramp onto Miley Road. Traffic going WB on Miley across the bridge is minimal but can cause problems
That you build a solution that will last...not the cheap one that fixes the problem short-term
Keep us informed
Seismic issues of the bridge.
How will this be a solution for the long term? If the project were built today, within 5-10 years, we will likely have the same problem because of pop growth.
How many years before construction can start on the additional lanes?
How many years in the future will it take for the construction to start?
Environmental impacts of the project.
cost
With a ramp to ramp, would the lights on the south bound ramp be needed anymore? They are the reason for congestion in Wilsonville.
Temporary 4-lane striping across Boone Bridge to Charbonneau I think would be very beneficial.
Will there also be bike lanes?
That the speed limit from I-205 past the Canby exit be reduced from 65 to 55. There are too many accidents in this area to support a speed limit of 65.
How fast they can implement
Look at the impact of moving more traffic from the arterials to the new lanes of the bridge. Traffic backs up quickly when the bridge backs up. I would be interested in a park and ride south of the river that ties into the future pedestrian bridge into Wilsonville.
planning construction timeline to balance the need to have the least amount of impact and the shortest amount of time. also do it right the first time, no short cuts on lowest bid.
More lanes from Wilsonville Rd (west) entering the freeway. I have been stuck trying to get on the freeway (as far back to almost Brown Rd) as long as 45 minutes with all the funneling from various streets to one onramp turning lane.
Honest opinion? Traffic flows better when the metered ramp (on-ramp) lights are OFF. Traffic has time to get up to speed before entering the freeway! I'm NOT in favor of the stacked on-ramp being discussed, but would rather the metered lights on the on-ramp stay OFF.

Responses to Q9: additional questions or concerns
Determine the impact on current traffic while construction is underway. Do research to make sure this is the best way to handle it. It seems like a separate bridge connecting Charbonneau/Canby to Wilsonville could remove congestion on I-5 & provide an alternate route if the current bridge was blocked or damaged.
proper studies and public feedback
What are the longer term expectations for transportation changes/improvements? What alternatives have been considered?
What is the expected timeline for this project? When would Oregonians (and visitors) see this become reality?
Try not to make it worse than it is. Do the work in the when the least traffic needs the area. Remember that the bridge is only way many people can get home
None. Ramp to ramp lane would be a great improvement
Is this the right long-term solution to the problem. Are there projects being proposed by the City that will reverse these benefits of lessened traffic.
Oversize the bridge because eventually it'll have to be widened again.
Be aggressive in planning I-5 is the heartbeat of the state. Extremely high growth in Wilsonville and surrounding area
What would be the traffic effects of the construction to make this happen and how long would those be.
What is the bike/ped solution for safely crossing the Willamette River?
cost efficiencies of completing project in conjunction with Boone Bridge earthquake retrofit
1. If a 4th lane is added across the Boone Bridge, how will this affect shoulder widths, and the ability for a vehicles to pull off in an emergency?
2. How will bike/ped access on the bridge be affected? Due to the lack of alternatives, people currently use the right shoulder.
3. This is a good temporary fix, but what steps are being taken to plan for the rehabilitation/replacement/widening of the Boone Bridge? It's current condition is poor, and at 65 years old, will soon reach the end of its original design life.
Impact on the environment? Project timeline? Impact on Wilsonville residents?
Can you work as much as possible at night, to help freeway movement during the day?
How long would the planning and construction process take? What would the impacts on surrounding properties during construction.
None.
Stop with the ramp light in Wilsonville. It is a joke. It delays inevitable build-up. The one day the power was out (no light) -NO PROBLEMS.
How will traffic over the bridge be affected during construction?
Add commuter rail to Woodburn and Salem.
As one of the 40% that is NOT traveling to the Charbonneau or Canby exits I'm still concerned that this will mean significant delays, despite the research. Attempting to cross lanes in order to get out of an exit only is often very frustrating during busy times. I fear that this won't solve many problems and will only create a scenario similar to that of the 217 to I5 south off ramp which immediately leads to two exit only lanes into Tualatin. This stretch is typically worse than the Wilsonville stretch in my experience. To spend all the time and money to create a similar scenario would be wasteful and frustrating.

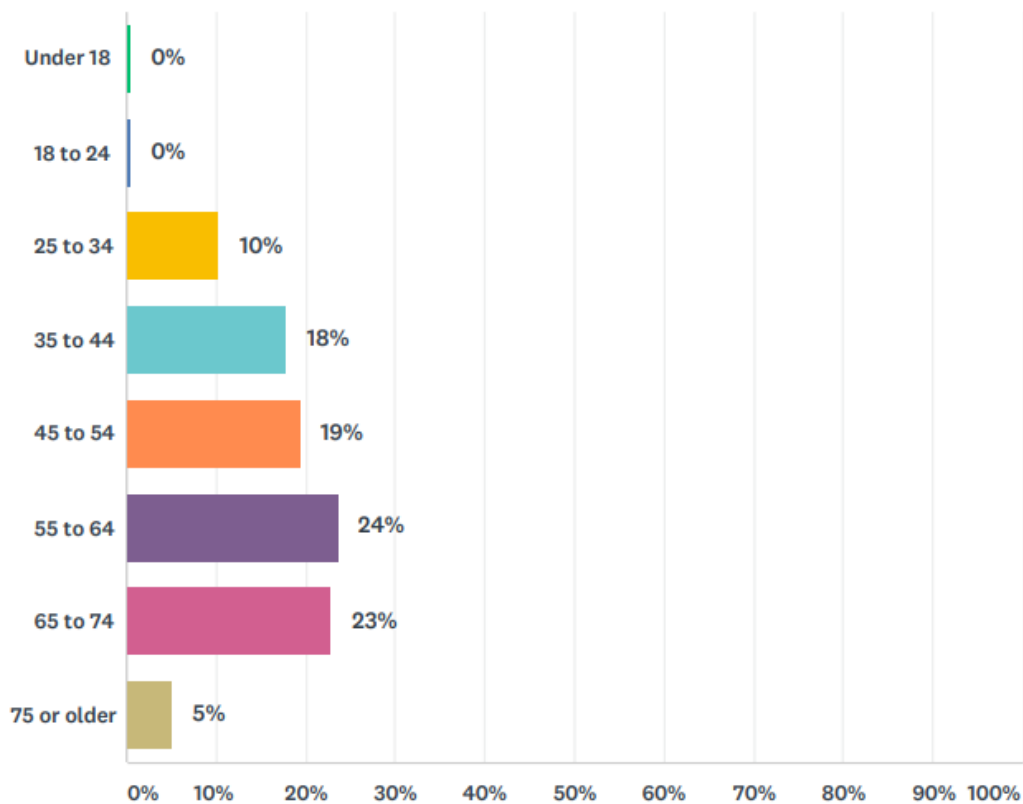
Responses to Q9: additional questions or concerns
Seriously consider starting this project at Elligsen Road
How long do they expect this project to keep us at a "D" rating until it starts declining again?
How will you manage possible additional congestion during construction?
Please allow for Tri-Met service (Max) or WES directly to downtown from Wilsonville. It's crazy that it only goes to Beaverton. So many people, including me, would use the service if it went directly downtown (Portland). I save 30-40 minutes a day by driving downtown instead of taking the WES to beaverton and then the Max to downtown. We could encourage more people to use public trans if we offered service to the downtown area directly from Wilsonville and Tualatin. Please provide all I-5 improvements at night and on the weekends.
Concerned about the traffic backup during construction of the ramp-to-ramp lane.
How would it impact us? Would you be smart enough to do work at night?
None.
Fiscal responsibility, feasible timelines for completion.
Don't create another 205/Tualatin interchange challenge, that is one dangerous place. Think regional!
Would construction delay existing commute
What system management measures will ODOT take prior to/in concert with the capacity increase?
Boone Bridge needs to be retrofitted to withstand a 9 earthquake
Would the ramp to ramp lane be built onto the existing bridge? If so, what measurements would take place to ensure it is safely built? What traffic impacts would happen during this project?
Information on how and when the traffic will be impacted with each stage of the project.
Will the bridge be wider or just adjusted by reducing emergency lane?
I want to make sure that a lane cannot be created with the existing set up (even if it means doing away with an emergency pull out on the bridge).
I would want them to extend the extra lane to the Canby exit and add another exit lane.
A designated extra lane both north and south between the Wilsonville exits might help significantly as well
Quality construction that keeps in mind our weather conditions(slippery when wet)
Will the proposed improvements on I-5 beneficially improve the traffic volumes and backups that occur on Wilsonville city streets between 3:30PM and 6PM as workers leave work (from business on either side of I-5) and head south?
Much of the spillback and congestion throughout Wilsonville roads is due to congestion from this bottleneck. Slow traffic on I-5 sends traffic onto back-roads to avoid, but all south-bound traffic from back-roads must get on at Wilsonville Road due to the river crossing. There are no good river crossing alternatives - nearest options are Oregon City and Newberg. The City of Wilsonville has performed several extensive road upgrades on Wilsonville road in the past decade to try and band-aid this problem, but as long as there's a bottleneck on Boone Bridge the local traffic congestion will persist. I would encourage ODOT to consider the most extensive upgrades possible to alleviate the bridge bottleneck, to avoid future congestion issues.
Must do construction at night or way before/after 3-7 rush hour times or commutes will be unbearable.
Just get it DONE!
Get rid of the stupid lights at the onramps.

Responses to Q9: additional questions or concerns
Work must be done at night, weekends or way after or before rush hour times or bottleneck will be unbearable.
Is the ramp to ramp lane going to be metered, increasing the backup onto Wilsonville Road?
If not, will it be separated to prevent scofflaws from jumping the meter queue?
None. Just do it!!
move on it asap
Although the numbers of bicycles and pedestrians crossing the Boone Bridge are small, it is the only link across the river for miles. This is a multi-modal crossing and needs to be treated as such. If adding a ramp to ramp lane would eliminate the shoulder on the bridge, this means bikes and pedestrians no longer have a safe way to cross the bridge unless they take the SMART bus, which only runs every half an hour. Some of the funds used to improve the crossing should be dedicated for the construction of a bike/ped bridge which is within a mile of I-5 along the river.
N/a
My major concern is this: Why did it take so long to recognize this problem and why will this project take so long to complete (anticipated start date: 2028!)? This project seems to be a "no-brainer" for reducing at least some of the congestion on I-5, and plans like this should have been in the works years ago.
I'm also concerned with the way ODOT appears to be handling the whole mobility and access issue for Portland and the surrounding area. How does this project fit into the overall scheme for moving people and goods in and out of Portland? I'm new to this area. It looks like the I-5 corridor is the major artery which, if an earthquake or a serious accident were to happen, would shut down people and commerce movement for days, weeks, months or perhaps years.
Do you folks understand how vulnerable the economy of the area is to a serious incident or event? Have you calculated the risk and cost? Where I came from (Colorado) CDOT had worked out and published the cost of congestion on I-70 to the state's economy. They have a different problem in that expanding I-70 many of the mountain areas is extremely costly. On the other hand, ODOT has more flexibility in terms of its options. What are they?
Why not build another bridge with 6 lanes? That is what is needed. As soon as you get done with the puny 1 lane addition it will be totally too small and 10 years behind what is needed. You need a new bridgeperiod.
Is the roadbed wide enough to include safe breakdown lanes?
to take further growth inaccount
Any delays will take a bad situation to only worse
After north WILSONVILLE I-5 EXIT try to direct south bound traffic to merge left at a sign at the Boeckman Rd. overpass.
How would this work given the space limitations of the Boone Bridge?

Responses to Q9: additional questions or concerns
How quickly can this be done?
Do it now, not in 10 years.
Traffic that is weaving from the on ramp to continue past the canby exit.
Is there sufficient street capacity and infrastructure to support the on-ramp traffic into the cities? If not, then the backups will continue.
Signage and enforcement to avoid late-merge incidents a la the 217S merge onto I-5 south. This would pertain to the traffic continuing south on I-5 past the 282 exits.
extent southbound from hwy 551 to the wilsonville exit also. the existing extension did little to reduce the morning traffic impact
Hopefully the main work will take place during evening hours.

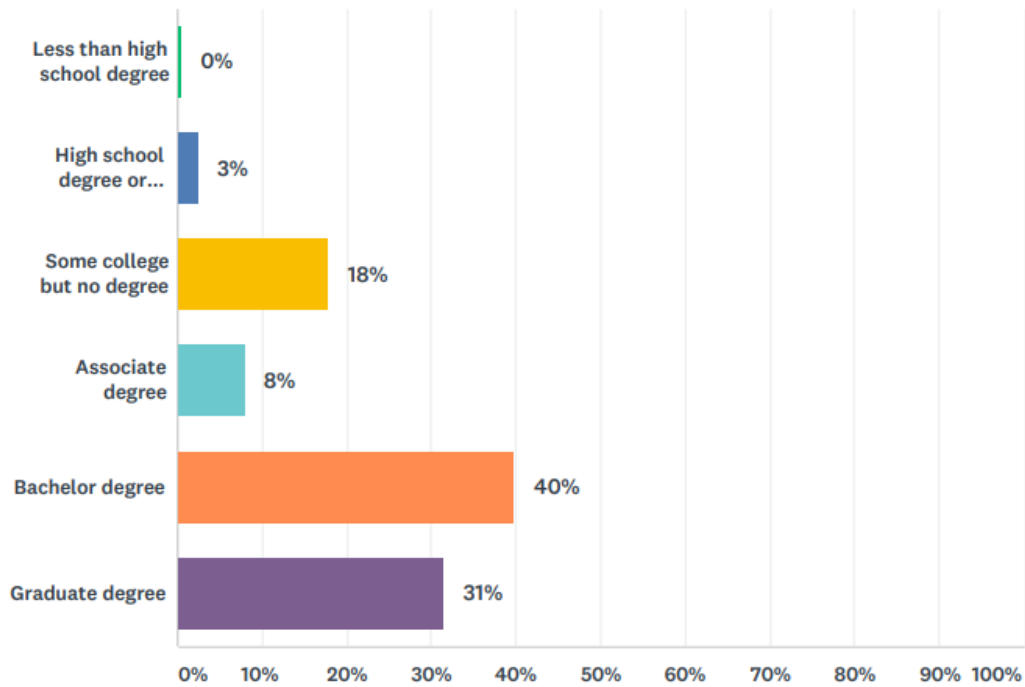
Q10: What is your age?

Answered: 236 Skipped: 46



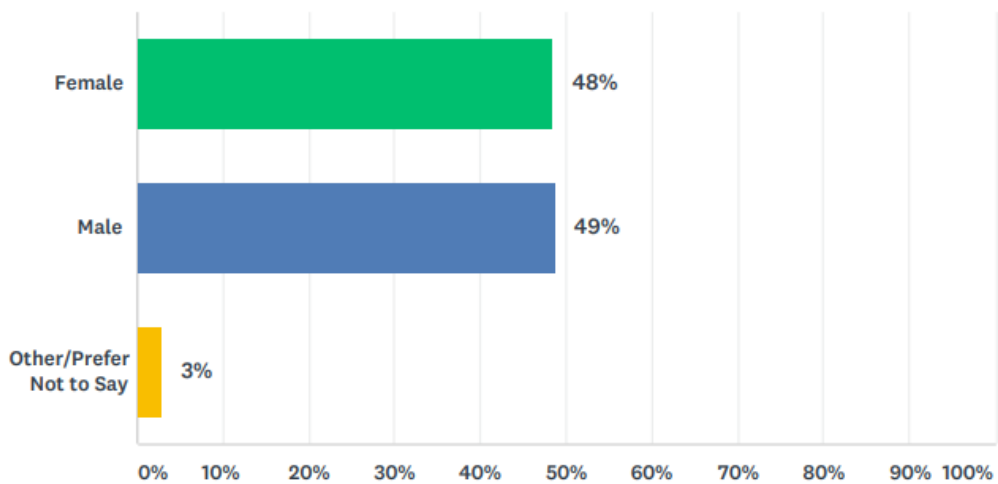
Q11 What is the highest level of school you have completed or the highest degree you have received?

Answered: 236 Skipped: 46

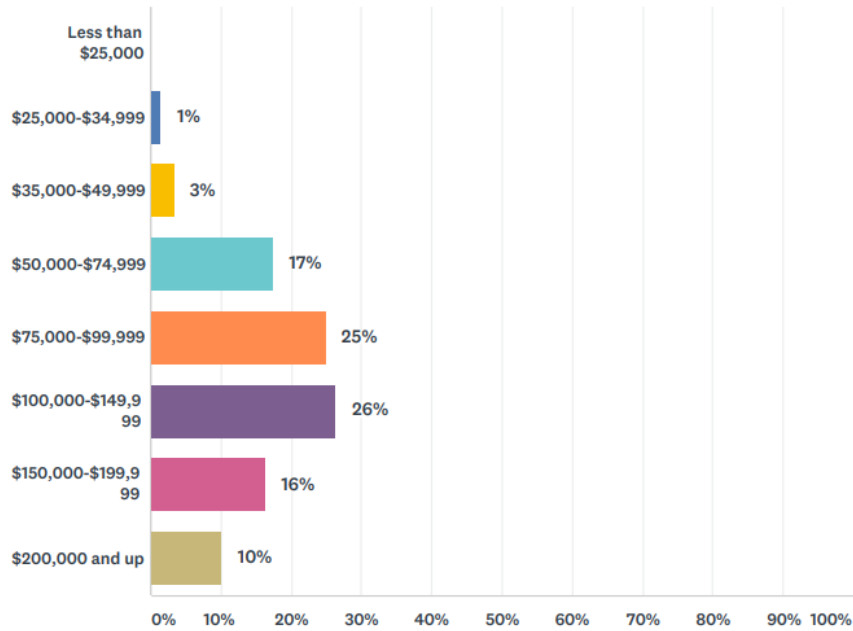


Q12 What is your gender?

Answered: 236 Skipped: 46

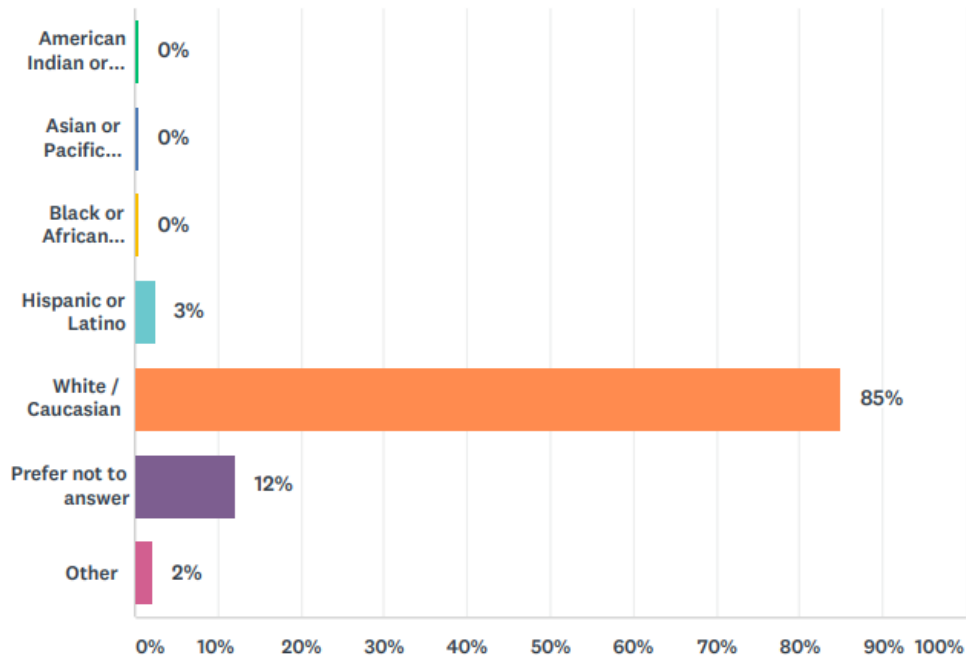


Q13 What is your approximate average household income?

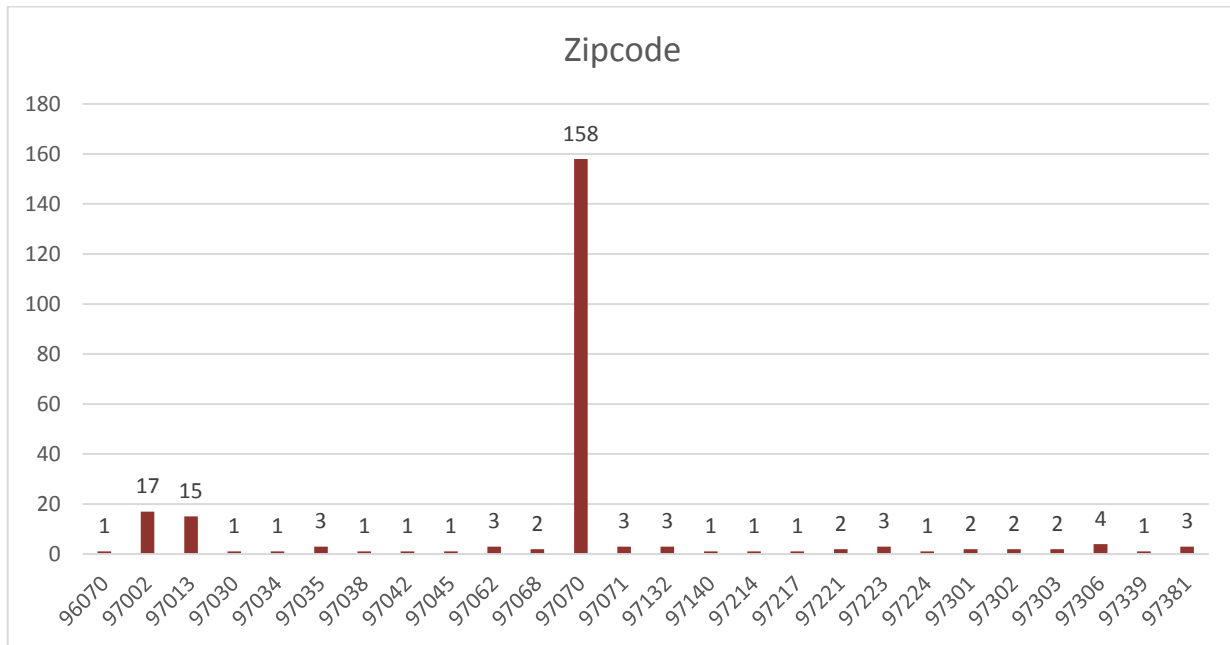


Q14 Please specify your race and ethnicity. (Check all that apply.)

Answered: 231 Skipped: 51



Q15: Please enter your zipcode



Attachment C

Planning Commission Record for Resolution LP-18-0004 can be accessed at:
<N:\shared\The Record - LP18-0004 Southbound I-5 Boone Bridge Aux.pdf>

RESOLUTION NO. 2690

A RESOLUTION OF THE CITY OF WILSONVILLE RECOMMENDING ADOPTION OF THE I-5 WILSONVILLE FACILITY PLAN TO THE OREGON TRANSPORTATION COMMISSION.

WHEREAS, “Advocate for a Southbound Auxiliary Lane on the Boone Bridge Between the Wilsonville Road, Charbonneau, and Canby/Hubbard I-5 Interchanges” is included in the City Council’s 2017-18 Work Plan; and

WHEREAS, the Oregon Department of Transportation (“ODOT”) has prepared the I-5 Wilsonville Facility Plan (“Plan”), of which the April 2018 Public Review Draft is attached hereto as **Exhibit 1** and incorporated herein, that includes analysis, findings, and recommendations for transportation improvements that impact the traveling public on southbound Interstate 5 (“I-5”) between interchanges 282A (Highway 551 - Canby/Hubbard exit), 282B (Miley Road - Charbonneau exit), and 283 (Wilsonville Road on-ramp); and

WHEREAS, the Plan was completed to evaluate operational problems on I-5 southbound from the Wilsonville on-ramp (Exit 283) to the Canby-Hubbard off-ramp (Exist 282A); and

WHEREAS, the Plan was initiated to address a bottleneck that has emerged on southbound I-5 in Wilsonville in the vicinity of the I-5 Boone Bridge that crosses the Willamette River, slowing travel speeds and reducing trip-time reliability for people traveling southbound by car, by transit, or moving goods by truck; and

WHEREAS, failure to address this bottleneck will lead to slower travel, more costly goods movement, reduced livability, and higher safety risks for those who use I-5 and the surrounding local transportation network; and

WHEREAS, this segment of I-5 is the gateway between the Portland region and the rest of the state and is a key segment on the primary west coast route for regional, interstate, and international goods movement by truck; and

WHEREAS, I-5 is a critical seismic lifeline route, and the Boone Bridge (which is part of the study area) will require upgrades to withstand a major Cascadia Subduction Zone earthquake; and

WHEREAS, the Plan establishes a long-term plan for managing this bottleneck with a mode-specific facility plan for motor vehicle, freight truck, and transit users of the interstate at this location; and

WHEREAS, the Plan recommends constructing a “ramp-to-ramp” lane that provides a direct connection between the Wilsonville Road on-ramp to the Charbonneau and Canby-Hubbard exit ramps; and

WHEREAS, the “ramp-to-ramp” lane is intended only to improve freeway operations and traffic safety in the Portland metropolitan area’s South Metro I-5 corridor and to reduce impacts of I-5 congestion on the City of Wilsonville; and

WHEREAS, the Plan does not add general travel lanes to I-5, and is not intended to change the character or purpose of Highway 551 south of the “ramp-to-ramp” lane or support conversion of rural reserves to urban reserves south of the Metro urban growth boundary; and

WHEREAS, the Plan does not diminish the importance of completing a South Metro I-5 Corridor Study, as identified in the 2014 Regional Transportation Plan, that addresses all travel modes; and

WHEREAS, the Oregon Transportation Commission will consider adopting the Plan as an amendment to the Oregon Highway Plan, which allows ODOT to submit the “ramp-to-ramp” lane project for the 2018 Regional Transportation Plan Financially Constrained Project List, for funding in the 2028-2040 time frame; and

Whereas, the Wilsonville Planning Commission held a public hearing and adopted Resolution No. LP18-0004 recommending approval of the Plan to the City Council; and

WHEREAS, ODOT seeks the Wilsonville City Council approval of the Plan;

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville City Council does hereby:

1. Adopt Resolution No. 2690 and findings therein approving the I-5 Wilsonville Facility Plan; and
2. Declare that this resolution shall be effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of June 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachment:

1. Exhibit 1 – I-5 Wilsonville Facility Plan – Public Review Draft April 2018

Resolution No. 2690 - Exhibit 1



I-5 WILSONVILLE FACILITY PLAN

PUBLIC REVIEW DRAFT APRIL 2018



I-5 WILSONVILLE FACILITY PLAN

Prepared by

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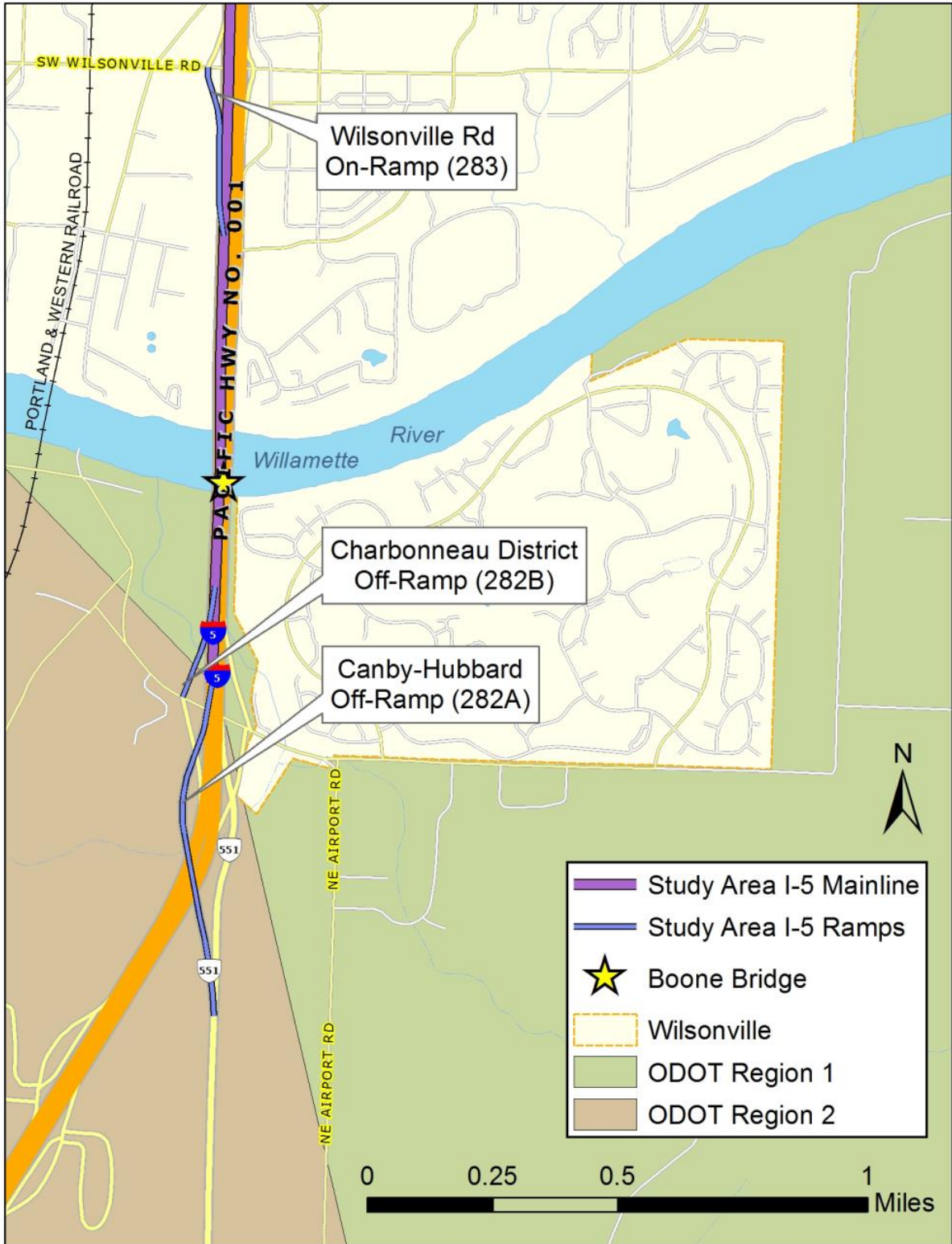


FIGURE 1. Study area map.

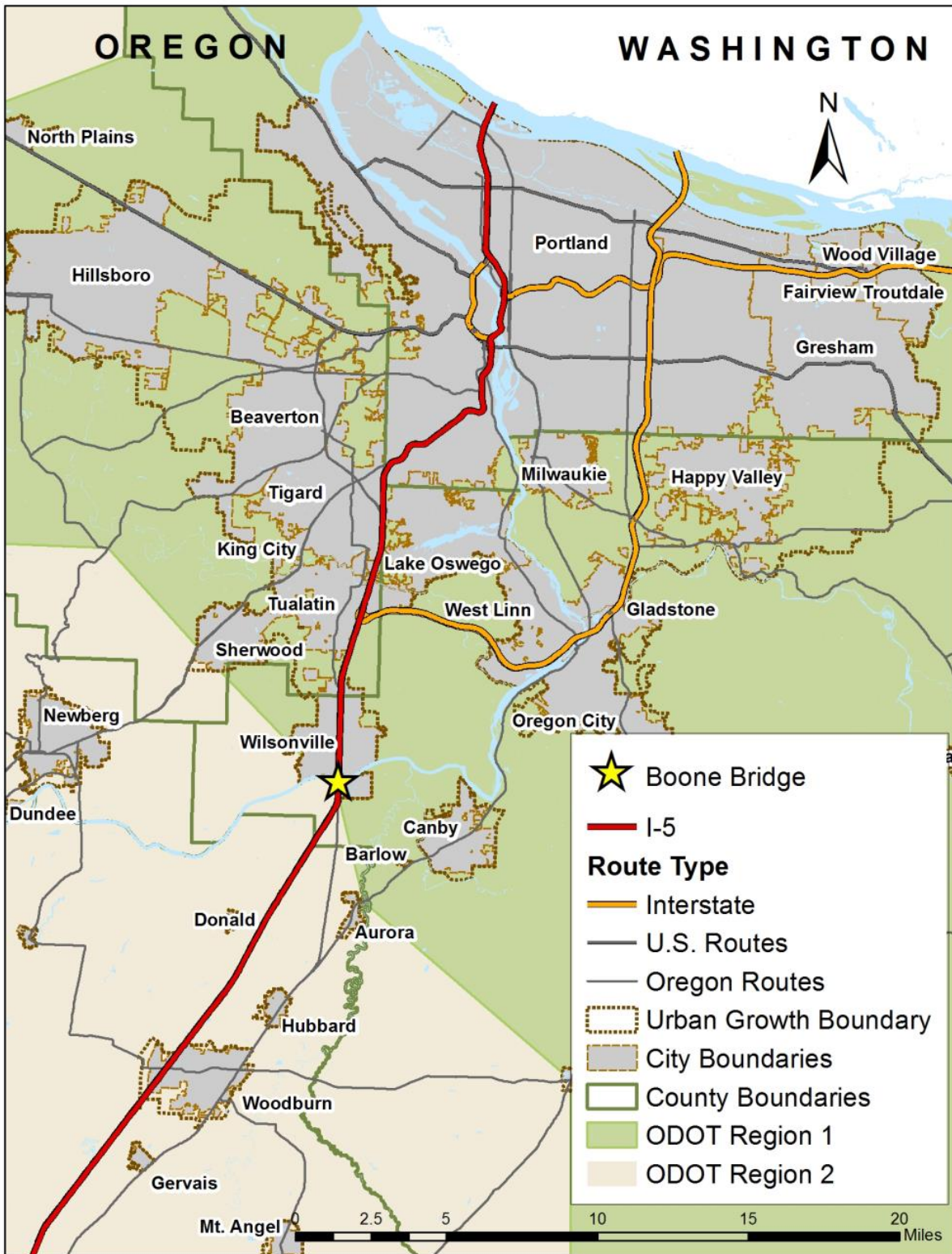


FIGURE 2. Vicinity map.



INTRODUCTION

The I-5 Wilsonville Facility Plan evaluates and addresses operational problems on southbound Interstate 5 from the Wilsonville Road on-ramp (Exit 283) to the Canby-Hubbard off-ramp (Exit 282A) (FIGURE 1). A bottleneck on I-5 southbound in the City of Wilsonville slows speeds and reduces travel reliability for people travelling by car, by transit, or moving freight by truck. Failure to address this bottleneck will lead to slower travel, more costly freight movement, reduced livability, and higher safety risks for those who use I-5 and the surrounding local transportation network.

The I-5 Wilsonville Facility Plan evaluates existing and future conditions on I-5 southbound, and proposes a solution for the bottleneck. This is a mode-specific facility plan for motor vehicle, freight truck, and transit users of the interstate. It implements the Oregon Highway Plan without amending the highway's classifications or changing the alignment of I-5.



POLICY CONTEXT

Background.

This segment of I-5 is the gateway between the Portland metro area and the rest of the state (FIGURE 2) and is a key segment on the primary west coast route for regional, interstate, and international freight movement by truck. I-5 is one of the state's critical seismic lifeline routes, and the Boone Bridge (which is part of the study area) will require upgrades to withstand a major Cascadia Subduction Zone quake.

This plan represents the Oregon Department of Transportation's latest effort to manage safety and mobility on I-5 in the Wilsonville area, building on several recent successful projects. In 2009, ODOT and the City collaborated to plan the reconstruction of the I-5: Wilsonville Road interchange, including infrastructure improvements and management strategies to better serve planned growth in the area. Nine years have passed since the adoption of the interchange area management plan. In that time ODOT completed interchange reconstruction, and ODOT and the City implemented the bulk of the management plan's recommendations. More recent projects include the City's addition of a third lane to the Wilsonville Road southbound on-ramp and improvements at the Elligsen Road northbound on-ramp. These projects have improved conditions on Wilsonville Road and I-5 northbound, but most were conceived before growing traffic volumes led to the emergence of the southbound bottleneck. If congestion at this bottleneck continues to increase, southbound I-5 will soon fail to meet the mobility targets the state has set to define if the highway is performing acceptably.

The function of I-5 in the study area.

The Federal Highway Administration classifies I-5 in the study area as an urban interstate on the National Highway System, and as part of the national freight network. The [Oregon Highway Plan](#), which establishes the function each highway serves in the state-owned transportation network, affirms these classifications. It also adds I-5's function as a Tier I seismic lifeline, a high clearance route that serves large freight vehicles, and a reduction review route that requires a formal process before ODOT may construct projects that reduce overhead clearance or roadway width.

Together, these classifications define I-5 as a facility of national significance that provides connections to major cities, interregional, and interstate destinations. Its primary function is to provide safe, reliable, higher-speed operations for longer distance travel and freight movement, as well as emergency services. To fill this function, I-5 needs limited, well-spaced connections to the local system, sufficient clearance for over-dimensional freight, higher travel

speeds, reliable travel times, and the structural stability to remain functional after a major quake or other disaster.

Guiding statewide goals and policies.

The Oregon Highway Plan supplies the major goals and policies that will guide decisions ODOT makes in this plan. The goals that most closely relate to the purpose of this facility plan are:

Goal 1. System Definition: To maintain and improve the safe and efficient movement of people and freight, and contribute to the health of Oregon’s local, regional, and statewide economies and livability of its communities.

To meet this goal, this plan will need to:

- Remain consistent with I-5’s functional classifications (Policy 1A).
- Support freight movement by improving I-5’s performance and balancing the needs of freight users with other travelers (1C).
- Maintain or improve the ability of this section of I-5 to serve as a secure lifeline route for emergency services and recovery efforts after a disaster (1E).
- Maintain or improve I-5’s performance relative to state mobility targets (1F).
- Maintain highway performance and improve safety by protecting the existing system and making minor improvements before considering expanding road capacity (1G).

Goal 2. System Management: To work with local jurisdictions and federal agencies to create an increasingly seamless transportation system with respect to the development, operation, and maintenance of the highway and road system that:

*Safeguards the state highway system by maintaining functionality and integrity;
Ensures that local mobility and accessibility needs are met; and
Enhances system efficiency and safety.*

To meet this goal, this plan will need to:

- Balance state, regional, and local needs, drawing on partnerships with the City of Wilsonville, Clackamas County, and Washington County (2A).
- Ensure that residents, businesses, regional and local governments, state agencies, and tribal governments have opportunities to participate in the planning process (2D).
- Manage and operate I-5 efficiently through the use of strategies like transportation system management and operations, intelligent transportation systems, and transportation demand management (2E).
- Maintain or improve safe travel in the study area, with a focus on preventing fatal and severe crashes (2F).



In the past two bills authorizing federal funding for ground transportation needs, Congress emphasized the importance of bottleneck identification and addressing bottlenecks on the multimodal transportation system. To respond to this topic of national concern, ODOT completed a 2017 [study of freight delay areas](#). The final report identified this segment of I-5 SB as part of a Tier 2 Freight Delay Corridor (I-5 from the Columbia River to Interstate 205 is the state's only Tier 1 Corridor). The plan area's inclusion in Tier 2 indicates it is a critical location for investment if the state wishes to reduce the high costs of freight delay and unreliability to Oregon's economy.

Regional plans, policies, and regulations.

The most recent [Regional Transportation Plan](#) was adopted in 2014. It provides guidance for managing transportation in the Portland metropolitan region to best serve planned growth. Its goals and objectives are consistent with statewide policy. The Regional Transportation Plan classifies I-5 as a throughway, a mobility route with little or no property access and an emphasis with connecting major destinations across the region. Throughways are planned as six lane facilities, with on-ramp, off-ramp, and auxiliary lanes where needed. The Regional Transportation Plan recognizes that the Tigard to Wilsonville mobility corridor (including I-5 in the study area) is a critical gateway for regional travel and commerce, where transportation decisions carry statewide significance.

This facility plan seeks to move our region closer to attaining 2014 Regional Transportation Plan performance targets, which include reducing severe and fatal crashes, and reducing vehicle hours of delay per person and per truck trip. It responds to the Regional Transportation Plan's concern with how peak period congestion in this corridor impacts regional freight reliability, mobility, and travel patterns. In addition, it follows the Regional Transportation Plan recommendation to consider providing auxiliary lanes between Wilsonville's on- and off-ramps.

Local plans, policies, and regulations.

The City of Wilsonville's [Comprehensive Plan](#) (2013) and [Transportation System Plan](#) (2016) set the local policy context for this plan. Relevant goals and policies seek to:

- Support the state and regional policies described above;
- Increase safe and reliable multimodal access and circulation;
- Reduce reliance on single occupancy vehicles;
- Work with ODOT and regional partners to maintain I-5's capacity using techniques including auxiliary lanes and targeted interchange improvements; and
- Ensure that development proceeds in balance with the transportation capacity and services needed to accommodate additional trips.



Taken together, these policies work to serve transportation needs on the local system, reduce the burden of single occupancy vehicle travel on I-5, ensure the transportation system can accommodate travel demands of new development, and support ODOT's efforts to maintain I-5's capacity.

These two local plans create strong links between transportation planning and development. The Comprehensive Plan directs the City to reduce or delay the level of development if the transportation system will be inadequate to support additional trips (Policy 3.2.3). These documents define the Regional Transportation Plan's Financially Constrained List and the city's Capital Improvement Plan as the only sources of improvements that can be considered in determining the transportation system's planned capacity, function and level of service.

This facility plan also considers the influence that operational improvements would have on the intersection of southbound I-5 and Wilsonville Road, a key link in the local transportation network. The City has designated this segment of Wilsonville Road as a major arterial, freight route and transit route.

EXISTING CONDITIONS, NEEDS, AND DEFICIENCIES

Description of the study area.

The facility plan encompasses 0.9 miles of the I-5 southbound mainline (milepost 283.54-282.64), a three-lane section of the highway from the Wilsonville Road on-ramp to the Canby-Hubbard off-ramp. The two-lane Wilsonville Road on-ramp begins at a four-way signalized intersection on Wilsonville Road, merges into one lane at a ramp meter, and is 0.3 miles long. There is a project underway to add a third lane to the on-ramp to provide additional vehicle storage when the ramp meter is operating. After the ramp reaches the mainline, a 100-foot long merge lane extends to the south of the ramp's gore point (the triangular shape formed where the on-ramp lane meets the mainline).

The Boone Bridge is made of two adjacent steel structures that support one bridge surface, which forms a 0.2 mile crossing of the Willamette River. The bridge was constructed in 1953 and widened in 1967. The bridge serves as the primary link between the Portland metro area and Marion County, as well as between Wilsonville and the communities of Aurora, Canby, Donald, Hubbard, Molalla, and Woodburn. The nearest alternate motor vehicle crossings over the river are Oregon 219 south of Newberg and Oregon 43 between West Linn and Oregon City, with a minimum detour length of nearly 13 miles. It has a sufficiency rating of 80.1, indicating it meets desirable criteria. However, its construction took place before modern seismic standards and the bridge has been found to be seismically vulnerable (see the 2016 Oregon Bridge Conditions Report).

The Charbonneau District off-ramp exits the highway 0.7 miles south of the Wilsonville Road on-ramp. Its single lane extends a quarter mile before coming to a stop-controlled intersection with NE Miley Road.

The Canby-Hubbard off-ramp begins 0.2 miles south of the Charbonneau off-ramp. Also a single lane facility, it extends a quarter of a mile south before splitting into two lanes, one of which merges with Oregon 551 (Wilsonville-Hubbard Highway).

I-5 traffic patterns and operations.

For analysis purposes, 4-5 p.m. is the peak hour when the greatest volumes move through the study area. On a typical day, I-5 southbound across the Boone Bridge experiences congested conditions from 3-7 p.m.

The annual average daily southbound traffic on the Boone Bridge is 63,590 vehicles. Freight trucks (vehicles with three or more axels and/or six or more tires) represent approximately 14 percent of daily volumes, higher than is typical for Portland metro area freeway segments. Multiple transit agencies route buses along this segment of I-5, including Amtrak (6



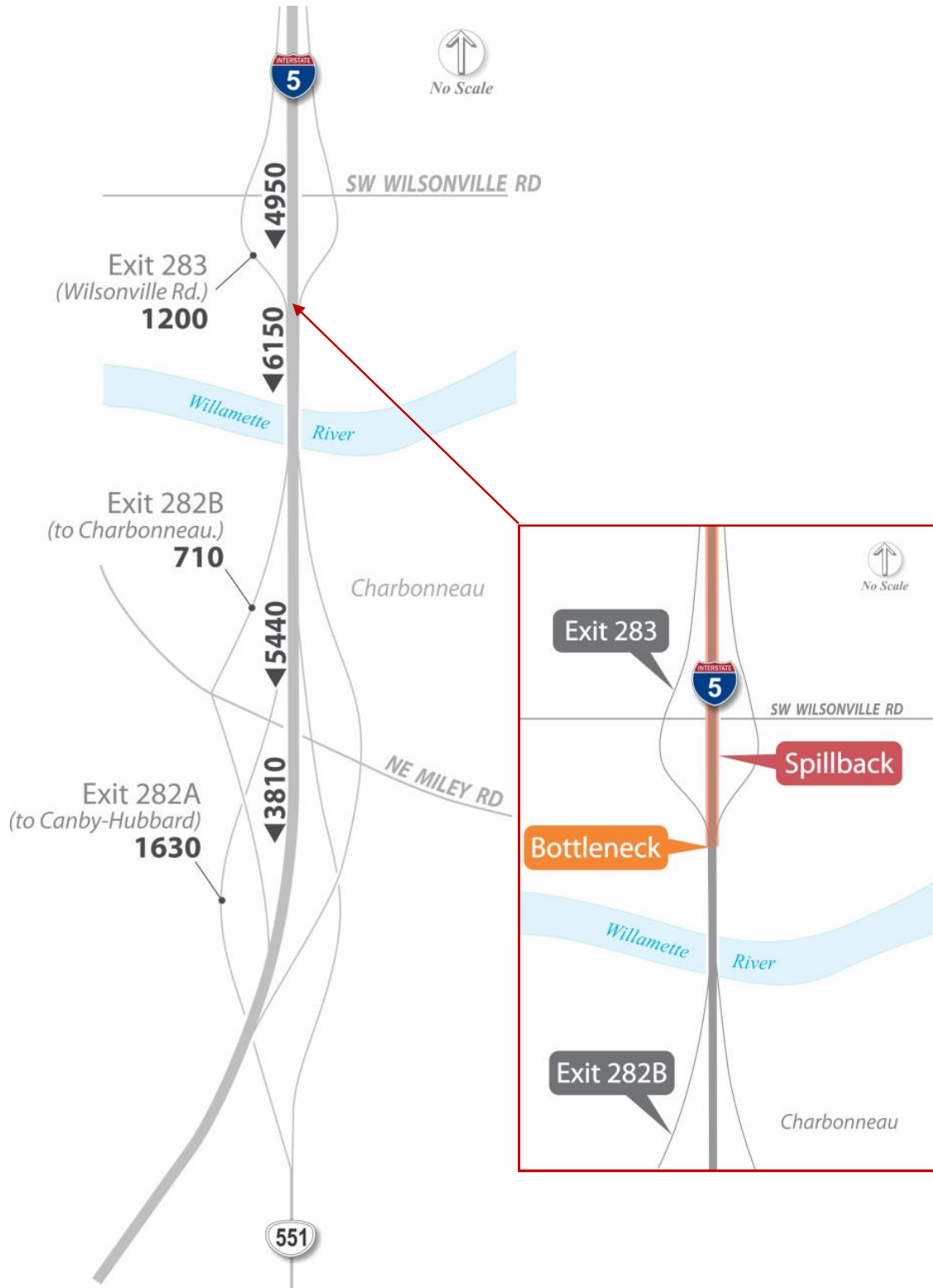


FIGURE 3. 2017 southbound I-5 traffic volumes during the evening peak hour.



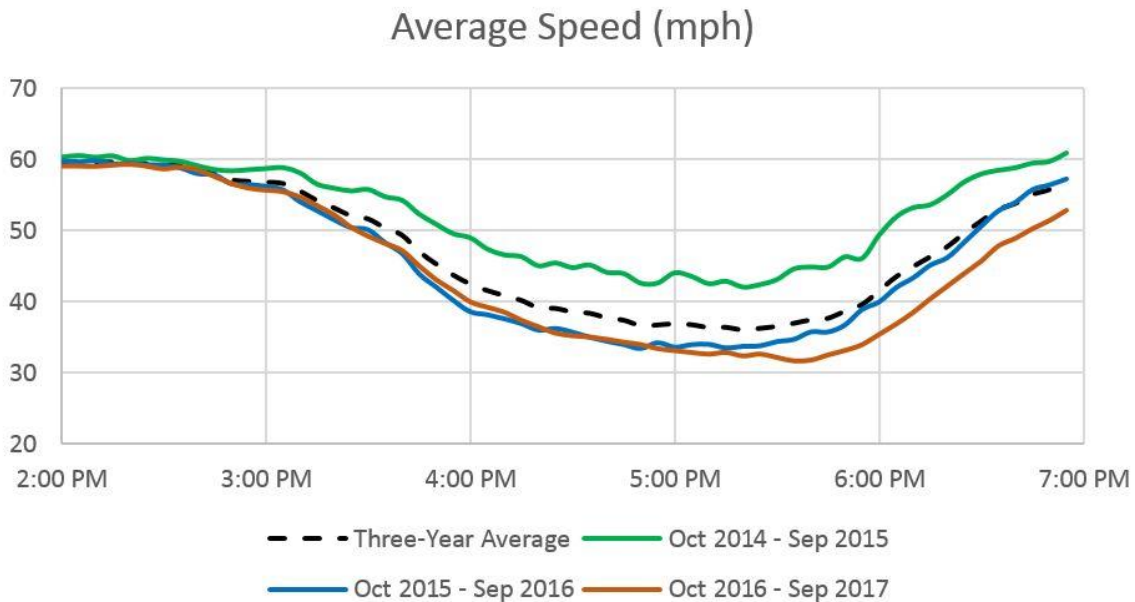


FIGURE 4. Change in average evening peak travel speeds on southbound I-5 from 2014-2017.

southbound buses per weekday), Greyhound (4 southbound buses per weekday), POINT Intercity Transit, (7 southbound buses per weekday), and Wilsonville SMART (14 southbound buses per weekday, some jointly operated with Salem Cherriots). A variety of organizations and operators also route airport and commuter shuttles through the study area.

During the evening peak hour, approximately 6,150 vehicles cross the Boone Bridge heading south (FIGURE 3). Twenty percent of those vehicles enter at the Wilsonville Road on-ramp. Twelve percent of all southbound vehicles crossing the bridge exit at the Charbonneau off-ramp, 26 percent exit at Canby-Hubbard, and the remaining 52 percent continue south on I-5.

Average travel speeds slow considerably over the course of the extended peak period and do not increase until after 6 p.m. Traffic data show the slowest speeds and greatest unreliability are observed at I-5 southbound over Wilsonville Road, just north of the merge with the Wilsonville Road on-ramp. Average speeds at this bottleneck location drop to a low of 30 mph for close to an hour during the peak, and have been gradually decreasing for at least three years (FIGURE 4).

This bottleneck is part of a freight delay area on southbound I-5 that extends from I-205 to the Boone Bridge. ODOT's study of freight delay areas determined that delays in this segment result in an annual economic cost of \$746,000 per mile of I-5.

As **FIGURE 5** shows, travel through the bottleneck area (the I-5 mainline north of the Wilsonville Road on-ramp) is highly unreliable as well as highly congested during the evening peak. On the most congested days each month, travel through the bottleneck area will take three times as long as it does on the least congested days. Travelers and freight movers making regular trips in the corridor must plan extra time for their trip to ensure they will not be late. This unpredictability can be more frustrating and costly for users than consistent and predictable congestion.

The bottleneck begins to form where the Wilsonville Road on-ramp merges onto the I-5 mainline. With no local access bridge and no nearby alternatives for crossing the Willamette River, local travelers use the Wilsonville Road on-ramp to cross the river via the Boone Bridge. Six out of 10 vehicles entering at the Wilsonville Road on-ramp use the first two exits south of

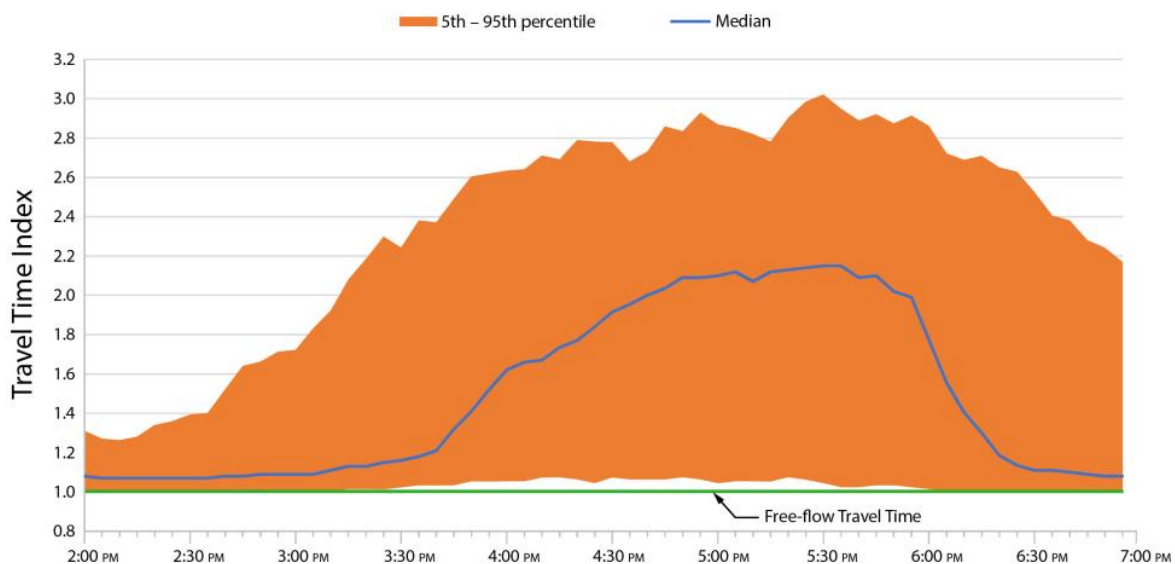


FIGURE 5. Evening peak travel time reliability in the bottleneck area on the southbound I-5 mainline.

The free-flow travel time is how long it takes to drive this segment when there is no congestion. The median travel time is how long it takes to drive this segment at a particular time on a day with average congestion. For this section of I-5, the median travel time is twice the free-flow travel time during the peak hour (4-5 p.m.). The orange area represents the variation in travel times that are observed in the bottleneck area (equivalent to the difference between the second-best travel day each month and the second worst).

the river (FIGURE 6). They are joined on these exits by 3 out of 10 vehicles that entered the study area on I-5 while making longer-distance regional trips. Meanwhile, the other vehicles entering at Wilsonville Road attempt to merge left to reach a less congested lane, and the through travelers also merge left to avoid the slowest conditions. These movements lead to much higher vehicle volumes in the right-hand lane than in the inner lanes as traffic moves across the Boone Bridge. This imbalance in vehicle volumes across lanes contributes to slow and unreliable travel conditions on the I-5 mainline that extend north toward the Elligsen exit.

ODOT measures highway mobility using the volume-to-capacity or v/c ratio, which assesses theoretical demand to use the facility compared to the actual vehicle capacity (based on



FIGURE 6. Destinations for southbound vehicles on I-5 in the study area.

Left: vehicles entering at the Wilsonville Road on-ramp. Middle: vehicles traveling into the study area on the I-5 mainline. Right: all southbound vehicles crossing the Boone Bridge.



number of lanes, road geometry, traffic control and travel speeds). Higher v/c ratios indicate greater levels of congestion, The bottleneck area has a v/c ratio of 0.98. The statewide mobility target of 0.99 represents the point where there is no available capacity on the roadway.

The City of Wilsonville uses level of service, another mobility measure that assesses operational efficiency and delay, then assigns an “A-F” grade. This measure shows level of service grade “E” (the City’s benchmark for minimum acceptable operations) through most of the study area and confirms that the congested conditions in the study area do not fully clear until after the Canby-Hubbard off-ramp (FIGURE 7).

Crash history.

Analysis of the most recent available crash data (2011-2015) found above-average crash rates on the I-5 southbound mainline between the Wilsonville Road off-ramp and on-ramp, with rear-end and sideswipe crashes indicating that the collisions are due to speed differences by lane and merging attempts taking place in congested conditions. Sections of the study area south of the bottleneck location had crash rates at or below average rates. No fatal or severe injury crashes occurred during the five years analyzed. The study area does not contain any locations that ODOT’s Safety Priority Index System ranks in the top 10 percent (the locations with the most and most severe crashes statewide).

Land use context and local traffic conditions.

Wilsonville is a regional employment destination with more than 20,000 workers and I-5 provides critical access to area employers. The majority of the city’s large employers are industrial businesses, with commercial development as a secondary sector. The area along Wilsonville Road to the west of I-5 is zoned commercial with surrounding industrial development, and to the east of I-5 is zoned commercial with surrounding residential development and public park lands (FIGURE 8). The Wilsonville Town Center sits in the northeast quadrant of the I-5 Wilsonville Road interchange and is planned for commercial

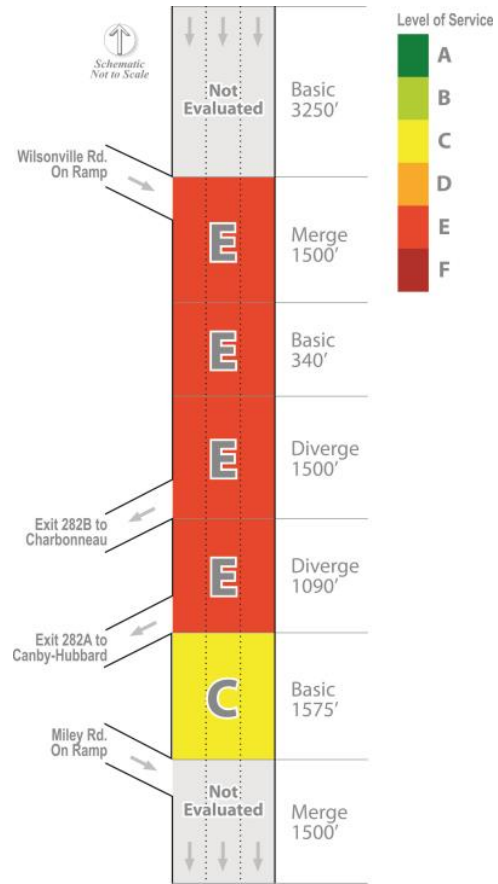


FIGURE 7. 2017 level of service grades for southbound I-5 in the study area.



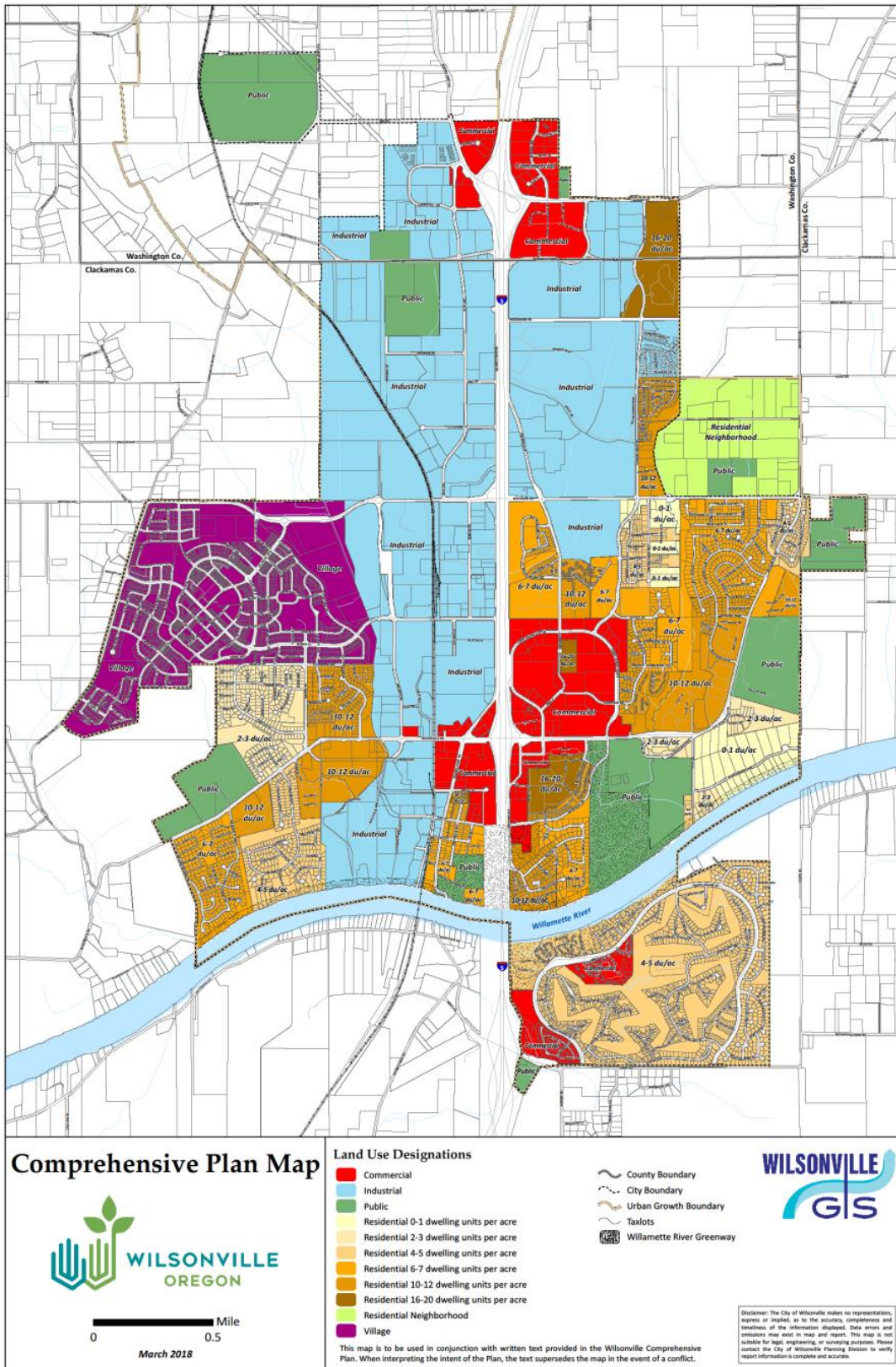


FIGURE 8. City of Wilsonville comprehensive plan map (2018).



development. This zoning was established to allow businesses to take advantage of direct freight access to and from the freeway interchanges, avoiding undesirable truck traffic in residential neighborhoods.

The City of Wilsonville has data showing that upwards of 90 percent of Wilsonville employees come from outside the city limits, with significant draw from the satellite communities to the south, such as Canby, Woodburn and Salem. For these commuters, the Boone Bridge provides the only direct crossing of the Willamette River. Since the early 2000s, the region has added several hundred future employment acres to the Urban Growth Boundary on the north end of the city, such as the Coffee Creek Industrial Area and Basalt Creek Employment Area. Wilsonville has adopted the Concept Plan and Master Plan for Coffee Creek and is developing the Concept Plan for Basalt Creek.

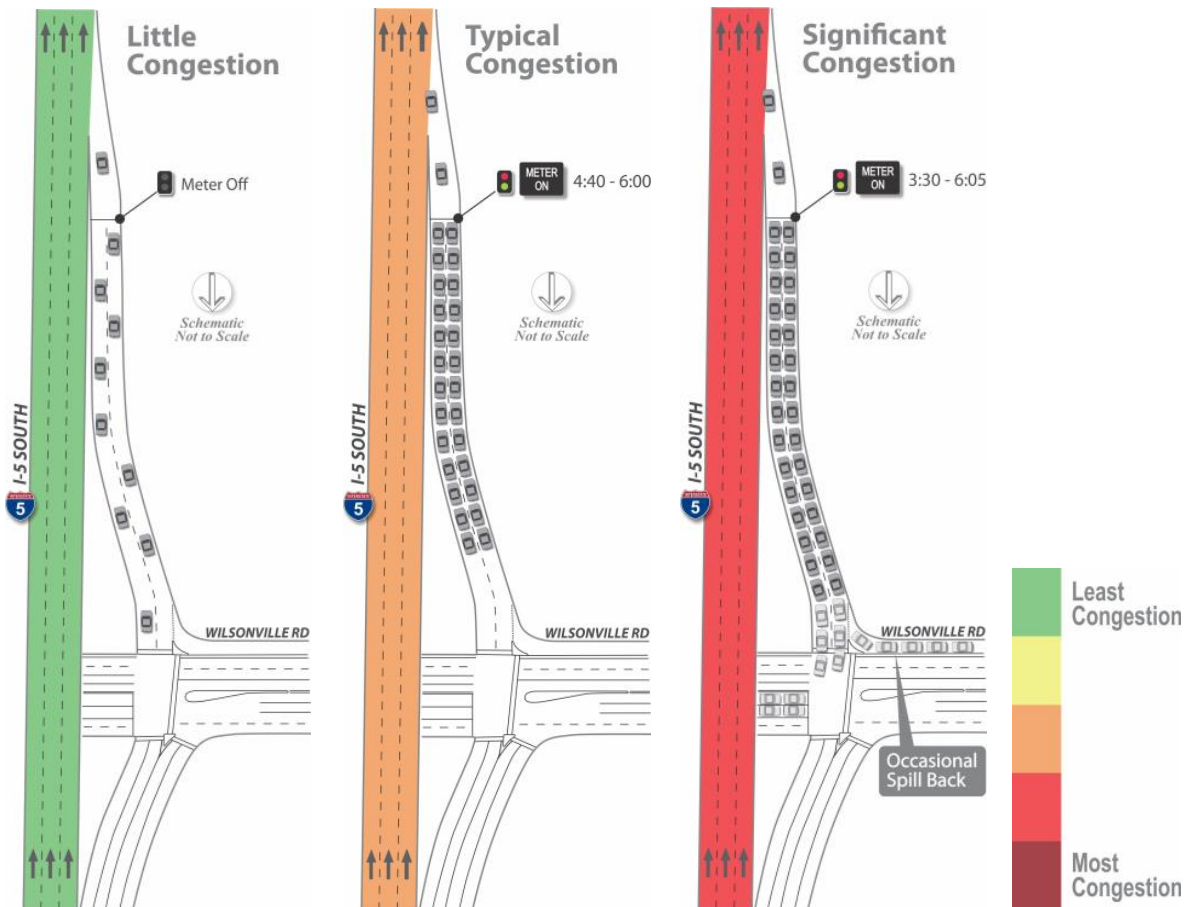


FIGURE 9. Ramp meter operations and queuing observed on the Wilsonville Road on-ramp on three consecutive days in 2018.



I-5 bisects Wilsonville, with only three east-west crossings of the highway within city limits. Wilsonville Road, the southernmost of these crossings, supports multimodal accessibility with pedestrian and bicycle pathways on both sides of the street and an eight lane cross-section underneath I-5. Despite recent improvements to the interchange area and on-ramps, Wilsonville Road experiences peak period congestion, delays and unreliability due to high demand at the Wilsonville Road southbound on-ramp. Conditions at the on-ramp vary greatly from day to day. Three consecutive days of video data showed one day when the ramp meter never activated, one day when moderate queues at the ramp meter formed on the on-ramp, and one day when long queues spilled back from the on-ramp onto Wilsonville Road (FIGURE 9). Comparisons with traffic data confirmed that these three days reflect a typical range of different conditions that occur at this on-ramp.

City staff and stakeholders report that during the extended evening peak when the ramp meter is in operation, queues from cars waiting to turn onto the on-ramp can disrupt the flow of through traffic in both directions on Wilsonville Road. These severe queues are more likely to occur during seasonal peak travel periods in the summer months. Local travelers may take a variety of detours to avoid this intersection, creating congestion on other local roads and increasing demand at the city's other two I-5 crossings and at upstream I-5 interchanges. These delayed and unreliable conditions have led to Planning Commission and City Council concerns regarding how the planned transportation system will perform as traffic increases on I-5 and the Wilsonville community grows.

Seismic concerns.

I-5 is in the seismic hazard area of the Cascadia Subduction Zone, which has historically experienced earthquakes of magnitude 9.0 or greater every 400-600 years. Many of I-5's 348 bridges were built before modern seismic design specifications. In the event of a Cascadia Subduction Zone earthquake, which based on the historical record is expected in the next 50 years, five I-5 bridges across the state would be expected to collapse and 19 more to suffer heavy damage.

I-5 is a Tier 1 Seismic Lifeline route, and is one of the most critical routes for Oregon's emergency response and recovery efforts. In 1998, ODOT performed a Phase I retrofit to prevent the bridge's superstructure from falling off the piers in an earthquake. The Boone Bridge will require a Phase II seismic retrofit to meet modern seismic standards and remain serviceable in the event of a severe earthquake.

Environmental resources.

The Willamette River introduces a range of environmental resources to the study area. Impacts to these resources would need to be avoided, minimized, or mitigated should a capital project move forward as a result of this plan. Chinook salmon and steelhead fish species rely on the Willamette River for habit, and are subject to Endangered Species Act regulations.



Locations along rivers and streams are typically areas where there may be a high probability for encountering archaeological resources and where wetlands may be found. The north side of the river in this area is part of the Willamette River Greenway and may be subject to Section 4(f) restrictions on the use of public parks and recreational lands for transportation projects. The areas south and west of the Willamette River are adjacent to land designated as rural reserve lands in Clackamas County; these reserves may contain farmland, forests, natural preserves, or streamside lands beyond the Urban Growth Boundary where development is prohibited. Noise impacts and impacts to human health must also be studied if a capital project moves forward as a result of this plan.



FUTURE CONDITIONS

Methodology for future forecasting.

The Metro Travel Demand Model predicts future travel volumes and patterns based on anticipated growth in population and jobs; planned land use changes; and planned transportation projects in the Portland metro area. This model is the most-commonly used tool for analysis of planning alternatives in this region of Oregon. Its forecasts provide a useful perspective on the direction future trends are likely to take, and how different project alternatives could affect transportation performance. Its results are best interpreted as showing order-of-magnitude differences between options or scenarios, rather than exact predictions of the future.

The Travel Demand Model's outputs have been analyzed in more detail using technical procedures from the Highway Capacity Manual, which sets out widely used and industry-standard approaches to modeling traffic operations at specific roadway segments or intersections.

The project team used existing conditions data to calibrate the model's outputs, in order to better reflect what current travel patterns suggest may occur in the future.

Anticipated traffic volumes and operations in 2040.

The model predicts a 15 percent increase in evening peak hour traffic volumes on I-5 southbound over the Boone Bridge, from 6,150 vehicles in 2017 to 7,055 in 2040 (FIGURE 10). Modeled origin and destination patterns for the

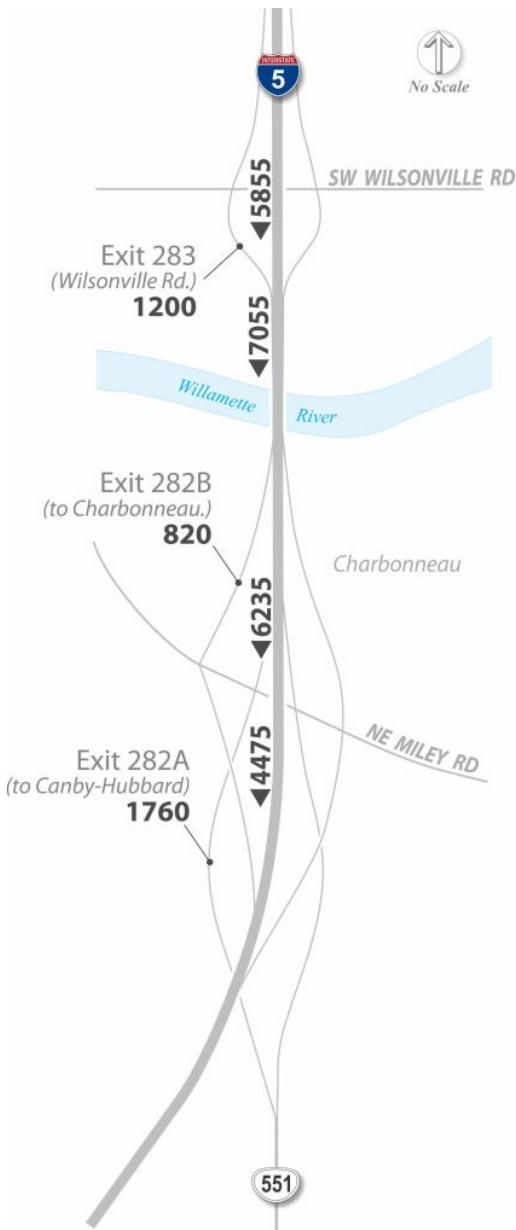


FIGURE 10. Southbound I-5 traffic volumes forecast for the year 2040 during the evening peak hour.

future are similar to those gathered via GPS data from 2017, with some minor variations. When considered together, the two sources suggest that in the future roughly 60-70 percent of vehicles entering on the Wilsonville on-ramp and 35 percent of vehicles coming from farther north on the I-5 mainline will take one of the first two off-ramps south of the Willamette River. For every 10 vehicles heading south over the Boone Bridge, one will be expected to take the Charbonneau exit and two to three will be expected to take the Canby-Hubbard exit.

If no improvements or operational changes are made to this study area, traffic congestion will worsen significantly on I-5 in this segment (Table 1). From the Wilsonville on-ramp to the Charbonneau off-ramp, the highway will fail to meet state mobility standards with v/c ratios above 0.99. Speeds in these segments drop as low as 22 mph during the average evening peak. These conditions will make travel through this section on I-5 significantly less reliable and increase the hours per day that travelers would experience congested conditions. Such degradation in performance would be expected to lead to more frequent rear-end and sideswipe collisions.

Forecasts suggest a 40 percent increase in the number of vehicles seeking to enter I-5 southbound from Wilsonville Road, some coming from nearby locations, others from areas further east, west, or north. With increased congestion on the I-5 mainline, ODOT might need to decrease the ramp meter rate and/or increase the hours it operates to protect the freeway's operations. During the peak hour, queues waiting at the ramp meter would fill the on-ramp and spill back onto Wilsonville Road. Vehicles would wait more than 80 seconds to move through the intersection of I-5 southbound

TABLE 1. Southbound I-5 levels of service forecast for the year 2040 during the evening peak hour.

	Segment	Volume/ Capacity	LOS
1	North of Wilsonville Road On-Ramp (Basic)	0.88	F
2	Wilsonville Road On-Ramp (Merge)	1.09 (Fwy) 0.61 (Ramp)	F
3	Boone Bridge (Basic)	1.06	F
4	Charbonneau Off-Ramp (Diverge)	1.08 (Fwy) 0.42 (Ramp)	F
5	Canby/Hubbard Off-Ramp (Diverge)	0.95 (Fwy) 0.89 (Ramp)	D
6	South of Canby/Hubbard Off-Ramp (Basic)	0.67	B

and the Wilsonville Road ramps.

Of the 1,700 drivers who would prefer to use this on-ramp during the peak hour, 30 percent would not be able to enter if ramp meter rates remain the same. (More would not be able to enter if ODOT needed to reduce the meter rate to protect operations on I-5 during heavy congestion.) These travelers who could not enter the on-ramp would have to choose other routes, shift trips to other times, choose other modes, or not make their trip. Travel along Wilsonville Road would become more challenging in the afternoon and evening. Overall, the local system will experience more hours of congestion on more routes as these vehicles seek alternate ways to make their trips.

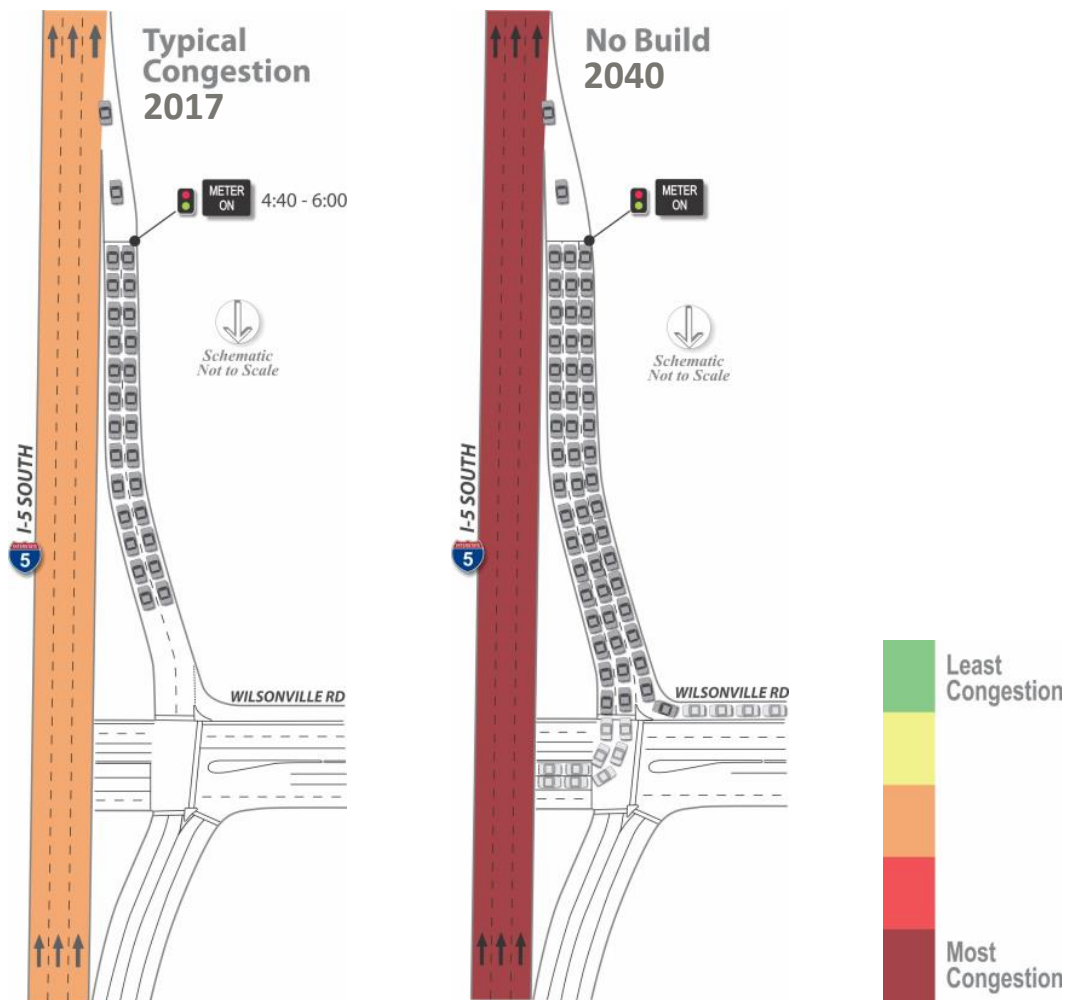


FIGURE 11. Ramp meter operations and queuing on the Wilsonville Road southbound on-ramp, as observed during typical evening peak hour congestion in 2017 (*left*) and as projected for 2040 (*right*).



PLAN ALTERNATIVES AND COMPARISON OF LONG-TERM OPERATIONS

Conceptual design of plan alternatives.

ODOT and the City of Wilsonville have identified three alternatives for study, each of which adds a ramp-to-ramp lane from the Wilsonville Road on-ramp across the Boone Bridge. As ODOT's 2012 Highway Design Manual explains, ramp-to-ramp (or auxiliary) lanes "are introduced adjacent to through lanes for limited distances for specific operational or capacity reasons. They are used to provide lane balance, facilitate weaving maneuvers, and help smooth out flow in through lanes. A typical application is to provide [a ramp-to-ramp] lane on the mainline between closely spaced interchanges" (p. 9-18). **FIGURE 12** provides an example of a ramp-to-ramp lane on I-5 northbound in North Portland. In the study area, there are three



FIGURE 12. A ramp-to-ramp lane on I-5 northbound between the N Rosa Parks Way on-ramp (304) and the N Lombard St East off-ramp (305A).

This ramp to ramp lane is 0.2 miles long, comparable to the distance between the Charbonneau and Canby-Hubbard off-ramps.

interchanges in a one mile segment of I-5. ODOT has established spacing standards of three miles between interchanges for interstates in urban areas.

The operational problems in the study area stem from the lack of capacity in the right-hand lane to accommodate the volume of vehicles using the closely-spaced interchanges. Therefore, a ramp-to-ramp lane is a targeted, lower-cost improvement that may improve traffic flow and add safe merging and weaving space. Use of ramp-to-ramp lanes alongside through lanes is consistent with Regional Transportation Plan policy establishing interstate cross-sections of three travel lanes per direction, plus ramp-to-ramp lanes where needed.

In all three build alternatives, the ramp-to-ramp lane would be constructed with the Boone Bridge seismic retrofit as one project.

Option A (FIGURE 13) adds a ramp-to-ramp lane at the Wilsonville Road on-ramp merge that

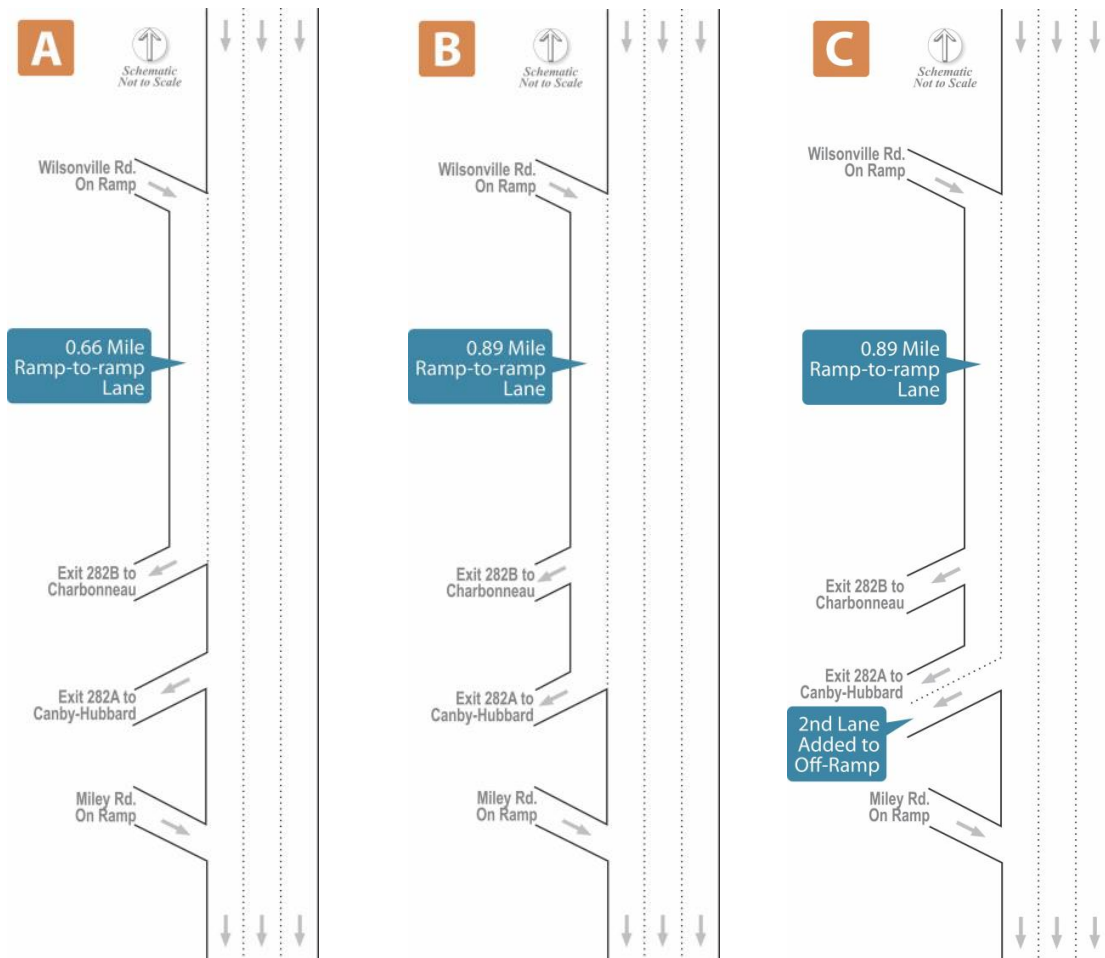


FIGURE 13. The three ramp-to-ramp lane options studied.



drops at an exit-only lane to the Charbonneau off-ramp.

Option B extends the ramp-to-ramp lane to terminate as an exit-only lane at the Canby-Hubbard off-ramp.

Option C is similar to Option B but expands the Canby-Hubbard off-ramp to become a two-lane exit. Travelers may access the on-ramp either from the ramp-to-ramp lane, which becomes an exit-only to the outer off-ramp lane, or from the right-hand through lane, which offers an optional exit to the inner off-ramp lane.

In all of the build alternatives, the three-lane Wilsonville Road on-ramp merges into one lane as it passes the ramp meter, before vehicles enter the ramp-to-ramp lane. This is due to safety concerns with multi-lane merges onto the highway, which have led ODOT to stop using those designs for new projects.

The project team used Highway Capacity Manual methodologies to compare how the three build alternatives would operate in 2040, and contrasted their performance with the no-build (existing) configuration of I-5.

Performance, benefits, impacts, and planning-level costs of build alternatives.

To assess how each option compared to the no-build during the evening peak hour, the project team analyzed them using four performance measures:

- Volume-to-capacity ratios, compared to the state mobility target of v/c at or below 0.99.
- Level of service, compared to City of Wilsonville target of grade “E” or above.
- Worst observed speed for the typical day.
- Vehicle density, which evaluates how many vehicles are in each lane per mile.

The methodologies for predicting future safety outcomes are limited without more engineering detail than is available at this stage of planning. However, the measures above can provide indirect information about potential changes in crash risk, which are discussed below.

All three options:

- Improve I-5’s performance compared to the no-build ([TABLE 2](#)).
- Reduce congestion on I-5 to below state mobility targets and achieve level of service grade “E” or better on all segments of I-5 within the project area.
- Improve I-5 speeds during the evening peak hour so that they remain at or above 44 mph on the typical weekday, compared to no-build speeds of below 25 mph.
- Provide more space between vehicles, which allows drivers more time to react to changing conditions and reduces the risk of crashes.



- Are expected to reduce crash rates, due to reductions in congestion and separation of weaving and merging movements from through traffic. Preventing crashes offers the secondary benefit of improving reliability (by reducing the frequency of incidents that create unexpected delays).
- Present similar potential for environmental impacts. The greatest potential impacts come from the modification to the Boone Bridge itself, because the Willamette River contains the most significant cultural and natural resources in the project area. The ramp-to-ramp lane is the same over the Boone Bridge structure in all three options, so the three options would have substantially similar potential impacts to the river and its banks. The nature of these impacts will depend on how the ramp-to-ramp lane and seismic retrofit are designed, and will be assessed during project development. The potential for private property impacts appears to be low, with no structures currently identified in the area where a ramp-to-ramp lane would be built.
- Are similar in planning-level cost estimates, with less than a 10 percent cost difference estimated between Options A and C. This is because the greatest costs of the project stem from modifying the Boone Bridge to accommodate an additional lane, which would be the same in all options. Costs of extending the lane beyond the structure or adding a second lane to the Canby-Hubbard off-ramp appear relatively low, and early analysis suggests that ODOT likely owns sufficient right-of-way to accommodate added roadway width in all options. Current planning-level cost estimates for the ramp-to-ramp lane project (not including the seismic work) are in the \$80 million range.

TABLE 2. 2040 performance of the southbound I-5 mainline: no build scenario compared to ramp-to-ramp lane options

Performance measures (2040 Evening peak hour)	Baseline (No Build)	Option A	Option B	Option C
Worst volume-to-capacity ratio	1.09	0.95	0.89	0.88
Worst level of service	F	E	E	D
Lowest speed	22	45	44	52
Highest vehicle density	79	40	37	35



Of the three build alternatives, Option C (FIGURE 14) provides the greatest improvements to I-5's performance.

- It would reduce congestion well below the levels experienced today and increase peak hour speeds to above 50 mph throughout the project area.
- The addition of a second off-ramp lane at Canby-Hubbard (the busier of the study area's two exits) creates greater separation of the traffic entering I-5 at Wilsonville Road from the traffic already on the mainline. Vehicles on I-5 could merge directly into the second exit lane from the outer I-5 travel lane, without merging into the ramp-to-ramp lane first.
- Because of the improved traffic flow and increased separation of merging/weaving from through traffic, Option C would be expected to offer the greatest reduction in crash rates for the longest period of time.

Impacts of a ramp-to-ramp lane on Wilsonville Road and local system operations.

Any ramp-to-ramp lane option would benefit local system performance. The Wilsonville Road on-ramp meter activates in response to congestion on the I-5 mainline. With all ramp-to-ramp options reducing congestion on I-5, the ramp meter would likely be on for fewer hours per day. This would increase the total period of time when vehicles would be able to flow freely onto I-5 from the Wilsonville Road on-ramp, and reduce the amount of time when queues could build up at the ramp meter, making it less likely they would spill back onto the local system (FIGURE 15).

Improved operations on the mainline might also allow the ramp meter to operate at a faster rate, in which case any queues that formed would clear faster. (ODOT does not determine ramp meter rates in long

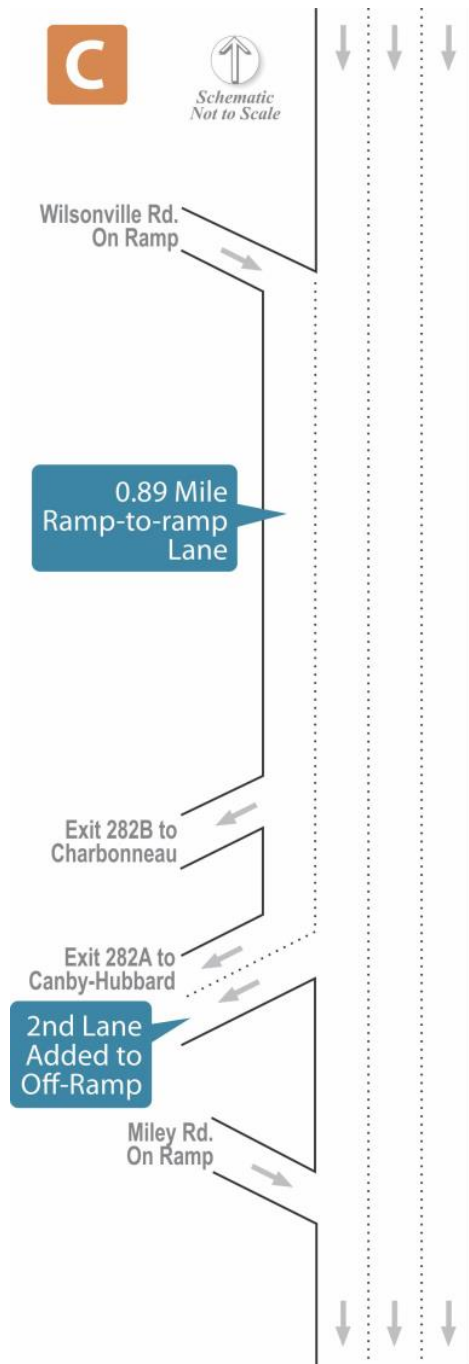


FIGURE 14. Option C, which offers the greatest performance benefits.



range plans. Traffic engineers assess meter rates after a project is constructed and ODOT has collected data on how conditions on the interstate change as a result.)

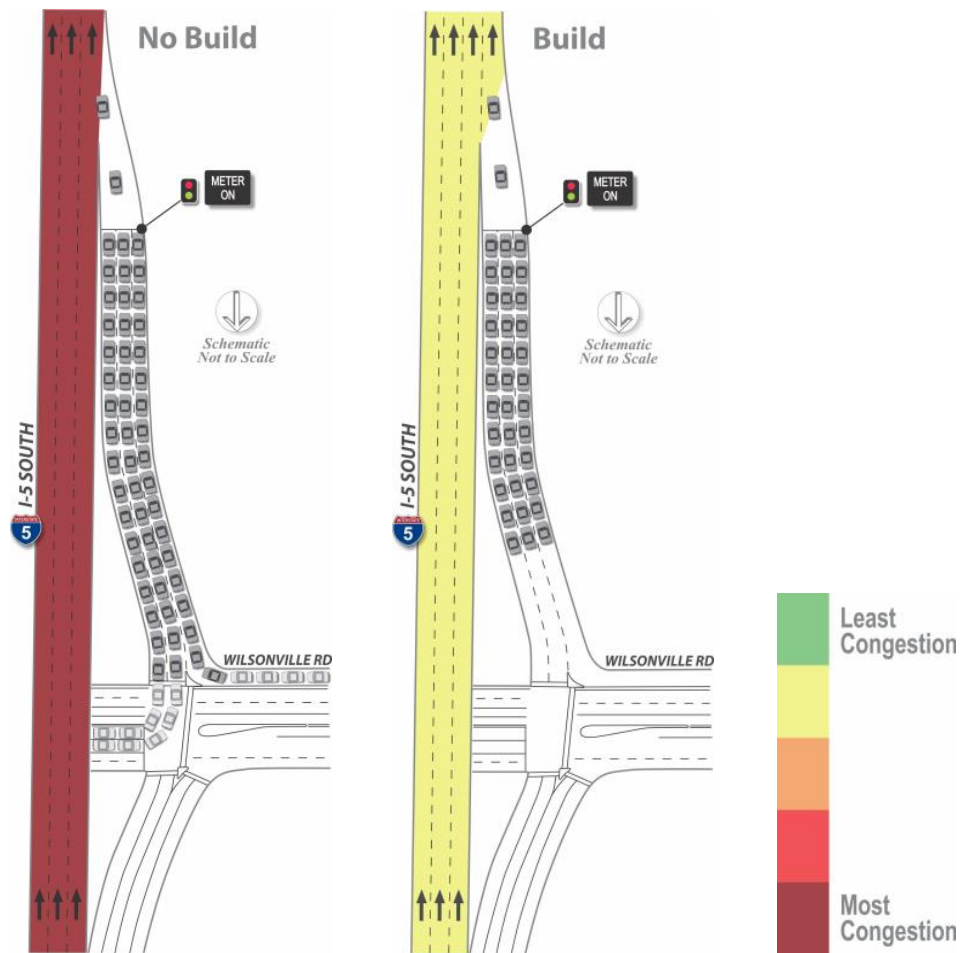


FIGURE 15. Comparison of ramp meter operations and queuing forecast for the year 2040 on the Wilsonville Road on-ramp , if no changes were made (*left*) or if a ramp-to-ramp lane were constructed (*right*).

PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT PARTICIPATION

ODOT Region 1 and the City of Wilsonville partnered on the [Southbound I-5 Boone Bridge Congestion Study](#) (September 2017 through May 2018). This facility plan is the final product of that study. The Technical Advisory Committee for the study included ODOT, the City, Clackamas County, Washington County, DKS Associates, and Angelo Planning Group. (Marion County chose not to participate in the committee but received updates at project milestones.) After reviewing the technical analysis results, the committee unanimously recommended Option C as the preferred solution.

Public and stakeholder involvement activities began in December of 2017. Wilsonville area outreach efforts were led by city staff and consultants and regional outreach efforts were coordinated by ODOT. The City created a website for the congestion study, shared regular monthly articles in the [Boones Ferry Messenger](#), sent media releases to [The Wilsonville Spokesman Newspaper](#) and provided information via email. The city's Planning Commission



City of Wilsonville Mayor Tim Knapp introduces the project to community members attending the March 14th Open House.

received five presentations from the project team between November 2017 and April 2018, including a work session in March and a public hearing on the draft facility plan in April. The final local action will be taken by the City Council following a second public hearing in June (*scheduled as of the release of the public review draft*), when they will determine whether to approve the facility plan by resolution in preparation for an adoption decision by the Oregon Transportation Commission in July (*scheduled*).

The project team focused outreach efforts on gathering feedback about traveler experiences with the operational problems on I-5, presenting the ramp-to-ramp options, and asking for input on the recommendation that Option C should be constructed as part of a seismic retrofit project in the future. A March open house held at Wilsonville City Hall drew 30-40 attendees who discussed the results of technical analysis with project team staff, received a presentation of major findings, and participated in a question and answer session. The same materials were shared in an online open house and survey hosted by the City during the second half of March. ODOT shared the draft facility plan for a 45 day public comment period beginning in April, with links to public review materials available on the city's website.

In addition, the project team met with the following stakeholder groups in March and April to share congestion study findings, answer questions, and gather input:

- Wilsonville Chamber of Commerce
- Wilsonville Rotary Club
- Charbonneau Homeowners' Association
- Washington County Coordinating Committee — Transportation Advisory Committee
- Oregon Freight Advisory Committee
- Washington County Coordinating Committee (*scheduled*)
- ODOT Region 1 Mobility Advisory Committee (*scheduled*)
- Clackamas County Coordinating Committee — C4 Metro Subcommittee (*scheduled*)
- French Prairie Forum (*scheduled*)
- Metro's Transportation Policy Alternatives Committee (*scheduled*)

As of the release of this public review draft, public and stakeholder outreach efforts are still ongoing. The final plan will include a list of all outreach events and a summary of the input received, including comments on the public review draft.

Based on discussions at these meetings, the team put together a Questions and Answers document to summarize common themes and share additional information with the public.



Online open house results.

The online open house ran from March 14 to March 31. It included key information that was available at the physical Open House, with questions posed regarding traveler experiences, the working recommendations, and participant demographics. The following is a brief summary of feedback received from approximately 280 respondents.

- Most survey respondents used I-5 to cross the Boone Bridge going south at least several times per week (41 percent at least once per day; 22 percent several times per week). Nearly 80 percent said they were likely to use the Wilsonville Road on-ramp on a typical trip, and over half said they were likely to use the Charbonneau District off-ramp. 43 percent said they were likely to use the Canby-Hubbard off-ramp. (All of which is to say – this survey appears to have reached those that use/would be affected by the proposal)
- Respondents generally experienced unpredictable travel times, frequent congestion, and spillback. A lower percentage (though still the majority) experienced dangerous weaving behavior.
- Given the information presented, 75% of respondents chose Option C as their preferred build. Option B was the second most preferred, with about 10% of respondents choosing it. About 7% of respondents checked “Other” regarding their preferred option.
- Almost all respondents said that ODOT should invest in operational improvements in this part of I-5.
- The average level of support for the recommended alternative is 92/100.
- Asked to list primary reasons, people provided many separate comments. Congestion, safety, and commuting times were among the most common issues.



PLANNED IMPROVEMENTS

This facility plan recommends Option C as the best operational concept for this location for the 20-year planning horizon. This recommendation reflects the Technical Advisory Committee's consensus that this option is the most cost-effective long-term solution for the bottleneck that forms on I-5 at the Wilsonville Road on-ramp. It presents only minor differences in costs and environmental impacts compared to Options A and B.

Option C is consistent with the state, regional, and local policies outlined in this plan. A ramp-to-ramp lane is a targeted, lower-cost improvement that will protect I-5's operations for decades to come, while maintaining the regionally-approved cross-section of six through lanes. It improves safety and reliability for longer-distance travel, freight movement, and emergency services. Option C responds to Regional Transportation Plan direction to address the impacts of peak period congestion on freight reliability, mobility, and travel patterns in this part of the I-5 corridor. It also supports desired development in the City of Wilsonville by managing the impacts of I-5 congestion on Wilsonville Road and the local transportation system.

Financial feasibility assessment.

Based on revenue forecasts prepared for the 2018 Regional Transportation Plan, resources exist within ODOT's financially-constrained budget for the 2028-2040 period to design and construct a southbound auxiliary lane serving I-5 southbound from exits 283 to 282A. These resources are expected to be combined with additional funding from the ODOT bridge program to complete the seismic rehabilitation components of the Boone Bridge improvements. Completing the operation and seismic components as one project will allow ODOT to achieve economies of scale, reducing total costs.

IMPLEMENTATION RECOMMENDATIONS

Adoption of this plan is the first of several steps needed to improve the operations of southbound I-5 in the Boone Bridge area. Once this plan is adopted, ODOT will submit Option C as a project for the 2018 Regional Transportation Plan Financially Constrained Project List, for funding in the 2028-2040 time frame. The next step will be to secure funding for project development, which will include analysis of engineering alternatives and their potential environmental impacts.

ODOT's Bridge Section will analyze the Boone Bridge seismic needs to determine what improvements would ensure the structure remains standing if a major quake occurs. Once those engineering recommendations are available, the operational and seismic work will be combined into one project.

ODOT will continue to collaborate with project partners to fund construction of this project, and to identify other ways to increase safety, efficiency and reliability in the I-5 corridor.

APPENDICES WILL BE INCLUDED IN FINAL DRAFT.





CITY COUNCIL MEETING STAFF REPORT

<p>Meeting Date: June 4, 2018</p>	<p>Subject: Ordinance No. 818 - 1st Reading Code Updates Regarding Enforcement of Stormwater Regulations.</p> <p>Staff Member: Kerry Rappold, Natural Resources Manager; and Amanda Guile-Hinman, Assistant City Attorney</p> <p>Department: Natural Resources/Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: June 4, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: June 4, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: June 18, 2018</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: Adoption of revisions to Wilsonville Code Chapter 8 - Environment.</p>	
<p>Staff Recommendation: Staff recommends that Council adopt Ordinance No. 818.</p>		
<p>Recommended Language for Motion: I move to approve Ordinance No. 818 on first reading.</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Council to consider adoption of revisions to Wilsonville Code (WC) Chapter 8 – Environment to address issues regarding enforcement of stormwater provisions.

EXECUTIVE SUMMARY:

Currently, there is no clear process for enforcing violations of stormwater management. Moreover, Chapter 8 does not delineate between enforcement of stormwater as opposed to enforcement of industrial wastewater and sanitary sewer regulations. Because of the specific federal and state laws and regulations for each and the particular permitting needed for each, enforcement should be handled in different, but complementary, manners.

The revisions also handle some “housekeeping” within Chapter 8 and remove the provisions related to solid waste and recycling, as those matters are addressed in the recently adopted Ordinance No. 814. Attached hereto as **Attachment A** is the Ordinance adopting revisions to Wilsonville Code Chapter 8.

This Staff Report explains staff’s proposal for restructuring Chapter 8, as well as some of the issues concerning erosion prevention and sediment control (ESC) regulation found in WC 8.534. This Staff Report further outlines the changes staff made to Chapter 8 since the Council held a work session on May 21, 2018.

1. Chapter 8 “Housekeeping”

City staff worked to reorganize Chapter 8 to match enforcement provisions with the regulations they enforce. The table below explains the “housekeeping” performed by staff:

Code Section/ Ordinance	Action Taken by Staff	Reason for Action
General Provisions – WC 8.000-8.008	Update 8.006 (definitions)	Added some definitions necessary for clarifying erosion prevention and sediment control and for enforcement of stormwater regulations.
Water Conservation – WC 8.101-8.150	Update	Housekeeping; minor updates to reflect defined terms. Included language in 8.136 to address notifications via the internet regarding use of water during an emergency.
Public Sanitary Sewer Use – WC 8.200-8.214	Update	Housekeeping; minor updates to correct citations to Code provisions and grammatical errors.
Industrial Wastewater Regulations – WC 8.300-8.320	Update	Housekeeping; minor updates to correct citations to Code provisions and grammatical errors.
Solid Waste Disposal – WC 8.400-8.404	Repeal	Housekeeping; incorporated in Ordinance No. 814.
Stormwater – WC 8.500-8.534	Update	8.534 updated to provide clearer requirements for erosion prevention and sediment control and updated 8.536 to enforce stormwater regulations.
Enforcement – WC 8.602-8.606	Update and Replace 8.400-8.404	Minor changes to reflect that the enforcement measures only apply to the regulations in 8.200-8.320.

Code Section/ Ordinance	Action Taken by Staff	Reason for Action
Business Recycling Requirements – WC 8.700-8.750	Repeal	Housekeeping, incorporated in Ordinance No. 814.
Industrial Pretreatment Program Enforcement Response Plan	Update	Housekeeping; minor updates to correct citations to Code provisions and grammatical errors.
Ordinance 482	Repeal	Requires and regulates ESC permits, which will be incorporated into WC 8.534, so the Ordinance is no longer necessary. Ordinance is outdated.

2. Comprehensive Redrafting of Erosion Prevention and Sediment Control Regulation

One of the initial reasons that City staff began reexamining WC Chapter 8 was the need to revise WC 8.534 – Erosion Prevention and Sediment Control. Previously, the Erosion Prevention and Sediment Control code referred to the Stormwater Management Coordinator. However, to create a more efficient inspection process, these duties have been reassigned to the Engineering Technicians. Additionally, ESC was previously regulated under Ordinance No. 482. New requirements within the Oregon Department of Environmental Quality (DEQ) Municipal Separate Storm Sewer System (MS4) Permit require the City to issue a permit for any land disturbing activities between 500 square feet and five acres in area, which makes Ordinance No. 482 obsolete.

City staff examined city codes from other jurisdictions and determined that WC 8.534 needed to be expanded to outline the ESC permit requirement, the ESC Plan that a developer must submit to the City, inspection requirements, and revisions necessary to such ESC Plans if erosion is occurring.

3. Enforcement of Stormwater Regulations

The second reason that City staff reexamined WC Chapter 8 was the lack of clarity and usefulness of the enforcement provision found in WC 8.536 to enforce the stormwater regulations found in 8.500 through 8.534. In particular, the current WC 8.536 does not allow for more substantial fines when the violation is significant and is not clear with respect to assessing fines per day when a stormwater violation is ongoing. For example, if a business is found to be discharging contaminated water into the City's stormwater system, they are currently subject to a \$500 fine. An enforcement action last year involved a site where trash seepage and related materials were discharged into the City's stormwater system for over 25 days. The Stormwater Management Coordinator initially worked with the business, but eventually had to contact the City Attorney and the police department. After 25 days and two visits by a police officer, the discharge was finally stopped. A more efficient enforcement procedure implemented by City staff would provide the City a clearer mechanism to stop the flow of contaminated stormwater into the City's stormwater system.

The proposed draft of WC 8.536 provides a process for City staff to enforce the stormwater regulations in WC 8.500 through 8.534 and to impose fines that are applicable to the particular violation. In other words, if a minor violation occurs by an individual who may not be well-

educated in ESC requirements, a smaller fine may be appropriate versus a sophisticated developer that chooses to disregard ESC standards.

City staff recommend a multi-factor approach to establishing the appropriate fine that can range from \$50 to \$5,000 per offense or, in the case of a continuing offense, up to \$1,000 for each day of the offense. This process is modeled after the City of Corvallis. The factors include:

- (a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) Cost to City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

4. Changes from May 21, 2018 Council Work Session

At the May 21, 2018 Council work session, Council raised questions regarding the terms used throughout Chapter 8 to better identify responsible party(ies) in each section. Staff noted that terms used in certain sections coincide with the terms used under applicable state or federal laws, regulations, and permits, particularly the distinct terms used under the Federal NPDES Waste Discharge Permit and the NPDES Municipal Separate Storm Sewer System (MS4) Permit. Below is a summary of some key terms and how staff have attempted to clarify their meaning in the Chapter.

Term	Definition	Basis for Definition	WC Section Location
User or Industrial User	Any Person who contributes, causes, or allows the contribution of Sewage or Industrial Wastewater into the POTW, including Persons who contribute such wastes from mobile sources.	Tied to NPDES Wastewater Discharge Permit requirements from the US Environmental Protection Agency	<u>Public Sanitary Sewer Use:</u> WC 8.200 <u>Industrial Wastewater Regulations:</u> WC 8.300 <u>Enforcement:</u> WC 8.400
Applicant	The Owner of a property and/or his or her agents, contractors, or developers who applies for a City permit.	General definition applied to sanitary sewer construction	<u>Private Sewage Disposal:</u> WC 8.204 <u>Buildings Sanitary Sewers and Connections:</u> WC 8.206 <u>Public Sanitary Sewers— Construction:</u> WC 8.210

Term	Definition	Basis for Definition	WC Section Location
ESC Applicant	The Owner of a property and/or his or her agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control Permit pursuant to this Chapter 8.	Specific definition tied to erosion prevention and sediment control in WC 8.534.	<u>Stormwater System Construction</u> : WC 8.502 <u>Erosion Prevention and Sediment Control</u> : WC 8.534 <u>Stormwater—Violation</u> : WC 8.536
Responsible Party	The Person who causes a violation of the Stormwater regulations contained in WC 8.500 through WC 8.534 or who has the authority to direct and control the Person causing the violation.	Related to stormwater violations; tied to NPDES MS4 Permit (stormwater permit)	<u>Requirement to Monitor and Analyze</u> : WC 8.532 <u>Stormwater—Violation</u> : WC 8.536
Owner	Shall mean the Person(s) who holds title to the property.	A Person(s) who may be the Responsible Party	<u>Pubic Sanitary Sewer Use</u> : WC 8.200 <u>Industrial Wastewater Regulations</u> : WC 8.300 <u>Stormwater</u> : WC 8.500
Lessee	A Person other than the Owner having a legal right to possess or control the property.	A Person(s) who may be the Responsible Party	<u>Pubic Sanitary Sewer Use</u> : WC 8.200 <u>Industrial Wastewater Regulations</u> : WC 8.300 <u>Stormwater</u> : WC 8.500

Attached hereto as **Attachment B** is a redline of the changes to Chapter 8 made after the Council work session on May 21, 2018.

EXPECTED RESULTS:

Developers will have a better understanding of the City's ESC requirements and City staff will have more clarity in the enforcement of City stormwater regulations.

TIMELINE:

The WC Chapter 8 revisions are scheduled for a first reading and public hearing on June 4, 2018 and a second reading on June 18, 2018.

CURRENT YEAR BUDGET IMPACTS:

City staff do not anticipate any significant budget impacts. Refinement of WC Chapter 8 should not, and is not intended to, cause substantial increases in fines, but rather help encourage compliance before a fine becomes necessary.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/29/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 5/25/2018

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Revision of WC Chapter 8 should benefit the community by encouraging compliance with the City's stormwater requirements.

ALTERNATIVES:

Retain WC Chapter 8 as is.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Attachment A – Ordinance No. 818
- B. Attachment B – Redline of changes to Chapter 8 from May 21, 2018 Council Work Session

ORDINANCE NO. 818

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING CHAPTER 8 – ENVIRONMENT OF THE WILSONVILLE CODE TO REVISE WC 8.500 THROUGH 8.536 AND TO MAKE OTHER REVISIONS AND TO REPEAL ORDINANCE NO. 482.

WHEREAS, Wilsonville Code (WC) Chapter 8 was last revised via Ordinance No. 753 in November 2014; and

WHEREAS, portions of Chapter 8 – Environment need to be revised to provide for comprehensive compliance and enforcement measures related to stormwater management; and

WHEREAS, the City of Wilsonville (City) was issued a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Discharge Permit from the Oregon Department of Environmental Quality (DEQ), which was renewed in March 2012 and has been administratively extended by DEQ; and

WHEREAS, the City is a co-permittee with Clackamas County, other cities within Clackamas County, and certain service districts under its NPDES MS4 Discharge Permit; and

WHEREAS, the City’s Chapter 8 provisions governing stormwater management, particularly regarding compliance and enforcement, are insufficient and less robust in some instances than other co-permittees’ code provisions; and

WHEREAS, the City has encountered incidents of continuing stormwater violations without clear guidance and provisions from Chapter 8 for how to enforce the City’s stormwater management requirements; and

WHEREAS, in undertaking a review of Chapter 8 in relation to stormwater management, revising other provisions for clarification and grammar became necessary;

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. Chapter 8 – Environment of the Wilsonville Code is modified and amended as set forth in Attachment 1, attached hereto and incorporated by reference as if fully set forth herein.
3. Ordinance No. 482 is hereby repealed.
4. The City Recorder shall conform these amendments to the City’s code format and correct any scrivener’s errors.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 4th day of June 2018, and scheduled for second reading on the 18th day of June 2018, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____ 2018, by the following votes: Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this ____ day of _____ 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Stevens
- Councilor Lehan
- Councilor Akervall

Attachments:

Attachment 1 – Revisions to Wilsonville Code Chapter 8

WILSONVILLE CODE**CHAPTER 8 - ENVIRONMENT**GENERAL PROVISIONS

- 8.000 General Provisions
- 8.002 Administration
- 8.004 Abbreviations
- 8.006 Definitions
- 8.008 Miscellaneous Provisions

WATER CONSERVATION

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- 8.102 Notice of Declaration of Emergency
- 8.108 Standards – Purpose
- 8.112 Standards – Application
- 8.114 Standards – Wasted Water
- 8.116 Section Not Used
- 8.118 Standards – General
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- 8.130 Use of Water During Emergency – Prohibited Uses of Water
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PUBLIC SANITARY SEWER USE

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- 8.204 Private Sewage Disposal
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- 8.206 Buildings Sanitary Sewers and Connections
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- 8.301 Applicability
- 8.302 General Sanitary Sewer Use Requirements
- 8.304 Pretreatment of Wastewater
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ENFORCEMENT

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- 8.508 Right of Entry
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- 8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies
- 8.524 Accidental Spill Prevention and Control
- 8.526 Notification of Spills
- 8.528 Requirement to Eliminate Illicit Connections
- 8.530 Requirement to Remediate
- 8.532 Requirement to Monitor and Analyze
- 8.534 Erosion Prevention and Sediment Control

- ~~8.536 Stormwater – Violations Violation ENFORCEMENT~~
- ~~8.602 Administrative Enforcement Remedies~~
- ~~8.604 Judicial Enforcement Remedies~~
- ~~8.606 Supplemental Enforcement Action~~

BUSINESS RECYCLING REQUIREMENTS

- ~~8.700 Definitions~~
- ~~8.710 Purpose~~
- ~~8.720 Business Recycling Requirements~~
- ~~8.730 Exemption from Business Recycling Requirements~~
- ~~8.740 Compliance with Business Recycling Requirements~~
- ~~8.750~~

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INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

Section I	Introduction
Section II	Enforcement Remedies
Section III	Assessment of Administrative Fines
Section IV	Noncompliance Defined
Section V	Range of Enforcement Responses
Section VI	Enforcement Procedures
Section VII	Time Frames for Enforcement Action and Follow Up
Section VIII	Responsibilities of Personnel
Section IX	Enforcement Response Matrix

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ENVIRONMENT

GENERAL PROVISIONS

8.000 General Provisions – Environment

(1) Chapter 8 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Design Review, Permitting Process, Building Code, Development Standards and Public Works Standards.

(2) This Chapter shall be known as the Environment Ordinance and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Industrial Wastewater Ordinance, Storm Water Ordinance, and ~~Garbage Disposal Ordinance, and~~ Environment Enforcement, etc.

8.002 Administration.

Except as otherwise provided herein, the Public Works Director, ~~hereinafter referred to as "Director"~~, shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the ~~Director~~Public Works Director may be delegated by the ~~Director~~Public Works Director to a duly authorized representative.

8.004 Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD Biochemical Oxygen Demand
- (2) BMP Best Management Practices
- (3) BMR Baseline Monitoring Reports
- (4) CFR Code of Federal Regulations
- (5) CIU Categorical Industrial User
- (6) COD Chemical Oxygen Demand
- (7) DEQ Oregon Department of Environmental Quality
- (8) ~~US~~-EPA U.S. Environmental Protection Agency
- (9) gpd Gallons Per Day
- (10) IU Industrial User
- (11) mg/l Milligrams per liter
- (12) NPDES National Pollutant Discharge Elimination System
- (13) NSCIU Non-Significant Categorical Industrial User
- (14) O&M Operation and Maintenance
- (15) POTW Publicly Owned Treatment Works
- (16) RCRA Resource Conservation and Recovery Act
- (17) SIC Standard Industrial Classification
- (18) SIU Significant Industrial User
- (19) SNC Significant Non-Compliance
- (20) SWDA Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- (21) TSS Total Suspended Solids
- (22) USC United States Code

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8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

~~(2) Applicant. The ownerOwner of a property and/or his or her agents, contractors, or developers who applies for a City permit. an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.~~

~~(a) ESC Applicant. The ownerOwner of a property and/or his or her agent, cContractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.~~

~~(2) Approval Authority. The Oregon Department of Environmental Quality (DEQ).~~

(3) Authorized or Duly Authorized Representatives of the User.

(a) If the user is a corporation, authorized representative shall mean:

1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other ~~person~~Person who performs similar policy or decision-making functions for the corporation; or

2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate or direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or action taken to gather complete and accurate information for individual ~~wastewater discharge permit~~City-issued industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(c) If the user is a Federal, State or local government facility the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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(d) The individuals described in paragraphs (3) (a)-(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the ~~discharge~~Discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the City.

(4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

(5) Best Management Practices or BMP's.~~means schedules.~~ The schedule of activities, controls, prohibition of practices, maintenance procedures, and other management practices designed to prevent or reduce pollution.

(a) Erosion and Sediment Control BMPs. BMPs that are intended to prevent Eerosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, sedimentSediment fences, and sedimentSediment traps and ponds. Erosion and sedimentSediment control BMPs are synonymous with stabilization and structural BMPs.

(a)(b) Pretreatment BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

(5)(6) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the ~~discharge~~Discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the Bbuilding Sbuilding sewer, which begins five (5) feet (-1.524 meters) outside of the building exterior wall.

(6)(7) Building Sewer (Sanitary Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a Bbuilding Dbuilding drain and that receives the ~~sewage~~Sewage discharge~~discharge~~ of the Bbuilding Dbuilding drain and conveys it to a public sanitary sewerSanitary Sewer, private sanitary sewerSewer, private sewageSewage disposal system, or other point of disposal (aka sanitary sewerSanitary ~~lateral~~Sewer Lateral lateral).

(7)(8) Building Sewer (Storm Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a Bbuilding Dbuilding drain and that receives the stormwaterStormwater or other approved drainage, but no sewageSewage discharge~~discharge~~ from a Bbuilding Dbuilding drain, and conveys it to a public stormwater systemPublic

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Stormwater System, private ~~stormwater~~Stormwater system or other point of disposal (aka ~~sStormstorm sewer lateral~~Sewer Lateral).

~~(8)~~(9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing ~~pollutant~~Pollutant discharge~~Discharge-discharge~~ limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

~~(9)~~(10) Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

~~(10)~~(11) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.

~~(11)~~(12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

~~(12)~~(13) City's~~City~~ Authorized Stormwater Representative ~~for Stormwater~~. A Representative selected by the Community Development Director to oversee ~~stormwater~~Stormwater activities and enforcement.

(14) City Manager. The City Manager for the City of Wilsonville, other designated authority charged with the administration and enforcement of this Chapter, or the City Manager's duly authorized representative.

~~(13)~~(15) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

~~(14)~~ ~~Combined Sewer~~. ~~Shall mean a sewer receiving both surface runoff and sewage.~~

~~(15)~~(16) Commercial. Shall mean for the purposes of this Chapter, all buildings or structures of which are not designed for the purposes of these sections as Residential or Industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this chapter's ~~pretreatment standard~~Pretreatment Standards~~standards~~ shall mean ~~industrial~~Industrial.

~~(16)~~(17) Composite Sample. The sample resulting from the combination of individual ~~wastewater~~Wastewater samples taken at selected intervals based on either an increment of flow or time.

~~(17)~~ ~~Contractor~~. ~~Shall mean a person~~Person~~person or person~~Persons~~persons, corporation, partnership or other entity who is a party to an agreement with the City.~~

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(18) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

(19) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

(20) Customer. Shall mean any individual, firm, company, association, society, corporation, group or ~~owner~~Owner, who receives utility services from the City such as water, ~~Ssanitary Ssewer, stormwater~~Stormwatersanitary sewer, stormwater and streetlights.

(21) Daily Maximum. The arithmetic average of all effluent samples for a ~~pollutant~~Pollutant collected during a calendar day.

(22) Daily Maximum Limits. The maximum allowable ~~D~~discharge limit of a ~~pollutant~~Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily ~~D~~discharge is the total mass ~~released~~Discharged or introduced~~discharged~~ over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily ~~D~~discharge is the arithmetic average measure of the ~~pollutant~~Pollutant concentration derived from all the measurements taken that day.

(23) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

~~(24) Director. The City of Wilsonville Public Works Director for the City of Wilsonville or designated representative of the Director.~~

~~(25)~~(24) Discharge. The ~~discharge~~release or the introduction of ~~pollutant~~Pollutants~~pollutants~~ into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

~~(26)~~(25) Environmental Protection Agency or EPA. The United States~~US~~ Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

(26) Erosion. The movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

(27) Erosion Prevention and Sediment Control (ESC). Any temporary or permanent measures taken to reduce Erosion, control siltation and sedimentation, and ensure that Sediment-laden water does not leave a site.

(28) Erosion Prevention and Sediment Control Plan (ESC Plan). Standards found within this chapter and set forth in the Clackamas County Water Environment Services' most

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current version of the “Erosion Prevention and Sediment Control Planning and Design Manual” for all ~~erosion~~Erosion and ~~sediment~~Sediment control measures.

~~(27)~~(29) Existing Source. Any source of ~~D~~discharge that is not a “~~new source~~New Source.”.”

~~(30)~~ Federal. The United States government, including all related branches and authorized representatives or officials of the United States government.

~~(28)~~(31) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and ~~industrial~~Industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and ~~C~~eommercial preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling ~~sewage~~Sewage and body waste.

~~(29)~~(32) Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

~~(30)~~ Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

~~(31)~~(33) Illicit Discharge. Any ~~D~~discharge to the public or natural ~~stormwater~~Stormwater conveyance system that is not composed entirely of ~~stormwater~~Stormwater, except ~~D~~discharges governed by and in compliance with an NPDES ~~Stormwater p~~Permit~~permit.~~

~~(32)~~(34) Indirect Discharge ~~or Discharge.~~ The introduction of pollutants into the POTW from a non-domestic source.

~~(33)~~(35) Instantaneous Limit. The maximum concentration of a ~~pollutant~~Pollutant allowed to be ~~D~~discharged at any time, determined from the analysis of any discrete or ~~C~~eomposite ~~Se~~omposite sample collected, independent of the ~~industrial~~Industrial flow rate and the duration of the sampling event.

~~(34)~~(36) Industrial. Shall mean, in the context of ~~B~~building S~~sanitary S~~building sanitary sewer permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the ~~City’s~~City’s zoning and building code provisions. It shall otherwise mean in the context of this Chapter for ~~pretreatment standard~~Pretreatment Standards~~standards,~~ non-domestic.

~~(35)~~ Industrial User. A source of indirect ~~D~~dischargedischarge.

~~(36)~~(37) Industrial Wastewater. Any non-domestic ~~wastewater~~Wastewater originating from a nonresidential source.

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~~(37)~~(38) Interference. A ~~D~~ischarge, which, alone or in conjunction with a ~~D~~ischarge or ~~D~~ischarges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Therefore is a cause of a violation of the City's NPDES Waste Discharge ~~p~~Permit~~permit~~ (including an increase in the magnitude or duration of a violation) or of the prevention of ~~sewage~~Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

~~(39)~~ Land Development. Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. A Land Development may encompass one or more tax lots.

~~(40)~~ Lessee. A person~~Person~~ other than the owner~~Owner~~ having a legal right to possess or control the property.

~~(38)~~(41) Local Limits. Specific ~~D~~ischarge limits developed and enforced by the City upon ~~industrial~~Industrial or ~~C~~ommercial facilities to implement the general and specific ~~D~~ischarge prohibitions listed in this Chapter.

~~(39)~~ Maximum Allowable Headwork's Loading. The maximum pollutant loading that can be received at the headwork's of the POTW and be fully treated to meet all disposal limits and without causing interference. This value is calculated in the derivation of Technically Based Local Limits.

~~(40)~~ Major Sanitary Sewer Line Extension. Shall mean the extension of a sanitary mainline that is, or will be, located within public rights-of-way or dedicated easements.

~~(41)~~(42) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~(42)~~(43) Monthly Average. The sum of all "daily ~~D~~ischarges" measured during a calendar month divided by the number of "daily ~~D~~ischarges" measured during the month.

~~(43)~~(44) Monthly Average Limits. The highest allowable average of "daily ~~D~~ischarges" over a calendar month, calculated as the sum of all "daily ~~D~~ischarges" measured

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during a calendar month divided by the number of “daily Discharges” measured during that month.

~~(45) Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and Storm Drains that are owned or operated by a public entity.~~

~~(44)(46) National Pretreatment Standard. National pretreatment standardNational Pretreatment Standard is defined in 40 CFR 403.3(l) as any regulation containing ~~pollutant~~Pollutant D-discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.~~

~~(45) Municipal Separate Storm Sewer System (MS4). A system of conveyancesconveyances, including roads, ditches, catch basins, and storm drains that are owned or operated by a public entity.~~

~~(46)(47) New Source.~~

(a) Any building, structure, facility or installation from which there is or may be a Discharge of ~~pollutant~~Pollutants~~pollutants~~, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility or installation completely replaces the process of production equipment that causes the Discharge of ~~pollutant~~Pollutants~~pollutants~~ at the ~~existing source~~Existing Source or
- 3) The production of ~~wastewater~~Wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an ~~existing source~~Existing Source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the ~~existing source~~Existing Source should be considered.

(b) Construction on a site at which an ~~existing source~~Existing Source is located results in a modification rather than a ~~new source~~New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1),

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(2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a ~~new source~~New Source as defined under this paragraph has commenced if the ~~owner~~Owner or operator has:

- 1) Begun, or caused to begin as part of a continuous on-site construction program;
 - a) Any placement, assembly, or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of ~~new source~~New Source facilities for equipment or
- 2) Entered into a binding or contractual obligation for the purchase of facilities of equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

~~(47)~~(48) Non-contact Cooling Water. Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.

~~(48)~~(49) NPDES Stormwater Permit. A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

~~(49)~~(50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

~~(50)~~(51) Official or Building Official. Shall be the Building Official for the City of Wilsonville.

~~(51)~~(52) Owner. Shall mean the ~~person~~Person(s) who ~~may hold~~hold title ~~to~~to or ~~lease~~lease the property ~~for which water service has or will be provided.~~

~~(52)~~(53) Pass Through. A ~~D~~Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a ~~D~~Discharge or ~~D~~Discharges from other sources, is a cause of a violation of the City’s NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation).

~~(53)~~(54) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other

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legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, ~~state~~State, or local governmental entities.

~~(54)~~(55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

~~(55)~~(56) Pollutant. Any dredged spoil, solid waste, incinerator residue, ~~sewage~~Sewage, ~~garbage~~Garbage, ~~sewage~~Sewage, ~~garbage~~, ~~sewage~~ sludge, munitions, ~~medical waste~~Medical Wastes~~wastes~~, chemical wastes, biological materials, radioactive materials, heat, wrecked or ~~D~~discharged equipment, rock, sand, cellar dirt, municipal, agricultural and ~~industrial~~Industrial wastes and certain characteristics of ~~wastewater~~Wastewater (e.g. pH, temperature, TSS, turbidity, ~~C~~eolor, BOD, COD, toxicity, or odor).

~~(56)~~(57) Pretreatment. The reduction of the amount of ~~pollutant~~Pollutants~~pollutants~~, the elimination of ~~pollutant~~Pollutants~~pollutants~~, or the alteration in the nature of ~~pollutant~~Pollutant properties in ~~wastewater~~Wastewater prior to or in lieu of introducing such ~~pollutant~~Pollutants~~pollutants~~ into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the ~~pollutant~~Pollutant unless allowed by the applicable Pretreatment Standard.

~~(57)~~(58) Pretreatment Requirement. Any substantive or procedural requirements related to the ~~pretreatment~~Pretreatment, other than ~~national pretreatment standard~~National Pretreatment Standards~~standards~~, imposed on an ~~industrial~~Industrial user.

~~(58)~~(59) Pretreatment Standard or Standard. Prohibited ~~D~~ischarge standards, ~~C~~ategorical Pretreatment standardPretreatment Standards~~standards~~ and Local Limits.

~~(59)~~(60) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the ~~D~~ischarge of certain types or characteristics of ~~wastewater~~Wastewater as established by EPA, DEQ, and/or the Public Works Director.

~~(60)~~ ~~Properly Shredded Garbage~~. ~~Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.~~

(61) Public Sewer. Shall mean a ~~sewer~~Sewer, either sanitary or storm, in which all the ~~owner~~Owners~~owners~~ of abutting property have equal rights, and which is controlled by public authority.

(62) Public Stormwater System. A ~~stormwater~~Stormwater system owned or operated by the City of Wilsonville.

(63) Publicly Owned Treatment Works or POTW. A “treatment works” as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes

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any devices or systems used in collection, storage, treatment, recycling and reclamation of ~~sewage~~Sewage, or ~~industrial~~Industrial wastes, and any conveyances which convey ~~wastewater~~Wastewater to a ~~treatment plant~~Treatment Plant or other point of ~~Dis~~charge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(64) Public Works Director. The ~~person~~Person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

~~(65)~~ Receiving Stream or Water(s) of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

~~(65)~~(66) Residential. Shall mean for the purposes of this Chapter, B~~uilding~~uilding sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City's zoning and building code provisions.

~~(66)~~(67) Residential Users. Persons only contributing ~~sewage~~Sewage ~~wastewater~~Wastewater to the municipal ~~wastewater~~Wastewater system.

~~(67)~~ Receiving Stream or Water(s) of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

~~(68)~~ Responsible Party. The Person who causes a violation of the Stormwater regulations contained in WC 8.500 through WC 8.534 or who has the authority to direct and control the Person causing the violation.

~~(68)~~(69) Sanitary Sewer. Shall mean a City ~~sewer~~Sewer which carries ~~sewage~~Sewage and to which storm, surface and ground water are not intentionally admitted.

~~(70)~~ Sediment. Mineral or organic matter generated as a result of Erosion.

~~(69)~~(71) Septic Tank Waste. Any ~~sewage~~Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~(70)~~(72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

~~(71)~~(73) Sewer. Shall mean a pipe or conduit for carrying ~~sewage~~Sewage in the case of S~~sanitary (wastewater)~~sanitary (wastewater) sewer lines. Shall mean a pipe

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or conduit for carrying ~~stormwater~~Stormwater runoff, surface waters or drainage in the case of storm water lines.

~~(72)(74)~~ Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

~~(73)(75)~~ Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

- 1) An ~~I~~Industrial U~~industrial-u~~ users subject to Categorical Pretreatment Standards or
- 2) Any other ~~I~~Industrial U~~industrial-u~~ user that ~~D~~discharges an average of 25,000 gallons per day or more of process ~~wastewater~~Wastewater to the POTW (excluding ~~Ssanitary, n~~Sanitary, non-contact ~~C~~ooling Water,ooling and boiler blow-down ~~wastewater~~Wastewater); contributes a process waste stream which makes up 5 per cent of more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the ~~I~~Industrial U~~industrial-u~~ user has a reasonable potential for adversely affecting the POTW's operation or for violating any ~~pretreatment standard~~Pretreatment Standard or ~~requirement~~Requirement (in accordance with 40 CFR 403.8(f)(6)).

(b) The City may determine that an Industrial User subject to the ~~C~~ategorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never ~~D~~discharges more than 100 gallons per day (gpd) of total categorical ~~wastewater~~Wastewater (excluding ~~Ssanitary, Nsanitary, non~~Sanitary, non-contact ~~C~~ooling Water,ooling and boiler blowdown ~~wastewater~~Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

- 1) The Industrial User, prior to City's findings, has consistently complied with all applicable ~~categoryal~~Categorical Pretreatment Standards and Requirements;
- 2) The Industrial User annually submits the certification statement required in Section 8.310(14) together with any additional information necessary to support the certification statement; and
- 3) The Industrial User never ~~D~~discharges any untreated concentrated ~~wastewater~~Wastewater.

(c) Upon finding that an ~~I~~Industrial U~~industrial-u~~ user meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any ~~pretreatment~~Pretreatment S-standard or

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~~R~~requirement, the City may at any time, on its own initiative or in response to a petition received from an ~~I~~industrial ~~U~~industrial user or POTW, and in accordance with CFR 403.8(F)(6), determine that such ~~I~~industrial ~~U~~industrial user is not a ~~S~~significant ~~I~~industrial ~~U~~significant industrial user.

~~(74)~~(76) Slug Load or Slug Discharge. Any ~~D~~discharge at a flow rate or concentration which has the potential to cause a violation of the specific ~~D~~discharge prohibitions of this article. A slug ~~D~~discharge is any ~~D~~discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch ~~D~~discharge, which has a reasonable potential to cause ~~interference~~Interference or ~~pass-through~~Pass Through, or in any other way violate the POTW's regulations, Local Limits of Permit conditions.

~~(75)~~(77) State. State of Oregon.

~~(76)~~(78) Storm Drain. (Sometimes termed "~~S~~storm ~~s~~sewer~~storm-sewer~~"). Shall mean a ~~sewer~~Sewer which carries storm and surface waters and drainage, but excludes ~~sewage~~Sewage and ~~industrial~~Industrial wastes, other than unpolluted ~~C~~ooling ~~W~~ooling waters.

~~(77)~~(79) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

~~(80)~~ Summary Abatement. An abatement of a violation by the City pursuant to WC 8.536(13), or a contractor employed by the City, by removal, repair, or other acts necessary to abate the violation and without notice to the Applicant, agent, or occupant of the property, except for the notice required by this Section.

~~(78)~~(81) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, ~~wastewater~~Wastewater, or other liquid which is removable by laboratory filtering.

~~(79)~~ ~~Toxic Pollutant.~~ ~~One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act.~~

~~(80)~~(82) Treatment Plant Effluent. Any ~~D~~discharge of ~~pollutant~~Pollutants~~pollutants~~ from the POTW into ~~W~~waters of the ~~S~~state.

~~(81)~~(83) User or Industrial User. Any ~~person~~Person who contributes, or causes or allows the contribution of ~~sewage~~Sewage, or ~~industrial waste~~Industrial Wastewater~~wastewater~~ into the POTW, including ~~person~~Persons~~persons~~ who contribute such wastes from mobile sources.

~~(84)~~ Visible and Measurable Erosion and Sediment.

~~(a)~~ Sloughing, mud flows, gullies, rills, Sediment-laden water, or other Erosion that has occurred or is likely to occur.

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(b) The presence of deposits or tracking of Sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

(c) In streams or drainage systems, an increase in Ttotal suspended solidSuspended Solids and/or turbidity relative to a control point immediately upstream of the Ddischarge point of the Sediment-generating activity.

(d) Offsite airborne debris clearly visible to the eye, including but not limited to dust, as determined by City Manager or designee.

~~(82)~~(85) Wastewater. The liquid and water-carried ~~industrial~~Industrial wastes, or ~~sewage~~Sewage from ~~residential~~Residential dwellings, Commercial buildings, ~~industrial~~Industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal ~~wastewater~~Wastewater system.

~~(83)~~(86) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal ~~sewage~~Sewage and ~~industrial~~Industrial waste.

~~(84)~~(87) Water is water from the City water supply system.

~~(85) Water Course. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.~~

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority, in the City's Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include;

(a) Fees for permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by Industrial Undustrial users;

(c) Fees for reviewing and responding to accidental Discharge procedures and construction;

(d) Fees for filing appeals;

(e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are

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separate from all other fees, system development charges, fines and penalties chargeable by the City.

(2) Non-exclusivity. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any ~~I~~Industrial U~~industrial~~ user when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against nay non-compliant ~~I~~Industrial U~~industrial~~ user.

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ENVIRONMENT

WATER CONSERVATION

8.101 Declaration of Emergency

A. When the City Water supply has become, or is about to become, depleted to such an extent as to cause a serious ~~water~~ Water shortage in the City, the Mayor shall have the authority to declare an emergency ~~water~~ Water shortage and to direct that the provision of Section 8.101, 8.102 and 8.130 of this article of the Code be enforced.

- B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:
 - a. The President of the Council;
 - b. Any other council person;
 - c. The City Manager;
 - d. The Public Works Director

8.102 Notice of Declaration of Emergency

When a declaration of emergency is announced by the Mayor, the City Manager shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

8.108 Standards – Purpose.

This Section is established because during the summer months and in other times of emergency there is or may be insufficient ~~water~~ Water in the City ~~water~~ Water supply system to allow irrigation and other uses of ~~water~~ Water at all times by all parties; and the level of ~~water~~ Water supplied by the City is at certain times dangerously low; and it is imperative to the public well-being that certain uses of ~~water~~ Water not essential to health, welfare and safety of the City be restricted from time to time.

8.112 Standards – Application.

The provisions of this Section shall apply to all ~~person~~ Persons ~~persons~~ using water, both in and outside the City, regardless of whether any ~~person~~ Person using ~~water~~ Water shall have a contract for ~~water~~ Water services with the City.

8.114 Standards – Wasted Water.

(1) Where ~~water~~ Water is wastefully or negligently used on a Customer’s premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City.

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(2) Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets or other fixtures, or where there are ~~water~~ Water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the ~~Public Works Director~~, the City may introduce enforcement action in conformance with Section 8.150 Violations.

(3) Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no running to waste on sidewalks, streets, and gutters shall be permitted. When any such waste is discovered, the ~~water~~ Water service to the premises may be discontinued.

8.116 Section Not Used

8.118 Standards – General.

(1) In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the following flow rates and/or ~~water~~ Water usage shall be installed. These rates are based on a presence at the fixture of 40 to 50 PSI.

Water closets, tank type	–	1.6 gallons per flush.
Water closets, flush-o-meter type	-	1.6 gallons per flush
Urinals, tank type	-	1.0 gallons per flush
Shower heads	-	2.5 GPM
Lavatory, sink faucets	-	2.5 GPM
Metered faucets	-	0.25 gallons per use

(2) Faucets on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing.

(3) Any ~~water~~ Water connective device or appliance requiring a continuous flow of five GPM of more and not previously listed in this section shall be equipped with an approved ~~water~~ Water recycling system.

8.120 Section Not Used

8.130 Use of Water During Emergency – Prohibited Uses of Water.

(1) When a declaration of emergency is announced and notice has been given in accordance with this Section, the use and withdrawal of ~~water~~ Water by any ~~person~~ Person may be limited and include prohibition of the following:

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- (a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (b) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment
- (c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.
- (d) Washing the outside of dwellings, washing the inside or outside of office buildings.
- (e) Washing and cleaning any business or industrial equipment and machinery.
- (f) Operating any ornamental fountain or other structure making a similar use of water.
- (g) Maintaining swimming and wading pools not employing a filter and re-circulating system.
- (h) Permitting the escape of ~~water~~ Water through defective plumbing.

8.132 Use of Water During Emergency – Exemptions.

At the discretion of the Mayor, one or more of the uses specified in Section 8.130 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.102 of this Chapter.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102.

8.136 Use of Water During Emergency – Declaration Period.

(1) The Mayor shall cause each declaration made by him pursuant to Sections 8.101 to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and he may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible, ~~and/or publicize through the City's website and any other on-the-internet sites the City deems appropriate.~~ Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of ~~water~~ Water will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the ~~water~~ Water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, he may declare the

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prohibition terminated in whole or in part in the manner prescribed by these sections, effectively immediately upon announcement.

(3) The Mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, and this includes the notice of termination, both in whole or in part.

8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any ~~person~~Person for the purpose of shutting off or reducing the flow of ~~water~~Water being used contrary to the provisions of Sections 8.101 to 8.150.

8.150 Penalties.

A ~~person~~Person convicted of a violation of any provisions of Sections 8.101 to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

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PUBLIC SANITARY SEWER USE

8.200 Public Sanitary Sewer Use – General Provision

(1) ~~—Purpose.~~ Provides for the required use of public ~~Ssanitary Ssanitary~~ sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public ~~Ssanitary Ssanitary~~ sewer facilities and for the uniform regulation of ~~Iindirect Dindirect~~ discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic ~~Uusers~~ and through enforcement of general requirements for other ~~Uusers~~, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires ~~Uuser~~ reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to ~~Uusers~~ within the City limits and to ~~Uusers~~ outside the City limits who, by contract or agreement with the City, are included as ~~Uusers~~ of the municipal ~~wastewaterWastewater~~ system.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this chapter:

(1) It shall be unlawful for any ~~personPerson~~ to place, deposit or permit to be deposited in any manner as described herein on public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human or animal excrement, ~~garbageGarbage~~ or other objectionable waste.

(2) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of ~~sewageSewage~~.

(3) The ~~ownerOwner or Llessee~~ of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley of right-of-way, in which there is now located or may in the future be located, a public ~~Ssanitary Ssanitary~~ sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public ~~Ssanitary Ssanitary~~ sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public ~~Ssanitary Ssanitary~~ sewer for the ~~residentialResidential~~ use is within three hundred (300) feet of the property. Commercial and ~~industrialIndustrial~~ buildings or structures shall connect no matter what the distance is from the public ~~Ssanitary Ssanitary~~ sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) Where a public ~~Ssanitary Ssanitary~~ sewer is not available under the provisions of Section 8.202(343), the ~~Bbuilding Sbuilding~~ sewer shall be connected to a private ~~sewageSewage~~ disposal system.

(2) Before commencement of construction of a private ~~sewageSewage~~ disposal system, the ~~ownerOwner or lesseeLessee~~ shall first obtain a written permit signed by the City.

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(a) The application for such permit shall be made on a form furnished by the City, and shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. The appropriate Type B Construction Permit and plan check fee shall be paid by the City at the time the application is filed.

(b) A permit for a private ~~sewage~~Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. Inspection of the work in any stage of construction shall be allowed and, in any event, the ~~A~~ applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

(3) The type, capacities, location and layout of a private ~~sewage~~Sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private ~~sewage~~Sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to ~~D~~ discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the ~~sewage~~Sewage runoff through the soil as an effective means of treatment of ~~sewage~~Sewage disposal, the City shall reject the septic or private ~~sewage~~Sewage disposal system, and require, at the ~~owner~~Owner's or lessee~~Lessee's~~ ~~owner's~~ expense, construction of an adequately sized ~~S~~Sanitary ~~S~~Sanitary sewer line as approved by the City to connect to an existing public ~~S~~Sanitary ~~S~~Sanitary sewer system. The ~~owner~~Owner or lessee~~Lessee~~ shall construct the ~~S~~Sanitary ~~S~~Sanitary sewer by those requirements of the Public Works Standards of the City of Wilsonville

(4) At such time as a public ~~S~~Sanitary ~~S~~Sanitary sewer becomes available to a property served by a private ~~sewage~~Sewage disposal system, as provided in Section 8.202(~~343~~), a direct connection shall be made to the public ~~S~~Sanitary ~~S~~Sanitary sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

(5) Where existing buildings are too low to be served by gravity by an available ~~S~~Sanitary ~~S~~Sanitary sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(~~343~~), approved pumping facilities shall be installed to pump the septic tank effluent to the available ~~S~~Sanitary ~~S~~Sanitary sewer system.

(6) The ~~owner~~Owner or lessee~~Lessee~~ shall operate and maintain private ~~sewage~~Sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City.

8.205 Conflict

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by State health officials.

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8.206 Buildings Sanitary Sewers and Connections.

(1) No unauthorized ~~person~~Person shall uncover, make any connections to or opening into, use, alter or disturb any ~~Ssanitary Ssewer lateral~~Sewer Lateralsanitary sewer lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the ~~owner~~Owner, lesseeLessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~official~~Official.

(2) There shall be three (3) classes of building ~~Ssanitary Ssewer lateral~~Sewer Lateral~~sanitary sewer lateral~~ permits:

- (a) Residential, Single, and Multifamily,
- (b) Commercial; and
- (c) Industrial Service.

(3) All costs and expenses incident to the installation and connection of the ~~Bbuilding Ssanitary Sbuilding sanitary sewer~~ shall be borne by the ~~owner~~Owner or lesseeLessee. The ~~owner~~Owner or lesseeLessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of the building ~~Ssanitary Ssanitary sewer~~.

(4) A separate and independent ~~Bbuilding Ssanitary Sbuilding sanitary sewer~~ shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private ~~Ssanitary Ssanitary sewer~~ is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building ~~sanitary sewer~~Sanitary Sewer from the front building may be extended to the rear building and the whole considered as one ~~Bbuilding Sbuilding sewer~~.

(5) Old ~~Bbuilding Ssanitary Sbuilding sanitary sewers~~ may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

(6) The size, slope, alignment, construction material of a ~~Bbuilding Ssanitary Sbuilding sanitary sewer~~, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(7) Whenever possible, the building ~~sanitary sewer~~Sanitary Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any ~~Bbuilding Dbuilding drain~~ is too low to permit gravity flow to the public ~~Ssanitary Ssewer, sanitary sewage~~Sewagesewer, sanitary sewage carried by such ~~Bbuilding Dbuilding drain~~ shall be lifted by an approved means and ~~Ddischarged~~ to the building ~~sanitary sewer~~Sanitary Sewer.

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(8) No ~~person~~Person shall make connection of roof down spouts, areaway drains, or other sources of ~~stormwater~~Stormwater runoff to a ~~Bbuilding Ssanitary Sbuilding sanitary~~ sewer or ~~sewer~~Sewer drain which, in turn, is connected directly or indirectly to the public ~~sanitary sewer~~Sanitary Sewer.

(9) The connection of the ~~Bbuilding Ssanitary Sbuilding sanitary~~ sewer into the public ~~Ssanitary Ssanitary~~ sewer shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

(10) The ~~A~~Applicant for the building permits shall notify the Building Official when the ~~Bbuilding Ssanitary Sbuilding sanitary~~ sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the ~~A~~Applicant's or ~~owner~~Owner's or ~~lessee~~Lessee's ~~owner's~~ expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

(11) All excavations for ~~Bbuilding Ssanitary Sbuilding sanitary~~ sewer installation shall be adequately guarded ~~with~~with barricades and lights so as to protect the public from hazard.

(12) The property ~~owner~~Owner or ~~lessee~~Lessee is responsible for the maintenance, repair and replacement of the ~~Ssanitary Ssewer lateral~~Sewer Lateral~~sanitary sewer lateral~~ from the building to the ~~Ssanitary Ssanitary~~ sewer main. ~~Sewer lateral~~Sewer Lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the ~~sewer lateral~~Sewer Lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

8.207206 Equipment and/or Vehicle Washing Facilities

(1) Equipment and/or Vehicle wash areas shall be covered

(2) Equipment and/or Vehicle washing facilities shall be equipped with a ~~water~~Water recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the ~~pretreatment~~Pretreatment system of any drainage to the ~~Ssanitary Ssanitary~~ sewer system.

(4) No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved ~~pretreatment~~Pretreatment system before discharging into the ~~Ssanitary Ssanitary~~ sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the ~~Ssanitary Ssanitary~~ sewer system.

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8.208 Use of Public Sanitary Sewers.

(1) No unauthorized ~~person~~Person shall uncover, make any connections with or openings into, use, alter, or disturb, any ~~public sewer~~Public Sewer or appurtenance thereof without first obtaining a written permit from the City.

(3) When required by the City, the ~~owner~~Owner or lesseeLessee of any property serviced by a ~~B~~Building S~~sanitary S~~building sanitary sewer carrying ~~industrial~~Industrial wastes or large quantities of ~~D~~Discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary ~~S~~sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the ~~owner~~Owner or lesseeLessee at the ~~owner~~Owner's or lesseeLessee's ~~owner's~~owner's expense, and shall be maintained by the ~~owner~~Owner or lesseeLessee so as to be safe and accessible at all times.

(4) All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon testing of suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public ~~sanitary sewer~~Sanitary Sewer to the point at which the building ~~sanitary sewer~~Sanitary Sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the ~~sewage~~Sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of measured C.O.D.

(5) Grease, oil and sand interceptors shall be provided when, in the opinion of the ~~Director~~Public Works Director or Building Official, they are necessary for the proper handling of ~~wastewater~~Wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for ~~residential~~Residential U-users. All interception units shall be of type and capacity approved by the ~~Director~~Public Works Director or Building Official and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the ~~owner~~Owner or lesseeLessee, at his expense.

(6) Separation of Domestic and Industrial Waste Streams. All new and domestic ~~wastewater~~Wastewaters~~wastewaters~~ from restrooms, showers, drinking fountains, etc., unless specifically included as part of a ~~categorical~~Categorical pretreatment standardPretreatment Standard, shall be kept separate from all ~~industrial waste~~Industrial Wastewaters~~wastewaters~~ until the ~~industrial waste~~Industrial Wastewaters~~wastewaters~~ have passed through a required ~~pretreatment~~Pretreatment system and the ~~Industrial U~~Industrial U-user's monitoring facility.

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When directed to do so by the ~~Director~~Public Works Director, ~~Industrial U~~Industrial users must separate existing domestic waste streams.

(7) Hauled Wastewater. ~~Septic tank waste~~Septic Tank Waste (septage) or hauled septage shall not be accepted into the municipal ~~wastewater~~Wastewater system.

(8) Vandalism. No ~~person~~Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal ~~wastewater~~Wastewater system. Any ~~person~~Person found in violation of this requirement shall be subject to the sanctions set out in Section ~~8.404604404~~.

8.210 Public Sanitary Sewers – Construction

(1) No ~~person~~Person shall construct, extend or connect to any public ~~sanitary sewer~~Sanitary Sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing boards as required herein and the Public Works Standards for the City of Wilsonville. The provisions of this section requiring permits shall not be construed to apply to contractors constructing ~~sanitary sewer~~Sanitary Sewers and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public ~~sanitary sewer~~Sanitary Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or and authorized representative of the City Engineer who shall within twenty (20) days, approve them as filed or require them to be modified as he may deem necessary.

(3) All ~~sewer~~Sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

(4) Prior to issuance of a permit for public ~~sanitary sewer~~Sanitary Sewer construction, the ~~A~~applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

(5) Except as provided, the extension of the public ~~sewage~~Sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the ~~owner~~Owner or lessee. The size of all ~~sanitary sewer~~Sanitary Sewer mains and other ~~sewage~~Sewage facilities shall be as required by the City Engineer to lay ~~sewer~~Sewer pipe larger than that required for his own purposes, to accommodate other ~~U~~users, and may be reimbursed under the provisions of Section

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3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for his own use.

(6) Where special conditions exist, in the opinion of the City Engineer, relating to any reimbursement agreement pursuant to the provisions of this section, The City may, either in addition to, or in lieu of any of the provisions of the section, authorize a special reimbursement contract between the City and the ~~person~~Person or ~~person~~Persons~~persons~~ constructing ~~public sewer~~Public Sewerage~~sewerage~~ facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

(7) Vehicle maintenance installations shall be covered and equipped with oil/water separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(9) Outside storage areas for grease, oil, waste products, recycling, ~~garbage~~Garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the ~~sanitary sewer~~Sanitary Sewer system. No drainage is allowed to enter the ~~Sstorm~~Sstorm sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized ~~person~~Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the ~~sewage~~Sewage works which is a municipal public utility. Any ~~person~~Person violating this provision and as a result thereof damages any part of the ~~sewage~~Sewage works, shall be subject ~~eto~~ arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.214 Powers and Authorities of Inspectors

(1) In addition to the authority set forth in Section 8.312, the ~~Director~~Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City ~~sewage~~Sewage collection and treatment system as provided for in this Chapter.

(2) While performing the necessary work on private properties referred to in Section 8.312(1) and 8.214(1) above, the ~~owner~~Owner or lessee~~Lessee~~ of the premises or representative shall notify the City or duly authorized employee of the City to observe all safety rules applicable to the premises established by the ~~owner~~Owner or lessee~~Lessee~~. The premises shall be maintained in a safe condition and the ~~owner~~Owner or lessee~~Lessee~~, or representative shall

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have a duty to notify the ~~Director~~Public Works Director and any duly authorized representative of the City of any unsafe conditions.

(3) The City or duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement, of for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the ~~sewage~~Sewage works which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement of any connection thereto, on the sanitary system shall be done according to those regulations as stipulated in the Code of the City of Wilsonville.

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ENVIRONMENT

INDUSTRIAL WASTEWATER REGULATIONS

8.300– General Provisions.

(1) Purpose and Policy This chapter sets forth uniform requirements for Users of the (POTW) for the City of Wilsonville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this chapter are:

- (a) To prevent the introduction of ~~pollutant~~Pollutants~~pollutants~~ into the POTW that will interfere with its operation;
- (b) To prevent the introduction of ~~pollutant~~Pollutants~~pollutants~~ into the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel who may be affected by ~~wastewater~~Wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of ~~industrial waste~~Industrial Wastewater~~wastewater~~ and sludge from the POTW;
- (e) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws which the POTW is subject thereto.
- (f) This Chapter authorizes the issuance of individual City-issued industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

8.301 Applicability.

This Chapter shall apply to all Users of the POTW, whether inside or outside of the City limits, by contract, permit, or agreement with the City.

8.302 General Sanitary Sewer Use Requirements

(1) Prohibited Discharge Standards

(a) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any ~~pollutant~~Pollutant or ~~wastewater~~Wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of the POTW whether or not they are subject to

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~~ategorical~~Categorical Pretreatment Standards or any other National, State, or local ~~pretreatment standard~~Pretreatment Standards~~standards~~ or ~~requirement~~Requirements~~requirements~~.

(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following ~~pollutant~~Pollutants~~pollutants~~, substances, or ~~wastewater~~Wastewater:

1) Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods prescribed in 40 CFR 261.21.

2) Solid or viscous substances in amounts which will obstruct the flow in the POTW resulting in Interference.

3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any D~~e~~ discharge below 5.0 or above 11.0 is a violation.

5) Pollutants, including oxygen-demanding ~~pollutant~~Pollutants~~pollutants~~ (BODs, etc) released at a flow rate and/ or ~~pollutant~~Pollutant concentration- which, either singly or by interaction with other ~~pollutant~~Pollutants~~pollutants~~, to ~~pass through~~Pass Through or I~~i~~nterfere with the POTW, any ~~wastewater~~Wastewater treatment or sludge process, or constitute a hazard to humans or animals.

6) Noxious or malodorous liquids, gases, or solids or other ~~wastewater~~Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the ~~sanitary sewer~~Sanitary Sewers~~sewers~~ for maintenance and repair.

7) Any substance which may cause the ~~treatment plant effluent~~Treatment Plant Effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance D~~e~~ discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City.

8) Any ~~wastewater~~Wastewater which imparts C~~e~~olor which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions-, which consequently imparts C~~e~~olor to the ~~treatment plant~~Treatment Plants~~plants~~ effluent thereby violating the City's NPDES Waste Discharge p~~e~~rmits. Color (in combination with

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turbidity) shall not cause the ~~treatment plant effluent~~Treatment Plant Effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

9) Any ~~wastewater~~Wastewater having a temperature greater than 150°F(55°C), or which will inhibit biological activity in the ~~treatment plant~~Treatment Plant resulting in ~~interference~~Interference, but in no case ~~wastewater~~Wastewater which causes the temperature at the introduction into the ~~treatment plant~~Treatment Plant to exceed 104°F(40°C).

10) Any ~~wastewater~~Wastewater containing any radioactive waste or isotopes except as specifically approved by the ~~Director~~Public Works Director in compliance with applicable State ~~and~~ Federal ~~laws and~~ regulations.

11) Any ~~pollutant~~Pollutants~~pollutants~~ which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

12) Any trucked or hauled ~~pollutant~~Pollutants~~pollutants~~.

13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, ~~Non-contacting Ceooling Weooling~~ water and unpolluted ~~industrial waste~~Industrial Wastewater~~wastewater~~, unless specifically authorized by the ~~Director~~Public Works Director.

14) Sludges, screenings, or other residues from the pretreatment of ~~industrial~~Industrial wastes.

15) ~~Medical waste~~Medical Wastes~~wastes~~, except as specifically authorized by the ~~Director~~Public Works Director in a City-issued industrial wastewater discharge permit.

16) Material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfered with the POTW.

17) Material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the ~~Director~~Public Works Director.

18) Wastewater causing, alone or in conjunction with other sources, the ~~treatment plant effluent~~Treatment Plant Effluent to fail toxicity test.

19) Recognizable portions of the human or animal anatomy.

20) Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

21) Any ~~wastewater~~Wastewater from dry cleaning machines.

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22) Wastewater discharging from Dental facilities which contain mercury shall be provided with an approved amalgam separator.

23) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be ~~D~~ischarged to the POTW.

(2) National Categorical Pretreatment Standards

(a) Users must comply with the ~~eategorieal-Categorica~~Categorical Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein. The City shall recognize any variance to the Categorical Standards authorized by the DEQ under 40 CFR 403.13 for fundamentally difference factors from those considered by the EPA when developing the ~~Ceategorical pretreatment~~Pretreatment Seategorical pretreatment standard.

(b) When ~~wastewater~~Wastewater subject to a ~~eategorieal-Categorica~~Categorical pretreatment standardPretreatment Standard is mixed with ~~wastewater~~Wastewater not regulated by the same standard, the ~~Director~~Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403 .6(e) using the combined waste stream formula.

(c) Where a ~~eategorieal-Categorica~~Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a ~~pollutant~~Pollutant in ~~wastewater~~Wastewater, the City may impose equivalent concentration or mass limits in accordance with Section (1) and (2) of this section.

1) Equivalent Concentration Limits: When the limits in a ~~eategorieal-Categorica~~Categorical Pretreatment Standard are expressed only in terms of mass of ~~pollutant~~Pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of ~~pollutant~~Pollutant ~~D~~ischarged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

2) The City may convert the mass limits of the ~~eategorieal-Categorica~~Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the ~~Director~~Public Works Director.

When converting such limits to concentration limits, the City will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 8.302(6) of this Chapter. In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

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3) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 8.302(2) in lieu of the promulgated ~~categoryal-Categorical~~ Standards from which the equivalent limitations were derived.

(d) Many ~~categoryal-Categorical~~ Pretreatment Standards specify one limit for calculating maximum daily ~~D~~discharge limitations and a second limit for calculating maximum Monthly Average Limits, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(e) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Requirements. Users must comply with State requirements and limitations and ~~D~~discharges to the POTW shall be met by all ~~U~~users which are subject to such limitations in any instance in which they are more stringent ~~then-than~~ Federal requirements and limitations or those in this ordinance.

(4) Local Limits

(a) Authority to Establish Local Limits: The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The ~~Director~~Public Works Director may develop BMP's by ordinance or in individual City-issued industrial wastewater discharge permits to implement Local Limits and 8.032.

(b) Numerical Local Limits.

1) No nonresidential ~~U~~user shall ~~D~~discharge ~~wastewater~~Wastewater~~discharge wastewater~~ containing restricted substances into the POTW in excess of limitations specified in its ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permit or adopted, by resolution, by the City. The ~~Director~~Public Works Director shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Chapter. Standards published in accordance with this Section will be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(a) At their discretion, the ~~Director~~Public Works Director may impose mass limitations in addition to or in place of the concentration based limitations referenced above. The more stringent of either the ~~categoryal-Categorical standards~~Standards or the specific ~~pollutant~~Pollutant limitations for a given ~~pollutant~~Pollutant will be specified in the ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permit.

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(b) Specific effluent limits shall not be developed and enforced without individual notices to ~~person~~Persons~~persons~~ or groups who have requested such notice and an opportunity to respond.

(5) City's Right to Revision. The City reserves the right to establish, by ordinance or in a City-issued industrial wastewater discharge permit, more stringent limitations or requirements or Discharges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable ~~pretreatment standard~~Pretreatment Standard; or ~~requirement~~Requirement. The City may impose mass limitations on Users who are using dilution to meet applicable ~~pretreatment standard~~Pretreatment Standards~~standards~~ or regulations, or in other cases when the impositions of mass limitation is appropriate.

(7) Authority to Condition or Deny Industrial Discharge. The City reserves the right to Condition or deny any, or all ~~industrial~~Industrial D-ischarges to the City Sanitary Sewer system.

8.304 Pretreatment of Wastewater

(1) Pretreatment Facilities

(a) Users shall provide necessary ~~wastewater~~Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all ~~categorical~~Categorical pretreatment standardPretreatment Standards~~standards~~, ~~local limits~~Local Limits and the prohibitions set out in Section 8.302, within the time limitations specified by the ~~Director~~Public Works Director, EPA, or the State, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility.

(b) The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable Discharge to the City under the provisions of this Chapter.

(2) Additional Pretreatment Measures

(a) Whenever deemed necessary, the ~~Director~~Public Works Director may require Uusers to restrict their Discharge during peak flow periods, designate that certain ~~wastewater~~Wastewater be Discharge only into specific ~~sanitary sewer~~Sanitary Sewers~~sewers~~, relocate and/or consolidate points of Discharge, separate ~~sewage~~Sewage waste streams from ~~industrial~~Industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Chapter.

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(b) The City may require any ~~person~~Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An ~~individual~~City-issued industrial wastewater discharge permit may be issued solely for flow equalization.

(c) Users with the potential to ~~D~~discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, even though a City-issued industrial wastewater discharge permit is not issued.

(3) Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether each SIU needs a ~~D~~discharge/~~Slug discharge~~Slug Discharge control plan or other action to control Slug ~~D~~discharges. The City may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges, Alternatively, the City may develop such plan for any User.

(a) An accidental ~~D~~discharge/~~Slug discharge~~Slug Discharge plan shall address, at a minimum, the following:

1) Description of ~~discharge~~Discharge practices; including non-routine batch ~~D~~discharges.

2) Description of stored chemicals.

3) Procedures for immediately notifying the ~~Director~~Public Works Director of any accidental or Slug ~~D~~discharge, as required by this Chapter;

(4) Procedures to prevent adverse impact from any accidental or Slug ~~D~~discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic ~~pollutant~~Pollutants~~pollutants~~, including solvents, and/or measures and equipment for emergency response.

(5) Failure to comply with Spill/slug control plan conditions shall subject the permittee to enforcement action.

8.306 Industrial Wastewater Discharge Permit

(1) Authority to Require Data Disclosure. When requested by the ~~Director~~Public Works Director, a ~~User~~Users whether operating under a City-issued industrial wastewater discharge permit~~wastewater Ddischarge permit~~ or not; and whether the User meets the criteria of a Ssignificant Iindustrial U~~significant industrial~~ user or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their ~~wastewater~~Wastewater generated on site. The ~~U~~user must submit this data within thirty (30) days of the request.– The ~~Director~~Public Works Director is authorized to prepare a form for this purpose and may periodically require Iindustrial U~~industrial~~ users to update this information.

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(2) Wastewater Discharge Permit Requirement

(a) SIU Wastewater Discharge Permit Required. No ~~Ssignificant Industrial Usignificant industrial~~ users shall ~~Ddischarge~~ to the POTW without first obtaining an individual City-issued industrial wastewater discharge permit ~~wastewater permit~~ from the ~~DirectorPublic Works Director~~, except that a SIU that has filed a timely application pursuant to Section 8.306(3) of the chapter may continue to ~~Ddischarge~~ for the period of time specified therein.

(b) Other Users May Obtain City-Issued Industrial Wastewater Discharge Permit: The ~~DirectorPublic Works Director~~ may require other Users, to obtain individual City-issued industrial wastewater discharge permits~~wastewater permits~~ as necessary to carry out the purposes of this chapter.

(c) Violation of City-Issued Industrial Wastewater Discharge Permit. Any violation of the terms and conditions of an ~~an individual~~ City-issued industrial wastewater discharge permit shall be deemed a violation of this Chapter and subjects the industrial wastewater discharge permittee to the sanctions set out in Sections 8.~~402602402~~ through 8.~~406606406~~ of this Chapter. Obtaining a ~~n individual~~ City-issued industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) Permitting Existing Connections. Any User required to obtain an individual ~~Ddischarge~~ permit who was discharging ~~wastewater~~Wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such ~~Ddischarges~~ in the future, shall within ninety (90) days after said date, apply to the City for an ~~individual~~ industrial wastewater discharge permit in accordance with Section 8.306(5) below, and shall not cause or allow ~~Ddischarges~~ to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with the permit issues by the ~~DirectorPublic Works Director~~.

(4) Permitting New Connections. Any SIU proposing to begin or recommence discharging ~~industrial~~Industrial waste into the POTW must obtain a City-issued industrial wastewater discharge permit prior to beginning or recommending such ~~Ddischarge~~. An application for this City-issued industrial wastewater discharge permit ~~individual wastewater Ddischargedischarge permit~~ must be filed at least ninety (90) days prior to the date upon which any ~~Ddischarge~~ will begin or recommence.

(5) Industrial Wastewater Discharge Permit Application Contents. All Users required to obtain a City-issued industrial wastewater discharge permit ~~an individual wastewater Ddischargedischarge permit~~ must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

(a) Identifying Information. The name, mailing address and location (if different from mailing address) of the facility, including the name of the operator and ~~owner~~Owner or

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~~lessee~~Lessee, Contact information, descriptions of the activities, facilities, and plant production processes on the premises;

(b) Environmental Permits. A list of any environmental control permits held by or for the facility;

(c) Description of Operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) or North American Industry Classification System (NAIS) of the operations carried out by such User. This description should include a schematic process diagram which indicates points of Discharge to the POTW- from the regulated processes, codes for ~~pretreatment~~Pretreatment the industry as a whole and any processes for which ~~category~~Categorical ~~pretreatment standard~~Pretreatment Standards~~standards~~ have been promulgated;

(d) Types of waste generated and a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally Discharged to the POTW;

(e) Number and type of employees, and hours of operation, and proposed or actual hours of operation;

(f) Type and amount of raw materials processed (average and maximum per day);

(g) Site plans, floor plans, mechanical and plumbing plans, and details to show all ~~sewer~~Sewers~~sewers~~, floor drains and appurtenances by size, location and elevation and all points of Discharge;

(h) Time and duration of the Discharge;

(i) The location for monitoring all wastes covered by the permit;

(j) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e).

(k) Measurement of Pollutants.

1) The ~~category~~Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated ~~pollutant~~Pollutants~~pollutants~~ in the Discharge from each regulated process.

3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

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4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.310(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

5) Sampling must be performed in accordance with procedures set out in Section 8.310(11) of this Chapter.

(l) Any other information as may be deemed by the ~~Director~~Public Works Director to be necessary to evaluate the permit application.

(6) Application Signatories and Certification.

(a) All ~~City-issued industrial wastewater discharge permit wastewater Ddischarge permit~~ applications, User reports and certification statements must contain the following certification statement and be signed by an authorized representative of the- User:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(c) A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the signed certification statement in Section 8.310(14).

(7) City-Issued Industrial Wastewater Discharge Permit Decisions. The ~~Director~~Public Works Director will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the ~~Director~~Public Works Director will determine whether or not to issue an industrial wastewater discharge permit~~an individual wastewater Ddischargedischarge permit~~. The City may deny any application for an industrial wastewater discharge permit~~wastewater Ddischarge permit~~.

8.308 Industrial Wastewater Discharge Permit Issuance by the City

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(1) Permit Duration. ~~City-issued industrial wastewater discharge permits~~ Permits shall be issued for a specific time period not to exceed five (5) years. ~~A City-issued industrial wastewater discharge permit~~ A permit may be issued for a period less than five (5) years at the discretion of the ~~Director~~ Public Works Director. Each permit will indicate a specific date on which it will expire.

(2) Permit Contents. ~~City-issued industrial wastewater~~ Wastewater discharge permits ~~Wastewater~~ Discharge permits shall include such conditions as are reasonably deemed necessary by the ~~Director~~ Public Works Director to prevent ~~pass-through~~ Pass Through or ~~interference~~ Interference and to protect the quality of the water body receiving the ~~Treatment~~ Plant's ~~Effluent~~ Effluent, protect worker health and safety, facility sludge management and disposal, and protect against damage to the POTW.

(a) ~~City-issued industrial wastewater discharge permits~~ Wastewater Permits must contain:

1) A statement that indicates ~~City-issued industrial wastewater discharge permit~~ wastewater ~~Discharge permit~~ issuance date, expiration date and effective date.

2) A statement that the ~~City-issued industrial wastewater discharge permit~~ wastewater ~~Discharge permit~~ is nontransferable without prior notification to and approval from the City and provisions for furnishing the new ~~owner~~ Owner or operator with a copy of the existing permit;

3) Effluent limits, including Best Management Practices, based on applicable standards in Federal, State, and local law;

4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of ~~pollutant~~ Pollutants ~~pollutants~~ (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5) A statement of applicable civil and criminal penalties for violation of ~~pretreatment~~ Pretreatment ~~S~~ standards and ~~R~~ requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local laws.

6) Requirement to control Slug Discharges, if determined by the ~~Director~~ Public Works Director to be necessary. Significant Industrial Users are required to notify the ~~Director~~ Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(b) ~~City-issued industrial wastewater discharge permits~~ Wastewater Discharge Permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of ~~Discharge~~ Discharge, time of ~~Discharge~~ Discharge, and/or requirements for flow regulation and equalization;

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2) Requirements for the installation of ~~pretreatment~~Pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of ~~pollutant~~Pollutants~~pollutants~~ into the treatment works;

3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine ~~D~~Discharges.

4) Development and implementation of waste minimization plans to reduce the amount of ~~pollutant~~Pollutants ~~D~~pollutants discharged to the POTW;

5) The unit charge or schedule of U~~user~~ charges and fees for the management of the ~~wastewater~~Wastewater ~~D~~discharged into the POTW;

6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable ~~f~~Federal~~federal~~ and ~~state~~State ~~pretreatment standard~~Pretreatment Standards~~standards~~, including those which become effective during the term of the permit;

8) Other conditions as deemed appropriate by the ~~Director~~Public Works Director to ensure compliance with this Chapter; and State and Federal laws, rules, and regulations; the term of the permit.

(3) Permit Issuance Process

(a) Permit Appeals. Any ~~person~~Person including the ~~I~~Industrial ~~U~~industrial user, may petition the City to reconsider the terms of the permit within ten (10) days of the issuance of the final permit.

(b) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

(c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(d) The effectiveness of the permit shall not be stayed pending the appeal.

(e) If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider ~~an- industrial~~a wastewater discharge permit~~wastewater D~~discharge permit, not to issue a permit, or not modify a permit shall be considered final administrative action for purposes of judicial review.

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(f) Aggrieved parties seeking judicial review of administrative permit decisions must do so by complaint with the Circuit Court for Clackamas County, State of Oregon within thirty (30) days of the final administrative decision.

(4) Permit Modifications. The ~~Director~~Public Works Director may modify the permit for good cause and at any time including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local ~~pretreatment~~Pretreatment S standards or Rrequirements;

(b) To address signification alterations or additions to the ~~I~~Industrial Uindustrial user's operation, processes, or ~~wastewater~~Wastewater volume or character since the time of permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Ddischarge;

(d) Information indicating that the permitted Ddischarge poses a threat to the POTW, City personnel, of the receiving waters;

(e) Violation of the terms or conditions of the City-issued industrial wastewater discharge permit~~wastewater D~~discharge permit;

(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

(g) Revision of or a grant of variance from ~~ategorical~~Categorical ~~pretreatment~~standardPretreatment Standardsstandards pursuant to 40 CFR 401.13;

(h) To correct typographical or other errors in the permit;

(i) To reflect a transfer of the facility ownership and/or operation to a new ~~owner~~Owner/operator/Lessee.

(5) Permit Transfer.

(a) ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permitsPermits may be transferred to a new ~~owner~~Owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the ~~Director~~Public Works Director and the ~~Director~~Public Works Director approves the permit transfer. Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer, and the new ~~owner~~Owner will be consider in violation of the City Codes for discharging without a permit. The notice must include a written certification to the new ~~owner~~Owner which:

1) States that the new ~~owner~~Owner has no immediate intent to change the facility's operations and processes;

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- 2) Identifies the specific date on which the transfer is to occur;
- 3) Acknowledges full responsibility for complying with the existing permit.

(6) Permit Revocation

(a) ~~City-issued industrial wastewater discharge permits~~ City-issued industrial wastewater discharge permits may be revoked for the following reasons:

1) Failure to notify the City of significant changes to the ~~wastewater~~ Wastewater prior to the changed ~~D~~ discharge;

2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.310(5);

3) Misrepresenting or failure to fully disclose all relevant facts in the City-issued industrial wastewater discharge permit ~~wastewater D~~ discharge permit application;

4) Falsifying self-monitoring reports;

5) Tampering with monitoring equipment;

6) Refusing to allow the City timely access to the facility premises and records;

7) Failure to meet effluent limitations;

8) Failure to pay fines;

9) Failure to pay ~~sewer~~ Sewer charges;

10) Failure to meet compliance schedules;

11) Failure to complete a ~~wastewater~~ Wastewater survey or the City-issued industrial wastewater discharge permit ~~wastewater D~~ discharge permit application;

12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

13) Violation of any ~~pretreatment~~ Pretreatment S-standard or ~~R~~ requirement or any terms of the permit or this Chapter;

14) Upon cessation of operations.

15) Upon issuance of a new City-issued industrial wastewater discharge permit ~~wastewater D~~ discharge permit to the User.

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(7) Permit Renewal. A User with an expiring ~~City-issued industrial wastewater discharge permit wastewater Ddischarge permit~~ shall apply for industrial wastewater discharge permit wastewater Ddischarge permit renewal by submitting a complete permit application, in accordance with Section 8.306 of this Chapter, a minimum of ninety (90) days prior to the expiration of the User's existing ~~City-issued industrial wastewater discharge permit wastewater Ddischarge permit~~. The existing permit shall remain in effect until the renewed permit is issued, providing the User has submitted the renewal application ninety (90) days prior to the expiration of the User's existing ~~City-issued industrial wastewater discharge permit wastewater Ddischarge permit~~. If the User did not comply with the renewal application submittal criteria, the User will not be authorized to continue discharging past the expiration date of the existing permit without the written authorization of the City.

(8) Regulation of Wastewater Received From Other Jurisdictions.

(a) The City may accept ~~wastewater~~ Wastewater from individual ~~Iindustrial Uindustrial~~ users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a ~~sanitary sewer~~ Sanitary Sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional ~~wastewater~~ Wastewater treatment a list of ~~Iindustrial Uindustrial~~ users within their jurisdiction, the nature and volume of the ~~industrial~~ Industrial D-discharges, the combined ~~D~~ discharge from the municipality that will be treated by the Wilsonville ~~wastewater treatment plant~~ Wastewater Treatment Plant-. Municipalities will not be issued ~~industrial wastewater discharge permits wastewater Ddischarge permits~~. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

2) Extra-Jurisdictional Industrial Users – the ~~Iindustrial Uindustrial~~ user must submit an industrial wastewater discharge permit a ~~Wastewater Permit a~~ application to the City. The Industrial User must agree to comply with the terms and conditions of the permit, including right-of-entry for purposes of inspection, and sampling, enforcement actions specified in the permit.

(b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

1) A requirement for the contributing municipality to adopt a ~~sanitary sewer~~ Sanitary Sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.302 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville ordinance or Local Limits;

2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

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3) A provision specifying which ~~pretreatment~~Pretreatment implementation activities, including ~~industrial wastewater discharge permit wastewater Ddischarge permit~~ issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;

4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its ~~pretreatment~~Pretreatment activities;

5) Limits on the nature, quality, and volume of the contributing municipality's ~~wastewater~~Wastewater at the point where it ~~D~~discharges to the POTW;

6) Requirements for monitoring the contributing municipality's ~~D~~discharge;

7) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and

8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that Wilsonville shall have the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against ~~the Person who Ddischargesrsdischargers~~ in the event the contributing jurisdiction is unable or unwilling to take such action.

8.310 Reporting Requirements

(1) Baseline Monitoring Reports.

(a) Users that become subject to new or revised ~~ategorical~~Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated a Non-Significant Categorical Industrial Users

(b) Within either 180 days after the effective date of a ~~ategorical~~Categorical pretreatment standardPretreatment Standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical ~~I~~industrial ~~U~~Industrial users currently discharging to or scheduled to ~~D~~discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their ~~D~~discharge, ~~new source~~New Sources~~sources~~, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable ~~ategorical~~Categorical Standard -shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A ~~new source~~New Source shall

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report the method of ~~pretreatment~~Pretreatment it intends to use to meet applicable ~~category~~Category ~~standards~~Standards. A ~~new source~~New Source shall also give estimates of its anticipated flow and quantity of ~~pollutant~~Pollutants ~~Discharges~~.

(c) Users described above shall submit the information set forth below:

1) All information required in Section 8.306(2) through Section 8.306(7)

2) Measurement of Pollutant.

The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for ~~industrial~~Industrial ~~pretreatment~~Pretreatment measures;

(a) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(b) Samples should be taken immediately downstream from ~~pretreatment~~Pretreatment facilities if such exist or immediately downstream from the regulated process if no ~~pretreatment~~Pretreatment exists. If other ~~wastewater~~Wastewaters are mixed with the regulated ~~wastewater~~Wastewater prior to ~~pretreatment~~Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(c) Sampling and analysis shall be performed in accordance with Section 8.310(10);

(d) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected ~~pollutant~~Pollutant Discharges to the POTW

(e) Compliance Certification. A statement, reviewed by the User's authorized representative and certified to be a qualified professional, indicating whether ~~pretreatment standard~~Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional ~~pretreatment~~Pretreatment is required in order to meet ~~pretreatment standard~~Pretreatment Standards and ~~R~~requirements.

(f) Compliance Schedule. If additional ~~pretreatment~~Pretreatment and/or O&M will be required to meet the ~~pretreatment standard~~Pretreatment Standards; the shortest possible schedule by which the ~~industrial U~~industrial user will provide such additional ~~pretreatment~~Pretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable ~~pretreatment standard~~Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.310(2) of this Chapter; and

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(g) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.310(3) and signed by an Authorized Representative.

The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected ~~pollutant~~Pollutant Discharges to the POTW.

(2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 8.310(1) of this Chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional ~~pretreatment~~Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City.

(3) Reports on Compliance with Categorical Pretreatment Standard Deadline.

a) Within ninety (90) days following the date for final compliance with applicable ~~eategorical~~Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of ~~wastewater~~Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 8.306(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.302(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to ~~eategorical~~Categorical Pretreatment Standards expressed in terms of allowable ~~pollutant~~Pollutant D-discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.310(14) of this Chapter. All sampling will be done in conformance with Section 8.310.

(4) Periodic Compliance Reports.

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 8.310(4).

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(a) Except as specified in Section 8.310(4), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified, reports indicating the nature, concentration of ~~pollutant~~Pollutants~~pollutants~~ in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) All periodic compliance reports must be signed and certified in accordance with Section 8.310(14) of this Chapter.

(c) All ~~wastewater~~Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

(d) If a User subject to the reporting requirement in this Section monitors any regulated ~~pollutant~~Pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 8.310(11) of this Chapter, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions. Each User must notify the ~~Director~~Public Works Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume at least thirty (30) days before the change.

(a) The ~~Director~~Public Works Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit ~~wastewater permit~~ application under Section 8.306(5), if necessary.

(b) The ~~Director~~Public Works Director may issue an industrial wastewater discharge permit ~~wastewater permit~~ under Section 8.308(7) or modify an existing City-issued industrial wastewater discharge permit ~~wastewater D~~ischarge permit under Section 8.308(4) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

(a) In the case of any Discharge, including but not limited to accidental Discharge non-routine, episodic nature, a non-customary batch Discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW the User shall immediately telephone and notify the City of the incident. This notification shall include the location and Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

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(b) Within five (5) days following an accidental ~~D~~ischarge, the ~~U~~ser shall, unless waived by the ~~D~~irector~~Public Works Director~~, submit a detailed written report describing the cause(s) of the ~~D~~ischarge and the measures to be taken by the ~~U~~ser to prevent similar future occurrences. Such notification shall not relieve the ~~U~~ser of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to ~~person~~~~Person~~ or property; nor shall such notification relieve the ~~U~~ser of any fines, civil penalties, or other liability which may be imposed by this Chapter.

(c) A notice shall be permanently posted on the ~~U~~ser's bulletin board or other prominent place advising employees who to call in the event of an accidental ~~D~~ischarge as described above. Employers shall ensure that all employees who may cause or suffer such a ~~D~~ischarge to occur are advised of all the emergency notification procedures.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Un-Permitted Users. All ~~U~~users not required to obtain a City-issued industrial wastewater discharge permitan individual wastewater permit shall provide appropriate reports to the City as the ~~D~~irector~~Public Works Director~~ may require.

(8) Notice of Violation/Repeat Sampling and Reporting.

(a) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

(9) Notification of the Discharge of Hazardous Waste.

(a) Any User who commences the ~~D~~ischarge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any ~~D~~ischarge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of ~~D~~ischarge (continuous, batch, or other). If the User ~~D~~ischarges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream ~~D~~ischarged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be ~~D~~ischarged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the ~~D~~ischarge commences. Any notification under this paragraph need be submitted only once for each hazardous waste ~~D~~ischarged. However, notifications of changed conditions must be submitted under Section 8.310(5) of this Chapter. The notification requirement in this Section does not apply to

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~~pollutant~~Pollutants~~pollutants~~ already reported by Users subject to ~~ategorical~~Categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.310(1), 8.310(3), and 8.310(4) of this Chapter.

(b) Persons who Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Division City, and State hazardous waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this Chapter, a permit issued hereunder, or any applicable Federal or State law.

(10) Analytical Requirements.

All ~~pollutant~~Pollutant analyses, including sampling techniques, to be submitted as part of a City-issued industrial wastewater discharge permit ~~wastewater Discharge permit~~ application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable ~~ategorical~~Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the ~~pollutant~~Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the ~~pollutant~~Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

(11) Sample Collection.

(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

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(b) The City shall establish the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

(c) Except as indicated in Section (d) and (e) below, the User must collect ~~wastewater~~Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the D~~is~~charge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple ~~grab sample~~Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;

2) For volatile organics and oil and grease, the samples may be composited in the laboratory.

3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, ~~grab sample~~Grab Samples may be required to show compliance with Instantaneous Limits.

(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.310(1) and 8.310(3), a minimum of four (4) ~~grab sample~~Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 8.310(4), the Industrial User is required to collect the number of ~~grab sample~~Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8.302(4). Records shall include the date, exact place, method, and time of sampling, and the name of the ~~person~~Person(s) taking the samples; the dates analyses were performed; who

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performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(14) Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 8.306(6); Users submitting baseline monitoring reports under Section 8.310(1).; Users submitting reports on compliance with the ~~categoryal~~ **Categorical** Pretreatment Standard deadlines under Section 8.310(3); Users submitting periodic compliance reports required by Section 8.310(4), and Users submitting an initial request to forego sampling of a ~~pollutant~~ **Pollutant** on the basis of Section 8.310(4). The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the following certification statement signed in accordance with the signatory requirements in Section 8.310(14). This certification must accompany an alternative report required by the City:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the ~~categoryal~~ **Categorical** Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 8.006 ~~(81)(b)-(1)-(-)(3)-(-)~~.

2) The facility complied with all applicable Pretreatment Standards and ~~requirement~~ **Requirements** during this reporting period; and

3) The facility never ~~D~~discharged more than 100 gallons of total categorical ~~wastewater~~ **Wastewater** on any given day during this reporting period.

4) The Facility never ~~D~~discharged concentrated untreated ~~wastewater~~ **Wastewater**.

8.312 Compliance Monitoring

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(1) Right of Entry; Inspection and Sampling.

(a) The City, an authorized representative of the ~~US~~-EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any User to ascertain whether the purpose of this Chapter is being met and all requirements are being ~~complied with~~met. Users shall allow authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) Where a User has security measures in force that require proper identification and clearance before entry into their premises, the ~~I~~Industrial U~~industrial~~user shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and ~~US~~-EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(c) The City, State, and ~~US~~-EPA shall have the right to set up or require installation of, on the ~~I~~Industrial U~~industrial~~user's property, such devices as are necessary to conduct sampling, and/or metering of the User's operations.

(d) The City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure ~~wastewater~~Wastewater flow and quality shall be calibrated annually to ensure their accuracy. The location of the monitoring facilities shall provide ample room in or near the monitored facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

(e) Any temporary or permanent obstruction to safe and easy access to the ~~industrial~~Industrial facility to be inspected and/or sampled shall be promptly removed by the ~~I~~Industrial U~~industrial~~user at the written or verbal request of the ~~Director~~Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

(f) Unreasonable delays in allowing the City access to the User's premises shall be a violation of this Chapter.

(2) Search Warrants. If the ~~Director~~Public Works Director has been refused access to a building, structure or property or any part thereof, and if the ~~Director~~Public Works Director has probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City may issue a search and/or seizure warrant describing herein the specific location subject to the warrant. The warrant shall specify what, if anything, may be

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search and/or seized on the property described. Such warrant shall be served at reasonable hours by the ~~Director~~Public Works Director in the company of a uniformed police officer of the City.

8.314 Confidential Information

(1) Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit ~~wastewater D-discharge permit~~ applications, City-issued industrial individual wastewater discharge permit~~individual wastewater D-discharge permits~~, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or ~~pretreatment~~Pretreatment program, and in enforcement proceedings involving the ~~person~~Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

8.316 Publication of Users in Significant Noncompliance

(1) The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section and shall mean:

(a) Chronic violations of ~~wastewater~~Wastewater D-discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same ~~pollutant~~Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.302;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of ~~wastewater~~Wastewater measurements taken for each ~~pollutant~~Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 8.302 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other ~~pollutant~~Pollutants~~pollutants~~ except pH.

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(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.302 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other ~~D~~ischarges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any ~~D~~ischarge of a ~~pollutant~~Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City exercise of its emergency authority to halt or prevent such a ~~D~~ischarge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a City-issued industrial wastewater discharge permit ~~an individual wastewater D~~ischarge ~~discharge permit~~ or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with ~~eategorical~~Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local ~~pretreatment~~Pretreatment program.

8.318 Affirmative Defense

(1) Upset.

(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with ~~eategorical~~Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with ~~eategorical~~Categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) An upset occurred and the User can identify the cause(s) of the upset;

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2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

a) A description of the ~~Indirect~~ ~~Dindirect~~ discharge and cause of noncompliance;

b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with ~~categorical~~ Categorical Pretreatment Standards.

(f) Users shall control production of all ~~De~~ discharges to the extent necessary to maintain compliance with ~~categorical~~ Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition and the specific prohibitions in Section 8.302 of this chapter if it can prove it did not know or have reason to know that its ~~De~~ discharge alone or in conjunction with other ~~De~~ discharges, would cause ~~pass through~~ Pass Through or ~~interference~~ Interference and that either:

(a) A local limit exists for each ~~pollutant~~ Pollutant ~~D-~~ discharged and the User was in compliance with each limit directly prior to and during the ~~pass through~~ Pass Through or ~~interference~~ Interference; or

(b) No local limit exists, but the ~~De~~ discharge did not change substantially in nature or constituents from the User's prior ~~De~~ discharge when the City was regularly in compliance with the NPDES Waste Discharge ~~p~~ Permit ~~permit~~, and in the case of ~~interference~~ Interference, in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

(a) For the purposes of this Section

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1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause ~~pretreatment~~Pretreatment S standards or R requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d).

(c) Bypass Notification

1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least 10 days before the date of the bypass.

2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the ~~Director~~Public Works Director within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The ~~Director~~Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the ~~Director~~Public Works Director may take enforcement action against an Industrial User for a bypass, unless;

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintaining during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The Industrial User submitted notices as required under paragraph (c) of this section.

4) The ~~Director~~Public Works Director may approve an anticipated bypass after considering its adverse ~~effects~~affects, if the ~~Director~~Public Works Director determines that it will meet paragraph (d) 1) of this Section.

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8.320 Pretreatment Charges and Fees

(1) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

(a) Fees for City-issued industrial wastewater discharge permit wastewater Ddischarge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Dischargedischarge;

(c) Fees for reviewing monitoring reports and certification statements submitted by Users;

(d) — (d) Fees for reviewing and responding to slug color;

(e) Dischargedischarge procedures and construction;

(e) Fees for filing appeals;

(f) Fees to recover administrative and legal costs (not included in Section 8.404604404, Section 8.406606406 and 8.316) associated with the enforcement activity taken by the City to address IU noncompliance; and

(g) Other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

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ENFORCEMENT

8.402602 Administrative Enforcement Remedies

(1) Enforcement. In addition to the imposition of civil penalties, the City shall have the right to enforce ~~this Chapter~~Sections 8.200 through and including 8.320 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any ~~discharge~~Discharge that fails to comply with the requirements of these rules and regulations or provisions of its ~~industrial waste~~City-issued industrial wastewater discharge permit may be subject to enforcement actions as prescribed in Section 8.402602402(2) through Section 8.402602402(9) below.

(a) The City is hereby authorized to adopt, by ordinance or resolution, an Enforcement Response Plan, with procedures and schedules of fines, to implement the provisions of this Section.

(b) The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, ~~interference~~Interference, work health and safety; violation of the City's NPDES ~~Waste~~Discharge ~~Permit~~Discharge permit. Enforcement shall, generally, be escalated in nature.

(2) Notification of Violation.— Whenever the City finds that any User has violated or is violating ~~this Chapter~~any provision of Sections 8.200 through and including 8.320, a ~~City-issued industrial wastewater discharge permit~~wastewater permit or order issued hereunder, or any other ~~pretreatment requirement~~Pretreatment Requirement, the ~~Director~~Public Works Director of his agent may serve upon said ~~User~~ a written Notice of Violation. Within ten (10) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the ~~Director~~Public Works Director. Submission of this plan in no way relieves the ~~User~~ of liability for any violations occurring before or after receipt of this Notice of Violation. Nothing in this section shall limit the authority of the City to take emergency action without first issuing a Notice of Violation.

(3) Consent Orders.— The City may enter into Consent Orders, Assurance of Compliance, or other similar documents establishing an agreement with the any User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Section 8.402602402(4) or 8.402602402(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any ~~industrial~~Industrial ~~User~~ which causes or contributes to any violation(s) of ~~this Chapter~~Sections 8.200 through and including 8.320, ~~City-issued industrial wastewater discharge permits~~wastewater permits or orders issued hereunder, or any other ~~pretreatment requirement~~Pretreatment Requirement to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement

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action, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing date. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(5) Compliance Orders.— When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~ Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the ~~discharge~~ Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, ~~sewer~~ Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of ~~pollutant~~ Pollutants ~~discharge~~ Discharged ~~pollutants~~ discharged to the ~~sewer~~ Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(6) Cease and Desist Orders.— When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~ Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit ~~wastewater discharge permit~~, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements:

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing of threatening violation, including halting operations and/or terminating the ~~discharge~~ Discharge. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~ Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit ~~wastewater discharge permit~~, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (\$5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term

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average ~~discharge~~Discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the User's next scheduled ~~sewer~~Sewer service charge and the City shall have such other collection remedies as may be available for other service charges and fees. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. ~~The~~the City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions.— The City may immediately suspend ~~an a U~~ser's ~~discharge~~Discharge ~~user's discharge~~ and the ~~industrial~~Industrial User's ~~City-issued industrial user's wastewater discharge permit~~wastewater discharge permit, after informal notice to the ~~I~~industrial Uindustrial user, whenever such suspension is necessary in order to stop an actual or threatened ~~discharge~~Discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of ~~person~~Persons.~~persons~~. The City may also immediately suspend ~~a U~~ser's ~~discharge~~Discharge ~~an user's discharge~~ and the ~~I~~industrial User's ~~City-issued industrial user's wastewater discharge permit~~wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its ~~discharge~~Discharge activity or ~~City-issued industrial wastewater discharge permit~~wastewater permit shall immediately stop or eliminate its contribution. In the event of an ~~I~~industrial Uindustrial user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the ~~sewer~~Sewer connection to prevent or minimize damage to the POTW, its ~~receiving stream~~Receiving Stream, or endangerment to any individuals. The City may allow the User to recommence its ~~discharge~~Discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 8.~~402602402~~(9) are initiated against the User. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(b) Any User which is responsible, in whole or in part, for any ~~discharge~~Discharge presenting imminent endangerment shall submit a written statement describing the causes of the harmful contribution and the measures taken to prevent any

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future occurrence to the ~~Director~~Public Works Director prior to the date of any show cause or termination hearing under Section 8.~~402602402~~(4) or 8.~~402602402~~(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to ~~discharge~~Discharge termination:

(a) Violation of City-issued industrial wastewater discharge permit conditions;

(b) Failure to accurately report the ~~wastewater~~Wastewater constituents and characteristics of its ~~discharge~~Discharge;

(c) Failure to report significant changes in operations or ~~wastewater~~Wastewater volume, constituents and characteristics prior to ~~discharge~~Discharge;

(d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling;

(e) Violation of the ~~pretreatment standard~~Pretreatment Standards~~standards~~ in Section 8.302 of this Chapter.

Such Users will be notified of proposed termination of its ~~discharge~~Discharge and be offered an opportunity to show cause under Section 8.~~402602402~~(4) above why the proposed action should not be taken.

Exercise of this option by the City shall not be a bar to, or establish a prerequisite for, taking any other action against the User.

(10) Appeals. Any enforcement action by the City may be appealed to the City Council by filing a petition for reconsideration. The petition must show cause why an enforcement action should not be taken.

(a) Enforcement action appeals must be filed with the City Recorder within ten (10) working days of receipt of the enforcement action.

(b) The petition for appeal shall indicate the nature of the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the enforcement response and the requirements of the ~~pretreatment~~Pretreatment program.

(c) Upon appeal, the City Council shall first determine whether the appeal shall be heard on the record only, or upon an evidentiary hearing *de novo*. Where an appellant has been afforded an opportunity of an evidentiary hearing by the City, then appeal shall be limited to a review of the record and a hearing for receipt of arguments regarding the record. Where an appellant has not been afforded an evidentiary hearing, or upon finding that under prejudice should otherwise result, the City Council shall conduct an evidentiary hearing *de novo*.

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(d) Unless otherwise provided by the City Council, an evidentiary hearing de novo on appeal shall require a record be kept of the following:

- 1) The record, if any, of the matter before the City.
- 2) A factual report prepared and presented by the City.
- 3) All exhibits, materials and memoranda submitted by any party and received or considered in reaching the decision under review.
- 4) A record of testimonial evidence, if any.

(e) Upon review, the City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the Council modifies or renders a decision that reverses a decision regarding and enforcement action, the Council, in its order, shall set forth its finding and state its reasons for taking the action.

8.404604 Judicial Enforcement Remedies

(1) Injunctive Relief.— Whenever the City finds that a User has violated or continues to violate the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, permits or orders issued hereunder, or any other ~~pretreatment requirement~~ Pretreatment Requirements ~~requirements~~, the City through the City’s attorney, may petition the Circuit Court of Clackamas County for issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit ~~wastewater discharge permit~~, order, or other requirement imposed by this Chapter on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the User.

(2) Civil Penalties.— A User which has violated or continues to violate the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit ~~wastewater permit~~, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation per day. In the case of a monthly or other long term average ~~discharge~~ Discharge limit, penalties shall accrue for each business day during the period of this violation.

(a) The City may recover reasonable attorney’s fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

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(b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm, caused by the violation, the magnitude and duration, any economic benefit gained through the ~~Industrial User~~ user's violation, corrective actions by the ~~Industrial User~~ user, the compliance history of the ~~User~~ user, and any other factors as the justice requires.

(c) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the ~~User~~ user.

(3) Criminal Prosecution.

(a) Any User who willfully or negligently violates any provisions of ~~this Chapter~~ Sections 8.200 through and including 8.320, any orders or permits issue hereunder, or any other ~~pretreatment~~ Pretreatment S-standard or R-requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to ~~this Chapter~~ Sections 8.200 through and including 8.320, or City-issued industrial wastewater discharge permit~~wastewater discharge permit~~, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the ~~User~~ user shall be punished by a fine not to exceed \$6,000 per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of ~~pretreatment~~ Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

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8.406 Supplemental Enforcement Action

(1) Performance Bonds. The City may decline to reissue a permit to any User who has failed to comply with the provisions of ~~this Chapter~~Sections 8.200 through and including 8.320, a previous City-issued industrial wastewater discharge permit~~wastewater discharge permit~~, or orders issued hereunder, or any other Pretreatment Standard or Requirement, -unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve a consistent compliance.

(2) Liability Insurance. The City may decline to reissue a permit to any ~~industrial~~Industrial U-user which has failed to comply with the provisions of ~~this Chapter~~Sections 8.200 through and including 8.320, a previous City-issued industrial wastewater discharge permit~~wastewater discharge permit~~, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the POTW caused by its ~~discharge~~Discharge.

(4) Payment of Outstanding Fees and Penalties. The City may decline to issue or reissue a ~~wastewater discharge permit~~City-issued industrial wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of ~~this ordinance~~Sections 8.200 through and including 8.320, a previous ~~wastewater discharge permit~~City-issued industrial wastewater discharge permit, or order issued hereunder.

(5) Water Supply Severance.—_Whenever a User has violated or continues to violate provisions of ~~this Chapter~~Sections 8.200 through and including 8.320, orders, or permits issued hereunder, ~~water~~ Water services to the ~~I~~Industrial U~~industrial~~-user may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(6) Public Nuisance.—_Any violation of the prohibitions of effluent limitations of this Chapter, permits, or orders issued hereunder is hereby declared by a public nuisance and shall be corrected or abated as directed by the City. Any ~~person~~Person(s) creating a public nuisance shall be subject to the provisions of Chapter 7 of the Wilsonville City Codes governing such nuisance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

(7) Informant Rewards.—_The City may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the ~~I~~Industrial U~~industrial~~-user, the ~~Director~~Public Works Director is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000).

(8) Contractor Listing.—_Users which have not achieved consistent compliance with applicable ~~pretreatment~~Pretreatment S-standards and ~~R~~requirements are not eligible to receive a contract for the sale of goods or services to the City. Existing contracts for the sale of

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goods or services to the City held by an ~~Industrial U~~Industrial-user found to be in significant violation with ~~pretreatment standard~~Pretreatment Standards~~standards~~ may be terminated at the discretion of the City.

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STORMWATER

8.500 General Provisions

(1) Purpose. Provides for the building of and connection to public ~~stormwater~~Stormwater facilities and for the uniform regulation of ~~discharge~~Discharges~~discharges~~ to the ~~public stormwater system~~Public Stormwater System through the issuance of permits and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the ~~public stormwater system~~Public Stormwater System.

8.502 Stormwater System Construction

(1) No unauthorized ~~person~~Person shall uncover, make any connections to or opening into the ~~public stormwater system~~Public Stormwater System, use, alter or disturb any ~~S~~storm sewer lateral~~Sewer Lateral~~ or appurtenance thereof without first obtaining a permit from the City. In each case, the ~~O~~owner, L~~essee,~~owner or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's ~~A~~authorized stormwater~~Stormwater R~~authorized stormwater representative.

(2) All costs and expenses incidental to the installation and connection of ~~stormwater~~Stormwater facilities shall be borne by the ~~o~~Owner or L~~essee,~~owner. The ~~O~~owner or L~~essee~~owner shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of ~~stormwater~~Stormwater facilities or connections to the ~~public stormwater system~~Public Stormwater System.

(3) The size, slope, alignment, construction materials of ~~stormwater~~Stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the ~~stormwater~~Stormwater facilities to the ~~public stormwater system~~Public Stormwater System shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's ~~A~~authorized stormwater~~Stormwater R~~authorized stormwater representative before installation.

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(5) The ~~ESC Applicant~~ shall notify the City's ~~Authorized stormwater~~ Stormwater ~~Authorized stormwater~~ representative when the ~~stormwater~~ Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the ~~City's authorized stormwater representative~~ City's Authorized Stormwater Representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the ~~ESC Applicant's or Owner's or Lessee's~~ owner's expense in a manner satisfactory to the City, in accordance with the City's requirements.

(6) All excavations for ~~stormwater~~ Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.504 Use of Public Stormwater System

(1) No unauthorized ~~person~~ Person shall uncover, make any connections with or openings into, use, alter, or disturb, any ~~public stormwater system~~ Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be ~~discharge~~ Discharged ~~discharged~~ to ~~Sstorm Sstorm~~ sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No ~~person~~ Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the ~~public stormwater system~~ Public Stormwater System.

(4) It shall be unlawful to ~~discharge~~ Discharge in or into any natural outlet or ~~stormwater~~ Stormwater ~~sewer~~ Sewer ~~sewer~~ inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any ~~sewage~~ Sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.506 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized ~~person~~ Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the ~~public stormwater system~~ Public Stormwater System. Any ~~person~~ Person violating this provision and as a result thereof damages any part of the ~~public stormwater system~~ Public Stormwater System, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.508 Right of Entry

(1) Where it is necessary to perform inspections, measurements, sampling and/or testing, to enforce the provisions of this code, or where the ~~City's authorized stormwater~~

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~~representative~~City's Authorized Stormwater Representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative shall first make a reasonable effort to locate the ~~owner~~Owner, Lessee, or other ~~person~~Person having charge or control of the premises and request entry. If entry is refused, the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative shall have recourse to the remedies provided by law to secure entry.

(2) The premises shall be maintained in a safe condition by the ~~owner~~Owner or a ~~person~~Person having charge or control of the premises and upon contact by the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative the ~~owner~~Owner or a ~~person~~Person having charge or control of the premises shall have a duty to notify ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.

(3) Not with standing, Section 8.508(1) above, the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any ~~S~~storm-water facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.510 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-~~stormwater~~Stormwater ~~discharge~~Discharge-discharge to the ~~public stormwater system~~Public Stormwater System is prohibited and is a violation of this ordinance, except as described below.

(2) The prohibition shall not apply to any non-~~stormwater~~Stormwater ~~discharge~~Discharge-discharge permitted or approved under an Industrial or Municipal NPDES Stormwater ~~P~~permit, waiver, or ~~discharge~~Discharge order issued to the ~~Person who~~Person who ~~Discharges~~discharges and administered by the DEQ, provided that the ~~Person who~~Person who ~~Discharges~~discharges is in full compliance with all requirements of the permit, waiver, or ~~discharge~~Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any ~~discharge~~Discharge to the ~~Municipal S~~eparate ~~S~~municipal-separate storm wastewater Sewer systems (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-~~stormwater~~Stormwater ~~discharge~~Discharges-discharges to the ~~public stormwater system~~Public Stormwater System: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4,

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uncontaminated pumped groundwater, ~~discharge~~Discharges~~discharges~~ from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual ~~residential~~Residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool ~~discharge~~Discharges~~discharges~~, street wash water, and flows from firefighting.

(e) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES ~~municipal~~Stormwater ~~P~~stormwater permit.

(c) Discharge of flows to the public or private ~~stormwater~~Stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

(3) The City may require ~~B~~best M~~management~~ ~~P~~best management practices to reduce ~~pollutant~~Pollutants~~pollutants~~, or may prohibit a specific ~~Person who d~~Discharges~~discharger~~ from engaging in a specific activity identified in subsection (2) if at any time the City determines that the ~~discharge~~Discharge is, was, or will be a significant source of pollution.

8.512 Discharge in Violation of Permit

Any ~~discharge~~Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater ~~P~~ permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other ~~discharge~~Discharges~~discharges~~, is a violation of this chapter and is prohibited. Liability for any such ~~discharge~~Discharge shall be the responsibility of the ~~person~~Person(s) causing or responsible for the ~~discharge~~Discharge, and such ~~person~~Persons~~persons~~ shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such ~~discharge~~Discharge.

8.514 Waste Disposal Prohibitions

(1) No ~~person~~Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, ~~garbage~~Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, ~~sediment~~Sediment or ~~sediment~~Sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the ~~public stormwater system~~Public Stormwater System.

(2) Runoff from ~~C~~commercial or ~~industrial~~Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not ~~discharge~~Discharge directly to a private or ~~public stormwater system~~Public Stormwater System except as allowed under Section 8.510 of this code; this includes but is not limited to outdoor ~~C~~commercial, ~~industrial~~Industrial~~commercial, industrial~~ or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from

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stored vehicles, where runoff from these activities ~~discharge~~Discharges~~discharges~~ directly or indirectly to a private or ~~public stormwater system~~Public Stormwater System.

8.516 General Discharge Prohibitions

(1) It is unlawful to ~~discharge~~Discharge or cause to be ~~discharge~~Discharged~~discharged~~ directly or indirectly into the ~~public stormwater system~~Public Stormwater System any of the following:

- (a) Any ~~discharge~~Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
- (b) Any ~~discharge~~Discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
- (c) Any ~~discharge~~Discharge which causes or may cause damage, interferenceInterference, or hazard to the ~~public stormwater system~~Public Stormwater System or the City personnel; and
- (e)(d) Any ~~discharge~~Discharge containing human sanitary waste or animal feces.

8.518 Compliance with Industrial NPDES Stormwater Permits

Any ~~industrial Person who causes an Industrial D~~discharger, any Person who causes a Discharger, discharge associated with construction activity, or any Person who causes other ~~discharger~~Discharges subject to any NPDES Stormwater ~~permit~~Permit issued by the Oregon DEQ, from which ~~pollutant~~Pollutants~~pollutants~~ may enter the public or private ~~stormwater~~Stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.520 Compliance with Local, State, and Federal Laws and Regulations

All users of the ~~public stormwater system~~Public Stormwater System and any ~~person~~Person or entity whose actions may affect the system shall comply with all applicable local, ~~state~~State and ~~F~~federal laws and regulations. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, ~~state~~State and ~~F~~federal,~~state~~ laws and regulations.

8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, ~~state~~State, and ~~F~~federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

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8.524 Accidental Spill Prevention and Control

Accidental spills and releases by ~~Persons~~dischargers who are not required to obtain a ~~NPDES Stormwater permit~~NPDES Stormwater Permit but who handle, store or use hazardous or toxic substances or ~~discharge~~Discharges~~discharges~~ prohibited under Section 8.512 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

8.526 Notification of Spills

(1) As soon as any ~~person~~Person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, ~~pollutant~~Pollutants~~pollutants~~, or waste creating a risk of ~~discharge~~Discharge to the ~~public stormwater system~~Public Stormwater System, such ~~person~~Persons~~persons~~ shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or ~~state~~State officials regarding the nature of the spill; and
- (d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local ~~state~~State, or Federal regulations and laws. The notification requirements do not relieve the ~~person~~Person of necessary remediation.

8.528 Requirement to Eliminate Illicit Connections

(1) The ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative may require by written notice that a ~~person~~Person responsible for an illicit connection to the ~~public stormwater system~~Public Stormwater System comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

(2) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible ~~person~~Person can demonstrate that an ~~illicit discharge~~Illicit Discharge will no longer occur, that ~~person~~Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible ~~person~~Person's~~person's~~ expense.

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8.530 Requirement to Remediate

Whenever the City finds that a ~~discharge~~Discharge of ~~pollutant~~Pollutants~~pollutants~~ is taking place or has taken place which will result in or has resulted in pollution of ~~stormwater~~Stormwater or the ~~public stormwater system~~Public Stormwater System, the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative may require by written notice to the responsible ~~person~~Person that the pollution be remediated and the affected property restored, to the requirements of this Chapter.

8.532 Requirement to Monitor and Analyze

Whenever the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative determines that any ~~person~~Person engaged in any activity ~~and/or owning or operating any facility~~ which may cause or contribute to ~~stormwater~~Stormwater pollution or ~~illicit discharge~~Illicit Discharges~~discharges~~ to the ~~public stormwater system~~Public Stormwater System, the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative may, by written notice, order that ~~such person~~Person~~the Responsible Party~~person undertake such monitoring activities and/or analyses and furnish such reports as the ~~City's authorized stormwater representative~~City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either ~~by personal delivery~~in person~~Person~~in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail requiring the Owner to monitor the property and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this chapter.

8.534 Erosion Prevention and Sediment Control

(1) Purpose. These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and Sediment Control Planning and Design Manual, shall be known as the "City of Wilsonville Erosion Prevention and Sediment Control Standards," may be cited as such, and will be referred to herein as "these Standards." The purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of ~~erosion~~Erosion and to prevent the creation, migration and/or transport of ~~erosion~~Erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

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(3) ESC Permit Required. An ESC Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The ESC Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. An ESC Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) ESC Plan Required. The ESC Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all ~~erosion~~Erosion and ~~sediment~~Sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

a. It shall be the duty of the ESC Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.

b. The ESC Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.

c. The ESC Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the ~~sediment~~Sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.

d. During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the ESC Applicant by tarps or straws at the end of each day's operations; all disturbed, unworked areas of the site shall be protected from ~~erosion~~Erosion

e. The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and ~~sediment~~Sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the ESC Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem. ~~and~~

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suggested measures to remedy the problem. The written requirement shall be presented to the ESC Applicant and any other related parties.

(a) The revised ESC Plan shall be submitted by the ESC Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.

(b) The ESC Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.

(c) In cases where significant Erosion is occurring, the City Manager or designee may require the ESC Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

8.536 Stormwater – Violation

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.500 through and including 8.534 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.500 through and including 8.534 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.500 through and including 8.534. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.500 through and including 8.534 occurs. When the Owner of a property where a violation occurs is not the Responsible Party, the City will pursue compliance and, when necessary, enforcement, only when the Responsible Party cannot be located or determined.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.500 through and including 8.534, the City Manager or designee, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ceode, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the City Manager or designee shall first make a reasonable effort to locate the ESC Applicant, Lessee, Owner or other ~~person~~Person having charge or control of the building or premises and request entry. If a party other than the Owner is the initial Person the City attempts to contact and receives no response, the City will then

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attempt to contact the Owner prior to entry. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.312(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.500 through and including 8.534 has occurred, the City Manager or designee shall notify the ESC Applicant or Responsible Party in writing of the violation observed. The notice of violation shall either be delivered to the ESC Applicant or Responsible Party and ~~or~~ posted at the property site of the violation. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail, ~~and mailed to all responsible parties.~~

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.500 through and including 8.534, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The ~~responsible party~~ Responsible Party shall not resume work until such time as the City Manager or designee provides specific approval in writing. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail of the stop work order.

(5) Termination of Permit. If an ESC Applicant violates the requirements of Sections 8.500 through and including 8.534, the City Manager or designee may revoke any or all of the ESC Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. If a Responsible Party violates the requirements of Sections 8.500 through and including 8.534, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. The ~~ESC Applicant~~ Responsible Party may appeal such determination pursuant to WC 8.536(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a ~~person~~ Person has violated an provision of Sections 8.500 through and including 8.534, the City Manager or designee may impose upon the ESC Applicant or ~~violate~~ Responsible Party ~~Person~~ a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no less than fifty dollars (\$50) and shall not exceeding five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.536.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the ESC Applicant or Responsible Party an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or

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designee shall determine whether such correction(s) has/have not been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar (\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

(c) The civil penalty authorized by the Section shall be in addition to:

1. Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

2. Any other actions authorized by law.

(d) Notwithstanding WC 8.536(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(e) If the City determines in its sole discretion that pursuing the Responsible Party is not feasible or it is in the public interest to pursue the Owner of the property for violations of WC 8.500 to WC 8.534, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 5.836(3).

(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the stateState, and seven (7) days after the date mailed if to an address outside this stateState. A notice of civil penalties shall include:

(a) Reference to the particular code provision or rule involved;

(b) A short and plain statement of the violation;

(c) A statement of the amount of the penalty or penalties imposed;

(d) If the penalty is imposed pursuant to WC 8.536(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

(e) A statement of the party's right to appeal the civil penalty to the City Council.

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(8) In imposing a penalty authorized by this Section 8.536, the City Manager or designee shall consider:

(a) The ~~person~~Person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

(b) Any prior violations of statutes, rules, orders and permits;

(c) The gravity and magnitude of the violation;

(d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

(e) Cost to City;

(f) The violator's cooperativeness and efforts to correct the violation; and

(g) Any relevant regulation under the City Code.

(9) Any ~~person~~Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.536(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the ESC Applicant appeals the penalty to the City Council pursuant to, and within the time limit established by WC 8.536(12). If the ESC Applicant appeals, the decision will become final, if at all, upon issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.536 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.536. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the ESC Applicant of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.536(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

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(a) Filing deadline. A personPerson appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.536(7).

(b) Notice of appeal content. The written notice of appeal shall include:

1. The name and address of the appellant;
2. A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;
3. A statement of the appellant's standing or right to be heard;
4. The nature of the decision being appealed;
5. A copy of the decision being appealed;
6. A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and
7. The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the appeal shall be dismissed without a hearing.

(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

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(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the ESC Applicant upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of ~~stormwater~~Stormwater control measures as required by this Section 8.500 through and including 8.534 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.500 through and including 8.536. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.500 through and including 8.536, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.500 through and including 8.536, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the ESC Applicant prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the ESC Applicant at the ESC Applicant's address as recorded in the county assessment and taxation records for the property in question.

(c) Financial Responsibility.

1. Whenever a violation is abated under this Subsection 8.536(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2. The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the ESC Applicant, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3. Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

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BUSINESS RECYCLING REQUIREMENTS

8.700. Definitions.

— For the purposes of this Chapter, the following terms shall mean:

— (1). Business. Any person or persons, or any entity, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational or other activity that is non-residential in nature, including public bodies. The terms shall not apply to businesses whose primary office is located in a residence, conducted as a home occupation. A residence is the place where a person lives.

— (2). Source separate. To separate recyclable material from other solid waste.

8.710. Purpose.

The purpose of sections 8.700 through 8.750 is to comply with Business Recycling Requirements set forth in Metro Code chapter 5.10. A significant increase in business recycling will assist the Metro region in achieving waste reduction goals, conserving natural resources and reducing greenhouse gas emissions.

8.720. Business Recycling Requirements.

1. ~~Businesses shall source separate from other solid waste all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling.~~
2. ~~Businesses shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both.~~
3. ~~Businesses shall post accurate signs where recyclable materials are collected, stored or both that identify the materials that the business must source separate for reuse or recycling and that provide recycling instructions.~~
4. ~~Persons and entities that own, manage or operate premises with Business tenants, and that provide garbage collection service to those Business tenants, shall provide recycling collection systems adequate to enable the Business tenants to comply with the requirement of this section.~~

8.730. Exemption from Business Recycling Requirements.

~~A business may seek exemption from the business recycling requirement by providing access to a recycling specialist for a site visit and establishing that it cannot comply with the business recycling requirement for reasons that include, without limitation, space constraints and extenuating circumstances.~~

8.740. Compliance with Business Recycling Requirements.

~~A business or business recycling service customer that does not, in the determination of the City or the City's agent, comply with the business recycling requirement may receive a written notice of noncompliance. The notice of noncompliance shall describe the~~

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~~violation, provide the business or business recycling service customer an opportunity to cure the violation within the time specified in the notice and offer assistance with compliance.~~

~~A business or business recycling service customer that does not, in the determination of the City or the City's agent, cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide an additional opportunity to cure the violation within the time specified in the citation and shall notify the business or business recycling service customer that it may be subject to a fine.~~

~~8.750~~ Violations.

~~A business or business recycling service customer that does not cure a violation within the time specified in the citation may be subject to a fine provision pursuant to City Code Chapter 1.012, of up to \$250.00 for the first violation and up to \$500.00 for subsequent violations in a calendar year.~~

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CITY OF WILSONVILLE, OREGON

**Industrial Pretreatment Program
Enforcement Response Plan**

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SECTION I. INTRODUCTION

The General ~~pretreatment~~Pretreatment Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved ~~pretreatment~~Pretreatment programs to obtain remedies for noncompliance by any Industrial User. Specifically, 40 CFR 403.8(f)(5) requires the POTW to develop and implement an enforcement response plan.

EPA states that a violation occurs when any of the following conditions apply:

- Any requirement of the City's rules and regulations has not been met.
- A written request is not met within the specified time.
- A condition of a permit issued under the authority of rules and regulations is not met within the specified time.
- Effluent limitations are exceeded, regardless of intent or accident.
- False information has been provided by the ~~discharge~~Discharge.

Each day a violation occurs is considered a separate violation. Each parameter that is in violation is considered to be a separate violation.

Actions that can be taken by the City, in response to violations, are described in this Enforcement Response Plan.—

This Enforcement Response Plan is intended to provide guidance to the City Staff for the uniform and consistent enforcement of the City Sewer Use Ordinance to all Users of the system. The Enforcement Response Plan should be considered a guide for making decisions on the appropriate actions to be taken to return the User to full compliance in the shortest possible time while not being excessive. For additional information see the City of Wilsonville Code, Chapter 8.

SECTION II. ENFORCEMENT REMEDIES

A. Preliminary Enforcement Contacts

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

1. Phone Calls

A phone call maybe the initial informal action taken by the City for missed deadlines and other minor incidents of noncompliance as detected by sampling, inspection and/or as

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soon as a compliance deadline is missed or noncompliance is detected. The City is not required to take this action prior to taking other enforcement options.

A written record of the phone conversation is kept and will contain the following information:

- name of company (IU);
- ~~wastewater discharge permit~~City-issued industrial wastewater discharge permit number;
- name and title of ~~person~~Person contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation;
- initials or signature of City personnel initiating the phone call.

2. Informal Compliance Meeting

An informal compliance meeting may be held to discuss violations which have recurred, violations which remain uncorrected, or violations of a magnitude which warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative to ensure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting should be held before significant noncompliance (SNC) is reached by the ~~I~~industrial U~~industrial-u~~ser. The ~~I~~industrial U~~industrial-u~~ser should already be aware of the criteria for SNC, and the compliance meeting will reinforce that the result of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

1. Notice of Violation

The Notice of Violation (NOV) is an appropriate initial response to any violations and may often be the first response. An informal enforcement action is not required prior to issuing a Notice of Violation. . The purpose of a NOV is to notify the ~~I~~industrial U~~industrial-u~~ser of the detected violation. It may be the only response necessary in cases of infrequent and generally minor violations. As a general rule, the NOV will be issued not later than 5 business days after discovery of the violation. .

The NOV may be issued by the Pretreatment Coordinator.

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The NOV will require the IU to submit a written explanation of the violation and a plan for its satisfactory correction within 10 days of receipt of the NOV. If the User does not return to compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses.

2. Administrative Order

An Administrative Order (AO) are enforcement actions requiring the IU to take a specific action within a specific time period, and may require the IU to seek outside assistance or to modify their production process to eliminate continued non-compliance. An Administrative Order is considered an escalation of the enforcement beyond an informal enforcement action and a Notice of Violation. The City is not required to take informal or less severe enforcement actions prior to issuing an Administrative Order. It is recommended that in most cases a Notice of Violation be issued prior to issuing an Administrative Order to assure the IU management are aware of the problem before ordering an action that may impact the productivity of the IU. The terms of an AO may or may not be negotiated with IUs.

a. Cease and Desist Order

A Cease and Desist Order directs a User in significant noncompliance (SNC) to cease illegal or unauthorized ~~discharge~~Discharges~~discharges~~ immediately or to terminate its ~~discharge~~Discharge altogether. A Cease and Desist Order should be used in situations where the ~~discharge~~Discharge could cause ~~interference~~Interference of a ~~pass-through~~Pass Through, or otherwise create an emergency situation. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be given initially by telephone, with follow-up (within 5 days) by formal written notice.

b. Consent Order

The Consent Order combines the force of an AO with the flexibility of a negotiated settlement. The Consent Order is an agreement between the City and the IU normally containing three elements:

- compliance schedules;
- stipulated fines or remedial actions; and
- signatures of the City and industry representatives.

Consent Orders are intended to provide a scheduled plan of action to be taken by the IU (sometimes actions to be taken by the City) to return to compliance. The compliance schedule should identify all significant actions in a step wise order and when each step should be completed. Routine written reports should be required of the IU providing written documentation of the status of the Consent Order at the time of the report. Typically Consent Orders should not exceed six months in overall time,

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and not specific step to exceed a 90 day period. In some cases the completion of one consent order leads to the issuance of a second or third consent order dependent on the outcome of the previous consent order. Consent orders are effective providing the IU ~~discharge~~Discharge is not contributing to ~~pass-through~~Pass Through or ~~interference~~Interference of the POTW. The City may establish interim permit limits or special ~~discharge~~Discharge requirements while a Consent Order runs its course.

No informal or less severe enforcement action is required to be taken prior to issue of a Consent Order. Before issuing a Consent Order the City should consider the impact the IU's ~~discharge~~Discharge is having on the POTW (~~pass-through~~Pass Through or ~~interference~~Interference) and the evidence that is used to determine the need for the order. The milestone dates established for completion of steps within the Consent Order become enforceable at the same level of a ~~discharge~~Discharge limit of the permit or a requirement of the City ordinance.

3. Show Cause Order

An order to show cause directs the User to appear before the City, and explain it noncompliance, and who cause why more severe enforcement actions against the User should not go forward. The order to show cause is typically issued after information contacts, NOV's, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Case Order/hearing can also be used to investigate violations or previous orders.

The Show Cause Order will either be hand-delivered or mailed with return receipt required. The Order will indicate the nature of the violations and the proposed enforcement response. At the Show Cause meeting, the Public Works Director will present a factual report prepared as the basis for the proposed enforcement action. The IU will present exhibits, material and memoranda. A record of testimonial evidence will be kept by the City.

Within thirty (30) days following the Show Cause meeting, the Public Works~~PW~~ Director will render a decision regarding an enforcement action to be taken, setting forth findings and stating reasons for taking the action. Affirmative defenses to ~~discharge~~Discharge violations (WC, Section 8.318) will be taken into consideration of the ~~Director~~Public Works Director's decision.

Within ten (10) working days of receiving notice of the enforcement action to be taken, the IU may appeal the Director~~Public Works Director~~'s decision to the City Council, pursuant to WC, ~~Section 8.602-402~~Section 8.602-402(10).

4. Compliance Order

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Compliance Orders are similar to Consent Orders, in that, specific actions are mandated and milestone dates are established for the completion of each mandatory action. The primary difference is that a Compliance Order is not negotiated with the IU. The City establishes the mandatory actions and milestone dates without consideration of the IU with the primary focus on protection of the POTW. Compliance Orders may include the acquisition of professional assistance, engineering design, additional or replacement ~~pretreatment~~Pretreatment equipment, development of ~~B~~Best M~~management~~management ~~P~~best ~~management~~ practices, action plans, increased or special testing and/or self-monitoring requirements, and other activities that the City may deem necessary to returning the IU to full compliance. Compliance Orders may establish interim limits and requirements while the IU is operating under the compliance order. The compliance order should require routine reporting during the course of the compliance order.

No previous enforcement action is required prior to issuance of a compliance order

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City's Public Works Director for violations of ~~pretreatment standard~~Pretreatment Standards~~standards~~ and ~~R~~requirements, violations of the terms and conditions of the ~~discharge~~City-issued industrial wastewater ~~discharge~~ permit -and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$5,000 for each day that each violation continues.

Administrative Fines are recommended as an escalated enforcement response, particularly when NOVs or administrative orders have not prompted a return to compliance. Whether administrative fines are an appropriate responses to noncompliance also depend greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section III of this plan when determining the amount of the fine.

6. Emergency Suspension Order

The Public Works Director may suspend an ~~I~~Industrial U~~user's discharge~~Discharge and the ~~I~~Industrial U~~user's City-issued industrial wastewater~~user's discharge permit~~and the industrial~~ ~~user's discharge permit~~, without informal notice or previous enforcement action, in order to stop an actual or threatened ~~discharge~~Discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of ~~person~~Persons~~persons~~, or an endangerment to the environment. Any ~~I~~Industrial U~~industrial~~-user notified of an emergency suspension must immediately stop or eliminate its ~~discharge~~Discharge to the POTW. In the event of the ~~I~~Industrial U~~industrial~~-user's failure to immediately comply voluntarily with the suspension order, the City may sever ~~sewer~~Sewer connection prior to the date of any show cause or termination hearing. The ~~I~~Industrial U~~industrial~~-user must submit a detailed written statement

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describing the causes of the harmful contribution and the measures taken to prevent any future occurrences before ~~discharge~~Discharge to the POTW can be restored.

7. Termination of Permit

Termination of service is the revocation of an ~~Industrial U~~Industrial-user's privilege to ~~discharge~~Discharge ~~industrial waste~~Industrial Wastewater~~wastewater~~ into the City's ~~sewer~~Sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of a suspension order which compels the ~~U~~user to terminate its ~~discharge~~Discharge, or by court ruling. Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. Unlike civil and criminal proceedings, termination of service is an administrative response which can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences.

Any ~~Industrial U~~Industrial-user who violates the Wilsonville Code of Ordinances, City-issued industrial wastewater discharge permit, ~~discharge permit~~ or compliance orders is subject to ~~discharge permit~~ termination of the City-issued industrial wastewater discharge permit as an enforcement remedy. Non-compliant ~~Industrial U~~Industrial-users will be notified in writing of the proposed termination of their City-issued industrial wastewater discharge permit ~~discharge permit~~ and will be offered an opportunity to show cause why the action should not be taken. The Public Works Director is authorized to terminate an IU's ~~discharge~~Discharge if it presents or may present an endangerment to the environment or if it threatens to interfere with the operation of the POTW

In contrast to the Emergency Suspension Order, the Notice of Termination of the Discharge Permit is to be used when significant changes in the ~~Industrial U~~Industrial-user's operations have occurred without authorization resulting in new ~~pollutant~~Pollutant contributions or volume of ~~wastewater~~Wastewater ~~discharge~~Discharged.~~discharged~~. Furthermore, through the course of administering, monitoring and compliance activity, the City may acquire new information which was not available at the time the City-issued industrial wastewater discharge permit ~~discharge permit~~ was issued. Until corrections have been made, and continuing ~~discharge~~Discharge compliance can be assured, the City may terminate the IU's permitted right to ~~discharge~~Discharge into the City's POTW.

C. **Judicial Enforcement Remedies**

There are four judicial enforcement remedies which are available to the City, as outlined in Wilsonville Codes – Injunctive Relief, Civil Penalties, Criminal Penalties, and Remedies Non-Exclusive.

1. Injunctive Relief

Injunctive relief is the formal process of petitioning the Circuit Court of Clackamas County for the issuance of either a temporary or permanent injunction which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit~~discharge permit~~,

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order or other required imposed on the activities of the ~~I~~industrial ~~U~~industrial user. Injunctive relief is carried out by the City Attorney in conjunction with the City ~~Manager~~manager, Public Works Director and the Mayor.

2. Civil Penalties

Civil litigation is the formal process of filing lawsuits against ~~I~~industrial ~~U~~industrial users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the ~~I~~industrial ~~U~~industrial user is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the City Attorney and only initiated as authorized by the City Council.

3. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the City Attorney and may be filed in municipal court.

4. Remedies Nonexclusive (§8.312)

The remedies provided for in the ordinance are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the ~~Director~~Public Works Director may take other action against any User when the circumstances warrant. Further, the ~~Director~~Public Works Director is empowered to take more than one enforcement action against any noncompliant User.

D. Supplemental Enforcement Remedies

Supplemental or innovative enforcement remedies are used to complement the more traditional enforcement responses already described. Normally, supplemental responses are used in conjunction with more traditional approaches. The following are provided for in the City Code:

- Performance Bonds
- Liability Insurance
- Payment of Outstanding Fees and Penalties
- Water Supply Severance
- Public Nuisance
- Informant Rewards
- Contractor Listing

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SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

B. Class of Violations

Class I:

- * Un-permitted ~~discharge~~Discharge or failure to halt ~~discharge~~Discharge which cause harm to the POTW and/or the environment.
- * Failure to comply with notification requirements of a spill or ~~slug-load~~Slug Load or upset condition.
- * Violation of an Administrative Order or compliance schedule.
- * Failure to provide access to premises or records.
- * Any violation related to water quality which causes a major harm or poses a major risk of harm to public health or the environment.
- * Significant Noncompliance (40 CFR 403.8(f)(2)(vii)(A-H).
- * Process waste stream dilution as a substitute for ~~pretreatment~~Pretreatment.

Class II:

- ** Operation of a ~~pretreatment~~Pretreatment facility without first obtaining a City-issued industrial wastewater discharge permit~~Discharge Permit~~. (No harm to POTW or the environment).
- ** Any violation related to water quality which is not otherwise classified.
- ** Recurring violations of City-issued industrial wastewater discharge permit~~local discharge permit~~ limits or Federal Standard.

Class III

- *** Un-permitted ~~discharge~~Discharge which causes no harm to POTW.
- *** Failure to operate and maintain a ~~pretreatment~~Pretreatment facility.
- *** Monitoring, record keeping, and reporting violations.
- *** First-time violation of a local permit limit or Federal Standard regulating the ~~discharge~~Discharge of ~~pollutant~~Pollutants~~pollutants~~.

C. Magnitude of Violations

Major:

- pH value less than 5.0 or more than 11.0,.

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- More than 2.0 times the maximum allowable limit established for regulated ~~pollutant~~Pollutants~~pollutants~~, other than pH.
- Anything directly attributable to an upset condition or damage of the POTW.
- Recurring failure to meet the terms of a compliance order or recurring failure to correct a known violation.
- Missed compliance milestone or report submittal deadline by more than 30 days without good cause.
- Any other violation meeting the definition of significant noncompliance (See Sections II and III, as well as the Enforcement Response Matrix).

Moderate:

- From 1.2 to 2.0 times the maximum allowable limit established for regulated ~~pollutant~~Pollutants~~pollutants~~, other than pH.
- Third Notice of Violations of a City-issued industrial wastewater discharge permit~~Discharge Permit~~ condition or compliance order in a 12 month period.

Minor:

- pH value of 5.0 to 5.5 and 10.0 to 11.0 to 1.2 times the maximum allowable limit for regulated ~~pollutant~~Pollutants~~pollutants~~, other than pH.
- Second Notice of Violation for the same City-issued industrial wastewater discharge permit~~Discharge Permit~~ condition or compliance order in a 12 month period.
- Missed compliance milestone or report submittal deadline without good cause by up to 30 days.
- Violations detected during site visits which do not results in harm to the POTW or the environment.

D. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than \$100. The maximum fine/penalty may not exceed \$5,000 per each day per violation.

E. Assessment of Fines/Penalties

1. Assessment Protocol

When determining the amount of an administrative fine or civil penalty to be assessed for any violation, the Public Works Director shall apply the following procedures:

- Determine the class and the magnitude of each violation.
- Choose the appropriate base penalty (BP) from the BP Matrix in paragraph A of this section.
- Starting with the base-penalty (BP), determine the total amount of penalty through application of the formula:

$$BP + [(0.1 \times BP) (P+H+O+R+C)] + EB$$

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Where:

BP = Base-Penalty

P = prior significant action taken against the IU. (Significant actions refers to any violation established either with or without admission by payment of a penalty.)

H = compliance history

O = violation repetitive or continuous

R = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act

C = Cooperation and effort put forth to correct the violation

EB = Approximated dollar sum of the economic benefit that the IU gained through noncompliance.

2. Values for (P) shall be as follows:

- (i) 0 if no prior significant actions or there is insufficient information on which to base a finding.
- (ii) 1 if the prior significant action is one Class Two or two Class Threes;
- (iii) 2 if the prior significant action(s) is one Class One or equivalent;
- (iv) 3 if the prior significant actions are two Class One or equivalents;
- (v) 4 if the prior significant actions are three Class Ones or equivalents;
- (vi) 5 if the prior significant actions are four Class Ones or equivalents;
- (vii) 6 if the prior significant actions are five Class Ones or equivalents;
- (viii) 7 if the prior significant actions are six Class Ones or equivalents;
- (ix) 8 if the prior significant actions are seven Class Ones or equivalents;
- (x) 9 if the prior significant actions are eight Class Ones or equivalents;
- (xi) 10 if the prior significant actions are nine Class Ones or equivalents, of it any of the prior significant actions were issued for any violation of WC, Chapter 8.
- (xii) In determining the appropriate value for prior significant actions as listed above, the ~~Director~~Public Works Director shall reduce the appropriate factor by:
 - (1) A value of two (2) if all prior significant actions are greater than three years but less than five years old;

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- (2) A value of four (4) if all the prior significant actions are greater than five years old;
- (3) In making the above restrictions, no finding shall be less than 0.

(xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

3. Values for (H) shall be as follows:

(H) = Past history of the IU to take steps to correct violations cited in prior significant actions. In no case shall the combination of (P) and (H) be a value of less than zero.

- (i) -2 if IU took all feasible steps to correct each violation contained in any prior significant action;
- (ii) 0 if there is not prior history or if there is insufficient information on which to base a finding:

4. Values for (O) shall be as follows:

Where (O) = whether the violation was repeated or continuous

- (i) 0 if the violation existed for one day or less and did not recur on the same day;
- (ii) 2 if the violation existed for more than one day or if the violation recurred on the same day.

5. Values for (R) shall be as follows:

Where: (R) = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act.

- (i) 0 if an unavoidable accident, or if there is insufficient information or make a finding.
- (ii) 2 if negligent
- (iii) 6 if intentional; or
- (iv) 10 if flagrant

6. Values for (C) shall be as follows:

Where: (C) is the Cooperation and effort put forth by the IU to correct the violation.

- (i) 2 if IU was cooperative and took reasonable efforts to correct the violation or minimize the effects of the violation;

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- (ii) 0 if there is insufficient information to make a finding, or if the violation of the effects of the violation could not be corrected.
- (iii) 2 if IU was uncooperative and did not take reasonable efforts to correct the violation or minimize the effects of the violation.

7. Values for (EB) shall be as follows:

Where: (EB) = Approximated dollar sum of the economic benefit that the IU gained through noncompliance. The penalty may be increased by the value assigned to (EB), provided that the sum penalty does not exceed the maximum allowed. In order to ensure that no IU may be able to pollute as a cost of doing business, the Public WorksPW Director is empowered to take more than one enforcement action against any noncompliance IU (WC, Section 8.140(2)).

- (i) Add to the formula the approximate dollar sum of the economic benefit gained through noncompliance, as calculated by determining both avoided costs and the benefits obtained through any delayed costs, where applicable;
- (ii) The Public WorksPW Director need not calculate nor address the economic benefit component of the civil penalty when the benefit obtained is de minimis;

SECTION IV. NON COMPLIANCE DEFINED

A. Noncompliance

Noncompliance is any violation of one or more of the, Wilsonville Code, Chapter 8, any of the conditions or limits specified in the IU's Wastewater Discharge PermitCity-issued industrial wastewater discharge permit or any compliance order issued by the City. Enforcement action must be initiated for the following instances of noncompliance:

1. Industry failure to submit a permit application form;
2. Industry failure to properly conduct self-monitoring;
3. Industry failure to submit appropriate reports;
4. Industry failure to comply with appropriate ~~pretreatment standard~~Pretreatment Standardsstandards by the compliance deadline date;
5. Industry failure to comply with ~~pretreatment~~Pretreatment limits as determined from review of self-monitoring reports or City sampling;
6. Industry falsification of information;
7. Sewer use violation of the municipal code

B. Significant Noncompliance:

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Significant Noncompliance shall be applicable to all Significant ~~U~~users or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of ~~wastewater~~Wastewater discharge~~Discharge~~~~discharge~~ limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same ~~pollutant~~Pollutant parameters during a six month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits. ~~–~~

2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) of more of ~~wastewater~~Wastewater measurements taken for each ~~pollutant~~Pollutant parameter taken during a six-month period equal or exceeded by the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other ~~pollutant~~Pollutants~~pollutants~~ except pH);

3. Any other violation of a Pretreatment Standard or Requirement (~~D~~daily~~Maximum~~ or longer- term average, Instantaneous Limits or narrative standard) that the City determines has caused, alone or in combination with other ~~discharge~~Discharges, ~~interference~~Interference~~discharges~~, ~~interference~~ or ~~pass through~~Pass Through (including endangering the health of City personnel of the general public);

4. Any ~~discharge~~Discharge of ~~pollutant~~Pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a ~~discharge~~Discharge.

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual ~~wastewater discharge permit~~City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within forty five (45) days after the due date, required reports, including baseline monitoring reports, reports on compliance with ~~categorical~~Categorical Pretreatment Standard deadlines, ~~–~~periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the ~~pretreatment~~Pretreatment program.

SECTION V. RANGE OF ENFORCEMENT REPOSSES

When the City is presented with the need for enforcement response, it will select the most appropriate response to the violation. The City will consider the following criteria when determining a proper response:

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- . Magnitude of violation;
- . Duration of the violation;
- . Effect of the violation on the receiving water;
- . Effect of the violation on the POTW;
- . Compliance history of the ~~I~~ndustrial ~~U~~industrial user; and
- . Good faith of the ~~I~~ndustrial ~~U~~industrial user.

These six criteria are discussed in detail below:

1. Magnitude of the Violation

Generally, an isolated instance on noncompliance can be met with an informal response and a Notice of Violation or Consent Order. However, certain violations or patterns of violations are significant and must be identified as such. Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of an IU as being in SNC provides the City with priorities for enforcement action and provides a means for reporting on the IU performance history. SNC is a violation which meets one or more of the -criteria set forth in Section IV B.

2. Duration of Violation

Violations, regardless of severity, which continue over long periods of time will subject the ~~I~~ndustrial ~~U~~industrial user to escalated enforcement actions. For example, an effluent violation which occurs in two out of three samples over a six-month period or a report which is more than 45 days overdue is considered SNC, while a report which is two days late would not be deemed significant.

The City's response to these situations must prevent extended periods of noncompliance from recurring. The City may issue an administrative order for chronic violations. If the ~~I~~ndustrial ~~U~~industrial user fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, the City will also consider terminating services or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

3. Effect on the Receiving Water

One of the primary objectives of the national ~~p~~retreatment Pretreatment program is to prevent ~~p~~ollutant Pollutants ~~pollutants~~ from "passing through" the POTW and entering the ~~r~~eceiving ~~s~~stream Receiving Stream.- Consequently any violation which results in environmental harm will be met with a SNC categorization and corresponding enforcement action. Environmental harm will be presumed whenever an industry ~~d~~ischarge Discharges ~~discharges~~ a ~~p~~ollutant Pollutant into the ~~S~~ewerage system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES Waste Discharge ~~p~~ermit permit (including water quality standards); or

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b. Has a toxic effect on the receiving waters (i.e. fish kill).

The enforcement response should ensure the recovery from the noncompliance User of any NPDES fines and penalties paid by the City to any party whether governmental or otherwise. If a User's ~~discharge~~Discharge~~user's discharge~~ causes repeated harmful effects, the City will seriously consider terminating service to the User.

4. Effect on the POTW

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be categorized as SNC. For example, when the Industrial User's ~~discharge~~Discharge~~industrial user's discharge~~ upsets the ~~treatment plant~~Treatment Plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response will include cost recovery, civil penalties, and a requirement to correct the condition causing the violation.

5. Compliance History of the User

A pattern of recurring violations (even if different program requirements) may indicate whether that the User's treatment system is inadequate or that the User has taken a casual approach to operating and maintaining its treatment system. Accordingly, Users exhibiting recurring compliance problems will be categorized as SNC. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use the less severe option.

6. Good Faith of the User

The User's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a User's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the City's POTW experiences a treatment upset, the City will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

SECTION VI. ENFORCEMENT PROCEDURES

The City must document procedures to evaluate industry self-monitoring data, reports and notices to accurately determine the compliance status of each significant User. These procedures must identify all violations, including non-~~discharge~~Discharge or reporting violations.

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This Enforcement Response Plan designates responsibilities for this evaluation task. The task is assigned to the Pretreatment Coordinator since he/ she is familiar with the IU's and the City's ~~pretreatment~~Pretreatment program rules and regulations. The Pretreatment Coordinator is responsible to identify the noncompliance and alert the Public Works Director (PWD) of the possible need for enforcement action.

The City will examine all monitoring data and reports within five (5) days of receipt. In order to review reports, the Pretreatment Coordinator will apply the following procedures:

- The Pretreatment Coordinator has established schedules in the City-issued industrial wastewater discharge permits~~Industrial Wastewater Discharge Permits~~ to designate when self-monitoring reports are due. Each self-monitoring report will be checked to see that it is submitted by its due date, and is appropriately signed and certified. Likewise, the Pretreatment Coordinator will check notifications and report requirements.
- All analytical data will be screened by comparing it to categorical or ~~local limits~~Local Limits or to any additional ~~discharge~~Discharge standards which may apply.
- All violations will be identified and a record made of the response. At a minimum, this will be accomplished by circling the violation, using a red ink marker.
- The Pretreatment Coordinator, Responsible for screening data, must alert the PWD to the noncompliance. This allows the City to determine its enforcement response in a timely manner.

Industrial waste ~~discharge~~Discharges~~discharges~~ violations are usually detected by the following six ways:

- (1) An ~~Industrial U~~Industrial-user reports a violation.
- (2) The City's collection system monitoring and field surveillance detects a possible violation.
- (3) The ~~treatment plant~~Treatment Plant process is upset.
- (4) An unauthorized waste disposal procedure is identified during a facility inspection.
- (5) Investigation of a Citizen Concern Action Report.
- (6) Emergency crews (i.e. police, fire, rescue) report a hazardous material incident.

Industrial source investigations will be initiated for each of the examples presented above, and ensuing enforcement actions will be of an escalating nature (see Enforcement Response Matrix). Enforcement will begin with administration remedies (e.g. Notice of Violation, Consent Orders, Compliance Orders). If necessary, civil/criminal penalties will be sought and/or emergency

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suspension of ~~sewer~~Sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought, as provided in WC Chapter 8.

The enforcement plan uses a three-level approach to enforcement action toward any noncompliance event.

LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

<u>Response</u>	<u>City Personnel</u>
1. (Informal) Phone Call	Pretreatment Coordinator
2. (Informal) Compliance Meeting	Pretreatment Coordinator
3. Notice of Violation (WC, Section 8. 402602402 (2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8. 402602402 (3))	Pretreatment Coordinator

LEVEL II: Responses are taken when an IU has reached significant noncompliance. Level II enforcement action must include the issuance of an Administrative Order, as described below:

<u>Response</u>	<u>City Personnel</u>
1. Compliance Order (WC, Section 8. 402602402 (5))	Public Works Director
2. Cease and Desist Order (WC, Section 8. 402602402 (6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8. 402602402 (8))	Public Works Director City Attorney
4. Termination of Permit (WC, Section 8. 402602402 (9))	Public Works Director City Attorney

When an IU is in SNC, the Pretreatment Coordinator will do the following:

1. Report such information to DEQ as a component of the City's annual ~~pretreatment~~Pretreatment program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable ~~pretreatment~~Pretreatment S — ~~pretreatment~~ standards and ~~requirements~~Requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU's, includes:
 - a. Prepare a compliance history from the City's ~~pretreatment~~Pretreatment records for each SIU.

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- b. Review the history of each SIU for either a pattern of noncompliance, or if the SIU has been or continues to be in SNC.
- c. To the extent that an SIU meets the criteria in (b), above, the SIU will be placed on the list for publication in the largest daily newspaper within the City of Wilsonville.
- d. The published list of IU’s in SNC will include the following information:
 - I. Duration of violation.
 - ii. Parameters and/or reporting requirements violated.
 - iii. Compliance actions taken by the City.
 - iv. Whether or not the IU is currently in compliance or on a compliance schedule.

LEVEL III: This level of enforcement is reserved for the extreme occasion when the IU is in SNC and does not respond to an Administrative Order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with ~~pretreatment~~Pretreatment regulations. Level III enforcement may also be used for willful ~~discharge~~Discharge of ~~wastewater~~Wastewater in amounts which cause ~~pass-through~~Pass Through or ~~interference~~Interference, and cases of falsification. The timeframe for initiating Level III enforcement actions will range from immediate (e.g. reasonable potential to cause harm to the public, the POTW, or the environment, or a court ordered injunction for gaining access to an IU’s facility) to not more than sixty (60) days. This level of enforcement requires the consultation of the City Attorney to determine the appropriateness and legal basis for the action to be implemented.

<u>Response</u>	<u>City Personnel</u>
1. Injunctive Relief (WC, Section 8. 404604404 (1))	City Attorney City Council
2. Civil Penalties (WC, Section 8. 404604404 (2))	City Attorney City Council
3. Criminal Prosecution (WC, Section 8. 404604404 (3))	City Attorney City Council
4. Supplemental Enforcement (WC, Section 8. 406606406)	Public Works Director, City Attorney, City Council

SECTION VII. TIME FRAMES FOR ENFORCEMENT ACTION AND FOLLOW-UP

The City will provide timely response to violations. In Section I and Section IV it has been established that the Pretreatment Coordinator will review ~~I~~Industrial U~~industrial~~-user reports within five (5) days of receipt. Similarly, violations observed in the field or upon receipt of compliance information will be responded to within five (5) days. Complex or larger violations may require a longer response time, and communications will be made with the I~~industrial~~

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Industrial user (IU) regarding the time of the City's response. All formal enforcement notices will either be hand-delivered or mailed with return receipt required.

After its initial enforcement response, the City will closely track IU's progress toward compliance. This may be done by inspection, as well as timely receipt of required progress reports. The frequency of User self-monitoring may be increased. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the City will escalate its enforcement response, using the steps of the enforcement matrix as a guide.

The Pretreatment Coordinator will establish a manual log to record the receipt of required reports. This log will contain 12 sections. Each section will be titled with the name of the month, January through December. The pages in each monthly section will list all of the Industrial Industrial users who are required to report. Under each listed industry will be listed the type of report due and its due date. Following the due date will be a place to write the date the report is actually received. Next to each listed industry, also on the same line which identifies required reports and due dates, will be an area to note a summary of compliance status, including enforcement actions, calculations of administrative fines and/or SNC, and enforcement action timelines.

At the end of the month, the material in the report log will be transferred to a computer file created for each Industrial Industrial user for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all ~~pretreatment~~Pretreatment information pertinent to the particular industry.

In summary, the tracking of noncompliance, including SNC will be accomplished as follows:

1. Monitoring reports, inspection reports and compliance reports will be reviewed by the Pretreatment Coordinator within 5 days of receipt. Likewise, all ~~pretreatment~~Pretreatment program violations will be identified and documented and the initial (Level 1) enforcement response (e.g. phone call or compliance meeting **and** an NOV or Consent Order) will occur within 5 days of receipt of reports.
2. Violations classified by the Pretreatment Coordinator as SMC will be followed with an enforceable Level II order to be issued by the Public Works Director within 3 days of receipt or detection of noncompliance.
3. Assisted by the City Attorney, the Pretreatment Coordinator will respond to persistent or recurring violations with an escalated enforcement response (Level III) within 60 days after the initial enforcement action. Violations which threaten health, property or the environment will be treated as an emergency and an immediate enforcement response (e.g. Termination of Permit, Suspension Order, Injunctive Relief) will be initiated.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL

A. POTW Supervisor

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The ~~wastewater treatment plant~~ Wastewater Treatment Plant Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the ~~treatment plant~~ Treatment Plant. The Supervisor is also responsible for compliance with the NPDES Waste Discharge p ~~Permit~~ permit for ~~wastewater~~ Wastewater discharge ~~Discharge~~ ~~discharge~~. The Supervisor has the authority to recommend to discontinue ~~sewer~~ Sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of ~~person~~ Persons ~~persons~~. The Supervisor will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also responsible for the administration and implementation of the ~~pretreatment~~ Pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the ~~person~~ Person typically working with ~~I~~ Industrial U ~~industrial~~ users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review ~~I~~ Industrial U ~~industrial~~ user reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC- will work under direction of the Public Works Director.

C. Public Works Director (PWD)

~~As provided by WC, Section 8.006(58), t~~ ~~The~~ ~~the~~ Public Works Director is the ~~person~~ Person designated to supervise and assume responsibility for the overall operations of the City's public works infrastructure, including the POTW, NPDES, NPDES Waste Discharge p ~~Permit~~ permit compliance and the ~~industrial~~ Industrial ~~pretreatment~~ Pretreatment ~~pretreatment~~ program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director- works under the direction of the City Manager and supervises the Pretreatment Coordinator.

D. City Attorney

The City Attorney will be responsible for advising staff and City Council on ~~pretreatment~~ Pretreatment enforcement matters. The Attorney works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

E. City Council

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The City Council for the City of Wilsonville will be responsible for authorizing any Level III enforcement action taken, except in an emergency. As defined by City Charter, the City Council will be ultimately responsible for effluent quality, sludge use and disposal, NPDES compliance, the issuance of administrative orders, fines and assessments, and any judicial action followed by the ~~sewer~~Sewer use ordinance.

SECTION IX. ENFORCEMENT RESPONSE MATRIX

A. Definitions

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting
CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency suspension of IU -discharge <u>Discharge</u> and <u>City-issued industrial wastewater discharge permit</u> discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include; injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

B. Applying the Enforcement Matrix

The matrix specifies enforcement actions for each type (or pattern) of noncompliance. The Pretreatment Coordinator will select an appropriate response from the list of enforcement actions indicated by the matrix. There are a number of factors to consider when selecting a response from among these actions. Several of the factors are identical to those used in originally establishing the guide:

1. Good faith or the User.
2. Compliance history of the User.
3. Previous success of enforcement actions taken against the particular User.

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4. Violation's effect on the receiving waters.
5. Violation's effect on the POTW.

Since the remedies designed in the matrix are all considered appropriate, the city staff and city council must weigh each of the factors outlined above before deciding whether to use a more or less stringent response. City personnel shall consistently follow the enforcement response matrix. To do otherwise sends a signal to ~~Industrial U~~users and the public that the City is not acting in a predictable manner and may subject the City to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement. The enforcement response matrix is to be used as follows.

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.
2. Assess the appropriateness of the recommended response(s) in column 3. First offenders or ~~U~~users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
3. From column 3, apply the enforcement response to the ~~Industrial U~~user. Specify correction action or other responses required of the ~~Industrial U~~user, if any. Column 4 indicates personnel responsible for initiating each response.
4. Follow-up with escalated enforcement action if the ~~Industrial U~~user's response is not received or the violation continues.

WILSONVILLE CODE**SECTION IX. ENFORCEMENT RESPONSE MATRIX****ENFORCEMENT RESPONSE MATRIX**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same pollutant <u>Pollutant</u> with three (3) consecutive months	II	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC
	B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,
Four (4) violations within 3 consecutive months		I	CM & CO-1	PC
pH violations resulting in Significant Noncompliance		II	CO with possible AF	PWD, CA,CM
C. pH Limit Violation – continuous	Excursion exceeding 60 min. in 24 hour period (level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation.	I	Phone & NOV. ** 4 excursions in one quarter: CM & C)-1	PC
	Excursions exceeding 7 hours and 26 min. during a calendar month> (Level I)	I	Phone call & NOV. **4 excursions in one quarter: CM & CO-1	PC

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	Daily or monthly violations occurring during 66% or more of a 6 month period. (Level II)	II	CO-2 with AF	PWD
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered significant non compliance	II	If reported IU, CO-2 with possible AF. If not reported by IU, CDO with AF	PWD, CA

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation (continued)				
E. Spill or Slug Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA, CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PWD, CA, CM
	Not Reported by IU. Resulting in interference Interference, pass-through or damage	II	CDO with AF	PWD, CA
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA, CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM and CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD

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	Failure to Submit Reports; or reports are always late.	II	CDO with possible AF	PWD, CA, PC
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Monitoring Violations	Failure to monitor all pollutant Pollutants pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1 with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM and CO-1 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause of delay)	I	CM & CO-1	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow-up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC,
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	ReOccurring unintentional sampling and incorrect location	II	Phone call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD

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SUMMARY OF TIME FRAMES FOR RESPONSES

1. Compliance Reports – reviewed within 5 days of receipt.
2. All violations will be identified and documented within 5 days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within 5 days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within 30 days of violation detection.
5. **Level III** Enforcement Response (judicial and supplemental enforcement actions) time frame is subject to case-by-case legal review by the City Attorney, but in no case will the initiation of a Level III action exceed 60 days.
6. Recurring Violations – follow-up enforcement within 60 days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the ~~discharge~~Discharge or terminating service.

**Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Entire Chapter 8 Amended by Ordinance No. 753, adopted October 24, 2014**

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CHAPTER 8 - ENVIRONMENT

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INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

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ENVIRONMENT

GENERAL PROVISIONS

8.000 General Provisions – Environment

(1) Chapter 8 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Design Review, Permitting Process, Building Code, Development Standards and Public Works Standards.

(2) This Chapter shall be known as the Environment Ordinance and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Industrial Wastewater Ordinance, Storm Water Ordinance, and ~~Garbage Disposal Ordinance, and~~ Environment Enforcement, etc.

8.002 Administration.

Except as otherwise provided herein, the Public Works Director, ~~hereinafter referred to as “Director”~~, shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to a duly authorized representative.

8.004 Abbreviations. The following abbreviations shall have the designated meanings:

(1)	<u>BOD</u>	Biochemical Oxygen Demand
(2)	<u>BMP</u>	Best Management Practices
(3)	<u>BMR</u>	Baseline Monitoring Reports
(4)	<u>CFR</u>	Code of Federal Regulations
(5)	<u>CIU</u>	Categorical Industrial User
(6)	<u>COD</u>	Chemical Oxygen Demand
(7)	<u>DEQ</u>	Oregon Department of Environmental Quality
(8)	US -EPA	U.S. Environmental Protection Agency
(9)	<u>gpd</u>	Gallons Per Day
(10)	<u>IU</u>	Industrial User
(11)	<u>mg/l</u>	Milligrams per liter
(12)	<u>NPDES</u>	National Pollutant Discharge Elimination System
(13)	<u>NSCIU</u>	Non-Significant Categorical Industrial User
(14)	<u>O&M</u>	Operation and Maintenance
(15)	<u>POTW</u>	Publicly Owned Treatment Works
(16)	<u>RCRA</u>	Resource Conservation and Recovery Act
(17)	<u>SIC</u>	Standard Industrial Classification
(18)	<u>SIU</u>	Significant Industrial User
(19)	<u>SNC</u>	Significant Non-Compliance
(20)	<u>SWDA</u>	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
(21)	<u>TSS</u>	Total Suspended Solids
(22)	<u>USC</u>	United States Code

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8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

~~(2)~~ Applicant. The ~~owner~~Owner of a property and/or his or her agents, contractors, or developers who applies for a City permit.

~~(2)(a)~~ ESC Applicant. The Owner of a property and/or his or her agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.

~~(3)~~ Approval Authority. ~~The Oregon Department of Environmental Quality (DEQ).~~

~~(4)(3)~~ Authorized or Duly Authorized Representatives of the User.

(a) If the user is a corporation, authorized representative shall mean:

1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other ~~person~~Person who performs similar policy or decision-making functions for the corporation; or

2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate or direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or action taken to gather complete and accurate information for individual City-issued industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(c) If the user is a Federal, State or local government facility the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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(d) The individuals described in paragraphs (3) (a)-(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the ~~discharge~~Discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the City.

~~(5)~~(4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

~~(6)~~(5) Best Management Practices or BMP's.. The schedule of activities, controls, prohibition of practices, maintenance procedures, and other management practices designed to prevent or reduce pollution.

(a) Erosion and Sediment Control BMPs. BMPs that are intended to prevent ~~erosion~~Erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, ~~sediment~~Sediment fences, and ~~sediment~~Sediment traps and ponds. Erosion and ~~sediment~~Sediment control BMPs are synonymous with stabilization and structural BMPs.

(b) Pretreatment BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established ~~categorical~~Categorical Pretreatment Standards and effluent limits.

~~(7)~~(6) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the ~~discharge~~Discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the ~~building sewer~~Building Sewer, which begins five (5) feet (-1.524 meters) outside of the building exterior wall.

~~(8)~~(7) Building Sewer (Sanitary Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a ~~building drain~~Building Drain and that receives the ~~sewage discharge~~Sewage Discharge of the ~~building drain~~Building Drain and conveys it to a public ~~sanitary sewer~~Sanitary Sewer, private sanitary ~~sewer~~Sewer, private ~~sewage~~Sewage disposal system, or other point of disposal (aka ~~sanitary sewer lateral~~Sanitary Sewer Lateral).

~~(9)~~(8) Building Sewer (Storm Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a ~~building drain~~Building Drain and that receives the ~~stormwater~~Stormwater or other approved drainage, but no ~~sewage discharge~~Sewage Discharge from a ~~building drain~~Building Drain, and conveys it to a ~~public stormwater system~~Public Stormwater System, private ~~stormwater~~Stormwater system or other point of disposal (aka ~~storm sewer lateral~~Storm Sewer Lateral).

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~~(10)~~(9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing ~~pollutant discharge~~Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

~~(11)~~(10) Categorical Industrial User. An Industrial User subject to a ~~ategorical~~Categorical Pretreatment Standard or ~~ategorical~~Categorical Standard.

~~(12)~~(11) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.

~~(13)~~(12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

~~(14)~~(13) City~~City's Authorized Stormwater Representative for Stormwater~~. A Representative selected by the Community Development Director to oversee ~~stormwater~~Stormwater activities and enforcement.

~~(15)~~(14) City Manager. The City Manager for the City of Wilsonville, other designated authority charged with the administration and enforcement of this Chapter, or the City Manager's duly authorized representative.

~~(16)~~(15) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

~~(17)~~ ~~Combined Sewer~~. ~~Shall mean a sewer receiving both surface runoff and sewage.~~

~~(18)~~(16) Commercial. Shall mean for the purposes of this Chapter, all buildings or structures of which are not designed for the purposes of these sections as ~~residential~~Residential or ~~industrial~~Industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this chapter's ~~pretreatment standards~~Pretreatment Standards shall mean ~~industrial~~Industrial.

~~(19)~~(17) Composite Sample. The sample resulting from the combination of individual ~~wastewater~~Wastewater samples taken at selected intervals based on either an increment of flow or time.

~~(20)~~ ~~Contractor~~. ~~Shall mean a person or persons, corporation, partnership or other entity who is a party to an agreement with the City.~~

~~(21)~~(18) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

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~~(22)~~(19) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

~~(23)~~(20) Customer. Shall mean any individual, firm, company, association, society, corporation, group or ~~owner~~Owner, who receives utility services from the City such as water, ~~sanitary sewer, stormwater~~Sanitary Sewer, Stormwater and streetlights.

~~(24)~~(21) Daily Maximum. The arithmetic average of all effluent samples for a ~~pollutant~~Pollutant collected during a calendar day.

~~(25)~~(22) Daily Maximum Limits. The maximum allowable ~~discharge~~Discharge limit of a ~~pollutant~~Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily ~~discharge~~Discharge is the total mass ~~discharged~~released or introduced over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily ~~discharge~~Discharge is the arithmetic average measure of the ~~pollutant~~Pollutant concentration derived from all the measurements taken that day.

~~(26)~~(23) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

~~(27)~~ Director. ~~The City of Wilsonville Public Works Director for the City of Wilsonville or designated representative of the Director.~~

~~(28)~~(24) Discharge. The ~~discharge~~release or the introduction of ~~pollutants~~Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

~~(29)~~(25) Environmental Protection Agency or EPA. The ~~US~~United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

~~(30)~~(26) Erosion. The movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

~~(31)~~(27) Erosion Prevention and Sediment Control (ESC). Any temporary or permanent measures taken to reduce Erosion, control siltation and sedimentation, and ensure that Sediment-laden water does not leave a site.

~~(32)~~(28) Erosion Prevention and Sediment Control Plan (ESC Plan). Standards found within this chapter and set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all ~~erosion~~Erosion and ~~sediment~~Sediment control measures.

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~~(33)~~(29) Existing Source. Any source of ~~discharge~~Discharge that is not a “~~new source~~”New Source.”

(30) Federal. The United States government, including all related branches and authorized representatives or officials of the United States government.

~~(34)~~(31) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and ~~industrial~~Industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and ~~commercial~~Commercial preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling ~~sewage~~Sewage and body waste.

~~(35)~~(32) Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

~~(36)~~ Holding Tank Waste. ~~Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.~~

~~(37)~~(33) Illicit Discharge. Any ~~discharge~~Discharge to the public or natural ~~stormwater~~Stormwater conveyance system that is not composed entirely of ~~stormwater~~Stormwater, except ~~discharges~~Discharges governed by and in compliance with an NPDES ~~permit~~Stormwater Permit.

~~(38)~~(34) Indirect Discharge ~~or Discharge~~. The introduction of pollutants into the POTW from a non-domestic source.

~~(39)~~(35) Instantaneous Limit. The maximum concentration of a ~~pollutant~~Pollutant allowed to be ~~discharged~~Discharged at any time, determined from the analysis of any discrete or ~~composite sample~~Composite Sample collected, independent of the ~~industrial~~Industrial flow rate and the duration of the sampling event.

~~(40)~~(36) Industrial. Shall mean, in the context of ~~building sanitary sewer~~Building Sanitary Sewer permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the City’s zoning and building code provisions. It shall otherwise mean in the context of this Chapter for ~~pretreatment standards~~Pretreatment Standards, non-domestic.

~~(41)~~ Industrial User. ~~A source of indirect discharge.~~

~~(42)~~(37) Industrial Wastewater. Any non-domestic ~~wastewater~~Wastewater originating from a nonresidential source.

~~(43)~~(38) Interference. A ~~discharge~~Discharge, which, alone or in conjunction with a ~~discharge~~Discharge or ~~discharges~~Discharges from other sources:

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(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Therefore is a cause of a violation of the City's NPDES ~~permit~~Waste Discharge Permit (including an increase in the magnitude or duration of a violation) or of the prevention of ~~sewage~~Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

~~(44)~~(39) Land Development. Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. A Land Development may encompass one or more tax lots.

~~(40)~~ Lessee. A Person other than the Owner having a legal right to possess or control the property.

~~(45)~~(41) Local Limits. Specific ~~discharge~~Discharge limits developed and enforced by the City upon ~~industrial~~Industrial or ~~commercial~~Commercial facilities to implement the general and specific ~~discharge~~Discharge prohibitions listed in this Chapter.

~~(46)~~ Maximum Allowable Headwork's Loading. The maximum pollutant loading that can be received at the headwork's of the POTW and be fully treated to meet all disposal limits and without causing interference. This value is calculated in the derivation of Technically Based Local Limits.

~~(47)~~ Major Sanitary Sewer Line Extension. Shall mean the extension of a sanitary mainline that is, or will be, located within public rights-of-way or dedicated easements.

~~(48)~~(42) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~(49)~~(43) Monthly Average. The sum of all "daily ~~discharges~~Discharges" measured during a calendar month divided by the number of "daily ~~discharges~~Discharges" measured during the month.

~~(50)~~(44) Monthly Average Limits. The highest allowable average of "daily ~~discharges~~Discharges" over a calendar month, calculated as the sum of all "daily ~~discharges~~Discharges" measured during a calendar month divided by the number of "daily ~~discharges~~Discharges" measured during that month.

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~~(45)~~ Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and ~~Storm Drains that are owned or operated by a public entity.~~

~~(51)~~(46) National Pretreatment Standard. National ~~pretreatment standard~~Pretreatment Standard is defined in 40 CFR 403.3(l) as any regulation containing ~~pollutant discharge~~Pollutant Discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.

~~(52)~~ Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and ~~storm drains that are owned or operated by a public entity.~~

~~(53)~~(47) New Source.

(a) Any building, structure, facility or installation from which there is or may be a ~~discharge~~Discharge of ~~pollutants~~Pollutants, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility or installation completely replaces the process of production equipment that causes the ~~discharge~~Discharge of ~~pollutants~~Pollutants at the ~~existing source~~Existing Source or
- 3) The production of ~~wastewater~~Wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an ~~existing source~~Existing Source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the ~~existing source~~Existing Source should be considered.

(b) Construction on a site at which an ~~existing source~~Existing Source is located results in a modification rather than a ~~new source~~New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1), (2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a ~~new source~~New Source as defined under this paragraph has commenced if the ~~owner~~Owner or operator has:

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- 1) Begun, or caused to begin as part of a continuous on-site construction program;
 - a) Any placement, assembly, or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of ~~new source~~New Source facilities for equipment or

- 2) Entered into a binding or contractual obligation for the purchase of facilities of equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

~~(54)~~(48) Non-contact Cooling Water. Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.

~~(55)~~(49) NPDES Stormwater Permit. A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

~~(56)~~(50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

~~(57)~~(51) Official- or Building Official. Shall be the Building Official for the City of Wilsonville.

~~(58)~~(52) Owner. Shall mean the ~~person~~Person(s) who ~~may hold~~holds title to ~~or lease~~ the property ~~for which water service has or will be provided~~.

~~(59)~~(53) Pass Through. A ~~discharge~~Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a ~~discharge~~Discharge or ~~discharges~~Discharges from other sources, is a cause of a violation of the City's NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation).

~~(60)~~(54) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, ~~state~~State, or local governmental entities.

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~~(61)~~(55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

~~(62)~~(56) Pollutant. Any dredged spoil, solid waste, incinerator residue, ~~sewage, garbage, sewage~~Sewage, Garbage, Sewage sludge, munitions, ~~medical wastes~~Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or ~~discharged~~Discharged equipment, rock, sand, cellar dirt, municipal, agricultural and ~~industrial~~Industrial wastes and certain characteristics of ~~wastewater~~Wastewater (e.g. pH, temperature, TSS, turbidity, ~~color~~Color, BOD, COD, toxicity, or odor).

~~(63)~~(57) Pretreatment. The reduction of the amount of ~~pollutants~~Pollutants, the elimination of ~~pollutants~~Pollutants, or the alteration in the nature of ~~pollutant~~Pollutant properties in ~~wastewater~~Wastewater prior to or in lieu of introducing such ~~pollutants~~Pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the ~~pollutant~~Pollutant unless allowed by the applicable Pretreatment Standard.

~~(64)~~(58) Pretreatment Requirement. Any substantive or procedural requirements related to the ~~pretreatment~~Pretreatment, other than ~~national pretreatment standards~~National Pretreatment Standards, imposed on an ~~industrial~~Industrial user.

~~(65)~~(59) Pretreatment Standard or Standard. Prohibited ~~discharge~~Discharge standards, ~~categorical~~Categorical Pretreatment ~~standards~~Standards and Local Limits.

~~(66)~~(60) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the ~~discharge~~Discharge of certain types or characteristics of ~~wastewater~~Wastewater as established by EPA, DEQ, and/or the Public Works Director.

~~(67)~~ Properly Shredded Garbage. ~~Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.~~

~~(68)~~(61) Public Sewer. Shall mean a ~~sewer~~Sewer, either sanitary or storm, in which all the ~~owners~~Owners of abutting property have equal rights, and which is controlled by public authority.

~~(69)~~(62) Public Stormwater System. A ~~stormwater~~Stormwater system owned or operated by the City of Wilsonville.

~~(70)~~(63) Publicly Owned Treatment Works or POTW. A “treatment works” as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling and reclamation of ~~sewage~~Sewage, or ~~industrial~~Industrial wastes, and any conveyances which convey ~~wastewater~~Wastewater to a ~~treatment plant~~Treatment Plant or other point of ~~discharge~~Discharge.

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The term also means the municipal entity having responsibility for the operation and maintenance of the system.

~~(71)~~(64) Public Works Director. The ~~person~~Person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

~~(72)(1)~~Residential. ~~Shall mean for the purposes of this Chapter, building sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City's zoning and building code provisions.~~

~~(73)~~ Residential Users. ~~Persons only contributing sewage wastewater to the municipal wastewater system.~~

~~(74)~~(65) Receiving Stream or Water(s) of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

~~(66)~~ Residential. Shall mean for the purposes of this Chapter, Building Sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City's zoning and building code provisions.

~~(67)~~ Residential Users. Persons only contributing Sewage Wastewater to the municipal Wastewater system.

~~(68)~~ Responsible Party. The Person who causes a violation of the Stormwater regulations contained in WC 8.500 through WC 8.534 or who has the authority to direct and control the Person causing the violation.

~~(75)~~(69) Sanitary Sewer. Shall mean a City ~~sewer~~Sewer which carries ~~sewage~~Sewage and to which storm, surface and ground water are not intentionally admitted.

~~(76)~~(70) Sediment. Mineral or organic matter generated as a result of Erosion.

~~(77)~~(71) Septic Tank Waste. Any ~~sewage~~Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~(78)~~(72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

~~(79)~~(73) Sewer. Shall mean a pipe or conduit for carrying ~~sewage~~Sewage in the case of ~~sanitary (wastewater) sewer~~Sanitary (Wastewater) Sewer lines. Shall mean a pipe or

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conduit for carrying ~~stormwater~~Stormwater runoff, surface waters or drainage in the case of storm water lines.

~~(80)(74)~~ Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

~~(81)(75)~~ Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

- 1) An ~~industrial users~~Industrial Users subject to Categorical Pretreatment Standards or
- 2) Any other ~~industrial user~~Industrial User that ~~discharges~~Discharges an average of 25,000 gallons per day or more of process ~~wastewater~~Wastewater to the POTW (excluding ~~sanitary, non~~Sanitary, Non-contact ~~cooling~~Cooling Water, and boiler blow-down ~~wastewater~~Wastewater); contributes a process waste stream which makes up 5 per cent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the ~~industrial user~~Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any ~~pretreatment standard~~Pretreatment Standard or ~~requirement~~Requirement (in accordance with 40 CFR 403.8(f)(6)).

(b) The City may determine that an Industrial User subject to the ~~eategorical~~Categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never ~~discharges~~Discharges more than 100 gallons per day (gpd) of total categorical ~~wastewater~~Wastewater (excluding ~~sanitary, non~~Sanitary, Non-contact ~~cooling~~Cooling Water, and boiler blowdown ~~wastewater~~Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

- 1) The Industrial User, prior to City's findings, has consistently complied with all applicable ~~eategorical~~Categorical Pretreatment Standards and Requirements;
- 2) The Industrial User annually submits the certification statement required in Section 8.310(14) together with any additional information necessary to support the certification statement; and
- 3) The Industrial User never ~~discharges~~Discharges any untreated concentrated ~~wastewater~~Wastewater.

(c) Upon finding that an ~~industrial user~~Industrial User meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the

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POTW's operation or for violating any ~~pretreatment standard or requirement~~ Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an ~~industrial user~~ Industrial User or POTW, and in accordance with CFR 403.8(F)(6), determine that such ~~industrial user~~ Industrial User is not a ~~significant industrial user~~ Significant Industrial User.

~~(82)(76)~~ Slug Load or Slug Discharge. Any ~~discharge~~ Discharge at a flow rate or concentration which has the potential to cause a violation of the specific ~~discharge~~ Discharge prohibitions of this article. A slug ~~discharge~~ Discharge is any ~~discharge~~ Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch ~~discharge~~ Discharge, which has a reasonable potential to cause ~~interference~~ Interference or ~~pass through~~ Pass Through, or in any other way violate the POTW's regulations, Local Limits of Permit conditions.

~~(83)(77)~~ State. State of Oregon.

~~(84)(78)~~ Storm Drain. (Sometimes termed "~~storm sewer~~ Storm Sewer"). Shall mean a ~~sewer~~ Sewer which carries storm and surface waters and drainage, but excludes ~~sewage~~ Sewage and ~~industrial~~ Industrial wastes, other than unpolluted ~~cooling waters~~ Cooling Waters.

~~(85)(79)~~ Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

~~(86)(80)~~ Summary Abatement. An abatement of a violation by the City pursuant to WC 8.536(13), or a contractor employed by the City, by removal, repair, or other acts necessary to abate the violation and without notice to the Applicant, agent, or occupant of the property, except for the notice required by this Section.

~~(87)(81)~~ Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, ~~wastewater~~ Wastewater, or other liquid which is removable by laboratory filtering.

~~(88)~~ Toxic Pollutant. ~~One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act.~~

~~(89)(82)~~ Treatment Plant Effluent. Any ~~discharge~~ Discharge of ~~pollutants~~ Pollutants from the POTW into ~~waters~~ Waters of the ~~state~~ State.

~~(90)(83)~~ User or Industrial User. Any ~~person~~ Person who contributes, or causes or allows the contribution of ~~sewage~~ Sewage, or ~~industrial wastewater~~ Industrial Wastewater into the POTW, including ~~persons~~ Persons who contribute such wastes from mobile sources.

~~(91)(84)~~ Visible and Measurable Erosion and Sediment.

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(a) Sloughing, mud flows, gullies, rills, Sediment-laden water, or other Erosion that has occurred or is likely to occur.

(b) The presence of deposits or tracking of Sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

(c) In streams or drainage systems, an increase in ~~total suspended solids~~Total Suspended Solids and/or turbidity relative to a control point immediately upstream of the ~~discharge~~Discharge point of the Sediment-generating activity.

(d) Offsite airborne debris clearly visible to the eye, including but not limited to dust, as determined by City Manager or designee.

~~(92)(85)~~ Wastewater. The liquid and water-carried ~~industrial~~Industrial wastes, or ~~sewage~~Sewage from ~~residential~~Residential dwellings, ~~commercial~~Commercial buildings, ~~industrial~~Industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal ~~wastewater~~Wastewater system.

~~(93)(86)~~ Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal ~~sewage~~Sewage and ~~industrial~~Industrial waste.

~~(94)(87)~~ Water is water from the City water supply system.

~~(95)~~ Water Course. ~~Shall mean a channel in which a flow of water occurs, either continuously or intermittently.~~

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority, in the City's Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include;

(a) Fees for permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by ~~industrial users~~Industrial Users;

(c) Fees for reviewing and responding to accidental ~~discharge~~Discharge procedures and construction;

(d) Fees for filing appeals;

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(e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, system development charges, fines and penalties chargeable by the City.

(2) Non-exclusivity. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any ~~industrial-user~~Industrial User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against nay non-compliant ~~industrial-user~~Industrial User.

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ENVIRONMENT

WATER CONSERVATION

8.101 Declaration of Emergency

A. When the City Water supply has become, or is about to become, depleted to such an extent as to cause a serious ~~water~~Water shortage in the City, the Mayor shall have the authority to declare an emergency ~~water~~Water shortage and to direct that the provision of Section 8.101, 8.102 and 8.130 of this article of the Code be enforced.

- B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:
- a. The President of the Council;
 - b. Any other council person;
 - c. The City Manager;
 - d. The Public Works Director

8.102 Notice of Declaration of Emergency

When a declaration of emergency is announced by the Mayor, the City Manager shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

8.108 Standards – Purpose.

This Section is established because during the summer months and in other times of emergency there is or may be insufficient ~~water~~Water in the City ~~water~~Water supply system to allow irrigation and other uses of ~~water~~Water at all times by all parties; and the level of ~~water~~Water supplied by the City is at certain times dangerously low; and it is imperative to the public well-being that certain uses of ~~water~~Water not essential to health, welfare and safety of the City be restricted from time to time.

8.112 Standards – Application.

The provisions of this Section shall apply to all ~~persons~~Persons using water, both in and outside the City, regardless of whether any ~~person~~Person using ~~water~~Water shall have a contract for ~~water~~Water services with the City.

8.114 Standards – Wasted Water.

(1) Where ~~water~~Water is wastefully or negligently used on a ~~customer's~~Customer's premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City.

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(2) Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets or other fixtures, or where there are ~~water~~Water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the Public Works Director, the City may introduce enforcement action in conformance with Section 8.150 Violations.

(3) Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no running to waste on sidewalks, streets, and gutters shall be permitted. When any such waste is discovered, the ~~water~~Water service to the premises may be discontinued.

8.116 Section Not Used

8.118 Standards – General.

(1) In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the following flow rates and/or ~~water~~Water usage shall be installed. These rates are based on a presence at the fixture of 40 to 50 PSI.

Water closets, tank type	–	1.6 gallons per flush.
Water closets, flush-o-meter type	-	1.6 gallons per flush
Urinals, tank type	-	1.0 gallons per flush
Shower heads	-	2.5 GPM
Lavatory, sink faucets	-	2.5 GPM
Metered faucets	-	0.25 gallons per use

(2) Faucets on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing.

(3) Any ~~water~~Water connective device or appliance requiring a continuous flow of five GPM or more and not previously listed in this section shall be equipped with an approved ~~water~~Water recycling system.

8.120 Section Not Used

8.130 Use of Water During Emergency – Prohibited Uses of Water.

(1) When a declaration of emergency is announced and notice has been given in accordance with this Section, the use and withdrawal of ~~water~~Water by any ~~person~~Person may be limited and include prohibition of the following:

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- (a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (b) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment
- (c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.
- (d) Washing the outside of dwellings, washing the inside or outside of office buildings.
- (e) Washing and cleaning any business or industrial equipment and machinery.
- (f) Operating any ornamental fountain or other structure making a similar use of water.
- (g) Maintaining swimming and wading pools not employing a filter and re-circulating system.
- (h) Permitting the escape of ~~water~~Water through defective plumbing.

8.132 Use of Water During Emergency – Exemptions.

At the discretion of the Mayor, one or more of the uses specified in Section 8.130 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.102 of this Chapter.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102.

8.136 Use of Water During Emergency – Declaration Period.

(1) The Mayor shall cause each declaration made by him pursuant to Sections 8.101 to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and he may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible, and publicize through the City's website and any other internet sites the City deems appropriate. Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of ~~water~~Water will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the ~~water~~Water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, he may declare the

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prohibition terminated in whole or in part in the manner prescribed by these sections, effectively immediately upon announcement.

(3) The Mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, and this includes the notice of termination, both in whole or in part.

8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any ~~person~~Person for the purpose of shutting off or reducing the flow of ~~water~~Water being used contrary to the provisions of Sections 8.101 to 8.150.

8.150 Penalties.

A ~~person~~Person convicted of a violation of any provisions of Sections 8.101 to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

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PUBLIC SANITARY SEWER USE

8.200 Public Sanitary Sewer Use – General Provision

(1) Purpose. Provides for the required use of public ~~sanitary sewer~~Sanitary Sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public ~~sanitary sewer~~Sanitary Sewer facilities and for the uniform regulation of ~~indirect discharge~~Indirect Discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic ~~users~~Users and through enforcement of general requirements for other ~~users~~Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires ~~user~~User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to ~~users~~Users within the City limits and to ~~users~~Users outside the City limits who, by contract or agreement with the City, are included as ~~users~~Users of the municipal ~~wastewater~~Wastewater system.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this chapter:

(1) It shall be unlawful for any ~~person~~Person to place, deposit or permit to be deposited in any manner as described herein on public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human or animal excrement, ~~garbage~~Garbage or other objectionable waste.

(2) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of ~~sewage~~Sewage.

(3) The ~~owner~~Owner or Lessee of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley of right-of-way, in which there is now located or may in the future be located, a public ~~sanitary sewer~~Sanitary Sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public ~~sanitary sewer~~Sanitary Sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public ~~sanitary sewer~~Sanitary Sewer for the ~~residential~~Residential use is within three hundred (300) feet of the property. Commercial and ~~industrial~~Industrial buildings or structures shall connect no matter what the distance is from the public ~~sanitary sewer~~Sanitary Sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) Where a public ~~sanitary sewer~~Sanitary Sewer is not available under the provisions of Section 8.202(333), the ~~building sewer~~Building Sewer shall be connected to a private ~~sewage~~Sewage disposal system.

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(2) Before commencement of construction of a private ~~sewage~~Sewage disposal system, the ~~owner~~Owner or Lessee shall first obtain a written permit signed by the City.

(a) The application for such permit shall be made on a form furnished by the City, and shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. The appropriate Type B Construction Permit and plan check fee shall be paid by the City at the time the application is filed.

(b) A permit for a private ~~sewage~~Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. Inspection of the work in any stage of construction shall be allowed and, in any event, the ~~applicant~~Applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

(3) The type, capacities, location and layout of a private ~~sewage~~Sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private ~~sewage~~Sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to ~~discharge~~Discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the ~~sewage~~Sewage runoff through the soil as an effective means of treatment of ~~sewage~~Sewage disposal, the City shall reject the septic or private ~~sewage~~Sewage disposal system, and require, at the ~~owner's~~Owner's or Lessee's expense, construction of an adequately sized ~~sanitary sewer~~Sanitary Sewer line as approved by the City to connect to an existing public ~~sanitary sewer~~Sanitary Sewer system. The ~~owner~~Owner or Lessee shall construct the ~~sanitary sewer~~Sanitary Sewer by those requirements of the Public Works Standards of the City of Wilsonville

(4) At such time as a public ~~sanitary sewer~~Sanitary Sewer becomes available to a property served by a private ~~sewage~~Sewage disposal system, as provided in Section 8.202(~~333~~), a direct connection shall be made to the public ~~sanitary sewer~~Sanitary Sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

(5) Where existing buildings are too low to be served by gravity by an available ~~sanitary sewer~~Sanitary Sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(~~333~~), approved pumping facilities shall be installed to pump the septic tank effluent to the available ~~sanitary sewer~~Sanitary Sewer system.

(6) The ~~owner~~Owner or Lessee shall operate and maintain private ~~sewage~~Sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City.

8.205 Conflict

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by State health officials.

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8.206 Buildings Sanitary Sewers and Connections.

(1) No unauthorized ~~person~~Person shall uncover, make any connections to or opening into, use, alter or disturb any ~~sanitary sewer lateral~~Sanitary Sewer Lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the ~~owner~~Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~official~~Official.

(2) There shall be three (3) classes of building ~~sanitary sewer lateral~~Sanitary Sewer Lateral permits:

- (a) Residential, Single, and Multifamily,
- (b) Commercial; and
- (c) Industrial Service.

(3) All costs and expenses incident to the installation and connection of the ~~building sanitary sewer~~Building Sanitary Sewer shall be borne by the ~~owner~~Owner or Lessee. The ~~owner~~Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of the building ~~sanitary sewer~~Sanitary Sewer.

(4) A separate and independent ~~building sanitary sewer~~Building Sanitary Sewer shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private ~~sanitary sewer~~Sanitary Sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building ~~sanitary sewer~~Sanitary Sewer from the front building may be extended to the rear building and the whole considered as one ~~building sewer~~Building Sewer.

(5) Old ~~building sanitary sewers~~Building Sanitary Sewers may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

(6) The size, slope, alignment, construction material of a ~~building sanitary sewer~~Building Sanitary Sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(7) Whenever possible, the building ~~sanitary sewer~~Sanitary Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any ~~building drain~~Building Drain is too low to permit gravity flow to the public Sanitary Sewer, sanitary

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~~sewer, sanitary sewage~~ Sewage carried by such ~~building drain~~ Building Drain shall be lifted by an approved means and ~~discharged~~ Discharged to the building ~~sanitary sewer~~ Sanitary Sewer.

(8) No ~~person~~ Person shall make connection of roof down spouts, areaway drains, or other sources of ~~stormwater~~ Stormwater runoff to a ~~building sanitary sewer~~ Building Sanitary Sewer or ~~sewer~~ Sewer drain which, in turn, is connected directly or indirectly to the public ~~sanitary sewer~~ Sanitary Sewer.

(9) The connection of the ~~building sanitary sewer~~ Building Sanitary Sewer into the public ~~sanitary sewer~~ Sanitary Sewer shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

(10) The ~~applicant~~ Applicant for the building permits shall notify the Building Official when the ~~building sanitary sewer~~ Building Sanitary Sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the ~~applicant's or owner's~~ Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

(11) All excavations for ~~building sanitary sewer~~ Building Sanitary Sewer installation shall be adequately guarded with ~~barricades~~ and lights so as to protect the public from hazard.

(12) The property ~~owner~~ Owner or Lessee is responsible for the maintenance, repair and replacement of the ~~sanitary sewer lateral~~ Sanitary Sewer Lateral from the building to the ~~sanitary sewer~~ Sanitary Sewer main. Sewer ~~lateral~~ Lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the ~~sewer lateral~~ Sewer Lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

8.206207 Equipment and/or Vehicle Washing Facilities

(1) Equipment and/or Vehicle wash areas shall be covered

(2) Equipment and/or Vehicle washing facilities shall be equipped with a ~~water~~ Water recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the ~~pretreatment~~ Pretreatment system of any drainage to the ~~sanitary sewer~~ Sanitary Sewer system.

(4) No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved ~~pretreatment~~ Pretreatment system before discharging into

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the ~~sanitary sewer~~Sanitary Sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the ~~sanitary sewer~~Sanitary Sewer system.

8.208 Use of Public Sanitary Sewers.

(1) No unauthorized ~~person~~Person shall uncover, make any connections with or openings into, use, alter, or disturb, any ~~public sewer~~Public Sewer or appurtenance thereof without first obtaining a written permit from the City.

(3) When required by the City, the ~~owner~~Owner or Lessee of any property serviced by a ~~building sanitary sewer~~Building Sanitary Sewer carrying ~~industrial~~Industrial wastes or large quantities of ~~discharge~~Discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary ~~sewer~~Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the ~~owner~~Owner or Lessee at the ~~owner's~~Owner's or Lessee's expense, and shall be maintained by the ~~owner~~Owner or Lessee so as to be safe and accessible at all times.

(4) All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater"^{22, 23} published by the American Public Health Association, and shall be determined at the control manhole provided, or upon testing of suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public ~~sanitary sewer~~Sanitary Sewer to the point at which the building ~~sanitary sewer~~Sanitary Sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the ~~sewage~~Sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of measured C.O.D.

(5) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director or Building Official, they are necessary for the proper handling of ~~wastewater~~Wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for ~~residential users~~Residential Users. All interception units shall be of type and capacity approved by the Public Works Director or Building Official and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the ~~owner~~Owner or Lessee, at his expense.

(6) Separation of Domestic and Industrial Waste Streams. All new and domestic ~~wastewaters~~Wastewaters from restrooms, showers, drinking fountains, etc., unless specifically

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included as part of a ~~category pretreatment standard~~ Categorical Pretreatment Standard, shall be kept separate from all ~~industrial wastewaters~~ Industrial Wastewaters until the ~~industrial wastewaters~~ Industrial Wastewaters have passed through a required ~~pretreatment~~ Pretreatment system and the ~~industrial user's~~ Industrial User's monitoring facility. When directed to do so by the Public Works Director, ~~industrial users~~ Industrial Users must separate existing domestic waste streams.

(7) Hauled Wastewater. Septic ~~tank waste~~ Tank Waste (septage) or hauled septage shall not be accepted into the municipal ~~wastewater~~ Wastewater system.

(8) Vandalism. No ~~person~~ Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal ~~wastewater~~ Wastewater system. Any ~~person~~ Person found in violation of this requirement shall be subject to the sanctions set out in Section ~~8.404404404~~.

8.210 Public Sanitary Sewers – Construction

(1) No ~~person~~ Person shall construct, extend or connect to any public ~~sanitary sewer~~ Sanitary Sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing boards as required herein and the Public Works Standards for the City of Wilsonville. The provisions of this section requiring permits shall not be construed to apply to contractors constructing ~~sanitary sewers~~ Sanitary Sewers and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public ~~sanitary sewer~~ Sanitary Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or and authorized representative of the City Engineer who shall within twenty (20) days, approve them as filed or require them to be modified as he may deem necessary.

(3) All ~~sewer~~ Sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

(4) Prior to issuance of a permit for public ~~sanitary sewer~~ Sanitary Sewer construction, the ~~applicant~~ Applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

(5) Except as provided, the extension of the public ~~sewage~~ Sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the ~~owner~~ Owner or Lessee. The

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size of all ~~sanitary sewer~~Sanitary Sewer mains and other ~~sewage~~Sewage facilities shall be as required by the City Engineer to lay ~~sewer~~Sewer pipe larger than that required for his own purposes, to accommodate other ~~users~~Users, and may be reimbursed under the provisions of Section 3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for his own use.

(6) Where special conditions exist, in the opinion of the City Engineer, relating to any reimbursement agreement pursuant to the provisions of this section, The City may, either in addition to, or in lieu of any of the provisions of the section, authorize a special reimbursement contract between the City and the ~~person~~Person or ~~persons~~Persons constructing ~~public sewerage~~Public Sewer facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

(7) Vehicle maintenance installations shall be covered and equipped with oil/water separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(9) Outside storage areas for grease, oil, waste products, recycling, ~~garbage~~Garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the ~~sanitary sewer~~Sanitary Sewer system. No drainage is allowed to enter the ~~storm sewer~~Storm Sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized ~~person~~Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the ~~sewage~~Sewage works which is a municipal public utility. Any ~~person~~Person violating this provision and as a result thereof damages any part of the ~~sewage~~Sewage works, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.214 Powers and Authorities of Inspectors

(1) In addition to the authority set forth in Section 8.312, the Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City ~~sewage~~Sewage collection and treatment system as provided for in this Chapter.

(2) While performing the necessary work on private properties referred to in Section 8.312(1) and 8.214(1) above, the ~~owner~~Owner or Lessee of the premises or representative shall

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notify the City or duly authorized employee of the City to observe all safety rules applicable to the premises established by the ~~owner~~Owner or Lessee. The premises shall be maintained in a safe condition and the ~~owner~~Owner or Lessee, or representative shall have a duty to notify the Public Works Director and any duly authorized representative of the City of any unsafe conditions.

(3) The City or duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement, of for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the ~~sewage~~Sewage works which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement of any connection thereto, on the sanitary system shall be done according to those regulations as stipulated in the Code of the City of Wilsonville.

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ENVIRONMENT

INDUSTRIAL WASTEWATER REGULATIONS

8.300– General Provisions.

(1) Purpose and Policy This chapter sets forth uniform requirements for Users of the (POTW) for the City of Wilsonville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this chapter are:

(a) To prevent the introduction of ~~pollutants~~Pollutants into the POTW that will interfere with its operation;

(b) To prevent the introduction of ~~pollutants~~Pollutants into the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;

(c) To protect both POTW personnel who may be affected by ~~wastewater~~Wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of ~~industrial wastewater~~Industrial Wastewater and sludge from the POTW;

(e) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws which the POTW is subject thereto.

(f) This Chapter authorizes the issuance of individual City-issued industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

8.301 Applicability.

This Chapter shall apply to all Users of the POTW, whether inside or outside of the City limits, by contract, permit, or agreement with the City.

8.302 General Sanitary Sewer Use Requirements

(1) Prohibited Discharge Standards

(a) General Prohibitions. No ~~user~~User shall introduce or cause to be introduced into the POTW any ~~pollutant~~Pollutant or ~~wastewater~~Wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of the POTW whether or not they are subject to ~~ategorical~~Categorical Pretreatment Standards or any other National, State, or local ~~pretreatment standards~~Pretreatment Standards or ~~requirements~~Requirements.

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(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following ~~pollutants~~Pollutants, substances, or ~~wastewater~~Wastewater:

1) Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods prescribed in 40 CFR 261.21.

2) Solid or viscous substances in amounts which will obstruct the flow in the POTW resulting in Interference.

3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any ~~discharge~~Discharge below 5.0 or above 11.0 is a violation.

5) Pollutants, including oxygen-demanding ~~pollutants~~Pollutants (BODs, etc) released at a flow rate and/ or ~~pollutant~~Pollutant concentration- which, either singly or by interaction with other ~~pollutants~~Pollutants, to ~~pass through~~Pass Through or ~~interfere~~Interfere with the POTW, any ~~wastewater~~Wastewater treatment or sludge process, or constitute a hazard to humans or animals.

6) Noxious or malodorous liquids, gases, or solids or other ~~wastewater~~Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the ~~sanitary sewers~~Sanitary Sewers for maintenance and repair.

7) Any substance which may cause the ~~treatment plant effluent~~Treatment Plant Effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance ~~discharged~~Discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City.

8) Any ~~wastewater~~Wastewater which imparts ~~color~~Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions-, which consequently imparts ~~color~~Color to the ~~treatment plants~~Treatment Plants effluent thereby violating the City's NPDES ~~permit~~Waste Discharge Permit. Color (in combination with turbidity) shall not cause the ~~treatment plant effluent~~Treatment Plant Effluent to reduce the depth

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of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

9) Any ~~wastewater~~Wastewater having a temperature greater than 150°F(55°C), or which will inhibit biological activity in the ~~treatment plant~~Treatment Plant resulting in ~~interference~~Interference, but in no case ~~wastewater~~Wastewater which causes the temperature at the introduction into the ~~treatment plant~~Treatment Plant to exceed 104°F(40°C).

10) Any ~~wastewater~~Wastewater containing any radioactive waste or isotopes except as specifically approved by the Public Works Director in compliance with applicable State and Federal laws and regulations.

11) Any ~~pollutants~~Pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

12) Any trucked or hauled ~~pollutants~~Pollutants.

13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, ~~non-contacting cooling water~~Non-contact Cooling Water and unpolluted ~~industrial wastewater~~Industrial Wastewater, unless specifically authorized by the Public Works Director.

14) Sludges, screenings, or other residues from the pretreatment of ~~industrial~~Industrial wastes.

15) Medical ~~wastes~~Wastes, except as specifically authorized by the Public Works Director in a City-issued industrial wastewater discharge permit.

16) Material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfered with the POTW.

17) Material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the Public Works Director.

18) Wastewater causing, alone or in conjunction with other sources, the ~~treatment plant effluent~~Treatment Plant Effluent to fail toxicity test.

19) Recognizable portions of the human or animal anatomy.

20) Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

21) Any ~~wastewater~~Wastewater from dry cleaning machines.

22) Wastewater discharging from Dental facilities which contain mercury shall be provided with an approved amalgam separator.

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23) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be ~~discharged~~Discharged to the POTW.

(2) National Categorical Pretreatment Standards

(a) Users must comply with the ~~eategorical~~Categorical Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein. The City shall recognize any variance to the Categorical Standards authorized by the DEQ under 40 CFR 403.13 for fundamentally difference factors from those considered by the EPA when developing the ~~eategorical pretreatment standard~~Categorical Pretreatment Standard.

(b) When ~~wastewater~~Wastewater subject to a ~~eategorical pretreatment standard~~Categorical Pretreatment Standard is mixed with ~~wastewater~~Wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403 .6(e) using the combined waste stream formula.

(c) Where a ~~eategorical~~Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a ~~pollutant~~Pollutant in ~~wastewater~~Wastewater, the City may impose equivalent concentration or mass limits in accordance with Section (1) and (2) of this section.

1) Equivalent Concentration Limits: When the limits in a ~~eategorical~~Categorical Pretreatment Standard are expressed only in terms of mass of ~~pollutant~~Pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of ~~pollutant discharged~~Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

2) The City may convert the mass limits of the ~~eategorical~~Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Works Director.

When converting such limits to concentration limits, the City will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 8.302(6) of this Chapter. In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

3) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 8.302(2) in lieu of the promulgated ~~eategorical~~Categorical Standards from which the equivalent limitations were derived.

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(d) Many ~~category~~Categorical Pretreatment Standards specify one limit for calculating maximum daily ~~discharge~~Discharge limitations and a second limit for calculating maximum Monthly Average Limits, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(e) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Requirements. Users must comply with State requirements and limitations and ~~discharges~~Discharges to the POTW shall be met by all ~~users~~Users which are subject to such limitations in any instance in which they are more stringent ~~than~~than Federal requirements and limitations or those in this ordinance.

(4) Local Limits

(a) Authority to Establish Local Limits: The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Public Works Director may develop BMP's by ordinance or in individual City-issued industrial wastewater discharge permits to implement Local Limits and 8.032.

(b) Numerical Local Limits.

1) No nonresidential ~~user~~User shall ~~discharge wastewater~~Discharge Wastewater containing restricted substances into the POTW in excess of limitations specified in its ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permit or adopted, by resolution, by the City. The Public Works Director shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Chapter. Standards published in accordance with this Section will be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(a) At their discretion, the Public Works Director may impose mass limitations in addition to or in place of the concentration based limitations referenced above. The more stringent of either the ~~category~~Categorical Standards or the specific ~~pollutant~~Pollutant limitations for a given ~~pollutant~~Pollutant will be specified in the ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permit.

(b) Specific effluent limits shall not be developed and enforced without individual notices to ~~persons~~Persons or groups who have requested such notice and an opportunity to respond.

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(5) City's Right to Revision. The City reserves the right to establish, by ordinance or in a City-issued industrial wastewater discharge permit, more stringent limitations or requirements or discharges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or regulations, or in other cases when the impositions of mass limitation is appropriate.

(7) Authority to Condition or Deny Industrial Discharge. The City reserves the right to Condition or deny any, or all industrial discharges to the City Sanitary Sewer system.

8.304 Pretreatment of Wastewater

(1) Pretreatment Facilities

(a) Users shall provide necessary wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 8.302, within the time limitations specified by the Public Works Director, EPA, or the State, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility.

(b) The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Chapter.

(2) Additional Pretreatment Measures

(a) Whenever deemed necessary, the Public Works Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharge only into specific sanitary sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.

(b) The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual City-issued industrial wastewater discharge permit may be issued solely for flow equalization.

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(c) Users with the potential to ~~discharge~~Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, even though a City-issued industrial wastewater discharge permit is not issued.

(3) Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether each SIU needs a ~~discharge~~Discharge/Slug ~~discharge~~Discharge control plan or other action to control Slug ~~discharges~~Discharges. The City may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the City may develop such plan for any User.

(a) An accidental ~~discharge~~Discharge/Slug ~~discharge~~Discharge plan shall address, at a minimum, the following:

1) Description of ~~discharge~~Discharge practices; including non-routine batch ~~discharges~~Discharges.

2) Description of stored chemicals.

3) Procedures for immediately notifying the Public Works Director of any accidental or Slug ~~discharge~~Discharge, as required by this Chapter;

(4) Procedures to prevent adverse impact from any accidental or Slug ~~discharge~~Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic ~~pollutants~~Pollutants, including solvents, and/or measures and equipment for emergency response.

(5) Failure to comply with Spill/slug control plan conditions shall subject the permittee to enforcement action.

8.306 Industrial Wastewater Discharge Permit

(1) Authority to Require Data Disclosure. When requested by the Public Works Director, a User whether operating under a City-issued industrial wastewater discharge permit or not; and whether the User meets the criteria of a ~~significant industrial user~~Significant Industrial User or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their ~~wastewater~~Wastewater generated on site. The ~~user~~User must submit this data within thirty (30) days of the request. –The Public Works Director is authorized to prepare a form for this purpose and may periodically require ~~industrial users~~Industrial Users to update this information.

(2) Wastewater Discharge Permit Requirement

(a) SIU Wastewater Discharge Permit Required. No ~~significant industrial users~~Significant Industrial Users shall ~~discharge~~Discharge to the POTW without first obtaining an individual

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City-issued industrial wastewater discharge permit from the Public Works Director, except that a SIU that has filed a timely application pursuant to Section 8.306(3) of the chapter may continue to dischargeDischarge for the period of time specified therein.

(b) Other Users May Obtain City-Issued Industrial Wastewater Discharge Permit: The Public Works Director may require other usersUsers, to obtain individual City-issued industrial wastewater discharge permits as necessary to carry out the purposes of this chapter.

(c) Violation of City-Issued Industrial Wastewater Discharge Permit. Any violation of the terms and conditions of ~~an individual~~ City-issued industrial wastewater discharge permit shall be deemed a violation of this Chapter and subjects the industrial wastewater discharge permittee to the sanctions set out in Sections 8.~~402~~402 through 8.~~406~~406 of this Chapter. Obtaining ~~an individual~~ City-issued industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) Permitting Existing Connections. Any userUser required to obtain an individual dischargeDischarge permit who was discharging wastewaterWastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such dischargesDischarges in the future, shall within ninety (90) days after said date, apply to the City for an individualindustrial wastewater discharge permit in accordance with Section 8.306(5) below, and shall not cause or allow dischargesDischarges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with the permit issues by the Public Works Director.

(4) Permitting New Connections. Any SIU proposing to begin or recommence discharging industrialIndustrial waste into the POTW must obtain a City-issued industrial wastewater discharge permit prior to beginning or recommending such dischargeDischarge. An application for this individualCity-issued industrial wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any dischargeDischarge will begin or recommence.

(5) Industrial Wastewater Discharge Permit Application Contents. All usersUsers required to obtain ~~an individual~~ City-issued industrial wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

(a) Identifying Information. The name, mailing address and location (if different from mailing address) of the facility, including the name of the operator and ~~owner~~Owner or Lessee, Contact information, descriptions of the activities, facilities, and plant production processes on the premises;

(b) Environmental Permits. A list of any environmental control permits held by or for the facility;

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(c) Description of Operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) or North American Industry Classification System (NAIS) of the operations carried out by such ~~user~~User. This description should include a schematic process diagram which indicates points of ~~discharge~~Discharge to the POTW -from the regulated processes, codes for ~~pretreatment~~Pretreatment the industry as a whole and any processes for which ~~categorical-pretreatment standards~~Categorical Pretreatment Standards have been promulgated;

(d) Types of waste generated and a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally ~~discharged~~Discharged to the POTW;

(e) Number and type of employees, and hours of operation, and proposed or actual hours of operation;

(f) Type and amount of raw materials processed (average and maximum per day);

(g) Site plans, floor plans, mechanical and plumbing plans, and details to show all ~~sewers~~Sewers, floor drains and appurtenances by size, location and elevation and all points of ~~discharge~~Discharge;

(h) Time and duration of the ~~discharge~~Discharge;

(i) The location for monitoring all wastes covered by the permit;

(j) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e).

(k) Measurement of Pollutants.

1) The ~~categorical~~Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated ~~pollutants~~Pollutants in the ~~discharge~~Discharge from each regulated process.

3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.310(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

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5) Sampling must be performed in accordance with procedures set out in Section 8.310(11) of this Chapter.

(l) Any other information as may be deemed by the Public Works Director to be necessary to evaluate the permit application.

(6) Application Signatories and Certification.

(a) All City-issued industrial wastewater discharge permit applications, ~~user~~User reports and certification statements must contain the following certification statement and be signed by an authorized representative of the ~~user~~User:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(c) A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the signed certification statement in Section 8.310(14).

(7) City-Issued Industrial Wastewater Discharge Permit Decisions. The Public Works Director will evaluate the data furnished by the ~~user~~User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Public Works Director will determine whether or not to issue an ~~individual~~industrial wastewater discharge permit. The City may deny any application for ~~an industrial~~ wastewater discharge permit.

8.308 Industrial Wastewater Discharge Permit Issuance by the City

(1) Permit Duration. ~~Permits~~City-issued industrial wastewater discharge permits shall be issued for a specific time period not to exceed five (5) years. ~~AA City-issued industrial wastewater discharge~~ permit may be issued for a period less than five (5) years at the discretion of the Public Works Director. Each permit will indicate a specific date on which it will expire.

(2) Permit Contents. ~~Wastewater~~City-issued industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Public Works Director to prevent ~~pass through~~Pass Through or ~~interference~~Interference and to protect the quality of the

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water body receiving the ~~treatment plant's effluent~~ Treatment Plant Effluent, protect worker health and safety, facility sludge management and disposal, and protect against damage to the POTW.

(a) ~~Wastewater Permits~~ City-issued industrial wastewater discharge permits must contain:

1) A statement that indicates City-issued industrial wastewater discharge permit issuance date, expiration date and effective date.

2) A statement that the City-issued industrial wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new ~~owner~~ Owner or operator with a copy of the existing permit;

3) Effluent limits, including Best Management Practices, based on applicable standards in Federal, State, and local law;

4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of ~~pollutants~~ Pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5) A statement of applicable civil and criminal penalties for violation of ~~pretreatment standards~~ Pretreatment Standards and ~~requirements~~ Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local laws.

6) Requirement to control Slug Discharges, if determined by the Public Works Director to be necessary. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

~~—(b) Wastewater Discharge Permits~~ (b) City-issued industrial wastewater discharge permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of ~~discharge~~ Discharge, time of ~~discharge~~ Discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of ~~pretreatment~~ Pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of ~~pollutants~~ Pollutants into the treatment works;

3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine ~~discharges~~ Discharges.

4) Development and implementation of waste minimization plans to reduce the amount of ~~pollutants discharged~~ Pollutants Discharged to the POTW;

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5) The unit charge or schedule of ~~user~~User charges and fees for the management of the ~~wastewater discharged~~Wastewater Discharged into the POTW;

6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable ~~federal and state pretreatment standards~~Federal and State Pretreatment Standards, including those which become effective during the term of the permit;

8) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this Chapter; and State and Federal laws, rules, and regulations; the term of the permit.

(3) Permit Issuance Process

(a) Permit Appeals. Any ~~person~~Person including the ~~industrial user~~Industrial User, may petition the City to reconsider the terms of the permit within ten (10) days of the issuance of the final permit.

(b) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

(c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(d) The effectiveness of the permit shall not be stayed pending the appeal.

(e) If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider ~~aan industrial~~ wastewater discharge permit, not to issue a permit, or not modify a permit shall be considered final administrative action for purposes of judicial review.

(f) Aggrieved parties seeking judicial review of administrative permit decisions must do so by complaint with the Circuit Court for Clackamas County, State of Oregon within thirty (30) days of the final administrative decision.

(4) Permit Modifications. The Public Works Director may modify the permit for good cause and at any time including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local ~~pretreatment standards or requirements~~Pretreatment Standards or Requirements;

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(b) To address signification alterations or additions to the ~~industrial user's~~Industrial User's operation, processes, or ~~wastewater~~Wastewater volume or character since the time of permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized ~~discharge~~Discharge;

(d) Information indicating that the permitted ~~discharge~~Discharge poses a threat to the POTW, City personnel, of the receiving waters;

(e) Violation of the terms or conditions of the City-issued industrial wastewater discharge permit;

(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

(g) Revision of or a grant of variance from ~~categorical pretreatment standards~~Categorical Pretreatment Standards pursuant to 40 CFR 401.13;

(h) To correct typographical or other errors in the permit;

(i) To reflect a transfer of the facility ownership and/or operation to a new ~~owner~~Owner/operator/Lessee.

(5) Permit Transfer.

(a) ~~Wastewater Discharge Permits~~City-issued industrial wastewater discharge permits may be transferred to a new ~~owner~~Owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Public Works Director and the Public Works Director approves the permit transfer. Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer, and the new ~~owner~~Owner will be consider in violation of the City Codes for discharging without a permit. The notice must include a written certification to the new ~~owner~~Owner which:

1) States that the new ~~owner~~Owner has no immediate intent to change the facility's operations and processes;

2) Identifies the specific date on which the transfer is to occur;

3) Acknowledges full responsibility for complying with the existing permit.

(6) Permit Revocation

(a) ~~Wastewater~~City-issued industrial wastewater discharge permits may be revoked for the following reasons:

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1) Failure to notify the City of significant changes to the ~~wastewater~~Wastewater prior to the changed ~~discharge~~Discharge;

2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.310(5);

3) Misrepresenting or failure to fully disclose all relevant facts in the City-issued industrial wastewater discharge permit application;

4) Falsifying self-monitoring reports;

5) Tampering with monitoring equipment;

6) Refusing to allow the City timely access to the facility premises and records;

7) Failure to meet effluent limitations;

8) Failure to pay fines;

9) Failure to pay ~~sewer~~Sewer charges;

10) Failure to meet compliance schedules;

11) Failure to complete a ~~wastewater~~Wastewater survey or the City-issued industrial wastewater discharge permit application;

12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

13) Violation of any ~~pretreatment standard or requirement~~Pretreatment Standard or Requirement or any terms of the permit or this Chapter;

14) Upon cessation of operations.

15) Upon issuance of a new City-issued industrial wastewater discharge permit to the User.

(7) Permit Renewal. A User with an expiring City-issued industrial wastewater discharge permit shall apply for industrial wastewater discharge permit renewal by submitting a complete permit application, in accordance with Section 8.306 of this Chapter, a minimum of ninety (90) days prior to the expiration of the User's existing City-issued industrial wastewater discharge permit. The existing permit shall remain in effect until the renewed permit is issued, providing the User has submitted the renewal application ninety (90) days prior to the expiration of the User's existing City-issued industrial wastewater discharge permit. If the User did not comply with the renewal application submittal criteria, the User will not be authorized to continue discharging past the expiration date of the existing permit without the written authorization of the City.

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(8) Regulation of Wastewater Received From Other Jurisdictions.

(a) The City may accept ~~wastewater~~Wastewater from individual ~~industrial-users~~Industrial Users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a ~~sanitary sewer~~Sanitary Sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional ~~wastewater~~Wastewater treatment a list of ~~industrial-users~~Industrial Users within their jurisdiction, the nature and volume of the ~~industrial discharges~~Industrial Discharges, the combined ~~discharge~~Discharge from the municipality that will be treated by the Wilsonville ~~wastewater treatment plant~~Wastewater Treatment Plant. Municipalities will not be issued ~~industrial~~ wastewater discharge permits. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

2) Extra-Jurisdictional Industrial Users – the ~~industrial-user~~Industrial User must submit a ~~Wastewater Permit Application~~an industrial wastewater discharge permit application to the City. The Industrial User must agree to comply with the terms and conditions of the permit, including right-of-entry for purposes of inspection, and sampling, enforcement actions specified in the permit.

(b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

1) A requirement for the contributing municipality to adopt a ~~sanitary sewer~~Sanitary Sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.302 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville ordinance or Local Limits;

2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3) A provision specifying which ~~pretreatment~~Pretreatment implementation activities, including ~~industrial~~ wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;

4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its ~~pretreatment~~Pretreatment activities;

5) Limits on the nature, quality, and volume of the contributing municipality's ~~wastewater~~Wastewater at the point where it ~~discharges~~Discharges to the POTW;

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6) Requirements for monitoring the contributing municipality's ~~discharge~~Discharge;

7) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and

8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that Wilsonville shall have the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against ~~discharger~~the Person who Discharges in the event the contributing jurisdiction is unable or unwilling to take such action.

8.310 Reporting Requirements

(1) Baseline Monitoring Reports.

(a) Users that become subject to new or revised ~~category~~Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated a Non-Significant Categorical Industrial Users

(b) Within either 180 days after the effective date of a ~~category~~Categorical Pretreatment Standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing ~~category~~Categorical Industrial Users currently discharging to or scheduled to ~~discharge~~Discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their ~~discharge, new sources~~Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable ~~category~~Categorical Standard- shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A ~~new source~~New Source shall report the method of ~~pretreatment~~Pretreatment it intends to use to meet applicable ~~category~~Categorical Standards. A ~~new source~~New Source shall also give estimates of its anticipated flow and quantity of ~~pollutants discharged~~Pollutants Discharged.

(c) Users described above shall submit the information set forth below:

- 1) All information required in Section 8.306(2) through Section 8.306(7)
- 2) Measurement of Pollutant.

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The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for ~~industrial pretreatment~~Industrial Pretreatment measures;

(a) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(b) Samples should be taken immediately downstream from ~~pretreatment~~Pretreatment facilities if such exist or immediately downstream from the regulated process if no ~~pretreatment~~Pretreatment exists. If other ~~wastewaters~~Wastewaters are mixed with the regulated ~~wastewater~~Wastewater prior to ~~pretreatment~~Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(c) Sampling and analysis shall be performed in accordance with Section 8.310(10);

(d) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected ~~pollutant~~Pollutant Discharges to the POTW

(e) Compliance Certification. A statement, reviewed by the User's authorized representative and certified to be a qualified professional, indicating whether ~~pretreatment standards~~Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional ~~pretreatment~~Pretreatment is required in order to meet ~~pretreatment standards~~Pretreatment Standards and ~~requirements~~Requirements.

(f) Compliance Schedule. If additional ~~pretreatment~~Pretreatment and/or O&M will be required to meet the ~~pretreatment standards~~Pretreatment Standards; the shortest possible schedule by which the ~~industrial user~~Industrial User will provide such additional ~~pretreatment~~Pretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable ~~pretreatment standard~~Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.310(2) of this Chapter; and

(g) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.310(3) and signed by an Authorized Representative.

The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected ~~pollutant~~Pollutant Discharges to the POTW.

(2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 8.310(1) of this Chapter:

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(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional ~~pretreatment~~Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City.

(3) Reports on Compliance with Categorical Pretreatment Standard Deadline.

a) Within ninety (90) days following the date for final compliance with applicable ~~eategorical~~Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of ~~wastewater~~Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 8.306(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.302(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to ~~eategorical~~Categorical Pretreatment Standards expressed in terms of allowable ~~pollutant discharge~~Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.310(14) of this Chapter. All sampling will be done in conformance with Section 8.310.

(4) Periodic Compliance Reports.

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 8.310(4).

(a) Except as specified in Section 8.310(4), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified, reports indicating the nature, concentration of ~~pollutants~~Pollutants in the ~~discharge~~Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

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(b) All periodic compliance reports must be signed and certified in accordance with Section 8.310(14) of this Chapter.

(c) All ~~wastewater~~Wastewater samples must be representative of the User's ~~discharge~~Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its ~~discharge~~Discharge.

(d) If a User subject to the reporting requirement in this Section monitors any regulated ~~pollutant~~Pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 8.310(11) of this Chapter, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions. Each ~~user~~User must notify the Public Works Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume at least thirty (30) days before the change.

(a) The Public Works Director may require the ~~user~~User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of ~~aan~~aan industrial wastewater ~~discharge~~discharge permit application under Section 8.306(5), if necessary.

(b) The Public Works Director may issue ~~aan industrial~~aan industrial wastewater ~~discharge~~discharge permit under Section 8.308(7) or modify an existing City-issued industrial wastewater discharge permit under Section 8.308(4) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

(a) In the case of any ~~discharge~~Discharge, including but not limited to accidental ~~discharge~~Discharge non-routine, episodic nature, a non-customary batch ~~discharge~~Discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW the ~~user~~User shall immediately telephone and notify the City of the incident. This notification shall include the location and ~~discharge~~Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the ~~user~~User.

(b) Within five (5) days following an accidental ~~discharge~~Discharge, the ~~user~~User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the ~~discharge~~Discharge and the measures to be taken by the ~~user~~User to prevent similar future occurrences. Such notification shall not relieve the ~~user~~User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to ~~person~~Person or property; nor shall such notification relieve the ~~user~~User of any fines, civil penalties, or other liability which may be imposed by this Chapter.

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(c) A notice shall be permanently posted on the ~~user's~~User's bulletin board or other prominent place advising employees who to call in the event of an accidental ~~discharge~~Discharge as described above. Employers shall ensure that all employees who may cause or suffer such a ~~discharge~~Discharge to occur are advised of all the emergency notification procedures.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Un-Permitted Users. All ~~users~~Users not required to obtain ~~an individual~~a City-issued industrial wastewater ~~discharge~~permit shall provide appropriate reports to the City as the Public Works Director may require.

(8) Notice of Violation/Repeat Sampling and Reporting.

(a) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

(9) Notification of the Discharge of Hazardous Waste.

(a) Any User who commences the ~~discharge~~Discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any ~~discharge~~Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of ~~discharge~~Discharge (continuous, batch, or other). If the User ~~discharges~~Discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream ~~discharged~~Discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be ~~discharged~~Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the ~~discharge~~Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste ~~discharged~~Discharged. However, notifications of changed conditions must be submitted under Section 8.310(5) of this Chapter. The notification requirement in this Section does not apply to ~~pollutants~~Pollutants already reported by Users subject to ~~eategorical~~Categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.310(1), 8.310(3), and 8.310(4) of this Chapter.

(b) ~~Dischargers~~Persons who Discharge are exempt from the requirements of paragraph A, above, during a calendar month in which they ~~discharge~~Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified

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in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User ~~discharges~~Discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Division City, and State hazardous waste authorities of the ~~discharge~~Discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to ~~discharge~~Discharge any substance not otherwise permitted to be ~~discharged~~Discharged by this Chapter, a permit issued hereunder, or any applicable Federal or State law.

(10) Analytical Requirements.

All ~~pollutant~~Pollutant analyses, including sampling techniques, to be submitted as part of a City-issued industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable ~~categorical~~Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the ~~pollutant~~Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the ~~pollutant~~Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

(11) Sample Collection.

(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) The City shall establish the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

(c) Except as indicated in Section (d) and (e) below, the User must collect ~~wastewater~~Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the ~~discharge~~Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple ~~grab~~

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~~samples~~Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

- 1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;
- 2) For volatile organics and oil and grease, the samples may be composited in the laboratory.
- 3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, ~~grab samples~~Grab Samples may be required to show compliance with Instantaneous Limits.

(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.310(1) and 8.310(3), a minimum of four (4) ~~grab samples~~Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 8.310(4), the Industrial User is required to collect the number of ~~grab samples~~Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8.302(4). Records shall include the date, exact place, method, and time of sampling, and the name of the ~~person~~Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(14) Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting

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permit applications in accordance with Section 8.306(6); Users submitting baseline monitoring reports under Section 8.310(1); Users submitting reports on compliance with the ~~category~~Categorical Pretreatment Standard deadlines under Section 8.310(3); Users submitting periodic compliance reports required by Section 8.310(4), and Users submitting an initial request to forego sampling of a ~~pollutant~~Pollutant on the basis of Section 8.310(4). The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the following certification statement signed in accordance with the signatory requirements in Section 8.310(14). This certification must accompany an alternative report required by the City:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the ~~category~~Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 8.006 (81)(b)(1)~~(1)-(1)-(3)-(1)~~.

2) The facility complied with all applicable Pretreatment Standards and ~~requirements~~Requirements during this reporting period; and

3) The facility never ~~discharged~~Discharged more than 100 gallons of total categorical ~~wastewater~~Wastewater on any given day during this reporting period.

4) The Facility never ~~discharged~~Discharged concentrated untreated ~~wastewater~~Wastewater.

8.312 Compliance Monitoring

(1) Right of Entry; Inspection and Sampling.

(a) The City, an authorized representative of the ~~US~~ EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any ~~user~~User to ascertain whether the purpose of this Chapter is being met and all requirements are being ~~complied with~~met. Users shall allow authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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(b) Where a ~~user~~User has security measures in force that require proper identification and clearance before entry into their premises, the ~~industrial-user~~Industrial User shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and ~~US~~-EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(c) The City, State, and ~~US~~-EPA shall have the right to set up or require installation of, on the ~~industrial-user's~~Industrial User's property, such devices as are necessary to conduct sampling, and/or metering of the ~~user's~~User's operations.

(d) The City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure ~~wastewater~~Wastewater flow and quality shall be calibrated annually to ensure their accuracy. The location of the monitoring facilities shall provide ample room in or near the monitored facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

(e) Any temporary or permanent obstruction to safe and easy access to the ~~industrial~~Industrial facility to be inspected and/or sampled shall be promptly removed by the ~~industrial-user~~Industrial User at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the ~~user~~User.

(f) Unreasonable delays in allowing the City access to the ~~user's~~User's premises shall be a violation of this Chapter.

(2) Search Warrants. If the Public Works Director has been refused access to a building, structure or property or any part thereof, and if the Public Works Director has probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City may issue a search and/or seizure warrant describing herein the specific location subject to the warrant. The warrant shall specify what, if anything, may be search and/or seized on the property described. Such warrant shall be served at reasonable hours by the Public Works Director in the company of a uniformed police officer of the City.

8.314 Confidential Information

(1) Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit applications, ~~individual~~City-issued industrial wastewater discharge permitspermit, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to

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demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or ~~pretreatment~~Pretreatment program, and in enforcement proceedings involving the ~~person~~Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

8.316 Publication of Users in Significant Noncompliance

(1) The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section and shall mean:

(a) Chronic violations of ~~wastewater discharge~~Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same ~~pollutant~~Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.302;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of ~~wastewater~~Wastewater measurements taken for each ~~pollutant~~Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 8.302 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other ~~pollutants~~Pollutants except pH.

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.302 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other ~~discharges~~Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any ~~discharge~~Discharge of a ~~pollutant~~Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City exercise of its emergency authority to halt or prevent such a ~~discharge~~Discharge;

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(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in ~~an individual~~ a City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with ~~categorical~~ Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local ~~pretreatment~~ Pretreatment program.

8.318 Affirmative Defense

(1) Upset.

(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with ~~categorical~~ Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with ~~categorical~~ Categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) An upset occurred and the User can identify the cause(s) of the upset;
- 2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- 3) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

a) A description of the ~~indirect-discharge~~ Indirect Discharge and cause of noncompliance;

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b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with ~~ategorical~~Categorical Pretreatment Standards.

(f) Users shall control production of all ~~discharges~~Discharges to the extent necessary to maintain compliance with ~~ategorical~~Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition and the specific prohibitions in Section 8.302 of this chapter if it can prove it did not know or have reason to know that its ~~discharge~~Discharge alone or in conjunction with other ~~discharges~~Discharges, would cause ~~pass through~~Pass Through or ~~interference~~Interference and that either:::

(a) A local limit exists for each ~~pollutant discharge~~Pollutant Discharged and the ~~user~~User was in compliance with each limit directly prior to and during the ~~pass through~~Pass Through or ~~interference~~Interference; or

(b) No local limit exists, but the ~~discharge~~Discharge did not change substantially in nature or constituents from the ~~user's~~User's prior ~~discharge~~Discharge when the City was regularly in compliance with the NPDES ~~permit~~Waste Discharge Permit, and in the case of ~~interference~~Interference, in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

(a) For the purposes of this Section

1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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(b) A User may allow any bypass to occur which does not cause ~~pretreatment standards or requirements~~ Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d).

(c) Bypass Notification

1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least 10 days before the date of the bypass.

2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Public Works Director within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the Public Works Director may take enforcement action against an Industrial User for a bypass, unless;

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintaining during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The Industrial User submitted notices as required under paragraph (c) of this section.

4) The Public Works Director may approve an anticipated bypass after considering its adverse effects, if the Public Works Director determines that it will meet paragraph (d) 1) of this Section.

8.320 Pretreatment Charges and Fees

(1) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

(a) Fees for City-issued industrial wastewater discharge permit applications including the cost of processing such applications;

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(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's ~~discharge~~Discharge;

(c) Fees for reviewing monitoring reports and certification statements submitted by Users;

~~(d)~~ —(d) Fees for reviewing and responding to slug ~~discharge~~color;

(e) Discharge procedures and construction;

(e) Fees for filing appeals;

(f) Fees to recover administrative and legal costs (not included in Section 8.~~404404404~~, Section 8.~~406406406~~ and 8.316) associated with the enforcement activity taken by the City to address IU noncompliance; and

(g) Other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

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ENFORCEMENT

8.402 Administrative Enforcement Remedies

(1) Enforcement. In addition to the imposition of civil penalties, the City shall have the right to enforce Sections 8.200 through and including 8.320 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any ~~discharge~~Discharge that fails to comply with the requirements of these rules and regulations or provisions of its City-issued industrial wastewater discharge permit may be subject to enforcement actions as prescribed in Section 8.~~402402402~~(2) through Section 8.~~402402402~~(9) below.

(a) The City is hereby authorized to adopt, by ordinance or resolution, an Enforcement Response Plan, with procedures and schedules of fines, to implement the provisions of this Section.

(b) The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, ~~interference~~Interference, work health and safety; violation of the City's NPDES ~~discharge permit~~Waste Discharge Permit. Enforcement shall, generally, be escalated in nature.

(2) Notification of Violation. Whenever the City finds that any User has violated or is violating any provision of Sections 8.200 through and including 8.320, a City-issued industrial wastewater ~~discharge~~ permit or order issued hereunder, or any other ~~pretreatment requirement~~Pretreatment Requirement, the Public Works Director of his agent may serve upon said ~~user~~User a written Notice of Violation. Within ten (10) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Public Works Director. Submission of this plan in no way relieves the ~~user~~User of liability for any violations occurring before or after receipt of this Notice of Violation. Nothing in this section shall limit the authority of the City to take emergency action without first issuing a Notice of Violation.

(3) Consent Orders. The City may enter into Consent Orders, Assurance of Compliance, or other similar documents establishing an agreement with the any User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Section 8.~~402402402~~(4) or 8.~~402402402~~(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any ~~industrial user~~Industrial User which causes or contributes to any violation(s) of Sections 8.200 through and including 8.320, City-issued industrial wastewater ~~discharge~~ permits or orders issued hereunder, or any other ~~pretreatment requirement~~Pretreatment Requirement to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the ~~user~~User show cause why this proposed enforcement action

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should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing date. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(5) Compliance Orders. When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the ~~discharge~~Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, ~~sewer~~Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of ~~pollutants discharged~~Pollutants Discharged to the ~~sewer~~Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(6) Cease and Desist Orders. When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements:

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and/or terminating the ~~discharge~~Discharge. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (\$5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average ~~discharge~~Discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the ~~user's~~User's next scheduled ~~sewer~~Sewer service charge and the City shall have such other collection remedies as may be available

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for other service charges and fees. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions. The City may immediately suspend a ~~user's discharge~~User's Discharge and the Industrial User's City-issued industrial ~~user's~~ wastewater discharge permit, after informal notice to the ~~industrial user~~Industrial User, whenever such suspension is necessary in order to stop an actual or threatened ~~discharge~~Discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of ~~persons~~Persons. The City may also immediately suspend a ~~user's discharge~~User's Discharge and the Industrial User's City-issued industrial-~~user's~~ wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its ~~discharge~~Discharge activity or City-issued industrial wastewater ~~discharge~~ permit shall immediately stop or eliminate its contribution. In the event of an ~~industrial user's~~Industrial User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the ~~sewer~~Sewer connection to prevent or minimize damage to the POTW, its ~~receiving stream~~Receiving Stream, or endangerment to any individuals. The City may allow the User to recommence its ~~discharge~~Discharge when the ~~user~~User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 8.402402402(9) are initiated against the ~~user~~User. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(b) Any ~~user~~User which is responsible, in whole or in part, for any ~~discharge~~Discharge presenting imminent endangerment shall submit a written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Public Works Director prior to the date of any show cause or termination hearing under Section 8.402402402(4) or 8.402402402(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to ~~discharge~~Discharge termination:

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- (a) Violation of City-issued industrial wastewater discharge permit conditions;
- (b) Failure to accurately report the ~~wastewater~~Wastewater constituents and characteristics of its ~~discharge~~Discharge;
- (c) Failure to report significant changes in operations or ~~wastewater~~Wastewater volume, constituents and characteristics prior to ~~discharge~~Discharge;
- (d) Refusal of reasonable access to the ~~user's~~User's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the ~~pretreatment standards~~Pretreatment Standards in Section 8.302 of this Chapter.

Such Users will be notified of proposed termination of its ~~discharge~~Discharge and be offered an opportunity to show cause under Section 8.~~402~~402(4) above why the proposed action should not be taken.

Exercise of this option by the City shall not be a bar to, or establish a prerequisite for, taking any other action against the User.

(10) Appeals. Any enforcement action by the City may be appealed to the City Council by filing a petition for reconsideration. The petition must show cause why an enforcement action should not be taken.

(a) Enforcement action appeals must be filed with the City Recorder within ten (10) working days of receipt of the enforcement action.

(b) The petition for appeal shall indicate the nature of the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the enforcement response and the requirements of the ~~pretreatment~~Pretreatment program.

(c) Upon appeal, the City Council shall first determine whether the appeal shall be heard on the record only, or upon an evidentiary hearing *de novo*. Where an appellant has been afforded an opportunity of an evidentiary hearing by the City, then appeal shall be limited to a review of the record and a hearing for receipt of arguments regarding the record. Where an appellant has not been afforded an evidentiary hearing, or upon finding that under prejudice should otherwise result, the City Council shall conduct an evidentiary hearing *de novo*.

(d) Unless otherwise provided by the City Council, an evidentiary hearing *de novo* on appeal shall require a record be kept of the following:

- 1) The record, if any, of the matter before the City.

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- 2) A factual report prepared and presented by the City.
- 3) All exhibits, materials and memoranda submitted by any party and received or considered in reaching the decision under review.
- 4) A record of testimonial evidence, if any.

(e) Upon review, the City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the Council modifies or renders a decision that reverses a decision regarding and enforcement action, the Council, in its order, shall set forth its finding and state its reasons for taking the action.

8.404 Judicial Enforcement Remedies

(1) Injunctive Relief. Whenever the City finds that a ~~user~~User has violated or continues to violate the provisions of Sections 8.200 through and including 8.320, permits or orders issued hereunder, or any other ~~pretreatment requirements~~Pretreatment Requirements, the City through the City's attorney, may petition the Circuit Court of Clackamas County for issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the ~~user~~User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the ~~user~~User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the User.

(2) Civil Penalties. A User which has violated or continues to violate the provisions of Sections 8.200 through and including 8.320, a City-issued industrial wastewater discharge permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation per day. In the case of a monthly or other long term average ~~discharge~~Discharge limit, penalties shall accrue for each business day during the period of this violation.

(a) The City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm, caused by the violation, the magnitude and duration, any economic benefit gained through the ~~industrial user's~~Industrial User's violation, corrective actions by the ~~industrial user~~Industrial User, the compliance history of the ~~user~~User, and any other factors as the justice requires.

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(c) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the ~~user~~User.

(3) Criminal Prosecution.

(a) Any User who willfully or negligently violates any provisions of Sections 8.200 through and including 8.320, any orders or permits issue hereunder, or any other ~~pretreatment standard or requirement~~Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to Sections 8.200 through and including 8.320, or City-issued industrial wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the ~~user~~User shall be punished by a fine not to exceed \$6,000 per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

8.406 Supplemental Enforcement Action

(1) Performance Bonds. The City may decline to reissue a permit to any User who has failed to comply with the provisions of Sections 8.200 through and including 8.320, a previous City-issued industrial wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless such ~~user~~User first files a satisfactory bond,

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payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve a consistent compliance.

(2) Liability Insurance. The City may decline to reissue a permit to any ~~industrial user~~Industrial User which has failed to comply with the provisions of Sections 8.200 through and including 8.320, a previous City-issued industrial wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the POTW caused by its ~~discharge~~Discharge.

(4) Payment of Outstanding Fees and Penalties. The City may decline to issue or reissue a City-issued industrial wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of Sections 8.200 through and including 8.320, a previous City-issued industrial wastewater discharge permit, or order issued hereunder.

(5) Water Supply Severance. Whenever a User has violated or continues to violate provisions of Sections 8.200 through and including 8.320, orders, or permits issued hereunder, ~~water~~Water services to the ~~industrial user~~Industrial User may be severed and service will only recommence, at the ~~user's~~User's expense, after it has satisfactorily demonstrated its ability to comply.

(6) Public Nuisance. Any violation of the prohibitions of effluent limitations of this Chapter, permits, or orders issued hereunder is hereby declared by a public nuisance and shall be corrected or abated as directed by the City. Any ~~person~~Person(s) creating a public nuisance shall be subject to the provisions of Chapter 7 of the Wilsonville City Codes governing such nuisance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

(7) Informant Rewards. The City may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the ~~industrial user~~Industrial User, the Public Works Director is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000).

(8) Contractor Listing. Users which have not achieved consistent compliance with applicable ~~pretreatment standards~~Pretreatment Standards and ~~requirements~~Requirements are not eligible to receive a contract for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by an ~~industrial user~~Industrial User found to be in significant violation with ~~pretreatment standards~~Pretreatment Standards may be terminated at the discretion of the City.

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STORMWATER

8.500 General Provisions

(1) Purpose. Provides for the building of and connection to public ~~stormwater~~Stormwater facilities and for the uniform regulation of ~~discharges~~Discharges to the ~~public stormwater system~~Public Stormwater System through the issuance of permits and through enforcement of general requirements for other ~~users~~Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the ~~public stormwater system~~Public Stormwater System.

8.502 Stormwater System Construction

(1) No unauthorized ~~person~~Person shall uncover, make any connections to or opening into the ~~public stormwater system~~Public Stormwater System, use, alter or disturb any ~~storm sewer lateral~~Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the ~~owner~~Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's ~~authorized stormwater representative~~Authorized Stormwater Representative.

(2) All costs and expenses incidental to the installation and connection of ~~stormwater~~Stormwater facilities shall be borne by the ~~owner~~Owner or Lessee. The ~~owner~~Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of ~~stormwater~~Stormwater facilities or connections to the ~~public stormwater system~~Public Stormwater System.

(3) The size, slope, alignment, construction materials of ~~stormwater~~Stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the ~~stormwater~~Stormwater facilities to the ~~public stormwater system~~Public Stormwater System shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's ~~authorized stormwater representative~~Authorized Stormwater Representative before installation.

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(5) The ~~applicant~~ESC Applicant shall notify the City's ~~authorized stormwater representative~~Authorized Stormwater Representative when the ~~stormwater~~Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's ~~authorized stormwater representative~~Authorized Stormwater Representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the ~~applicant's or owner's~~ESC Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with the City's requirements.

(6) All excavations for ~~stormwater~~Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.504 Use of Public Stormwater System

(1) No unauthorized ~~person~~Person shall uncover, make any connections with or openings into, use, alter, or disturb, any ~~public stormwater system~~Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be ~~discharged~~Discharged to ~~storm sewers~~Storm Sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No ~~person~~Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the ~~public stormwater system~~Public Stormwater System.

(4) It shall be unlawful to ~~discharge~~Discharge in or into any natural outlet or ~~stormwater sewer~~Stormwater Sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any ~~sewage~~Sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.506 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized ~~person~~Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the ~~public stormwater system~~Public Stormwater System. Any ~~person~~Person violating this provision and as a result thereof damages any part of the ~~public stormwater system~~Public Stormwater System, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.508 Right of Entry

(1) Where it is necessary to perform inspections, measurements, sampling and/or testing, to enforce the provisions of this code, or where the City's ~~authorized stormwater~~

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~~representative~~Authorized Stormwater Representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative shall first make a reasonable effort to locate the ~~owner~~Owner, Lessee, or other ~~person~~Person having charge or control of the premises and request entry. If entry is refused, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative shall have recourse to the remedies provided by law to secure entry.

(2) The premises shall be maintained in a safe condition by the ~~owner~~Owner or a ~~person~~Person having charge or control of the premises and upon contact by the City's ~~authorized stormwater representative~~Authorized Stormwater Representative the ~~owner~~Owner or a ~~person~~Person having charge or control of the premises shall have a duty to notify City's ~~authorized stormwater representative~~Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.

(3) Not with standing, Section 8.508(1) above, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any ~~storm water~~Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.510 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-~~stormwater discharge~~Stormwater Discharge to the ~~public stormwater system~~Public Stormwater System is prohibited and is a violation of this ordinance, except as described below.

(2) The prohibition shall not apply to any non-~~stormwater discharge~~Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater ~~permit~~Permit, waiver, or ~~discharge~~Discharge order issued to the ~~discharger~~Person who Discharges and administered by the DEQ, provided that the ~~discharger~~Person who Discharges is in full compliance with all requirements of the permit, waiver, or ~~discharge~~Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any ~~discharge~~Discharge to the ~~municipal separate storm wastewater system~~Municipal Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-~~stormwater discharges~~Stormwater Discharges to the ~~public stormwater system~~Public Stormwater System: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, ~~discharges~~Discharges from potable water

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sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual ~~residential~~Residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool ~~discharges~~Discharges, street wash water, and flows from firefighting.

(e) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES ~~municipal stormwater permit~~Stormwater Permit.

(c) Discharge of flows to the public or private ~~stormwater~~Stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

(3) The City may require ~~best management practices~~Best Management Practices to reduce ~~pollutants~~Pollutants, or may prohibit a specific ~~discharger~~Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the ~~discharge~~Discharge is, was, or will be a significant source of pollution.

8.512 Discharge in Violation of Permit

Any ~~discharge~~Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater ~~permit~~Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other ~~discharges~~Discharges, is a violation of this chapter and is prohibited. Liability for any such ~~discharge~~Discharge shall be the responsibility of the ~~person~~Person(s) causing or responsible for the ~~discharge~~Discharge, and such ~~persons~~Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such ~~discharge~~Discharge.

8.514 Waste Disposal Prohibitions

(1) No ~~person~~Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, ~~garbage~~Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, ~~sediment~~Sediment or ~~sediment~~Sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the ~~public stormwater system~~Public Stormwater System.

(2) Runoff from ~~commercial~~Commercial or ~~industrial~~Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not ~~discharge~~Discharge directly to a private or ~~public stormwater system~~Public Stormwater System except as allowed under Section 8.510 of this code; this includes but is not limited to outdoor ~~commercial, industrial~~Commercial, Industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities ~~discharges~~Discharges directly or indirectly to a private or ~~public stormwater system~~Public Stormwater System.

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8.516 General Discharge Prohibitions

(1) It is unlawful to ~~discharge~~Discharge or cause to be ~~discharged~~Discharged directly or indirectly into the ~~public stormwater system~~Public Stormwater System any of the following:

- (a) Any ~~discharge~~Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
- (b) Any ~~discharge~~Discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
- (c) Any ~~discharge~~Discharge which causes or may cause damage, ~~interference~~Interference, or hazard to the ~~public stormwater system~~Public Stormwater System or the City personnel; and
- (d) Any ~~discharge~~Discharge containing human sanitary waste or animal feces.

8.518 Compliance with Industrial NPDES Stormwater Permits

Any ~~industrial discharger, discharger~~ Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other ~~discharger~~Discharges subject to any NPDES Stormwater ~~permit~~Permit issued by the Oregon DEQ, from which ~~pollutants~~Pollutants may enter the public or private ~~stormwater~~Stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.520 Compliance with Local, State, and Federal Laws and Regulations

All users of the ~~public stormwater system~~Public Stormwater System and any ~~person~~Person or entity whose actions may affect the system shall comply with all applicable local, ~~state~~State and ~~federal~~Federal laws and regulations. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, ~~state~~State and ~~federal, state~~Federal laws and regulations.

8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, ~~state~~State, and ~~federal~~Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.524 Accidental Spill Prevention and Control

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Accidental spills and releases by ~~dischargers~~Persons who are not required to obtain a NPDES Stormwater ~~permit~~Permit but who handle, store or use hazardous or toxic substances or ~~discharges~~Discharges prohibited under Section 8.512 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

8.526 Notification of Spills

(1) As soon as any ~~person~~Person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, ~~pollutants~~Pollutants, or waste creating a risk of ~~discharge~~Discharge to the ~~public stormwater system~~Public Stormwater System, such ~~persons~~Persons shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or ~~state~~State officials regarding the nature of the spill; and
- (d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local ~~state~~State, or Federal regulations and laws. The notification requirements do not relieve the ~~person~~Person of necessary remediation.

8.528 Requirement to Eliminate Illicit Connections

(1) The City's ~~authorized stormwater representative~~Authorized Stormwater Representative may require by written notice that a ~~person~~Person responsible for an illicit connection to the ~~public stormwater system~~Public Stormwater System comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

(2) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible ~~person~~Person can demonstrate that an ~~illicit discharge~~Illicit Discharge will no longer occur, that ~~person~~Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible ~~person's~~Person's expense.

8.530 Requirement to Remediate

Whenever the City finds that a ~~discharge~~Discharge of ~~pollutants~~Pollutants is taking place or has taken place which will result in or has resulted in pollution of ~~stormwater~~Stormwater or the

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~~public stormwater system~~ Public Stormwater System, the City's ~~authorized stormwater representative~~ Authorized Stormwater Representative may require by written notice to the responsible ~~person~~ Person that the pollution be remediated and the affected property restored, to the requirements of this Chapter.

8.532 Requirement to Monitor and Analyze

Whenever the City's ~~authorized stormwater representative~~ Authorized Stormwater Representative determines that any ~~person~~ Person engaged in any activity ~~and/or owning or operating any facility~~ which may cause or contribute to ~~stormwater~~ Stormwater pollution or ~~illicit discharges~~ Illicit Discharges to the ~~public stormwater system~~ Public Stormwater System, the City's ~~authorized stormwater representative~~ Authorized Stormwater Representative may, by written notice, order that ~~such person~~ the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's ~~authorized stormwater representative~~ Authorized Stormwater Representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either ~~in person~~ by personal delivery or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail requiring the Owner to monitor the property and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this chapter.

8.534 Erosion Prevention and Sediment Control

(1) Purpose. These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and Sediment Control Planning and Design Manual, shall be known as the "City of Wilsonville Erosion Prevention and Sediment Control Standards," may be cited as such, and will be referred to herein as "these Standards." The purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of ~~erosion~~ Erosion and to prevent the creation, migration and/or transport of ~~erosion~~ Erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

(3) ESC Permit Required. An ESC Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The ESC Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City

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Manager before any clearing or grading shall be allowed to proceed. An ESC Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) ESC Plan Required. The ESC Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all ~~erosion~~Erosion and ~~sediment~~Sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

a. It shall be the duty of the ESC Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.

b. The ESC Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.

c. The ESC Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the ~~sediment~~Sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.

d. During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the ESC Applicant by tarps or straws at the end of each day's operations; all disturbed, unworked areas of the site shall be protected from ~~erosion~~Erosion

e. The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and ~~sediment~~Sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the ESC Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem ~~and suggested measures to remedy the problem.~~ The written requirement shall be presented to the ESC Applicant and any other ~~responsible~~related parties.

(a) The revised ESC Plan shall be submitted by the ESC Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after

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simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.

(b) The ESC Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.

(c) In cases where significant Erosion is occurring, the City Manager or designee may require the ESC Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

8.536 Stormwater – Violation

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.500 through and including 8.534 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.500 through and including 8.534 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.500 through and including 8.534. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.500 through and including 8.534 occurs. When the Owner of a property where a violation occurs is not the Responsible Party, the City will pursue compliance and, when necessary, enforcement, only when the Responsible Party cannot be located or determined.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.500 through and including 8.534, the City Manager or designee, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ~~code~~Code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises ~~beare~~ unoccupied, the City Manager or designee shall first make a reasonable effort to locate the ESC Applicant, Lessee, Owner or other ~~person~~Person having charge or control of the building or premises and request entry. If a party other than the Owner is the initial Person the City attempts to contact and receives no response, the City will then attempt to contact the Owner prior to entry. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.312(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.500 through and including 8.534 has occurred, the City Manager or designee shall notify the ESC Applicant or Responsible Party in writing of the violation observed. The notice of violation shall ~~either~~ be delivered to the ~~responsible party or~~ ESC Applicant or Responsible

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Party and posted at the property site of the violation, ~~and mailed to all responsible parties.~~ If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.500 through and including 8.534, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The ~~responsible party~~ Responsible Party shall not resume work until such time as the City Manager or designee provides specific approval in writing. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail of the stop work order.

(5) Termination of Permit. If an ESC Applicant violates the requirements of Sections 8.500 through and including 8.534, the City Manager or designee may revoke any or all of the ESC Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. ~~The Applicant~~ If a Responsible Party violates the requirements of Sections 8.500 through and including 8.534, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. The Responsible Party may appeal such determination pursuant to WC 8.536(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a ~~person~~ Person has violated an provision of Sections 8.500 through and including 8.534, the City Manager or designee may impose upon the ~~violator, and/ESC Applicant~~ or any other responsible person, Responsible Party a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no less than fifty dollars (\$50) and shall not exceeding five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.536.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the ESC Applicant or Responsible Party an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or designee shall determine whether such correction(s) has/have been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar

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(\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

(c) The civil penalty authorized by the Section shall be in addition to:

1. Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and
2. Any other actions authorized by law.

(d) Notwithstanding WC 8.536(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(e) If the City determines in its sole discretion that pursuing the Responsible Party is not feasible or it is in the public interest to pursue the Owner of the property for violations of WC 8.500 to WC 8.534, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 5.836(3).

(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the ~~state~~State, and seven (7) days after the date mailed if to an address outside this ~~state~~State. A notice of civil penalties shall include:

- (a) Reference to the particular code provision or rule involved;
- (b) A short and plain statement of the violation;
- (c) A statement of the amount of the penalty or penalties imposed;

(d) If the penalty is imposed pursuant to WC 8.536(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

(e) A statement of the party's right to appeal the civil penalty to the City Council.

(8) In imposing a penalty authorized by this Section 8.536, the City Manager or designee shall consider:

- (a) The ~~person's~~Person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

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- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) Cost to City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

(9) Any ~~person~~Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.536(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the ESC Applicant appeals the penalty to the City Council pursuant to, and within the time limit established by WC 8.536(12). If the ESC Applicant appeals, the decision will become final, if at all, upon issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.536 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.536. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the ESC Applicant of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.536(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

(a) Filing deadline. A ~~person~~Person appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.536(7).

(b) Notice of appeal content. The written notice of appeal shall include:

1. The name and address of the appellant;

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2. A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;
3. A statement of the appellant's standing or right to be heard;
4. The nature of the decision being appealed;
5. A copy of the decision being appealed;
6. A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and
7. The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the appeal shall be dismissed without a hearing.

(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the ~~applicant~~ ESC Applicant upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

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(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of ~~stormwater~~Stormwater control measures as required by this -Section 8.500 through and including 8.534 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.500 through and including 8.536. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.500 through and including 8.536, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.500 through and including 8.536, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the ESC Applicant prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the ESC Applicant at the ESC Applicant's address as recorded in the county assessment and taxation records for the property in question.

(c) Financial Responsibility.

1. Whenever a violation is abated under this Subsection 8.536(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2. The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the ESC Applicant, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3. Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

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CITY OF WILSONVILLE, OREGON

**Industrial Pretreatment Program
Enforcement Response Plan**

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SECTION I. INTRODUCTION

The General ~~pretreatment~~Pretreatment Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved ~~pretreatment~~Pretreatment programs to obtain remedies for noncompliance by any Industrial User. Specifically, 40 CFR 403.8(f)(5) requires the POTW to develop and implement an enforcement response plan.

EPA states that a violation occurs when any of the following conditions apply:

- Any requirement of the City's rules and regulations has not been met.
- A written request is not met within the specified time.
- A condition of a permit issued under the authority of rules and regulations is not met within the specified time.
- Effluent limitations are exceeded, regardless of intent or accident.
- False information has been provided by the ~~discharge~~Discharge.

Each day a violation occurs is considered a separate violation. Each parameter that is in violation is considered to be a separate violation.

Actions that can be taken by the City, in response to violations, are described in this Enforcement Response Plan.

This Enforcement Response Plan is intended to provide guidance to the City Staff for the uniform and consistent enforcement of the City Sewer Use Ordinance to all Users of the system. The Enforcement Response Plan should be considered a guide for making decisions on the appropriate actions to be taken to return the User to full compliance in the shortest possible time while not being excessive. For additional information see the City of Wilsonville Code, Chapter 8.

SECTION II. ENFORCEMENT REMEDIES

A. Preliminary Enforcement Contacts

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

1. Phone Calls

A phone call maybe the initial informal action taken by the City for missed deadlines and other minor incidents of noncompliance as detected by sampling, inspection and/or as

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soon as a compliance deadline is missed or noncompliance is detected. The City is not required to take this action prior to taking other enforcement options.

A written record of the phone conversation is kept and will contain the following information:

- name of company (IU);
- ~~City-issued industrial~~ wastewater discharge permit number;
- name and title of ~~person~~Person contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation;
- initials or signature of City personnel initiating the phone call.

2. Informal Compliance Meeting

An informal compliance meeting may be held to discuss violations which have recurred, violations which remain uncorrected, or violations of a magnitude which warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative to ensure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting should be held before significant noncompliance (SNC) is reached by the ~~industrial user~~Industrial User. The ~~industrial user~~Industrial User should already be aware of the criteria for SNC, and the compliance meeting will reinforce that the result of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

1. Notice of Violation

The Notice of Violation (NOV) is an appropriate initial response to any violations and may often be the first response. An informal enforcement action is not required prior to issuing a Notice of Violation. . The purpose of a NOV is to notify the ~~industrial user~~Industrial User of the detected violation. It may be the only response necessary in cases of infrequent and generally minor violations. As a general rule, the NOV will be issued not later than 5 business days after discovery of the violation. .

The NOV may be issued by the Pretreatment Coordinator.

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The NOV will require the IU to submit a written explanation of the violation and a plan for its satisfactory correction within 10 days of receipt of the NOV. If the ~~user~~User does not return to compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses.

2. Administrative Order

An Administrative Orders (AO) are enforcement actions requiring the IU to take a specific action within a specific time period, and may require the IU to seek outside assistance or to modify their production process to eliminate continued non-compliance. An Administrative Order is considered an escalation of the enforcement beyond an informal enforcement action and a Notice of Violation. The City is not required to take informal or less severe enforcement actions prior to issuing an Administrative Order. It is recommended that in most cases a Notice of Violation be issued prior to issuing an Administrative Order to assure the IU management are aware of the problem before ordering an action that may impact the productivity of the IU. The terms of an AO may or may not be negotiated with IUs.

a. Cease and Desist Order

A Cease and Desist Order directs a ~~user~~User in significant noncompliance (SNC) to cease illegal or unauthorized ~~discharges~~Discharges immediately or to terminate its ~~discharge~~Discharge altogether. A Cease and Desist Order should be used in situations where the ~~discharge~~Discharge could cause ~~interference~~Interference of a ~~pass-through~~Pass Through, or otherwise create an emergency situation. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be given initially by telephone, with follow-up (within 5 days) by formal written notice.

b. Consent Order

The Consent Order combines the force of an AO with the flexibility of a negotiated settlement. The Consent Order is an agreement between the City and the IU normally containing three elements:

- compliance schedules;
- stipulated fines or remedial actions; and
- signatures of the City and industry representatives.

Consent Orders are intended to provide a scheduled plan of action to be taken by the IU (sometimes actions to be taken by the City) to return to compliance. The compliance schedule should identify all significant actions in a step wise order and when each step should be completed. Routine written reports should be required of the IU providing written documentation of the status of the Consent Order at the time of the report. Typically Consent Orders should not exceed six months in overall time, and not specific step to exceed a 90 day period. In some cases the completion of one consent order leads to the issuance of a second or third

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consent order dependent on the outcome of the previous consent order. Consent orders are effective providing the IU ~~discharge~~Discharge is not contributing to ~~pass-through~~Pass Through or ~~interference~~Interference of the POTW. The City may establish interim permit limits or special ~~discharge~~Discharge requirements while a Consent Order runs its course.

No informal or less severe enforcement action is required to be taken prior to issue of a Consent Order. Before issuing a Consent Order the City should consider the impact the IU's ~~discharge~~Discharge is having on the POTW (~~pass-through~~Pass Through or ~~interference~~Interference) and the evidence that is used to determine the need for the order. The milestone dates established for completion of steps within the Consent Order become enforceable at the same level of a ~~discharge~~Discharge limit of the permit or a requirement of the City ordinance.

3. Show Cause Order

An order to show cause directs the ~~user~~User to appear before the City, and explain its noncompliance, and who cause why more severe enforcement actions against the ~~user~~User should not go forward. The order to show cause is typically issued after information contacts, NOV's, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Case Order/hearing can also be used to investigate violations or previous orders.

The Show Cause Order will either be hand-delivered or mailed with return receipt required. The Order will indicate the nature of the violations and the proposed enforcement response. At the Show Cause meeting, the Public Works Director will present a factual report prepared as the basis for the proposed enforcement action. The IU will present exhibits, material and memoranda. A record of testimonial evidence will be kept by the City.

Within thirty (30) days following the Show Cause meeting, the ~~PW~~Public Works Director will render a decision regarding an enforcement action to be taken, setting forth findings and stating reasons for taking the action. Affirmative defenses to ~~discharge~~Discharge violations (WC, Section 8.318) will be taken into consideration of the Public Works Director's decision.

Within ten (10) working days of receiving notice of the enforcement action to be taken, the IU may appeal the Public Works Director's decision to the City Council, pursuant to WC 8.402(10).

4. Compliance Order

Compliance Orders are similar to Consent Orders, in that, specific actions are mandated and milestone dates are established for the completion of each mandatory action. The primary difference is that a Compliance Order is not

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negotiated with the IU. The City establishes the mandatory actions and milestone dates without consideration of the IU with the primary focus on protection of the POTW. Compliance Orders may include the acquisition of professional assistance, engineering design, additional or replacement ~~pretreatment~~Pretreatment equipment, development of ~~best management practices~~Best Management Practices, action plans, increased or special testing and/or self-monitoring requirements, and other activities that the City may deem necessary to returning the IU to full compliance. Compliance Orders may establish interim limits and requirements while the IU is operating under the compliance order. The compliance order should require routine reporting during the course of the compliance order.

No previous enforcement action is required prior to issuance of a compliance order

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City's Public Works Director for violations of ~~pretreatment standards~~Pretreatment Standards and ~~requirements~~Requirements, violations of the terms and conditions of the City-issued industrial wastewater discharge permit and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$5,000 for each day that each violation continues.

Administrative Fines are recommended as an escalated enforcement response, particularly when NOVs or administrative orders have not prompted a return to compliance. Whether administrative fines are an appropriate responses to noncompliance also depend greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section III of this plan when determining the amount of the fine.

6. Emergency Suspension Order

The Public Works Director may suspend an ~~industrial user's discharge and the industrial user's~~Industrial User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, without informal notice or previous enforcement action, in order to stop an actual or threatened ~~discharge~~Discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of ~~persons~~Persons, or an endangerment to the environment. Any ~~industrial user~~Industrial User notified of an emergency suspension must immediately stop or eliminate its ~~discharge~~Discharge to the POTW. In the event of the ~~industrial user's~~Industrial User's failure to immediately comply voluntarily with the suspension order, the City may sever ~~sewer~~Sewer connection prior to the date of any show cause or termination hearing. The ~~industrial user~~Industrial User must submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences before ~~discharge~~Discharge to the POTW can be restored.

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7. Termination of Permit

Termination of service is the revocation of an ~~industrial user's~~Industrial User's privilege to ~~discharge industrial wastewater~~Discharge Industrial Wastewater into the City's ~~sewer~~Sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of a suspension order which compels the ~~user~~User to terminate its ~~discharge~~Discharge, or by court ruling. Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. Unlike civil and criminal proceedings, termination of service is an administrative response which can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences.

Any ~~industrial user~~Industrial User who violates the Wilsonville Code of Ordinances, City-issued industrial wastewater discharge permit, or compliance orders is subject to termination of the City-issued industrial wastewater discharge permit ~~termination~~ as an enforcement remedy. Non-compliant ~~industrial users~~Industrial Users will be notified in writing of the proposed termination of their City-issued industrial wastewater discharge permit and will be offered an opportunity to show cause why the action should not be taken. The Public Works Director is authorized to terminate an IU's ~~discharge~~Discharge if it presents or may present an endangerment to the environment or if it threatens to interfere with the operation of the POTW

In contrast to the Emergency Suspension Order, the Notice of Termination of the Discharge Permit is to be used when significant changes in the ~~industrial user's~~Industrial User's operations have occurred without authorization resulting in new ~~pollutant~~Pollutant contributions or volume of ~~wastewater discharged~~Wastewater Discharged. Furthermore, through the course of administering, monitoring and compliance activity, the City may acquire new information which was not available at the time the City-issued industrial wastewater discharge permit was issued. Until corrections have been made, and continuing ~~discharge~~Discharge compliance can be assured, the City may terminate the IU's permitted right to ~~discharge~~Discharge into the City's POTW.

C. **Judicial Enforcement Remedies**

There are four judicial enforcement remedies which are available to the City, as outlined in Wilsonville Codes – Injunctive Relief, Civil Penalties, Criminal Penalties, and Remedies Non-Exclusive.

1. Injunctive Relief

Injunctive relief is the formal process of petitioning the Circuit Court of Clackamas County for the issuance of either a temporary or permanent injunction which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order or other required imposed on the activities of the ~~industrial user~~Industrial User. Injunctive relief is carried out by the City Attorney in conjunction with the City Manager, Public Works Director and the Mayor.

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2. Civil Penalties

Civil litigation is the formal process of filing lawsuits against ~~industrial users~~Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the ~~industrial user~~Industrial User is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the City Attorney and only initiated as authorized by the City Council.

3. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the City Attorney and may be filed in municipal court.

4. Remedies Nonexclusive (§8.312)

The remedies provided for in the ordinance are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Public Works Director may take other action against any User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant User.

D. Supplemental Enforcement Remedies

Supplemental or innovative enforcement remedies are used to complement the more traditional enforcement responses already described. Normally, supplemental responses are used in conjunction with more traditional approaches. The following are provided for in the City Code:

- Performance Bonds
- Liability Insurance
- Payment of Outstanding Fees and Penalties
- Water Supply Severance
- Public Nuisance
- Informant Rewards
- Contractor Listing

SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

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The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

B. Class of Violations

Class I:

- * Un-permitted ~~discharge~~Discharge or failure to halt ~~discharge~~Discharge which cause harm to the POTW and/or the environment.
- * Failure to comply with notification requirements of a spill or ~~slug load~~Slug Load or upset condition.
- * Violation of an Administrative Order or compliance schedule.
- * Failure to provide access to premises or records.
- * Any violation related to water quality which causes a major harm or poses a major risk of harm to public health or the environment.
- * Significant Noncompliance (40 CFR 403.8(f)(2)(vii)(A-H).
- * Process waste stream dilution as a substitute for ~~pretreatment~~Pretreatment.

Class II:

- ** Operation of a ~~pretreatment~~Pretreatment facility without first obtaining a ~~Discharge Permit~~City-issued industrial wastewater discharge permit. (No harm to POTW or the environment).
- ** Any violation related to water quality which is not otherwise classified.
- ** Recurring violations of ~~local~~City-issued industrial wastewater discharge permit limits or Federal Standard.

Class III

- *** Un-permitted ~~discharge~~Discharge which causes no harm to POTW.
- *** Failure to operate and maintain a ~~pretreatment~~Pretreatment facility.
- *** Monitoring, record keeping, and reporting violations.
- *** First-time violation of a local permit limit or Federal Standard regulating the ~~discharge~~Discharge of ~~pollutants~~Pollutants.

C. Magnitude of Violations

Major:

- pH value less than 5.0 or more than 11.0,.
- More than 2.0 times the maximum allowable limit established for regulated ~~pollutants~~Pollutants, other than pH.
- Anything directly attributable to an upset condition or damage of the POTW.

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- Recurring failure to meet the terms of a compliance order or recurring failure to correct a known violation.
- Missed compliance milestone or report submittal deadline by more than 30 days without good cause.
- Any other violation meeting the definition of significant noncompliance (See Sections II and III, as well as the Enforcement Response Matrix).

Moderate:

- From 1.2 to 2.0 times the maximum allowable limit established for regulated ~~pollutants~~Pollutants, other than pH.
- Third Notice of Violations of a ~~Discharge Permit~~City-issued industrial wastewater discharge permit condition or compliance order in a 12 month period.

Minor:

- pH value of 5.0 to 5.5 and 10.0 to 11.0 to 1.2 times the maximum allowable limit for regulated ~~pollutants~~Pollutants, other than pH.
- Second Notice of Violation for the same ~~Discharge Permit~~City-issued industrial wastewater discharge permit condition or compliance order in a 12 month period.
- Missed compliance milestone or report submittal deadline without good cause by up to 30 days.
- Violations detected during site visits which do not results in harm to the POTW or the environment.

D. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than \$100. The maximum fine/penalty may not exceed \$5,000 per each day per violation.

E. Assessment of Fines/Penalties

1. Assessment Protocol

When determining the amount of an administrative fine or civil penalty to be assessed for any violation, the Public Works Director shall apply the following procedures:

- Determine the class and the magnitude of each violation.
- Choose the appropriate base penalty (BP) from the BP Matrix in paragraph A of this section.
- Starting with the base-penalty (BP), determine the total amount of penalty through application of the formula:

$$\text{BP} + [(0.1 \times \text{BP}) (\text{P}+\text{H}+\text{O}+\text{R}+\text{C})] + \text{EB}$$

Where:

BP = Base-Penalty

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P = prior significant action taken against the IU. (Significant actions refers to any violation established either with or without admission by payment of a penalty.)

H = compliance history

O = violation repetitive or continuous

R = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act

C = Cooperation and effort put forth to correct the violation

EB = Approximated dollar sum of the economic benefit that the IU gained through noncompliance.

2. Values for (P) shall be as follows:

- (i) 0 if no prior significant actions or there is insufficient information on which to base a finding.
- (ii) 1 if the prior significant action is one Class Two or two Class Threes;
- (iii) 2 if the prior significant action(s) is one Class One or equivalent;
- (iv) 3 if the prior significant actions are two Class One or equivalents;
- (v) 4 if the prior significant actions are three Class Ones or equivalents;
- (vi) 5 if the prior significant actions are four Class Ones or equivalents;
- (vii) 6 if the prior significant actions are five Class Ones or equivalents;
- (viii) 7 if the prior significant actions are six Class Ones or equivalents;
- (ix) 8 if the prior significant actions are seven Class Ones or equivalents;
- (x) 9 if the prior significant actions are eight Class Ones or equivalents;
- (xi) 10 if the prior significant actions are nine Class Ones or equivalents, of it any of the prior significant actions were issued for any violation of WC, Chapter 8.
- (xii) In determining the appropriate value for prior significant actions as listed above, the Public Works Director shall reduce the appropriate factor by:
 - (1) A value of two (2) if all prior significant actions are greater than three years but less than five years old;
 - (2) A value of four (4) if all the prior significant actions are greater than five years old;
 - (3) In making the above restrictions, no finding shall be less than 0.

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(xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

3. Values for (H) shall be as follows:

(H) = Past history of the IU to take steps to correct violations cited in prior significant actions. In no case shall the combination of (P) and (H) be a value of less than zero.

(i) -2 if IU took all feasible steps to correct each violation contained in any prior significant action;

(ii) 0 if there is not prior history or if there is insufficient information on which to base a finding:

4. Values for (O) shall be as follows:

Where (O) = whether the violation was repeated or continuous

(i) 0 if the violation existed for one day or less and did not recur on the same day;

(ii) 2 if the violation existed for more than one day or if the violation recurred on the same day.

5. Values for (R) shall be as follows:

Where: (R) = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act.

(i) 0 if an unavoidable accident, or if there is insufficient information or make a finding.

(ii) 2 if negligent

(iii) 6 if intentional; or

(iv) 10 if flagrant

6. Values for (C) shall be as follows:

Where: (C) is the Cooperation and effort put forth by the IU to correct the violation.

(i) 2 if IU was cooperative and took reasonable efforts to correct the violation or minimize the effects of the violation;

(ii) 0 if there is insufficient information to make a finding, or if the violation of the effects of the violation could not be corrected.

(iii) 2 if IU was uncooperative and did not take reasonable efforts to correct the violation or minimize the effects of the violation.

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7. Values for (EB) shall be as follows:

Where: (EB) = Approximated dollar sum of the economic benefit that the IU gained through noncompliance. The penalty may be increased by the value assigned to (EB), provided that the sum penalty does not exceed the maximum allowed. In order to ensure that no IU may be able to pollute as a cost of doing business, the ~~PW~~Public Works Director is empowered to take more than one enforcement action against any noncompliance IU (WC, Section 8.140(2)).

- (i) Add to the formula the approximate dollar sum of the economic benefit gained through noncompliance, as calculated by determining both avoided costs and the benefits obtained through any delayed costs, where applicable;
- (ii) The ~~PW~~Public Works Director need not calculate nor address the economic benefit component of the civil penalty when the benefit obtained is de minimis;

SECTION IV. NON COMPLIANCE DEFINED

A. Noncompliance

Noncompliance is any violation of one or more of the, Wilsonville Code, Chapter 8, any of the conditions or limits specified in the IU's ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permit or any compliance order issued by the City. Enforcement action must be initiated for the following instances of noncompliance:

1. Industry failure to submit a permit application form;
2. Industry failure to properly conduct self-monitoring;
3. Industry failure to submit appropriate reports;
4. Industry failure to comply with appropriate ~~pretreatment standards~~Pretreatment Standards by the compliance deadline date;
5. Industry failure to comply with ~~pretreatment~~Pretreatment limits as determined from review of self-monitoring reports or City sampling;
6. Industry falsification of information;
7. Sewer use violation of the municipal code

B. Significant Noncompliance:

Significant Noncompliance shall be applicable to all Significant ~~users~~Users or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of ~~wastewater discharge~~Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the

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same ~~pollutant~~Pollutant parameters during a six month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.-

2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) of more of ~~wastewater~~Wastewater measurements taken for each ~~pollutant~~Pollutant parameter taken during a six-month period equal or exceeded by the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other ~~pollutants~~Pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement (~~daily~~Daily Maximum or longer- term average, Instantaneous Limits or narrative standard) that the City determines has caused, alone or in combination with other ~~discharges, interference or pass through~~Discharges, Interference or Pass Through (including endangering the health of City personnel of the general public);

4. Any ~~discharge~~Discharge of ~~pollutant~~Pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a ~~discharge~~Discharge.

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within forty five (45) days after the due date, required reports, including baseline monitoring reports, reports on compliance with ~~categorical~~Categorical Pretreatment Standard deadlines,-, periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the ~~pretreatment~~Pretreatment program.

SECTION V. RANGE OF ENFORCEMENT REPOSSES

When the City is presented with the need for enforcement response, it will select the most appropriate response to the violation. The City will consider the following criteria when determining a proper response:

- . Magnitude of violation;
- . Duration of the violation;
- . Effect of the violation on the receiving water;
- . Effect of the violation on the POTW;

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- . Compliance history of the ~~industrial-user~~Industrial User; and
- . Good faith of the ~~industrial-user~~Industrial User.

These six criteria are discussed in detail below:

1. Magnitude of the Violation

Generally, an isolated instance on noncompliance can be met with an informal response and a Notice of Violation or Consent Order. However, certain violations or patterns of violations are significant and must be identified as such. Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of an IU as being in SNC provides the City with priorities for enforcement action and provides a means for reporting on the IU performance history. SNC is a violation which meets one or more of the criteria set forth in Section IV B.

2. Duration of Violation

Violations, regardless of severity, which continue over long periods of time will subject the ~~industrial-user~~Industrial User to escalated enforcement actions. For example, an effluent violation which occurs in two out of three samples over a six-month period or a report which is more than 45 days overdue is considered SNC, while a report which is two days late would not be deemed significant.

The City's response to these situations must prevent extended periods of noncompliance from recurring. The City may issue an administrative order for chronic violations. If the ~~industrial-user~~Industrial User fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, the City will also consider terminating services or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

3. Effect on the Receiving Water

One of the primary objectives of the national ~~pretreatment~~Pretreatment program is to prevent ~~pollutants~~Pollutants from "passing through" the POTW and entering the ~~receiving stream~~Receiving Stream. Consequently any violation which results in environmental harm will be met with a SNC categorization and corresponding enforcement action. Environmental harm will be presumed whenever an industry ~~discharges~~Discharges a ~~pollutant~~Pollutant into the ~~sewerage~~Sewer system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES ~~permit~~Waste Discharge Permit (including water quality standards); or
- b. Has a toxic effect on the receiving waters (i.e. fish kill).

The enforcement response should ensure the recovery from the noncompliance ~~user~~User of any NPDES fines and penalties paid by the City to any party whether governmental or

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otherwise. If a ~~user's discharge~~User's Discharge causes repeated harmful effects, the City will seriously consider terminating service to the ~~user~~User.

4. Effect on the POTW

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be categorized as SNC. For example, when the ~~industrial-user's discharge~~Industrial User's Discharge upsets the ~~treatment plant~~Treatment Plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response will include cost recovery, civil penalties, and a requirement to correct the condition causing the violation.

5. Compliance History of the User

A pattern of recurring violations (even if different program requirements) may indicate whether that the ~~user's~~User's treatment system is inadequate or that the ~~user~~User has taken a casual approach to operating and maintaining its treatment system. Accordingly, ~~users~~Users exhibiting recurring compliance problems will be categorized as SNC. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use the less severe option.

6. Good Faith of the User

The ~~user's~~User's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the ~~user's~~User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a ~~user's~~User's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the City's POTW experiences a treatment upset, the City will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

SECTION VI. ENFORCEMENT PROCEDURES

The City must document procedures to evaluate industry self-monitoring data, reports and notices to accurately determine the compliance status of each significant ~~user~~User. These procedures must identify all violations, including non-~~discharge~~Discharge or reporting violations.

This Enforcement Response Plan designates responsibilities for this evaluation task. The task is assigned to the Pretreatment Coordinator since he/ she is familiar with the IU's and the City's ~~pretreatment~~Pretreatment program rules and regulations. The Pretreatment Coordinator is responsible to identify the noncompliance and alert the Public Works Director (PWD) of the possible need for enforcement action.

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The City will examine all monitoring data and reports within five (5) days of receipt. In order to review reports, the Pretreatment Coordinator will apply the following procedures:

- The Pretreatment Coordinator has established schedules in the ~~Industrial Wastewater Discharge Permits~~ City-issued industrial wastewater discharge permits to designate when self-monitoring reports are due. Each self-monitoring report will be checked to see that it is submitted by its due date, and is appropriately signed and certified. Likewise, the Pretreatment Coordinator will check notifications and report requirements.
- All analytical data will be screened by comparing it to categorical or ~~local limits~~ Local Limits or to any additional ~~discharge~~ Discharge standards which may apply.
- All violations will be identified and a record made of the response. At a minimum, this will be accomplished by circling the violation, using a red ink marker.
- The Pretreatment Coordinator, Responsible for screening data, must alert the PWD to the noncompliance. This allows the City to determine its enforcement response in a timely manner.

Industrial waste ~~discharges~~ Discharges violations are usually detected by the following six ways:

- (1) An ~~industrial user~~ Industrial User reports a violation.
- (2) The City's collection system monitoring and field surveillance detects a possible violation.
- (3) The ~~treatment plant~~ Treatment Plant process is upset.
- (4) An unauthorized waste disposal procedure is identified during a facility inspection.
- (5) Investigation of a Citizen Concern Action Report.
- (6) Emergency crews (i.e. police, fire, rescue) report a hazardous material incident.

Industrial source investigations will be initiated for each of the examples presented above, and ensuing enforcement actions will be of an escalating nature (see Enforcement Response Matrix). Enforcement will begin with administration remedies (e.g. Notice of Violation, Consent Orders, Compliance Orders). If necessary, civil/criminal penalties will be sought and/or emergency suspension of ~~sewer~~ Sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought, as provided in WC Chapter 8.

The enforcement plan uses a three-level approach to enforcement action toward any noncompliance event.

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LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

<u>Response</u>	<u>City Personnel</u>
1. (Informal) Phone Call	Pretreatment Coordinator
2. (Informal) Compliance Meeting	Pretreatment Coordinator
3. Notice of Violation (WC, Section 8. 402402402 (2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8. 402402402 (3))	Pretreatment Coordinator

LEVEL II: Responses are taken when an IU has reached significant noncompliance. Level II enforcement action must include the issuance of an Administrative Order, as described below:

<u>Response</u>	<u>City Personnel</u>
1. Compliance Order (WC, Section 8. 402402402 (5))	Public Works Director
2. Cease and Desist Order (WC, Section 8. 402402402 (6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8. 402402402 (8))	Public Works Director City Attorney
4. Termination of Permit (WC, Section 8. 402402402 (9))	Public Works Director City Attorney

When an IU is in SNC, the Pretreatment Coordinator will do the following:

1. Report such information to DEQ as a component of the City's annual ~~pretreatment~~Pretreatment program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable ~~pretreatment standards~~Pretreatment Standards and ~~requirements~~Requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU's, includes:
 - a. Prepare a compliance history from the City's ~~pretreatment~~Pretreatment records for each SIU.
 - b. Review the history of each SIU for either a pattern of noncompliance, or if the SIU has been or continues to be in SNC.
 - c. To the extent that an SIU meets the criteria in (b), above, the SIU will be placed on the list for publication in the largest daily newspaper within the City of Wilsonville.
 - d. The published list of IU's in SNC will include the following information:
 - I. Duration of violation.

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- ii. Parameters and/or reporting requirements violated.
- iii. Compliance actions taken by the City.
- iv. Whether or not the IU is currently in compliance or on a compliance schedule.

LEVEL III: This level of enforcement is reserved for the extreme occasion when the IU is in SNC and does not respond to an Administrative Order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with ~~pretreatment~~Pretreatment regulations. Level III enforcement may also be used for willful ~~discharge~~Discharge of ~~wastewater~~Wastewater in amounts which cause ~~pass-through~~Pass Through or ~~interference~~Interference, and cases of falsification. The timeframe for initiating Level III enforcement actions will range from immediate (e.g. reasonable potential to cause harm to the public, the POTW, or the environment, or a court ordered injunction for gaining access to an IU's facility) to not more than sixty (60) days. This level of enforcement requires the consultation of the City Attorney to determine the appropriateness and legal basis for the action to be implemented.

Response

City Personnel

- | | |
|---|---|
| 1. Injunctive Relief
(WC, Section 8. 404404404 (1)) | City Attorney
City Council |
| 2. Civil Penalties
(WC, Section 8. 404404404 (2)) | City Attorney
City Council |
| 3. Criminal Prosecution
(WC, Section 8. 404404404 (3)) | City Attorney
City Council |
| 4. Supplemental Enforcement
(WC, Section 8. 406406406) | Public Works Director, City Attorney,
City Council |

SECTION VII. TIME FRAMES FOR ENFORCEMENT ACTION AND FOLLOW-UP

The City will provide timely response to violations. In Section I and Section IV it has been established that the Pretreatment Coordinator will review ~~industrial-user~~Industrial User reports within five (5) days of receipt. Similarly, violations observed in the field or upon receipt of compliance information will be responded to within five (5) days. Complex or larger violations may require a longer response time, and communications will be made with the ~~industrial user~~Industrial User (IU) regarding the time of the City's response. All formal enforcement notices will either be hand-delivered or mailed with return receipt required.

After its initial enforcement response, the City will closely track IU's progress toward compliance. This may be done by inspection, as well as timely receipt of required progress

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reports. The frequency of ~~user~~User self-monitoring may be increased. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the City will escalate its enforcement response, using the steps of the enforcement matrix as a guide.

The Pretreatment Coordinator will establish a manual log to record the receipt of required reports. This log will contain 12 sections. Each section will be titled with the name of the month, January through December. The pages in each monthly section will list all of the ~~industrial users~~Industrial Users who are required to report. Under each listed industry will be listed the type of report due and its due date. Following the due date will be a place to write the date the report is actually received. Next to each listed industry, also on the same line which identifies required reports and due dates, will be an area to note a summary of compliance status, including enforcement actions, calculations of administrative fines and/or SNC, and enforcement action timelines.

At the end of the month, the material in the report log will be transferred to a computer file created for each ~~industrial user~~Industrial User for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all ~~pretreatment~~Pretreatment information pertinent to the particular industry.

In summary, the tracking of noncompliance, including SNC will be accomplished as follows:

1. Monitoring reports, inspection reports and compliance reports will be reviewed by the Pretreatment Coordinator within 5 days of receipt. Likewise, all ~~pretreatment~~Pretreatment program violations will be identified and documented and the initial (Level 1) enforcement response (e.g. phone call or compliance meeting **and** an NOV or Consent Order) will occur within 5 days of receipt of reports.
2. Violations classified by the Pretreatment Coordinator as SMC will be followed with an enforceable Level II order to be issued by the Public Works Director within 3 days of receipt or detection of noncompliance.
3. Assisted by the City Attorney, the Pretreatment Coordinator will respond to persistent or recurring violations with an escalated enforcement response (Level III) within 60 days after the initial enforcement action. Violations which threaten health, property or the environment will be treated as an emergency and an immediate enforcement response (e.g. Termination of Permit, Suspension Order, Injunctive Relief) will be initiated.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL

A. POTW Supervisor

The ~~wastewater treatment plant~~Wastewater Treatment Plant Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the ~~treatment plant~~Treatment Plant. The Supervisor is also responsible for compliance with the NPDES ~~permit~~Waste Discharge Permit for ~~wastewater discharge~~Wastewater Discharge. The Supervisor has the authority to recommend to discontinue ~~sewer~~Sewer service in emergency situations where there reasonably appears to present an

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imminent endangerment or substantial endangerment to the health or welfare of ~~persons~~Persons. The Supervisor will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also responsible for the administration and implementation of the ~~pretreatment~~Pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the ~~person~~Person typically working with ~~industrial users~~Industrial Users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review ~~industrial user~~Industrial User reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC will work under direction of the Public Works Director.

C. Public Works Director (PWD)

~~As provided by WC, Section 8.006(58), the~~The Public Works Director is the ~~person~~Person designated to supervise and assume responsibility for the overall operations of the City's public works infrastructure, including the POTW, NPDES, ~~permit~~NPDES Waste Discharge Permit compliance and the ~~industrial pretreatment~~Industrial Pretreatment program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director works under the direction of the City Manager and supervises the Pretreatment Coordinator.

D. City Attorney

The City Attorney will be responsible for advising staff and City Council on ~~pretreatment~~Pretreatment enforcement matters. The Attorney works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

E. City Council

The City Council for the City of Wilsonville will be responsible for authorizing any Level III enforcement action taken, except in an emergency. As defined by City Charter, the City Council will be ultimately responsible for effluent quality, sludge use and disposal, NPDES compliance, the issuance of administrative orders, fines and assessments, and any judicial action followed by the ~~sewer~~Sewer use ordinance.

SECTION IX. ENFORCEMENT RESPONSE MATRIX

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A. Definitions

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting
CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency suspension of IU discharge <u>Discharge</u> and <u>City-issued industrial wastewater</u> discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include; injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

B. Applying the Enforcement Matrix

The matrix specifies enforcement actions for each type (or pattern) of noncompliance. The Pretreatment Coordinator will select an appropriate response from the list of enforcement actions indicated by the matrix. There are a number of factors to consider when selecting a response from among these actions. Several of the factors are identical to those used in originally establishing the guide:

1. Good faith or the ~~user~~ User.
2. Compliance history of the ~~user~~ User.
3. Previous success of enforcement actions taken against the particular ~~user~~ User.
4. Violation's effect on the receiving waters.
5. Violation's effect on the POTW.

Since the remedies designed in the matrix are all considered appropriate, the city staff and city council must weigh each of the factors outlined above before deciding whether to use a more or less stringent response. City personnel shall consistently follow the enforcement response matrix. To do otherwise sends a signal to ~~industrial users~~ Industrial Users and the public that the City is not acting in a predictable manner and may subject the City to charges of

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arbitrary enforcement decision making, thereby jeopardizing future enforcement. The enforcement response matrix is to be used as follows.

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.
2. Assess the appropriateness of the recommended response(s) in column 3. First offenders or ~~users~~Users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
3. From column 3, apply the enforcement response to the ~~industrial-user~~Industrial User. Specify correction action or other responses required of the ~~industrial-user~~Industrial User, if any. Column 4 indicates personnel responsible for initiating each response.
4. Follow-up with escalated enforcement action if the ~~industrial-user's~~Industrial User's response is not received or the violation continues.

WILSONVILLE CODE**SECTION IX. ENFORCEMENT RESPONSE MATRIX****ENFORCEMENT RESPONSE MATRIX**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same pollutant <u>Pollutant</u> with three (3) consecutive months	II	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC
B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,	PC
	Four (4) violations within 3 consecutive months	I	CM & CO-1	PC
	pH violations resulting in Significant Noncompliance	II	CO with possible AF	PWD, CA,CM
C. pH Limit Violation – continuous	Excursion exceeding 60 min. in 24 hour period (level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation.	I	Phone & NOV. ** 4 excursions in one quarter: CM & C)-1	PC
	Excursions exceeding 7 hours and 26 min. during a calendar month > (Level I)	I	Phone call & NOV. **4 excursions in one quarter: CM & CO-1	PC

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	Daily or monthly violations occurring during 66% or more of a 6 month period. (Level II)	II	CO-2 with AF	PWD
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered significant non compliance	II	If reported IU, CO-2 with possible AF. If not reported by IU, CDO with AF	PWD, CA

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation (continued)				
E. Spill or Slug Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PWD, CA, CM
	Not Reported by IU. Resulting in interference Interference, pass-through or damage	II	CDO with AF	PWD, CA
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM and CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD

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	Failure to Submit Reports; or reports are always late.	II	CDO with possible AF	PWD, CA, PC
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Monitoring Violations	Failure to monitor all pollutants Pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM andCO-1 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause of delay)	I	CM & CO-1	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow-up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC,
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	ReOccurring unintentional sampling and incorrect location	II	Phone call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD

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SUMMARY OF TIME FRAMES FOR RESPONSES

1. Compliance Reports – reviewed within 5 days of receipt.
2. All violations will be identified and documented within 5 days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within 5 days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within 30 days of violation detection.
5. **Level III** Enforcement Response (judicial and supplemental enforcement actions) time frame is subject to case-by-case legal review by the City Attorney, but in no case will the initiation of a Level III action exceed 60 days.
6. Recurring Violations – follow-up enforcement within 60 days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the ~~discharge~~Discharge or terminating service.

Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Entire Chapter 8 Amended by Ordinance No. 753, adopted October 24, 2014



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: June 4, 2018	Subject: Ordinance Nos. 819 and 820 - 1st Reading Annexation and Zone Map Amendment for Stafford Meadows subdivision in Frog Pond West. Staff Member: Daniel Pauly AICP, Senior Planner Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: June 4, 2018 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: June 18, 2018 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: On May 14, 2018 the Development Review Board, Panel A, unanimously recommended approval of Annexation and a Zone Map Amendment for the subject property. The DRB also approved with conditions, contingent on the Annexation and Zone Map Amendment, a Stage I Master Plan, Stage II Final Plan, Site Design Review, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR, copies of which are included for reference.	
Staff Recommendation: Staff recommends that the City Council adopt Ordinance Nos. 819 and 820.		
Recommended Language for Motion: Two separate motions: I move to approve Ordinance No. 819 on first reading. I move to approve Ordinance No. 820 on first reading.		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Frog Pond West	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Adoption of Ordinance Nos.: 819 and 820 to annex and rezone approximately 16 acres on the north side of Boeckman Road just west of Stafford Road within the Frog Pond West Master Plan area enabling development of a 44-46 lot single-family subdivision.

EXECUTIVE SUMMARY:

The proposed 16-acre subdivision is the first area proposed for annexation and subsequent development consistent with the Frog Pond West Master Plan. The subdivision will be the first of many envisioned to blend together as one cohesive high-quality neighborhood. Concurrent with the adoption of the Frog Pond West Master Plan, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The requested zone map amendment proposes applying the Residential Neighborhood (RN) Zone to the entire subject property consistent with this intention.

EXPECTED RESULTS:

Adoption of Ordinance Nos. 819 and 820 to bring the first portion of the Frog Pond West Master Plan area into the City and zone for development consistent with the Master Plan.

TIMELINE:

The second reading of Ordinance Nos. 819 and 820 is scheduled for June 18, 2018. The Annexation and Zone Map Amendment will be in effect 30 days after ordinance adoption and upon filing the annexation records with the Secretary of State.

CURRENT YEAR BUDGET IMPACTS:

FY 18/19 will see the first of the income and expenditures consistent with the infrastructure-financing plan of the Frog Pond West Master Plan.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/29/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/31/2018

COMMUNITY INVOLVEMENT PROCESS:

Staff sent, posted, and published the required public hearing notices. In addition, significant public involvement occurred during development and approval of the Frog Pond Area Plan and Frog Pond West Master Plan, with which the proposed actions are consistent.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The annexation and development of the subject land will provide additional housing choices and continued development of quality neighborhoods consistent with adopted City plans.

ALTERNATIVES:

To deny the Annexation and Zone Map Amendment requests based on alternative set of findings.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

Exhibit A - Ordinance No. 819 (Annexation):

Attachment 1 – Legal Description and Sketch Depicting Territory to be Annexed

Attachment 2 – Petition for Annexation

Attachment 3 – Annexation Findings

Attachment 4 – Development Review Board Panel A Resolution No. 351 Recommending Approval of Annexation

Exhibit B - Ordinance No. 820 (Zone Map Amendment):

Attachment 1 - Zoning Order DB18-0009 including legal description and sketch depicting Zone Map Amendment

Attachment 2 – Zone Map Amendment Findings

Attachment 3 – DRB Resolution No. 351 recommending approval of Zone Map Amendment

Exhibit C – Amended and Adopted Staff Report and DRB Recommendation

ORDINANCE NO. 819

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 16 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2001, 2100, 2201, 2202 SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. THELMA J. ROETHE, DALE KRIELKAMP, VERLA KRIELKAMP, LOUIE PIKE, GAYLA CUSHMAN-PIKE, AMY PIKE, MATT WINGARD, AND DORIS A. WEHLER, PETITIONERS.

WHEREAS, a petition submitted to the City request annexation of certain real property legally described and depicted in Attachment 1; and

WHEREAS, Thelma J. Roethe, an authorized signer for The Killinger Trust, Doris A. Wehler, an authorized signer for Wehler Family Survivor's Trust & Wehler Family Decedent's Trust, Louie Pike, Gayla Cushman-Pike, Dale Krielkamp, and Verla Krielkamp, together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, Doris A. Wehler, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, Amy Pike, and Matthew Wingard, together representing a majority of the electors within the annexation area signed the petition; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of all owners of land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Frog Pond West Neighborhood; and

WHEREAS, the land to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on May 14, 2018 unanimously recommended City Council approve the annexation; and

WHEREAS, on June 4, 2018, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, and the Development Review Board’s recommendation to City Council.

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

1. The tracts of land, described and depicted in Attachment 1, are declared annexed to the City of Wilsonville.
2. The findings and conclusions incorporated in Attachment 3 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of June, 2018, and scheduled for a second reading at a regular meeting of the Council on the 18th day of June, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

ENACTED by the City Council on the 18th day of June, 2018 by the following votes:

Yes: ___ No: ___

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this _____ day of June, 2018.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

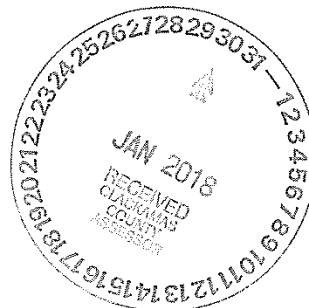
1. Attachment 1 – Legal Description and Sketch Depicting Territory to be Annexed
2. Attachment 2 – Petition for Annexation
3. Attachment 3 – Annexation Findings
4. Attachment 4 – Development Review Board Panel A Resolution No. 351 Recommending Approval of Annexation

Ordinance No. 819 Attachment 1

EXHIBIT A **LEGAL DESCRIPTION** **STAFFORD MEADOWS PROPERTIES** January 30, 2018 (Otak #17868)

Those properties described in Bargain and Sale Deed to Louie M. Pike and Gayla D. Cushman-Pike recorded as Document Number 89-06039, in Bargain and Sale Deeds to Doris A. Wehler recorded as Document Numbers 2012-0160063 and 2012-016064, in Statutory Bargain and Sale Deed to Dale I. Kreilkamp and Verla S. Kreilkamp, recorded as Document Number 2015-045034, and in Warranty Deed to Donald E. Killinger and Elva C. Killinger recorded as Document Number 95-068541, all of Clackamas County Records, in the southeast one-quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, the exterior boundary of said properties being described as follows:

BEGINNING at a point on the north right of way line of S.W. Boeckman Road being North 01°24'30" East a distance of 30.00 feet from a point on the centerline thereof, said centerline also being the south line of said Section 12, said point on centerline being North 88°35'30" West a distance of 219.98 feet from a 3-1/4 inch brass disk found in a monument box at the southeast corner of said Section 12;
thence along said north right of way line being parallel with and 30.00 feet north of the south line of said Section 12, North 88°35'30" West a distance of 1278.79 feet to the most southerly east line of that property described in Warranty Deed to Clackamas County School District 3, West Linn-Wilsonville School District 3JT recorded as Document Number 99-052396, Clackamas County Records;
thence along the east and south lines of said Clackamas County School property through the following three courses:
North 01°38'47" East a distance of 429.26 feet;
South 88°35'30" East a distance of 540.59 feet;
and North 01°39'45" East a distance of 398.35 feet to a point on the south line of that property described in Statutory Warranty Deed to West Linn-



Ordinance No. 819 Attachment 1

Wilsonville School District 3J recorded as Document Number 98-125139, Clackamas County Records;

thence along said last said south line, South 88°35'30" East a distance of 464.07 feet to the northwest corner of that property described in Warranty Deed to Pat's Rapids, LLC recorded as Document Number 2006-019465, Clackamas County Records;

thence along the west line of said Pat's Rapids LLC property, and along the west lines of those properties described in General Warranty Deed for Oregon to Joint Revocable Trust of Theodore and Lynette Eaton recorded as Document Number 2016-072238, and in Statutory Warranty Deed to Community of Hope E.L.C.A. recorded as Document Number 99-094345, both of Clackamas County Records, South 01°40'51" West a distance of 513.87 feet;

thence along the most westerly south line and most southerly west line of said Community of Hope E.L.C.A. property through the following two courses:

South 88°38'13" East a distance of 277.22 feet;

and South 01°38'35" West a distance of 313.93 feet to a point on a curve in said north right of way line;

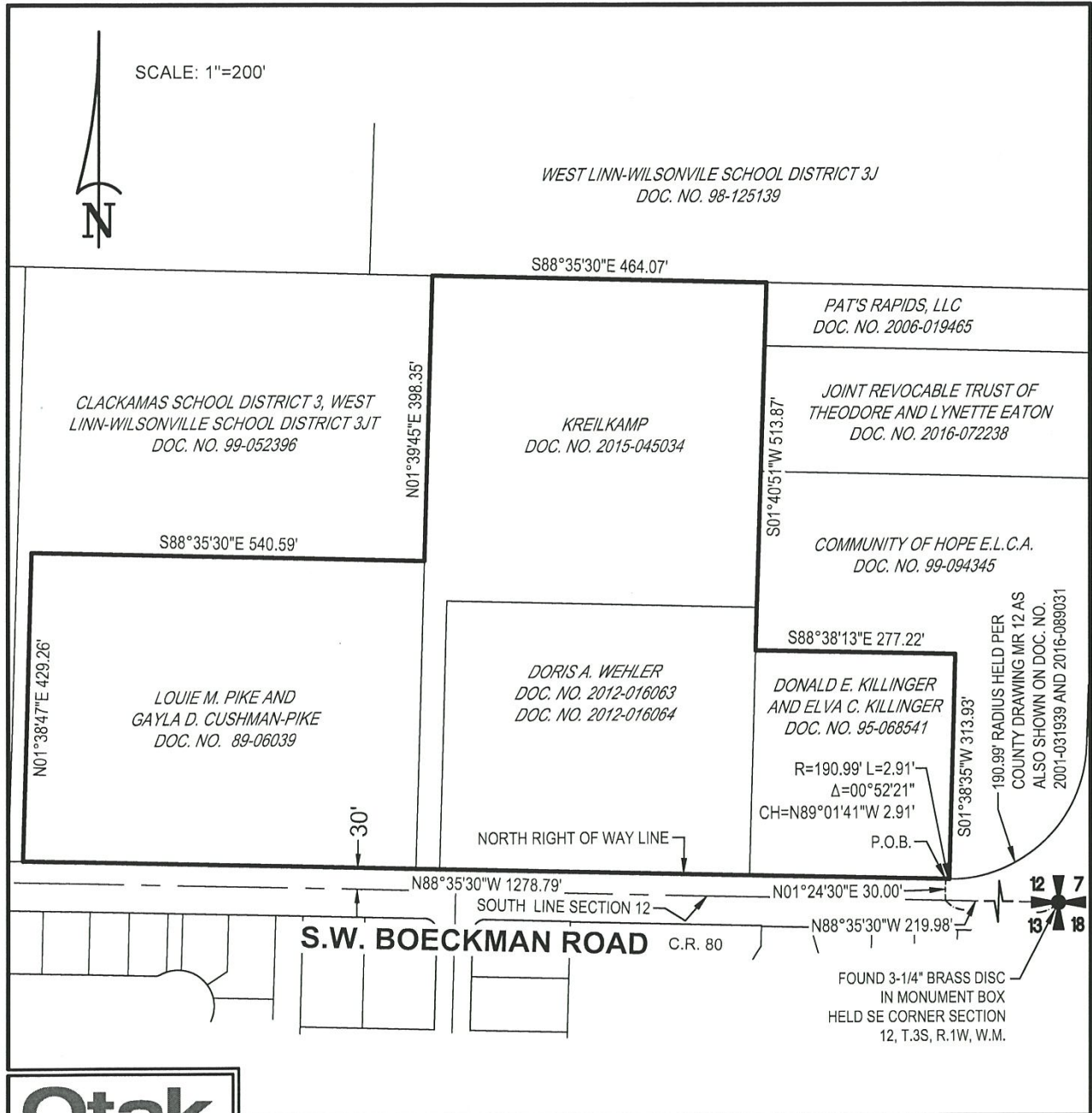
thence westerly along the arc of a non-tangent 190.99 foot radius curve to the right (radius point bears North 00°32'09" East), through a central angle of 00°52'21", an arc length of 2.91 feet (chord bears North 89°01'41" West a distance of 2.91 feet) to the POINT OF BEGINNING.

Contains 16.14 acres, more or less.

Bearings based on the Oregon State Plane Coordinate System, NAD'83, North Zone.



Ordinance No. 819 Attachment 1

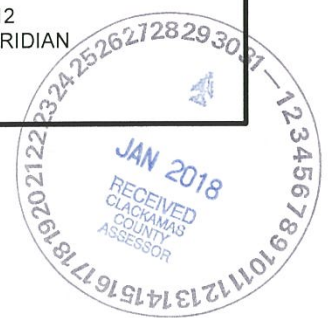


Otak
 808 SW 3rd Ave., Ste. 300
 Portland, Oregon 97204
 Phone: (503) 287-6825
 www.otak.com
 project: 17868

EXHIBIT A SHEET 3 OF 3

STAFFORD MEADOWS PROJECT
 IN THE SOUTHEAST ONE-QUARTER OF SECTION 12
 TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
 CLACKAMAS COUNTY, OREGON

JANUARY 30, 2018



RECEIVED
JAN 31 2018

Ordinance No. 819 Attachment 2

CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

NAME IDS STORM
TITLE GIS CARTOGRAPHER 2
DEPARTMENT A & T
COUNTY OF CLATSOP
DATE 1-30-18



¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

Ordinance No. 819 Attachment 2

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.



NAME Rebekah St. Doll
TITLE Deputy Clerk
DEPARTMENT Elections
COUNTY OF Clackamas County
DATE 1/29/18



Ordinance No. 819 Attachment 3
Annexation Findings for Stafford Meadows

City Council
Quasi-Judicial Public Hearing

Hearing Date:	June 4, 2018
Date of Report:	May 18, 2018
Application No.:	DB18-0008 Annexation

Request/Summary: City Council approval of quasi-judicial annexation of approximately 16 acres concurrently with its proposed development as a single-family subdivision consistent with the Frog Pond West Master Plan.

Location: North side of Boeckman Road, just west of Stafford Road. The property is specifically known as Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

Owners/Electors/

Petitioners: Thelma J. Roethe, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, Amy Pike, Matt Wingard, and Doris Wehler

Applicant: Dan Grimberg, West Hills Development

Applicant's Rep.: Li Alligood AICP, OTAK

Comprehensive Plan Designation: Residential Neighborhood

Zone Map Classification (Current): RRFF 5 (Rural Residential Farm Forest 5-Acre)

Zone Map Classification (Proposed Concurrent with Annexation): RN (Residential Neighborhood)

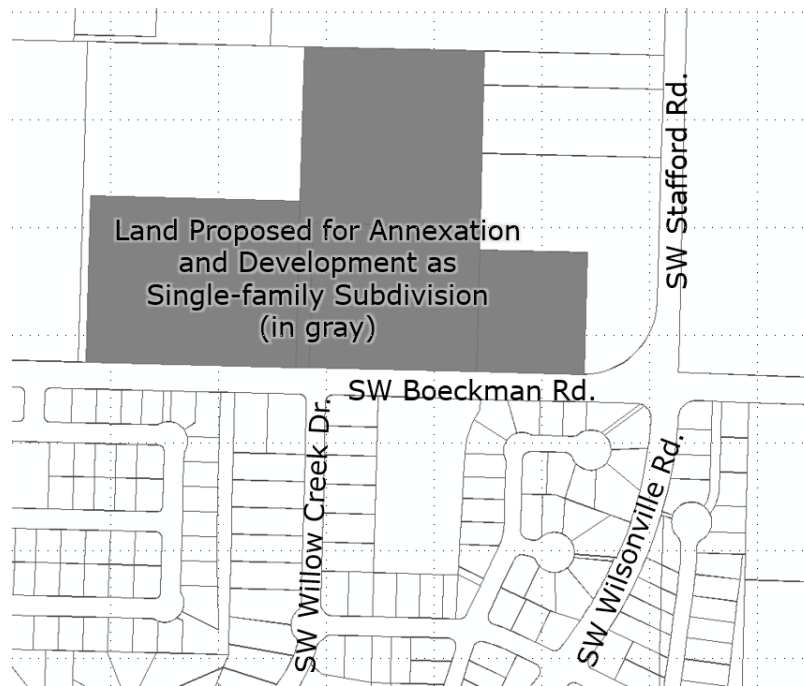
Staff Reviewer: Daniel Pauly AICP, Senior Planner

Staff Recommendation: Approve the requested annexation.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.700	Annexation
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by consent before public hearing or order for election
Statewide Planning Goals	

Vicinity Map



Background/Summary:

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary (UGB) in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that “The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community’s hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville.”

As a follow up to the area plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB.

The area of the proposed 16-acre annexation will be the first development consistent with the Frog Pond West Master Plan. The subdivision will be the first of many envisioned to blend together as one cohesive neighborhood.

All property owners and a majority of registered voters in the annexation area have consented in writing to the annexation.

Conclusion and Condition of Approval:

Staff and the Development Review Board recommend the City Council annex the subject property with the following condition:

<p>PDA 1. The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter in the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.</p>

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.

Request: DB18-0008 Annexation

As described in the Findings below, the request meets the applicable criteria or will by a Condition of Approval.

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services
Implementation Measure 2.2.1.a.

A1. The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills and the City will enter into an annexation agreement detailing provision and development of public services as required by Condition of Approval PDA 1.

Demonstrated Need for Immediate Urban Growth
Implementation Measure 2.2.1.a.

A2. Metro brought the subject area into the Urban Growth Boundary in 2002 to meet demonstrated regional housing needs. With adoption of the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards
Implementation Measures 2.2.1.e., 2.2.1.e. 3., 2.2.1.e. 4.

A3. This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services
Implementation Measure 2.2.1.e. 1.

A4. The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposed site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Stafford Meadows site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years

Implementation Measure 2.2.1.e. 2.

- A5.** The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond Area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan. .

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

Subsections 4.030 (.01) A. 11, 4.031 (.01) K., 4.033 (.01) F., and 4.700 (.02)

- A6.** The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.

Subsections 4.700 (.01). and (.04)

- A7.** The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, a narrative describing conformance with applicable criteria, and the City Council, upon recommendation from the Development Review Board, will declare the subject property annexed.

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

- A8.** Subject to requirements in this subsection and the Frog Pond West Master Plan Condition of Approval PDA 1 requires the necessary parties enter into an annexation development agreement with the City covering the annexed land.

Metro Code

Local Government Boundary Changes

Chapter 3.09

- A9.** The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with the Comprehensive Plan and Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation

ORS 222.111

- A10.** The request meets the applicable requirements in state statute including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated

by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors

ORS 222.120

A11. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and request meets the applicable requirements in state statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors

ORS 222.125

A12. All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

Statewide Planning Goals

Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13

A13. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both which have been found to meet the statewide planning goals.

Ordinance No. 819 Attachment 4

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 351

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 16 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND ABBREVIATED SRIR REVIEW FOR A 44 TO 46-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2001, 2100, 2201, AND 2202 OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - 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 staff report on the above-captioned subject dated May 7, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 14, 2018, 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 May 7, 2018, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Annexation and Zone Map Amendment Requests (DB18-0008 and DB18-0009) for:

DB18-0010 through DB18-0014, and SI18-0001; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR Review for a 44-46 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of May, 2018 and filed with the Planning Administrative Assistant on May 15, 2018. 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).



Fred Ruby Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

ORDINANCE NO. 820

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE RESIDENTIAL NEIGHBORHOOD (RN) ZONE ON APPROXIMATELY 16 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2001, 2100, 2201, 2202 SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. WEST HILLS LAND DEVELOPMENT LLC, APPLICANT.

WHEREAS, certain real property within the Frog Pond West Master Plan is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Residential-Neighborhood” rather than maintain the current Clackamas County zoning designations; and

WHEREAS, concurrent with the adoption of the Frog Pond West Master Plan and designating the subject property as “Residential-Neighborhood” in the Comprehensive Plan Map, the City added a new zoning district Residential Neighborhood (RN) intended for application to the Master Plan area; and

WHEREAS, the Zone Map Amendment is contingent on annexation of the property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on May 14, 2018; and

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on May 14, 2018, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 351 which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0009), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on June 4, 2018, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before

the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

1. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order DB18-0009, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Residential Neighborhood (RN) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of June, 2018, and scheduled for a second reading at a regular meeting of the Council on the 18th day of June, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 18th day of June, 2018 by the following votes:

Yes: ___ No: ___

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this _____ day of June, 2018.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

1. Attachment 1 – Zoning Order DB18-0009 including legal description and sketch depicting zone map amendment
2. Attachment 2 – Zone Map Amendment Findings
3. Attachment 3 – DRB Resolution No. 351 recommending approval of Zone Map Amendment

Ordinance No. 820 Attachment 1

BEFORE THE CITY COUNCIL OF THE CITY OF WILSONVILLE, OREGON

In the Matter of the Application of)	
West Hills Land Development LLC)	
for a Rezoning of Land and Amendment)	ZONING ORDER DB18-0009
of the City of Wilsonville Zoning Map)	
Incorporated in Section 4.102 of the)	
Wilsonville Code.)	

The above-entitled matter is before the Council to consider the application of DB18-0009, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5 (RRFF5).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 16 acres on the north side of Boeckman Road just west of Stafford Road comprising Tax Lot 2001, 2100, 2201, 2202 of Section 12D, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Residential Neighborhood (RN), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 18th day of May,
2018.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Barbara A. Jacobson, City Attorney

Ordinance No. 820 Attachment 1

ATTEST:

Sandra C. King, CMC, City Recorder

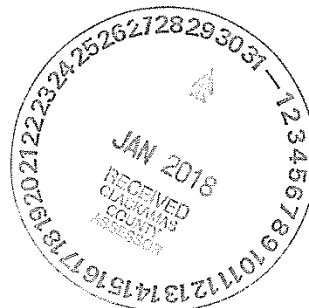
Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezone

Ordinance No. 820 Attachment 1

EXHIBIT A **LEGAL DESCRIPTION** **STAFFORD MEADOWS PROPERTIES** January 30, 2018 (Otak #17868)

Those properties described in Bargain and Sale Deed to Louie M. Pike and Gayla D. Cushman-Pike recorded as Document Number 89-06039, in Bargain and Sale Deeds to Doris A. Wehler recorded as Document Numbers 2012-0160063 and 2012-016064, in Statutory Bargain and Sale Deed to Dale I. Kreilkamp and Verla S. Kreilkamp, recorded as Document Number 2015-045034, and in Warranty Deed to Donald E. Killinger and Elva C. Killinger recorded as Document Number 95-068541, all of Clackamas County Records, in the southeast one-quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, the exterior boundary of said properties being described as follows:

BEGINNING at a point on the north right of way line of S.W. Boeckman Road being North 01°24'30" East a distance of 30.00 feet from a point on the centerline thereof, said centerline also being the south line of said Section 12, said point on centerline being North 88°35'30" West a distance of 219.98 feet from a 3-1/4 inch brass disk found in a monument box at the southeast corner of said Section 12;
thence along said north right of way line being parallel with and 30.00 feet north of the south line of said Section 12, North 88°35'30" West a distance of 1278.79 feet to the most southerly east line of that property described in Warranty Deed to Clackamas County School District 3, West Linn-Wilsonville School District 3JT recorded as Document Number 99-052396, Clackamas County Records;
thence along the east and south lines of said Clackamas County School property through the following three courses:
North 01°38'47" East a distance of 429.26 feet;
South 88°35'30" East a distance of 540.59 feet;
and North 01°39'45" East a distance of 398.35 feet to a point on the south line of that property described in Statutory Warranty Deed to West Linn-



Ordinance No. 820 Attachment 1

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thence along the west line of said Pat's Rapids LLC property, and along the west lines of those properties described in General Warranty Deed for Oregon to Joint Revocable Trust of Theodore and Lynette Eaton recorded as Document Number 2016-072238, and in Statutory Warranty Deed to Community of Hope E.L.C.A. recorded as Document Number 99-094345, both of Clackamas County Records, South 01°40'51" West a distance of 513.87 feet;

thence along the most westerly south line and most southerly west line of said Community of Hope E.L.C.A. property through the following two courses:

South 88°38'13" East a distance of 277.22 feet;

and South 01°38'35" West a distance of 313.93 feet to a point on a curve in said north right of way line;

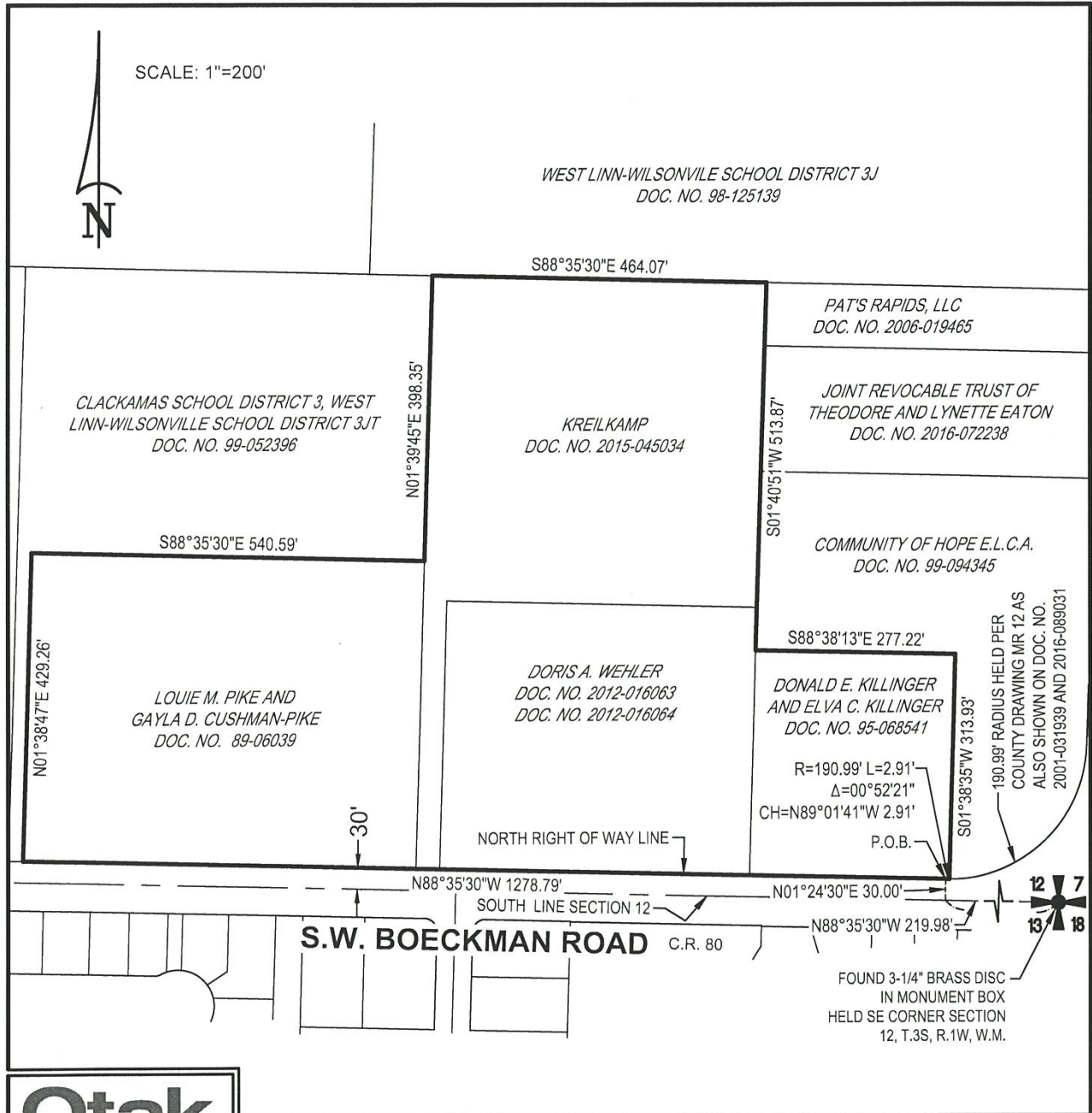
thence westerly along the arc of a non-tangent 190.99 foot radius curve to the right (radius point bears North 00°32'09" East), through a central angle of 00°52'21", an arc length of 2.91 feet (chord bears North 89°01'41" West a distance of 2.91 feet) to the POINT OF BEGINNING.

Contains 16.14 acres, more or less.

Bearings based on the Oregon State Plane Coordinate System, NAD'83, North Zone.



Ordinance No. 820 Attachment 1



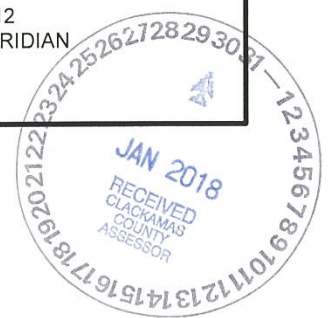
Otak

808 SW 3rd Ave., Ste. 300
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 17868

EXHIBIT A SHEET 3 OF 3

STAFFORD MEADOWS PROJECT
IN THE SOUTHEAST ONE-QUARTER OF SECTION 12
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CLACKAMAS COUNTY, OREGON

JANUARY 30, 2018





Ordinance No. 820 Attachment 2
 Zone Map Amendment Findings

Stafford Meadows 44-46 Lot Single-Family Subdivision

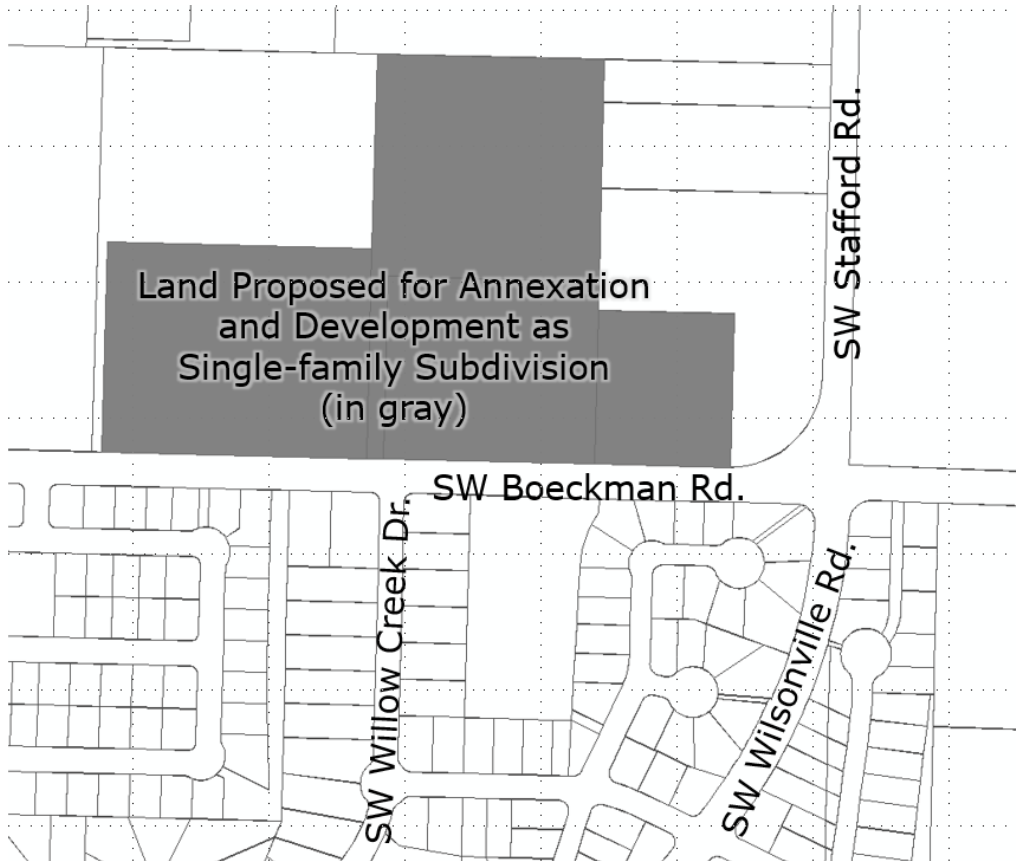
City Council
 Quasi-Judicial Public Hearing

Hearing Date:	June 4, 2018
Date of Report:	May 18, 2018
<hr/>	
Application No.:	DB18-0009 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 16 acres.
Location:	North side of Boeckman Road, just west of Stafford Road. The property is specifically known as Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
Owners:	Thelma J. Roethe, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, and Doris Wehler
Applicant:	Dan Grimberg, West Hills Development
Applicant's Rep.:	Li Alligood AICP, OTAK
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification (Current):	RRFF 5 (Rural Residential Farm Forest 5-Acre)
Zone Map Classification (Proposed):	RN (Residential Neighborhood)
Staff Reviewer:	Daniel Pauly AICP, Senior Planner
Staff/DRB Recommendation:	<u>Adopt</u> the requested Zone Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.110	Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.197	Zone Changes
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Statewide Planning Goals	

Vicinity Map



Summary:

Zone Map Amendment (DB18-0009)

Concurrent with the adoption of the Frog Pond West Master Plan the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The applicant proposes applying the Residential Neighborhood (RN) Zone to the entirety of the subject properties consistent with this intention.

Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend approval with the following condition:

Request: DB18-0009 Zone Map Amendment.

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB18-0008).

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 City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application
Section 4.009

The owners of all property included in the application signed the application forms. West Hills Development initiated the application with their approval.

Request: DB18-0009 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Condition of Approval.

Comprehensive Plan

“Residential Neighborhood” on the Comprehensive Plan Map
Implementation Measure 4.1.7.a.

- B1.** The subject area has a Comprehensive Plan Map Designation of “Residential Neighborhood” enabling implementation of the Frog Pond West Master Plan adopted for the subject area.

“Residential Neighborhood” Zone Applied Consistent with Comprehensive Plan
Implementation Measure 4.1.7.c.

- B2.** The applicant requests the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood”.

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

- B3.** The proposed Residential-Neighborhood zoning allows the use of planned developments consistent with a legislative Master Plan enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density
Implementation Measure 4.1.4.u.

- B4.** The subject area will be zoned Residential-Neighborhood allowing the application of the adopted residential densities of the Frog Pond West Master Plan to the subject area. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities for the subject area.

Purpose of Residential Neighborhood Designation
Implementation Measure 4.1.7.a.

- B5.** The subject area will be zoned Residential Neighborhood consistent with the “Residential Neighborhood” designation on the Comprehensive Plan Map. The designation enables development of the site consistent with the legislatively adopted Frog Pond West Master Plan, including creating an attractive and connected residential neighborhood, cohesive neighborhoods, high quality architecture and community design, provide transportation choices, and preserve and enhance natural resources.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- B6.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of Residential Neighborhood is consistent with the Comprehensive Plan “Residential Neighborhood” designation. See also Finding B2 above.

Base Zones

Subsection 4.110 (.01)

- B7.** The requested zoning designation of Residential Neighborhood (RN) is among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

Purpose of the Residential Neighborhood (RN) Zone

Subsection 4.127 (.01)

- B8.** The request to apply the Residential Neighborhood zone on lands with the Residential Neighborhood Comprehensive Plan Map designations enables a planned development process implementing the Residential Neighborhood policies and implementation measures of the Comprehensive Plan and the Frog Pond West Master Plan.

Permitted Uses in the Residential Neighborhood (RN) Zone

Subsection 4.127 (.02)

- B9.** Concurrent with the Zone Map Amendment request the applicant requests approval of a single-family subdivision. Single-family dwelling units are among the permitted uses in the RN zone. In one scenario identified by the applicant, they may deed Tract M to the neighboring church for development as part of the church campus, such as parking. Churches are among the uses allowed through a Conditional Use Permit in the RN zone. Alternatively, the Church could request to rezone the Tract M to the Public Facility Zone at a future date.

Residential Neighborhood Zone Sub-districts and Residential Density

Subsection 4.127 (.05) and (.06)

- B10.** The proposed rezoning includes the entirety of Sub-district 3 and the majority of Sub-district 2 shown in Figure 6 of the Frog Pond West Master Plan. The residential unit counts within these areas will be consistent with Table 1 of the Master Plan.

Ordinance No. 820 Attachment 3

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 351

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 16 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND ABBREVIATED SRIR REVIEW FOR A 44 TO 46-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2001, 2100, 2201, AND 2202 OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - 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 staff report on the above-captioned subject dated May 7, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 14, 2018, 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 May 7, 2018, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Annexation and Zone Map Amendment Requests (DB18-0008 and DB18-0009) for:

DB18-0010 through DB18-0014, and SI18-0001; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR Review for a 44-46 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of May, 2018 and filed with the Planning Administrative Assistant on May 15, 2018. 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).



Fred Ruby Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant



VIA: Certified Mail, Return Receipt Requested

May 15, 2018

Dan Grimberg
 West Hills Land Development
 3330 NW Yeon Ave., Ste 200
 Portland, OR 97210

Re: Stafford Meadows Subdivision

Case Files:	Request A:	DB18-0008	Annexation
	Request B:	DB18-0009	Zone Map Amendment
	Request C:	DB18-0010	Stage I Preliminary Plan
	Request D:	DB18-0011	Stage II Final Plan
	Request E:	DB18-0012	Site Design Review of Parks & Open Space
	Request F:	DB18-0013	Tentative Subdivision Plat
	Request G:	DB18-0014	Type C Tree Plan
	Request H:	SI18-0001	Abbreviated SRIR Review

Two copies of the Development Review Board's decision on your referenced project, including conditions of approval rendered are attached. *Please note that these approvals are contingent upon the City Council's approval of the Annexation and Zone Map Amendment, which are scheduled for a hearing on June 4, 2018.*

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

Thank you.

Shelley White
 Planning Administrative Assistant

CC: Li Alligood, AICP – OTAK, Inc.

Via e-mail:

Mike Morse – Pahlisch Homes
 Ronald Heberlein
 Michael Robinson
 David Roethe

Ben Altman – Pioneer Design Group
 Doris Wehler
 Mike & Gayla Pike

May 15, 2018

DEVELOPMENT REVIEW BOARD PANEL A

DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND RECOMMENDATION TO CITY COUNCIL

Project Name: Stafford Meadows Subdivision

Case Files:	Request A:	DB18-0008	Annexation
	Request B:	DB18-0009	Zone Map Amendment
	Request C:	DB18-0010	Stage I Preliminary Plan
	Request D:	DB18-0011	Stage II Final Plan
	Request E:	DB18-0012	Site Design Review of Parks & Open Space
	Request F:	DB18-0013	Tentative Subdivision Plat
	Request G:	DB18-0014	Type C Tree Plan
	Request H:	SI18-0001	Abbreviated SRIR Review

Owner/Applicant: Dan Grimberg, West Hills Development

Applicant's Representative: Li Alligood, AICP, OTAK

Property Description: Tax Lots 2001, 2100, 2201, 2202 in Section 12D; T3S R1W; Clackamas County; Wilsonville, Oregon.

Location: North side of Boeckman Road, just west of Stafford Road

On May 14, 2018 at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Requests A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, June 4, 2018 to hear these items.*

Requests C, D, E, F, G and H:
Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Requests A and B.

Exhibit C

An appeal of Requests C, D, E, F, G and H to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 15th day of May 2018 and is available for public inspection. The decision regarding Requests C, D, E, F, G and H shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*.

Written decision is attached

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

Attachments: DRB Resolution No. 351, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 351**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 16 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND ABBREVIATED SRIR REVIEW FOR A 44 TO 46-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2001, 2100, 2201, AND 2202 OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - 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 staff report on the above-captioned subject dated May 7, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 14, 2018, 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 May 7, 2018, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Annexation and Zone Map Amendment Requests (DB18-0008 and DB18-0009) for:

DB18-0010 through DB18-0014, and SI18-0001; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR Review for a 44-46 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of May, 2018 and filed with the Planning Administrative Assistant on May 15, 2018. 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).



Fred Ruby Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant



Exhibit A1 Staff Report
Stafford Meadows 44-46 Lot Single-Family Subdivision

Development Review Board Panel 'A'
Quasi-Judicial Public Hearing
Added language ***bold italics underline***
Removed Language ~~struck through~~

Hearing Date: May 14, 2018

Date of Report: May 7, 2018

Application Nos.: DB18-0008 Annexation
DB18-0009 Zone Map Amendment
DB18-0010 Stage I Preliminary Plan
DB18-0011 Stage II Final Plan
DB18-0012 Site Design Review of Parks and Open Space
DB18-0013 Tentative Subdivision Plat
DB18-0014 Type C Tree Removal Plan
SI18-0001 Abbreviated SRIR Review

Requests: The requests before the Development Review Board include Annexation, Zone Map Amendment, Class 3 Stage I Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR Review.

Location: North side of Boeckman Road, just west of Stafford Road. The property is specifically known as Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

Owner/Applicant: Dan Grimberg, West Hills Development

Applicant's Rep.: Li Alligood AICP, OTAK

Comprehensive Plan Designation: Residential Neighborhood

Zone Map Classification (Current): RRFF 5 (Rural Residential Farm Forest 5-Acre)

Zone Map Classification (Proposed): RN (Residential Neighborhood)

Staff Reviewers: Daniel Pauly AICP, Senior Planner
Steve Adams PE, Development Engineering Manager
Kerry Rappold, Natural Resources Program Manager

Staff Recommendation: **Recommend approval to the City Council** of the Annexation and Zone Map Amendment, **approve with conditions** the Stage I Master Plan, Stage II Final Plan, Site Design Review request, tentative subdivision plat, Type C Tree Plan, and abbreviated SRIR contingent on City Council approval of the Annexation and Zone Map Amendment.

Applicable Review Criteria:

Development Code:	
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 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ) Regulations
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
Section 4.700	Annexation
Comprehensive Plan and Sub-elements:	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	

Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by consent before public hearing or order for election
Statewide Planning Goals	

Vicinity Map



Background:

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary (UGB) in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that “The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community’s hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville.”

As a follow up to the area plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the area plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed 16-acre subdivision is the first development proposal under review for annexation and development consistent with the Frog Pond West Master Plan. The subdivision will be the first of many envisioned to blend together as one cohesive neighborhood.

Summary:

Annexation (DB18-0008)

The approximately 16 acres proposed for annexation are contiguous to land currently in the City, are within the Urban Growth Boundary, and are master planned for residential development. All property owners and a majority of registered voters in the annexation area have consented in writing to the annexation. Boeckman Road to the south is a City of Wilsonville street.

Zone Map Amendment (DB18-0009)

Concurrent with the adoption of the Frog Pond West Master Plan the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The applicant proposes applying the Residential Neighborhood (RN) Zone to the entire subject property consistent with this intention.

Stage I Master Plan (DB18-0010)

The proposed single-family use, number of units, preservation of open space, and general block and street layout are consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I area includes the entirety of large lot Sub-district 3 and a majority of medium lot Sub-district 2. The Frog Pond West Master Plan establishes a range of 20 to 25 units for Sub-district 2 and 26 to 32 residential units in Sub-district 3 and. While

the project only includes 74% of the gross area of Sub-district 2, most of the portion of the sub-district not within the project area is master planned for right-of-way and open space, so all residential units would be within the project. For Sub-district 2, the applicant proposes 18 units. An additional 6 units are anticipated combining Tract L and an additional 43 feet on the adjoining property to the west, for a total of 24 units, which is within the allowed range. The project includes 100% of Sub-district 3. For Sub-district 3, the applicant proposes 26 to 28 lots, which is within the allowed range.

Stage II Final Plan (DB18-0011)

The applicant proposes installing necessary facilities and services concurrent with the development of the residential neighborhood.

Proposed lot layout and size as well as blocks size and access demonstrate consistency with development standards established for the Residential Neighborhood (RN) Zone and in the Frog Pond West Master Plan.

In regards to protection of natural features and other resources, the design of the project avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. Although the site generally appears to be flat, the elevation drops by 15 feet from east to west, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of earth-moving (grading) to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes.

Site Design Review (DB18-0012)

The scope of the Site Design Review request includes design of common tracts and the streetscape. Overall, the design of these spaces is consistent with the Site Design Review standards and the Frog Pond West Master Plan. In particular, the proposed design conforms to the street tree and street lighting elements of the Frog Pond West Master Plan providing for the envisioned streetscape. The design also includes substantial plantings and enhancement in the riparian area west of Willow Creek Drive. Among the additional specific elements reviewed is the wall and landscaping required by the Master Plan along the Boeckman Road frontage and the gateway elements at Willow Creek Drive and Boeckman Road.

Tentative Subdivision Plat (DB18-0013)

The proposed tentative plat meets technical platting requirements, demonstrates consistency with the Stage II Final Plan, and thus the Frog Pond West Master Plan, and does not create barriers to the future development of adjacent neighborhoods and sites.

Type C Tree Removal Plan (DB18-0014)

Although the site generally appears to be flat, the elevation drops by 15 ft. from east to west, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a

significant amount of earth-moving (grading) to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site, many of which are scotch pine planted by the property owner for agricultural purposes. The total number of trees proposed for removal is ~~565~~⁵⁶⁷. The applicant proposes to preserve ~~11-9~~ trees. ~~Four~~^{Two} of those trees are located adjacent to the existing Wehler home on Lots 22 and 25. A Douglas Fir located northwest of the Willow Creek Drive and Boeckman Road intersection is also preserved. Six Douglas Firs are proposed for protection along the western boundary of Tract L. However, removal of these six trees is likely as part of future subdivision proposals.

The proposed planting of 264 landscaping and street trees (see Sheets L2.0 through L2.3 of Exhibit B3) will partially mitigate for the removal. Additional mitigation will be satisfied by paying into the City's tree fund and potential future off-site plantings in subsequent adjacent phases of development.

Abbreviated SRIR Review (SI18-0001)

The applicant requests approval of an abbreviated Significant Resource Impact Report (SRIR) for exempt development that is located within the Significant Resource Overlay Zone and its associated 25-foot Impact Area. The impacts to the SROZ are necessary for the construction of the road network and stormwater infrastructure.

Proposed exempt development in the SROZ and its associated 25-foot Impact Area include the following:

- 1) Street A – minor grading for the construction of curbs and sidewalks.
- 2) Street C- a proposed crossing incorporating a concrete box culvert and retaining wall on the downstream side.
- 3) Boeckman Road – frontage improvements.
- 4) Stormwater Outfalls – installation of pipe and outfall structures.

Traffic Impacts:

The Traffic Impact Analysis (see Appendix C of Exhibit B2) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Boeckman Road/SW Parkway Avenue
- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Boeckman Road/Willow Creek Drive

The study intersections will continue to perform at Level of Service D or better and thus meet City standards with the exception of the intersection of Boeckman Road and Canyon Creek Road, which will fall to a Level of Service E without any improvements made. The City has identified fully signaling this intersection as part of project UU-01 in the Transportation System Plan, which would allow the intersection to function at Level of Service A. The City has identified

funding for design and construction as CIP 4206 in the proposed budgets for Fiscal Year 18/19 and Fiscal Year 19/20. Subsection 4.140 (.09) J. 2. allows measuring Level of Service based on existing and immediately planned streets. This subsection defines immediately planned as being part of the Capital Improvement Program, and being funded for completion within two years. Based on the budget proposal described above, the future signalized intersection can be used for the purpose of determining Level of Service for this project.

Discussion Points:

Gateway Signage and Monuments

The neighborhood gateway at Willow Creek Drive and Boeckman Road is one of only two neighborhood gateways, the other being Frog Pond Lane at Stafford Road. The proposed gateway will serve as the gateway to many subdivisions within the Frog Pond neighborhood, not just the subject subdivision. As such, subdivision specific signage is not appropriate. Condition of Approval PDE 11 requires the gateway to emphasize the broader unifying Frog Pond neighborhood identity. In addition to the wall sign shown in the applicant's plans, Figures in the Frog Pond West Master Plan (including Figures 44 and 47) show brick monuments in the planter strips as part of the gateway treatment. Condition of Approval PDE 10 requires the addition of these monuments using materials consistent with the nearby brick and concrete walls.

Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. The elements include driveways, street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. As directed by the City, the applicant's plans show a priority to laying out street trees and street lighting keeping appropriate spacing from utility laterals and water meters, and then placing stormwater facilities where space remains available and placement is desirable.

~~Preserving Access Options for Future Lots Incorporating Tract L~~

~~Consistent with the Frog Pond West Master Plan, the City anticipates Tract L and adjacent land to the west to develop as medium sized lots fronting Willow Creek Drive, a collector. Subsection 4.127(.08) D. 2. requires these future lots to not take access from Willow Creek Drive unless no practical alternative exists for access. With the expected future fill of Tract L and the adjacent land to the west to raise the grade a mid block alley may be a practical alternative to access from Willow Creek Drive for these future lots. Condition of Approval PDF 3 requires the rear most 10 feet of Lots 39-44 be in a "potential future alley" easement to preserve the future possibility of a mid block alley.~~

Options for Tract M

The proposed development will include 44-46 lots, depending on the disposition of Tract M. As shown on Sheets P2.00 and P3.00 of Exhibit B3, there are two proposed options for the development of Tract M:

- Option A would divide this tract into Lots 45 and 46, and extend Street B to the eastern property line. Tract K would be developed as a pedestrian pathway. This would result in a 46-lot development.
- Option B reflects the potential transfer of Tract M to another ownership. In this scenario, the tract would be separated from the project site boundaries and Street B would terminate at its western boundary. This would result in a 44-lot development.

Boeckman Road Improvements

The City is responsible for the reconstruction/improvements to Boeckman Road per the Frog Pond West Master Plan. The City will undertake this construction following the issuance of an appropriate number of home building permits and depositing of sufficient funding into the infrastructure supplemental fee account. As part of this project, the applicant will dedicate right-of-way and construct a decorative wall and 10-foot planting area consistent with the Master Plan along the frontage outside of the right-of-way. As the applicant will build the subdivision prior to improvements of Boeckman Road, the City requires the applicant to construct a number of interim improvements including: extending Willow Creek Drive and all pedestrian paths to the existing pavement, constructing a temporary, minimum 5-ft. wide, hard surface pathway from the south end of Tract K to the northwest corner of the intersection of Stafford/Boeckman/Advance/Wilsonville Road (see Conditions of Approval PFD 3, 6, and 7).

Lighting for Pedestrian Paths

The applicant's plans show no lighting along pedestrian paths. Condition of Approval PDE 9 requires the applicant to provide pedestrian-scale Philips Hadco Westbrooke lights mounted at 10 feet to provide uniform illumination along the paths, including those in Tracts D, H, J, and K. Final design and placement shall be approved by the City Engineer prior to installation.

Mitigation for Tree Removal

The applicant must mitigate for the ~~565-567~~ trees proposed for removal on a 1 to 1 basis. The City's standards for tree mitigation looks first at replacing trees on-site. As such, the applicant proposes counting the planned street trees and other landscaping trees, totaling 264 trees as mitigation, leaving a remaining mitigation requirement of ~~301-303~~ trees.

If completion of tree mitigation cannot be or is not desirable on site, the City standards next look at potential off-site mitigation locations. The City does not currently have another site identified as desirable to plant the additional mitigation trees. However, the applicant is in the process of acquiring immediately adjacent property for development. Due to differing land acquisition schedules, the applicant did not include these adjacent properties with this application; however,

in the long-run these adjacent properties will likely be an extension of the proposed development. In light of the interrelatedness of this project and expected adjacent development by the same applicant, staff recommends counting any trees proposed for planting on adjoining properties above and beyond mitigation requirements for the Type C Removal Plan for adjoining properties, as mitigation for tree removal for this project. Since the number of qualifying mitigation trees on the adjacent properties is unknown, the applicant will initially pay into the City's tree fund, described below, as if no off-site mitigation is occurring. They will subsequently receive a refund per qualifying tree within their adjacent development.

If completion of tree mitigation cannot be on-site or another location approved by the City, the applicant can then pay into the City's tree fund an amount per tree established by the City. The applicant proposes, based on current bid prices, a cost of \$300 per tree for a 2" caliper deciduous or 6' conifer installed, which the City finds reasonable. The number of trees required initially for mitigation by payment into the City's Tree Fund is ~~301~~303. The total initial payment amount into the City tree fund is thus ~~\$90,300~~ \$90,900 (~~301~~303 trees x \$300).

With the large number of trees proposed for removal and planting the final tree count may differ slightly from the current proposal. Condition of Approval PDG 4 requires, prior to approval of occupancy of the final home in the subdivision, the applicant to provide a full accounting of the number of trees actually planted. Based on this accounting, the applicant will receive a refund of \$300 for each tree over 264 planted, or will pay an additional \$300 for each tree less than 264 planted.

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 that the Development Review Board recommend approval or approve, as relevant, the proposed application (DB18-0008 through DB18-0014, SI18-0001) with the following conditions:

Planning Division Conditions:

Request A: DB18-0008 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB18-0009) and all approvals contingent on it are contingent on annexation.

PDA 1. The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter in the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.

Request B: DB18-0009 Zone Map Amendment.

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB18-0008). Case files DB18-0010, DB18-0011, DB18-0012, DB18-0013, DB18-0014, and SI18-0001 are contingent upon City Council's action on the Zone Map Amendment request.

Request C: DB18-0010 Stage I Master Plan

Approval of DB18-0010 (Stage I Master Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0009).

No conditions for this request

Request D: DB18-0011 Stage II Final Plan

Approval of DB18-0011 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0009).

PDD 1. The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D7.

PDD 2. All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D24.

PDD 3.	Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D27.
PDD 4.	A waiver of remonstrance against formation of a local improvement district shall be recorded in the County Recorder's Office as well as the City's Lien Docket as part of the recordation of the final plat. See Finding D41.
PDD 5.	The design of the private access drives in Tracts B and C shall provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street. See Finding D50.
PDD 6.	All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D52.
PDD 7.	<i><u>If Tract M is developed as homes Tract K shall be fully developed as a pedestrian path as shown in the larger site plan on Sheet P2.00 of Exhibit B3. If Tract M is sold or transferred to any other party, as contemplated in Option B described in the applicant's narrative, the applicant shall still develop the path at least 5 feet wide consistent with the site plan inset labeled "Option B" on Sheet P2.00 of Exhibit B3. See Finding D21.</u></i>
PDD 8.	<i><u>On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D21.</u></i>

Request E: DB18-0012 Site Design Review

Approval of DB18-0012 (Site Design Review) is contingent on City Council approval of the Zone Map Amendment request (DB18-0009).	
PDE 1.	Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.
PDE 2.	All landscaping required and approved by the Board for common tracts shall be installed prior to issuance of a building permit for the 24th lot, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of issuance of the permit. "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. See Finding E12.

PDE 3.	All street trees and other right-of-way landscaping shall be installed in right-of-way fronting a lot prior to issuance of an occupancy permit for a home on the lot. See Finding E12.
PDE 4.	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. See Finding E13.
PDE 5.	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville's Development Code. See Findings E14 and E15.
PDE 6.	<p>The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E19.
PDE 7.	All trees shall be balled and burlapped and conform in size and grade to "American Standards for Nursery Stock" current edition. See Finding E20.
PDE 8.	Plant materials shall be installed 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.
PDE 9.	Philips Hadco Westbrooke lights mounted at 10 feet shall be installed along paths, including those in Tracts D, H, J, and K, to provide uniform illumination along the

	paths. Final design and placement shall be approved by the City Engineer prior to installation. See Finding E25.
PDE 10.	Brick monuments consistent with Figures 44 and 47 of the Frog Pond West Master Plan and using the same brick and concrete material and coloring as the Boeckman Creek frontage wall shall be installed in the landscape strip on both sides of Willow Creek Drive at Boeckman Road. See Finding E29.
PDE 11.	Signage as part of the gateway signage at the intersection of Willow Creek Drive and Boeckman Road shall emphasize the broader unifying Frog Pond neighborhood identify and no individual subdivision signs shall be installed (except temporary real estate signage). See Finding E30.
PDE 12.	West Hills Development shall work with the developer for the other Frog Pond subdivision under review by the City (currently Pahlisch Homes) to develop a design for a unifying sign cap for use on street name signs throughout the entirety of the Frog Pond West Master Plan area. Such design shall be given to the City for production and developers will buy the signs from the City. The applicant shall submit the final design to the Planning Division and receive final approval from the Planning Division and City Engineer prior to issuance of any public works permits for the proposed development. See Finding E31.

Request F: DB18-0013 Tentative Subdivision Plat

	Approval of DB18-0013 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB18-0009).
PDF 1.	Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDF 2.	The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.
PDF 3.	The Final Subdivision Plat shall establish a “reserved for future alley” easement on the rearmost 10 feet of Lots 39-44. Such easement shall allow for construction of an alley allowing public access associated with the development of Tract L. An easement agreement between the applicant and the City detailing the easement shall be recorded concurrently with the plat. If Tract L and land to West adjacent to the future extension of Willow Creek Drive is designed and approved by the City for homes not involving construction of an alley using the easement, the City shall vacate the easement. The rear setback for Lots 39-44 shall be from the easement area, unless the easement is vacated. See Finding F10. <i>Not used.</i>
PDF 4.	Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding F14.
PDF 5.	<i>For all public pipelines easements, public access easements, and other easements, as required by the city, shown on the Final Subdivision Plat, the applicant and the City shall enter into easement agreements on templates established by the City</i>

specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County.

Request G: DB18-0014 Type C Tree Plan

PDG 1.	Approval of DB18-0014 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0009).
PDG 2.	This approval for removal applies only to the 565-567 trees identified in the Applicant's submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.
PDG 3.	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.
PDG 4.	Prior to issuance of the Type 'C' Tree Removal Permit required in Condition of Approval PDG 2, the applicant shall pay an amount of \$90,300 \$90,900 into the City's tree fund. Adjustments to the amount paid shall be made as described in Condition of Approval PDG 4. In addition, any trees approved by the City for planting on adjoining property controlled by the applicant as part of a subdivision design may be counted as mitigation for this Tree Removal Plan if not necessary for mitigation for the proposed tree removal on said adjoining properties. In order to claim tree plantings on adjoining properties as mitigation as described herein, the applicant shall prior to the next June 15 th following issuance of the tree permit payment of the tree mitigation amount (anticipated to be June 15, 2019), submit in writing to the Planning Division a count of the planned new trees on the adjoining properties in excess of the required mitigation for tree removal on said properties. Following verification that the trees proposed for mitigation will meet City standards, the City shall refund the applicant an amount of \$300 per tree on adjoining property claimed as mitigation for this Tree Removal Plan. See Finding G24.
PDG 5.	Prior to approval of occupancy of the final home in the subdivision the applicant shall provide a full accounting of the number of trees actually planted. Based on this accounting, the applicant will receive a refund of \$300 for each tree over 264 planted, or will pay an additional \$300 for each tree less than 264 planted prior to approval of occupancy. In See Finding G24.
PDG 6.	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.

<p>PDG 7. Prior to site grading or other site work that could damage trees, the Applicant/Owner shall install six-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding G26.</p>
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Request H: SI18-0001 Abbreviated SRIR Review

<p>Approval of SI18-0001 (Abbreviated SRIR Review) is contingent on City Council approval of the Zone Map Amendment request (DB18-0009).</p>
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<p>No conditions for this request</p>

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, 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 Conditions:

Request D: DB18-0011 Stage II Final Plan

<p>PFD 1. Public Works Plans and Public Improvements shall conform to the "Public Works Plan Submittal Requirements and Other Engineering Requirements" in Exhibit C1 and to specifics as found in the Frog Pond West Master Plan (July 17, 2017).</p>

<p>PFD 2. Streets shall be constructed per the street type and cross section as shown in the Frog Pond West Master Plan.</p>

<p>PFD 3. Street A shall be constructed completely up to the current edge of the paved section of Boeckman Road. Sidewalk at the south end of Street A shall be constructed as shown on Sheet P4.00 of the preliminary plan set dated 3/26/2018. Curb and gutter shall be constructed completely up to the current edge of the Boeckman right-of-way as shown on Sheet P4.00 of the preliminary plan set dated 3/26/2018; this allows for complete construction of the ADA ramps.</p>
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<p>PFD 4. Development of the land east of Street E is unknown at this time (Sheet P4.00 of the preliminary plan set dated 3/26/2018). Therefore, this segment of Street E will be allowed to be designed for a 5" section of asphalt and paved with a single 3" base lift with the proposed development; 2" top lift to be completed by adjacent development when it occurs. Alternately, the adjacent development would be</p>
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	required to complete a 2" grind and overlay of Street E after utility services are installed.
PFD 5.	<p>Applicant shall install LED street lighting in compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights.</p> <p>The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets.</p>
PFD 6.	All pedestrian connections from Street G, Tract H, Tract J and Tract K shall be constructed to the proposed new right-of-way at Boeckman Road.
PFD 7.	Applicant shall construct a temporary, minimum 5-ft. wide hard surface pathway from the south end of Tract K to the northwest corner of the intersection of Stafford/Boeckman/Advance/Wilsonville Road. Pathway shall be located north of the proposed new right-of-way at Boeckman Road. Applicant shall be required to obtain a public sidewalk and public access easement from the owner of tax lot 31W12D 02000.
PFD 8.	Streets F and E(as shown on the Preliminary Plat dated 3/26/2018) are partial streets and shall be constructed with a minimum paved width of 20 feet to meet TVF&R requirements.
PFD 9.	With Lots 45 and 46 (as shown on the Preliminary Plat dated 3/26/2018) the City understands the applicant has an Option B of eliminating these lots and creating Tract M. Should this occur the applicant shall work with City staff in adjusting the termination points of the roadway, sidewalks, and City public utilities in Street B.
PFD 10.	Rainwater management components will be allowed to be located in the public right-of-way, however the applicant shall work with City staff for location and extent of these facilities, location of streetlights when adjacent to a stormwater facility, and location of street trees adjacent to a stormwater facility.
PFD 11.	For the stormwater facilities on Tract "G" access to the inlet and outlet structures shall be provided per the Public Works Standards (per Sec. 301.4.10 of the Public Works Standards).
PFD 12.	For the stormwater facilities on Tract "F" the outlet structures shall be located adjacent to the proposed Boeckman right-of-way to allow better future maintenance access.
PFD 13.	For the water system, two connection points to the existing water main in Boeckman Road shall be required to provide redundancy.
PFD 14.	Sanitary sewer within the project shall be constructed with minimum slopes to maintain maximum depths to allow greater service to undeveloped land north and east of the proposed project.

PFD 15.	For the sanitary sewer system, a temporary connection will be allowed to the existing public sanitary manhole located on the north side of Boeckman Road, opposite of Willow Creek Drive.
PFD 16.	To allow connection to the future sanitary sewer main that will be installed in Boeckman Road applicant shall construct a sanitary sewer manhole at the south edge of Street A at the current Boeckman Road right-of-way.
PFD 17.	Sanitary, storm and water public utility systems shall be extended to the northerly and easterly limits of the site.
PFD 18.	<u>All utilities planned for the Public Utility Easement (PUE) in Tracts E and I (as shown on the Preliminary Plat) shall be installed, or conduit sufficient for future planned undergrounding, with subdivision development prior to required landscaping installation so as to avoid disturbing the landscaping in these tracts during undergrounding of utilities as part of the planned Boeckman Road improvements. This condition does not modify the requirement that landscaping in these tracts be completed consistent with Condition of Approval PDE 2 except for the area occupied by the temporary sidewalk.</u>
PFD 19.	<u>Prior to issuance of the 1st building permit for the proposed subdivision, the applicant shall provide the City a cash deposit equal to 150% of the Engineer's estimate for the cost to demolish the temporary sidewalk required by PFD 7 and installation of the planned landscaping in the demolition area. Within 90 days of the applicant receiving written notice from the City the temporary sidewalk is not needed due to completion of the planned Boeckman Road improvements the applicant shall demolish the sidewalk and plant the demolition area and install irrigation consistent with the approved landscaping plan. Upon acceptable demolition of temporary sidewalk and installation of landscaping and irrigation, and submittal of a landscape warranty bond, the City will release the 150% deposit. If the applicant fails to fully perform the demolition or landscaping installation within the 90 days, the City shall use the cash deposit to complete the demolition and landscaping and will refund any excess funds or will bill the applicant for any costs in excess of the cash deposit..</u>
PFD 20.	<u>If the applicant does not develop Tract M and provide the hammerhead at the top of Tract K as shown on Sheet P.200 of Exhibit B3, the applicant shall modify their design to provide an alternative hammerhead of similar size and design in the immediate area acceptable to the City Engineer.</u>
PFD 18.	<u>PFD 21.</u> Applicant shall provide sufficient mail box units for this proposed development; applicant shall construct mail kiosk at a location(s) coordinated with City staff and the Wilsonville U.S. Postmaster.
PFD 19.	<u>PFD 22.</u> At the time of plan submittal for a Public Works Permit, the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant shall have coordinated the proposed locations and associated

infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction.

PFD-20. PFD 23. Structural retaining wall calculations shall be submitted to engineering for review and approval.

Request F: DB18-0013 Tentative Subdivision Plat

PFF 1. In the Frog Pond West Master Plan Boeckman Road is shown with an 81-foot right-of-way. Presently the Boeckman Road right-of-way is insufficient to accommodate full build-out of the roadway as depicted in the Frog Pond West Master Plan. Applicant shall be required to dedicate sufficient right-of-way along Boeckman Road frontage to provide for a total 81-foot right-of-way width. This may be more than the current 10-foot dedication as shown on the Preliminary Plat dated 3/26/2018.

PFF 2. Street A shall be named Willow Creek Drive. Streets C and G (as shown on the Preliminary Plat dated 3/26/2018) shall have the same name. City policy is not to change street names at an intersection.

PFF 3. Lots 12, 23, and 24 (as shown on the Preliminary Plat dated 3/26/2018) shall not be allowed to take vehicle access from Street A.

PFF 4. Lots 3, 4, 11, 12, 13, 14, 15, 16, 17 and 46 (as shown on the Preliminary Plat dated 3/26/2018) shall not be allowed to take vehicle access from Boeckman Road.

PFF 5. Tract C (as shown on the Preliminary Plat dated 3/26/2018) shall have public access over its entirety.

PFF 6. Tract A (as shown on the Preliminary Plat dated 3/26/2018) shall have public access over its entirety. Applicant shall allow the City to construct a public sidewalk across Tract A to allow access into the proposed park north of Tract A.

Natural Resources Division Conditions:

All Requests

NR 1. Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.

Building Division Conditions:

All Requests

BD1. Prior to construction of the subdivisions' residential homes, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:

- a. Street signs shall be installed at each street intersection and approved per the public work design specifications and their required approvals.
- b. All public access roads and alleys shall be complete to "Base Lift" for access to the residential home sites.
- c. All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville's Engineering/ Public Works department or other service utility designee.
- d. All required fire hydrants and the supporting piping system shall be installed tested and approved by the Fire Code Official prior to model home construction. (OFC 507.5).

Master Exhibit List:

The 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 File DB18-0008 through DB18-0014, SI18-0001. The exhibit list below 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)
- A3. Staff Memorandum to DRB Dated May 10, 2018 Regarding Staff Report Changes
- A4. Staff Memorandum to DRB Dated May 11, 2018 Regarding Staff Report Changes Related to Potential Future Alley

Materials from Applicant

- B1. Land Use Application Forms
- B2. Applicant's Narrative and Appendices
 - Narrative
 - Appendix A Annexation Petitions
 - Appendix B Preliminary Stormwater Report
 - Appendix C Traffic Impact Analysis
 - Appendix D Wetland Delineation Report
 - Appendix E SRIR Report
 - Appendix F Tree Plan
 - Appendix G Geotechnical Reports
 - Appendix H Draft CC&R's
 - Appendix I Example Building Elevations

- B3.** Drawings and Plans
 - P0.00 Cover Sheet
 - L1.0 Tree Removal and Protection Plan
 - P1.00 Existing Conditions-Aerial
 - P1.10 Existing Conditions-Survey Mapping
 - P2.00 Preliminary Site Plan
 - P2.10 Preliminary Street Cross Sections
 - P3.00 Preliminary Plat
 - P4.00 Preliminary Utility Plan
 - P4.10-2.0 Utility Details
 - P5.00 Preliminary Grading Plan
 - P5.10 Retaining Wall Profiles
 - P6.00 Annexation Plan
 - P7.00 Zoning Map
 - L1.1-3 Tree Tables
 - L2.0 Landscape Site Plan
 - L2.1 Landscape Detail Plan
 - L2.2 SROZ and Pond Planting Plan
 - L2.3 SROZ Riparian Mitigation Planting Plan
 - L2.4 LIDA Facility Planting Plan
 - L3.0-1 Landscape Details and Notes
- B3.** Response to Incompleteness Memo Dates March 23, 2018
- B4.** Response to Incompleteness Memo Dates April 18, 2018
- B5.** *Memorandum Dated May 11, 2018 Requesting Removal of 2 Additional Trees and Discussing LIDA Facility Location on Lot 22*

Development Review Team Correspondence

- C1.** Email from Steve Adams
- C2.** PW Comments
- C3.** Natural Resource Requirements

Other Correspondence

None Received

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on February 12, 2018. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on March 8, 2018. The applicant submitted additional material on March 26, 2018 and again on April 18, 2018. Planning Staff deemed the application complete on May 7, 2018. The City must render a final decision for the request, including any appeals, by September 4, 2018.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RRFF-5	Rural Residential/Agriculture
East:	RRFF-5	Church/Rural Residential
South:	PDR-3, RA-H, PDR-4	Boeckman Road, Single-family residential, Church
West:	RRFF-5	Rural Residential/Agriculture

3. Previous City Planning Approvals: None
4. The applicant has complied with Sections 4.013-4.031 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 City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

The owners of all property included in the application signed the application forms. West Hills Development initiated the application with their approval.

Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on September 28, 2017 (PA17-0017) 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

Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally

Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199, applied in accordance with this Section.

Request A: DB18-0008 Annexation

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services

Implementation Measure 2.2.1.a.

- A1.** The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills and the City will enter into an annexation agreement detailing provision and development of public services as required by Condition of Approval PDA 1.

Demonstrated Need for Immediate Urban Growth

Implementation Measure 2.2.1.a.

- A2.** Metro brought the subject area into the Urban Growth Boundary in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards

Implementation Measures 2.2.1.e., 2.2.1.e. 3., 2.2.1.e. 4.

- A3.** This review applies all applicable Metro and Stage rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services

Implementation Measure 2.2.1.e. 1.

- A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposed site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Stafford Meadows site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years

Implementation Measure 2.2.1.e. 2.

- A5.** The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond Area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan. .

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

- A6.** The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.

Subsections 4.700 (.01). and (.04)

- A7.** The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, a narrative describing conformance with applicable criteria, and the City Council, upon recommendation from the Development Review Board, will declare the subject property annexed.

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

- A8.** Subject to requirements in this subsection and the Frog Pond West Master Plan Condition of Approval PDA 1 requires the necessary parties enter into an annexation development agreement with the City covering the annexed land.

Metro Code

Local Government Boundary Changes

Chapter 3.09

- A9.** The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, and Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation

ORS 222.111

- A10.** The request meets the applicable requirements in state statute including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors

ORS 222.120

- A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and request meets the applicable requirements in state statute including the facts that all property owners and a majority of

electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors ORS 222.125

A12. All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

Statewide Planning Goals Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13

A13. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both which have been found to meet the statewide planning goals.

Request B: DB18-0009 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

"Residential Neighborhood" on the Comprehensive Plan Map Implementation Measure 4.1.7.a.

B1. The subject area has a Comprehensive Plan Map Designation of "Residential Neighborhood" enabling implementation of the Frog Pond West Master Plan adopted for the subject area.

"Residential Neighborhood" Zone Applied Consistent with Comprehensive Plan Implementation Measure 4.1.7.c.

B2. The applicant requests the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of "Residential Neighborhood".

Safe, Convenient, Healthful, and Attractive Places to Live Implementation Measure 4.1.4.c.

B3. The proposed Residential-Neighborhood zoning allows the use of planned developments consistent with a legislative Master Plan enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density

Implementation Measure 4.1.4.u.

- B4.** The subject area will be zoned Residential-Neighborhood allowing the application of the adopted residential densities of the Frog Pond West Master Plan to the subject area. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities for the subject area. See also Request C, Stage I Preliminary Plan.

Purpose of Residential Neighborhood Designation

Implementation Measure 4.1.7.a.

- B5.** The subject area will be zoned Residential-Neighborhood consistent with the “Residential Neighborhood” designation on the Comprehensive Plan Map. The designation enables development of the site consistent with the legislatively adopted Frog Pond West Master Plan, including creating an attractive and connected residential neighborhood, cohesive neighborhoods, high quality architecture and community design, provide transportation choices, and preserve and enhance natural resources.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- B6.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of Residential Neighborhood is consistent with the Comprehensive Plan Residential Neighborhood designation. See also Finding B2 above.

Base Zones

Subsection 4.110 (.01)

- B7.** The requested zoning designation of Residential Neighborhood (RN) is among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

Purpose of the Residential Neighborhood (RN) Zone

Subsection 4.127 (.01)

- B8.** The request to apply the Residential Neighborhood Zone on lands with the Residential Neighborhood Comprehensive Plan Map designations enables a planned development process implementing the Residential Neighborhood policies and implementation measures of the Comprehensive Plan and the Frog Pond West Master Plan.

Permitted Uses in the Residential Neighborhood (RN) Zone
Subsection 4.127 (.02)

- B9.** Concurrent with the zone map amendment request the applicant requests approval of a single-family subdivision. Single-family dwelling units are among the permitted uses in the RN zone. In one alternative identified by the applicant, they may deed Tract M to the neighboring church for development as part of the church campus, such as parking. Churches are among the uses allowed through a Conditional Use Permit in the RN zone.

Residential Neighborhood Zone Sub-districts and Residential Density
Subsection 4.127 (.05) and (.06)

- B10.** Concurrent with the zone map amendment request the applicant requests approval of a single-family subdivision. Single-family dwelling units are among the permitted uses in the RN zone. In one scenario identified by the applicant, they may deed Tract M to the neighboring church for development as part of the church campus, such as parking. Churches are among the uses allowed through a Conditional Use Permit in the RN zone. Alternatively, the Church could request to rezone the Tract M to the Public Facility Zone at a future date.

Request C: DB18-0010 Stage I Preliminary Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

City Support Development of Land Within City Consistent with Land Use Designation
Goal 2.1, Policy 2.1.1., Implementation Measure 2.1.1.a., Policy 2.2.1

- C1.** The City's Comprehensive Plan, the Frog Pond Area Plan, the Frog Pond West Master Plan designate the subject property for residential use. The Frog Pond West Master Plan specifically identifies procedures for development of the subject and surrounding land, thus supportive of the development of the subject land for residential dwellings as long as proposed development meets applicable policies and standards.

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance
Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

- C2.** The proposal provides for urbanization of an area planned for residential use to provide additional housing within the City available to workers employed within the City. However, no special provisions or programs target the units to workers employed within the City.

Encouraging Master Planning of Large Areas

Implementation Measure 2.1.1.b.2.

- C3. The proposed development is part of a larger area covered by the Frog Pond West Master Plan consistent with the City's policies and encouragement related to master planning.

City Obligated to do its Fair Share to Increase Development Capacity within UGB

Implementation Measure 2.2.1.b.

- C4. The property is within the urban growth boundary and available for use consistent with its residential designation. Allowing development of the property for additional residential units supports the further urbanization and increased capacity of residential land within the Urban Growth Boundary.

Urban Development Only Where Necessary Facilities can be Provided

Implementation Measure 3.1.2.a.

- C5. As can be found in the findings for the Stage II Final plan, the proposed development provides all necessary facilities and services consistent with the Frog Pond West Master Plan.

Provision of Usable Open Space

Implementation Measures 3.1.11.p, 4.1.5.kk

- C6. No usable open space planned in the Frog Pond West Master Plan is within the subject area. A future application may incorporate Tract A into a potential future City park immediately to its North.

Consistency with Street Demonstration Plans May Be Required

Implementation Measure 3.2.2

- C7. Section 4.127 requires the area subject to the Stage I Master Plan be consistent with the street demonstration plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the street demonstration plan.

Wide Range of Housing Choices, Planning for a Variety of Housing

Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

- C8. The Frog Pond Area Plan and the Frog Pond West Master Plan identified a variety of single-family homes as the appropriate housing type for the subject area as part of the broader mix of housing in Wilsonville.

Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

- C9. The proposed planned development complies with relevant standards within the legislatively adopted Frog Pond West Master Plan enabling development of safe, convenient, healthful, and attractive places to live.

Accommodating Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

- C10.** The applicant intends on providing a housing product attractive to existing residents of the City as a whole including current homeowners and current renters looking to purchase in a medium to high price range, similar to other nearby homes. The number of units and location context consistent with the Frog Pond West Master Plan do not lend themselves to creation of housing units at a lower price point to accommodate existing residents looking at the low to medium low price range.

Residential Density

Implementation Measure 4.1.4.u.

- C11.** The proposed Stage I Master plan establishes residential densities consistent with the Frog Pond West Master Plan for the subject area. Findings related to Section 4.127 of the Development Code offer additional details related to conformance with residential density requirements.

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

- C12.** The planned 44 to 46-lot subdivision will accommodate detached single-family homes, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The subject property is 16.15 acres and is suitable for planning and development. The property is not currently nor is proposed to be zoned "PD". Concurrently with the request for a Stage I Master Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements

Subsection 4.140 (.03)

- C13.** Owners of each of the subject properties have signed an application form included with the application.

Professional Design Team

Subsection 4.140 (.04)

- C14.** Li Alligood of OTAK is the professional coordinator of a professional design team including all the necessary disciplines including engineers, a landscape architect, and a planner among other professionals.

Planned Development Application Requirements Subsection 4.140 (.07)

- C15.** The City has scheduled the proposed Stage I Master Plan for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage I Master Plan is under an application by the property owners.
 - The applicant submitted a Stage I Master Plan request on a form prescribed by the City.
 - The applicant identified a professional design team and coordinator. See Finding C13.
 - The applicant stated the uses involved in the Master Plan and their locations.
 - The applicant provided the boundary information.
 - The applicant has submitted sufficient topographic information.
 - The applicant provided a tabulation of the land area to be devoted to various uses.
 - The applicant proposes a single phase of development.
 - Any necessary performance bonds will be required.

Standards for Residential Development in Any Zone

Outdoor Recreational Area and Open Space Land Area Requirements Subsections 4.113 (.01) and (.02)

- C16.** The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject area as well as surrounding areas. The proposed amount of open space in the proposed development is consistent with the Frog Pond West Master Plan.

Residential Neighborhood Zone

Permitted Uses Subsection 4.127 (.02)

- C17.** The applicant proposes detached single-family homes and open spaces, allowed uses in the RN zones.

Residential Neighborhood Sub-districts Subsection 4.127 (.05)

- C18.** The proposed Stage I Master Plan area includes the entirety of Sub-district 3 and the majority of Sub-district 2 shown in Figure 6 of the Frog Pond West Master Plan.

Minimum and Maximum Residential Units Subsection 4.127 (.05)

- C19.** The Frog Pond West Master Plan establishes a range of 20 to 25 units for Sub-district 2 and 26 to 32 residential units in Sub-district 3. While the project only includes 74% of the gross

area of Sub-district 2, most the portion of the sub-district not within the project area is master planned for right-of-way and open space, so all residential units would be within the project. For Sub-district 2, the applicant proposes 18 units. An additional 6 units are anticipated combining Tract L and additional 43 feet on the adjoining property to the west, for a total of 24 units, which is within the allowed range. The project includes 100% of Sub-district 3. For Sub-district 3, the applicant proposes 26 to 28 lots, which is within the allowed range.

Parks and Open Space Beyond Master Planned Parks, R-10 and R-7 Exempt
Subsection 4.127 (.09) B.

C20. The proposed Stage I Master Plan area includes only residential land designated R-10 or R-7 in the Frog Pond West Master Plan, thus the code requires no additional parks and open space beyond the SROZ open space proposed as shown in the Frog Pond West Master Plan.

Request D: DB18-0011 Stage II Final Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Planned Development Regulations

Planned Development Lot Qualifications
Subsection 4.140 (.02)

D1. The planned 44 to 46-lot subdivision will accommodate detached single-family homes, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The subject property is 16.15 acres and is suitable for planning and development. The property is not currently nor is proposed to be zoned "PD". Concurrently with the request for a Stage I Master Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements
Subsection 4.140 (.03)

D2. Owners of each of the subject properties have signed an application form included with the application.

Professional Design Team
Subsection 4.140 (.04)

D3. Li Alligood of OTAK is the professional coordinator of a professional design team including all the necessary disciplines including engineers, a landscape architect, and a planner among other professionals.

Stage II Final Plan Submission Requirements and Process

Consistency with Comprehensive Plan and Other Plans

Subsection 4.140 (.09) J. 1.

- D4.** As demonstrated in Findings C1 through C10 under the Stage I Master Plan the project is consistent with the Comprehensive Plan. This review includes review for consistency with the Frog Pond West Master Plan.

Traffic Concurrency

Subsection 4.140 (.09) J. 2.

- D5.** The Traffic Impact Analysis (see Appendix C of Exhibit B2) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Boeckman Road/SW Parkway Avenue
- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Boeckman Road/Willow Creek Drive

The study intersections will continue to perform at Level of Service (LOS) D or better and thus meet City standards with the exception of the intersection of Boeckman Road and Canyon Creek Road, which will fall to a LOS E without any changes made. The City has identified fully signalizing this intersection as part of project UU-01 in the Transportation System Plan, which would allow the intersection to function at LOS A. The City has identified funding for design and construction as CIP 4206 in the proposed budgets for FY 18/19 and FY 19/20. Subsection 4.140 (.09) J. 2. allows measuring based on existing and immediately planned streets. This subsection defines immediately planned as being part of the Capital Improvement Program, and being funded for completion within two years. Based on the budget proposal described above, the future signalized intersection can be used for the purpose of determining traffic concurrency for this project.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- D6.** The applicant proposes sufficient facilities and services, including utilities, concurrent with development of the residential subdivision.

Adherence to Approved Plans

Subsection 4.140 (.09) L.

- D7.** Condition of Approval PDD 1 ensures adherence to approved plans except for minor revisions approved by the Planning Director.

General Residential Development Standards

Effects of Compliance Requirements and Conditions on Cost of Needed Housing Subsection 4.113 (.14)

D8. No parties have presented evidence nor has staff discovered evidence that provisions of this section are in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Underground Utilities Required

Subsection 4.118 (.02) and Sections 4.300 to 4.320

D9. The applicant proposes installation of all new utilities underground. Besides high voltage power lines unable to be undergrounded, the applicant or City will underground all existing utility lines fronting the subject properties.

Habitat Friendly Development Practices to be Used to the Extent Practicable

Subsection 4.118 (.09)

D10. Consistent with City and other standards, the applicant proposes protection and enhancement of the riparian area and buffer around the headwaters of a stream within the Significant Resource Overlay Zone (SROZ). Outside the SROZ, the developer will minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and storm water infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources.

Residential Neighborhood (RN) Zone

General Lot Development Standards

Subsections 4.127 (.08) Table 2.

D11. The applicant proposes lots reviewed for consistency with applicable development code standards and the Frog Pond West Master Plan. The proposed lots meet or exceed the standards of Table 2, or the applicant can meet or exceed the standards with final design, as follows:

Name of Standard	Details of Standard	Met or Exceeded	Compliance Notes
Min. Lot Size	R-10 8,000 sf R-7 6,000 sf	Yes	In Sub-district 3 (R-10), the smallest lot size is 8,032 sf. In Sub-district 3 (R-7), the smallest lot size is 6,017 sf.
Min. Lot Depth	60 feet	Yes	The smallest lot depth is 83.4 feet.
Max. Lot Coverage	R-10 40% R-7 45%	Can be met	The example floor plans submitted by the applicant have footprints ranging from approx.. 1700 to 3300

			square feet. The applicant could place one or more example floor plan on each proposed lot and not exceed max. lot coverage.
Min. Lot Width	R-10 40 feet R-7 35 feet	Yes	In Sub-district 3 (R-10), the smallest lot width is 67 feet. In Sub-district 3 (R-7), the smallest lot width is 60 feet.
Max. Bldg Height	35 feet	Can be met	The example house plans are less than 35 feet in height.
Min. Front Setback	R-10 20 feet R-7 15 feet	Can be met	By exceeding the min. lot depth, sufficient space exists to allow meeting of front setbacks.
Min. Rear Setback	R-10 20 feet R-7 15 feet	Can be met	By exceeding the min. lot depth, sufficient space exists to allow meeting of front setbacks.
Min. Side Setback	10,000 sf+, 20 feet combined. Others: 5 feet, 10 feet on corners	Can be met	By exceeding the min. lot width, sufficient space exists to allow meeting of side setbacks.
Min. Garage Setback from Street	20 feet	Can be met.	By exceeding the min. lot depth, sufficient space exists to allow meeting of front setbacks.

Wall and Landscaping for Lots Adjacent to Boeckman Road

Subsection 4.127 (.08) D 1. a., Figures 10-11 of the Frog Pond West Master Plan

D12. Submitted plans show Lots 3, 4, 11, 12-17, and optional Lot 46 adjacent to Boeckman Road. Sheets L2.0 and L2.1 show fencing a brick fence along the Boeckman Road frontage of these lots. The design and materials for the wall shown on Sheet L3.1 are consistent with Figure 10. Sheet L2.1 shows low shrubs and ornamental plants at the base of the wall and in the planted buffer area consistent with Figure 10.

Access Limits for Willow Creek Drive and Frog Pond Lane for Medium and Small Lots
Subsection 4.127 (.08) D. 2.

D13. Lots fronting Willow Creek Drive south of Street C are within a large lot sub-district, thus not subject to access restrictions under this subsection. ~~Consistent with Subsection 4.236 (.02) C. Condition of Approval PDF 2 requires the rear most 10 feet of Lots 39-44 be in an easement for a potential future mid-block alley. This would enable rear access to future~~ ***Future*** lots incorporating Tract L and adjacent land to the west, ~~avoiding these~~ ***will be*** medium lots ~~from needing to~~ ***restricted from take-taking*** access from Willow Creek Drive ***if practical alternatives exist. A mid-block alley may be a practical alternative. Consistent with Subsection 4.236 (.02) C. the design of the current project must not preclude an alley***

as a practical alternative. Typically, an alley would be centered on the block. However, an alley could be fully accommodated within Tract L to serve the future development. The proposed design of this project does not thus preclude or make substantially less likely the alley alternative for the future lots. With the expected future fill of Tract L and the adjacent land to the west to raise the grade a mid block alley may be a practical alternative to access from Willow Creek Drive for these future lots.

Open Space Requirements Subsection 4.127 (.09)

D14. As stated in Subsection 4.127 (.09) B. 1., the R-10 and R-7 sub-districts involved in the proposal are exempt from open space requirements.

Block, Access, and Connectivity Consistent with Frog Pond West Neighborhood Plan. Subsection 4.127 (.10) and Figures 18 and 30 Frog Pond West Master Plan

D15. The block size and shape, access, and connectivity of the proposed subdivision complies with Figure 18 of the Frog Pond West Master Plan or is an allowed variation as follows:

- Willow Creek Drive: Alignment consistent with Figure 18
- Streets B, C, D, E, and F: Alignments consistent with Figure 18
- Pedestrian Connections between Street B and Boeckman Road: Alignments consistent with Figure 18.
- Street G: The alignment varies from Figure 18. Street G provides the sole vehicle access to an area of the subdivision locked in by a future primary school site to the west, a land banked parcel owned by the school district to the north, the natural area to the east, and Boeckman Road to the south. The proposed alignment of Street G provides for efficient use of land surrounded by barriers to future street expansion. Figure 18 shows no through vehicle access in this area of the subdivision, thus a different street alignment that also does not provide through access provides substantially equivalent connectivity to the public, as required for a variation. The efficient use of land while providing substantially equivalent connectivity justify the variation consistent with the language of this subsection.
- Pedestrian Connections to Boeckman Road from Street G Area: Alignment consistent with Figure 18. Public connections provided from Street G via easements over private tracts.

Main Entrance, Garage, and Residential Design Standards Subsections 4.127 (.14-.17)

D16. The proposed subdivision provides lots of sufficient size and of a typical orientation to enable the meeting of the entrance, garage, residential design, and fence standards. The City will verify compliance with the review of building permits for individual homes.

Garage Orientation Towards Alley or Shared Driveway

Subsection 4.127(.15) B. a.

D17. The applicant proposes no alleys or shared driveways. However, future development may include an alley at the rear of Lots 39-44. As the applicant does not propose an alley at this time and uncertainty exists whether a future alley will exist, the garages cannot be required to face a future unknown alley. ~~Staff finds the "future alley" easement required by Condition of Approval PDF 4 to not be an alley for purposes of determining garage placement for Lots 39-44.~~ If, at a future date, a developer or property owner elects to build a garage oriented towards a future alley, the setbacks for alley-oriented garages will apply.

Fences

Subsection 4.127 (.17)

D18. Where practicable columns for the Boeckman Road brick wall are at property corners. However, the design gives placement priority to equal and consistent spacing between columns to maintain a consistent look along this and other developments along Boeckman Road. The City will review other fences at the time of building permit review for individual homes to ensure height near the brick wall meets the standards of this subsection and height transitions occur at fence posts.

Homes Adjacent to Schools, Parks and Open Space

Subsection 4.127 (.18)

D19. Lots 1, 2, 3, 6, and 7 are subject to this subsection. The side of Lots 1, 2, and 3 face a future primary school to the west. The front of Lots 1 and 6 face a future park to the north. The City will review the building permits for homes on Lots 1, 2, 3, and 6 to ensure compliance with the standards of this subsection. No rear lot lines face schools or parks.

SROZ Regulations

Uses and Activities Exempt from These Regulations

Section 4.139.04

D20. The proposed improvements related to Street G are exempt from SROZ regulations of the SROZ Ordinance as they provide access to or across a sensitive area at the location shown in the Frog Pond West Master Plan, a sub-component of Wilsonville's Comprehensive Plan. Encroachments into the SROZ from the proposed stormwater piping and outfalls are also an exempt as service connection laterals and service utility extensions. See also Request H.

On-site Pedestrian Access and Circulation

Continuous Pathway System

Section 4.154 (.01) B. 1.

D21. The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. The proposal provides additional

connections consistent with Figure 18 of the Frog Pond West Master Plan. The proposal enables connections to future adjacent development. The applicant proposes a temporary sidewalk connecting the path in Tract K to nearby existing sidewalks and Meridian Creek Middle School and the broader pedestrian network in the City. The City will construct additional sidewalks and bike paths along Boeckman Road with planned City led improvements. To ensure full access and function of the planned pathway system for the public, Condition of Approval PDD 8 requires public access easements across all pathways within private Tracts. In addition, two options are proposed for Tract M which impacts the extent of pathway improvements in Tract K. Condition of Approval PDD 7 clarifies the required improvements and ensures a minimum 5 foot wide path is constructed with the proposed subdivision regardless of what happens with Tract M.

Safe, Direct, and Convenient Pathways

Section 4.154 (.01) B. 2.

D22. The submitted plans show sidewalk and pathways providing safe, direct, and convenient access consistent with Figure 18 of the Frog Pond West Master Plan. Conditions of Approval ensure public access to the pathways for safe, direct, and convenient access for the public. See Finding D21.

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

D23. The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks.

Crosswalks Delineation

Section 4.154 (.01) B. 4.

D24. Condition of Approval PDD 2 requires all crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast).

Pathway Width and Surface

Section 4.154 (.01) B. 5.

D25. The applicant proposes all pathways to be concrete or asphalt, meeting or exceeding the 5 foot required width. Condition of Approval PDD 7 ensures all pathways, including a potential half-pathway improvement in Tract K meets the minimum width.

Parking Area Design Standards

Minimum and Maximum Parking

Subsection 4.155 (.03) G.

D26. Each dwelling unit requires 1 parking space. Between garages, driveways, each home will have at least 2 parking spaces.

Other Parking Area Design Standards
Subsections 4.155 (.02) and (.03)

D27. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for Parking	<input checked="" type="checkbox"/>	Though final design of garages and driveways is not part of the current review they are anticipated to meet the minimum dimensional standards to be considered a parking space as well as fully accessible. Condition of Approval PDD 3 requires the dimensional standards to be met.
I. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Garages and driveways will be surfaced with concrete.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	The parking areas will be typical single-family design adequate to maneuver vehicles and serve the needs of the homes.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Pursuant to Section 4.154 pedestrian circulation is separate from vehicle circulation by vertical separation except at driveways and crosswalks.

Other General Regulations

Access, Ingress and Egress
Subsection 4.167 (.01)

D28. Planned access points are typical of local residential streets. The City will approve final access points for individual driveways at the time of issuance of building permits.

Double Frontage Lots
Subsection 4.169 (.01)

D29. The applicant proposes one double-frontage lot, Lot 24. The lot size is adequate to meet the front yard setback on both Street B and Street C.

Protection of Natural Features and Other Resources

General Terrain Preparation

Section 4.171 (.02)

D30. The design of the site avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. Contractors will perform grading, filling, and excavating in accordance with the Uniform Building code. Contractors will also use erosion control measures, and stake and protect SROZ and preserved trees prior to commencement of site. Although the site generally appears to be flat, the elevation drops by 15 ft. from east to west, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of earth-moving (grading) to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site, many of which property owners planted for agricultural purposes.

Trees and Wooded Areas

Section 4.171 (.04)

D31. Property owners planted many of the trees on the site for agricultural purposes. The necessary grading, described in Finding D30 above, necessitates removal of most of the trees. However, the trees proposed for removal are primarily not native tree stands having stabilizing hillsides or preserving a natural scenic character. The applicant proposes extensive native tree planting within the natural area west of Willow Creek Drive to enhance the habitat and aesthetic value of the drainage area. The applicant provides details in Exhibit B5 on why a number of significant trees are not feasible to retain.

Earth Movement Hazard Area

Subsection 4.171 (.07)

D32. The applicant states they performed geotechnical investigations on all of the subject properties and the investigation found no earth movement hazards.

Historic Resources

Subsection 4.171 (.09)

D33. The applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime
Section 4.175

D34. The design of the Stafford Meadows development deters crime and insures public safety. The lighting of streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provide “eyes on the street.” All dwellings will be addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will also have exterior porch lighting, which will support the streetlights to provide safety and visibility.

Landscaping Standards

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

D35. The planting areas along the street and the open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground cover, shrubs, trees, and stormwater swale plantings. The applicant proposes street trees consistent with the Frog Pond West Master Plan. Ground cover and shrubs cover the non-tree landscape areas.

Types of Plant Material, Variety and Balance, Use of Natives When Practicable
Subsection 4.176 (.03)

D36. The applicant proposes a professionally designed landscape using a variety of plant material. The design includes a number of native plants, particularly in the SROZ area.

Street Improvement Standards-Generally

Conformance with Standards and Plan
Subsection 4.177 (.01), Figures 19-27 Frog Pond West Master Plan

D37. The proposed streets appear to meet the City’s public works standards and transportation systems plan. Further review of compliance with public works standards and transportation plan will occur with review and issuance of the Public Works construction permit. The required street improvements are consistent with the cross sections shown in the Frog Pond West Master Plan.

Street Design Standards-Future Connections and Adjoining Properties
Subsection 4.177 (.02) A.

D38. The proposed design provides for continuation of streets, including Willow Creek Drive and Street F, consistent with the Frog Pond West Master Plan.

City Engineer Determination of Street Design and Width
Subsection 4.177 (.02) B.

D39. The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in the Frog Pond West Master Plan. The Engineering Division will check final conformance with the cross sections shown in the Frog Pond West Master Plan during review of the Public Works Permit.

Right-of-Way Dedication
Subsection 4.177 (.02) C. 1.

D40. The applicant proposes right-of-way dedication as part of the Tentative Subdivision Plat. See Request F.

Waiver of Remonstrance Required
Subsection 4.177 (.02) C. 2.

D41. Condition of Approval PDD 4 requires a waiver of remonstrance against formation of a local improvement district be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of the recordation of a final plat.

Dead-end Streets Limitations
Subsection 4.177 (.02) D.

D42. The applicant proposes a dead end street exceeding 200 feet, Street G. The land adjoining the homes served by Street G contain barriers preventing future street extensions, including the riparian area west of Willow Creek Drive, a future school, a future park, and an arterial on which spacing standards would not allow additional access. 11 homes take access from Street G and private tracts with sole vehicle access via Street G, which is less than the allowed 25 homes the code allows access for via a dead end street.

Street Improvement Standards-Clearance

Corner Vision Clearance
Subsection 4.177 (.02) E.

D43. Street locations and subdivision design allow the meeting of vision clearance standards.

Vertical Clearance
Subsection 4.177 (.02) F.

D44. Nothing in the proposed subdivision design would prevent the meeting of vertical clearance standards.

Street Improvement Standards- Interim Improvements

Interim Improvement Standards

Subsection 4.177 (.02) G.

D45. The City Engineer has or will review all interim improvements to meet applicable City standards.

Street Improvement Standards-Sidewalks

Sidewalks Requirements

Subsection 4.177 (.03)

D46. The applicant proposes sidewalks along all street frontages abutting proposed lots, except along Boeckman Road, where the City will develop the sidewalks with planned street improvements. All proposed sidewalks are 5 feet wide. Condition of Approval PFD 7 requires the applicant, as an interim improvement to ensure public safety, to construct a temporary, minimum 5-ft. wide hard surface pathway from the south end of Tract K to the northwest corner of the intersection of Stafford/Boeckman/Advance/Wilsonville Road.

Street Improvement Standards-Bicycle Facilities

Bicycle Facility Requirements

Subsection 4.177 (.04)

D47. The applicant proposes 8 foot buffered bike lanes, 6-foot lane with 2-foot buffer, along Willow Creek Drive consistent with the Frog Pond West Master Plan. The City requires no specific bike facilities on local streets. A number of pathways also provide bicycle connection thru to future bike improvements on Boeckman Road. Public access to these connections is ensured by Condition of Approval PDD 8. See Finding D21. Condition of Approval PDD 7 ensures all pathways, including a potential half-pathway improvement in Tract K meets the minimum width.

Street Improvement Standards-Transit Improvements

Transit Improvements Requirements

Subsection 4.177 (.06)

D48. The applicant does not propose any transit improvements within the proposed subdivision or the Boeckman Road frontage. The 46 p.m. peak vehicles trips are less than 49 trips, the trigger for additional transit improvements.

Residential Private Access Drives

Access to No More Than 4 Dwelling Units

Subsection 4.177 (.07) A.

D49. The two proposed private access drives provide access to 2 homes and 4 homes not exceed the 4 home limit set by this subsection.

Lifespan and Structure Similar to Public Local Street for Private Access Drives
Subsection 4.177 (.07) B.

D50. Condition of Approval PDD 5 ensures the design of the private access drives provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street.

Addresses for Private Access Drives
Subsection 4.177 (.07) B.

D51. The orientation of the homes fronting the private access drives and the short length of the drives enables addressing the homes off the nearby public street.

Access Drive Development Standards
Subsection 4.177 (.07) D. and 4.177 (.08)

D52. Condition of Approval PDD 6 ensures the responsible parties keep the access drives clear and the access drives are capable of carrying a 23-ton load.

Street Improvement Standards- Intersection Spacing

Offset Intersections Not Allowed
Subsection 4.177 (.09) A.

D53. The applicant does not propose any offset intersections.

Transportation System Plan Table 3-2
Subsection 4.177 (.09) B.

D54. The spacing of Willow Creek Drive from Stafford/Wilsonville Road aligns with the existing access to the south, is consistent with the Frog Pond West Master Plan, and approved by the City Engineer. Street spacing on Willow Creek Drive is also consistent with the Frog Pond West Master Plan. The applicant proposes no lot access directly from Willow Creek Drive.

Request E: DB18-0013 Site Design Review for Parks and Open Space

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Objectives of Site Design Review

Proper Functioning of the Site, High Quality Visual Environment Meets Objectives
Subsections 4.400 (.02) A., 4.400 (.02) C.-J., and Subsection 4.421 (.03)

E1. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while not interfering with utilities, sidewalks, or other site features while demonstrating consistency with the Frog Pond West Master Plan. The landscaping

also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of site design review.

Encourage Originality, Flexibility, and Innovation

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

- E2.** The City code affords the applicant's design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan, particularly for street trees and the plantings along Boeckman Road.

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction

Section 4.420

- E3.** Condition of Approval PDE 1 ensures landscaping is carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The City will issue no building permits prior to approval by the Development Review Board. The applicant has requested no variances from site development requirements.

Design Standards

Preservation of Landscaping

Subsection 4.421 (.01) A. and Section 4.171

- E4.** The design of the site avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. Although the site generally appears to be flat, the elevation drops by 15 ft. from east to west, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of earth-moving (grading) to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site, many of which property owners planted for agricultural purposes.

Surface Water Drainage

Subsection 4.421 (.01) D.

- E5.** A professionally designed drainage system demonstrates proper attention.

Above Ground Utility Installations

Subsection 4.421 (.01) E.

- E6.** The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded except for high voltage power lines not technically feasible to underground along Boeckman Road.

Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

- E7. No exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures exist requiring screening.

Applicability of Design Standards

Subsection 4.421 (.02)

- E8. This review applies the design standards to the proposed streetscape and open space areas, which are the portions of the proposed development subject to site design review.

Conditions of Approval Ensuring Proper and Efficient Functioning of Development

Subsection 4.421 (.05)

- E9. Staff recommends no additional conditions of approval to ensure the proper and efficient functioning of the development.

Site Design Review Submission Requirements

Submission Requirements

Section 4.440

- E10. The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and open space areas subject to site design review. The applicant's design team has coordinated the design of the landscaping along the Boeckman Road frontage with the proposed Morgan Farm development fronting Boeckman Road to the west.

Time Limit on Site Design Review Approvals

Void after 2 Years

Section 4.442

- E11. The applicant has indicated that they will pursue development within 2 years. The approval will expire after 2 years if not vested, or an extension is not requested and granted, consistent with City Code.

Installation of Landscaping

Landscape Installation or Bonding

Subsection 4.450 (.01)

- E12. Condition of Approval PDE 2 ensures all landscaping in common tracts shall be installed prior to issuance of a building permit for the 24th lot, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings

account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. Condition of Approval PDE 3 further requires all street trees and other right-of-way landscaping be installed in right-of-way fronting a lot prior to issuance of an occupancy permit for a home on the lot.

Approved Landscape Plan Subsection 4.450 (.02)

- E13.** Condition of Approval PDE 4 ensures the approved landscape plan is binding upon the applicant. It prevents substitution of plant materials, irrigation systems, or other aspects of an approved landscape without official action of the Planning Director or Development Review Board, as specified in this Code.

Landscape Maintenance and Watering Subsection 4.450 (.03)

- E14.** Condition of Approval PDE 5 ensures continual maintenance of the landscape, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with appropriate City approval.

Modifications of Landscaping Subsection 4.450 (.04)

- E15.** Condition of Approval PDE 5 provides ongoing assurance by preventing modification or removal without the appropriate City review.

Natural Features and Other Resources

Protection Section 4.171

- E16.** The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of site design review. See Findings D30 and D33 under Request D.

Landscaping

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

- E17.** The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

- E18.** The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D35 under Request D.

Quality and Size of Plant Material

Subsection 4.176 (.06)

- E19.** A note on the landscape plans ensures the quality of the plant materials will meet American Association of Nurserymen (AAN) standards. Trees are specified at 2" caliper or greater than 6 foot for evergreen trees. Shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4". Turf or lawn is used for minimal amount of the proposed public landscape area. Condition of Approval PDE 6 ensures other requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting,

Landscape Installation and Maintenance

Subsection 4.176 (.07)

- E20.** The installation and maintenance standards are or will be met by Condition of Approval PDE 7 as follows:
- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
 - Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
 - Irrigation Notes on the applicant's Sheet L2.1 of Exhibit B3 provides for irrigation.

Landscape Plans

Subsection 4.176 (.09)

- E21.** The applicant's submitted landscape plans in Exhibit B3 provide the required information.

Completion of Landscaping

Subsection 4.176 (.10)

- E22.** The applicant has not requested to defer installation of plant materials.

Public Lighting Plan

Lighting of Key Intersections

Key Intersections, page 77 and Figure 42 of Frog Pond West Master Plan

E23. Figure 42 of the Frog Pond West Master Plan identifies the intersection of Willow Creek Drive and Boeckman Road as a key intersection for the purposes of public lighting. The applicant proposes Westbrooke fixtures identified for local streets in the Frog Pond West Master Plan. Using Westbrooke fixture at this key intersection and along Willow Creek Drive helps achieve the goals within this transition zone, including minimizing visual conflicts between the different styles of lighting equipment. Because the street lighting has been designed to meet the guidelines established in the American National Standard Practice for Roadway Lighting (RP-8-00) per the City's 2015 Public Works Standards, the intersection with Boeckman Road will be more brightly-lit than Willow Creek Drive, therefore acting as a wayfinding 'beacon' for all travelers. Lastly, the placement of light poles at the intersection and along Willow Creek Drive has been coordinated with the landscape gateway features. The pole placement will not interfere the proposed gateway landscaping shown in Sheet L2.1.

Lighting of Local Streets

Key Intersections, page 78 and Figure 42 of Frog Pond West Master Plan

E24. Local streets use the dark sky friendly Phillips Hadco Westbrooke with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog Pond West Master Plan.

Lighting of Pathways

Pedestrian Connections, Trailheads and Paths, page 80 and Figure 42 of Frog Pond West Master Plan

E25. The applicant's plans show no lighting along pedestrian paths. Condition of Approval PDE 9 requires the applicant to provide pedestrian-scale Philips Hadco Westbrooke lights mounted at 10 feet to provide uniform illumination along the paths, including those in Tracts D, H, J, and K. Final design and placement shall be approved by the City Engineer prior to installation.

Street Tree Plan

Primary Streets Street Trees

Primary Streets, page 81 and Figure 43 of Frog Pond West Master Plan

E26. Figure 43 of the Frog Pond West Master Plan identifies Willow Creek Drive and Street F as Primary Streets for the purpose of the street tree plan. The applicant proposes Northern Red Oak along the entire length of Willow Creek Drive and American Linden along the entire length of Street F, both trees listed for primary streets on page 81 of the Frog Pond West Master Plan.

Neighborhood Streets Street Trees

Neighborhood Streets, page 82 and Figure 43 of Frog Pond West Master Plan

E27. Figure 43 of the Frog Pond West Master Plan identifies all other streets besides Willow Creek Drive and Street F as Neighborhood Streets for the purpose of the street tree plan. All the proposed street trees are on the list on page 82 of the Frog Pond West Master Plan and otherwise meet the Frog Pond Master Plan as follows:

- East-West Street B has Red Sunset Maple along its entire length
- East-West portion of Street G has Katsura along its entire length
- North-South portion of Street G has Chinese Pistache along its entire length
- North South Street D has Skycole Honeylocust along its entire length
- North-South Street E has Yellowwood along its entire length

Pedestrian Connections Street Trees

Neighborhood Streets, page 83 and Figure 43 of Frog Pond West Master Plan

E28. The applicant proposes Bowhall Red Maple along pedestrian pathways consistent with the list on page 83 of the Frog Pond West Master Plan.

Gateways, Monuments and Signage

Neighborhood Gateways

Table 3 and Figures 44, 45, 47 of Frog Pond West Master Plan

E29. The Frog Pond West Master Plan identifies the Willow Creek Drive/Boeckman Road intersection as a neighborhood gateway. As required by the Master Plan the applicant proposes a simple brick sign blending with the Boeckman Creek frontage wall. Proposed lettering is at a scale appropriately proportionate to the brick feature and high enough to avoid conflicts with low lying landscaping in front of the sign. Condition of Approval PDE 10 requires brick monuments be added to the landscape strip on both sides of Willow Creek Drive consistent with Figures 44 and 47 of the Frog Pond West Master Plan. The monuments will use the same brick and concrete material and coloring as the Boeckman Road frontage wall.

Unifying Frog Pond Name, Gateway Signs, Prohibition on Individual Subdivision Signs
Page 92 of the Frog Pond West Master Plan

E30. The neighborhood gateway at Willow Creek Drive and Boeckman Road is one of only two neighborhood gateways, the other being Frog Pond Lane at Stafford Road. The proposed gateway will serve as the gateway to many subdivisions within the Frog Pond neighborhood, not just the subject subdivision. As such, subdivision specific signage is not appropriate. As required by Condition of Approval PDE 11 the gateway shall emphasize the broader unifying Frog Pond neighborhood identity and no individual subdivision signs shall be installed (except temporary real estate signage).

Unifying Frog Pond Name, Sign Caps on Street Signs

Page 92 of the Frog Pond West Master Plan

- E31.** As proposed by the applicant and required by Condition of Approval PDE 12, the developer of Stafford Meadows shall work with the developer of the proposed Morgan Farm subdivision to develop a design of a unifying sign cap for use throughout the entirety of the Frog Pond West Master Plan. Such design will be given to the City for production and developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood. The applicant shall submit the final design to the Planning Division and receive final approval from the Planning Division and City Engineer prior to issuance of any public works permits.

Request F: DB18-0013 Tentative Subdivision Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Land Division Authorization

Plat Review Authority
Subsection 4.202 (.01) through (.03)

- F1.** The Development Review Board is reviewing the tentative subdivision according to this subsection. The Planning Division will review the final plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

- F2.** The proposed land division does not divide lots into smaller sizes than allowed by the RN zone for the respective sub-districts of the Frog Pond West Master Plan. See Finding D11 under Request D.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

- F3.** The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

- F4.** Following gathering information from Planning Staff, the appropriate professionals from the applicant's design firm, OTAK, prepared the tentative plat.

Tentative Plat Submission
Subsection 4.210 (.01) B.

- F5.** The applicant has submitted a tentative plat with all the required information.

Phases to Be Shown
Subsection 4.210 (.01) D.

- F6.** The applicant proposes development in a single phase with subsequent home development pursuant to the market and other factors.

Remainder Tracts
Subsection 4.210 (.01) E.

F7. The tentative plat accounts for all land within the plat area as lots, tracts, or right-of-way.

Street Requirements for Land Divisions

Master Plan or Map Conformance
Subsection 4.236 (.01)

F8. As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan, Frog Pond West Master Plan, and other applicable plans.

Adjoining Streets Relationship
Subsection 4.236 (.02) A.

F9. The proposed plat enables the extension of streets consistent with the Frog Pond West Master Plan.

Planning for Further Land Divisions
Subsection 4.236 (.02) C.

F10. ~~Condition of Approval PDF 3 requires the rear most 10 feet of Lots 39-44 be in an easement for a potential future mid-block alley, enabling rear access to future *Future* lots incorporating Tract L and adjacent land to the west to avoid these *will be* medium lots from needing to *avoid take-taking* access from Willow Creek Drive, a collector. Subsection 4.127(.08) D. 2. requires these future lots not take access from Willow Creek Drive unless no practical alternative exists for access. With the expected future fill of Tract L and the adjacent land to the west to raise the grade a mid-block alley may be a practical alternative to access from Willow Creek Drive for these future lots. *However, a future design could fully accommodate the mid-block alley on Tract L and no addition considerations for this proposed plat are necessary.* See also Findings D13 and D17 under Request D.~~

Streets Standards Conformance
Subsection 4.236 (.03)

F11. As part of the Stage II Final Plan approval, see Request D, the streets conform with Section 4.177 and block sizes established in the Frog Pond West Master Plan.

Topography
Subsection 4.236 (.05)

F12. No street alignment adjustments from the Frog Pond West Master Plan are necessary due to topographic conditions.

Reserve Strips
Subsection 4.236 (.06)

F13. The City is not requiring any reserve strips for the reasons stated in this subsection.

Future Street Expansion

Subsection 4.236 (.07)

- F14.** Where the Frog Pond West Master Plan shows street extensions the tentative plat extends the right-of-way to the edge of the plat. Condition of Approval PDF 4 requires signs stating “street to be extended in the future” or similar language approved by the City Engineer.

Additional Right-of-Way

Subsection 4.236 (.08)

- F15.** Condition of Approval PFF 1 ensures dedication of sufficient right-of-way for planned improvements along Boeckman Road.

Street Names

Subsection 4.236 (.09)

- F16.** The only known street name for the subdivision is Willow Creek Drive for Street A as it aligns with Willow Creek Drive to the south of Boeckman Road. The City Engineer will check all other street names to not be duplicative of existing street names and otherwise conform to the City’s street name policy at the time of the Final Plat review.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites in Conformance with Zoning

Subsection 4.237 (.01)

- F17.** The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. See Finding D15 under Request D. The proposed blocks allow for lots meeting the minimum size and other dimensions standards for the relevant sub-districts of the Frog Pond West Master Plan. See Finding D11 under Request D.

General Land Division Requirements- Easements

Utility Line Easements

Subsection 4.237 (.02) A.

- F18.** As will be further verified during the Public Works Permit review and Final Plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses

Subsection 4.237 (.02) B.

- F19.** The applicant proposes dedicated tracts for the drainage way and associated riparian area west of Willow Creek Drive.

General Land Division Requirements- Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement
Subsection 4.237 (.03)

F20. The applicant proposes 10 foot pedestrian paths where required for consistency with the Frog Pond West Master Plan. Condition of Approval PDD 8 ensures public access to these paths. See Finding D21.

General Land Division Requirements- Tree Planting

Tree Planting Plan Review and Street Tree Easements
Subsection 4.237 (.03)

F21. The City is reviewing the tree planting plan concurrently with the final plat, see Requests D and E. The proposal does not require any street tree easements as the applicant proposes all street trees within the public right-of-way.

General Land Division Requirements- Lot Size and Shape

Lot Size and Shape Appropriate
Subsection 4.237 (.05)

F22. The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan. See Finding D11 in Request D.

General Land Division Requirements- Access

Minimum Street Frontage
Subsection 4.237 (.06)

F23. The full width of the front lot line of each lot fronts a public street or private drive. Each lot meets or exceeds the minimum lot width at the front lot line. See Finding D11 in Request D.

General Land Division Requirements- Other

Through Lots
Subsection 4.237 (.07)

F24. The proposed subdivision minimizes through lots, with only Lot 22 being a through lot. The through lot is not avoidable due to the block configuration established by Figure 18 of the Frog Pond West Master Plan and the desired size of the subject lot, which is permissible under the RN zone as long as the proposal meets the minimum lot count for the sub-district, which it does.

Lot Side Lines

Subsection 4.237 (.08)

F25. Almost all side lot lines run at a 90-degree angle to the front line. Angles and curves of streets necessitate the exceptions, including Lots 19, 20, 22, 23, 24, and 26.

Large Lot Land Divisions

Subsection 4.237 (.09)

F26. Lot 22 is of sufficient size for future division while meeting minimum lot size standards. An additional lot resulting from a future division of Lot 22 would still result in the number of units in Sub-district 10 being within the range allowed in Table 1 of the Frog Pond West Master Plan.

Corner Lots

Subsection 4.237 (.13)

F27. All corner lots have radii exceeding the 10-foot minimum.

Lots of Record**Lots of Record**

Section 4.250

F28. The applicant provided documentation all subject lots are lots of record.

Request G: DB18-0014 Type C Tree Removal Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Type C Tree Removal**Review Authority When Site Plan Review Involved**

Subsection 4.610.00 (.03) B.

G1. The requested tree removal is connected to site plan review by the Development Review Board. Review is thus under the authority of the DRB.

Reasonable Timeframe for Removal

Subsection 4.610.00 (.06) B.

G2. It is understood the tree removal will be completed by the time the applicant completes construction of all homes and other improvements in the subdivision, which is a reasonable time frame for tree removal.

Security to Ensure Compliance
Subsection 4.610.00 (.06) C.

- G3.** As allowed by Subsection 1 the City is waiving the bonding requirement as the application is required to comply with WC 4.264(1).

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation
Subsection 4.610.10 (.01) B.

- G4.** The design of the site avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. Although the site generally appears to be flat, the elevation drops by 15 ft. from east to west, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of earth-moving (grading) to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site, many of which property owners planted for agricultural purposes. The applicant proposes to preserve 11 trees. Four of those trees (2 Ponderosa Pine and 2 Kwanzan Cherry) are located adjacent to the existing Wehler home on Lots 22 and 25. A Douglas Fir located northwest of the Willow Creek Drive and Boeckman Road intersection Six Douglas Firs are proposed for protection along the western boundary of Tract L. However, these six trees are likely to be removed as part of future subdivision proposals.

Development Alternatives to Retain Trees
Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of the tree plantation on site, while addressing the requirements of the Frog Pond West Master Plan, is not feasible. The future dwelling on Lot 22 will be sited to avoid impacts to the Ponderosa Pine and Kwanzan Cherry trees on site, and the stormwater facility within Tract G has been sited to allow retention of a Douglas Fir tree.

Land Clearing Limited to Right-of-Way and Areas Necessary for Construction
Subsection 4.610.10 (.01) D.

- G6.** Proposed clearing is necessary for streets, alleys, homes, and related improvements.

Residential Development to Blend into Natural Setting
Subsection 4.610.10 (.01) E.

- G7.** Preservation and enhancement of the SROZ area allows the development to blend with the significant natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

Compliance with All Applicable Statutes and Ordinances
Subsection 4.610.10 (.01) F.

G8. This standard is broad and duplicative. As found elsewhere in this report, the City is applying the applicable standards.

Tree Relocation and Replacement, Protection of Preserved Trees
Subsection 4.610.10 (.01) G.

G9. Reviews of tree removal, replacements, and protection is in accordance with the relevant sections related to replacement and protection.

Tree Removal Limitations
Subsection 4.610.10 (.01) H.

G10. The proposed tree removal is due to health or necessary for construction.

Additional Standards for Type C Permits

Tree Survey and Tree Maintenance and Protection Plan to be Submitted
Subsection 4.610.10 (.01) I. 1.-2.

G11. The applicant submitted the required Tree Survey Maintenance and Protection Plan.

Utilities Locations to Avoid Adverse Environmental Consequences
Subsection 4.610.10 (.01) I. 3.

G12. The Composite Utility Plan shows a design to minimize the impact upon the environment to the extent feasible given existing conditions, particular the natural drainage area. The City will further review utility placement in relation to the drainage area and preserved trees during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Review

Tree Removal Related to Site Development at Type C Permit
Subsection 4.610.40 (.01)

G13. The review of the proposed Type C Tree Plan is concurrent with other site development applications.

Standards and Criteria of Chapter 4 Applicable
Subsection 4.610.40 (.01)

G14. This standard is broad and duplicative. As found elsewhere in this report, this review applies applicable standards.

Application of Tree Removal Standards Can't Result in Loss of Development Density
Subsection 4.610.40 (.01)

G15. Review of the proposal allows residential unit counts consistent with the Frog Pond West Master Plan.

Development Landscape Plan and Type C Tree Plan to be Submitted Together
Subsection 4.610.40 (.01)

G16. The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development.

Type C Tree Plan Review with Stage II Final Plan
Subsection 4.610.40 (.01)

G17. Review of the proposed Type C Tree Plan is concurrent with the Stage II Final Plan. See Request D.

Required Mitigation May Be Used to Meet Landscaping Requirements
Subsection 4.610.40 (.01)

G18. The applicant proposes counting the proposed street trees and other landscaping trees as a portion of the mitigation for removal.

No Tree Removal Before Decision Final
Subsection 4.610.40 (.01)

G19. Review of The proposed Type C Tree Plan is concurrent with other necessary land use approvals. The City will not issue any tree removal permit prior to final approval of concurrent land use requests and annexation into the City. While the land is currently under jurisdiction of Clackamas County, Condition of Approval PDG 2 binds the applicant to no tree removal on the properties, except for hazardous situations unrelated to development, prior to issuance of the post-annexation tree removal permit by the City.

Tree Maintenance and Protection Plan Submission Requirements
Section 4.610.40 (.02)

G20. The applicant submitted the necessary copies of a Tree Maintenance and Protection Plan.

Tree Relocation, Mitigation, or Replacement

Tree Replacement Required
Subsection 4.620.00 (.01)

G21. Consistent with the tree replacement requirements for Type C Tree Removal Permits established by this subsection, the applicant proposes to either plant mitigation trees or pay into the City's tree fund consistent with Subsection 4.620.00 (.06).

Replacement Requirement: 1 for 1, 2" Caliper
Subsection 4.620.00 (.02)

G22. The applicant proposes mitigation of removed trees on the basis of 1 tree for each tree removed. Staff does not recommend any inch per inch mitigation. The applicant's plans, see Sheets L2.0 and L2.2 of Exhibit B3, show all trees proposed for planting as mitigation as 2" caliper, or the equivalent 6-8' for conifer trees. The proposed Oregon White Oak, are smaller than 2" caliper, however as allowed by this subsection, the unique value of Oregon White Oak and the general lack of nursery stock of 2" plus caliper Oregon White Oak, allows the proposed 1 ¾" caliper Oregon White Oak to count as mitigation.

Replacement Plan and Tree Stock Requirements
Subsections 4.620.00 (.03) and (.04)

G23. Review of the tree replacement and mitigation plan is prior to planting and in accordance with the Tree Ordinance, as established by other findings in this request. The applicant's landscape plans show tree stock meeting the tree stock requirements.

Replacement Trees, City Tree Fund
Subsection 4.620.00 (.05)

G24. The applicant proposes removal of ~~565~~567 trees 6 inches or greater dbh, many of which are plantation grown. The applicant proposes 264 street trees and other site trees, which partially meet the replacement/mitigation requirement. Insufficient space exists on site to replant the remainder trees in a desirable manner.

The City does not currently have another site identified as desirable to plant the additional mitigation trees. However, the applicant is in the process of acquiring immediately adjacent property for development. In the long-run these adjacent properties will be an extension of the proposed development. The primary reason they are different proposals is land acquisition schedules. In light of the interrelatedness of this project and expected adjacent development by the same applicant staff recommends any trees proposed for planting on these adjoining properties above and beyond mitigation requirements for the Type C Removal Plan for those properties, can be counted as mitigation for tree removal for this project. The adjacent property is considered a "location approved by the City" as referenced in Subsection (.05) B. However, it is not practical for the City to hold the mitigation money long-term. Thus the ability to count proposed tree plantings on adjacent properties as mitigation for this project expires the June 30th following payment of the tree mitigation fee described below (anticipated to be June 30, 2019) to correspond with the end of the City's fiscal year.

The applicant requests a tree credit of ~~19~~11 trees for preserved trees. Subsection 4.176 (.06) F. allows a landscape tree credit for preserved trees. However, no code language establishes an allowance for tree credits to count as mitigation for tree removal. The typical application for this code is in parking areas where a certain number of trees are required based on the

number of parking spaces. If proposals preserve a large tree in these cases, fewer new trees need to be planted. However, if an applicant has a grove of 6 mature trees, and removes 5, the code does not establish the ability to avoid mitigating for the 5 removed trees by applying a tree credit from the one preserved tree. Staff is not aware of any circumstances where preserved tree credits were used as mitigation for tree removal. The applicant proposes paying into the City's tree fund as mitigation for the remaining ~~282~~292 trees (~~565~~567 trees removed-264 planted trees-~~19~~11 tree credits=~~282~~292). However, adding back the ~~19~~11 tree credits, the number of trees to base the payment on is ~~301~~303 (~~282~~292+~~19~~11). The applicant proposes, based on current bid prices, a cost of \$300 per tree for a 2" caliper deciduous or 6' conifer installed. The total payment amount into the City tree fund is ~~\$90,300~~\$90,900. This amount will be paid prior to issuance of the Type C Tree Permit by Planning staff.

With the large number of trees proposed for removal and planting the final tree count may differ slightly from the current proposal. Condition of Approval PDG 4 requires, prior to approval of occupancy of the final home in the subdivision the applicant shall provide a full accounting of the number of trees actually planted. Based on this accounting, the applicant will receive a refund of \$300 for each tree over 264 planted, or will pay an additional \$300 for each tree less than 264 planted prior to approval of occupancy.

Tree Protection During Construction

Tree Protection During Construction
Section 4.620.10

G25. Condition of Approval PDG 6 ensures tree protection measures, including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240.

Request H: SI 18-0001 Abbreviated SRIR Review

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Findings of Fact:

1. Pursuant to Section 4.139.10.01(D) (Significant Resource Overlay Zone Map Refinement), the applicant may propose to amend the Significant Resource Overlay Zone (SROZ) boundary through a Development Review Board quasi-judicial zone change where more detailed information is provided. The Frog Pond West Master Plan identified a conceptual SROZ boundary, which the applicant is proposing to refine as part of their land use application.
2. The stream and riparian corridor west of Willow Creek Drive comprises the upper reach of the West fork of Meridian Creek (Site ID Number 2.15S). The delineated wetlands (i.e., wetland A and wetland B) 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 may be considered jurisdictional and subject to regulation by the Oregon Department of State Lands and the Army Corps of Engineers.

3. The stream and riparian corridor, inclusive of the wetland A, is 0.15 acres. The stream is an intermittent stream, with an average width of 4 to 6 feet, which flows from north to south. The stream originates offsite to the north and receives surface water from the surrounding pastures and agricultural fields. Typical vegetation includes herbaceous plants, such as plantain, foxtail, parsley, mannagrass, sedge, and a few scattered wild rose shrubs.
4. The Significant Resource Overlay Zone 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. Secondary Protected Water Features, with drainage areas between 50 and 100 acres and adjacent slopes of less than 25% are assigned a vegetated corridor width of 15 feet. 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 the review of a Significant Resource Impact Report (SRIR).
5. 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.
6. The applicant's Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

Exempt Uses in SROZ

Use and Activities Exempt from These Regulations

Section 4.139.04

H1. Proposed exempt development in the SROZ and its associated 25-foot Impact Area comply with the following exemptions:

- (.18) Private or public service connection laterals and service utility extensions.
 1. The stormwater pipes and outfalls are necessary for conveying treated and controlled runoff to stream west of Willow Creek Drive.
- (.20) The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.

1. The streets are necessary to establish and improve the internal and external road network. The streets are consistent with the intent of the City's planning documents.

Section 4.139.06 (.03) SRIR Review Criteria:

In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.

Development permitted only within the Area of Limited Conflicting Use
Subsection 4.139.06 (.03) A.

- H2.** The proposed exempt development is located within the SROZ, but not a designated Area of Limited Conflicting Use. Only exempt development is allowed within a stream (riparian) corridor or locally significant wetlands.

Development not permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary
Subsection 4.139.06 (.03) B.

- H3.** The proposed exempt development is allowed within Metro's Title 3 Water Quality Resource Areas boundary.

No more than five (5) percent of the Area of Limited Conflicting Use may be impacted by a development proposal.
Subsection 4.139.06 (.03) C.

- H4.** The proposed SROZ boundary does not include an Area of Limited Conflicting Use.

Mitigation of the area to be impacted shall be consistent with SROZ Regulations

Subsection 4.139.06 (.03) D.

- H5.** The proposed mitigation is consistent with the development code provisions. The mitigation will provide an enhancement to the stream riparian corridor through the planting of native trees and shrubs.

The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;
Subsection 4.139.06 (.03) E.

- H6.** The impacts to the SROZ have been minimized by reducing the width of the proposed Street C from 52 to 31 feet in width. In addition, the proposed box culvert will reduce the amount of excavation and fill material needed for culvert installation.

The stormwater pipe and outfall impacts will primarily be temporary impacts, with only minor impacts associated with the riprap pads.

On-Site Mitigation

Subsection 4.139.06 (.03) F.

H7. Impacts to the SROZ will be mitigated for on-site.

Material for non-structural fill

Subsection 4.139.06 (.03) G.

H8. Non-structural fill will consist of natural materials similar to the soil types found on the site.

Minimum Fill

Subsection 4.139.06 (.03) H.

H9. The amount of fill has been minimized to the extent practicable.

Minimize turbidity during construction, stream turbidity not be significantly increased by development

Subsection 4.139.06 (.03) I.

H10. All proposed grading activities on-site will be managed pursuant to guidelines established and identified in the applicant's approved erosion control plan and a 1200-C Erosion Control Permit issued by the Oregon Department of Environmental Quality. Stream turbidity is regulated under the City's Grading and Erosion Control Permit and the DEQ's 1200-C Erosion Control Permit.

Obtaining appropriate federal and state permits

Subsection 4.139.06 (.03) J.

H11. The applicant intends to submit a joint permit application for the filling of wetlands A and B and the crossing of drainage west of Willow Creek Drive, which will require permit approval from the Oregon Department of State Lands and the Army Corps of Engineers.

Sign off accepting Conditions of Approval

Project Name: Stafford Meadows Subdivision

Case Files:	Request A:	DB18-0008	Annexation
	Request B:	DB18-0009	Zone Map Amendment
	Request C:	DB18-0010	Stage I Preliminary Plan
	Request D:	DB18-0011	Stage II Final Plan
	Request E:	DB18-0012	Site Design Review of Parks & Open Space
	Request F:	DB18-0013	Tentative Subdivision Plat
	Request G:	DB18-0014	Type C Tree Plan
	Request H:	SI18-0001	Abbreviated SRIR Review

The Conditions of Approval rendered in the above case files have been received and accepted by:

Signature

Title Date

Signature

Title Date

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

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

Please sign and return to:
Shelley White
Planning Administrative Assistant
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: June 4, 2018</p>	<p>Subject: Resolution No. 2689 2018 Project Recommendations for the Wilsonville-Metro Community Enhancement Program (CEP).</p> <p>Staff Member: Angela Handran, Assistant to the City Manager</p> <p>Department: Administration</p>
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>
<p><input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval- Community Enhancement Committee <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable</p> <p>Comments:</p>
<p>Staff Recommendations: Staff recommends approving the 2018 project funding recommendations made by the Wilsonville-Metro Community Enhancement Committee.</p>	
<p>Recommended Language for Motion: I move to approve Resolution No. 2689.</p>	
<p>Project / Issue Relates To:</p>	
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>
<p><input type="checkbox"/> Not Applicable</p>	

ISSUE BEFORE COUNCIL:

City Council approval of the 2018 Community Enhancement Program project recommendations.

EXECUTIVE SUMMARY:

The Wilsonville-Metro Community Enhancement Committee met on April 23 and April 24, 2018 and recommends that City Council award a total of \$65,004 in funding to three different projects in Wilsonville.

The community enhancement projects recommended for funding by the Wilsonville-Metro Community Enhancement Committee are as follows:

1. Willamette Way West Sidewalk: \$40,000
2. Historical Society- Collection Preservation Project: \$12,360
3. Backyard Habitat Certification Program: \$12,644

City Resolution No. 2543 (July 2015) that created the Community Enhancement Program (CEP) provided for City Council approval of the project recommendations made by the Wilsonville-Metro Community Enhancement Committee. The attachment provides additional details on the projects nominated and reviewed, as well as those nominated but removed from consideration.

Community Enhancement Program Background

Funded by a per-ton charge on biodegradable solid-waste, the Community Enhancement Program was extended by Metro regional government effective July 2015 to cover all cities with a waste-transfer facility, including the Willamette Resources Inc. facility operated by Republic Services in Wilsonville.

Metro estimates that about \$95,000 per year in community enhancement funds would be available to Wilsonville; current trends and potential changes in the Metro solid-waste franchise disposal program over the next few years may result in increased volumes being transferred that eventually yield \$100,000 or more per year of enhancement funds. Funds may be used immediately on smaller projects or accumulated for up to three years to underwrite a larger project; Metro provides flexibility for communities to design a local version of the program.

The Community Enhancement Program funding is used for “enhancing the host community of the facility from which the fees have been collected” to fund projects that “rehabilitate and enhance the area within the city.” Eligible projects can improve the appearance or environmental quality of the community, increase reuse and recycling opportunities or improve recreational areas and programs.

Goals for community enhancement projects include:

- a) Improve the appearance or environmental quality of the community.
- b) Reduce the amount or toxicity of waste.
- c) Increase reuse and recycling opportunities.
- d) Result in rehabilitation or upgrade of real or personal property owned or operated by a nonprofit organization having 501(c)(3) status under the Internal Revenue Code.
- e) Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forestlands and marine areas, and/or improve the public awareness and the opportunities to enjoy them.
- f) Result in improvement to, or an increase in, recreational areas and programs.
- g) Result in improvement in safety.
- h) Benefit youth, seniors, low-income persons or underserved populations.

EXPECTED RESULTS:

That Council will approve the project funding as recommended by the community enhancement committee and as a result, the projects listed above will be able to move forward to the benefit of the community.

TIMELINE:

Project funding can occur after July, 2018. Projects must be completed and funded within 24 months.

CURRENT YEAR BUDGET IMPACTS:

The combined amount of CEP funds carried forward from the prior year, and received or expected to be received by June 30, 2018 is \$98,268.97. The committee is recommending awarding a total of \$65,004 in funds, leaving a prospective balance of \$33,264.97 to be carried forward for potential use in the next round of Community Enhancement Program project funding. The Committee also expressed interest in potentially increasing the funding for the 2017 Beauty and the Bridge Lighting Project that did not receive full funding in 2017. The Committee will meet in the Fall of 2018 to discuss this further. The funds are recorded in the City's General Fund and expended out of the City Manager's budget appropriation.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 5/29/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 5/30/2018

COMMUNITY INVOLVEMENT PROCESS:

Staff solicited projects in the Boones Ferry Messenger, on the City website, and on City social media channels during the months of December 2017 and January 2018 . Project proposals are scheduled to be accepted again next winter, Dec. 1, 2018 – Jan. 31, 2019, with additional project award recommendations in Spring of 2019 by the committee.

For more information about the program, past and current year projects visit www.ci.wilsonville.or.us/CommunityEnhancement.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Current year project nominations meet multiple Metro CEP goals:

1. Improve the appearance and environmental quality of the community (a)
2. Result in the preservation or enhancement of wildlife (e)
3. Result in rehabilitation or upgrade of real or personal property owned or operated by a nonprofit organization (d)
4. Will benefit the community by improving safety (g)

ALTERNATIVES:

To not approve the project nomination awards, or to modify award funding to one or all project nominations.

CITY MANAGER COMMENTS:

N/A

ATTACHMENTS:

- A. Wilsonville-Metro Community Enhancement Program: 2018 Project Nominations Summary
- B. Resolution No. 2689

Wilsonville-Metro Community Enhancement Program 2018 Project Nominations Information Summary

Projects Nominated and Approved from Consideration

Project Title	Sponsor/Submitter	City Depts./ Staff Reviewer	Proposed Funding
1. Willamette Way West Sidewalk	City Staff	Mike Ward	\$40,000
This project proposes to fund an extension of the Willamette Way West sidewalk. The project has City support and will have matching funds for underground utilities, a small retaining wall, and sidewalk extension.			
2. Historical Society- Collection Preservation Project	Steve Van Wechel- Historical Society	Pat Duke	\$12,360
The project proposes to fund 200 hours of professional archiving services.			
3. Backyard Habitat Certification Program	City Staff	Kerry Rappold	\$12,644
The project proposes technical assistance, financial incentives, and recognition to residents who want to create gardens that are healthy for people, wildlife, and the planet.			

Projects Nominated and Removed from Consideration

Community Theatre/Arts Center-This project submission was for a Community Theatre Arts Center. The project cost estimate of ~\$25K + and the significant undertaking of this scale of project led staff to deem it ineligible for CEP funding. In addition, staff commented that a project of this scale should be considered after the completion of the Arts and Culture Strategic Plan, a 2017 CEP project that is currently underway.

Willamette River Research- The proposed project seeks to study the Willamette River shoreline erosion and public safety issues and make public-policy recommendations. The project does not meet Metro program goals under Code section 5.06.080, and was deemed ineligible.

Plastic Bag Ban- This project submission suggested that the City ban use of plastic bags. Staff concluded that this project was not appropriate for CEP funding. It is unclear if it has the support of the community, and the cost of this type of project would fall primarily on retailers. The ban would require City government adopting an Ordinance which would be classified under "normal City business", and would have a readily available source of funding if City Council chooses to pursue this option.

95th Exit Ramp Improvement – The proposed project would require significant change to private land without landowner permission demonstrated. The cost estimate would be in the millions of dollars, for these reasons staff deemed the project ineligible for CEP funding.

Retail Street Lights-The proposed project was to install more street lights in retail areas. The project is ineligible for CEP funding as it proposed for privately owned property.

Attachment A

Monthly Photo Contest – This project proposed a City Hall monthly photo contest to inspire local photographers and show civic pride. Staff deemed the project ineligible because the proposed project could be undertaken during the course of normal City business and therefore, the project funds would replace readily available sources of local funds. In addition, it does not meet any of the goals of Metro Code 5.06.080.

Bicycle Events- The project proposed funding a new bicycle event called a “Grand Fondo”. The project did not have a nonprofit sponsor and therefor did not meet the criteria for CEP funding.

Speed Radar- The project proposed an electronic speed indicator board on Wilsonville Rd at the Meridian Creek school zone for N. bound traffic. Staff reviewed the request with DKS consultant, project does not have support of consultant or staff at this time.

RESOLUTION NO. 2689

A RESOLUTION OF THE WILSONVILLE CITY COUNCIL ADOPTING THE WILSONVILLE-METRO COMMUNITY ENHANCEMENT COMMITTEE'S 2018-19 FUNDING RECOMMENDATIONS.

WHEREAS, the Metro Solid Waste Community-Enhancement Program collects funds from solid-waste transfer facilities located throughout the greater metro region to be used to enhance and improve communities that host these facilities in accord with ORS 459.284; and

WHEREAS, funds collected under the community enhancement program are dedicated and used for enhancement host community of the facility from which the fees have been collected as determined by the committee or local government. These funds may be used for extensive community purposes that “rehabilitate and enhance the area within the City limits related to the transfer station”; and

WHEREAS, participation by the City in the Metro Solid-Waste Community Enhancement Program is accomplished through an intergovernmental agreement (IGA) that the was approved by the Wilsonville City Council passage of Resolution 2543 on July 6, 2015; and

WHEREAS, in Dec. 1, 2017 through Jan. 31, 2018 the City of Wilsonville promoted the program and solicited project nominations from the public and staff members; and

WHEREAS, on April 23 and April 24, 2018, the Wilsonville Metro Solid-Waste Community Enhancement Committee was convened and reviewed the 2018 project nominations and unanimously agreed on the 2018 Community Enhancement Program funding recommendations listed below; and

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

- 1) The Wilsonville City Council hereby adopts and authorizes the City Manager to allocate \$65,004 of the Wilsonville-Metro Community Enhancement Program funding as follows:
 - a) Willamette Way West Sidewalk: \$40,000
 - b) Historical Society- Collection Preservation Project: \$12,360
 - c) Backyard Habitat Certification Program: \$12,644

ADOPTED by the Wilsonville City Council at a regular meeting on June 4, 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall