

# City of Wilsonville

City Council Meeting

August 6, 2018



**AGENDA**

**WILSONVILLE CITY COUNCIL MEETING  
AUGUST 6, 2018  
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr  
Councilor Susie Stevens - Excused

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, 2<sup>nd</sup> Floor**

- 5:00 P.M. EXECUTIVE SESSION [30 min.]**  
A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions  
ORS 192.660(2)(h) Legal Counsel / Litigation
- 5:30 P.M. REVIEW OF AGENDA [5 min.]**
- 5:35 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:40 P.M. PRE-COUNCIL WORK SESSION**  
A. TMP Amendment Update & Programs Enhancement Strategy (Loomis/Brashear) [20 min.]  
B. Basalt Creek Concept Plan (Bateschell) [20 min.]  
C. PSA with Carollo Engineers, Inc. -Water Treatment Surge Tank Project [5 min.]  
(CIP #1111) (Kraushaar)
- 6:25 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, August 6, 2018 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on July 24, 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. COMMUNICATIONS**

- A. Clackamas County Public Health Division, Tobacco Retail Licensing

**7:20 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.

**7:25 P.M. MAYOR'S BUSINESS**

- A. Relay for Life Proclamation
- B. Upcoming Meetings

**7:35 P.M. COUNCILOR COMMENTS**

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

**7:45 P.M. CONSENT AGENDA**

A. **Resolution No. 2704**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute The First Amendment To The Professional Services Agreement With Carollo Engineers, Inc. For Bid Support And Construction Engineering Services For The Water Treatment Plant Surge Tank Project (Capital Improvement Project #1111). (Kraushaar)

**7:50 P.M. PUBLIC HEARING**

A. **Resolution No. 2697** (*Legislative Hearing*)

A Resolution Of The City Of Wilsonville Adopting A Concept Plan For The Basalt Creek Planning Area. (Bateschell)

B. **Ordinance No. 818** - *Staff is requesting the public hearing be continued to August 20, 2018.*

An Ordinance Of The City Of Wilsonville Repealing And Replacing Chapter 8 – Environment Of The Wilsonville Code And To Repeal Ordinance No. 482. (Rappold/Guile-Hinman)

C. **Ordinance No. 825** - *Staff is requesting the public hearing be continued to October 1, 2018.*

Accessory Dwelling Unit Development Code Amendments. (Pauly/Guile-Hinman)

**8:20 P.M. NEW BUSINESS**

A. **Resolution No. 2701**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Proceed With Upgrading The City's Core Financial And Permitting Software To Products Within Tyler Technologies. (Stone)

B. **Resolution No. 2698**

A Resolution Of The City Of Wilsonville Authorizing Removal Of A Non-Vehicular Access Reserve Strip Recorded On The 2017 Aspen Meadows Subdivision Plat. (Rybold)

**8:40 P.M. CONTINUING BUSINESS**

A. **Ordinance No. 823** - 2<sup>nd</sup> Reading

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Residential 0-1 Dwelling Units Per Acre To Residential 4-5 Dwelling Units Per Acre On Approximately 2.22 Acres Located At 28600 SW Canyon Creek Road South; The Land Is More Particularly Described As Tax Lot 6200, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Scott Miller, Samm-Miller, LLC – Applicant For David Kersten – Owner. (Rybold)

B. **Ordinance No. 824** - 2<sup>nd</sup> Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture-Holding (Ra-H) Zone To The Planned Development Residential-3 (Pdr-3) Zone On Approximately 2.22 Acres Located At 28600 SW Canyon Creek Road South; The Land Is More Particularly Described As Tax Lot 6200, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Scott Miller, Samm-Miller, LLC – Applicant For David Kersten – Owner. (Rybold)

**8:50 P.M. CITY MANAGER'S BUSINESS**

**8:55 P.M. LEGAL BUSINESS**

**9:00 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 [cityrecorder@ci.wilsonville.or.us](mailto:cityrecorder@ci.wilsonville.or.us).



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018		<b>Subject:</b> TMP Amendment Update & Draft Programs Enhancement Strategy	
		<b>Staff Member:</b> Dwight Brashear, Transit Director	
		<b>Department:</b> Transit	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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	
		<b>Comments:</b>	
<b>Staff Recommendation:</b> Seeking Council feedback on the draft Programs Enhancement Strategy.			
<b>Recommended Language for Motion:</b> N/A			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan	<input type="checkbox"/> Not Applicable	

### ISSUE BEFORE COUNCIL:

The passage of House Bill 2017 (HB2017), known as “Keep Oregon Moving,” provides a new state revenue source known as the Statewide Transportation Improvement Fund (STIF) for additional funding to public transportation providers across the state, including South Metro Area Regional Transit (SMART). To receive funds, local transit agencies must have plans in place to meet the requirements listed in Section 122 of HB 2017 and further requirements set by the Oregon Department of Transportation (ODOT).

**EXECUTIVE SUMMARY:**

The Statewide Transportation Improvement Fund (STIF) provides an opportunity for SMART to enhance transit services in Wilsonville and neighboring communities. To be eligible for funding, a local transit enhancement plan must be submitted to the state and approved by the Oregon Transportation Commission.

The SMART Transit Master Plan (TMP) and recently amended Appendix B (*See Attachment 2*) satisfies the requirements set forth in the state plan submittal process to be eligible to receive funding. The Programs Enhancement Strategy however, includes a more robust list of projects that has recently been vetted by the public.

**EXPECTED RESULTS:**

The adoption of the Programs Enhancement Strategy will provide a comprehensive list of projects eligible to receive formula funds through the STIF and implement these projects if the deadline for project submittal is pushed back.

These projects include service to new destinations, enhanced connections to downtown Portland, additional Saturday hours of service on current Saturday routes (2X and 4), and late-morning or mid-day service on the 1X-Salem. In addition, the plan provides future projects that SMART expects to pursue in the next biennium.

**TIMELINE:**

<b>August 8</b>	Planning Commission Work Session
<b>September 12</b>	Planning Commission Public Hearing
<b>October 1</b>	City Council Public Hearing, Reading 1
<b>October 15</b>	City Council Public Hearing, Reading 2
<b>November</b> <i>(tentative deadline)</i>	TriMet STIF Plan due to ODOT for review
<b>January 2019</b>	Oregon Transportation Commission approval
<b>April 2019</b>	Anticipated revenues to Qualified Entity (TriMet)

**CURRENT YEAR BUDGET IMPACTS:**

SMART anticipates additional funding beginning in 2019 and each year thereafter. Staff has been working with the Finance Department to establish separate accounting as required by the legislation.

Estimated HB 2017 Revenues (April 13, 2018)

	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
<b>Clackamas County</b>	\$ 308,145	\$699,855	\$801,462
<b>Washington County</b>	\$93,349	\$211,623	\$239,481
<b>TOTAL</b>	<b>\$401,494</b>	<b>\$911,478</b>	<b>\$1,040,943</b>
<b>130% Planning Target*</b>	\$521,943	\$1,184,922	\$1,353,226

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole Date: 7/27/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 7/27/2018

**COMMUNITY INVOLVEMENT PROCESS:**

SMART conducted an extensive two-year TMP public involvement process to develop the 2017 TMP. Businesses and community members identified needs and desires through workshops, interviews, public events, a TMP citizen task force, and several other public involvement formats. The values upheld with the TMP planning process follow the International Association for Public Participation (IAP2) Core Values for Public Participation. Full participation efforts are detailed in the TMP Public Involvement chapter and Appendix F.

From the planning process described above, SMART developed a draft project list that went out for public comment for the month of June 2018. SMART advertised the online survey in the Boones Ferry Messenger, on bus channel cards, through media releases, social media posts, presentations at county meetings, e-newsletters, and e-mail lists. In addition, SMART staff tabled at community events such as the Festival of Arts and were available at the Wilsonville Transit Center to collect paper surveys.

From the survey results, SMART designed the project list to match the priority levels the survey respondents identified. SMART also obtained an interested parties list through the survey. These survey respondents receive project updates and upcoming meeting notices.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

The Programs Enhancement Strategy will allow SMART to pursue a list of projects that have been recently vetted by the public. With HB2017 funds, SMART will respond to the identified needs the community and businesses highlighted in 2017 and as described in the TMP. SMART will be able to expand hours of current bus services and create routes that provide access to new destinations.

**ALTERNATIVES:**

If the Programs Enhancement Strategy is not adopted, SMART will continue with the recently amended Appendix B project list to cover the next two years of project funding until the next opportunity to submit plans in 2020.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Programs Enhancement Strategy
2. Resolution No. 2700 - Adopted Appendix B





## PROGRAMS ENHANCEMENT STRATEGY

A component of the 2017 Transit Master Plan

Summer 2018

This Strategy will be included in TriMet's Statewide Transportation Improvement Fund Plan submittal to the Oregon Transportation Commission for approval of House Bill 2017 funding allocation.

*Operated by the City of Wilsonville, South Metro Area Regional Transit (SMART) provides free local fixed-route transit service with inter-city connections to Salem, Portland, Tualatin, and Canby. SMART also provides demand response service for the public and ADA qualified residents for medical appointments in the Portland region.*

## Table of Contents

<b>Introduction</b> .....	1
<b>Existing and Future Conditions</b> .....	1
<b>Public Involvement</b> .....	2
<b>Coordination of Programs</b> .....	3
<b>Revenue Estimates for City of Wilsonville</b> .....	3
<b>Programs List</b> .....	4
Program Alignment .....	4
Prioritized List of Programs .....	5
<b>Future Program Investments</b> .....	6

## Introduction

South Metro Area Regional Transit’s (SMART) Programs Enhancement Strategy is an amendment to the 2017 Transit Master Plan (TMP) that addresses planning requirements to be eligible for new state funding. **Keep Oregon Moving** establishes a dedicated funding source for expanding public transportation service in Oregon titled the **Statewide Transportation Improvement Fund (STIF)**.



This legislation enhances transportation services throughout the state generating roughly \$5.3 billion in transportation investments each year through increased gas tax, vehicle title and registration fees, and the creation of an employee public transportation payroll tax. Out of the total anticipated revenues, public transportation service providers expect an additional \$115 million annually.

This new funding source brings opportunity to improve SMART’s local and inter-community system. The Programs Enhancement Strategy identifies programs to be funded through STIF for the next two to four years.

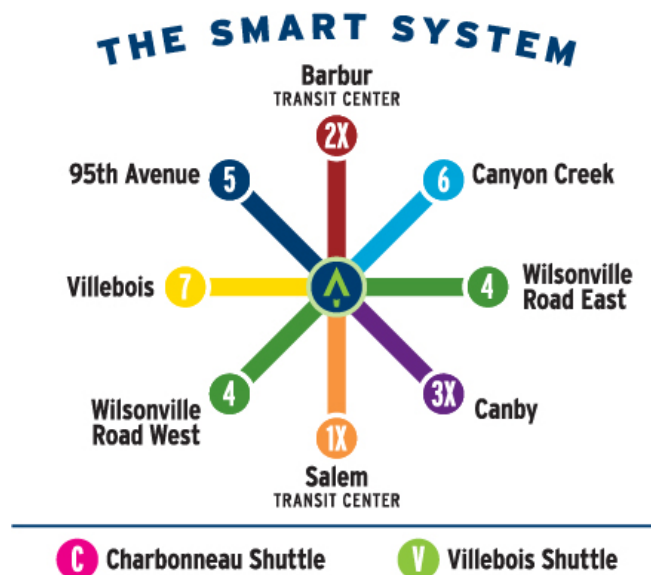
## Existing and Future Conditions

SMART currently services nine routes: three commuter express routes (Salem, Tualatin/Barbur Transit Center and Canby) and six local routes (Crosstown, 95<sup>th</sup>, Canyon Creek, Villebois, Villebois shuttle, and Charbonneau Shuttle). Out-of-town routes charge a small fare for service and all in-town service is free to the public.

Within a half mile of all route stops, SMART provides public transportation access to an estimated 45,075 people, 34% of whom are in within 200% poverty level. In addition, SMART routes provide access to 53,502 jobs. This estimate does not include the Dial-A-Ride paratransit service or take into account the further access provided through other transit provider connections.

According to the Portland State University population estimate for 2017 Wilsonville had approximately 24,315 residents. Population forecasts show Wilsonville will continue to grow along with the development of the Frog Pond residential area.

Appendix E of the TMP further identifies the characteristics of each Wilsonville neighborhood. In addition, Appendix D -



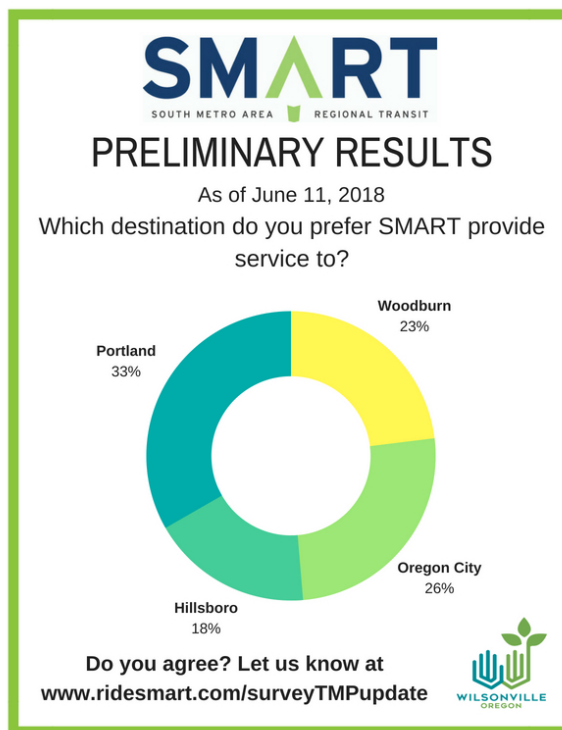
Title VI Program of the TMP provides demographics from the 2010 Census of the Wilsonville population.

## Public Involvement

SMART conducted an extensive two-year public involvement process to develop the 2017 TMP. Businesses and community members identified needs and desires through workshops, interviews, two community surveys, public events, a citizen task force, and several other formats. The values upheld with the TMP planning process follow the International Association for Public Participation (IAP2) Core Values for Public Participation. A complete list of public participation efforts are detailed in the TMP Public Involvement chapter and Appendix F.

From the planning process described above, SMART developed a draft project list for the Programs Enhancement Strategy that opened to the public for comment and prioritization for the full month of June 2018. SMART advertised the online survey in the Boones Ferry Messenger, on bus channel cards, through media releases, social media posts, presentations at county meetings, e-newsletters, and e-mail lists. In addition, SMART staff tabled at community events such as the Festival of Arts and at the Wilsonville Transit Center to collect paper surveys.

From the survey results, SMART designed the program list in this Strategy to match the priority levels the survey respondents identified. SMART also obtained an interested parties list through the survey. These survey respondents receive project updates and upcoming meeting notices.



## Coordination of Programs

A key component of the Keep Oregon Moving legislation is the coordination of programs amongst different transportation providers to create a seamless system. As a major employment center and residential community, Wilsonville is ideally situated to promote coordination throughout the region attracting people to the City and providing access to neighboring communities.

Current coordination includes a shared Route 1X service with Salem Cherriots, an agreement with Canby Area Transit for mid-day Route 3X service, and pulsed connections with TriMet bus and WES. The Wilsonville Transit Center is designed to encourage multi-modal trips by providing a Park-and-Ride, bus and train access, as well as bike lockers and tune-up facility.

New state funding brings opportunity for additional hours of bus service and enhanced timed connections with other public transportation service agencies such as TriMet, Canby Area Transit, Salem Cherriots and new destinations with partners such as the City of Woodburn. These enhancements will make trips easier for customers travelling using multiple systems to get to their destination.

## Revenue Estimates for City of Wilsonville

The table below highlights the estimated amount of revenue that the City of Wilsonville anticipates from the new employee payroll tax, which came into effect July 1, 2018. Estimates are based off Oregon Department of Revenue draft estimates from April 13, 2018.

	FY2019	FY2020	FY2021
<i>Clackamas County</i>	\$ 308,145	\$699,855	\$801,462
<i>Washington County</i>	\$93,349	\$211,623	\$239,481
<b>TOTAL</b>	<b>\$401,494</b>	<b>\$911,478</b>	<b>\$1,040,943</b>
<i>130% Planning Target<sup>1</sup></i>	\$521,943	\$1,184,922	\$1,353,226

<sup>1</sup> The Oregon Department of Transportation ask that all STIF recipients assume a 130% cost-planning funding estimate.

## Programs List

### Program Alignment

A crucial aspect of program planning is aligning with city, regional, and state plan goals, strategies, and policies. In Appendix D of the TMP, the planning framework for projects is provided. The 2018 Oregon Public Transportation Plan goals are shown below and their alignment to SMART programs can be found in the Program List under OPTP alignment column.



In addition to plan alignment, projects funded through the STIF should meet the requirements below. STIF alignment is shown under HB2017 alignment column of Program List.

- A. Increased frequency of bus service to communities with a high percentage of low-income households.
- B. Expansion of bus routes and services to serve areas with a high percentage of low-income households.
- C. Fund the implementation of programs to reduce fares.
- D. Procurement of low or no-emission buses in areas of 200,000 population or more.
- E. Improvements in frequency/reliability of connections inside & outside QE's service area.
- F. Coordination between service providers to reduce fragmentation.

Prioritized List of Programs<sup>2</sup>

Priority Level	Project Name	Program Description	HB2017 Alignment	OPTP Alignment	Annual Cost
1	New Destinations	Provide service to locations such as Portland, Woodburn, Oregon City, and Hillsboro.	B, E, F	Goal 1 Goal 2 Goal 3 Goal 4 Goal 10	Min. \$3,150,900
2	More Weekday Service	Increase current weekday service hours – run mid-day, later in the evening.	A, E, F	Goal 1 Goal 2 Goal 3 Goal 4 Goal 10	\$211,700
3	More Weekend Service	Increase current weekend service hours to go later on Saturday and possible Sunday service.	A, E, F	Goal 1 Goal 2 Goal 3 Goal 4	\$382,000
4	Increase Frequency	Add more frequency to current bus service – less wait time between buses. This includes additional times on the 1X-Salem and 3X-Canby.	A, E, F	Goal 1 Goal 2 Goal 3 Goal 10	\$379,700
5	Enhance Programs	Develop new SMART programs – vanpool, coordinated medical shuttles, and bikeshare.	B, E, F	Goal 1 Goal 2 Goal 3 Goal 4 Goal 5 Goal 9 Goal 10	\$50,000
6	Pursue Alternative Fuels	Convert bus fleet to all alternative fuels – electric and CNG. Includes facility upgrades.	D	Goal 3 Goal 5 Goal 7	
7	Eliminate Out-of-town Fares	Charge no fare for bus service going in or out of Wilsonville.	C, F	Goal 1 Goal 2 Goal 4	\$185,000

<sup>2</sup> STIF revenues will be leveraged with federal funds to complete the projects listed above.

## Future Program Investments

Beyond this strategy, SMART has additional projects that may utilize STIF monies to complete. In no particular order, these projects include:

- **Mixed-Use Facility at SMART Central:** A multi-story building located at Wilsonville Transit Center that provides transit information and retail space on the bottom floor and affordable housing on the upper levels. This project could be a partnership with Oregon Metro and Clackamas County.
- **Technology Investments:**
  - Intelligent Transportation System – Purchase automatic passenger counters to collect data required by the Federal Transit Administration. Provide WiFi on board the buses.
  - One call-one click planning program - A Metro regional effort to provide information for older adults and people with a disability to access and transfer seamlessly between transit systems.
  - Real-time bus arrival displays.
- **Grow SMART:** A solar project to cover parking, fueling stations, bus wash, and the administration building with solar panels to satisfy 100% of SMART's electric needs for three electric buses.
- **SMART Facility Phase II:** In 2011, Pivot Architects designed a second phase for the SMART facility. Phase II facility will be located on the west side of the current SMART facility and consists of bus parking on the west and east side of a bio swale, automated bus wash, offices on the north with solar panels, and paved one-way lanes for bus traffic flow.
- **Neighborhood Community Connections:** New or added service to existing routes for the areas of Coffee Creek and Frog Pond once fully developed.
- **Bus coaches:** Procure over-the-road style bus coaches to complement the Route 1X service.
- **Coordinated medical shuttles:** Identified through the 2014 Transit Integration Project, improving current DAR services to run on a coordinated schedule based on trip type.

Future projects in the list above vary in planning phase and will go through public comment in subsequent planning efforts.



## **RESOLUTION NO. 2700**

### **A RESOLUTION OF THE CITY OF WILSONVILLE CLARIFYING APPENDIX B – ROUTE PRIORITIES OF THE 2017 TRANSIT MASTER PLAN.**

WHEREAS, the City Council for the City of Wilsonville adopted the 2017 Transit Master Plan (“Transit Master Plan”) on June 19, 2017; and

WHEREAS, the Transit Master Plan outlines future goals for the City of Wilsonville’s (“City”) transit system through South Metro Area Regional Transit (“SMART”) and supportive transportation options to meet the City’s mobility needs; and

WHEREAS, Appendix B – Route Priorities to the Transit Master Plan identifies a prioritized list of service enhancements that SMART intends to undertake should additional funding become available; and

WHEREAS, the Oregon State Legislature passed House Bill (HB) 2017 in 2017 that projects to provide additional transit funding to transit agencies throughout the State of Oregon; and

WHEREAS, the Oregon Administrative Rules that implement HB 2017 require transit agencies to submit an adopted plan that contains a prioritized list of projects that meet certain criteria in order to obtain the funding collected by the State through HB 2017; and

WHEREAS, for purposes of implementing HB 2017 and distributing funds to transit agencies, the State has designated SMART a subrecipient of TriMet, meaning that SMART must submit its required ‘local’ plan to TriMet for TriMet to then submit as part of the Statewide Transportation Improvement Fund (“STIF”) plan to the State for funding; and

WHEREAS, the State requires TriMet to submit its plan by November 1, 2018 resulting in the HB 2017 Clackamas County Committee to approve SMART’s ‘local’ plan by July 24, 2018; and

WHEREAS, Appendix B – Route Priorities in the Transit Master Plan meets the requirements of the plan identified in the Oregon Administrative Rules necessary to receive funding under HB 2017; and

WHEREAS, Appendix B – Route Priorities requires clarification of the pricing listed in the prioritized list to satisfy the 115% minimum cost-planning target set by TriMet.

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

1. The chart on page 97 of the Transit Master Plan, which is the first page of Appendix B – Route Priorities, is replaced with **Exhibit A** attached hereto and incorporated herein.
2. The findings presented in this Resolution supporting this clarification of the pricing on page 97 of the Transit Master Plan are hereby adopted.
3. This Resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2<sup>nd</sup> day of July, 2018, and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, MAYOR

ATTEST:

  
Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Yes

Attachments:

Exhibit A – Revised Page 97 of the Transit Master Plan (first page of Appendix B – Route Priorities)

## Appendix B - Route Priorities

The content below highlights SMART’s priority if funding levels change to either (1) more available revenue and increasing service or if (2) costs increase and reducing service levels.

**If SMART has more available revenue, the first service enhancements will be:**

Priority Level	Service Description	Estimated Cost
1	Add hours of service on the 2X to Tualatin and/or Tigard with enhanced connections to TriMet	\$52,400
2	Add additional Saturday service and hours of service on Route 4	\$111,349
3	Add midday or late-morning service on the 1X	\$160,400
4	Expand service to Villebois. Hourly service all day from Villebois to connections at SMART Central	\$254,300
	Current Villebois Shopper Shuttle would be replaced by all day Route 7	\$190,300
	Cost of Route 7 replaces the Villebois Shuttle	\$64,000
5	Add service to Coffee Creek and Frog Pond growth areas	\$374,500 *
6	Service to Tualatin with a TriMet Line 96 connection to downtown Portland	\$251,700
7	Begin Service to Woodburn in partnership with Woodburn Transit System and Salem Area Mass Transit District	\$155,067
8	Acquire battery-electric buses, especially for in-town use	\$300,000
Total	Total cost of all projects	\$1,469,416

\* Beyond 2.5 years of plan



# HB2017 Planning Update

City Council Work Session

August 6, 2018



# Appendix B Update

Allows SMART to access the Statewide Transportation Improvement Fund formula funds.

- July 2** A technical amendment to TMP Appendix B approved by City Council
- July 10** Clackamas County HB2017 Transit Advisory Committee Review
- July 24** Clackamas County HB2017 Transit Advisory Committee Approval
- August** TriMet HB2017 Executive Committee Review
- Sep.** TriMet Board Review
- Nov 1** Projects reviewed by ODOT
- Dec.** Oregon Transportation Committee Review and Approval



City of Wilsonville  
Transit Master Plan  
**SMART**  
SOUTH METRO AREA REGIONAL TRANSIT

CONVENIENCE  
SAFETY

RELIABILITY  
EFFICIENCY

FISCAL RESPONSIBILITY  
FRIENDLY SERVICE  
EQUITY & ACCESS

ENVIRONMENTAL RESPONSIBILITY



JUNE 2017



# Programs Enhancement Strategy

- ▶ To utilize a more robust list of projects with recent (June 2018) public comment, SMART staff has developed the Programs Enhancement Strategy.
- ▶ Projects in the Strategy are eligible for the intercommunity and discretionary competitive funding.
- ▶ Some projects listed in Appendix B and the Programs Enhancement Strategy overlap.



# Project List

Priority Level	Project Name	Program Description	Annual Cost
1	New Destinations	Provide service to locations such as Portland, Woodburn, Oregon City, and Hillsboro.	Min. \$3,150,900
2	More Weekday Service	Increase current weekday service hours - run mid-day, later in the evening.	\$211,700
3	More Weekend Service	Increase current weekend service hours to go later on Saturday and possible Sunday service.	\$382,000
4	Increase Frequency	Add more frequency to current bus service - less wait time between buses. This includes additional times on the 1X-Salem and 3X-Canby.	\$379,700
5	Enhance Programs	Develop new SMART programs - vanpool, coordinated medical shuttles, and bikeshare.	\$50,000
6	Pursue Alternative Fuels	Convert bus fleet to all alternative fuels - electric and CNG. Includes facility upgrades.	\$375,200
7	Eliminate Out-of-town Fares	Charge no fare for bus service going in or out of Wilsonville.	\$185,000

# Future Projects

- ▶ **Mixed-Use Facility at SMART Central:** A multi-story building located at Wilsonville Transit Center that provides transit information and retail space on the bottom floor and affordable housing above.
- ▶ **Technology Investments:** Real-time bus arrival displays, Intelligent Transportation System (ITS), one call-one click planning program
- ▶ **Grow SMART:** A solar project to cover parking, fueling stations, bus wash, and the administration building with solar panels to satisfy 100% of SMART's electric needs for three electric buses.
- ▶ **SMART Facility Phase II:** In 2011, Pivot Architects designed a second phase for the SMART facility. Located on the west side of the current SMART facility, this phase consists of bus parking on the west and east side of a bio swale, automated bus wash, offices on the north, and paved one-way lanes for bus traffic flow.
- ▶ **Neighborhood Community Connections:** Service to existing routes for the areas of Coffee Creek and Frog Pond when fully developed.
- ▶ **Bus Coaches:** Procure over-the-road style bus coaches to complement the Route 1X service.
- ▶ **Coordinated Medical Shuttles:** Identified through the 2014 Transit Integration Project, improving current DAR services to run on a coordinated schedule based on trip type.





# Next Steps

- ▶ August 8 - Planning Commission Work Session
- ▶ September 12 - Planning Commission Public Hearing
- ▶ October 1 - City Council Public Hearing Reading 1
- ▶ October 15 - City Council Public Hearing Reading 2
- ▶ February - Deadline for competitive funding applications



## Implementing a Tobacco Retail License in Clackamas County

### Tobacco Remains a Major Source of Harm

Tobacco use remains the most preventable cause of illness and death in America and Clackamas County. In the United States, cigarette smoking is responsible for more than 480,000 deaths per year, including more than 41,000 deaths resulting from secondhand smoke exposure. This is more deaths than from fire arms, HIV, motor vehicle injuries, and illegal drug use combined<sup>i</sup>.

All Clackamas County residents deserve opportunities for good health. Clackamas County is committed to preventing youth from using tobacco and nicotine products, and supporting our communities that bear the highest health burden from tobacco-related illnesses and deaths. Recent examples of Clackamas County's efforts include our support of the statewide Tobacco 21 initiative and tobacco retailer licensing.

### Inequities Persist Among Tobacco Users

Tobacco disproportionately affects lower-income populations, communities of color, people living with mental illness, and the LGBTQI community. Tobacco retailer location is a factor in tobacco and other nicotine product use by adults, particularly for minority communities. Neighborhoods that have higher numbers or densities of tobacco retail outlets are more likely to be where more people of color and people experiencing economic hardship live. High densities of tobacco retailers have been linked to increased smoking rates among adults living in the surrounding neighborhoods<sup>ii</sup>.

### Youth are More Vulnerable to Nicotine

Preventing nicotine dependence before it starts can help us reduce the inequitable burden of tobacco use. More than three quarters of smokers begin smoking before their 20<sup>th</sup> birthday. Adolescents who start smoking before their 19<sup>th</sup> birthday have on average a 20% higher risk of dying from a smoking-related illness<sup>iii</sup>. Tobacco and other nicotine products remain too accessible for youth to use and purchase in Clackamas County. The percent of teens who smoke cigarettes has increased from 2013-2015. In that same time period, the fraction of 11<sup>th</sup> graders who have used electronic cigarettes has almost doubled. 8<sup>th</sup> grade use has more than tripled in two years. Overall smoking rates in Clackamas County are higher than the Oregon average for both age groups.

### Clackamas Strategy to Reduce Tobacco Burden

Beginning in January 2018, Oregon increased the state's tobacco and nicotine product possession age to 21 (Tobacco 21). Increasing the age to purchase these products, in combination with stronger local enforcement laws, are part of Clackamas County's comprehensive strategy to prevent youth from using nicotine products and end the burden of tobacco-related diseases and deaths. Because of this, the Clackamas County Board of County Commissioners, in their role as the County Board of Health, is considering a tobacco retail license where businesses located in the County must obtain a license to sell tobacco and other nicotine products, including electronic cigarettes. TRL is a mechanism to reduce youth access to tobacco and nicotine products by enforcing age restrictions on the purchase of tobacco

*Healthy Families. Strong Communities.*

and nicotine products. TRL enables the Local Public Health Authority (LPHA) to monitor compliance with laws and enforce penalties if tobacco is sold to persons under the age of 21.

### **Effectiveness of Tobacco Retail Licensing**

Communities across the country, including four counties and a number of cities in Oregon, are using a tobacco retail license to prevent youth from illegally purchasing nicotine products. A number of these communities are demonstrating positive implementation results. For example, a recent assessment of 33 communities in California that implemented a tobacco retail license showed decreased rates of illegal youth sales<sup>iv</sup>.

A tobacco retail license is also useful as a surveillance and evaluation tool, and allows for greater local control of retailer education and enforcement activities. A tobacco retail license, in conjunction with Tobacco 21, would enable the County to educate businesses about tobacco laws, ensure accountability with tobacco laws, and evaluate where these business are located relative to schools and other youth-populated areas.

---

<sup>i</sup> [Mokdad](#) AH, Marks JS, Stroup DF, Gerberding JL. Actual Causes of Death in the United States. *JAMA: Journal of the American Medical Association* 2004; 291(10):1238-45 [cited 2017 Apr 20].

<sup>ii</sup> Public Health Law Center. (2014). Location, location, location: Regulating tobacco retailer locations for public health. Accessed at <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regulating-retailer-locations-2014.pdf>

<sup>iii</sup> Choi, S.H., & Stommel, M. (2017). Impact of age at smoking initiation on smoking-related morbidity and all-cause mortality. *American Journal of Preventive Medicine*, 53, 33-41.

<sup>iv</sup> American Lung Association. (2013). Tobacco retailer licensing is effective. Accessed at <http://center4tobaccopolicy.org/wp-content/uploads/2016/10/Tobacco-Retailer-Licensing-is-Effective-September-2013.pdf>

## Frequently Asked Questions about Tobacco Retail Licensing

---

### **What is Tobacco Retail Licensing (TRL)?**

Tobacco retail licensing requires businesses located in the county to obtain an annual license to sell tobacco and other nicotine products, including electronic cigarettes. It is part of Clackamas County's comprehensive strategy to prevent youth from using nicotine products and end the burden of tobacco-related disease and death.

### **What does TRL propose to do?**

TRL is a tool that can be used to improve enforcement of existing federal, state, and local tobacco laws. TRL enables local jurisdictions to identify retailers, monitor their compliance with these laws, and enforce penalties if tobacco is sold to persons under the age of 21. TRL provides a platform for retailer education and consequences if tobacco is sold illegally. Penalties, such as fines or suspending retailers' ability to sell tobacco, deter retailers from selling tobacco to youth.

### **Why focus on tobacco regulation in the retail environment?**

Convenience stores are top sellers of cigarettes nationwide. In Clackamas County, more than half of tobacco retailers are located within 1,000 feet of a school or park, and two thirds of all known retailers advertise tobacco outside.<sup>i</sup> Youth who have more opportunities to obtain tobacco and see more tobacco advertising are more likely to use tobacco and nicotine products due to their susceptibility to marketing and imaging.

### **How does TRL prevent youth access to tobacco?**

TRL reduces illegal sales to minors through retailer education and enforcement of laws.

### **Why is a tobacco retail license separate from other business license requirements?**

Tobacco is a hazardous product that causes disease and death, there are no safe levels of tobacco use. Tobacco retail licensing is the mechanism to identify stores that sell tobacco so they can be informed when laws change and monitored for compliance. A license to sell tobacco and nicotine products is similar to licenses required to sell alcohol and marijuana.

### **What is the economic impact of TRL?**

Portland State University's Northwest Economic Research Center determined that a license fee of \$500 – \$600 will not have a significant effect on the Clackamas County economy. A \$500 - \$600 fee amounts to \$1.37 - \$1.64 per day to sell tobacco and nicotine products. The impact of TRL on store revenue would be minimal as retailers are able to raise tobacco prices to offset the cost of the license.

### **Why are electronic cigarettes and other vaping products included in this licensing?**

Many youth today are being introduced to nicotine through e-cigarettes rather than conventional cigarettes and tobacco products.<sup>ii</sup> A 2015 survey found that among e-cigarette users aged 19-24, 40% had never been regular cigarette smokers.<sup>iii</sup> Vaping is outpacing conventional cigarettes among youth.

### **How would tobacco retailers be monitored for compliance with the minimum legal sales age?**

Clackamas County Public Health Division (CCPHD) proposes two inspections per year, one unannounced minor decoy and one with public health staff to ensure compliance with local, state and federal laws. Inspections would include education and penalties for violations.

### **How effective is TRL in reducing youth access to tobacco?**

Communities across the country, including four counties and a number of cities within Oregon, are implementing TRL to prevent youth from illegally purchasing nicotine products. While it is too soon to see the results in Oregon, a recent assessment of 33 communities in California that implemented a tobacco retail license, showed dramatically decreased rates of illegal youth sales since passing TRL.<sup>iv</sup>

### **What does TRL mean for cities?**

TRL will reduce youth access to and initiation of tobacco and nicotine products protecting them from a lifetime of addiction and tobacco-related disease, ultimately improving quality of life, increased productivity, and health care savings. Allocating responsibility to the Board of Health to pass TRL shifts the administration and implementation to CCPHD resulting in consistent education and enforcement county-wide.

---

<sup>i</sup> Oregon Health Authority, Tobacco Fact Sheet, 2014

<sup>ii</sup> E-Cigarette Fact Sheet, Oregon Health Authority, 2016.

[http://www.co.lincoln.or.us/sites/default/files/fileattachments/health\\_amp\\_human\\_services/page/585/e-cigfactsheet.pdf](http://www.co.lincoln.or.us/sites/default/files/fileattachments/health_amp_human_services/page/585/e-cigfactsheet.pdf)

<sup>iii</sup> MMWR via Centers for Disease Control and Prevention, [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/index.htm](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm)

<sup>iv</sup> See "Table of youth sales rates before and after the adoption of a strong tobacco retailer licensing ordinance". The American Lung Association in California, 2013. <http://center4tobaccopolicy.org/wp-content/uploads/2016/10/Tobacco-Retailer-Licensing-is-Effective-September-2013.pdf>

**City of Wilsonville  
City Council Meeting  
Sign In Sheet**

8/6/10

Note these proceedings are being audio and video recorded, and will be rebroadcast on Comcast/Xfinity Ch. 30, Frontier Ch. 32 or the City's video-on-demand service at [www.ci.wilsonville.or.us/WilsonvilleTV](http://www.ci.wilsonville.or.us/WilsonvilleTV).

Name	Address	Phone	E-Mail
Deeie SPENCER	8420 A Seel-Curry Dr	503-694-5875	DEEKSPENCER7@gmail.com
Tom Re	23500 SW Boones Ferry	503-816-2171	Tom.Re@comcast.net
Kamri Shaulala	24600 SW Mountain L	503-348-8870	shjolala@gmail.com

City of Wilsonville  
City Council Meeting

*Owned land here since before 2004*

SPEAKER CARD

*Supports adoption of this proposed Concept Plan*

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.

NAME: Tom Re Date: 8/6/18

ADDRESS: (Please print legibly) 23500 SW Bourne Freeway RE

TELEPHONE: 503-816-2171 E-MAIL: \_\_\_\_\_

AGENDA ITEM YOU WANT TO ADDRESS: BASALT

---

**Note:** If written documentation is presented please furnish at least one copy, along with this form, to the City Recorder for the official record. Thank you.

**City of Wilsonville  
City Council Meeting**

**SPEAKER CARD**

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.

**NAME:** Laurie Shonkwiler      **Date:** 8/6/18  
(Please print legibly)

**ADDRESS:** 24600 SW Mountain Rd West Linn OR 970

**TELEPHONE:** 503-348-8870      **E-MAIL:** shjola@gmail.com

**AGENDA ITEM YOU WANT TO ADDRESS:** single use  
Plastic bag ban

---

**Note:** If written documentation is presented please furnish at least one copy, along with this form, to the City Recorder for the official record. Thank you.



✓  
City of Wilsonville  
City Council Meeting

16<sup>th</sup> / August  
Relay for Life Day  
Z

SPEAKER CARD

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.

NAME: PAT WOLFZORN & DIANE SPENCE Date: 8-6-2018  
(Please print legibly)

ADDRESS: 3420 A.S.W. Curry Dr. Wilsonville, OR 97070

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

→ AGENDA ITEM YOU WANT TO ADDRESS: Relay for Life Proclamation ←  
Ask Mayor if speakers be before or after Mayor's proclamation.

Note: If written documentation is presented please furnish at least one copy, along with this form, to the City Recorder for the official record. Thank you.

**City of Wilsonville Proclamation**  
***Declaring the 16<sup>th</sup> day of August as***  
***“Wilsonville Relay for Life Day”***



WHEREAS, the Relay For Life of Wilsonville has been raising money for the American Cancer Society for the past 17 years; and

WHEREAS, the funds raised for the American Cancer Society these last 17 years in Wilsonville totals \$484,300; and


WHEREAS, 168 cancer survivors have registered and participated in the walk, and many more have attended the Relay For Life event; and

WHEREAS, funds raised during Relay for Life of Wilsonville enable the American Cancer Society to help people facing the disease today, educate people about how to reduce their risk for cancer or detect it early, and advance research that helps to protect future generations; and

WHEREAS, the American Cancer Society Relay For Life movement is the world's largest fundraising event to fight cancer in every community and unites communities across the globe to celebrate people who have battled cancer, remember loved ones and take action to finish the fight once and for all; and

WHEREAS, Relay For Life events world-wide helped fund more than \$257 million in cancer research in 2016;

NOW THEREFORE, I, Tim Knapp, as Mayor of the City of Wilsonville do hereby proclaim August 16, 2018, as “Wilsonville Relay For Life Day” in the city and urge my fellow citizens to attend the Relay For Life of Wilsonville and participate as you are able so together we can end cancer once and for all.

  
Tim Knapp, Mayor  
Dated this 6<sup>th</sup> day of August 2018.



# **CITY COUNCIL ROLLING SCHEDULE**

## **Board and Commission Meetings 2018**

**Items known as of 08/07/18**

### **August**

<b>DATE</b>	<b>DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
8/13	Monday	6:30 p.m.	DRB Panel A	Council Chambers
8/8	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Community Center
8/8	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
8/20	Monday	7:00 p.m.	City Council Meeting	Council Chambers
8/22	Wednesday	6:30 p.m.	Library Board Meeting	Library
8/27	Monday	6:30 p.m.	DRB Panel B	Council Chambers

### **September**

<b>DATE</b>	<b>DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
9/6	Thursday	7:00 p.m.	City Council Meeting	Council Chambers
9/10	Monday	6:30 p.m.	DRB Panel A	Council Chambers
9/12	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Community Center
9/12	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
9/17	Monday	7:00 p.m.	City Council Meeting	Council Chambers
9/24	Monday	6:30 p.m.	DRB Panel B	Council Chambers
9/26	Wednesday	6:30 p.m.	Library Board Meeting	Library

### **Community Events:**

- 8/7** National Night Out located at various neighborhoods in Wilsonville
- 8/9** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 8/9** Rotary Concert Cloverdayle (with Briana Renea), 5:30 p.m., at Town Center Park
- 8/10** Movies in the Park, lawn opens at 8:15 p.m. at Memorial Park
- 8/11** Brewfest, noon – 8 p.m. at Piazza at the Villebois (28900 SW Villebois Dr.)
- 8/16** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 8/16** Relay For Life Evening of Hope, 5:00 p.m. at Town Center Park

All dates and times are tentative; check the City's online calendar for schedule changes at [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us).

- 8/22** Community Block Party, 5 p.m. - 8 p.m. at Town Center Park
- 8/23** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 8/24** Movies in the Park, lawn opens at 8:15 p.m. at Memorial Park
- 8/28** History Pub, 6:30 p.m. - 8:00 p.m. at Wilsonville McMenamins' Old Church
- 8/30** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 9/30** City offices closed in observance of Labor Day.

All dates and times are tentative; check the City's online calendar for schedule changes at [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us).



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018		<b>Subject: Resolution No. 2704</b> Authorizing the City Manager to Execute the First Amendment to the Professional Services Agreement with Carollo Engineers, Inc. for Bid Support and Construction Engineering Services for the Water Treatment Surge Tank Project (CIP #1111).  <b>Staff Member:</b> Nancy Kraushaar, P.E., Community Development Director  <b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b> N/A	
<b>Staff Recommendation:</b> Staff recommends that Council adopt the Consent Agenda.			
<b>Recommended Language for Motion:</b> I move to approve the Consent Agenda.			
<b>Project / Issue Relates To:</b>			
<input checked="" type="checkbox"/> Council Goals/Priorities Well-Maintained Infrastructure	<input checked="" type="checkbox"/> Adopted Master Plan(s) 2017 Water Treatment Plant Master Plan	<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:**

The First Amendment to the Professional Services Agreement with Carollo Engineers, Inc. for Bid Support and Construction Engineering Services for the Water Treatment Plant Surge Tank project (CIP #1111).

**EXECUTIVE SUMMARY:**

The 2017 Willamette River Water Treatment Plant Master Plan Update was adopted by the City Council in March 2018. The master plan identifies the need for a surge tank as the highest priority project to be undertaken at the plant. The surge tank will protect the finished water pumps and transmission line from damage should unexpected pressure surges occur.

The City contracted with Carollo Engineers, Inc. to complete the master plan update (CIP #1122) and design the surge tank project (CIP #1111). This First Amendment authorizes bid support and construction engineering services for construction of the surge tank project. The proposed contract amendment value is \$188,839. The original authorized contract value was \$531,356 (\$309,499 for the Water Treatment Master Plan Update and \$121,857 for the Surge Tank Design). The fee for the additional services exceeds \$100,000 and requires Council approval.

The PSA amendment does not require a new engineering services consultant selection process because Oregon Administrative Rules (OAR 137-048-0200(1)(c) – “Continuation of Project with Intermediate Fee”) allows the City to utilize Carollo Engineers, Inc.’s engineering services without undertaking a new procurement process.

**EXPECTED RESULTS:**

The surge tank project will reduce risk for water treatment plant equipment damage and potential service interruptions. The project includes replacement of the finished water flowmeter and related vault modifications and addition of isolation valves, piping, and piping supports at two existing future pump station locations in the High-Service Pump Station. These valve and piping additions are necessary for future pump installation without interrupting finished water production.

**TIMELINE:**

October 2018: Construction contract documents and bid solicitation for Project General Contractor complete

November 2018: Bid Award and Notice to Proceed

May 2019: Construction complete

**CURRENT YEAR BUDGET IMPACTS:**

The Project (CIP #1111) is budgeted at \$1.6 million for FY 2018-19 (of which \$1,007,847 is for Design and Construction, and approximately \$52,000 for project management fees and overhead). The subject Bid Support and Construction Engineering Services were included when estimating the project’s budget needs.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole      Date: 7/25/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ      Date: 7/26/2018

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

Improve the resiliency of the water treatment plant, reduce risks for damage and service interruptions, upgrade the finished water flowmeter, and equip future pump locations with valves and piping to facilitate future pump installation and maintenance.

**ALTERNATIVES:**

Do not move forward with Water Treatment Surge Tank project at this time.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENT:**

1. Resolution No. 2704

## RESOLUTION NO. 2704

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR BID SUPPORT AND CONSTRUCTION ENGINEERING SERVICES FOR THE WATER TREATMENT PLANT SURGE TANK PROJECT (CAPITAL IMPROVEMENT PROJECT #1111).**

WHEREAS, the City has planned and budgeted for the completion of Capital Improvement Project (CIP) #1122, known as the Willamette River Water Treatment Plant 2017 Master Plan Update project, under which the Water Treatment Plant Surge Tank project (CIP #1111) was included under Task 700; and

WHEREAS, the City solicited Requests for Proposals for Engineering Services from qualified consultants for the Willamette River Water Treatment Plant 2017 Master Plan Update project using the formal selection procedure that duly followed the State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and

WHEREAS, Carollo Engineers, Inc. was the only responsive proposer, was selected as the most qualified consultant, and was awarded a contract for the 2017 Water Treatment Plant Update (CIP #1122) and Water Treatment Plant Surge Tank (CIP #1111) design services, and performed and completed the authorized services to the satisfaction of the City; and

WHEREAS, the City now needs to prepare a construction services bid packet, advertise and award the bid, and construct the Water Treatment Plant Surge Tank project and thus requires bid support and construction engineering services from a qualified consultant; and

WHEREAS, the City desires to amend the Professional Services Agreement contract with Carollo Engineers, Inc. to include bid support and construction engineering services for the Surge Tank project; and

WHEREAS, Oregon Administrative Rules (OAR 137-048-0200(1)(c) – “Continuation of Project with Intermediate Fee”) allows the City to utilize Carollo Engineers, Inc.’s engineering services without undertaking a new procurement process.



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

1. The procurement process for the Project duly followed Oregon Public Contracting Rules.
2. The First Amendment to the Professional Services Agreement complies with Oregon Public Contracting Rules for Continuation of Project with Intermediate Fee (OAR 137-048-0200(1)(c)).
3. The City of Wilsonville, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, the First Amendment to the Professional Services Agreement with Carollo Engineers, Inc. for a not-to-exceed amount of One-hundred eighty-eight thousand eight-hundred thirty-nine dollars (\$188,839.00), which First Amendment is in substantially similar form to **Exhibit A** attached hereto.
3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6<sup>th</sup> day of August 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:

Exhibit A – First Amendment to Professional Services Agreement for Surge Tank Bid Support and Construction Management Services

**CITY OF WILSONVILLE  
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

**Carollo Engineers, Inc. – Water Treatment Plant Surge Tank Project**

This First Amendment to Professional Services Agreement (“First Amendment”) is effective the \_\_\_\_ day of August, 2018 (“Effective Date”), by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“City”), and **Carollo Engineers, Inc.**, a Delaware corporation (“Consultant”), upon the terms and conditions set forth below.

**RECITALS**

WHEREAS, the City entered into a Professional Services Agreement (“Agreement”) with Consultant on June 20, 2017 relating to the Water Treatment Plant Master Plan Update and the Water Treatment Plant Surge Tank Project; and

WHEREAS, the City requires additional engineering services for the Water Treatment Plant Surge Tank Project (“Project”), including construction service bid support and construction engineering services (“Additional Services”), which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the Additional Services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require; and

WHEREAS, OAR 137-048-0200(1)(c) allows the City to enter into this First Amendment with Consultant for the Additional Services.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

**AGREEMENT**

The Agreement is amended as follows:

**Section 1. Additional Services To Be Provided**

Consultant will perform the Additional Services more particularly described in **Exhibit C**, attached hereto and incorporated by reference herein, for the Project pursuant to all original terms of the Agreement, except as modified herein.

**Section 2. Time for Completion of Additional Services**

The Additional Services provided by Consultant pursuant to this First Amendment shall be completed by no later than July 31, 2019.

**Section 3. Compensation**

The City agrees to pay Consultant on a time and materials basis an amount not to exceed ONE HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY-NINE DOLLARS (\$188,839.00) for performance of the Additional Services (“Compensation Amount”). The Compensation Amount for performance of the Additional Services will be paid according to **Section 3** of the Agreement.

3.1. Any compensation in excess of the Compensation Amount will require an express written Change Order to be executed between the City and Consultant. Consultant’s Rate Schedule is set forth in **Exhibit D**, attached hereto and incorporated by reference herein. Compensation above the Compensation Amount will require a written Change Order executed in compliance with the provisions of **Section 15** of the Agreement.

**Section 4. All Other Terms**

All of the other terms and conditions of the Agreement remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Agreement apply to this First Amendment.

The Consultant and the City hereby agree to all provisions of this First Amendment.

Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect, as originally written.

**CONSULTANT:**

**CITY:**

CAROLLO ENGINEERS, INC.

CITY OF WILSONVILLE

By: \_\_\_\_\_

By: \_\_\_\_\_

(Print Name) \_\_\_\_\_

(Print Name) \_\_\_\_\_

As Its: \_\_\_\_\_

As Its: \_\_\_\_\_

Employer I.D. No.86-0899222

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Guile-Hinman, Asst. City Attorney  
City of Wilsonville, Oregon

**CITY OF WILSONVILLE**

**WILLAMETTE RIVER WATER TREATMENT PLANT  
SURGE TANK PROJECT BID SUPPORT AND CONSTRUCTION MANAGEMENT  
AND ENGINEERING SERVICES**

**SCOPE OF WORK**

**BACKGROUND**

The 2017 Willamette River Water Treatment Plant (*WRWTP*) *Master Plan Update* identified the need for the addition of a Surge Tank on the discharge side of the Finished Water Pump Station. The CONSULTANT has produced 100% bid ready documents for installation of the surge tank and related piping. The following provides a Scope of Services for: Bid Period Services, Construction Management (CM) and Engineering Services during Construction (ESDC) during the construction phase of the project.

**GENERAL PROJECT ASSUMPTIONS**

- Carollo Engineers, Inc. and partner subconsultants are referred to as “CONSULTANT” in this document.
- The City of Wilsonville and its staff is referred to as “Wilsonville” in this document.
- All submittals will be provided in electronic format and transmitted via email or secure file transfer.
- Meeting notes and related materials will be transmitted as .docx or .pdf files.
- Tables and calculations will be transmitted as .xlsx or .pdf files
- All draft drawings for review will be delivered to Wilsonville in .pdf format
- All final drawings destined for inclusion in a construction plan will be delivered to Wilsonville in AutoCAD 2017.
- Wilsonville will print and produce copies of all documents as necessary for its use.
- All meetings will be held onsite at the WRWTP unless otherwise stated in specific scope task descriptions.
- Wilsonville will submit one compiled set of review comments on all Consultant submittals.
- Construction of the project will last six (6) months from notice-to-proceed to substantial completion. This timeframe includes ordering, installing, and testing equipment.
- Construction management (CM) staff will be onsite for eight (8) non-consecutive weeks.

## SCOPE OF WORK

### TASK 100 – BID PERIOD SERVICES

This Task includes supporting Wilsonville as needed during the bidding and construction contractor selection process.

**Task 101 – Front-end Specifications:** The CONSULTANT will create specifications that outline the administrative, organizational, performance, and payment requirements for the surge tank construction project. The CONSULTANT will prepare draft and final front-end specifications to be combined with the issued for construction (IFC) specifications and drawings for a complete set of bid-ready documents

**Task 102 – Bid Review Support:** The CONSULTANT will support Wilsonville during the complete Bid Period. The CONSULTANT will perform the following:

1. Bid tracking and management
2. Answer bidder questions regarding the bid documents.
3. Prepare and issue addendum(s), if necessary to address bidder questions, and clarify or expand the Bid Documents.
4. Conduct Pre-Bid Conference with prospective bidders. Meeting shall include an overview of the project, site tour, and clarification of questions from prospective bidders.
5. Attend bid opening and prepare bid tabulation sheet.
6. Evaluate bids and bidders, to verify conformance with Contract Document requirements.
7. Provide written recommendation for award to Wilsonville.
8. Provide Conformed documents (in .pdf and electronic format).

#### Deliverables:

- a. Pre-Bid Conference agenda and meeting minutes.
- b. Draft and Final Front-end Specifications
- c. Addendum, if necessary.
- d. Bid tabulation sheet.
- e. Written recommendation for award to Wilsonville.

#### Assumptions:

- a. City will provide example of front-end specifications on similar construction project in .docx format
- b. Front end specifications will have one draft and one final submittal
- c. Wilsonville will administer the bidding process, including advertising the project and distribute the bid package and addenda to prospective bidders.
- d. CONSULTANT will prepare up to two (2) addenda to the construction documents.
- e. The surge tank construction project will receive bids from up to five (5) construction companies

- f. Bid period will last up to four (4) weeks.
- a. Daily inspection reports for each day onsite.

Assumptions:

- a. EADOCs will be used for Document Control. CONSULTANT will pay associated usage fees.
- b. Review of up to five (5) Changer Order requests from Contractor.
- c. Develop up to two (2) Change Orders for implementation by Wilsonville.
- d. Attend eight (8) weekly construction meetings.
- e. Onsite CM will be full-time for eight (8).
- f. Consultant will be onsite through-out the duration of the finished water pipeline draining, connection, and refilling.
- g. Wilsonville will provide and pay for Special Inspection Services, Materials Testing, and Electrical Inspection.

**TASK 300 – SURGE TANK ENGINEERING SERVICES DURING CONSTRUCTION (ESDC)**

This Task includes providing ESDC of the surge tank. The CONSULTANT will work in collaboration with Wilsonville to execute the design intent, as follows:

**Task 301 – ESDCs:** The CONSULTANT will provide support and consultation to Wilsonville throughout the construction period, as outlined in the following tasks.

- 1. Respond to RFI's.
- 2. Review and respond to Submittals.
- 3. Complete and Issue Record Drawings.
- 4. Provide Structural Observation as defined on Drawing GS-1.

**Task 302 – Inspection Services:** The Consultant will provide engineering inspection services and reporting as requested by the Construction Manager. It is anticipated that inspection will be needed for the following construction activities:

- 1. Sitework and excavation
- 2. Electrical conductors and conduit rerouting
- 3. Steel pipe installation and pressure testing
- 4. Concrete foundation construction
- 5. Plant shutdown and preparation planning
- 6. Piping connection to the High Service Pump Station
- 7. Surge tank installation
- 8. Finished-water flow meter replacement and vault construction
- 9. HSPS piping additions

Deliverables:

- a. Final Record Drawings shall include full size asbuilt mylars, digitally signed asbuilt PDF, as well as asbuilt AutoCAD file. AutoCAD file shall be 2017, or later, and include all external references and image files. Datum to be NAVD 88.
- b. Reviewed shop drawings, material testing reports, and field testing reports
- c. RFI responses

- d. Inspection reports

Assumptions:

- a. CONSULTANT will review fifteen (15) RFIs at two (2) hours each.
- b. CONSULTANT will review forty (40) submittals at three (3) hours each.
- c. Attend two (2) weekly construction meetings.
- d. Four (4) site visits for Structural Observation.
- e. CONSULTANT will spend up to ten (10) hours on construction plan modifications
- f. Record drawings will be based on redline modifications provided by the Construction Contractor.
- g. The CONSULTANT will spend two (2) hours onsite per week of construction for inspections.
- h. CONSULTANT will be onsite throughout the duration of the finished water pipeline draining, connection, and refilling.

**TASK 400 – PROJECT MANAGEMENT**

The purpose of this task is to manage all activities within the Project as assigned by Wilsonville and maintain the project within the contracted scope, schedule, and budget. This includes project administration, monthly invoicing, client and team coordination, and quality management necessary to successfully complete the Project to Wilsonville's expectations. This task assumes that one hour of project management time will be needed per week during project duration (six months) and an additional three hours per week will be necessary during on-site construction (eight weeks).



**CITY OF WILSONVILLE  
SURGE TANK BID PERIOD AND CONSTRUCTION MANAGEMENT SERVICES  
CAROLLO AND SUBCONSULTANT SCOPE OF SERVICES**

TASK / DESCRIPTION	CAROLLO LABOR HOURS AND COSTS											SUBCONTRACTOR COSTS			DIRECT EXPENSE			TOTAL COST
	PM \$240	TAC \$240	Project Engineer \$208	Senior Prof. \$185	Prof. \$146	CAD/Graph ics \$141	Asst. Prof. \$129	Tech. \$109	Document Proc. \$100	Total Hours	Labor Cost	Stantec	Total Sub Markup 5%	Total Subs	Other Direct Charges	PECE @ \$/hr \$ 11.70	Total Direct Charges	
<b>Task 100. Bid Period Services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>44</b>	<b>\$ 7,304</b>	<b>\$ 23,365</b>	<b>\$ 733</b>	<b>\$ 15,383</b>	<b>\$ 300</b>	<b>\$ 515</b>	<b>\$ 815</b>	<b>\$ 23,501</b>
101 Front-end Specifications	0	0	0	4	0	0	0	0	0	4	\$ 740	\$ 8,715	\$ 436	\$ 9,151	\$ -	\$ 47	\$ 47	\$ 9,938
a Front-end Specifications				4						4	\$ 740	\$ 8,715	\$ 436	\$ 9,151	\$ -	\$ 47	\$ 47	\$ 9,938
										0	\$ -							
102 Bid Review Support	0	0	0	28	4	0	0	0	8	40	\$ 6,564	\$ 5,935	\$ 297	\$ 6,232	\$ 300	\$ 468	\$ 768	\$ 13,564
a Answer Bidder Questions and Issue Addendum				4					4	8	\$ 1,140	\$ 2,330	\$ 117	\$ 2,447	\$ -	\$ 94	\$ 94	\$ 3,680
b Conduct Pre-Bid Meeting				8	4				2	14	\$ 2,264	\$ 1,275	\$ 64	\$ 1,339	\$ 150	\$ 164	\$ 314	\$ 3,917
c Attend Bid Opening				4					4	4	\$ 740	\$ -	\$ -	\$ -	\$ 150	\$ 47	\$ 197	\$ 937
d Review Bids				8					2	10	\$ 1,680	\$ -	\$ -	\$ -	\$ -	\$ 117	\$ 117	\$ 1,797
e Generate Conformed Documents				4						4	\$ 740	\$ 2,330	\$ 117	\$ 2,447	\$ -	\$ 47	\$ 47	\$ 3,233
<b>Task 200. CM Services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>468</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>530</b>	<b>\$ 79,288</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,201</b>	<b>\$ 6,201</b>	<b>\$ 85,489</b>
200 CM Services	0	0	0	56	468	0	0	0	6	530	\$ 79,288	\$ -	\$ -	\$ -	\$ -	\$ 6,201	\$ 6,201	\$ 85,489
a Document Control System (EADOCs)					8				4	12	\$ 1,568	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,708
b Conduct Pre-Construction Conference				8	4				2	14	\$ 2,264	\$ -	\$ -	\$ -	\$ -	\$ 164	\$ 164	\$ 2,428
c Review Contractor's Schedule of Values and Schedule				4						4	\$ 740	\$ -	\$ -	\$ -	\$ -	\$ 47	\$ 47	\$ 787
d Review Change Order requests and prepare Change Documentation when necessary				4						4	\$ 740	\$ -	\$ -	\$ -	\$ -	\$ 47	\$ 47	\$ 787
e Conduct Eight Weekly Construction Meetings				32	32					64	\$ 10,592	\$ -	\$ -	\$ -	\$ -	\$ 749	\$ 749	\$ 11,341
f Provide Onsite Inspection Services					400					400	\$ 58,400	\$ -	\$ -	\$ -	\$ -	\$ 4,680	\$ 4,680	\$ 63,080
g Provide Onsite Services during Finished Water Pipe Draining, Connection and Filling				8	24					32	\$ 4,984	\$ -	\$ -	\$ -	\$ -	\$ 374	\$ 374	\$ 5,358
<b>Task 300. Engineering Services During Construction</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>\$ 1,480</b>	<b>\$ 62,651</b>	<b>\$ 3,133</b>	<b>\$ 65,784</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 67,264</b>
301 ESDCs	0	0	0	8	0	0	0	0	0	8	\$ 1,480	\$ 33,851	\$ 1,693	\$ 35,544	\$ -	\$ -	\$ -	\$ 37,024
a Attend Construction Meetings										0	\$ -	\$ 3,440	\$ 172	\$ 3,612	\$ -	\$ -	\$ -	\$ 3,612
b Respond to RFIs										0	\$ -	\$ 4,620	\$ 231	\$ 4,851	\$ -	\$ -	\$ -	\$ 4,851
c Review Submittals and Shop Drawings				4						4	\$ 740	\$ 18,480	\$ 924	\$ 19,404	\$ -	\$ -	\$ -	\$ 20,144
d Modify Construction Documents										0	\$ -	\$ 1,778	\$ 89	\$ 1,867	\$ -	\$ -	\$ -	\$ 1,867
e Final Record Drawings				4						4	\$ 740	\$ 5,533	\$ 277	\$ 5,810	\$ -	\$ -	\$ -	\$ 6,550
										0	\$ -				\$ -	\$ -	\$ -	
302 Inspection Services	0	0	0	0	0	0	0	0	0	0	\$ -	\$ 28,800	\$ 1,440	\$ 30,240	\$ -	\$ -	\$ -	\$ 30,240
a Inspection Services										0	\$ -	\$ 28,800	\$ 1,440	\$ 30,240	\$ -	\$ -	\$ -	\$ 30,240
										0	\$ -				\$ -	\$ -	\$ -	\$ -
<b>Task 400. Project Management</b>	<b>50</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>\$ 12,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 585</b>	<b>\$ 585</b>	<b>\$ 12,585</b>
400 Project Management	50	0	0	0	0	0	0	0	0	50	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ 585	\$ 585	\$ 12,585
	50									50	\$ 12,000	\$ -	\$ -	\$ -	\$ 585.00	\$ 585	\$ 12,585	
<b>TOTAL (100-300)</b>	<b>50</b>	<b>0</b>	<b>0</b>	<b>96</b>	<b>472</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>632</b>	<b>\$ 100,072</b>	<b>\$ 86,016</b>	<b>\$ 3,865</b>	<b>\$ 81,166</b>	<b>\$ 300</b>	<b>\$ 7,301</b>	<b>\$ 7,601</b>	<b>\$ 188,839</b>





## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018		<b>Subject: Resolution No. 2697</b> Adopting the Basalt Creek Concept Plan	
		<b>Staff Member:</b> Miranda Bateschell, Planning Manager	
		<b>Department:</b> Community Development Department	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: August 6, 2018 <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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	
		<b>Comments:</b> At their July 11, 2018 meeting, the Planning Commission recommended City Council adopt the Basalt Creek Concept Plan.	
<b>Staff Recommendation:</b> Staff recommends that Council adopt Resolution No. 2697.			
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2697.			
<b>Project / Issue Relates To:</b>			
<input checked="" type="checkbox"/> Council Goals/Priorities Basalt Creek Concept Plan	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

### ISSUE BEFORE COUNCIL:

The Council will conduct a public hearing to consider adoption of a concept plan for the Basalt Creek Planning Area.

## **EXECUTIVE SUMMARY:**

Since 2011, the Cities of Wilsonville and Tualatin, Washington County, and Metro have been working together to implement an Intergovernmental Agreement (IGA) to concept plan the Basalt Creek Planning Area. In 2013, the Basalt Creek Transportation Refinement Plan (TRP) was finalized and adopted. In 2014, planning began on the Basalt Creek Concept Plan. After five joint Council work sessions and two Public Open Houses, a preferred Basalt Creek Land Use Concept Plan was completed in September 2016.

The draft Plan before the Council reflects many years of planning efforts. In 2004, Metro added the Basalt Creek Planning Area to the region's Urban Growth Boundary (UGB) in order to accommodate growth in industrial employment. The area consists of approximately 847 acres, located west of I-5 between the cities of Tualatin and Wilsonville, known as the Basalt Creek and West Railroad Areas and generally referred to as the "Basalt Creek Planning Area." In 2011, the two cities, Metro, and Washington County entered into an Inter-Governmental Agreement (IGA) that outlines the requirements and responsibilities of the parties regarding their coordinated efforts related to the Basalt Creek Planning Area.

The project team has led a lengthy process, working with property owners, citizens, service providers, regional partners, and both Cities' Planning Commissions and City Councils, to complete transportation and land use planning for the Basalt Creek Planning Area. The Basalt Creek Concept Plan captures this process, key considerations and guiding principles, and a unified framework for future development in the Basalt Creek Planning Area (Attachment A). The Planning Commission held a public hearing on the Basalt Creek Concept Plan on July 11, 2018 making a formal recommendation to the City Council to adopt the Basalt Creek Concept Plan.

On February 13, 2017, the Tualatin City Council, at a work session, provided Tualatin city staff with direction to modify the Basalt Creek Land Use Concept Plan to show the Basalt Creek "Central Subarea" as residential. On March 20, 2017, Wilsonville City Council expressed serious concerns over placing residential uses in the middle of the employment area and therefore directed staff to commission a development feasibility analysis for the Central Subarea to determine what types of employment uses, if any, would be achievable. At the Wilsonville City Council work session on May 1, City staff and KPFF Consulting Engineers presented the completed Basalt Creek Concept Plan Feasibility Study with three different schemes for employment development. The study results reaffirmed the Council's confidence that employment could be achieved in the Central Subarea and Council remained committed to standing firm for a planning designation that would provide diverse employment opportunities for the region.

On June 24, Wilsonville City staff and KPFF Consulting Engineers presented at the Tualatin City Council work session the completed Basalt Creek Concept Plan Feasibility Study. In addition, Mayor Knapp provided public comment summarizing Wilsonville City Council's concerns and position regarding employment in the Basalt Creek Concept planning area.

On September 14, representatives from Wilsonville, Tualatin, and Washington County met to discuss options for finalizing the Basalt Creek Concept Plan. Because the parties could still not agree upon the appropriate land use designation for the Central Subarea, they agreed to enter into an Intergovernmental Agreement requesting Metro to arbitrate their dispute by thoroughly

reviewing the record pertaining to the Central Subarea in order to help the cities reach a final determination on the appropriate land use designation for the Central Subarea in order to finally complete the Concept Plan. Metro agreed to accept the role as the final arbitrator of the decision. As a condition of the Inter-governmental Agreement, the cities agreed to adopt by resolution the Basalt Creek Concept Plan within 120 days, and comprehensive plan amendments within one year, of Metro's decision.

On May 3, 2018, the Metro Council adopted Resolution 18-4885 resolving the dispute by holding that the Central Subarea should remain designated for employment uses, as shown on the Basalt Creek Concept Plan map, thereby triggering the start of the 120-day adoption period. As such, the two cities together have prepared the attached Concept Plan, using the draft Basalt Creek Land Use Concept Map completed in September 2016. Two landowners in the Central Subarea have submitted a notice of intent to appeal Metro's determination and the IGA process to the Land Use Board of Appeals. In accordance with the requirements of the IGA, Wilsonville, Tualatin and Washington County all filed a notice to intervene in the case, in support of the Metro determination.

The purpose of the Basalt Creek Concept Plan is to establish the overall vision for the area and guide future land use and transportation decisions. It sets the framework for future development and outlines an implementation strategy for future provision of urban services (transportation, water, sanitary sewer, and storm water systems), public services (such as transit, parks, and open space), and protection of natural and cultural resources. To accomplish this, the plan:

- Establishes a vision for urbanization of the Basalt Creek area that will meet local and regional goals,
- Coordinates future land use, transportation and infrastructure investments between Tualatin, Wilsonville, and Washington County,
- Establishes a new jurisdictional boundary between Tualatin and Wilsonville (to determine which parts of the planning area may be annexed into and served by each city, contingent upon development),
- Identifies preferred land uses across the area,
- Recommends high-level designs for transportation and infrastructure systems to support future development consistent with local, regional and state goals, and
- Sets specific action items and implementation measures.

#### **EXPECTED RESULTS:**

Adoption of the Basalt Creek Concept Plan will set the stage for the next great business district for the Region and for Wilsonville.

#### **TIMELINE:**

Tualatin City Council approved the Basalt Creek Concept Plan at its July 23 meeting and is expected to formally adopt it at the August 13, 2018 meeting. Once the Concept Plan is adopted by Tualatin and Wilsonville, staff will initiate the Urban Planning Area Agreement (UPAA) amendment process with Washington County. Staff anticipate finalizing the UPAA process and Comprehensive Plan Amendments by spring 2019.

**CURRENT YEAR BUDGET IMPACTS:**

The City of Tualatin received approximately \$350K from Metro’s Construction Excise Tax (CET) grant program to perform concept planning. The current scope of work and budget with the consultant and as outlined with Metro under the CET grant program does not include additional funds for analysis of additional land use alternatives. The City of Wilsonville has, and will continue to, invest staff time into the process.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole      Date: 7/25/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ      Date: 7/25/2018

**COMMUNITY INVOLVEMENT PROCESS:**

The project includes participation from affected residents, businesses, and property owners. Two open houses were held to engage and inform the public about the project. Additionally, the website is updated to reflect the most recent work and staff sends out monthly updates to an interested parties list and property owners via email and U.S. postal mail. Please refer to Attachment C for a complete list of all public outreach conducted for the Plan.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

The Basalt Creek Planning Area is important for the long-term growth of Tualatin, Wilsonville, Washington County, and the Metro region. Conducting a thorough and thoughtful planning process for the area will lead to the best outcomes livability and economic vitality for future generations. The Basalt Creek area presents an opportunity to integrate jobs and housing, develop efficient transportation and utility systems, create an attractive residential and business community, incorporate natural resource areas, and provide recreational opportunities as community amenities and assets.

**ALTERNATIVES:**

The Plan has been through many revisions. The City Council may provide recommendations and modifications to the Concept Plan. However, given the nature of this project, and due to the fact that both Cities must to adopt the same concept plan before the end of August (and this one already having been approved by Tualatin City Council), modifications at this late date could and would need to be coordinated with City of Tualatin staff, Washington County, and Metro.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Resolution No. 2697
  - Attachment A Basalt Creek Concept Plan and Technical Appendices (Final)
  - Attachment B Basalt Creek Concept Plan Conclusionary Findings (Final 7.23.2018)
  - Attachment C Basalt Creek Concept Plan Record

**RESOLUTION NO. 2697**

**A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A CONCEPT PLAN FOR THE BASALT CREEK PLANNING AREA.**

WHEREAS, in 2004 the Metro Council added two areas located generally between the cities of Wilsonville and Tualatin to the Urban Growth Boundary (UGB) to meet a regional industrial lands need through Metro Ordinance No. 04-1040B; and

WHEREAS, the above-described areas are known as the Basalt Creek and West Railroad Planning Areas which are generally referred to as the “Basalt Creek Planning Area;” and

WHEREAS, in 2011, the City of Wilsonville approved Resolution No. 2293 authorizing an Intergovernmental Agreement (“2011 IGA”) with Metro, Washington County, and the City of Tualatin (the “Parties”) to engage in concept planning for the Basalt Creek Planning Area; and

WHEREAS, the above Parties agreed to memorialize and endorse the recommendations and results of the 2013 Basalt Creek Transportation Refinement Plan, and, in 2013, the City of Wilsonville approved Resolution No. 2435 acknowledging the Basalt Creek Transportation Refinement Plan; and

WHEREAS, from October 2013 through October 2016, the Wilsonville and Tualatin City Councils held five joint Council work sessions considering several boundary and land use alternatives for the Basalt Creek Planning Area; and

WHEREAS, over that same time period, two public workshops were held, and the Wilsonville and Tualatin Planning Commissions and City Councils convened several work sessions to discuss and take public testimony; and

WHEREAS, the City of Wilsonville approved Resolution No. 2657 authorizing an Intergovernmental Agreement (“2017 IGA”) with Metro, Washington County, and the City of Tualatin to ask Metro to resolve the issue of the land use designation for an area within the Basalt Creek Planning Area that consists of approximately 52 acres of developable land, commonly referred to as the “Central Subarea;” and

WHEREAS, in the 2017 IGA, the City agreed to pass a resolution adopting a concept plan, reflecting the Metro decision, within 120 days after the date Metro's decision becomes final and effective, and thereafter to adopt an ordinance amending the City's Comprehensive Plan within one year after the date of Metro decision; and

WHEREAS, Metro made its decision on April 19, 2018 in accordance with the 2017 IGA and adopted Resolution 18-4885 on May 3, 2018 acknowledging that decision and beginning the 120-day time period requiring the City to adopt the Basalt Creek Concept Plan; and

WHEREAS, following the timely mailing and publication of required notice, the Planning Commission conducted a public hearing on July 11, 2018, wherein the Planning Commission received public testimony, staff reports and input, and exhibits, and thereafter deliberated and voted to approve Resolution No. LP18-0005 recommending to the City Council the approval of the proposed Basalt Creek Concept Plan for the City of Wilsonville; and

WHEREAS, following the Planning Commission public hearing, the Planning Director forwarded the recommended Basalt Creek Concept Plan onto the City Council, along with a staff report and attachments, in accordance with public hearing and notice procedures that are set forth in Sections 4.008 and 4.012 of the Wilsonville Code (WC); and

WHEREAS, the City Council, after public hearing notices were provided to 198 property owners, a list of interested agencies, emailed to approximately 400 people, and posted in three locations throughout the City and on the City website, held a public hearing on August 6, 2018 to review the proposed Basalt Creek Concept Plan, and to gather additional testimony and evidence regarding the proposed Basalt Creek Concept Plan; and

WHEREAS, the City Council has afforded all interested parties an opportunity to be heard on this subject and has entered all available evidence and testimony into the public record of its proceeding; and

WHEREAS, the City Council has duly considered the subject, including the Planning Commission recommendations and all the exhibits and testimony introduced and offered by all interested parties.

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

1. DETERMINATION.

Based on the findings stated in paragraph 2 below, the City Council hereby adopts the Basalt Creek Concept Plan, attached hereto and marked as **Attachment A**, and the Basalt Creek Concept Plan Conclusionary Findings, attached hereto as **Attachment B**. The Basalt Creek Concept Plan (Attachment A) and the Basalt Creek Concept Plan Conclusionary Findings (Attachment B) are incorporated by reference as if fully set forth herein. The City Recorder is hereby directed to prepare the final Basalt Creek Concept Plan format and to address codification and semantic errata.

2. FINDINGS.

The above-recited Determination and the Basalt Creek Concept Plan Record, attached hereto as **Attachment C**, are adopted and incorporated by reference herein. The City Council further finds and concludes that the adoption of the proposed Basalt Creek Concept Plan is necessary in order to comply with the IGA and in order to protect and promote the public health, safety, and welfare of the municipality by careful planning that will help to ensure there will continue to be adequate industrial and employment land and opportunities within the City limits and to meet regional industrial and employment land needs.

3. EFFECTIVE DATE OF RESOLUTION.

This Resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6<sup>th</sup> day of August 2018, and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, MAYOR

ATTEST:

  
Kimberly Veliz, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor Akervall	Yes

**Attachments:**

Attachment A – Basalt Creek Concept Plan and Technical Appendices

Attachment B – Basalt Creek Concept Plan Conclusionary Findings

Attachment C – Basalt Creek Concept Plan Record for City Council Resolution No. 2697





# BASALT CREEK CONCEPT PLAN

Attachment A: Basalt Creek Concept Plan and  
Technical Appendices (Final)

Basalt Creek Technical Appendices can be accessed here:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/a\\_bccp\\_technical\\_appendices\\_final.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/a_bccp_technical_appendices_final.pdf)

Basalt Creek  
Concept Plan



JULY 2, 2018

## Table of Contents

List of Tables .....	4
List of Figures .....	4
List of Appendices .....	4
Introduction .....	6
The Basalt Creek Planning Area .....	6
What is a Concept Plan? .....	7
Basalt Creek Concept Plan .....	8
The Planning Process .....	10
Decision Making Process.....	10
Joint Council .....	11
Project Management Team .....	11
Agency Review Team .....	11
Information Gathering .....	12
Public Involvement Plan.....	12
Public Workshop .....	12
Stakeholder Interviews/Focus Groups.....	14
Open House.....	14
Email and Website Updates.....	14
Scenario Testing and Concept Plan Development.....	14
What is Scenario Planning?.....	14
Scenario Planning for Basalt Creek Planning Area.....	14
Final Plan Development .....	15
Concepts that Shaped the Plan.....	16
Planning Area Conditions.....	16
Planning Context and Urban Growth Boundary .....	16
The Land.....	17
Landscape Context .....	17
Existing Land Use .....	17
Adjacent Land Uses.....	17
Natural Resources.....	18

Buildable Lands Assessment .....	19
Land Suitability Analysis .....	20
Infrastructure and Services .....	22
Roadways .....	22
Sanitary Sewer .....	22
Drinking Water .....	23
Stormwater .....	23
Schools .....	23
Parks .....	24
Trails .....	24
Market Analysis .....	26
Concept Plan for Basalt Creek .....	27
Concept Plan Overview .....	27
Jurisdictional Boundary, Land Use and Development .....	29
Development Types .....	30
Tualatin .....	30
Wilsonville .....	31
West Railroad Future Planning Area .....	31
Transportation .....	32
Key Transportation Solutions .....	32
Roadway Network .....	32
Bicycle and Pedestrian Framework .....	36
Future Transit Framework .....	39
Civic Uses .....	40
Schools .....	40
Parks and Open Space .....	41
Natural, Historical and Cultural Resources .....	41
Overview .....	41
Regulatory Framework for Conserving Natural Resources .....	43
Natural Resource Protection and Enhancement Strategies .....	44
Cultural Resources .....	44
Infrastructure .....	45
Water .....	45

Sanitary Sewer .....	46
Stormwater Drainage.....	47
Implementation and Phasing Strategy.....	48
Implementation Measures.....	48
Action Items .....	48

## List of Tables

Table 1 Summary Table of Basalt Creek Concept Plan Elements .....	9
Table 2 Land Supply within the Basalt Creek Planning Area by Type and with Acreage .....	21
Table 3 Summary of Development Types Identified for Basalt Creek Planning Area by Jurisdiction.....	30
Table 4 2014 RTP Projects Assumed for 2035 Forecasting.....	33
Table 5 Trips by Land Use Designation .....	35
Table 6 Title 3 Wetlands by Category and Acres .....	43
Table 7 Title 13 HCA Categories with Acreage.....	43

## List of Figures

Figure 1 Basalt Creek Planning Area and jurisdictional boundaries. ....	7
Figure 2 Basalt Creek Planning Area in regional context. ....	8
Figure 3 Example of the Basalt Creek Planning Area Base Map used for workshop activity .....	13
Figure 4 Map of Streams by Category.....	19
Figure 5 Map of Hard Constraints within the Basalt Creek Planning Area. ....	20
Figure 6 Land Supply by Type. ....	21
Figure 7 Map from the Ice Age Tonquin Trail Master Plan.....	25
Figure 8 Basalt Creek Land Use Concept Map .....	28
Figure 9 Transportation Preferred Alternative 2035 .....	34
Figure 10 Basalt Creek Transportation Refinement Plan.....	35
Figure 11 Bikes, Trails, and Pedestrian Network Map .....	37
Figure 12 Future Transit Framework .....	39
Figure 13 Natural Resources Map.....	42
Figure 14 Picture of the Carlon Schoolhouse.....	44
Figure 15 Water Systems Concept for Basalt Creek Planning Area .....	45
Figure 16 Sanitary Sewer Systems Concept for Basalt Creek Planning Area .....	46
Figure 17 Implementation Map .....	49

## List of Appendices

Appendix A: Existing Conditions Report
Appendix B: Public Involvement Plan
Appendix C1: Scenario Planning for Basalt Creek
Appendix C2: Scenario Spreadsheets
Appendix D: Title 11 Compliance Memo
Appendix E1: Guiding Principles Memo
Appendix E2: Ten Considerations for Success
Appendix F: Buildable Lands Assessment Summary
Appendix G: Market Analysis

Appendix H: Basalt Creek Concept Plan Transportation Technical Analysis and Solutions Memo

Appendix I: Basalt Creek Concept Plan Infrastructure Technical Memorandum

Appendix J: Basalt Creek Transportation Refinement Plan (2013)

Appendix K: Acknowledgements

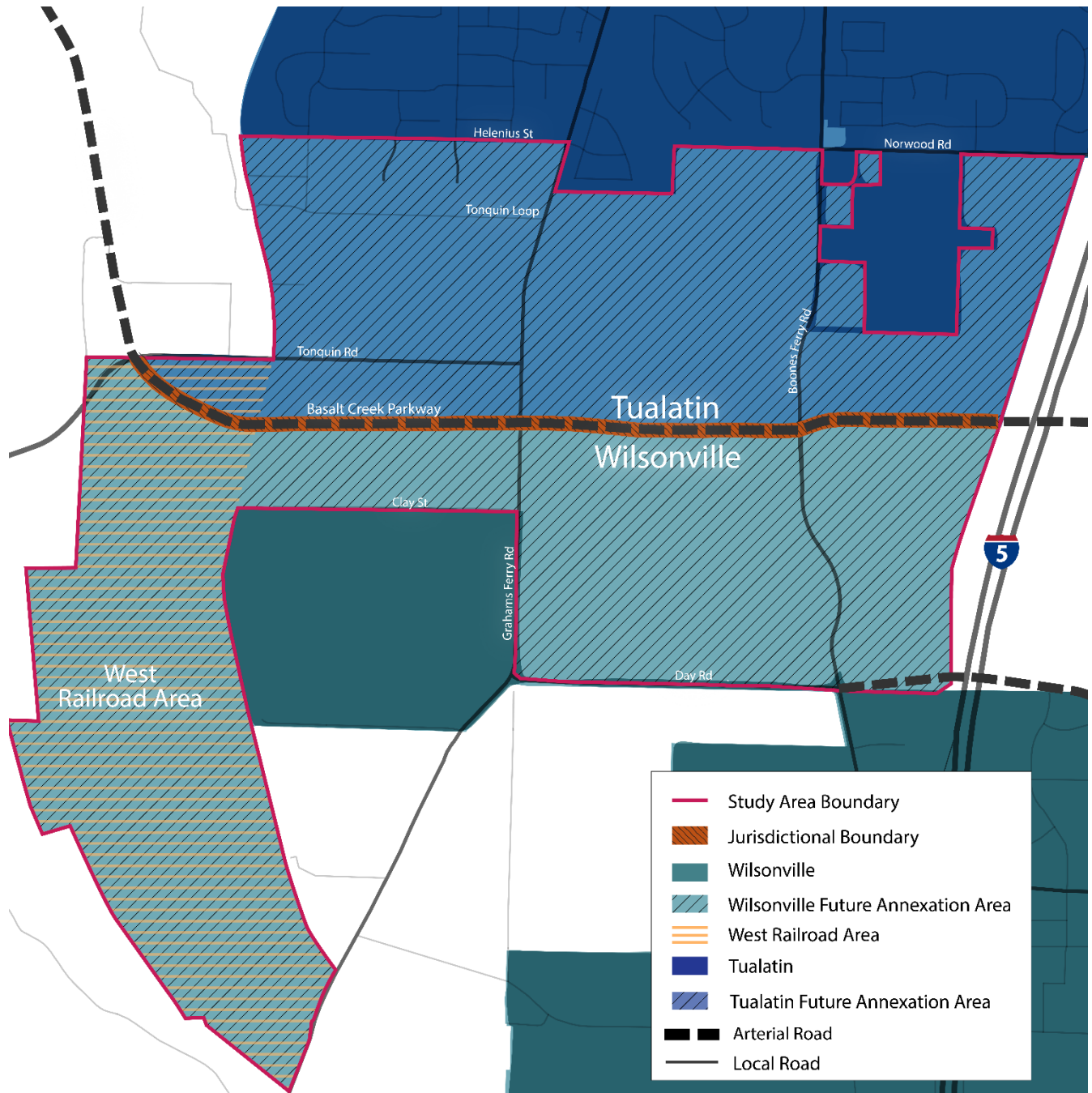
# Introduction

## The Basalt Creek Planning Area

The Basalt Creek Planning Area consists of 847 acres located in Washington County between the Cities of Tualatin and Wilsonville. The Planning Area is irregularly shaped, generally oriented east-west with an extension southward at the western edge, which is commonly referred to as the West Railroad Area. The West Railroad Area is divided from the rest of the Planning Area by the Portland and Western Railroad (PNWR) and the Coffee Creek Correctional Facility. The rest of the Basalt Creek Planning Area is bound by Norwood and Helenius Roads to the north, Interstate 5 (I-5) to the east, Coffee Lake Creek to the west, and Day Road to the south until it reaches Coffee Creek Correctional Facility, where the boundary turns north on Graham’s Ferry and then westward again on Clay Road. The area also has distinctive natural features, particularly its namesake - Basalt Creek - and the surrounding wetlands habitat running north-south through the eastern half of the Planning Area. The primary existing land uses in Basalt Creek are rural agriculture, industrial, and rural residential consisting of low-density single-family housing. Washington County recently completed construction of a portion of the Basalt Creek Parkway, extending 124<sup>th</sup> Avenue and connecting Tualatin-Sherwood Road to Grahams Ferry Road. In the future, the Parkway will run east-west across the Planning Area between Grahams Ferry Road and Boones Ferry Road, and eventually extend over I-5. The parkway will be a high-capacity major freight arterial with limited access to local streets providing industrial access from the Tonquin, Southwest Tualatin, and Basalt Creek Planning Areas.



Figure 1 Basalt Creek Planning Area and jurisdictional boundaries.



A more detailed description of the Planning Area, including natural and historic resources, existing land uses and regulatory context can be found in the Existing Conditions Report (Appendix A).

### What is a Concept Plan?

A concept plan identifies a vision and guides future land use and transportation decisions for the planning area. It helps ensure the area has the land capacity to contribute to meeting local and regional land use and transportation goals. Concept plans also ensure compliance with state land use goals,

regional policies, and other plans, including existing transportation plans. A concept plan sets the framework for future development and outlines an implementation strategy for future provision of urban services (water, sanitary sewer, and storm water systems), public services (such as transit, parks, and open space), and protection of natural and cultural resources.

## Basalt Creek Concept Plan

The Basalt Creek Concept Plan guides development in the Basalt Creek Planning Area over the next twenty years. To accomplish this, the plan:

- Establishes a vision for urbanization of the Basalt Creek Planning Area that will meet local and regional goals
- Coordinates future land use, transportation and infrastructure investments between Tualatin, Wilsonville, and Washington County
- Establishes a new jurisdictional boundary between Tualatin and Wilsonville (to determine which parts of the Planning Area may be annexed into and served by each city)
- Identifies preferred land uses across the area
- Recommends high-level designs for transportation and infrastructure systems to support future development consistent with local, regional and state goals
- Sets specific action items and implementation measures

*Figure 2 Basalt Creek Planning Area in regional context.*



In 2004, Metro identified the Basalt Creek Planning Area as a good candidate for industrial development because it is near I-5, adjacent to Wilsonville's industrial area to the south, and contains large, flat sites suitable for industrial users. Metro passed an ordinance in 2004 to annex land into the existing Urban Growth Boundary (UGB), which included the Basalt Creek Planning Area, to ensure a sufficient regional supply of land for employment growth over the next twenty years. Based on Metro's 2014 Employment and Housing Forecast, Metro projected the region would grow by 474,000 people and 365,000 jobs by

2035. The Basalt Creek Planning Area was expected to accommodate about 1,200 new housing units and 2,300 new jobs (mostly industrial, with some service jobs and few retail jobs). A detailed explanation of these figures and the Industrial Land Alternative Analysis can be found in the Existing Conditions Report (Appendix A, starting on page 17).

In the Metro region, areas brought into the UGB are required to have a land use and transportation Concept Plan before urban development can occur. The intent of the Basalt Creek Concept Plan is to meet this requirement and provide a roadmap for the development of the area that is consistent with state, regional and local land use planning laws. This Concept Plan involved a collaborative effort between two local jurisdictions – the Cities of Tualatin and Wilsonville.

While several concept plans were developed over the last decade for other UGB annexation areas (e.g. Southwest Tualatin Plan, Tonquin Employment Area Plan, and Coffee Creek Industrial Area), Basalt Creek is somewhat unusual. Its large size, location between (rather than at the edge of) other urbanized areas, and requirement to be jointly planned by two different cities—each with their own identity, goals and local governance—make it different from most other concept plans.

While the process and context were unique, the final Basalt Creek Concept Plan incorporates the key elements consistent with other concept plans and meets all state and regional requirements for a concept plan.

*Table 1 Summary Table of Basalt Creek Concept Plan Elements*

Element	Description
Jurisdictional Boundary	Follows the alignment of the Basalt Creek Parkway centerline with Tualatin to the north and Wilsonville to the south.
Land Use and Development	Land uses in Wilsonville focus on employment, while Tualatin has a mix of employment and housing. Housing in the northern part of the area is meant to buffer existing residential neighborhoods from non-residential land uses. There is a small retail node just east of the Basalt Creek Canyon and north of the jurisdictional boundary in the Planning Area, which will serve residents and workers. The land suitability analysis influenced the most appropriate locations for employment-based land uses. Land use types and densities were balanced to meet obligations for providing regional employment capacity while limiting negative impacts on congestion and traffic levels.
Transportation	Major new roads and improvements will be constructed as laid out in the 2013 Basalt Creek Transportation Refinement Plan (TRP), which is also coordinated with the 2014 Metro Regional Transportation Plan (RTP). Basalt Creek Parkway, portions of which are currently under construction, will be a major east-west arterial, with limited access (connecting only at Grahams Ferry and Boones Ferry Roads), creating a new connection between I-5 and 99W. Further roadway improvements—such as adding capacity to north-south collectors, widening Day Road to five lanes, and two additional I-5 crossings at Day and Greenhill—will be needed to handle future traffic levels as the area is built out. Local roads connecting to this network will be planned and built by property owners as the area develops.
Bicycle and Pedestrian Framework	Opportunities for bike and pedestrian connections are identified, and additional bike/pedestrian facilities will be integrated into new and updated road projects in accordance with State, County and City standards.

Transit	Transit service in the area will be coordinated between TriMet and SMART. Service will build on existing bus routes to enhance service and provide good connectivity both north-to-south and east-to-west through the Planning Area.
Parks & Open Space	The Basalt Creek Canyon natural area spans both cities and there are opportunities for regionally-connected trails and open space in the Planning Area. The Cities will each work to create a park plan for the area as part of their respective citywide plans and will coordinate on trail planning particularly as it relates to the Basalt Creek Canyon.
Natural Resources	The Cities recognize that the Basalt Creek Canyon is a significant natural resource and have agreed to coordinate on a joint approach to natural resource management practices. There are also significant riparian and upland habitat areas in the West Railroad Area. All natural resources in the Planning Area are mapped on Figure 13.
Water	Each city will provide its own drinking water infrastructure within its jurisdiction, with connections to existing water lines.
Sewer	Each city will provide sanitary sewer service for development within its jurisdiction to the extent reasonably possible with the understanding that a future agreement may address potential cooperative areas. Tualatin will coordinate with its provider – Clean Water Services (CWS) – to extend service to this area.
Stormwater	New stormwater infrastructure will be primarily integrated with the local road network. Tualatin, Wilsonville and CWS acknowledge they must follow requirements established for their respective stormwater MS4 permits. Much of the area is in a basin that drains toward Wilsonville. Each City will serve its own jurisdictional area. The Cities and CWS will adopt an Intergovernmental Agreement that addresses areas where cooperative stormwater management is needed.
Implementation Strategies and Tools	Recommendations for a public facilities phasing plan include conceptual overviews of the recommended facilities and Class 5 concept level costs and a general overview of possible funding strategies. The development phasing will include recommended near and long-term strategies for land use development. Implementation recommendations include sequential action items necessary for implementing the plan and readying the Basalt Creek Planning Area for future development.

# The Planning Process

The Basalt Creek Concept Plan was developed through several years of planning that included extensive research and analysis and a variety of opportunities for input from stakeholders and citizens. The public was engaged at key points and invited to participate through a visioning workshop, an open house, online surveys, and community outreach meetings. The full Public Involvement Plan can be found in Appendix B.

## Decision Making Process

The Tualatin and Wilsonville City Councils were the ultimate decision-making body for the final Basalt Creek Concept Plan. Joint Council meetings were held involving both City Councils at important project milestones. This role included approval of the guiding principles, selection of the preferred land use scenario, and identification of the future jurisdictional boundary and key elements of the plan. Individual City Council meetings were also held to provide periodic updates and discuss measures, ordinances, and resolutions specific to each city to adopt and implement the Basalt Creek Concept Plan. To ensure the greatest level of cooperation and collaboration with local and regional partners, the planning process

included a project management team with staff from both cities, an advisory Agency Review Team (ART), and both cities' Planning Commissions.

### Joint Council

Joint City Council meetings were held at key decision-making stages in the project with the Joint Council serving as the final decision-making body for the plan. There were five Joint Council meetings between October 2013 and December 2015. The purpose of Joint Council meetings was to approve Guiding Principles, determine jurisdictional boundaries, select a preferred land use scenario, and identify key elements for the final concept plan. All Joint Council meetings were advertised and open to the public. Themes from the Joint Council meetings were further developed into the Guiding Principles and included:

- Meeting regional responsibility for jobs & housing
- Capitalizing on the Planning Area's assets
- Protecting existing neighborhoods
- Maintaining cities' unique identities
- Exploring creative approaches to land use, including integration of employment and housing
- Ensuring appropriate transitions between land uses
- Integrating high-quality design and amenities for employment

### Project Management Team

The Project Management Team (PMT) was composed of each city's project managers, department directors, relevant staff, and project consultant (see Appendix K for full list of members).

The PMT met regularly to check the status of major deliverables, track and maintain a regular project schedule, coordinate materials for individual and Joint Council work sessions and meetings, plan public events and outreach strategies, and develop consistent messaging for project outcomes. The Project Consultant team representatives participated in the PMT meetings on a bi-weekly basis as needed. The plan's content was guided and produced by the project consultant team and reviewed by the PMT.

### Agency Review Team

The Agency Review Team (ART) represented local service providers and regional partners, who advised staff members of both cities about regulatory and planning compliance (see Appendix K for full list of members). Input gathered from the ART was incorporated into the Concept Plan and included in regular staff updates to the Planning Commissions and City Councils. Involvement was required for some key agencies that needed to approve or concur with the Concept Plan, while other agencies were invited to participate in the planning process as their advice was needed on specific issues. Metro, CWS, Washington County, and the Sherwood, Tigard-Tualatin and West Linn-Wilsonville school districts participated in the ART to provide support and concurrence with the Concept Plan.

In addition to the above-mentioned, ART member agencies included the Oregon Department of Transportation (ODOT), Tualatin Valley Fire & Rescue, and the Bonneville Power Administration (BPA). Other agencies were invited to the planning process when their specific advice was necessary, specifically the City of Sherwood, City of Tualatin (including Planning, Community Development, Building, Community Services, Economic Development, Engineering, Parks and Recreation, and Public

Works departments/divisions), City of Wilsonville (including Planning, Community Development, SMART Transit, Public Works, Engineering, Parks and Recreation, Natural Resources, and Building departments/divisions), Clackamas County, Northwest Natural, Portland General Electric, and Tri-Met. This collaborative analysis and joint decision-making set a framework for the Basalt Creek Concept Plan to have the greatest possible chance for success for the community.

The ART met three times throughout the project – in June and September of 2014, and then again in February 2016. The first meeting provided an opportunity to present an overview of the Basalt Creek Concept Plan project and process to the ART and inform members of key milestones and decision points where their input would be needed. The project consultant also presented the proposed methodology for the Existing Conditions report, particularly soliciting feedback on the market analysis, infrastructure analysis, and transportation analysis components. The second meeting served to solicit feedback from ART members on the draft Existing Conditions report, clarify issues surrounding infrastructure, provide an overview of public feedback, and present the land suitability analysis for review. The third meeting was held on February 19, 2016 to further discuss transit, parks and open spaces, schools, parks, and trails.

## Information Gathering

The project consultant conducted research on the existing conditions and future needs in the Planning Area, as well as reviewed previous planning efforts affecting the area. This research included land use, transportation, the real estate market, geology, water and sewer infrastructure, stormwater, natural resources and parks. The Existing Conditions Report provides additional background information in Appendix A.

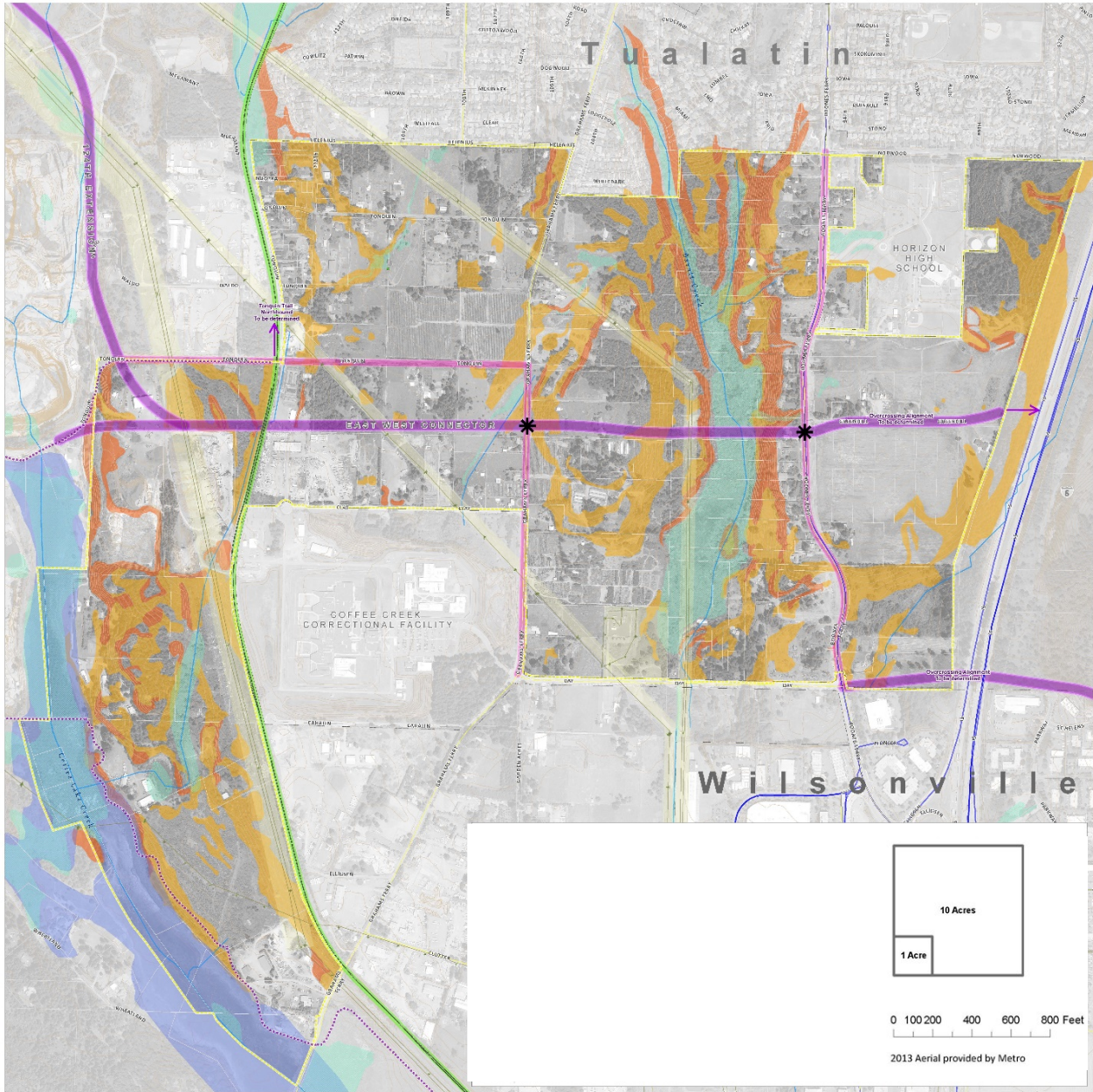
## Public Involvement Plan

A Public Involvement Plan, developed by the PMT, was used to guide outreach strategies and events throughout the planning process (Appendix B).

## Public Workshop

The planning process began with a community workshop for the Basalt Creek Concept Plan on June 17, 2014. This was a visioning workshop and open house attended by roughly 40 people and solicited input on priorities and preferences for future land use and transportation in the Planning Area. Key outputs included initial scenarios that identified important issues for the area, including a desire to keep the Basalt Creek Canyon as open space, the need for residential buffer areas, traffic challenges and ideas for new parks. Results indicated a preference for appropriate transitions between land uses and protection of existing neighborhoods, but an openness to a range of employment and commercial uses. Instant polling at the workshop was combined with the results of the online survey for a total of 160 responses from participants living both inside and outside the Planning Area. Survey results included a strong interest in public access to natural resources and were less focused on housing or industrial warehousing. This participation informed the establishment of Guiding Principles for the project.

Figure 3 Example of the Basalt Creek Planning Area Base Map used for workshop activity. Participants used these maps to draw and design a vision for future uses of the Basalt Creek Planning Area.



# Basalt Creek

- |  |   |   |
|--|---|---|
| City Limits (Source: RLIS 2014)                            | Proposed Ice Age Tonquin Trail                                      | 5 Foot Contours (Source: RLIS 2014)                             |
| Planning Area (Source: Cities of Tualatin and Wilsonville) | WES Commuter Line (Source: RLIS 2014)                               | Stream (Source: RLIS 2014)                                      |
| Taxlots (Source: RLIS 2014)                                | Bicycle Routes (Source: RLIS 2014)                                  | Wetland (Source: Fregonese Associates and RLIS)                 |
| PGE Transmission Poles (Source: City of Wilsonville)       | Bus Lines (Source: RLIS 2014 and Metro)                             | FEMA 100 Year Flood Areas Updated by Metro (Source: RLIS 2014)  |
| PGE Transmission Lines (Source: City of Wilsonville)       | Future Roadway Improvements (Source: DKS Associates)                | <b>Slopes (Source: Fregonese Associates)</b>                    |
| Railroads (Source: RLIS 2014)                              | Approx. Alignment of Future Major Roadways (Source: DKS Associates) | 10% and above (generally unsuitable for industrial development) |
|  | East West Connector Access Point                                    | 25% and above (unsuitable for any development)                  |
|  |   | PGE and BPA Easements and Property (Source: PGE and BPA)        |

## Stakeholder Interviews/Focus Groups

The Basalt Creek concept planning process included over a dozen focus group meetings and stakeholder interviews with developers and property owners in June and July 2014. Developer discussions included industrial, office, retail, residential, and mixed-use development. Knife River, Coffee Creek Correctional, Ibach Citizen Involvement Organizations and the Chamber of Commerce from each City also provided input. These discussions focused on future industrial development types, housing preferences, land assembly, and employer amenities. Property owners expressed a desire for flexibility in land uses and concern over how development will impact quality of life in the area. Developers were concerned with industrial development types changing, along with changing housing preferences, the land assembly challenge, and what employers will consider amenities in the area. These discussions informed the Concept Plan's market analysis, land suitability analysis, building prototypes, development types and land use placements for testing different land use scenarios for the Planning Area.

## Open House

A second open house was held on April 28, 2016 to share the draft Concept Plan elements, including land use, road network and improvements, transit, bike, pedestrian and trail network improvements, parks, natural areas, and infrastructure systems. Members of the public were invited to share feedback on the Concept Plan generally as well as specific options for future parks, natural areas, and the bike, pedestrian and trail network. Participants expressed general support for the preferred alternative presented at the Open House, and during instant polling, shared a desire to use the area for recreation, neighborhood parks and conservation areas.

## Email and Website Updates

The Project Management Team (PMT) typically sent monthly updates to those on the interested parties list via email and to property owners via postal mail, which included approximately 300 people. Council and Planning Commission work sessions and updates were scheduled and held throughout the project, including before critical milestones and Joint Council meetings, all of which were open to the public and notice provided on City websites and the project website.

## Scenario Testing and Concept Plan Development

### What is Scenario Planning?

Scenario planning is a tool used to estimate the likely future effects of growth and development patterns in a specific area. This information helps local governments make decisions about what type of land use, transportation and infrastructure plans and policies will best meet community needs in the future. Scenario planning helps identify challenges and opportunities for desired growth and allows exploration of different approaches to achieve the community vision for an area. Unlike a plan, scenarios are very specific, intending to model likely future land uses. Learning from these, a plan can be developed to allow for several beneficial scenarios.

### Scenario Planning for Basalt Creek Planning Area

Scenarios were used to understand how different land use decisions, infrastructure investments, other regulations and policies might impact the future outcomes in Basalt Creek – and how well they achieve



the guiding principles. The scenarios that were designed and tested for the Basalt Creek Planning Area integrated many different variables (such as different land uses and service areas) and the relationships between those variables. By modifying the scenarios, the impact of different sets of decisions were able to be better understood.

The scenario testing for Basalt Creek sought to answer questions about the implications of various development and infrastructure options. Taken together, these questions formed objectives for the scenario evaluation.

- Where should the boundary between Tualatin and Wilsonville be?
- What combination of land uses is most appropriate for the area?
- What infrastructure is needed to support future development, and what will be the cost of that infrastructure?
- Which agencies will provide public services to different parts of the area?
- How will traffic generated by new development in this area impact traffic flows and congestion levels, both locally and regionally?
- How will the benefits and costs of serving the area be balanced fairly between Tualatin and Wilsonville?

The project team created and evaluated a Development Base Case and tested Alternative Development Scenarios. These development scenarios used existing buildings from both jurisdictions to model potential future development and reflect existing zoning and development regulations in the Envision Tomorrow modeling program (see Appendices C1 and C2).

During the scenario development process, jurisdictional boundary discussions were ongoing and different scenarios considered different boundary alternatives. A series of five scenarios were developed in an ongoing iterative process that tested the following variables: the location and amount of different land uses, the location of the jurisdictional boundary, location of service boundaries, and design of infrastructure systems. The PMT also developed performance measures associated with the Guiding Principles, in addition to local and regional goals, to compare the different scenarios. As a complex set of conditions, the variables tested were interrelated and needed to be combined in scenarios to understand how changes in one variable impacted the others.

These scenarios were vetted by the project's PMT and each City Council, and then fully analyzed for the transportation, infrastructure, and land use implications. Based on these analyses, discussions among the PMT, and feedback from the Joint Councils, a preferred scenario was developed. The preferred scenario became the basis for the Basalt Creek Concept Plan.

## Final Plan Development

The final phase of the project included further refinement of the Concept Plan using the preferred scenario, setting the jurisdictional boundary, and drafting an implementation strategy for the Concept Plan. The final Basalt Creek Concept Plan was designed to meet all the requirements associated with areas added to the urban growth boundary (see Title 11 Compliance Memo in Appendix D) and was forwarded to Metro for review. The Councils from the City of Tualatin and the City of Wilsonville each adopted the Concept Plan by resolution. Comprehensive Plan amendments and implementation strategies and tools are to be consistent with this Plan.

# Concepts that Shaped the Plan

Guiding Principles represent the collective interests and goals for the Basalt Creek Planning Area as agreed to and established by the Joint Council. They provided a framework for gathering input and developing transparent and meaningful measures that helped inform the decision-making process for this plan (see Appendix E for Guiding Principles Memo which provides further descriptions).

1. Maintain and complement the Cities' unique identities
2. Capitalize on the area's unique assets and natural location
3. Explore creative approaches to integrate jobs and housing
4. Create a uniquely attractive business community unmatched in the metropolitan region
5. Ensure appropriate transitions between land uses
6. Meet regional responsibility for jobs and housing
7. Design cohesive and efficient transportation and utility systems
8. Maximize assessed property value
9. Incorporate natural resource areas and provide recreational opportunities as community amenities and assets

In addition to the Guiding Principles, during a Joint Council meeting, the Councils also identified ten key elements for successful implementation of the Basalt Creek Concept Plan that relate to key functions such as the sewer, water, and transportation services, land use and natural resources in the area. These considerations informed the key elements of the Concept Plan (see Appendix E for 10 Considerations of Success for further descriptions).

## Planning Area Conditions

The project consultant team conducted research on the existing conditions and future needs in the Planning Area, as well as reviewed previous planning efforts affecting the area. The project team studied land use, transportation, the real estate market, geology, water and sewer infrastructure, stormwater, natural resources and parks.

## Planning Context and Urban Growth Boundary

The Portland Metropolitan Area Urban Growth Boundary (UGB) includes three counties and 24 cities. Metro administers the UGB, which includes a mandatory six-year assessment of whether it includes sufficient land to accommodate 20 years of expected development for residential and job growth.

During the 2004 analysis, Metro identified a shortfall of industrial land and a study identified good candidates for industrial development by looking at soil classification, earthquake hazard, slope steepness, parcel size, accessibility to regional transportation and necessary services, and proximity to existing industrial uses. Several areas of land identified as good candidates for industrial development were added to the UGB by Metro via Ordinance 04-1040B in 2004, two of which comprise the Basalt Creek Planning Area. The current 2040 Growth Concept Map identifies the Basalt Creek Planning Area as industrial, but the Ordinance does provide some flexibility to include housing in the Planning Area. The

Ordinance identified outer neighborhood as a potential land use in the northern portion of the Planning Area, to provide some housing and a buffer for existing residential neighborhoods in Tualatin.

The industrial designation from Metro is defined within the Regional Framework Plan's Glossary as "an area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is substantially larger than the industrial area be considered supporting uses."

## The Land

### *Landscape Context*

The general character of the area's landscape was shaped by the Glacial Lake Missoula Ice Age floods, a series of cataclysmic floods that shaped the landscape of the Columbia River Gorge and the Willamette Valley during the last Ice Age. The Ice Age Tonquin Trail Master Plan describes the area as "comprised of upland prairie fragments, and oak and madrone woodlands. Rare wildflowers are found near basalt hummocks (scablands) to the west of the Planning Area, and rare reptiles (pond turtles) and amphibians (northern red-legged frogs) live in the kolk ponds." Remains from the Ice Age floods that can be seen in and around the Basalt Creek Planning Area include glacial deposits, scablands, kolk ponds (ponds formed by eddies during the Missoula Floods), and flood channels. The terrain includes significant slopes of more than 25% and with a change in elevation from 250 ft above mean sea level (amsl) to a maximum elevation of 350 ft amsl.

### *Existing Land Use*

The primary existing land uses in the Basalt Creek Planning Area are rural agriculture, industrial and rural residential consisting of low-density single-family housing. There are areas of agricultural uses, including a nursery, landscaping supply, and blueberry farms. Existing industrial land users include gravel quarries and cement manufacturing in the northwest corner of the Planning Area. The existing housing in the area consists of detached single-family on large lots. A significant portion of single-family homes are located on the eastern edge of the Basalt Creek Canyon along Boones Ferry Road.

### *Adjacent Land Uses*

The Planning Area is bounded to the north by Tualatin residential neighborhoods, to the south by Wilsonville commercial and industrial uses, I-5 to the east, and to the west by Coffee Lake Creek, wetland habitat, and rural and industrial lands.

- The southernmost residential neighborhoods of Tualatin, including recently-built subdivisions such as Victoria Gardens, are located to the north of the Planning Area. These neighborhoods are zoned a mix of low- and medium-low density residential and are comprised primarily of high-quality, detached, single-family homes. Also, to the north is the 30-acre campus of Horizon High School (a private high school). The campus is bordered on three of its sides by the Planning Area.
- To the west, the Planning Area is bordered by unincorporated portions of Washington County including the Southwest Tualatin Concept Plan area where active quarries and an asphalt plant are located. Further west of the Southwest Tualatin Concept Plan area is the Tonquin Employment Plan area which falls within the City of Sherwood's urban planning area. Most of this land is undeveloped or vacant at this time.

- South of the Planning Area are existing and planned commercial, office and industrial uses located within the City of Wilsonville. The employment areas around SW Commerce Circle, Ridder Road, and 95<sup>th</sup> Avenue include advanced manufacturing, clean tech, warehouse, distribution, and logistics businesses. The Coffee Creek Planning Area abuts the Basalt Creek Planning Area along the south side of Day Road and south and west to the existing Wilsonville city boundary. The City adopted a Master Plan and Industrial Form-based Code for this area to create a high caliber business district.
- Adjacent to the southern border of the Planning Area is Coffee Creek Correctional Facility. This is a state-owned correctional facility with 1,250 female inmates, and a fluctuating number of male inmates (around 400) undergoing intake until they are transferred to another facility. The Correctional Facility employs 435 people with day and nighttime shifts comprising a 24-hour workforce.

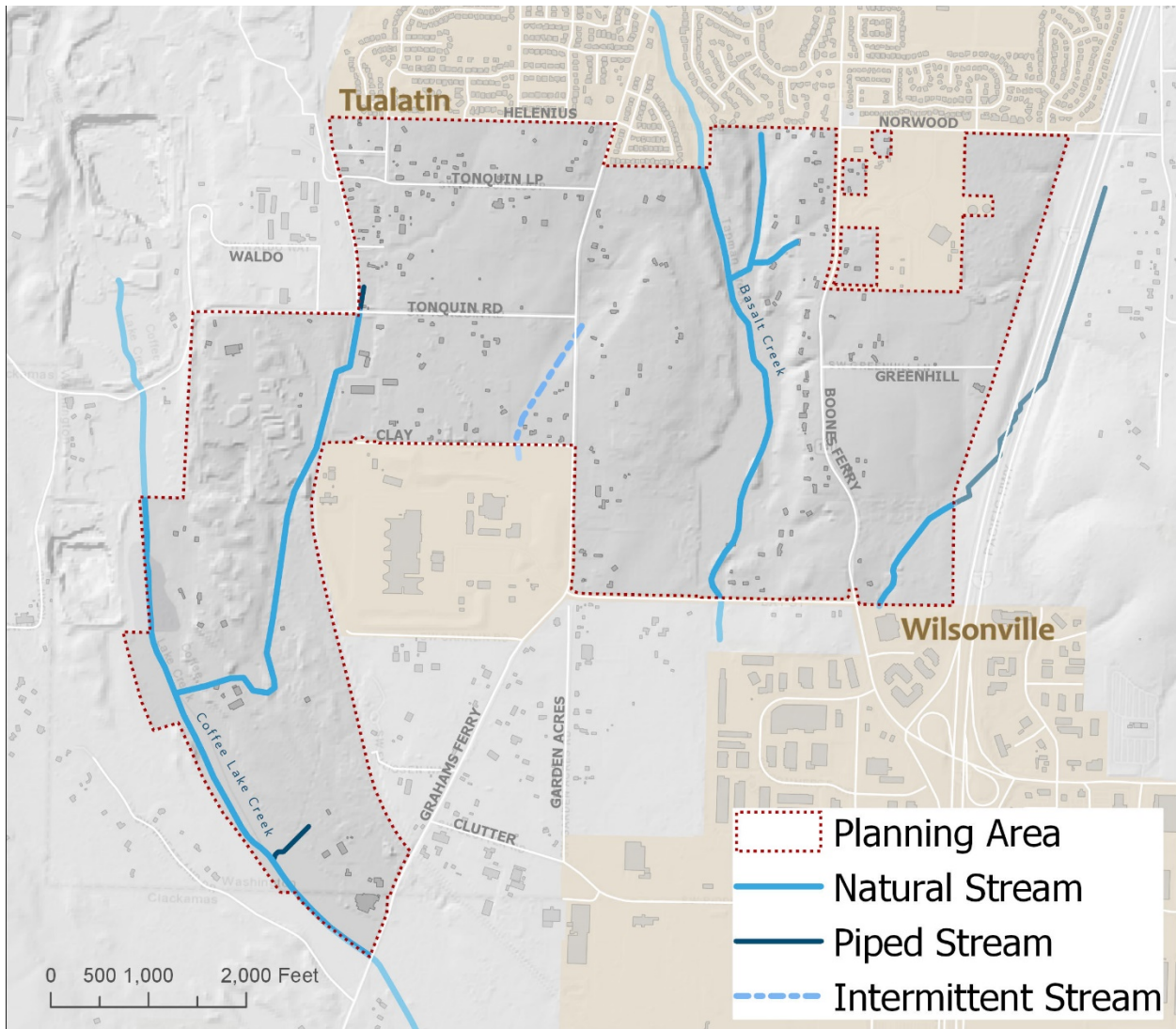
### *Natural Resources*

Wetlands, floodplain, upland habitat, streams, open water and riparian areas provide important natural resources in the planning area. Within the Basalt Creek Canyon and Coffee Lake Creek basin, there are open water, emergent and scrub-shrub wetlands. The small, forest patches scattered throughout the planning area provide travel corridors and habitat for a variety of species including Red-legged Frogs and the Pileated Woodpecker. Land suitability studies for this area identified constrained lands including 18,845 feet of natural streams; 1,402 feet of underground or piped streams, defined as water that flows under the surface in a definite channel; and 789 feet of intermittent streams in the Planning Area.

There are two main streams in the Planning Area, Basalt Creek (also known as Seeley's Creek or Tappin Creek) and Coffee Lake Creek and its east tributary, which run through the West Railroad Area. There is also an underground, piped stream near I-5 along the eastern edge of the Planning Area. Coffee Lake Creek forms the western boundary of the Planning Area. There are also 69 acres of wetlands (8% of the Planning Area), including 49 acres of open water in the Planning Area.

There are 116 acres of land designated by Metro as Water Quality and Flood Management Areas. Following Metro's designations and associated regulations, local jurisdictions determine development rules and requirements that affect these areas. Clean Water Services, who regulates environmental lands in the City of Tualatin and elsewhere in Washington County and the City of Wilsonville, have local ordinances in place that go beyond the level of conservation otherwise required by Metro. Existing local standards from each City would apply upon annexation of property into either Wilsonville or Tualatin.

Figure 4 Map of Streams by Category.



### *Buildable Lands Assessment*

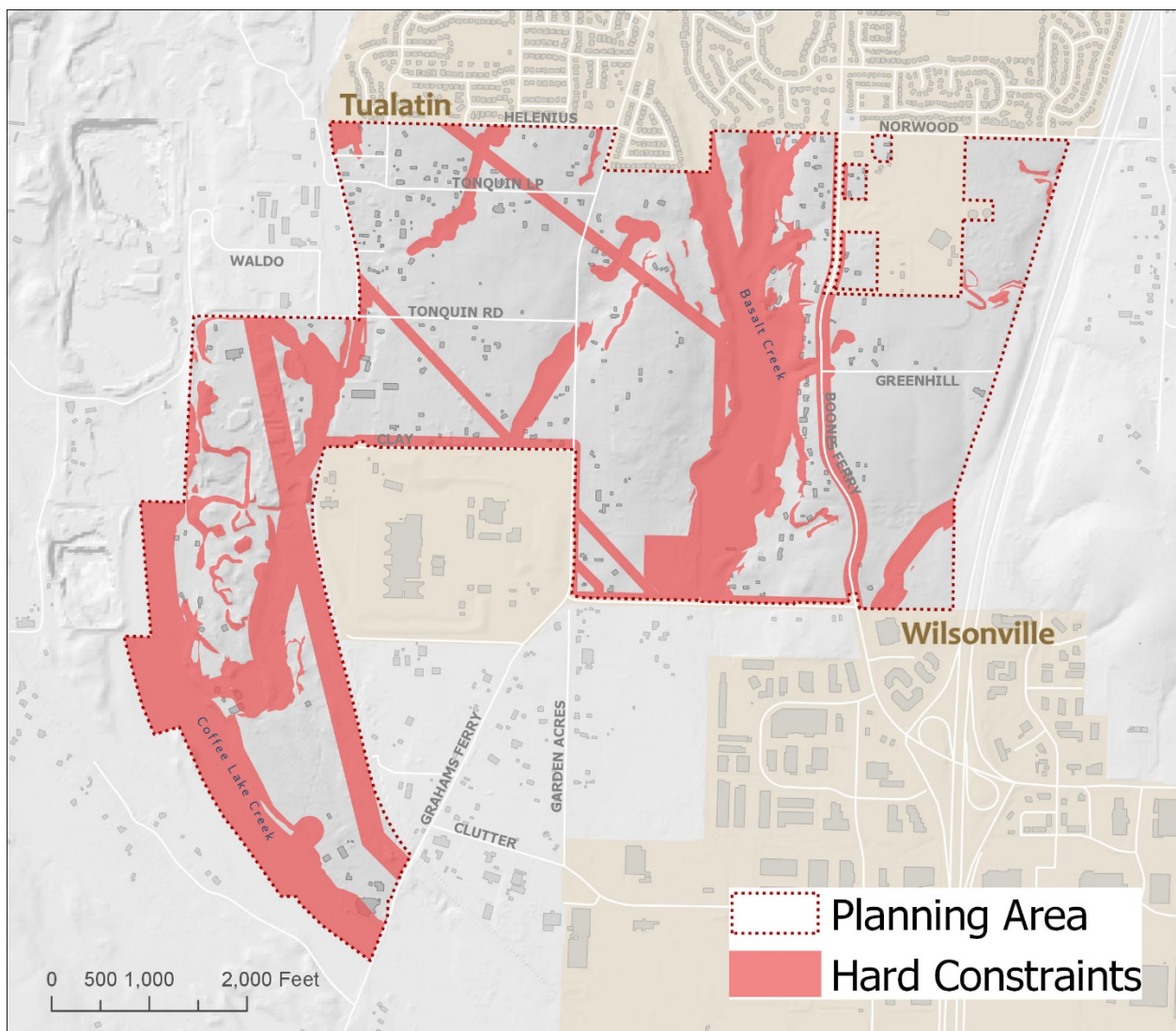
A buildable lands assessment for the Basalt Creek Planning Area (see Appendix F) screened out parcels where there is limited or no development potential to identify the places where development is most suitable given the environmental and regulatory context. There is a range of factors that influence development potential within the Planning Area, but they can be divided into two categories: hard and soft constraints. Hard constraints are either physical attributes or legal requirements that prohibit new development. These areas are excluded from the analysis. Soft constraints are where physical attributes or legal requirements allow some development with guidance on appropriate land uses and development densities. Assumptions regarding the amount of development in these areas followed Metro guidelines calling for restrained development.

### Land Suitability Analysis

Determining the development capacity for the Planning Area starts with the buildable lands assessment and then further analyzes the land supply to estimate development capacity on any given parcel. The Planning Area includes land that is constrained by streams and easements. This land supply analysis then evaluates existing land uses, as provided by tax lot data via Metro's Regional Land Information System (RLIS), visual surveys of the area via aerial photographs and online tools such as Google Earth, and site visits for verifying stream conditions and alignments.

After completing this more detailed review of the land supply to determine development suitability, the land suitability analysis is combined with the buildable lands assessment to remove constrained land and to create a geographically referenced database of developable land within the Planning Area.

Figure 5 Map of Hard Constraints within the Basalt Creek Planning Area.

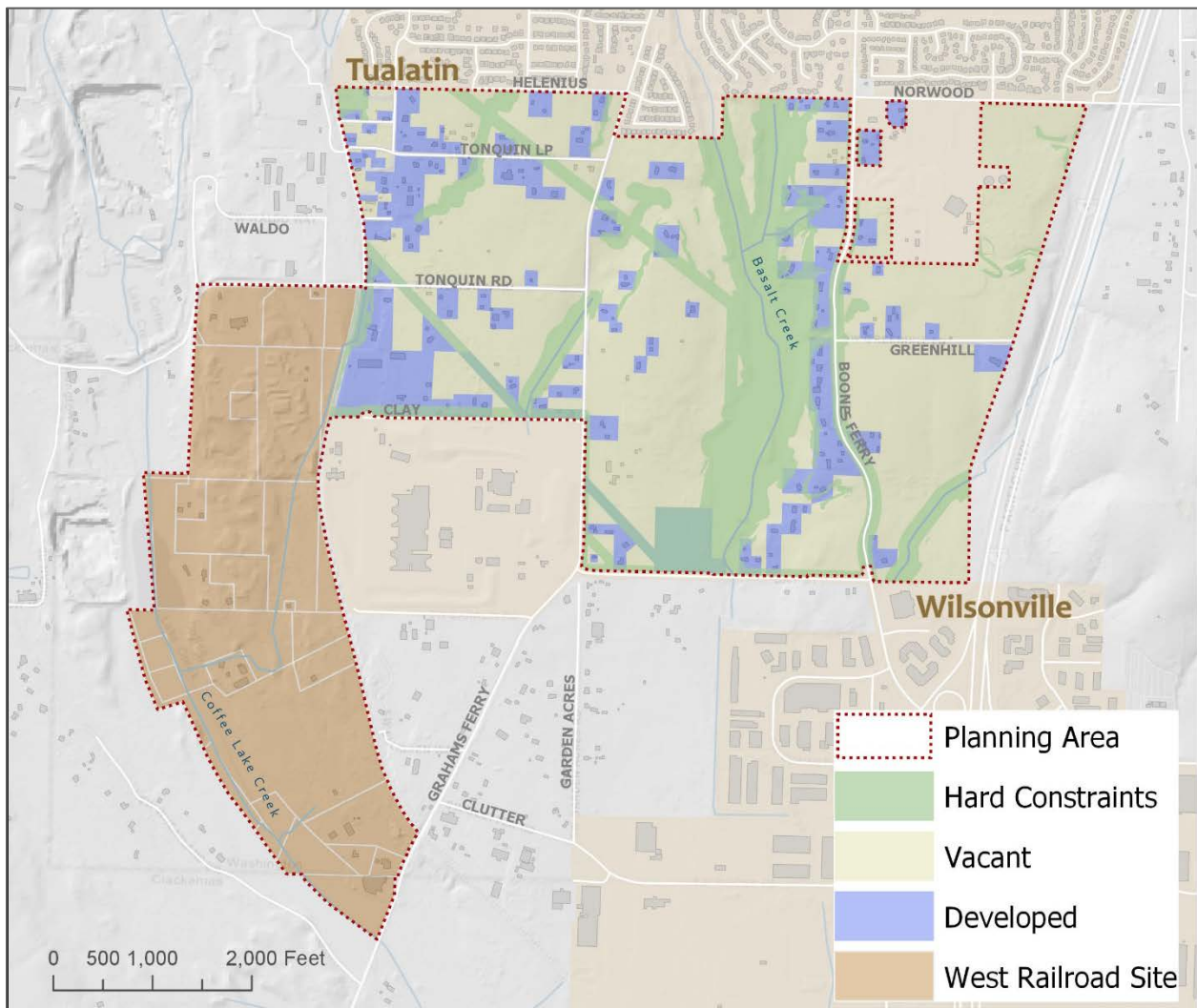


The goal is to classify every parcel within the Planning Area into one of the categories described below:

Table 2 Land Supply within the Basalt Creek Planning Area by Type and with Acreage.

Land Supply by Type and Acreage		
Land Type	Acres	Description
Vacant Land	331	Unconstrained land that is ready to build with no major structures located on the site
Developed Land	125	Land already built upon which includes acreage covered by roadways
Constrained Land	153	Land that cannot be built upon due to environmental or other hard constraints
West Railroad Area	238	Excluded from development plan due to large amount of constraints and limited access
<b>Total Land Supply</b>	<b>847</b>	

Figure 6 Land Supply by Type.



There were no redevelopment assumptions incorporated in this analysis. The values associated with the existing buildings were high enough to preclude redevelopment for purposes of determining the development types used during scenario testing. Thus, the developable land estimate for the Planning Area is 331 acres. This analysis forms the foundation for determining land use and development capacity on each parcel in the Planning Area. The development plan for the Basalt Creek Planning Area excludes the West Railroad Area from development due to the large amount of constraints on the land and limited access.

## Infrastructure and Services

### *Roadways*

The Concept Plan looked at the existing transportation system and the planned transportation system developed as part of the TRP, which includes phased investments to support regional and local transportation needs through 2035. The plan provides 18 transportation investments broken into short, medium and long-term projects, all of which are important to ensure that the transportation network functions at acceptable levels over time. The key element is the East-West Connector to the 124th Avenue extension, the future and partially constructed Basalt Creek Parkway.

### *Sanitary Sewer*

Currently, no sewer service is provided to the Planning Area. Existing homes use septic systems. Wastewater conveyance to the south of the Planning Area is under jurisdiction of the City of Wilsonville. Sewer service to the north of the Planning Area in Tualatin is provided by the City of Tualatin and Clean Water Services.

The nearest treatment facility to the north of the Planning Area is the CWS Durham Advanced Wastewater Treatment Facility (AWTF). Eight gravity sewer mains exist near the north Planning Area boundary that could provide connection points for wastewater from the Basalt Creek Planning Area into the Tualatin collection system. The Victoria Woods Pump Station and associated force main are also located just to the north of the Planning Area boundary. From these connection points, wastewater flows by gravity toward the AWTF, crossing the Tualatin River via the Lower Tualatin Pump Station in Tualatin Community Park. Pump stations will be required to lift flows from the Planning Area into the existing gravity system. Expansion of the service district area to include Tualatin's portion of the Basalt Creek Planning Area needs to be approved by Clean Water Services at time of Annexation.

The nearest treatment facility to the south of the Planning Area is the City of Wilsonville Wastewater Treatment Plant (WWTP), located approximately 3.2 miles south of the Planning Area. This facility was recently expanded to accommodate growth within the current city limits and allow for additional buildout to accommodate growth outside the city limits in Urban Growth Boundary expansion areas. Approximately half (300 acres) of the Basalt Creek Planning Area was accounted for in the year 2030 build-out capacity assessment conducted as part of the facility expansion.

The City of Wilsonville's Coffee Creek Master Plan identifies a new sanitary main line to be constructed. After the adoption of that plan, more analysis was completed and determined the appropriate location of the sanitary sewer line to be along Garden Acres Road from Ridder Road and extending north to near Day Road and then continuing up Grahams Ferry Road. A second sanitary sewer line will extend from Garden Acres east and north to Day Road extending east to Boones Ferry Road. These lines are intended to provide conveyance of wastewater within the Coffee Creek area and are also intended to serve flows



from the Basalt Creek Planning Area to the WWTP. The Sanitary Sewer Collection System Master Plan has analyzed a range of potential flows from the Planning Area.

The Tualatin Sanitary Sewer Master Plan Update is currently being updated and includes the Basalt Creek Planning Area as a sewer basin. The City of Wilsonville updated its Sanitary Sewer Collection Systems Master Plan (MSA, 2014) which included the Basalt Creek Planning Area as a contributing area. The resulting updated master plans identify the improvements needed to increase the capacity of each system to convey flow from the Basalt Creek Planning Area.

### *Drinking Water*

The Basalt Creek Planning Area currently has no municipal water infrastructure in place. Tualatin currently purchases its municipal water from the Portland Water Bureau. The City of Wilsonville Water Treatment Plant draws its potable water from the Willamette River. Based on the topography, the Basalt Creek Planning Area could be served from the south through The City of Wilsonville's distribution system or from the north through the City of Tualatin's distribution system. Lower elevations of the Basalt Creek Planning Area can be adequately served through existing lines in Wilsonville's Pressure Zone B.

### *Stormwater*

Existing stormwater infrastructure consists of roadside drainage ditches and culverts. Culverts in the Planning Area are under the jurisdiction of Washington County and may not have capacity for future urban conditions. Culverts to the south of the Planning Area are part of the City of Wilsonville stormwater system. The City of Tualatin has jurisdiction over the stormwater conveyance system to the north of the Planning Area. Culverts may need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite retention or infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible.

Basalt Creek itself flows to the south into Wilsonville as part of the Coffee Lake Creek Basin. Basalt Creek discharges into the Coffee Lake wetlands. Coffee Lake Creek flows south from the wetlands and combines with Arrowhead Creek before discharging to the Willamette River.

The City of Wilsonville's 2012 Stormwater Master Plan identifies capital improvement Project CLC-3 to restore a portion of the Basalt Creek channel, west of Commerce Circle, to increase capacity. The master plan also identifies Project CLC-1 for construction of a wetland for stormwater detention purposes, north of Day Road, to serve an area that includes the Basalt Creek Planning Area. The July 2014 Updated Prioritized Stormwater Project List identifies CLC-3 as a mid-term project (6 to 10 years) and CLC-1 as a long-term project (11 to 20 years).

Locations where stormwater runoff from the Basalt Creek Planning Area could connect to existing stormwater infrastructure will require evaluation of the conveyance systems at time of development.

### *Schools*

The Planning Area falls within the Sherwood School District, which has an estimated enrollment of 5,158 and includes four elementary schools, two middle schools, Sherwood High School, and Sherwood Charter School. Most of these schools are within three miles of the edge of the Basalt Creek Planning Area.

The Planning Area is near Tualatin High School, one of two high schools in the Tigard-Tualatin School District. The district also includes three middle schools and ten elementary schools. It serves 12,363 students overall. Horizon Christian High School (private) has 160 students enrolled on their campus with a vision of serving up to 1,000 students in the future. Existing parks, libraries, and schools are mapped in the Existing Conditions Report (see Appendix A).

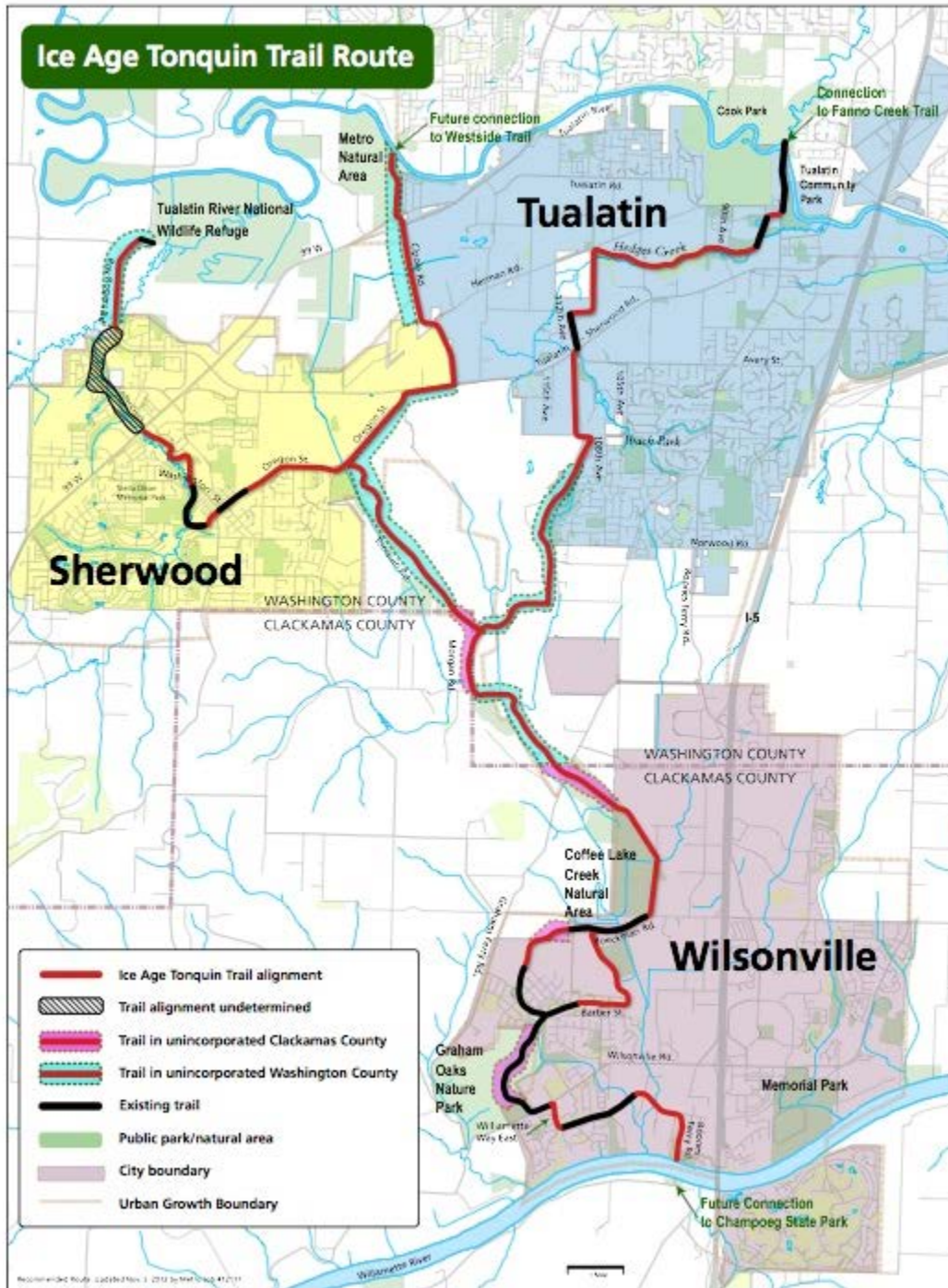
### *Parks*

No parks currently exist within the Planning Area. Wilsonville Parks owns and maintains 16 different public parks, the closest of which is Canyon Creek Park located in Northeast Wilsonville on the other side of I-5. It has 1.41 developed acres and 6.87 acres of natural area popular for picnics and walking. The Other Wilsonville parks are located approximately 2 miles south of the Planning Area, including Graham Oaks Nature Park, which will be connected to the Planning Area when the regional Ice Age Tonquin Trail is complete. City of Tualatin Parks and Recreation owns and maintains 9 different parks, with Ibach Park being the closest to the Planning Area. Ibach includes an award winning and nationally recognized playground that incorporates Tualatin's pre-historic, Native American, and pioneering past, with information on the cultural and natural history of the area.

### *Trails*

Metro's Ice Age Tonquin Trail Master Plan provides a framework for local and regional jurisdictions to embark on trail implementation efforts. The proposed trail alignments show about 22 miles of trails connected through Tualatin, Wilsonville and Sherwood, and includes a section traversing the Basalt Creek Planning Area.

Figure 7 Map from the Ice Age Tonquin Trail Master Plan



## Market Analysis

A market analysis (Appendix G) to identify the expected development potential for the Basalt Creek Planning Area as a future industrial and urban growth area was conducted by Leland Consulting Group.

The Planning Area is contiguous with several other employment and industrial areas in the southwestern part of the Portland metropolitan region. The market area for the Concept Plan includes the cities of Tualatin, Wilsonville, and Sherwood, as well as some surrounding areas. Each of these three cities is expecting business expansion and job creation. Viewed together, these areas comprise one of the largest industrial and employment clusters in the region.

Both Tualatin and Wilsonville have seen significant industrial and office development during the past three decades. Industry clusters in which both cities are already highly competitive are expected to continue and provide significant business and job growth in the future. These include advanced manufacturing, corporate and professional services, health care and related fields, and other specific industrial clusters such as food processing and light manufacturing. The amount of industrial development (including warehousing, production, flexible office/industrial space, high tech, etc.) in both cities is significantly larger than the amount of office development. Office development—nationally and regionally—is not expected to bounce back from the recession with the same resiliency as industrial space.

Employment development in the Planning Area will benefit from a number of competitive advantages. A major feature and competitive advantage of this “Southwest Metro” employment cluster in general, and the Basalt Creek Planning Area in particular, is its immediate access to I-5, the west coast’s most important transportation route. Additional advantages are access to I-205, Highway 217, nearby arterial roads, and transit service, a growing and educated workforce, and established and expanding industry clusters nearby. Employment corridors are located along transportation arterials that include the 124<sup>th</sup> Avenue Extension and the Basalt Creek Parkway located east west along the future jurisdictional boundary.

The market area’s location and current demographics are also encouraging for new housing development. The Planning Area is immediately south of several south Tualatin residential neighborhoods, which contain attractive parks, street trees, and schools. The neighborhoods create a positive environment for residential development along the northern edge of the Basalt Creek Planning Area.

The Planning Area is already served by several major regional and sub-regional retail nodes located nearby—Bridgeport Village, central Tualatin, and Wilsonville’s Argyle Square. Any commercial space built in the Basalt Creek Planning Area will primarily serve residents and employees, as is consistent with Metro’s employment area designation.

# Concept Plan for Basalt Creek

## Concept Plan Overview

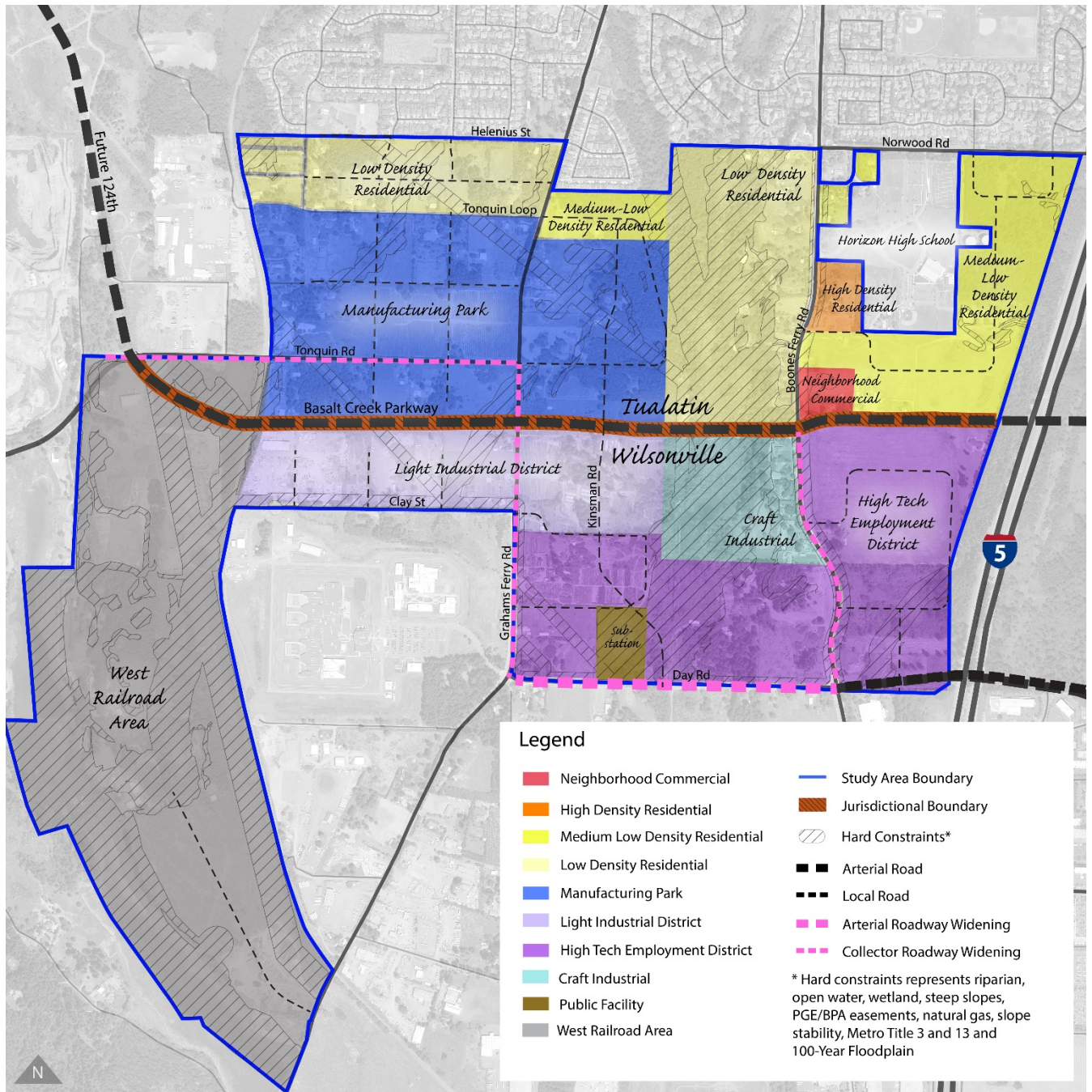
The Basalt Creek Concept Plan guides development within the Planning Area over the next twenty years. It identifies preferred land uses across the area and coordinates future land use, transportation and infrastructure investments between Tualatin, Wilsonville, and Washington County. The partnership between the two cities which shaped this Plan must continue during implementation to drive successful development in the future.

In Ordinance No. 04-1040B, the Metro Council concluded that the Basalt Creek Planning Area can be planned for industrial use given there are urban services in the vicinity and that urbanization will have no effect on agricultural practices on adjacent land due to its isolation from agricultural activities. The Metro Council identified the area as the most suitable exception area under consideration for warehousing and distribution, a significant industrial need facing the region. The land use framework for the Concept Plan supports job growth in the area, while preserving natural space, buffering residential areas, and improving connectivity throughout the Planning Area.

Key considerations and conclusions informed the Basalt Creek Concept Plan:

- While there is a unified Concept Plan for the Basalt Creek area, it was also important to customize the land use types and implementation measures for each city.
- Natural features, topography, and future roads identified in the Basalt Creek TRP influenced infrastructure service areas and the jurisdictional boundary.
- Operating separate infrastructure systems along the jurisdictional boundary affords each jurisdiction the ability to develop and manage their own public utility systems.
- The topography and geology in this area may present development challenges and infrastructure costs may be higher than average.
- Various employment types impact performance of the transportation system differently; for example, retail uses generate more trips than industrial or warehousing.
- There are uncertainties in estimating assessed value and property tax revenue of future development due to unpredictability of the market and the extent to which the modeled development types will be built over time; likewise, it is difficult to accurately estimate SDC revenue for future development.
- The West Railroad Area has significant environmental, infrastructure, and transportation constraints and costs to serve new development; this area is likely to take longer to develop than the rest of the Planning Area. When there is development interest, future planning would need to be conducted.

Figure 8 Basalt Creek Land Use Concept Map



## Key Elements of the Concept Plan

- Jurisdictional Boundary Determination
- Land Use and Development
- Transportation
- Transit
- Bicycle, Pedestrian and Trail
- Parks and Open Space
- Natural Resources
- Water
- Sewer
- Stormwater
- Implementation & Phasing

## Jurisdictional Boundary, Land Use and Development

The Basalt Creek Planning Area is divided between the Cities of Tualatin and Wilsonville, and the Basalt Creek Parkway serves as the jurisdictional boundary between the two. Of the 847 acres in the Basalt Creek and West Railroad Areas, approximately 367 acres will be in the Tualatin planning area and 480 acres will be in the Wilsonville planning area. The land use patterns in the Concept Plan are responsive to the setting and to the existing conditions. Since the area is well suited and intended for industrial and housing uses, much of the Planning Area is designated for employment land uses. The Concept Plan land use pattern also anticipates the inclusion of transitional areas via development design standards to buffer new industrial land from adjacent existing uses and neighborhoods.

The land use designations on the map represent real-world development types. Each development type (i.e. Manufacturing Park) is defined by a set of buildings, which are based on real buildings in each of the cities. Tualatin's land use designations which are north of the jurisdictional boundary are consistent with its current development code, and Wilsonville's land use designations, south of the jurisdictional boundary, are consistent with its current development code.

Using the land suitability analysis, and looking at adjacent land uses, the project team identified appropriate land use designations for properties within the Planning Area. These land use designations were further refined, and appropriate densities selected to provide for regional employment capacity and housing while also maintaining traffic counts consistent with the TRP.

Tualatin land uses include a mix of residential and employment development types, with the housing land use designations in the northern and northeastern portions of the Planning Area. The Plan calls for a small retail node just east of the Basalt Creek Canyon located to serve residents and workers.

Wilsonville land uses include a mix of employment development types and a modest opportunity for live/work housing. These land uses support adjacent and nearby industrial areas such as the Coffee Creek Industrial Area and provide flexibility to meet a range of market demands. These uses could also be a good fit for the City's Industrial Form-based Code, recently adopted for the Coffee Creek Industrial Area, if the City wanted to extend it north into the Basalt Creek Planning Area.

## Development Types

Table 3 Summary of Development Types Identified for Basalt Creek Planning Area by Jurisdiction

Jurisdiction	Land Use Designation	Buildable Acreage	Households		Employment	
			Count	Density per Gross Acre	Count (jobs)	Jobs per Gross Acre
Tualatin	High Density Residential	3.36	67	19.9	-	-
	Medium-Low Density Residential	59.83	374	6.3	-	-
	Low Density Residential	24.83	134	5.4	-	-
	Neighborhood Commercial	2.89	-	-	33	11.3
	Manufacturing Park	92.95	-	-	1,897	20.4
	Functionally Unbuildable	10.37	-	-	-	-
	<b>Tualatin Subtotal</b>	<b>194.23</b>	<b>575</b>		<b>1,929</b>	
Wilsonville	Craft Industrial	1.25	6	4.8	27	21.7
	Light Industrial District	35.30	-	-	581	16.5
	High Tech Employment District	94.47	-	-	1,916	20.3
	Functionally Unbuildable	5.62	-	-	-	-
	<b>Wilsonville Subtotal</b>	<b>136.64</b>	<b>6</b>		<b>2,524</b>	
<b>Total</b>		<b>330.87</b>	<b>581</b>		<b>4,453</b>	

### Tualatin

**Employment.** The Concept Plan allocates substantial land as Manufacturing Park, which is expected to accommodate 1,897 new jobs, calculated based on the expected square footage of development in this area and the average square footage needed per employee. The Manufacturing Park is located along the northern edge of the future Basalt Creek Parkway on the land west of Basalt Creek Canyon, including both sides of Tonquin Road and Graham’s Ferry (as shown on the above map).



**Housing.** Most of the remaining land north of the proposed Basalt Creek Parkway (beyond employment land) is allocated to a mix of residential uses at varying densities. The Concept Plan organizes residential land uses into two general areas that are intended to have easy access to services and be connected to parks, schools, and natural areas.

1. The plan focuses the lowest density housing (a mixture of low-density and medium-low density) along the northern portion of the Planning Area and low density along the west side of Boone's Ferry Road, adjacent to existing neighborhoods of Tualatin. This land is expected to accommodate 134 new households.
2. The eastern portion of the Tualatin future annexation area is anticipated to be a mixture of high and medium-low density residential; the land immediately east of Boones Ferry Rd is intended for high density housing; The remainder of the land east and south of Horizon School is planned for medium-low density residential. This eastern subarea is expected to accommodate 407 new housing units in Tualatin. This land is near the intersection between Boones Ferry Road and the new Basalt Creek Parkway.

**Commercial.** Neighborhood Commercial is planned north of the jurisdictional boundary and east of the Basalt Creek Canyon at, or near, the northeast corner of the intersection of Boones Ferry Road / Basalt Creek Parkway. It is intended to serve residents and workers.

#### *Wilsonville*

**High-Tech Employment District.** Most of the buildable acres in the Planning Area south of the proposed Basalt Creek Parkway are devoted to a mix of higher-density employment land. The High-Tech Employment District is expected to accommodate the largest number of jobs (1,916) with a mix of warehousing, manufacturing and office buildings. This land use is in the southern and eastern sections of the Planning Area, covering all Wilsonville land east of Boones Ferry Road and most of the land south of Clay Street extending to Day Road and bordered to the west by Coffee Creek Correctional Facility.

**Craft Industrial.** The southwest corner of the intersection of Boones Ferry Road and the new Basalt Creek Parkway is planned as Craft Industrial, which allows for a mix of smaller-scale commercial uses, which may include live-work units. These envisioned development types respond to the topography on those parcels and their location directly south across the Parkway from residential land and southwest of the neighborhood commercial node across the Parkway in Tualatin. Craft Industrial is a better fit with those surrounding uses, providing a transition to the higher intensity employment uses to the south. This area allows less than 20 percent residential use and is expected to accommodate 27 new jobs and 6 new housing units in the form of live-work units.

**Light Industrial District.** This land is located across the southern edge of the future Basalt Creek Parkway just north of Coffee Creek Correctional Facility and will be able to accommodate 581 new jobs primarily in warehousing and light manufacturing.

#### *West Railroad Future Planning Area*

The West Railroad Area is divided from the rest of the Planning Area by the Portland and Western Railroad (PNWR) and the Coffee Creek Correctional Facility. The area is heavily constrained by wetlands habitat (as seen in Figure 5), steep slopes, and fragmented property ownership. Initial estimates show it would be costly to serve this area with adequate water, sewer, and transportation infrastructure due to

its location. These initial cost estimates for the infrastructure are included in Appendix H (Basalt Creek Concept Plan Transportation Technical Analysis and Solutions Memo) and Appendix I (Basalt Creek Concept Plan Infrastructure Technical Memo). Topography and the PNWR line also create a relative separation between this area and the rest of the Basalt Creek Planning Area as well as access issues for freight trucks. Given these constraints, the area has potential for resource conservation and future public access to nature. Additional land uses may be appropriate but will need further analysis.

Because it is considered to have much lower development potential than the rest of the Planning Area, a future land use scenario was not created for this area at this time – it is being considered an area for future study and consideration. Once development and the extension of infrastructure occurs in the rest of Basalt Creek as well as the Coffee Creek Industrial Area, additional analysis should be completed on infrastructure service costs and appropriate land uses. The West Railroad Area is south of the Basalt Creek Parkway and in the City of Wilsonville future annexation area. Wilsonville’s Comprehensive Plan amendment to adopt this Concept Plan will include a designation of Area of Special Concern for the West Railroad Area. The area will require master planning before any development occurs.

## Transportation

### Key Transportation Solutions

The TRP sets the layout of major new roads and improvements for the area. Prior to land annexing into either city, a cooperative funding strategy needs to be agreed upon between the City of Wilsonville, the City of Tualatin, and Washington County to build out the transportation network as set forth in the TRP. The network must also coordinate with plans for the area as set out in the Metro Regional Transportation Plan.

The Basalt Creek Parkway, of which the segment between 124th Avenue/Tonquin Road to Grahams Ferry Road is already under construction, is the major east-west arterial through the area. The Parkway allows for limited local access providing important freight connections between Tonquin, Southwest Tualatin, and Basalt Creek Employment Areas to I-5. It also serves as a future jurisdictional boundary between Tualatin and Wilsonville.

Additional road improvements are necessary to handle projected traffic levels as the area develops, including adding capacity to north-south collectors and Day Road as well as two additional I-5 crossings (at Day Road and Greenhill). As the area develops, property owners will plan and build local roads connecting to this network. These roadway improvements will include enhanced bike and pedestrian facilities and connections to the future transit system.

### Roadway Network

The roadway network for the Basalt Creek Concept Plan is shown in Figure 9. The transportation network includes projects considered likely to be in place by 2035. Metro’s model for forecasting depends partly on the projects planned for the Basalt Creek Planning Area, as well as those planned for the region (Metro’s 2035 Gamma model). Metro’s 2014 RTP, which lists projects reasonably likely to be funded by 2040, informed this analysis. Table 4 shows potential capacity-related projects from the 2014 RTP list. The projects in the RTP originate from the Basalt Creek TRP (see Figure 10 below).

The planned roadway network includes the projects and facilities described in Table 4 below, with one exception. The East-West Arterial Overcrossing is not included on Figure 9 as that segment of the Basalt Creek Parkway is anticipated to be constructed after 2040. Figure 9 also depicts where local connections may be needed to provide access and circulation to existing development and developable parcels. Both Level of Service (LOS) and Volume to Capacity (V/C) performance measures are shown. Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two performance measures of intersection operations.

**Level of Service:** relates the traffic service to a given flow rate of traffic and divides the quality of traffic into six levels ranging from Level A to Level F. A represents the best traffic where the driver has the freedom to drive with free flow speed and Level F represents the worst quality of traffic.

**Volume-to-capacity (v/c) ratio:** A decimal representation (between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. A lower ration indicates smooth operations and minimal delays as the ratio approaches 1.0 congestion increases and performance is reduced. Above that the intersection is at capacity and considered failing.

*Table 4 2014 RTP Projects Assumed for 2035 Forecasting*

Project Number	Project and Description	TRP Time Period	In Place by 2035?
10736	124 <sup>th</sup> Ave. Extension (Tualatin-Sherwood Rd. to Grahams Ferry Rd.) – new two-lane roadway extension	2014-2017	Yes
11243	Day Rd. (Grahams Ferry Rd. to Boones Ferry Rd.) – widen to five lanes	2018-2024	Yes
10588	Grahams Ferry Rd. (Helenius St. to county line) – widen to three lanes	2025-2032	Yes
10590	Tonquin Rd. (Grahams Ferry Rd. to Oregon St.) – widen to three lanes	2025-2032	Yes
11438	Tonquin Rd./Grahams Ferry Rd. – add traffic signal	2025-2032	Yes
11469	124 <sup>th</sup> Ave. Extension (Tualatin-Sherwood Rd. to Grahams Ferry Rd.) – widen to five lanes	2025-2032	Yes
11470	East-West Arterial (Grahams Ferry Rd. to Boones Ferry Rd.) – new five-lane roadway extension	2025-2032	Yes
11487	Boones Ferry Rd. (East-West Arterial to Day Rd.) – widen to five lanes	2025-2032	Yes
11488	Boones Ferry Rd./Commerce Circle/95 <sup>th</sup> Ave. – Intersection improvement and access control	2025-2032	Yes
11489	Boones Ferry Rd./I-5 Southbound – add second southbound right turn lane on ramp	2025-2032	Yes
11490	Day Rd. Overcrossing (Boones Ferry Rd. to Ellgsen Rd.) – new four-lane roadway extension/overcrossing of I-5	2033-2040	Yes
11436	East-West Arterial Overcrossing (Boones Ferry Rd. to east side of I-5) – new four-lane roadway extension/overcrossing of I-5	2033-2040	<b>No</b>

Source: <http://www.oregonmetro.gov/regional-transportation-plan>

Figure 9 Transportation Preferred Alternative 2035

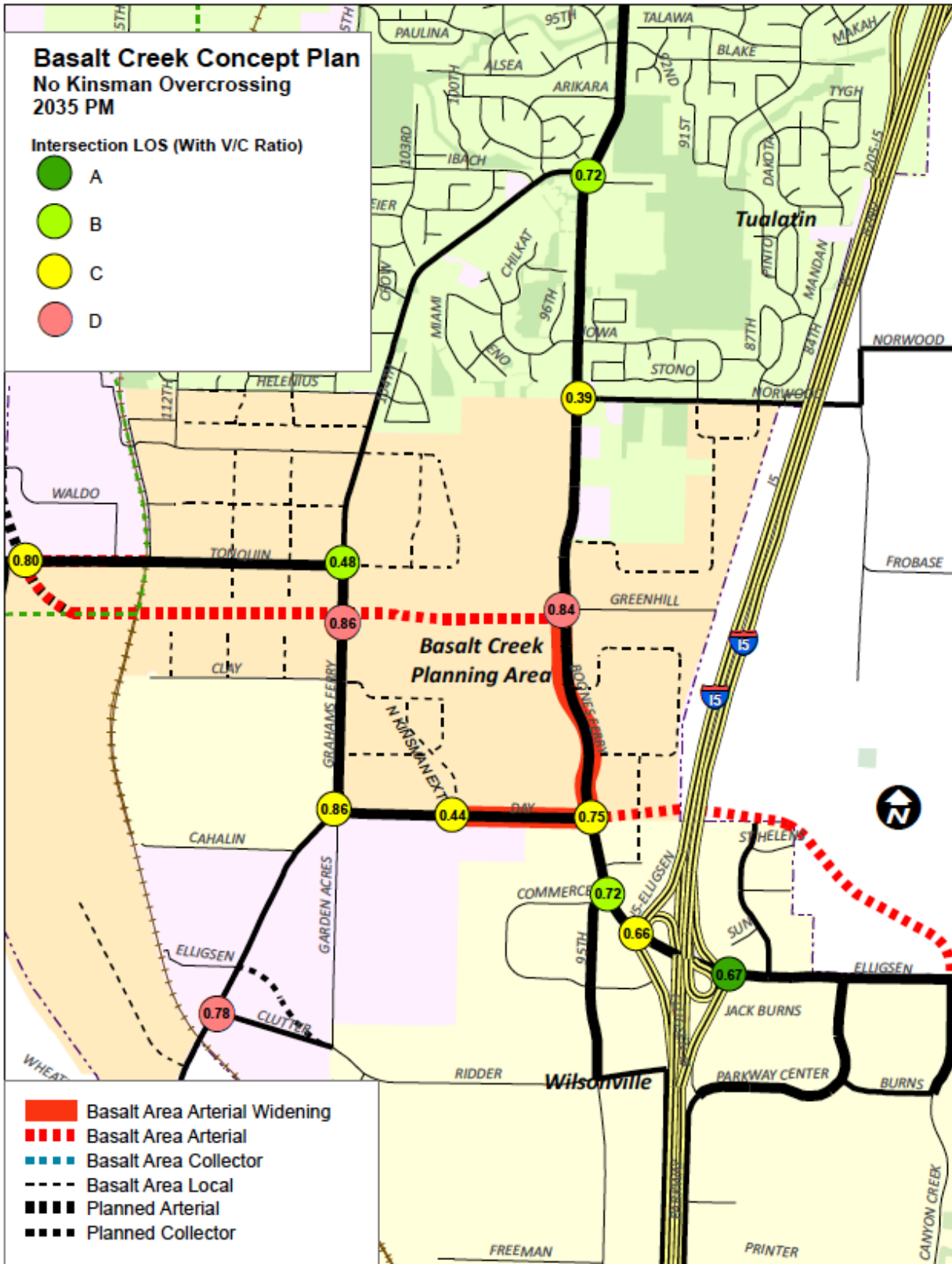
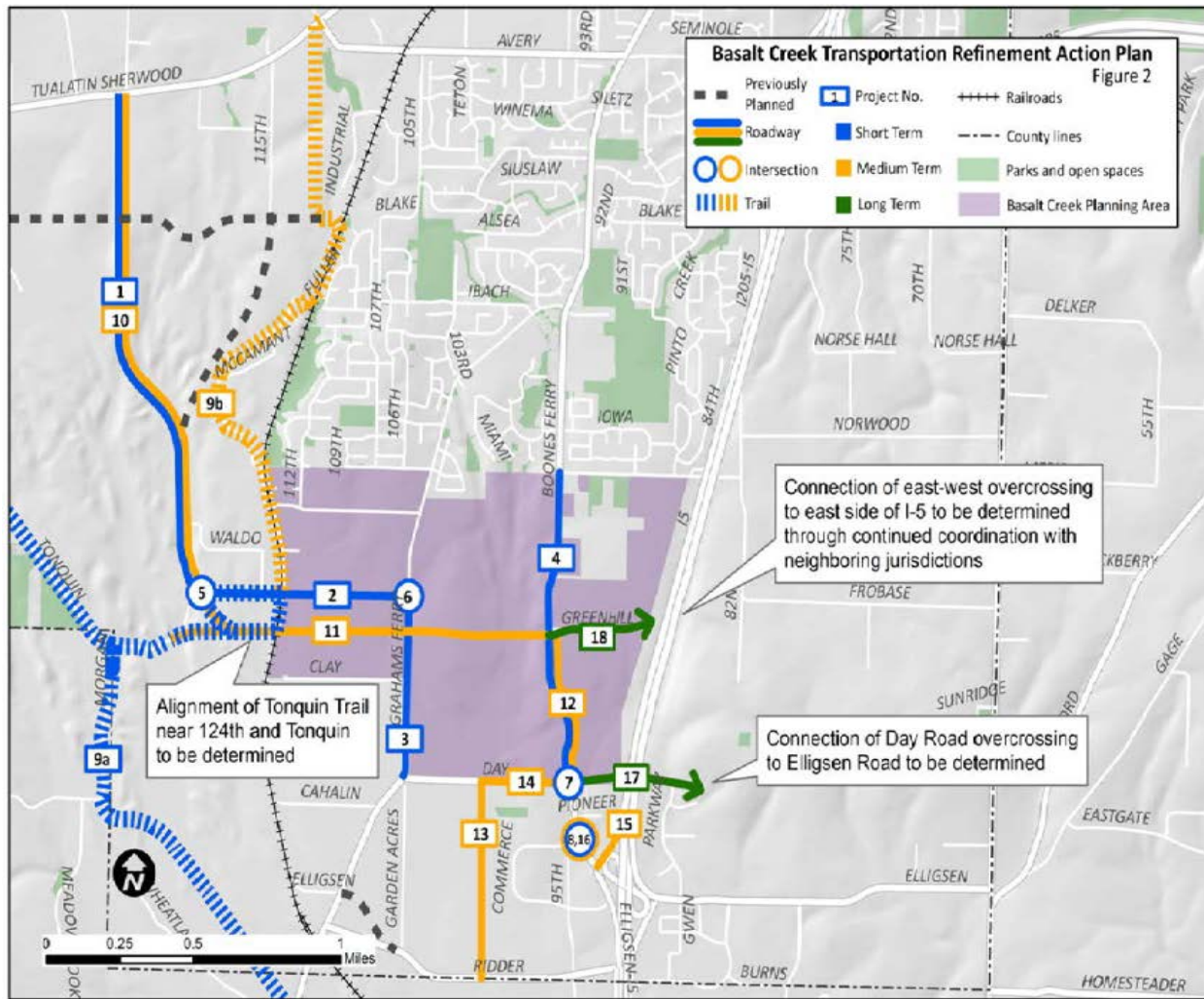


Figure 10 Basalt Creek Transportation Refinement Plan



See Appendix J for more information on the full project list.

The Concept Plan analyzed alternatives regarding future development – and therefore trip generation -- in the Basalt Creek/West Railroad area. The land uses assumed for the Concept Plan are key inputs in traffic forecasting and future traffic operations. Assumptions about regional land use (and intensity of trip generation) beyond the Concept Plan area in 2035 also have a strong impact on forecasting and future operations. Table 5 outlines the trip generation by land use in the Planning Area. The trips generated by the land uses in the Concept Plan are consistent with the trip generation assumed in the TRP and the 2014 RTP.

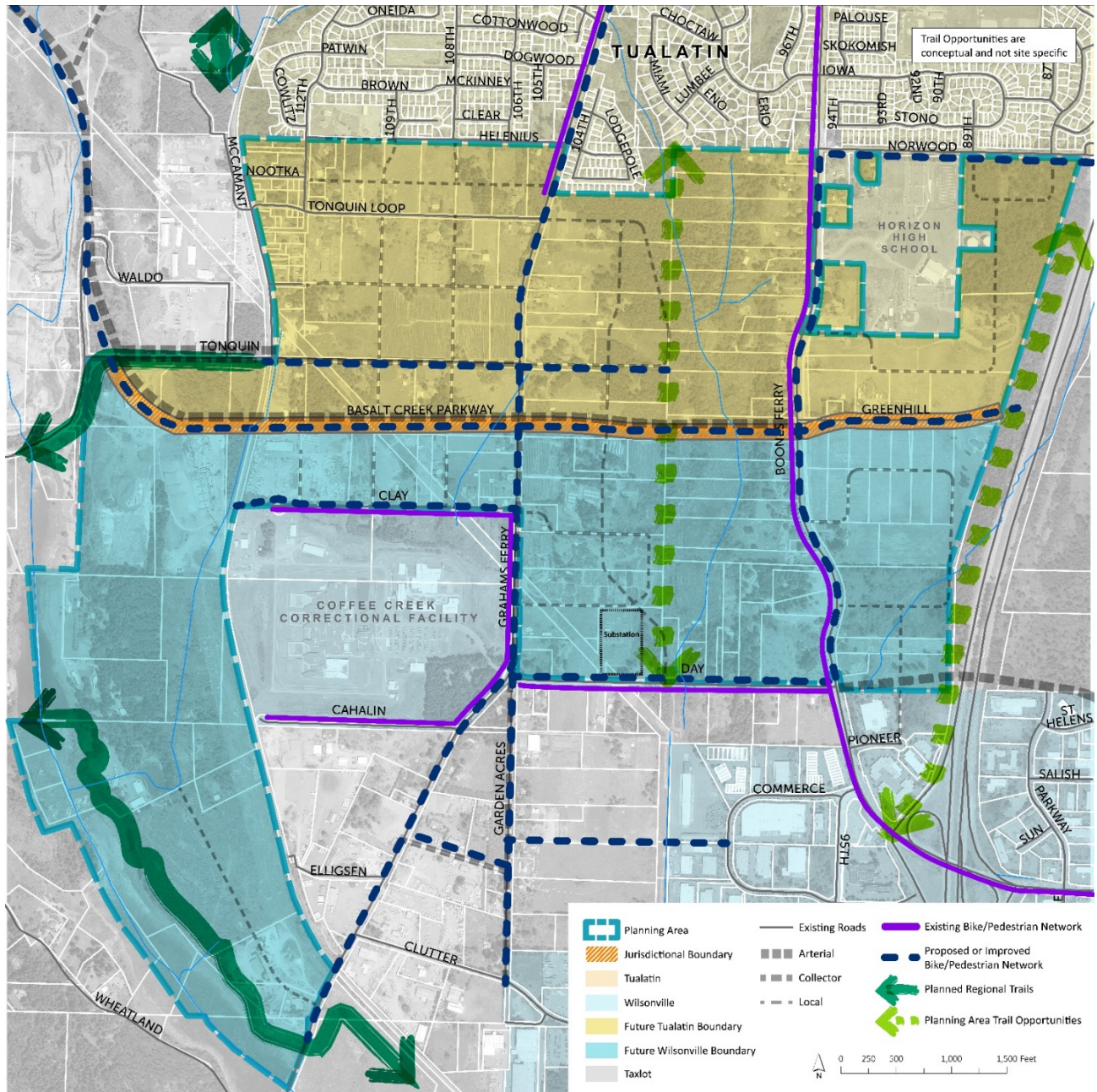
Table 5 Trips by Land Use Designation

Jurisdiction	Land Use Designation	Trips	Trips per Acre
Tualatin	High Density Residential	42	12.52
	Medium-Low Density Residential	236	3.94
	Low Density Residential	85	3.41
	Neighborhood Commercial	24	8.26
	Manufacturing Park	725	7.80
	Tualatin Subtotal/Average	1,111	5.72
Wilsonville	Craft Industrial	16	12.95
	Light Industrial District	218	6.17
	High Tech Employment District	717	7.59
	Wilsonville Subtotal/Average	951	6.96
Planning Area	<b>Planning Area Average</b>		<b>6.23</b>
	<b>Total Trips</b>	<b>2,062</b>	

### Bicycle and Pedestrian Framework

As noted in the existing conditions, the bicycle and pedestrian network is incomplete in the Planning Area. Additional bike and pedestrian facilities will be integrated into new and updated road projects in accordance with State, County and City standards and in conjunction with predicted traffic flows. The map below illustrates the location of these proposed upgrades, along with identified trail opportunities that would further enhance connectivity in the Planning Area and to surrounding areas.

Figure 11 Bikes, Trails, and Pedestrian Network Map



While existing bike and pedestrian facilities run along Boones Ferry Road, Day Road, and sections of Grahams Ferry Road, planned improvements will increase safety and completeness. The additional facilities will offer significant east/west connections along the new Basalt Creek Parkway and Tonquin Road as well as an important north/south connection along the length of Graham’s Ferry Road within the Planning Area. These improvements will make connections between the proposed neighborhood commercial area on Boones Ferry Road with residential neighborhoods and employment areas as well as the future transit network. Given the nature of the Basalt Creek Parkway, an over or underpass may be preferred or necessary to make the best bike/pedestrian connections in the Planning Area.

Coordination between the cities, Washington County, Metro, ODOT, and possibly BPA will be necessary for a feasibility study, implementation and funding.

Most participants polled at the April 2016 Open House suggested they would like to use future bike and pedestrian facilities to access recreation or for exercise, with almost half anticipating using these facilities at least once a week. These new connections will not only provide improved connectivity but also valuable access to local recreational areas, trails, and natural areas.

With the conservation of significant natural areas, the plan outlines opportunities to connect these spaces to pedestrian and bike facilities in key locations to create active and passive recreation, outdoor education, and public art amenities. The two main opportunities for trails within the Basalt Creek Planning Area are a Basalt Creek Canyon Ridge Trail and the I-5 easement Trail, which are shown in Figure 11 as Planning Area Trail Opportunities marked by large light green arrows. When trail alignments are considered in the future, access to the natural resource will not take priority over protection and enhancement.

Currently, Basalt Creek Canyon is a barrier to east/west movement through the Planning Area. A north/south connection to the west of the Canyon would further improve the network and make connections to east/west roads that run north and south of the Canyon. The Basalt Creek Canyon Ridge Trail opportunity would be located upland, not within Basalt Creek, near or along the ridge of the Basalt Creek Canyon. This trail could be connected to the regional trail network by extending Tonquin Road with bike/pedestrian facilities across Graham's Ferry to the new ridge trail. There is also opportunity to create a trail parallel to I-5 in the ODOT regional easement that would provide an additional north/south connection that would connect to existing bike and pedestrian facilities.

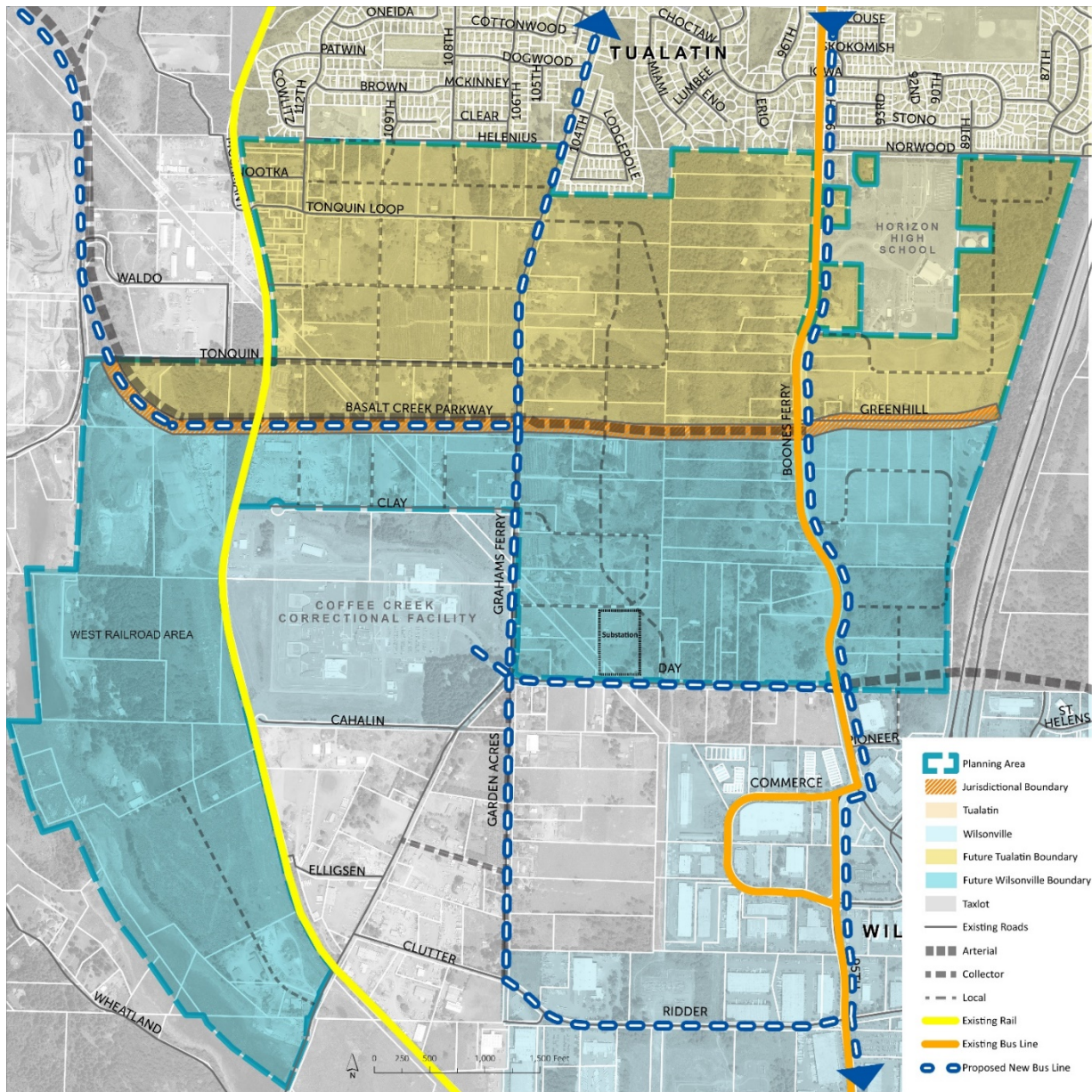
Decision-making on investments should prioritize connections that link pedestrian and bike networks to transit stops and near locations with higher planned density. Potential funding sources for improving the bike/pedestrian network include Washington County (MSTIP) and Metro (i.e. MTIP, RFFA, SW Corridor, Natural Area Bonds).

Coordination with Metro, Tualatin Community Services Department, and the Wilsonville Parks and Recreation Department will be necessary to establish a local trail network with regional connections. Metro's Ice Age Tonquin Trail Master Plan provides a framework for local and regional implementation of the regional Ice Age Tonquin Trail, which is intended to complement the Ice Age Floods National Geological Trail Planning (the national trail will be a network of driving routes with spurs for biking and walking, from Montana to the Pacific Ocean). The preferred alignment for the regional Ice Age Tonquin Trail includes a section bordering the Basalt Creek Planning Area as part of a 22-mile trail alignment through Wilsonville, Tualatin, and Sherwood with trail facility types varying by location based upon landscape and setting. The Ice Age Tonquin Trail is intended to connect in the north to the Tualatin River Greenway Trail, Fanno Creek Trail, and the Westside Trail, and to the south to the Willamette River.



## Future Transit Framework

Figure 12 Future Transit Framework



The creation of additional bus lines along existing and new routes in the Basalt Creek Planning Area will be necessary to increase connectivity and to support the job and household growth envisioned for this area. Transit service in the area requires coordination between TriMet and SMART to enhance service along existing bus routes and to provide effective connections north-to-south and east-to-west through the Planning Area. This service would also provide access to surrounding and regional employment centers and residential neighborhoods. Transit service should facilitate riders commuting to and from work and visiting major local destinations such as the Wilsonville and Tualatin Town Centers. As such, transit service should reflect development and density patterns as the area grows.

SMART and TriMet routes will be integrated with the bike, pedestrian, and trail services with key access points along Grahams Ferry Road, Boones Ferry Road, Day Road, SMART Central, and the Correctional Facility. All extensions will comply with ADA requirements. SMART will continue to serve Wilsonville, including the areas annexed within the Planning Area into Wilsonville. The Cities will work with TriMet to integrate with SMART service. Lawmakers and staff will work together to ascertain the impacts of and process for a possible service boundary change.

The existing Portland and Western Railroad (PNWR) runs along the western side of the Basalt Creek Planning Area. In addition to transporting freight, it also provides the Westside Express Service (WES), a commuter rail line serving Beaverton, Tigard, Tualatin and Wilsonville. WES runs on weekdays during the morning and afternoon rush hours, with trains every 30 minutes, connecting commuters to both the TriMet and SMART transit systems. The feasibility of a new WES station serving the Basalt Creek Planning Area should be studied with increased development and ridership demand.

## Civic Uses

The Basalt Creek Concept Plan does not quantify the specific need or locations for civic uses such as libraries, parks and elementary schools within the Planning Area, but a minimum park space of a 15- to 20-acre Neighborhood Park is needed to serve Tualatin residents and businesses in the Planning Area. The facilities for provision of schools and parks will be determined and funded as development occurs in the area and will be based on level of service standards for the subsequent population expansion. However, during scenario planning, assumptions were built into the model for the size and capacity of residential development types to serve as a guide. The development scenarios assumed school districts, cities, and other service providers would use their site selection and land acquisition processes to acquire the land needed for these facilities. Locations of any necessary facilities will be determined through a collaborative planning effort between the cities and service providers, as such they are not included on any plan maps. Cities have decided to provide library services for the Basalt Creek population through existing libraries that will be sized to accommodate the additional demand.

## Schools

Capacity is the main concern for school planning. The school district will calculate the need for new schools based upon demographic and density estimates for future development in the Basalt Creek Planning Area according to operational standards related to the number of students allowed per school. The final development scenario estimates 1,156 future households in the Basalt Creek Planning Area.

The Planning Area currently falls within the Sherwood School District. This district has an estimated enrollment of 5,158 and includes four elementary schools, two middle schools, Sherwood High School, and Sherwood Charter School.

The Basalt Creek Planning Area is located in the Sherwood School District and in 2016 the voters in the District approved ballot measure 34-254 approving a bond. This bond project will allow the District to accommodate an additional 2,000 students district-wide (according to information on the District's website <http://www.sherwood.k12.or.us/information/bond-visioning-process>).

Provision of any new schools will be coordinated with representatives of all nearby school districts for capital planning. The Planning Area is located very close to Tualatin High School. The Tigard-Tualatin

School District has an estimated enrollment of 12,363, and includes ten elementary schools, three middle schools, and two high schools. A private high school, Horizon Christian, is located within the Planning Area and currently serves 160 students but plans significant expansion in the future.

The addition of hundreds of new households can be expected to impact existing school districts, but at this time no district has indicated that they plan to locate any new facilities within the Planning Area. Although, the Basalt Creek Planning Area could provide opportunities for shared facilities, such as parks and recreation spaces.

## Parks and Open Space

One of the guiding principles of the Basalt Creek Concept Plan is to protect key natural resources and sensitive areas while making recreational opportunities accessible by integrating new parkland, open spaces, natural areas and trails in the Planning Area and connecting to existing regional networks.

The Planning Area provides an interesting opportunity for different types of parks, given the variety of land uses and the extensive Basalt Creek Canyon natural area: active and passive neighborhood parks, pocket parks, and even perhaps a large community or regional facility. It also provides opportunities for jogging, hiking, or other outdoor recreation by area employees and nearby residents.

Cities will determine specific locations of facilities as part of citywide parks planning and implementation, and will adopt funding methods for acquisition, capital and operating costs for parklands in the Basalt Creek Planning Area, including the use of their current System Development Charges for parks. Locating parks near schools, natural areas or other public facilities is preferable, especially when it provides an opportunity for shared use facilities. As in any park development, the acquisition is best done in advance of annexation and extension of services, with development of the parks occurring as the need arises.

At the time of this writing, both cities are going through a Park and Recreation Master Plan update. This update has considered the Basalt Creek Planning Area in the types of services and facilities that will be needed to serve residents and businesses in this area. Each City will include their respective portions of the Basalt Creek area in their independent Parks and Recreation Master Plan.

## Natural, Historical and Cultural Resources

### Overview

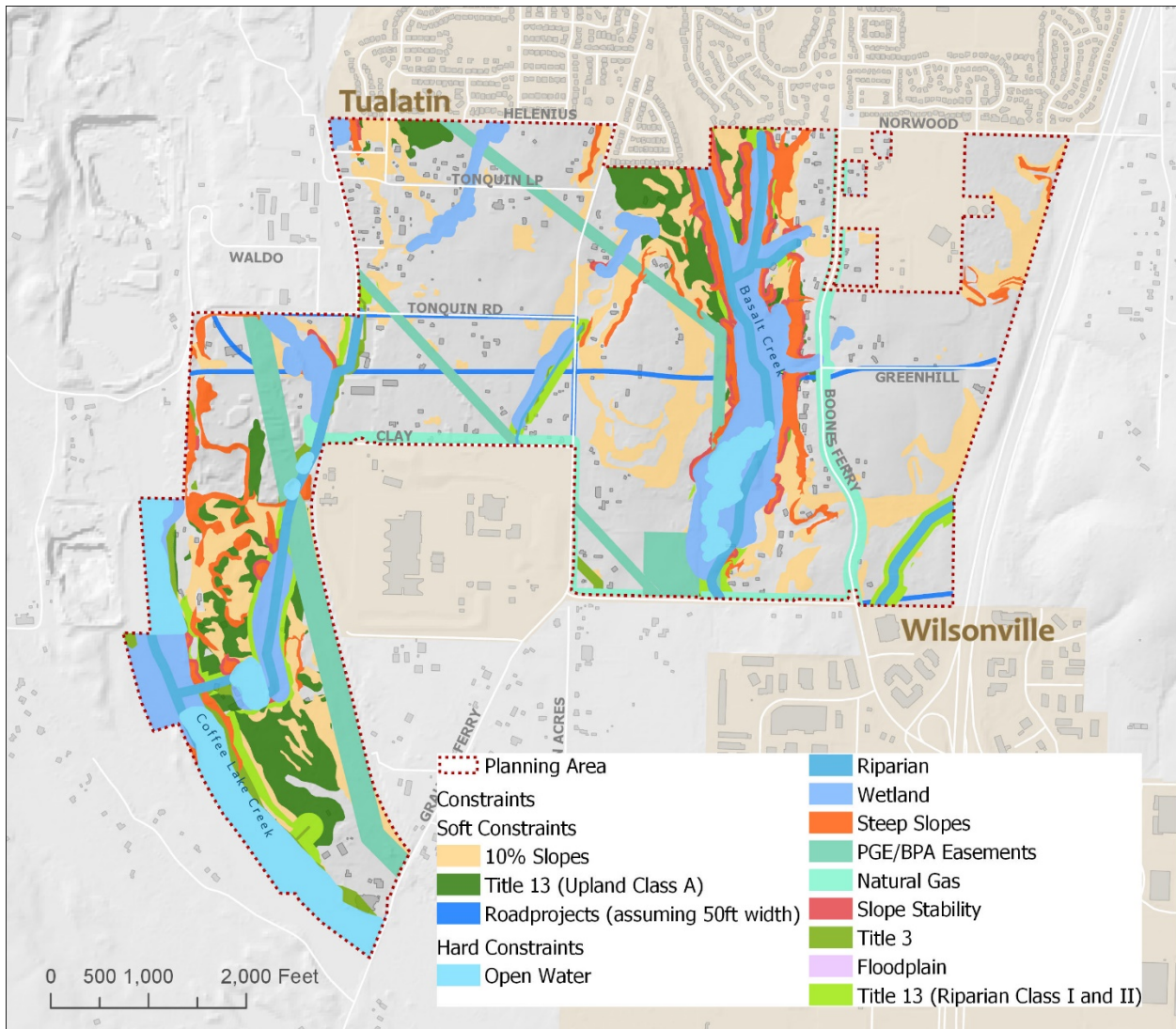
The future vitality of the Basalt Creek Planning Area hinges on development that efficiently locates job growth on the land most suited for it, while preserving and capitalizing on the natural and cultural resources in the area. The identification of environmentally sensitive lands followed the regulatory framework described briefly below and is illustrated on the Natural Resources Map (Figure 13) and in the Existing Conditions Report (Appendix A starting on page 86).

Developable lands for all scenario planning incorporated these findings. Since Clean Water Services and Wilsonville have local regulations compliant with state and regional environmental protection requirements, and in some cases that go above and beyond basic requirements, the constraints analysis used them as a foundation for determining the necessary buffering around a natural feature.

Environmental constraints are summarized below and unless otherwise noted were fully excluded from the developable land input in the scenario testing for the Basalt Creek Concept Plan:

- Open Water
- Streams
- Wetlands
- Floodplains (50% reduction of developable area)
- Title 3 Water Quality and Flood Management protections
- Title 13 Nature in Neighborhoods (20% reduction of developable area in areas designated Riparian Habitat Classes I and II)
- Steep Slopes (25% slopes and greater)

Figure 13 Natural Resources Map



## Regulatory Framework for Conserving Natural Resources

### Oregon Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 protects natural resources and conserves scenic and historic areas and open spaces by directing local governments to adopt protection programs. Titles 3 and 13 of Metro’s Urban Growth Management Functional Plan implements Goal 5 in the Portland Metro region.

### Metro Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation

Title 3 requires local jurisdictions to limit or mitigate the impact of development activities on Water Quality and Flood Management Areas which includes wetlands and riparian areas. An inventory was conducted in 2001. There are 116 acres of land in the Basalt Creek Planning Area that have been designated by Metro as Water Quality and Flood Management Areas under Title 3. These lands are restricted for development and buffered by a vegetated corridor. Any development within the vegetated corridor must be mitigated by environmental restoration and/or stormwater retention and water quality measures. As a result of Title 3, these lands were excluded from the developable lands input in the scenario testing.

*Table 6 Title 3 Wetlands by Category and Acres*

Category	Acres	Description
Open Water	49 acres	Includes 50 ft. buffer
Streams	31 acres	Includes 15 to 50 ft. buffers
Wetlands	69 acres	Includes 25 to 50 ft. buffers

### Metro Title 13: Nature in Neighborhoods

Title 13 requires local jurisdictions to protect and encourage restoration of a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape. Metro’s regional habitat inventory in 2001 identified the location and health of fish and wildlife habitat based on waterside, riparian and upland habitat criteria. These areas were named Habitat Conservation Areas.

*Table 7 Title 13 HCA Categories with Acreage*

HCA Categories	Acres	Description
Riparian Wildlife Habitat Class I	130	Area supports 3 or more riparian functions
Riparian Wildlife Habitat Class II	31	Area supports 1 or 2 primary riparian functions
Riparian Wildlife Habitat Class III	7	Area supports only secondary riparian functions outside of wildlife areas
Upland Wildlife Habitat Class A	103	Areas with secondary riparian value that have high value for wildlife habitat
Upland Wildlife Habitat Class B	72	Area with secondary riparian value that have medium value for wildlife habitat
Upland Wildlife Habitat Class C	37	Areas with secondary riparian value that have low value for wildlife habitat

Designated Aquatic Impact Areas	52	Area within 150 ft. of streams, river, lakes, or wetlands that are not considered regionally significant natural resources but could have some adverse impacts
---------------------------------	----	--

Development in Title 13 areas is not prohibited but generally discouraged within the Basalt Creek Planning Area. Areas designated Riparian Habitat Classes I and II require 20% reduction in developable lands. Low impact design and mitigation strategies would be important to any development that might happen to maintain the function of these important ecological areas.

Both the City of Wilsonville and Clean Water Services have local ordinances in place that go beyond the level of conservation required by Title 3 and existing local standards from each City would apply upon annexation of a Planning Area property into either Wilsonville or Tualatin. Future development in Tualatin must comply with Clean Water Services’ Design and Construction Standards & Service Provider Letters (SPLs) for impacts in sensitive areas such as vegetated corridors surrounding streams and wetland habitat, including the Tualatin River Watershed and the entire City of Tualatin. Within the City of Wilsonville, the Significant Resource Overlay Zone (SROZ) includes floodplains, wetlands, riparian corridors, and vegetated corridors. Impact areas are generally considered to be the areas within 25 feet of a Significant Resource area. Development can only be permitted through review of a Significant Resource Impact Report (SRIR) analyzing the impacts of development within mapped significant resource areas.

### Natural Resource Protection and Enhancement Strategies

Most of the land with environmental constraints is in or near Basalt Creek Canyon and the West Railroad Area. To protect the natural areas, the Cities have agreed to management practices consistent with Metro Title 3 and 13. The Canyon is very valuable to the area and it needs to be protected, while also having visual or physical public access points in appropriate locations to connect to the bicycle, pedestrian and recreational facilities in the area and to serve the needs of residents and local employees. Future protection and enhancement opportunities may include: controlling invasive plant species, such as reed canary grass, Himalayan blackberry and English ivy, reintroducing native plants into aquatic and upland habitats, retaining and installing snags and woody debris. Important species include Red-legged Frogs, the Pileated Woodpecker, Oregon white oak, Ponderosa pine, and Geyer willow (see Appendix A for more information).

### Cultural Resources

Community members through the planning process have identified the old Carlon Schoolhouse as a historically significant landmark. It sits off Grahams Ferry Road near Day Road and was in use as a school until the late 1800s. While the area has an interesting geologic history, it has not been identified as a resource for any significant archaeological artifacts.



Figure 14 Picture of the Carlon Schoolhouse from Tualatin Life Newspaper on August 19, 2014 by Loyce Martinazzi

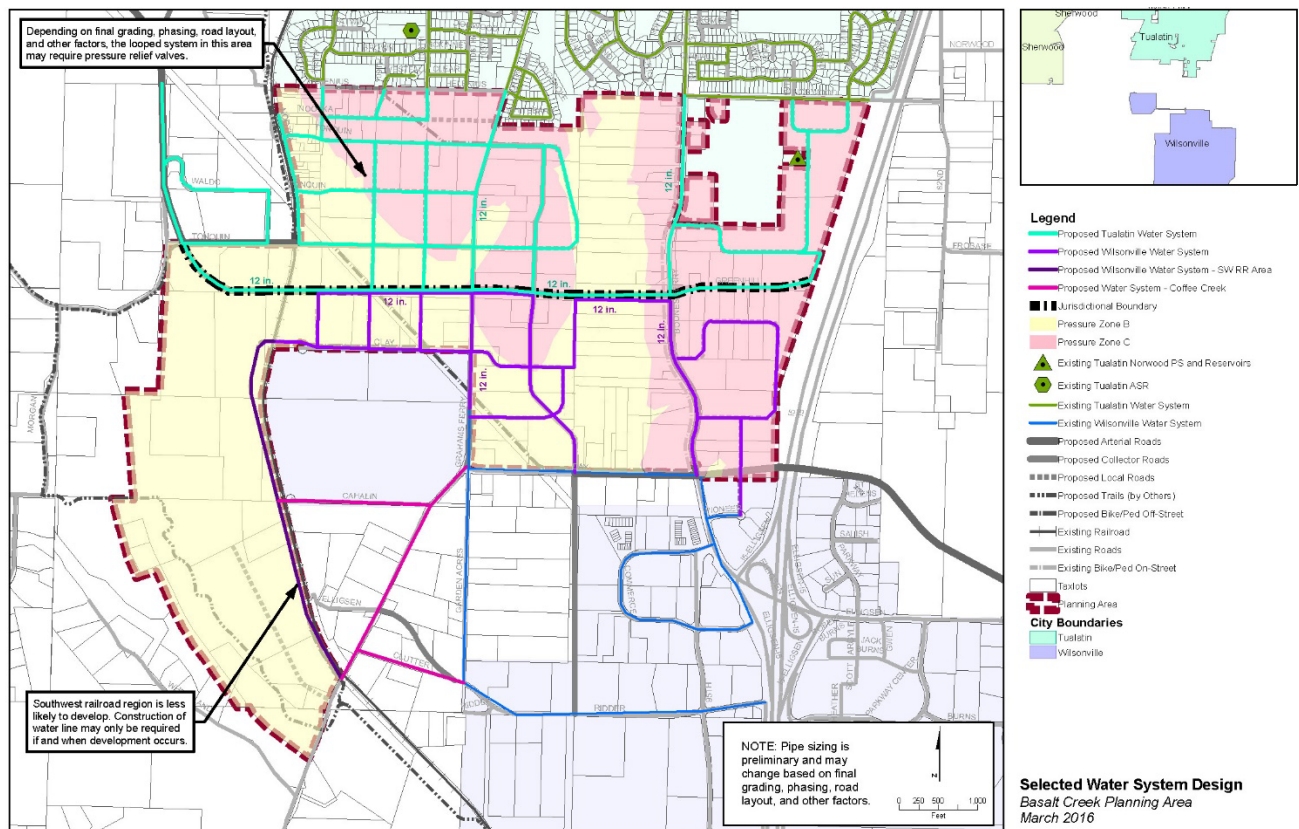
## Infrastructure

For the conceptual infrastructure systems, high level planning calculations were completed to estimate water demand and sewer flows (Appendix I). These values can vary widely depending on the actual future development. Each City's individual master plans will be used to provide demand and flow projections when further planning the area.

## Water

The conceptual water systems designed to serve the Basalt Creek Planning Area are shown below in Figure 15. The systems are independent looped systems that will not be connected to each other. Water lines for each city may be located along the proposed east-west arterial road, the future Basalt Creek Parkway, and other roadways throughout the Planning Area.

Figure 15 Water Systems Concept for Basalt Creek Planning Area



The existing service zones (levels B and C) from both communities provide sufficient pressure to provide service within each city's planning area. The Tualatin pressure zones B (ground elevations 192 feet to 306 feet) and C (ground elevations 260 feet to 360 feet) will serve the Basalt Creek Planning Area. To provide service to Wilsonville's pressure zone C area (ground elevations 275 feet to 410 feet), the City has identified a need to install a booster pump station to serve the higher elevation areas (above approximately 285 feet) south of Greenhill Road. The booster pump station is one of the CIP projects listed in the 2012 Wilsonville Water Master Plan and has been included in the City's city-wide cost estimates.

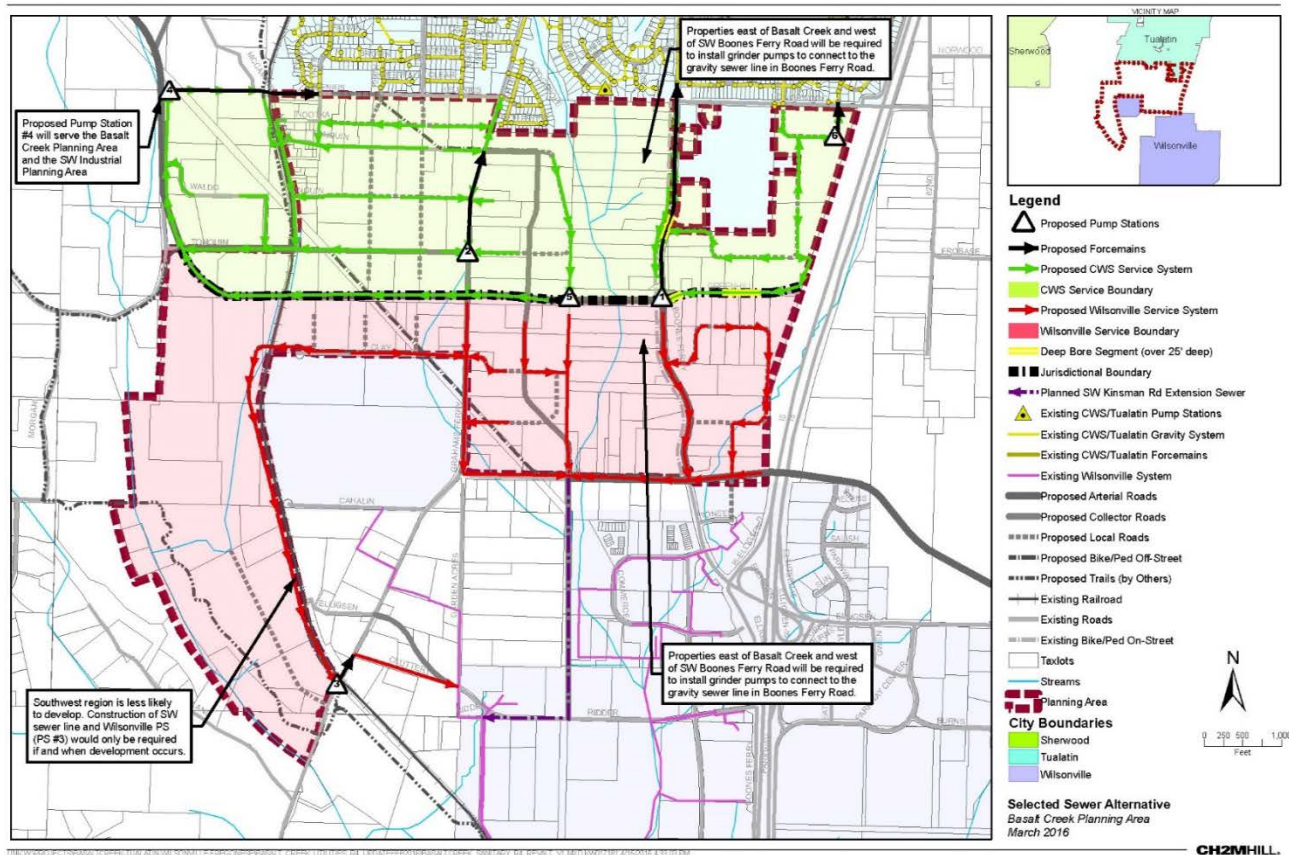
The Coffee Creek water system is shown outside of the Basalt Creek Planning Area (east of the railroad, west of SW Grahams Ferry Road, and south of SW Clay Road) to illustrate Wilsonville’s water system and how to connect services to the West Railroad Area. That portion of the system would be installed and funded by development within the Coffee Creek Master Plan area.

The West Railroad Area has a much lower potential for development due to several constraints including slope, geology, wetlands, habitat areas, access, and existing uses. Cost estimates to serve this area have been included as a separate column but would only be required if and when development occurs.

### Sanitary Sewer

The conceptual sanitary sewer systems are shown in Figure 16. While topography will be a major challenge, the sanitary systems use gravity as much as possible and sewers generally flow to the south and west following the slopes of the existing ground and along existing and proposed roadways and trails to avoid streams and natural areas. These systems include new pump stations, which are used to lift wastewater to higher elevations where it can then be transported by gravity flow systems.

Figure 16 Sanitary Sewer Systems Concept for Basalt Creek Planning Area



Five pump stations are proposed to serve the Tualatin system, managed and maintained by Clean Water Services (CWS), and one pump station is required for the proposed Wilsonville system.

In the area between Basalt Creek Canyon and Boones Ferry Road in both Tualatin and Wilsonville service boundaries, residents and business owners who wish to connect to the proposed gravity system (or are



required due to septic failure) likely will require a private grinder pump to connect to public sewer. A grinder pump consists of a collection tank that grinds waste and pumps it to the public sewer system.

The conceptual sewer system connects to the existing Tualatin system at SW 112th Avenue between SW Cowlitz Drive and SW Nootka Street, at SW Grahams Ferry Road and SW Helenius Street, at SW Boones Ferry Road and SW Norwood Road, and at SW Vermillion Drive and SW Norwood Road. The sewer system connects to the existing Wilsonville system in Garden Acres Road to SW Day Road, Grahams Ferry Road and Boones Ferry Road (the sewer line initially contemplated in the Coffee Creek Master Plan and included in the analysis for this Concept Plan has changed, shifting from a SW Kinsman Road extension to Garden Acres Road).

### Stormwater Drainage

Stormwater detention and treatment will occur at local facilities and no regional facilities are planned for the area. Each City will serve its own jurisdiction area independently. The Cities acknowledge that they must follow requirements established in their guiding respective NPDES (National Pollution Discharge Elimination System) MS4 (Municipal Separate Storm Sewer System) permits. All flows that outlet within each city will be guided by their respective protocols, design standards, and/or stormwater management plans. Public stormwater systems are included in the road network cost estimate. Stormwater systems outside of the public right-of-way are assumed to be part of the development costs, which have not been estimated.

# Implementation and Phasing Strategy

## Implementation Measures

Implementing the Concept Plan will take a predictable path in this area:

- First, each City will work with the County to update their Urban Planning Area Agreement.
- Each City will also amend its comprehensive plan to include the essential elements of the Concept Plan.
- Next, the Cities ensure that the zoning and/or development code is updated to enable development in the Planning Area, and includes appropriate zoning standards
- Generally, annexation is predicated on investor interest, and the expectation is that investors will finance the extension of services.
- Either city may decide to invest in service extension as a way to spur development or may decide to help a group of investors develop an area, for example by providing the formation of a Local Improvement District of other funding mechanism.

## Action Items

### 1. Amend Urban Planning Area Agreements

Comprehensive planning within the regional Urban Growth Boundary (UGB) is coordinated between Washington County and cities through Urban Planning Area Agreements (UPAAs). Upon adoption of the Concept Plan both Cities will work with the County to update their respective UPAAs. The UPAAs will acknowledge the future jurisdictional boundary and outline what areas may be annexed into by each city. The amended UPAAs provide the transfer of planning authority to the Cities enabling them to proceed with annexation and development.

### 2. Amend Comprehensive Plans

Tualatin, which has a “one map” system where the zoning and comprehensive plan are essentially the same map, will be adopted after adoption of the Concept Plan anticipated by May 2019.

Wilsonville, which has a “two map” system where the Comprehensive Plan shows future conditions and not necessarily zoning, will adopt Comprehensive Plan amendments soon after the adoption of the Concept Plan. The Comprehensive Plan amendments will draw from the Concept Plan and use its definitions of uses and standards to design the amendments.

### 3. Assure zoning is compatible with future land use

Each city will need to assess its zoning codes and ensure that they permit the anticipated uses with appropriate development standards. This will be made fairly easy in that each city has its own development types, drafted around current zoning code standards. However, new uses anticipated in some of the development types will need some zoning code amendments.

In addition, the Cities will need to consider special design elements of the Concept Plan and determine if their respective development codes need to be updated. Specifically, the City of Tualatin will want to

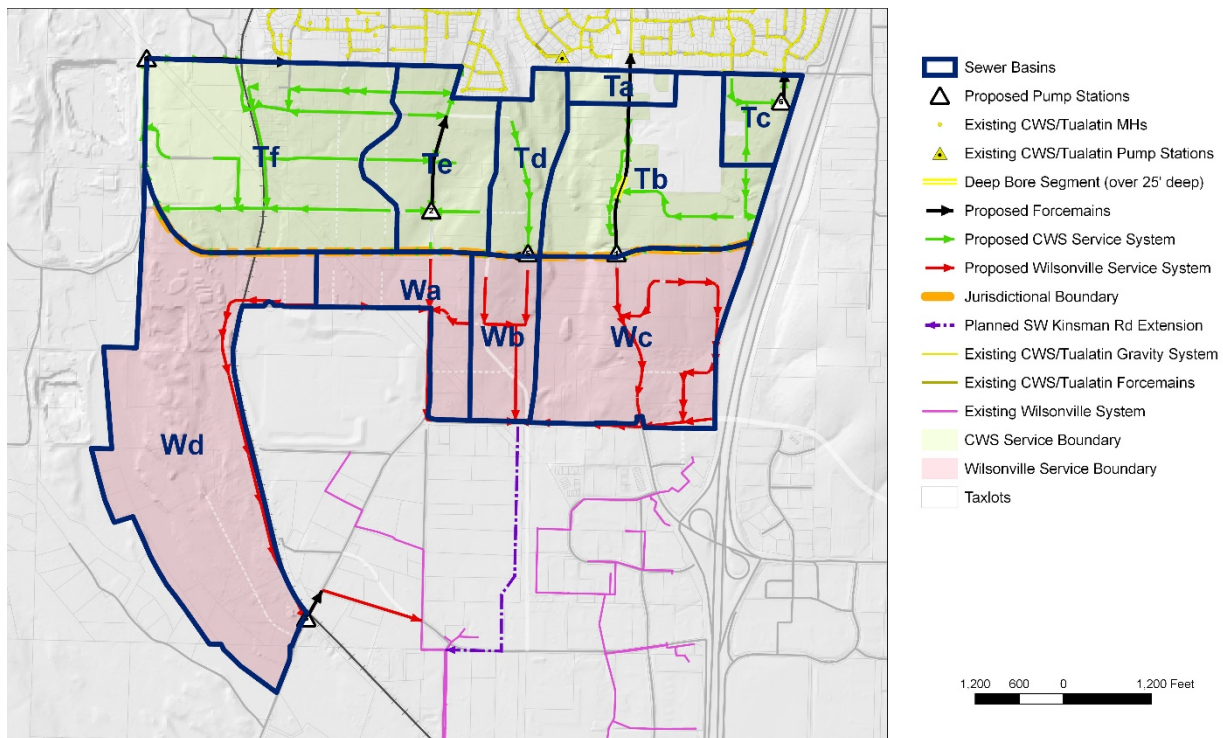
determine what design standards are relevant to creating appropriate transitions between residential and employment uses, and the City of Wilsonville will want to consider the application of its Industrial Form-based Code to help create a uniquely attractive business community.

#### 4. Annex as demand occurs based on feasible phasing

Utility improvements will be made as properties are annexed and developed in each city, so phasing will be driven by the pace of development. Generally, utility improvements will begin at the boundaries of the Planning Area that are adjacent to the existing city services and progress outward. Most of the utility infrastructure follows existing or proposed roadways and construction should be coordinated with new road construction and existing roadway improvements.

The most formative of the utilities (sewer, water and roads) will be sanitary sewer. This is because it is a gravity system that must be hooked into an existing sanitary system or drained to a pump station that will lift the sewage via pressure line to an existing sanitary line.

Figure 17 Implementation Map



Based on the Sewer Master Plan, several natural phasing districts are evident. These are shown on Figure 17. Tualatin has six potential phases based on existing sewer basins and five pump stations. No one sewer basin is dependent on the other, so these areas could develop in any sequence. If the initial installation can install the pump station and pressure line, development can proceed in increments, from the pump station uphill to the extent of the sewer basin. Figure 17 shows Tualatin stages advancing from Ta through Tf.

Wilsonville has four basins, three gravity and one with a pump station. Figure 17 shows phasing progressing from Wa through Wd. District Wd, which serves the West Railroad Area, is the most

constrained and likely to see development last in the Planning Area. The other three are gravity lines that can be constructed independently. They can proceed from the inlet to the existing gravity system uphill in the basin.

In both cities, the water and transportation infrastructure can be installed as needed although some enabling projects may be required to be constructed prior to development to connect properties to existing systems. Efficiency may be achieved when the underground utilities are constructed concurrently with the transportation system.

## 5. Consider capital improvements to spur development

In both systems, the sewer basin is large enough that it contains several property owners. Each city has a method of reimbursing the developer for installing infrastructure when other development hooks in. However, the Cities may find that in some cases, the property owners of developers cannot finance the infrastructure themselves. In that case, the city may decide to participate in one of several ways:

- Finance the infrastructure themselves, charging reimbursement as projects hook up
- Create a cooperative financing district such as a Local Improvement District or Reimbursement District, that would allow the infrastructure to be installed by a primary party and paid off over time by the property owners, relieving some of the burden of a large capital financial commitment
- Develop the infrastructure as an inducement for desired development, such as for an important job creating project

## 6. Master planning processes

Many of the ideas proposed in this Concept Plan will require project development to determine the specific needs, feasibility, locations, costs, and other details through each City's master planning process. Typically master plans are completed for infrastructure services, parks, open space, and trails. Master plans include public involvement processes, including Planning Commission review and City Council adoption.



# BASALT CREEK CONCEPT PLAN

Attachment B: Basalt Creek Concept Plan  
Conclusionary Findings (Final  
7.23.2018)

This page left blank intentionally

**CONCLUSIONARY FINDINGS**  
**July 23, 2018**

**In support of Approval of Resolution 2697**  
**BASALT CREEK CONCEPT PLAN**

**Definition of a Conceptual Land Use Plan:**

The Wilsonville Comprehensive Plan does not define or provide specific direction for conceptual land use plan elements. For the purpose of this staff report, the following description is used:

*A conceptual land use plan addresses the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies for a study area. It uses a pictorial presentation to show the ultimate development layout of a site, which may be developed, in successive stages or subdivisions. A conceptual plan need not be completely engineered, but it should have sufficient detail to illustrate the site's inherent features and probable development pattern.*

**Comprehensive Plan Supporting Documents:**

All of the documents listed on pages 5-6 of the Comprehensive Plan, including amendments that may subsequently be made, should be considered to be supportive of the contents of the Comprehensive Plan. However, only those documents that have been specifically adopted by the City Council as part of the Comprehensive Plan shall have the force and effect of the Plan. Adoption of the Basalt Creek Concept Plan is not a land use decision. It is supportive of the Comprehensive Plan, but is not being adopted as a sub-element. Following adoption of the Concept Plan and subsequent amendment of the Urban Planning Area Agreement with Washington County, Comprehensive Plan Amendments will be adopted.

**WILSONVILLE DEVELOPMENT CODE**

**Section 4.032. Authority of the Planning Commission.**

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

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

**Response:** The Basalt Creek Concept Plan is a support document of the Wilsonville Comprehensive Plan, and as such is not a land use action. However, it will guide future Comprehensive Plan and Development Code amendments. The Planning Commission conducted a public hearing on July 11, 2018, providing the City Council with a recommendation on the Basalt Creek Concept Plan. The City Council is the final local authority on this Plan. **These criteria are satisfied.**

**Section 4.033. Authority of City Council.**

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

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

**Response:** The City Council has received a recommendation from the Planning Commission to adopt the Basalt Creek Concept Plan. The City Council is the final local authority regarding adoption of the Basalt Creek Concept Plan, which will be adopted via Resolution as a supporting document of the City's Comprehensive Plan. **These criteria are satisfied.**

*(.02) When a decision or approval of the Council is required, the Planning Director shall schedule a public hearing pursuant to Section 4.013. At the public hearing the staff shall review the report of the Planning Commission or Development Review Board and provide other pertinent information, and interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter shall not be approved and, if approved, the nature of the provisions to be contained in approving action.*

*(.03) To the extent that a finding of fact is required, the Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission or Development Review Board. The Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Council determines the conditions are appropriate to fulfill the criteria for approval.*

**Response:** Following the public hearing before the Planning Commission on July 11, 2018, the Planning Director scheduled an August 6, 2018, public hearing before the City Council, at which time the Council will review the findings and recommendations provided by the Planning Commission. **At conclusion of the public hearing process before the Council, these criteria will be satisfied.**

**Section 4.198. Comprehensive Plan Changes - Adoption by the City Council.**

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

- A. That the proposed amendment meets a public need that has been identified;*
- B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;*
- C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and*



D. *That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.*

**Response:** Preparation of the Basalt Creek Concept Plan is a City Council Goal. The Concept Plan addresses regional requirements to responsibly plan for and ultimately serve and govern areas added to the city's Urban Growth Boundary (UGB). This package (City Council Resolution 2697 and Planning Commission Case File #LP18-0005) does not include any proposed amendments to the Comprehensive Plan. The Basalt Creek Planning Area was added to the city's UGB in 2004 to help meet a regional industrial lands need. Accordingly, the Concept Plan has been prepared in compliance with the requirements of Metro's Urban Growth Management Functional Plan Title 11. In addition, the vision and guiding principles in the Concept Plan follow the tenets of the Comprehensive Plan and will be the basis of future text and map proposals. **The above criteria are satisfied.**

## **WILSONVILLE COMPREHENSIVE PLAN**

### ***Citizen Involvement***

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

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

**Response:** A Public Involvement Plan directed the citizen involvement during the Basalt Creek Concept Planning process (see Appendix B to the Basalt Creek Concept Plan). Attachments 3-10 and 13-16 of the Basalt Creek Concept Plan Record (Attachment C) contain a list of public outreach efforts and public meetings that were conducted as part of the planning process as well as a complete summary of public involvement activities and comments. The Cities of Wilsonville and Tualatin jointly hosted two widely-advertised public forums to present and discuss the project's findings and recommendations. At every stage of the project, documents and maps were posted to the City-hosted project web page and project updates were sent to property owners and interested parties nearly monthly during the duration of the project. The project was highlighted in the City newsletter, which is mailed to every property in the 97070 zip code and the Wilsonville Spokesman.

The City Council and Planning Commission conducted numerous work sessions (including Joint Council work sessions between the Tualatin and Wilsonville City Councils) on the guiding principles, different land uses and jurisdictional boundary scenarios, conceptual infrastructure systems, natural resources and open spaces, and recommendations contained in the Basalt Creek Concept Plan. These work sessions were televised, streamed online, and open to the public. The Council and the Commission have received public testimony in regular meetings under citizen input regarding various aspects of the draft Concept Plan. City Staff also met with numerous property owners, including site visits, to discuss the project. Public notice of the public hearing was mailed to property owners in the Basalt Creek area, affected agencies and a list of interested individuals, as well as posted in three locations throughout the community, included in the local newspaper, and emailed to the interested parties list. **The above criteria have been met.**

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

**Response:** The Planning Commission practice is to conduct a minimum of one work session per legislative agenda item allowing for early involvement into the concepts being proposed. The Commission held numerous work sessions on this project (see Attachment 3, Public Meeting Index Record, to Attachment C). Staff reports, technical analysis and memoranda were posted on the project website throughout the project, and draft versions of the Concept Plan and all supporting documents have been available in paper and digital form, as well as on the City web site, since project inception. **This criterion is met.**

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

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

**Response:** Through the public open house process, work sessions, public notification, website and public hearing schedule, the City has encouraged the participation of a wide variety of individuals representing the groups listed above. Project updates were sent to property owners within the Planning Area and interested parties nearly monthly during the duration of the project. **This criterion is met.**

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

**Response:** The established procedures, public notification processes and City website notifications allow interested parties to supply information. The Commission and Council citizen input portions of regular meetings have also provided an important venue for citizen communication on the Plan. Citizen Input and information supplied can be found in Attachments 7 and 15 of Attachment C. **This criterion is met.**

**Goal 1.2:** *For Wilsonville to have an interested, informed, and involved citizenry.*

**Policy 1.2.1:** *The City of Wilsonville shall provide user-friendly information to assist the public in participating in City planning programs and processes.*

**Response:** Through the two public open houses, regularly mailed project updates, Planning Commission and City Council work session schedules, public hearing notices, e-news updates, Planning Commission meeting minutes, project-related materials and announcements on the City website, and Spokesman/Boones Ferry Messenger articles, the City has informed and encouraged the participation of a wide variety of individuals. **This criterion is met.**

**Policy 1.3:** *The City of Wilsonville shall coordinate with other agencies and organizations involved with Wilsonville's planning programs and policies.*

**Implementation Measure 1.3.1.b** *Where appropriate, the City shall continue to coordinate its planning activities with affected public agencies and public utilities. Draft documents will be distributed to such agencies and utilities and their comments shall be considered and kept on file by the City.*

**Response:** Regional partners, affected public agencies and public utility providers participated on the project's Agency Review Team (ART) that met three times during the planning process to review key deliverables and provide input on the Concept Plan. The Plan was also recently distributed to the ART to keep them informed and to solicit any comments. In addition, these representatives and others from interested agencies received updates and draft documents through the mailings to Interested Parties of the Basalt Creek Concept Plan. **This criterion is met.**

### ***Urban Growth Management***

**Goal 2.1:** *To allow for urban growth while maintaining community livability, consistent with the economics of development, City administration, and the provision of public facilities and services.*

**Policy 2.2.1:** *The City of Wilsonville shall plan for the eventual urbanization of land within the local planning area, beginning with land within the Urban Growth Boundary.*

**Response:** The Basalt Creek Concept Plan supports the Comprehensive Plan in its approach to planning for future employment growth and industrial development in the Basalt Creek Planning Area. The Concept Plan is the vehicle that will lead to Comprehensive Plan map and text amendments, providing the framework for future urbanization of the area. **This criterion is met.**

### ***School and Educational Services***

**Policy 3.1.10:** *The City of Wilsonville shall continue to coordinate planning for educational facilities with all three local school districts and Clackamas Community College.*

**Response:** The Basalt Creek Planning Area is located in the Sherwood School District. A representative from the District participated on the project's Agency Review Team and received updates sent to the project's interested parties. Wilsonville is not planning for residential growth in the area and as a result will not need to plan for siting schools in the Planning Area. **This criterion is met.**

### ***Parks/Recreation/Open Space***

**Policy 3.1.11:** *The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.*

**Response:** The Basalt Creek Concept Plan identifies the need for parks and open space amenities in the Planning Area to serve future employees and residents (see Attachment A, Basalt Creek Concept Plan, page 42). As a primarily industrial area, the Wilsonville portion of the Basalt Creek Planning Area could provide smaller pocket parks, industrial waysides, and active recreational amenities for daytime employees and visitors, and the City of Tualatin will provide a neighborhood park to serve existing and future residents. The Plan also identified the Basalt Creek Canyon natural area, which spans both cities, as a significant opportunity to provide

a regionally-connected off-street trail and open space in the Planning Area. Both Cities will coordinate on trail planning particularly as it relates to the Basalt Creek Canyon. The boundary of the Basalt Creek corridor will be refined and mapped as SROZ consistent with the policies of the Comprehensive Plan and the Wilsonville Development Code at the time of annexation and development review. Areas of the site also include a BPA powerline easement, upland habitat and other natural and open areas that are supportive of the above Policy. The Concept Plan is consistent with the adopted 2007 citywide Parks and Recreation Master Plan. **This criterion is met.**

### ***Transportation***

**GOAL 3.2:** *To encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation.*

**Policy 3.2.1** *To provide for safe and efficient vehicular, transit, pedestrian and bicycle access and circulation.*

**Implementation Measure 3.2.1.a** *Provide a safe, well-connected, and efficient network of streets and supporting infrastructure for all travel modes.*

**Policy 3.2.2** *To provide for a mix of planned transportation facilities and services that are sufficient to ensure economical, sustainable and environmentally sound mobility and accessibility for all residents and employees in the city.*

**Response:** The Basalt Creek Concept Plan contains a transportation framework that focuses on connectivity, circulation and safety. The Plan has been developed with multiple modes of transportation in mind, with the major new roads and improvements to be constructed as laid out in the 2013 Basalt Creek Transportation Refinement Plan (TRP) adopted by City Council (see Appendix J). The Concept Plan also outlines bicycle and pedestrian enhancements including an opportunity for a separated-grade crossing of the Basalt Creek Parkway, off-street trail planning, and potential transit routes (see Attachment A, Basalt Creek Concept Plan, Figure 11). The transportation framework in the Plan is directly supportive of the above transportation goals, policies and implementation measures. **These criteria are satisfied.**

**GOAL 3.4:** *To facilitate the safe, efficient and economic flow of freight and other goods and services within the city and the region.*

**Policy 3.4.1:** *Upgrade and or complete the street network on the west side of I-5, including in the Coffee Creek and Basalt Creek areas, to serve the warehousing, distribution, and other industrial uses located there.*

**Response:** The Basalt Creek Concept Plan contains a transportation framework that focuses on connectivity, circulation and safety. The 2013 Basalt Creek TRP determined the major transportation system connecting Tualatin-Sherwood Road to I-5 in North Wilsonville through the Basalt Creek Planning Area, setting the stage for land use concept planning and comprehensive plan development for the Basalt Creek area. The transportation system in the Basalt Creek area is driven not only by future growth in the Basalt Creek Planning area itself, but by future growth in surrounding areas targeted for industrial development. The Tonquin Employment Area, Southwest Tualatin Concept Planning Area, and Coffee Creek Planning Area together comprise about 1,000 acres surrounding the Basalt Creek area that are planned primarily

for industrial use. These areas are expected to generate growing freight and work-related travel demands on the multi-modal transportation network that runs through the Basalt Creek area.

Major new roads and improvements will be constructed as laid out in the 2013 TRP, which is also coordinated with the 2014 Metro Regional Transportation Plan (RTP). Basalt Creek Parkway, portions of which are currently under construction, will be a major east-west arterial, with limited access (connecting only at Grahams Ferry and Boones Ferry Roads), creating a new connection between I-5 and 99W. Further roadway improvements—such as adding capacity to north-south collectors, widening Day Road to five lanes, and two additional I-5 crossings at Day and Greenhill—will be needed to handle future traffic levels as the area is built out. Local roads connecting to this network will be planned and built by property owners as the area develops.

**These criteria are satisfied.**

### ***Land Use and Development***

***Policy 4.1.2:*** *The City of Wilsonville shall encourage commercial growth primarily to serve local needs as well as adjacent rural and agricultural lands.*

***Policy 4.1.2:*** *The City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.*

**Response:** The Basalt Creek Concept Plan identifies a range of industrial and employment uses appropriate for the Basalt Creek Planning Area (see Attachment A, Basalt Creek Concept Plan, Figure 8). In the Wilsonville portion of the Planning Area, small retail establishments may be allowed consistent with City Code that support the businesses and employees in the area. In the Tualatin portion, a small neighborhood retail node has also been drawn to provide the opportunity for localized commercial services for surrounding residential, employment and rural land uses. **This criterion is met.**

***Policy 4.1.3:*** *The City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.*

***Implementation Measure 4.1.3.a:*** *Develop an attractive and economically sound community.*

***Implementation Measure 4.1.3.b:*** *Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth and a broad tax base.*

***Implementation Measure 4.1.3.c:*** *Favor capital intensive, rather than labor intensive, industries within the City.*

***Implementation Measure 4.1.3.d:*** *Encourage industries interested in and willing to participate in development and preservation of a high-quality environment. Continue to require adherence to performance standards for all industrial operations within the City.*

***Implementation Measure 4.1.3.e:*** *Site industries where they can take advantage of existing transportation corridors such as the freeway, river, and railroad.*

***Implementation Measure 4.1.3.f:*** *Encourage a diversity of industries compatible with the Plan to provide a variety of jobs for the citizens of the City and the local area.*

***Implementation Measure 4.1.3.j:*** *All industrial areas will be developed in a manner consistent with industrial planned development in Wilsonville. Non-industrial uses may be allowed within a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial development potential of the area.*

**Response:** The Basalt Creek Planning Area is located adjacent to other industrial and employment areas in the City of Wilsonville, including the Coffee Creek Industrial Area, and has long been part of the City's vision for an attractive business district at the north end of the community adjacent to, and with great access to, I-5. Wilsonville land uses identified in the Basalt Creek Concept Plan include a mix of employment development types and a modest opportunity for live/work housing (see Attachment A, Basalt Creek Concept Plan, Figure 8). These land uses include light industrial, high-tech employment, and craft industrial. This mix encourages a diversity of industries and employment opportunities for citizens, provides flexibility to meet a range of market demands, and focuses on high-quality industrial development, supporting the adjacent and nearby industrial areas. The possibility for live/work housing is within the Craft Industrial designated areas, which are located on parcels adjacent to the Basalt Creek corridor, a significant natural resource, and residentially-designated areas in the Tualatin planning area of the Concept Plan. These planned uses are compatible with existing and planned uses in the City as well as nearby Tualatin. As outlined in the Concept Plan, the Wilsonville employment development types are also consistent with industrial planned development in the City, with the residential (live-work) and retail uses being integrated with and not limiting the industrial uses in the Planning Area. The Concept Plan also identifies significant natural resources, which businesses will be required to preserve. The Concept Plan supports and encourages light industry compatible with the Comprehensive Plan, existing and long-term development of the City. **This criterion is met.**

## STATEWIDE PLANNING GOALS

**Statewide Planning Goal #1 - Citizen Involvement (OAR 660-015-0000(1)):** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Response:** Please refer to the Public Involvement Plan located in Appendix B and to Attachments 3-10 and 13-16 of Attachment C for the complete public involvement and comment summary. Two public open houses and numerous work sessions were held with both the Planning Commission and City Council throughout the project. The project web site has been updated regularly containing all of the information and maps created for the project. City Staff have met with numerous property owners over several years always being readily available to answer specific questions. The City of Wilsonville has provided notice of public hearings before the Planning Commission and City Council consistent with the Planning and Land Development Ordinance requirements. Such notices were published in the Wilsonville Spokesman, and were provided to a list of interested agencies, emailed to interested parties, mailed to interested parties and property owners in the Planning Area, mailed to each property owner in and within 250 feet of the Wilsonville portion of the planning area, and posted in three locations throughout the City and on the City's website. At the upcoming public hearing, the public will be afforded an opportunity to provide public testimony. **This Statewide Planning Goal is met.**

**Statewide Planning Goal #2 - Land Use Planning (OAR 660-015-0000(2)):** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Response:** This goal is implemented through the applicable Goals and Policies in the Land Use and Development section of the Wilsonville Comprehensive Plan. Because the Basalt Creek Concept Plan is a supporting element of the City's Comprehensive Plan, the application to adopt the Plan was processed pursuant to the legislative decision process outlined in the City Code. The Plan is consistent with Statewide Planning Goal 2. **This goal is met.**

**Statewide Planning Goal #5 – Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-015-0000(5)):** *To protect natural resources and conserve scenic and historic areas and open spaces.*

**Response:** This goal is implemented through the applicable Park/Recreation/Open Space Goals and Policies in the Public Facilities and Services sections of the Comprehensive Plan. The City Code contains specific review criteria for establishing a Significant Resource Overlay Zone (Development Code Section 4.139.00, SROZ Ordinance) to ensure that designated Goal 5 resources are appropriately considered when development is proposed. Goal 5 resources were considered as part of the Plan. Appendix A of the Concept Plan outlines all the existing Natural and Historic Resources in the planning area, including the Basalt Creek corridor. These resources will be refined and mapped as SROZ consistent with the policies of the Comprehensive Plan and the Wilsonville Development Code at the time of annexation and development review. **This goal is met.**

**Statewide Planning Goal # 7 – Areas Subject to Natural Disasters and Hazards (OAR 660-015-0000(7)):** *To protect people and property from natural hazards.*

**Response:** Areas subject to natural disasters and hazards, such as floodplain or steep slopes have been considered in the development of the Buildable Lands Inventory for the Basalt Creek Concept Plan which can be found in Appendix A. **This goal is met.**

**Statewide Planning Goal #8 – Recreational Needs (OAR 660-015-0000(8)):** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Response:** The Basalt Creek Concept Plan identifies important recreational opportunities for the employees and residents nearby and in the Planning Area through the use of trails and open spaces, particularly near the Basalt Creek natural area (see Attachment A, Basalt Creek Concept Plan, Figure 11). The Concept Plan calls for coordination between the Cities to provide a trail near the Basalt Creek natural area. It also outlines the potential to connect this trail, via bike and pedestrian facilities, to the regional Ice Age Tonquin Trail, a 22-mile trail alignment through Wilsonville, Tualatin, and Sherwood, which includes a section bordering the Basalt Creek Planning Area, and is intended to complement the Ice Age Floods National Geological Trail Planning (the national trail will be a network of driving routes with spurs for biking and walking, from Montana to the Pacific Ocean). **This goal is met.**

**Statewide Planning Goal #9 – Economic Development (OAR 660-015-0000(9)):** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Response:** Metro added the Basalt Creek Planning Area to the UGB in 2004 as it was identified as suitable for industrial development due to relatively flat parcels and its proximity to the I-5 corridor and to an existing industrial area in Wilsonville. The ordinance states the Planning Area "...is most suitable for warehousing and distribution, among other industrial uses." The area is mapped and identified as an "Industrial Area" in Metro's Title 4 Code. The majority of the acreage in the Basalt Creek Planning Area is designated for employment use by the Concept Plan (see Attachment A, Basalt Creek Concept Plan, Figure 8). Basalt Creek planning area is located near one of the region's largest clusters of employment land, including existing developed areas in Tualatin, Wilsonville, and Sherwood and planned future employment areas of Southwest Tualatin, Tonquin Employment Area, and Coffee Creek. Viewed together, these areas comprise one of the largest industrial and employment clusters in the region. The portion of the Basalt Creek Concept Planning Area designated as future City of Wilsonville is planned for a variety of employment-based uses: warehouse, manufacturing, high-tech, and craft industrial. This diverse economic activity will provide a range of job opportunities for the state, region and local cities with easy access adjacent to I-5. **This goal is met.**

**Statewide Planning Goal #11 – Public Facilities and Services (OAR 660-015-0000(11)):**

**Response:** The Basalt Creek Concept Plan outlines conceptual systems for the type, locations and delivery of public facilities and services in a manner that best supports the proposed land uses. The Concept Plan covers transportation, schools, parks, drinking water, sanitary sewer and stormwater systems (see Attachment A, Basalt Creek Concept Plan, pages 33 – 52). The Concept



Plan also outlines the service boundaries for other public services such as libraries and law enforcement will be extended by each City to incorporate the Basalt Creek Planning Area into their respective service districts. The Concept Plan provides direction for and will be integrated into future facility and capital improvement plans. **This goal is met.**

**Statewide Planning Goal #12 – Transportation (OAR 660-015-0000(12)):** *To provide and encourage a safe, convenient and economic transportation system.*

The Basalt Creek Concept Plan contains a transportation framework that focuses on connectivity, circulation and safety. The Plan has been developed with multiple modes of transportation in mind, with the major new roads and improvements to be constructed as laid out in the 2013 Basalt Creek Transportation Refinement Plan (TRP) adopted by City Council (see Appendix J). The Concept Plan also outlines bicycle and pedestrian enhancements, including an opportunity for a separated-grade crossing of the Basalt Creek Parkway, off-street trail planning, and potential transit routes. **This goal is met.**

**Statewide Planning Goal #14 – Urbanization (OAR 660-015-0000(14)):** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Response:** Metro added the Basalt Creek Planning Area to the UGB in 2004 to meet a regional industrial lands need. The Concept Plan accommodates urban employment inside the Planning Area, consistent with the identified need, to ensure efficient use of land, and to provide for livable communities. The employment types identified in the Concept Plan utilize land more efficiently. The Concept Plan also calls for appropriately designed transitions between different land use patterns as well as the protection of, and provision of access to, significant natural resources in the area to provide a more livable community. The Concept Plan identifies amending the City's Urban Planning Area Agreement (UPAA) with Washington County as the first step in implementing the Plan and enabling urbanization in the Planning Area. The UPAA addresses the planning authority, coordination, and future service provisions in new urban areas. **This goal is met.**

## METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN (UGMFP)

**Title 3: Water Quality and Flood Management** – *Protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.*

**Response:** The City of Wilsonville is in compliance with Title 3 of the UGMFP. Figure 12 in the Basalt Creek Concept Plan depicts the land constraints in the Planning Area including Title 3 areas (see Appendix A for more information). This information will direct the mapping of riparian corridors and wetlands into the City’s Significant Resource Overlay Zone (SROZ) that will be required at the time of annexation and development. **This title is met.**

**Title 4: Industrial and Other Employment Areas** – *Provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial and Employment Areas.*

**Response:** The Basalt Creek Planning Area is mapped as a Metro Title 4 Industrial Area. The majority of the acreage in the Basalt Creek Planning Area (see Figure 8 in the Basalt Creek Concept Plan) is designated for employment use by the Concept Plan. The land use designations provide for a range of industrial development types including manufacturing, warehouse, and office uses. This information will direct Comprehensive Plan Amendments, following adoption of the Concept Plan and subsequent amendment of the Urban Planning Area Agreement with Washington County. The City of Wilsonville is in compliance with Title 4 of the UGMFP; Comprehensive Plan land use designations, and future zoning classifications, will be consistent with the requirements in Title 4 of the UGMFP. **This title is met.**

**Title 11: Concept Planning** – Please refer to Appendix D of the Basalt Creek Concept Plan for a full analysis of the Urban Growth Management Functional Plan requirements for concept planning urban reserves. **Appendix D in Attachment A demonstrates compliance with the requirements of Title 11.**

**Title 13: Nature in Neighborhoods** – *Conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.*

**Response:**

The City of Wilsonville is in compliance with Title 13 of the UGMFP. Figure 12 in the Basalt Creek Concept Plan depicts the land constraints in the Planning Area including Title 13 riparian and upland habitat areas (see Appendix A for more information). This information will direct the mapping of riparian corridors, wetlands, and upland habitat areas into the City’s SROZ that will be required at the time of annexation and development review. **This title is met.**

## **GENERAL CONCLUSIONARY SUMMARY OF FINDINGS**

The Basalt Creek Concept Plan complies with, and demonstrates that the City's adopted policies comply with, applicable Statewide Planning Goals, Metro regulations including Title 11, the Wilsonville Comprehensive Plan, and applicable provisions of the City's Development Code.



# BASALT CREEK CONCEPT PLAN

Attachment C: Basalt Creek Concept Plan Record  
(see individual attachments for  
document links)

This page left blank intentionally

**BASALT CREEK CONCEPT PLAN RECORD  
CITY COUNCIL RESOLUTION No. 2697**

August 6, 2018

**REVISED 8/6/2018 4:45 PM**

**RECORD INDEX**

CITY COUNCIL RESOLUTION 2697 ADOPTING A CONCEPT PLAN FOR THE BASALT CREEK PLANNING AREA

ATTACHMENT A	BASALT CREEK CONCEPT PLAN AND TECHNICAL APPENDICES (FINAL)
ATTACHMENT B	BASALT CREEK CONCEPT PLAN CONCLUSIONARY FINDINGS (FINAL 7.23.2018)
ATTACHMENT C	BASALT CREEK CONCEPT PLAN RECORD
ATTACHMENT 1	BASALT CREEK CONCEPT PLAN AND TECHNICAL APPENDICES
ATTACHMENT 2	CONCEPT PLAN FINDINGS REPORT
ATTACHMENT 3	PUBLIC MEETING INDEX RECORD
ATTACHMENT 4	JOINT CITY COUNCIL MEETING PACKETS AND MINUTES
ATTACHMENT 5	WILSONVILLE PC AND CC MEETING MINUTES EXCERPTS (updated to include 06.13.2018 PC Approved Minutes)
ATTACHMENT 6	METRO RESOLUTION AND MEETING PACKET
ATTACHMENT 7	CITIZEN INPUT
ATTACHMENT 8	OPEN HOUSE SUMMARIES
ATTACHMENT 9	BOONES FERRY MESSENGER - BFM
ATTACHMENT 10	MAILED / EMAILED UPDATES TO INTERESTED PARTIES
ATTACHMENT 11	BASALT CREEK CONCEPT PLAN PLANNING COMMISSION RECORD INDEX
ATTACHMENT 12	PC HEARING PRESENTATION 07.11.2018
ATTACHMENT 13	PC MEETING MINUTES EXCERPT 07.11.2018 (07.23.2018 draft, not approved)
ATTACHMENT 14	PLANNING COMMISSION RESOLUTION LP18-0005 (approved 7.11.2018)
ATTACHMENT 15	CITIZEN INPUT SUBMITTED TO CITY OF TUALATIN (received 7.20.2018)
ATTACHMENT 16	CITY OF TUALATIN PC AND CC MEETING MINUTES (received 7.20.2018)
ATTACHMENT 17	METRO BCCP LETTER WILSONVILLE COMPLIANCE
ATTACHMENT 18	TESTIMONY FROM PETER O. WATTS, (received 8.6.2018 4:00 pm)



# BASALT CREEK CONCEPT PLAN

Attachment 1: [Basalt Creek Concept Plan and Appendices 7.11.18 PC Hearing](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.01\\_basalt\\_creek\\_concept\\_plan\\_and\\_appendices\\_7.11.18\\_pc\\_hearing.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.01_basalt_creek_concept_plan_and_appendices_7.11.18_pc_hearing.pdf)

The appendices can be accessed here:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning\\_commission/meeting/packets/12611/bccp\\_technical\\_appendices.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning_commission/meeting/packets/12611/bccp_technical_appendices.pdf)



# BASALT CREEK CONCEPT PLAN

## Attachment 2: [Concept Plan Findings Report](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.02\\_draft\\_conclusionary\\_findings.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.02_draft_conclusionary_findings.pdf)





# BASALT CREEK CONCEPT PLAN

## Attachment 3: [Public Meeting Index Record](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc\\_record\\_attachment.03\\_public\\_meeting\\_record\\_index.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc_record_attachment.03_public_meeting_record_index.pdf)



# BASALT CREEK CONCEPT PLAN

Attachment 4: [Joint City Council Meeting Packets and Minutes](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.04\\_joint\\_cc\\_meeting\\_packets\\_minutes.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.04_joint_cc_meeting_packets_minutes.pdf)



# BASALT CREEK CONCEPT PLAN

Attachment 5: [Wilsonville Planning Commission and City Council Meeting Minutes Excerpts](#)  
*(updated to include 06.13.2018 PC minutes excerpt)*

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.05\\_pc\\_cc\\_minute\\_excerpts\\_updated\\_to\\_incl.13.2018\\_pc\\_0.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.05_pc_cc_minute_excerpts_updated_to_incl.13.2018_pc_0.pdf)



# BASALT CREEK CONCEPT PLAN

Attachment 6: [Metro Resolution and Meeting Packet](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.\\_bc\\_record\\_attachment.06.\\_metro\\_resolution\\_and\\_meeting\\_packet.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c._bc_record_attachment.06._metro_resolution_and_meeting_packet.pdf)



# BASALT CREEK CONCEPT PLAN

## Attachment 7: Citizen Input

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.07\\_citizen\\_input.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.07_citizen_input.pdf)



# BASALT CREEK CONCEPT PLAN

## Attachment 8: [Open House Summaries](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.08\\_open\\_house\\_summaries.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.08_open_house_summaries.pdf)



# BASALT CREEK CONCEPT PLAN

## Attachment 9: [Boones Ferry Messenger](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc\\_record\\_attachment.09.boones\\_ferry\\_messenger.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc_record_attachment.09.boones_ferry_messenger.pdf)



# BASALT CREEK CONCEPT PLAN

Attachment 10: [Mailed/Emailed Updates to Interested Parties](#)

File Path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.10\\_mailed.e-mailed\\_updates.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.10_mailed.e-mailed_updates.pdf)





# BASALT CREEK CONCEPT PLAN

Attachment 11: [Basalt Creek Concept Plan  
Planning Commission Record Index](#)

File path:

<https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc.record.attachment.11.basalt.creek.concept.plan.planning.commission.record.index.pdf>



# BASALT CREEK CONCEPT PLAN

Attachment 12: [Basalt Creek Concept Plan  
Planning Commission Hearing  
Presentation 07.11.2018](#)

File path:

<https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc.record.attachment.12.bccp.wilsonville.pc.ppt.7.11.2018.final.pdf>



## BASALT CREEK CONCEPT PLAN

Attachment 13: [PC Meeting Minutes Excerpt  
07.11.2018 \(07.23.2018 draft, not  
approved\)](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.13\\_pc\\_meeting\\_minutes\\_excerpt\\_7.11.2018\\_07.23.2018\\_draft\\_not\\_approved.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.13_pc_meeting_minutes_excerpt_7.11.2018_07.23.2018_draft_not_approved.pdf)



## BASALT CREEK CONCEPT PLAN

Attachment 14: [Basalt Creek Concept Plan  
Planning Commission Resolution  
LP18-0005 \(approved 7.11.2018\)](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.14\\_pc\\_resolution\\_lp18-0005\\_staff\\_report.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.14_pc_resolution_lp18-0005_staff_report.pdf)



# BASALT CREEK CONCEPT PLAN

Attachment 15: [Basalt Creek Concept Plan  
Citizen Input Submitted to  
City of Tualatin](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc record attachment.15. citizen input submitted to the city of tualatin.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc%20record%20attachment.15.citizen%20input%20submitted%20to%20the%20city%20of%20tualatin.pdf)



# BASALT CREEK CONCEPT PLAN

Attachment 16: [City of Tualatin PC and CC Meeting Minutes](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.16.2013-2018\\_tualatin\\_pc\\_and\\_cc\\_meeting\\_minutes\\_-\\_bccp\\_project.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.16.2013-2018_tualatin_pc_and_cc_meeting_minutes_-_bccp_project.pdf)



# BASALT CREEK CONCEPT PLAN

## Attachment 17: [Metro BCCP Letter Wilsonville Compliance](#)

File path:

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c\\_bc\\_record\\_attachment.17\\_metro\\_bccp\\_letter\\_wilsonville\\_compliance.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.17_metro_bccp_letter_wilsonville_compliance.pdf)



## BASALT CREEK CONCEPT PLAN

Attachment 18: Testimony from Peter O. Watts  
(received 8.6.2018 4:00 pm)



Dear Mayor Knapp and members of the Council,

Thank you for accepting this testimony. I recognize that the Wilsonville City Council does not have discretion regarding determining the proper zoning for the Basalt Central area, and that per the IGA that the city signed, the city is required to adopt whatever zoning Metro instructs the city to adopt. Because Metro did not conduct a public hearing or allow the public to rebut the Chief Operating Officer's report, I believe that Metro's decision is in violation of the minimum standards for a zoning decision hearing as articulated by the Oregon Supreme Court in *Fasano v. Board of County Commissioners of Washington County* 507 P2d 23 (1973).

As the Court articulated in *Fasano*, "Parties at the hearing before the county governing body are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the matter i.e., having had no pre-hearing or ex parte contacts concerning the question at issue and to a record made and adequate findings executed." *Id* at 30. Metro has dictated the zoning which you must adopt, without allowing public participation during its hearing or giving members of the general public an opportunity to present or rebut the evidence in the Metro Chief Operating Officer's staff recommendation. I understand you have no discretion regarding the zoning, and therefore cannot function as an impartial tribunal.

With that said, I would like to enter the following abbreviated comments and attachments into the record. I have previously provided written testimony to Metro, which your city attorney has a copy of, and I would like to incorporate that testimony by reference. As part of its Title 4 process, during adoption of Ordinance No. 04-1040B Metro mapped prospective Employment Land, Industrial Land, and Regionally Significant Industrial Areas. The central subarea received none of those designation. *See attachment 1*. Additionally, the slope the slope suitability that Metro used was "less than 10%" *See attachment 1(a)*. As previously provided, the subject property has slope of over 20%. Metro has recently released a draft of its Urban Growth Report (UGR), which I have *See attachment 2*. Page 11 the UGR forecasts a "net decrease of 9,000 industrial jobs during the 2018 to 2038 time period" and concludes that there is "no need for additional industrial land to support employment growth." If no additional land is needed in the region over the next

two decades it is unclear what Metro's COO's recommendation would be for an Industrial designation? This is particularly true given the immediate need for residential land in our region.

Metro has also released a Buildable Land map for the 2018 UGR. Metro has mapped the Basalt Central Area, at issue here, as Single Family Residential. Its map shows capacity for 380 single family housing units, in Basalt Central Area. *See attachments 3 and 3(a).*

Although the Chief Operating Officer and Metro Council have identified the issue of housing affordability in our region, Metro's BLI is predicated on significant redevelopment/gentrification of affordable housing in our region. For instance, the apartments owned by Central City Concern at 8018-8066 SE Taggart St., in Portland are slated for redevelopment. *See attachment 4.* Metro plans for many of our region's manufactured parks to be redeveloped, including the property in Cully that the City of Portland has taken steps to keep from redeveloping. *See attachment 5.* Additionally, manufactured housing on Hayden Island, *See attachment 6,* Fairview, *See attachment 7,* Wood Village, *See attachment 8,* Gresham *See attachment 9,* Gladstone, *See attachment 10,* unincorporated Clackamas County *See attachment 11,* Washington County *See attachment 12 and 13* are some of the properties slated for redevelopment. It is unclear whether the Johnson City City Council is aware that all homes in their city are slated for redevelopment *See attachment 14.*

The U.S. Department of Housing and Urban Development (HUD) has an Office of Policy Development and Research. It prepared a Comprehensive analysis for our seven county region on May 1, 2016. *See attachment 15.* The analysis showed there was a total demand of 27,225 for sales units between 5/1/16 and 5/1/19, and that 2,810 units were under construction. Of the 19,925 rental units needed to meet regional demand, 6,995 were under construction. *See attached report p.1-p.2.* This illustrates an immediate need for housing units in our region. A breakdown of the Washington County, titled Hillsboro Beaverton sub-region is on p. 14 - p.18

Additionally, HUD calculated housing demand in the Salem HMA. *See attachment 16.* Of the 3,075 sales units needed 260 were under construction, and of the 2,025 rental units needed,

520 were under construction. As a result, we cannot rely on Marion or Polk counties to pick up the additional housing need which is not being met in the 7 County Portland HMA.

The correlation between insufficient new housing inventory and increased prices is well documented as economist Joe Cortright wrote in the article I have attached, “demand for new housing that isn’t met by the construction of new high-end units doesn’t disappear, it spills over into more modest housing, driving up rents for everyone.” *See attachment 17.* While the housing anticipated for the Central Basalt Area isn’t necessarily predicted to be high end, the fact that it is not being built will impact housing prices and affordability around our region.

In Metro’s 2015 25 year projected population distribution, Tualatin’s 2015 population was estimated at 26,590. Tualatin 2040 population projection was estimated at 27,373, or an increase of 782 people over the 25 year period. *See attachment 18.* When the U.S. Census Department released their 2016 census estimate for Tualatin, they projected population at 27,545 meaning that Tualatin had exceeded 25 years of population growth in the first year of the 25 year period. *See attachment 19.* A chart comparing the projections for Metro cities to 2016 census estimates is attached, and shows that the US Census estimates substantially higher population numbers than Metro projected. A look at historic census data for Tualatin and Wilsonville shows that both jurisdictions have experienced significant population growth. While population growth was far more modest during and immediately after the great recession, both jurisdictions are far exceeding Metro’s projected growth, illustrating a need for buildable lands.

Tualatin:

1970 - 750  
1980 - 7,348  
1990 - 15,013  
2000 - 22,791  
2010 - 26,054  
2020 - TBD

Wilsonville:  
1980 - 2,920  
1990 - 7,106

2000 - 13,991  
2010 - 19,509  
2020 - TBD

The record in front of this Council, and Metro's own documents illustrate that this land was never planned to have an employment or industrial designation, there is no need for additional land in our region, and there is an acute need for housing in our region. This need and the impact of lack of supply is illustrated by an article in the Wilsonville Spokesman *See attachment 21* and KOIN *See attachment 22*. Thank you for adding my documents into the record.

Sincerely,

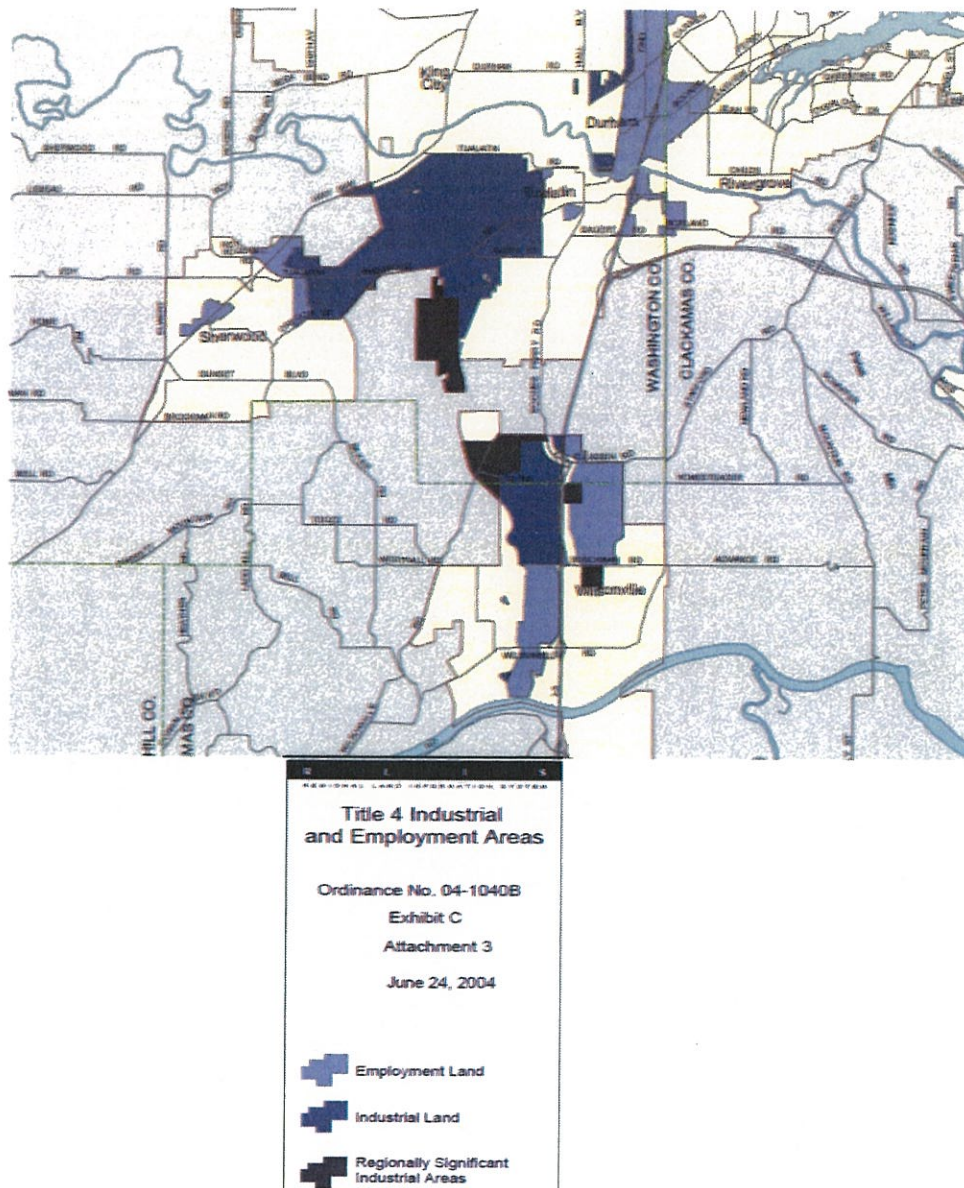
A handwritten signature in blue ink that reads "Peter O. Watts". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Peter O. Watts

**6. METRO 04-1040b INCLUDES MAP OF TITLE 4 INDUSTRIAL AND EMPLOYMENT AREAS  
- NO INDICATION THE TUALATIN CENTRAL SUB AREA IS TO BE INCLUDED WITHIN INDUSTRIAL AND/OR  
EMPLOYMENT AREA**

Page 79 Metro 04-1040B

**Enlargement of Tualatin- Basalt Creek Area of  
Metro Map -Title 4 Industrial and Employment Areas Ordinance No. 04 -1040B  
Attachment 3**



It appears the east side of Grahams Ferry Road is not included within the 3 designations provided within Exhibit C Attachment 3

- Not within area designated as Employment Land
- Not within area designated as Industrial Land
- Not within area designated as Regional Significant Industrial Areas

1

should be planned for industrial development and receive a 2040 designation of RSIA. The 20 year housing supply is not affected because Metro had a surplus of 666 net acres of residential land.

**Completing Periodic Review**

After adjustments the remaining industrial land need is 1,1180 net acres. The Metro Council expanded the UGB by adding 1,047 acres of land to substantially satisfy the need for Industrial land over the next 20 years. These lands area located in the following areas: Damascus West, Tualatin, Beavercreek, Quarry, Coffee Creek, Cornelius and Helvetia. The areas are shown in Table 3. Metro Council UGB Expansion Areas, were chosen because they meet the requirements in Goal 14 in the following order:

- Exception lands that meet the suitability factors identified for warehouse and distribution; general industrial and tech flex uses;
- Successively lowest capability farmlands which meet the suitability factors or;
- Located on lower priority farmland but are necessary to meet specific industry needs.

Specifics of the suitability factors are outlined in the April 5, 2004 staff report. Departure from either the COO recommendation or the MPAC recommendation is discussed below. Careful consideration was paid to the potential impacts on farmland and farm industry operations.

**Table 2. Chief Operating Officer’s Recommendation**

EXPANSION AREAS	Total Acres	Net Acres	Dominant Earthquake Zone <sup>4</sup>	SUITABILITY FACTORS		
				Access	Proximity	Slope less 10%
<i>Damascus West</i>	102	69	D	✓	✓	✓
<i>Tualatin (MPAC-partial)</i>	646	339	D	✓	✓	✓
<i>Quarry (partial)</i>	354	236	D	✓	✓	✓
<i>Borland Rd N. (partial)</i>	575	164	A	✓	✓	✓
<i>Beavercreek. (partial)</i>	63	30	D	--	✓	✓
<i>Coffee Creek (partial)</i>	264	97	D	✓	✓	✓
<i>Wilsonville East (partial)</i>	641	460	B	✓	✓	✓
<i>Cornelius (partial)</i>	206	91	B	✓	✓	✓
<i>Helvetia (partial)</i>	249	149	A	✓	✓	✓
<b>Additional Areas</b>						
<i>Evergreen</i>	985	730	A	✓	✓	✓
West Union	368	133	A & B	✓	--	✓
<b>TOTAL</b>	<b>3,100</b>	<b>1,635</b>				

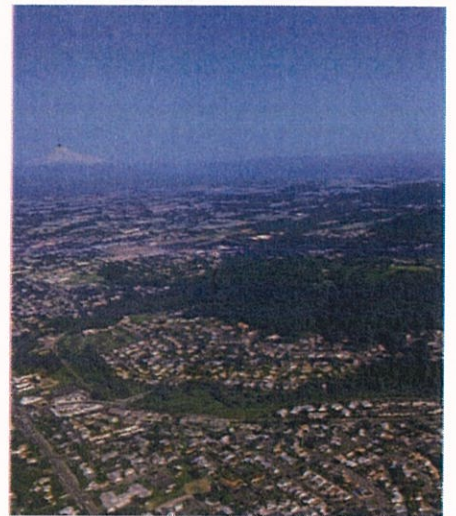
\*Areas shown in bold/ italics were included in MPAC’s June 9<sup>th</sup> recommendation

***Soil Classifications of Areas Under Consideration***

Soil classifications of all areas under study. The soils were mapped to facilitate studying and choosing appropriate lands for UGB expansion that conform to Oregon Revised Statute 197.298. ORS 197.298 establishes a hierarchy of lands based on soil quality which is divided into tiers. These tiers establish a priority for urbanizing land with exception land being the first priority followed successively by better quality soils. The tier system used for analysis examined the class of soils in each area and determined which soil class was most prominent. As study area boundaries have changed over the course of the analysis the predominant soil type changed in some cases. Table 3. Metro Council UGB Expansion Areas, shown on page 10 contains the predominant soil type unique to each area. Attachment 1 contains a complete discussion of the soil classes in all areas.

<sup>4</sup> Based on 1997 Department of Geology and Mineral Study. Rating of A-D with D being the lowest hazard area.

1(a)



**DISCUSSION DRAFT**

**2018 GROWTH MANAGEMENT DECISION**

# Urban Growth Report

Published July 3, 2018

[oregonmetro.gov/ugb](http://oregonmetro.gov/ugb)

### **Industrial land demand**

As our nation's economy has evolved from farming roots through the industrial revolution and into a knowledge-based economy, several dynamics have been at play that influence the nature of industrial land demand:

- As technology has improved over the last century, industrial workers have become more productive. This means that industrial job growth is stagnant and that demand for space is driven less by employment than it was in the past.
- E-commerce has driven demand for close-in warehousing and distribution facilities to enable quick deliveries. This may increase the likelihood of redevelopment of some sites.
- Data centers have emerged as users of industrial land, but they provide relatively few jobs (instead, they pay franchise fees that benefit cities).
- Large industrial firms seeking new locations consider sites all around the country or world, making it impossible to forecast regional land demand for large industrial sites.
- Site requirements for industrial uses can be very specific. For instance, some industrial users require rail access, others require redundant power sources, others require an educated workforce, and others require manual laborers. Forecasting those specific requirements would imply more certainty about the future than is possible.
- Providing raw land is just one step of many for producing industrial jobs. Typically, infrastructure investments and site assembly are also required. Brownfield cleanup and wetland mitigation are also common needs.

These dynamics mean that it is challenging to estimate land needs based on an employment forecast. This difficulty is amplified by the additional uncertainty surrounding employment forecasts since job growth can be influenced – for better or worse – by international relations, monetary policy and many other factors that lie outside the control of cities, counties, the region or state.

For these reasons, determining industrial land needs is best understood as an exercise in economic development goal setting rather than forecasting. This is true at the regional level and even more so at the local level.



The peer-reviewed baseline employment forecast for the seven-county area shows a net decrease of about 9,000 industrial jobs during the 2018 to 2038 time period. While some new industrial firms may emerge and some existing industrial firms may grow, those gains are outweighed by expected employment decreases at other industrial firms. The expected net decrease in regional employment in industrial sectors such as manufacturing, warehousing and distribution means that there is not a regional need for more industrial land to support employment growth. Even under the high growth forecast, industrial employment remains essentially unchanged from 2018 to 2038, again pointing to no need for additional industrial land to support employment growth.

Likewise, for the 2018 decision, no cities have proposed UGB expansions for industrial uses. There is no indication that adding land to the UGB when it has not been proposed by a city would result in industrial employment. For all of these reasons, there is not a regional need for additional land to be added to the UGB for industrial employment, including employment on large industrial sites.

The Metro Council has put into place a process for considering specific non-residential UGB expansion proposals outside of the standard growth management cycle. If cities develop an employment concept plan for an urban reserve area, that “major amendment” process can address needs that aren’t anticipated in the 2018 growth management decision.

## **Is there a need for more land to support household growth?**

### **Urban growth scenarios**

To inform the Metro Council’s determination of whether there is a need for residential UGB expansions in 2018, Metro staff produced a number of scenarios that tested different permutations of a few assumptions:

- varying levels of population, household and employment growth (using the range forecast for the seven-county metropolitan area)
- different amounts of buildable land in the Metro UGB (varying amounts of redevelopment capacity)
- UGB expansions as proposed by four cities vs. no UGB expansion.

The scenarios are described in more detail in Appendix 3. Several general observations can be made about the scenarios:

#### *The region is on track to continue using land efficiently*

- Most capacity for housing production within the existing UGB comes through redevelopment and infill.
- Redevelopment and infill construction thrives when there is strong economic and population growth.

#### *Increased spillover growth to neighboring cities does not appear to be a threat*

- The original Metro UGB was adopted in 1979. Since then, about 61 percent of the new households in the larger seven-county metropolitan area have located inside the Metro UGB.
- In all scenarios, the share of the seven-county area’s new households that locate in the Metro UGB (the “capture rate”) is higher than historic rates, ranging from 63 to 72 percent.

- Barring unanticipated changes in the growth capacity of neighboring jurisdictions, a decision not to expand the UGB will not cause excessive spillover growth into neighboring jurisdictions like Sandy, Newberg, or Clark County, Washington.

*More housing production is needed to keep up with household growth*

- The region needs more housing production to keep up with population growth, particularly for households earning lower incomes.
- If development of the four proposed UGB expansions is viable, they can modestly increase housing production in the region.
- Regional scale analysis is not sensitive enough to distinguish between the effects of the individual proposed expansions.

*Housing affordability will remain a challenge*

- As in other regions around the country, housing affordability will remain a challenge.
- Encouraging more redevelopment and infill is the most effective means of keeping housing prices in check for renters.
- If developed, the four proposed UGB expansions would result in modest reductions<sup>11</sup> in housing prices for owner-occupied housing by providing additional housing supply.
- If developed, the four proposed UGB expansions would have little impact on prices for renter-occupied housing given that one-third of the planned housing in those areas would be multifamily.

*Most housing will remain single-family housing, but most growth capacity is for apartments and condominiums*

- Currently, about 68 percent of all housing is single-family housing. All scenarios show that share decreasing in the future, with most resulting in about 60 percent single-family housing (still a majority).
- In keeping with regional and local plans, infrastructure funding realities and smaller household sizes, most growth capacity is for apartments and condominiums.
- If developed, the four proposed UGB expansions would result in a modest increase in choices for single-family housing for ownership.
- While demand for owned and single-family housing is strong, households appear willing to substitute rental and multifamily housing to a certain extent.

*The region is on track to stay within the urban reserves “budget”*

- There are approximately 23,000 gross acres of urban reserves that are candidates – if needed – for UGB expansions through the year 2045 (to address regional land needs to the year 2065).
- If urban reserves were added to the UGB at the average rate of about 850 acres per year, all urban reserves would be used (added to the UGB) by the year 2045.
- The four city-proposed expansions total 2,200 gross acres. At the above-described “budget” of 850 acres per year, this amounts to about 2.5 years of usage.

---

11. The amount of potential housing price reduction varies depending on other assumptions about redevelopment potential, household growth, and future UGB expansions (beyond the 2018 decision). All other things being equal, however, the proposed expansions could help moderate housing prices somewhat.

# Changes in where we live and work

## Where we stand today with housing

Greater Portland came roaring out of the Great Recession. In less than 10 years, the region grew its economy and added high-wage jobs at higher rates than almost any other large U.S. metro area. Median incomes went up. The poverty rate went down. Thousands of young, educated workers migrated to the region drawn by the high quality of life and the opportunity of a booming economy.

This influx of new affluence and new people brought both economic growth and new challenges, changing the dynamics of our housing market and shifting the geography of affordability in a short period of time.

But longer-term trends also shaped our housing supply, and those trends continue to challenge our ability to create housing choices that meet the needs of our changing region.

### Housing construction came to a halt in the Great Recession, driving up housing costs

All around the country, housing construction came to a halt during the Great Recession. As the population continued to grow, demand intensified and housing prices rose – slowly at first, but gaining momentum with each passing year. Rent and home price increases were among the highest in the nation; vacancy rates, the share of unoccupied rental units, were among the lowest. This was true in greater Portland and dozens of other cities around the country.

Long-term residents living in rental housing found themselves priced out of their neighborhoods, while would-be homebuyers struggled to save for down

payments that seemed to double overnight. Renters suffered the most, often facing substantial rent increases with little notice.

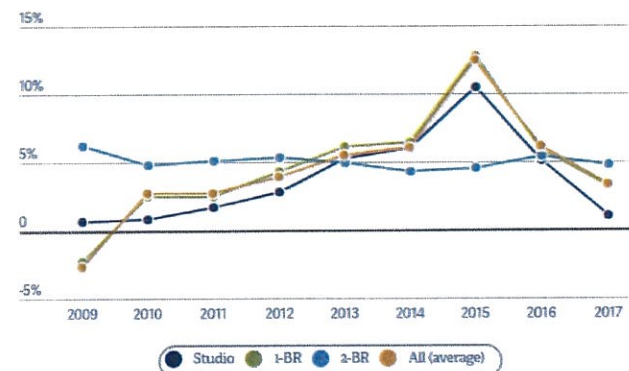
### Like most regions, we are playing catch-up with housing construction

Housing construction took off again as the region emerged from the Great Recession. Increased housing supply has begun to temper housing rents and prices, which are still rising, but not as quickly.

Though it's of little consolation to people who work and struggle to keep a roof over their heads, rents here are similar to those in cities around the country. For one-bedroom apartments, the Portland region is in the same rental price range as Atlanta, Minneapolis, Nashville, Denver and Chicago. Rents are more expensive here than a number of other cities, but still represent a value compared to other coastal cities.

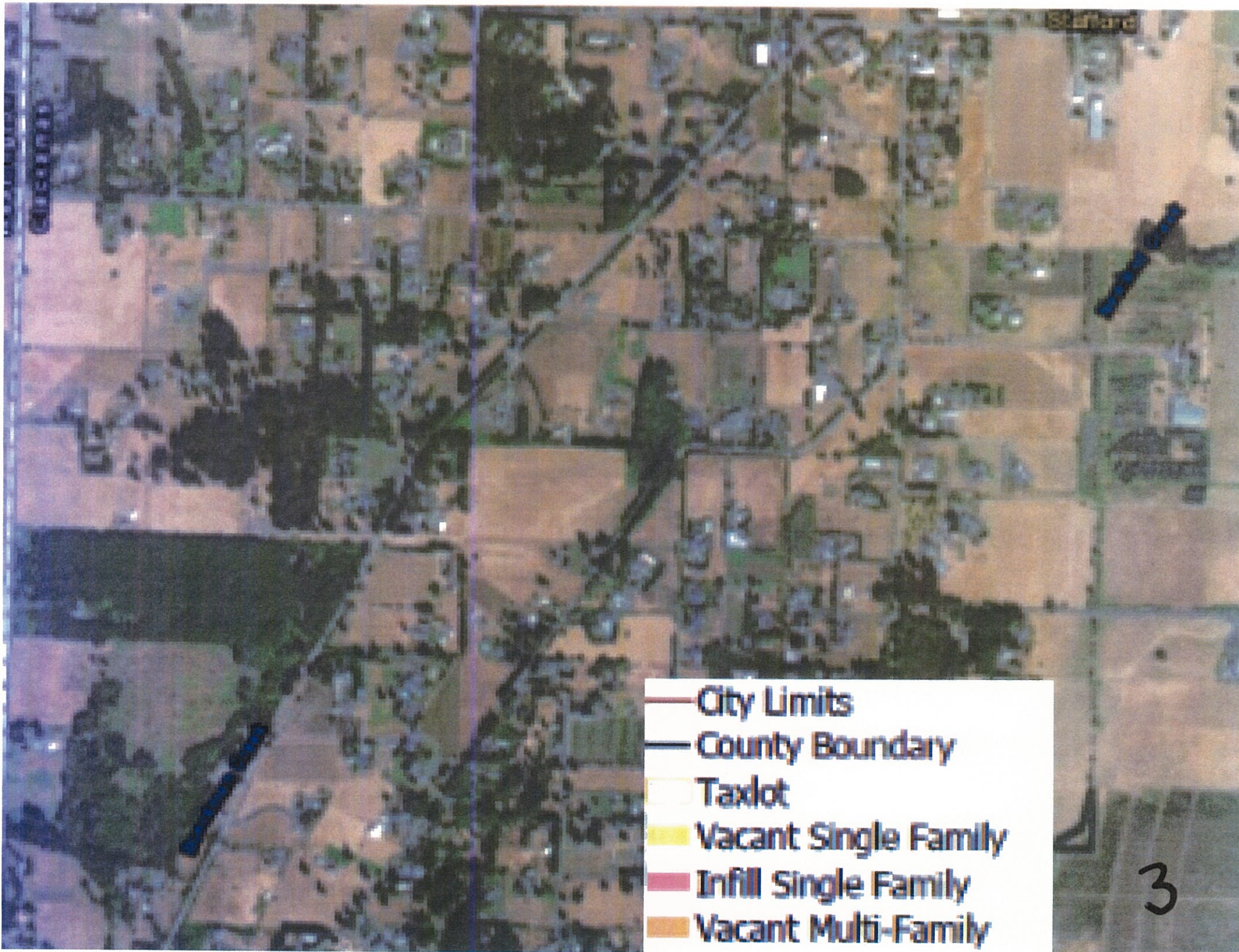
When it comes to rents, location matters. To live close to jobs, amenities, and transit, people have to pay a premium that is often out of reach.

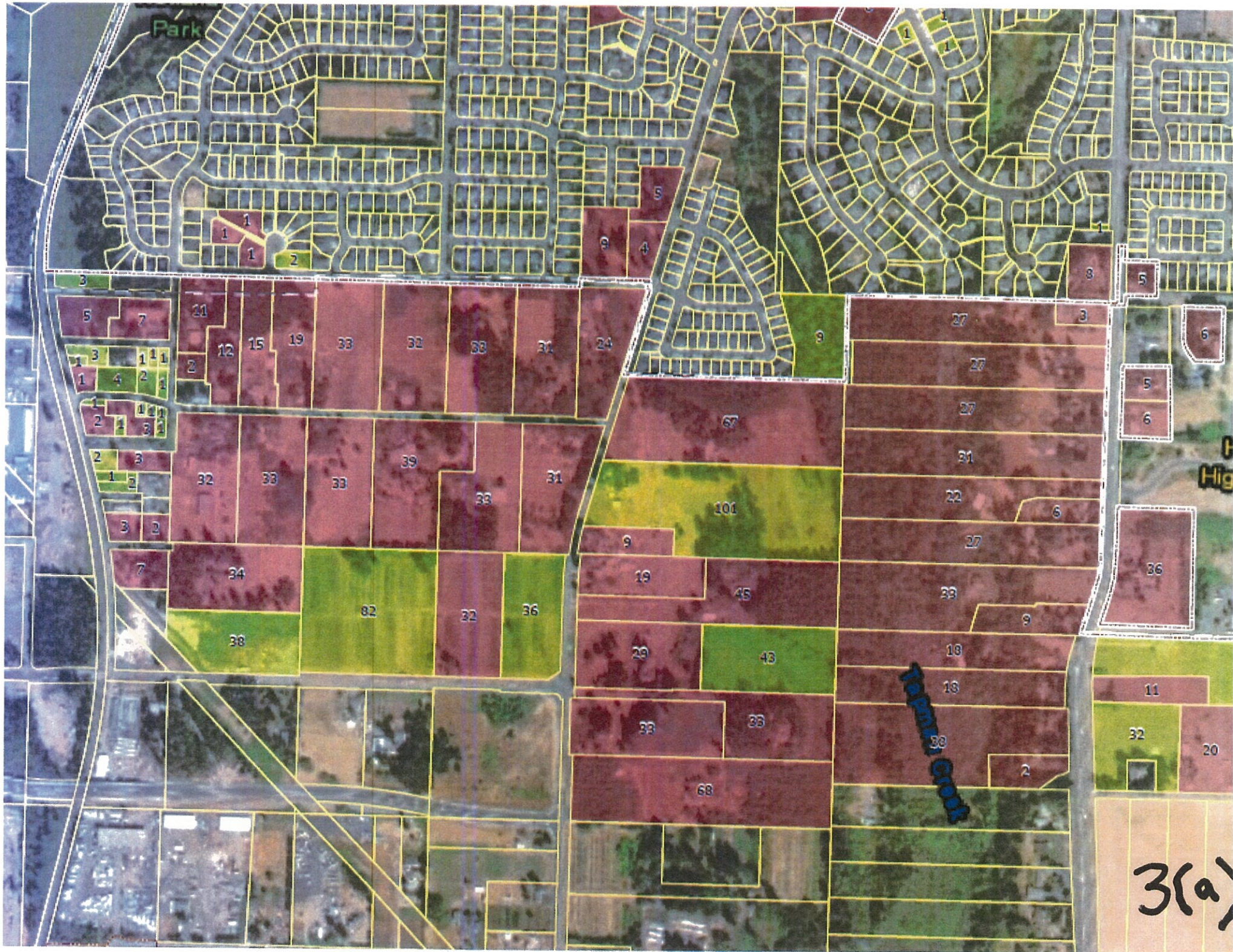
Figure 5: Annual percentage change in rental unit costs by size, Portland metro area, 2009-2017.



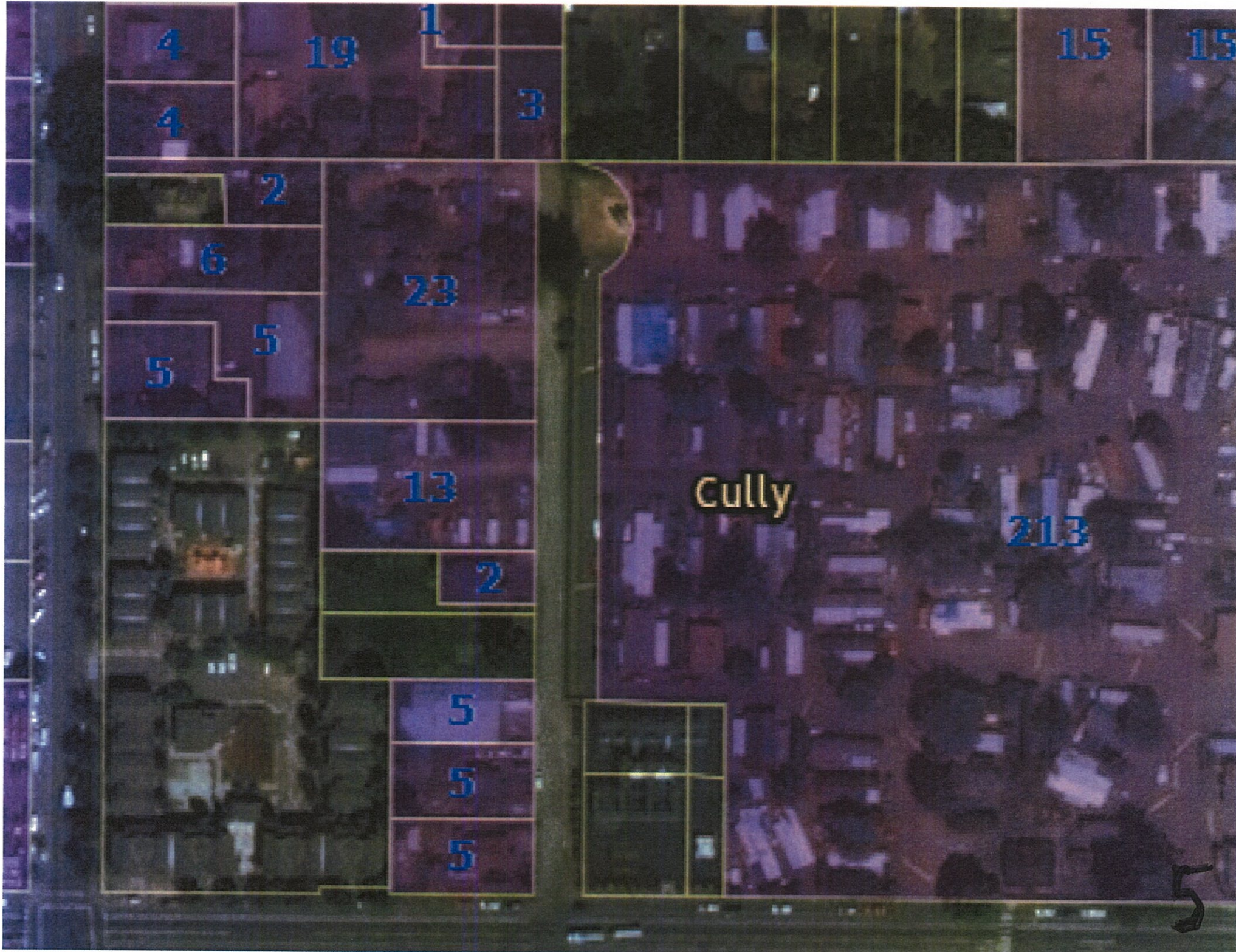
Sourc: Data courtesy of CoStar commercial real estate company

3. See Appendix 5 for more information on historic residential development trends.









4

19

1

15

15

4

3

2

6

23

5

5

13

Cully

213

2

5

5

5

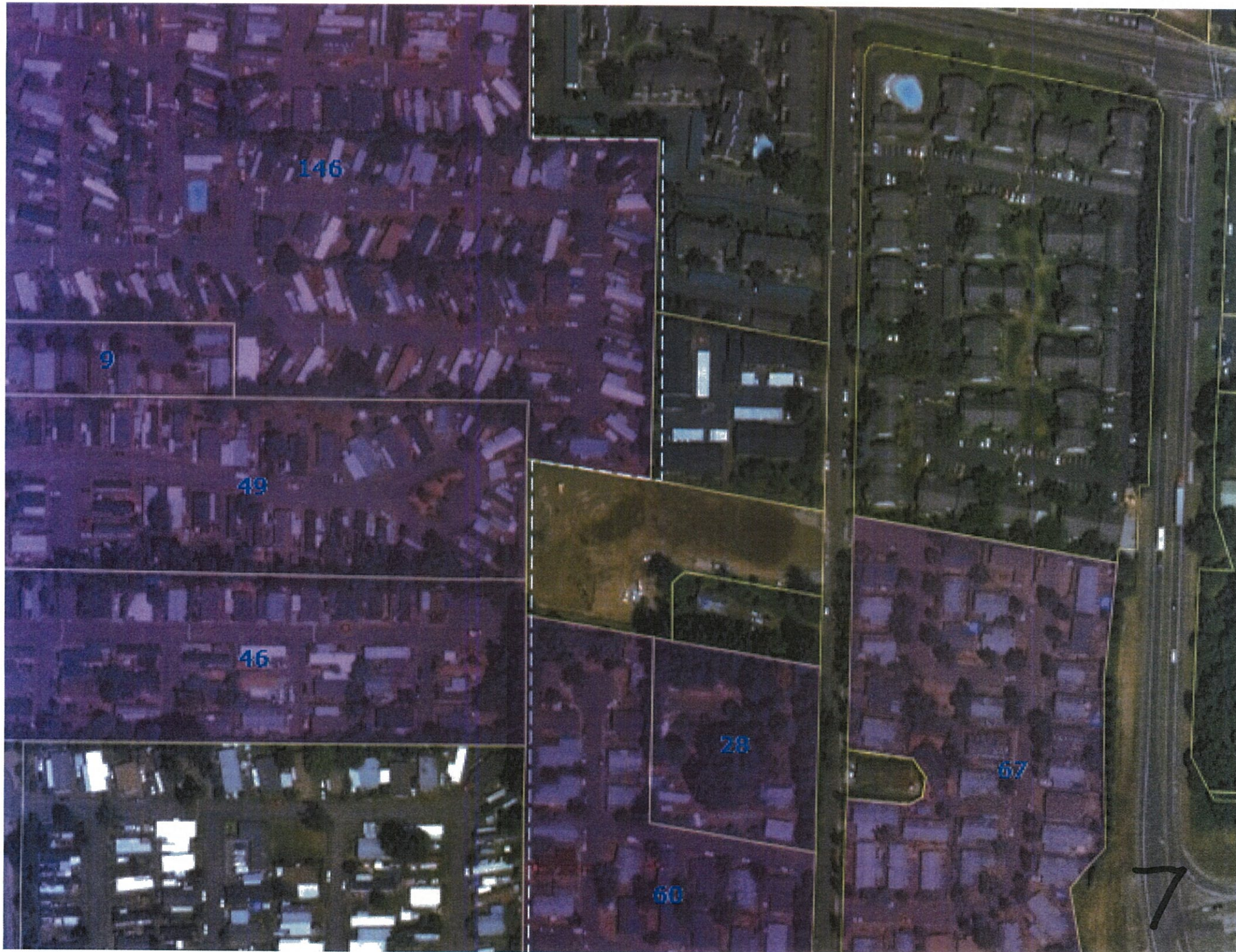
5

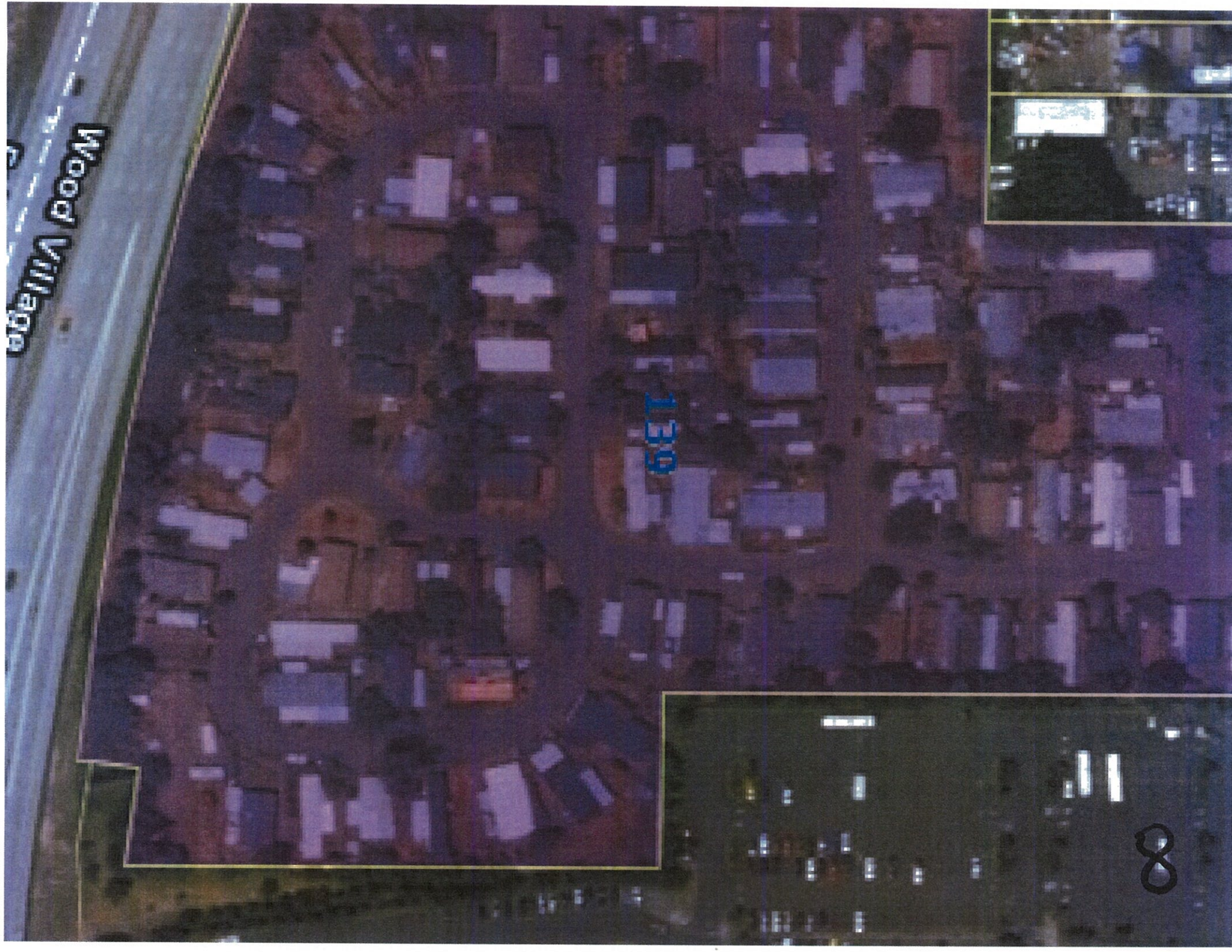


2227

6







Wood Village

130

8

81

9



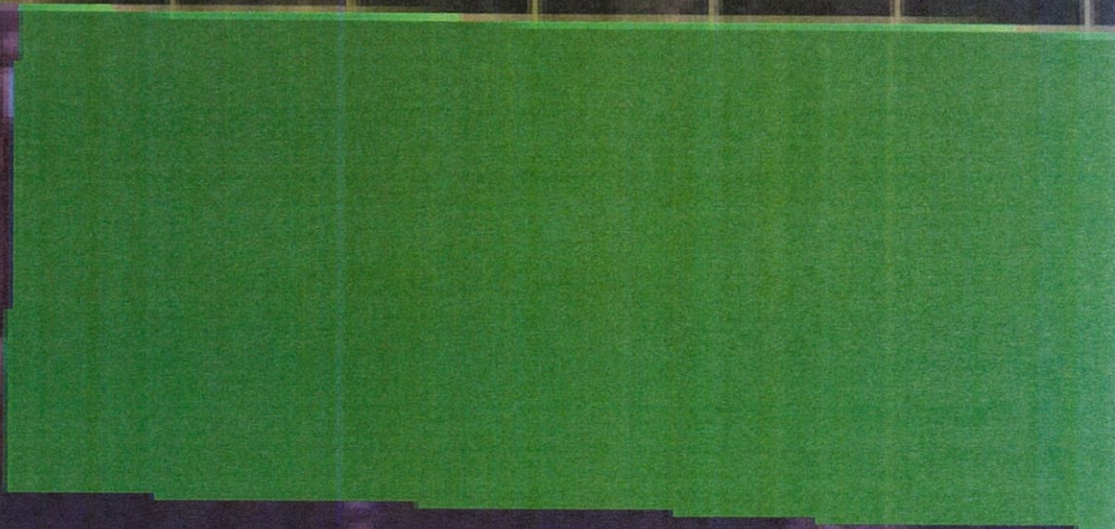
Gladstone  
Station

15

198

Meldrum  
Bar Park

10



56

11

19

10

419

9

Lexington  
Park

Que

R

12



461

Beaverton Creek

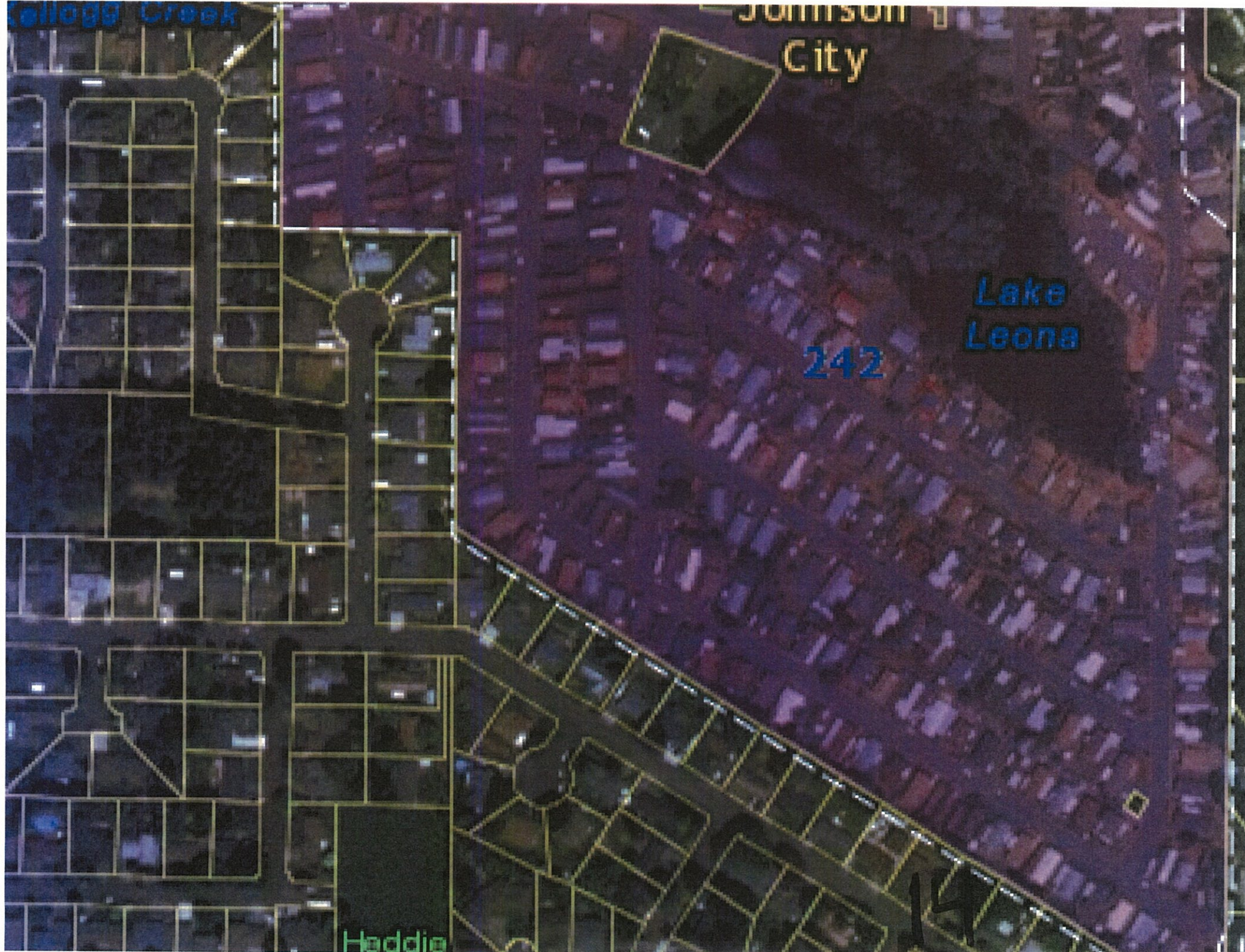
Kollogg Creek

Johnson City

Lake Leona

242

Heddie

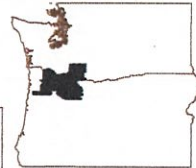




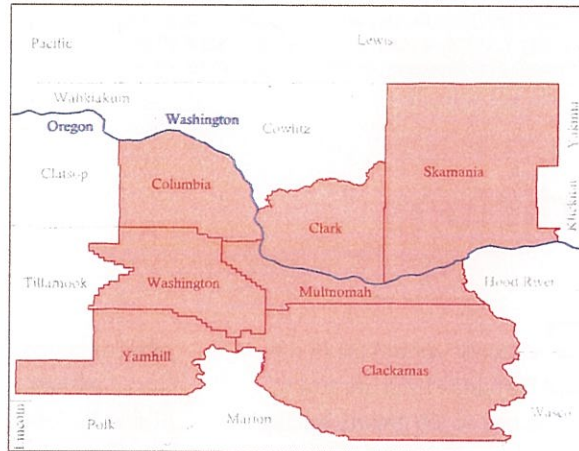


# Portland-Vancouver-Hillsboro, Oregon-Washington

U.S. Department of Housing and Urban Development | Office of Policy Development and Research | As of May 1, 2016



## Housing Market Area



The Portland-Vancouver-Hillsboro Housing Market Area (hereafter, the Portland HMA) consists of seven counties located at the confluence of the Columbia and Willamette Rivers in northwestern Oregon and southwestern Washington. The HMA is coterminous with the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area. For purposes of this analysis, the HMA is divided into three submarkets: (1) the Portland submarket, consisting of Clackamas, Columbia, and Multnomah Counties in Oregon; (2) the Beaverton-Hillsboro submarket, consisting of Washington and Yamhill Counties in Oregon; and (3) the Vancouver submarket, which consists of Clark and Skamania Counties in Washington.

## Summary

### Economy

After losing jobs from 2008 through 2010, nonfarm payrolls in the Portland HMA have expanded every year since 2011 as a result of strong economic conditions. During the 12 months ending April 2016, nonfarm payrolls in the HMA increased by 35,200 jobs, or 3.2 percent, to 1.12 million jobs compared with a gain of 32,400 jobs, or 3.1 percent, during the 12 months ending April 2015. During the same time, the unemployment rate declined from 5.8 to 5.0 percent. Nonfarm

payrolls are projected to increase at an average annual rate of 2.7 percent during the 3-year forecast period.

### Sales Market

The current sales housing market in the HMA is tight, with an estimated vacancy rate of 1.0 percent, down from 2.2 percent in April 2010 (Table DP-1 at the end of this report). New and existing home sales totaled 52,900 during the 12 months ending March 2016, up 19 percent from a year earlier (CoreLogic, Inc., with adjustments by the analyst). As of April 2016, a 1.4-month supply of homes was available for sale, down from a 1.8- and 2.8-month supply in April 2015 and 2014, respectively, in the HMA (RMLS™). During the next 3 years, demand is expected for 27,225

new single-family homes (Table 1). The 2,810 homes under construction and some of the 20,700 other vacant units that may return to the market will satisfy a portion of the demand.

### Rental Market

Rental housing market conditions in the HMA are tight, with an estimated vacancy rate of 2.9 percent compared with 5.9 percent in April 2010 (Table DP-1). The apartment vacancy rate was 3.0 percent during the first quarter of 2016, up from 2.5 percent a year ago; however, the average rent increased 13 percent to \$1,185 (MPF Research). During the 3-year forecast period, demand is expected for 18,925 market-rate rental units. The 6,995 units under construction will meet a portion of that demand (Table 1).

### Market Details

Economic Conditions .....	2
Population and Households .....	6
Housing Market Trends .....	9
Data Profiles .....	22

**Table 1.** Housing Demand in the Portland HMA\* During the Forecast Period

	Portland HMA*		Portland Submarket		Beaverton-Hillsboro Submarket		Vancouver Submarket	
	Sales Units	Rental Units	Sales Units	Rental Units	Sales Units	Rental Units	Sales Units	Rental Units
Total demand	27,225	18,925	12,750	10,650	7,675	5,325	6,800	2,950
Under construction	2,810	6,995	1,050	4,900	820	970	940	1,125

\*Portland-Vancouver-Hillsboro HMA.

Notes: Total demand represents estimated production necessary to achieve a balanced market at the end of the forecast period. Units under construction as of May 1, 2016. A portion of the estimated 20,700 other vacant units in the HMA will likely satisfy some of the forecast demand. The forecast period is May 1, 2016, to May 1, 2019.

Source: Estimates by analyst

## Economic Conditions

Economic conditions in the Portland HMA are strong, with the rate of job growth having outpaced growth in the nation since 2011. Nonfarm payroll growth in the HMA averaged 2.6 percent a year from 2011 through 2015, far exceeding the national average of 1.7 percent. During the 12 months ending April 2016, job growth accelerated, increasing by an average of 35,200 jobs, or 3.2 percent, to 1.12 million

jobs compared with job gains during the 12 months ending April 2015 (Table 2). Job gains occurred in every nonfarm payroll sector during the past 12 months. The unemployment rate averaged 5.0 percent during the 12 months ending April 2016, down from 5.8 percent a year earlier, because growth in employment far outpaced growth in the labor force (Figure 1). Top employers in the HMA include Intel Corporation, Providence Health Systems, and Oregon Health & Science University, with 17,500, 15,239, and 14,616 employees, respectively (Table 3).

The economy of the HMA experienced two separate periods of substantial job losses during the 2000s—from 2001 through 2003, when the dot.com bubble burst, and from 2009 through 2010, when the economy experienced the nationwide economic recession and housing market collapse. The HMA is a regional center for the high-technology (hereafter, high-tech) industry, earning the region the nickname “Silicon Forest.” During the 1990s, the HMA experienced particularly strong economic

**Table 2.** 12-Month Average Nonfarm Payroll Jobs in the Portland HMA,\* by Sector

	12 Months Ending		Absolute Change	Percent Change
	April 2015	April 2016		
Total nonfarm payroll jobs	1,087,700	1,122,900	35,200	3.2
Goods-producing sectors	176,100	180,100	4,000	2.3
Mining, logging, & construction	56,600	57,700	1,100	1.9
Manufacturing	119,500	122,400	2,900	2.4
Service-providing sectors	911,600	942,800	31,200	3.4
Wholesale & retail trade	167,300	171,200	3,900	2.3
Transportation & utilities	36,100	37,300	1,200	3.3
Information	23,700	25,100	1,400	5.9
Financial activities	64,800	67,200	2,400	3.7
Professional & business services	166,500	172,900	6,400	3.8
Education & health services	157,500	163,500	6,000	3.8
Leisure & hospitality	109,500	114,700	5,200	4.7
Other services	38,500	39,800	1,300	3.4
Government	147,800	151,100	3,300	2.2

\*Portland-Vancouver-Hillsboro HMA.

Notes: Numbers may not add to totals because of rounding. Based on 12-month averages through April 2015 and April 2016.

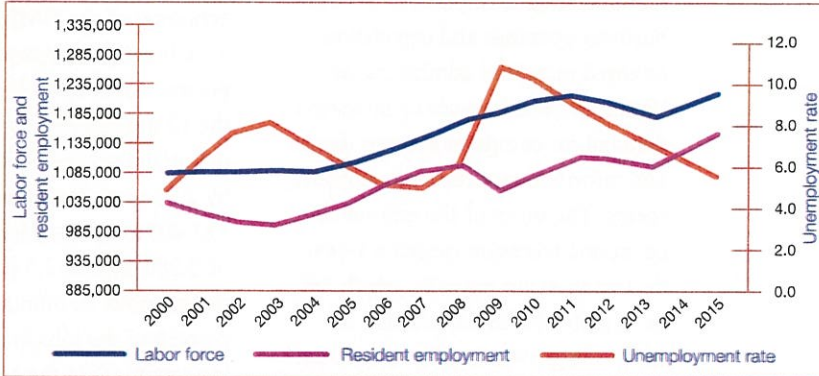
Source: U.S. Bureau of Labor Statistics

growth because the high-tech industry was expanding rapidly (referred to as the dot.com bubble); however, when the dot.com bubble burst, it disproportionately impacted firms in the high-tech industry, causing a more

severe downturn in the HMA compared with the economic downturn in the nation. From 2001 through 2003, payrolls in the HMA declined by an average of 13,300 jobs, or 1.4 percent, annually; nationwide, payrolls fell an average of 0.4 percent a year. Economic growth returned from 2004 through 2007, with payroll gains averaging 25,500 jobs, or 2.6 percent, annually compared with the national rate, which averaged 1.4 percent a year. The national recession and housing market collapse subsequently caused economic conditions in the HMA to weaken. After reaching a plateau of 1.04 million jobs in 2007 and 2008, nonfarm payrolls fell by 60,000 jobs, or 5.8 percent, in 2009 and the unemployment rate spiked to 10.9 percent; national payrolls fell 4.3 percent. The weak economy caused a sharp reduction in planned spending, both from households and businesses, causing job losses in nearly every sector of the economy. Payrolls continued to decline in 2010, but at a much slower rate, down 4,200 jobs, or 0.4 percent, to 979,200 jobs.

The professional and business services sector, the largest in the HMA economy, represents slightly more than 15 percent of total nonfarm payrolls (Figure 2). During the 12 months ending April 2016, the sector added more jobs than any sector, increasing by 6,400 jobs, or 3.8 percent, to 172,900 jobs, compared with an increase of 7,800 jobs, or 4.9 percent, during the previous 12 months. Growth in this sector has been boosted by hiring in the high-tech industry, including computer systems design and scientific, professional, and technical services, and also by increased administrative hiring with the presence of corporate headquarters such as adidas North America,

**Figure 1. Trends in Labor Force, Resident Employment, and Unemployment Rate in the Portland HMA,\* 2000 Through 2015**



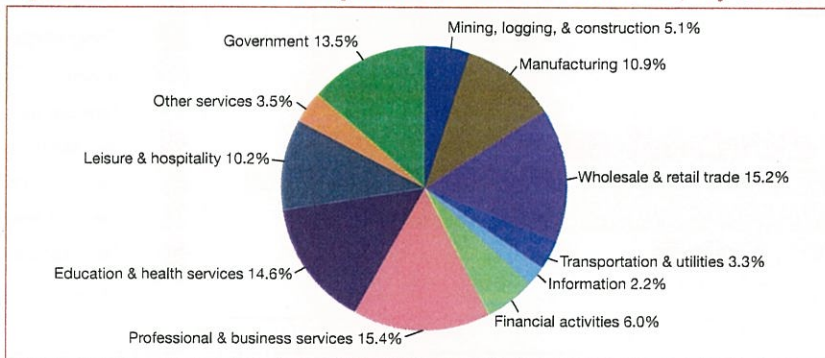
\*Portland-Vancouver-Hillsboro HMA.  
Source: U.S. Bureau of Labor Statistics

**Table 3. Major Employers in the Portland HMA\***

Name of Employer	Nonfarm Payroll Sector	Number of Employees
Intel Corporation	Manufacturing	17,500
Providence Health Systems	Education & health services	15,239
Oregon Health & Science University	Government	14,616
Kaiser Permanente	Education & health services	11,881
Legacy Health Systems	Education & health services	10,436
Fred Meyer Stores	Wholesale & retail trade	10,237
Nike, Inc.	Professional & business services	8,000
Wells Fargo & Co.	Financial activities	4,617
Portland State University	Government	4,153
U.S. Bank	Financial activities	4,000

\*Portland-Vancouver-Hillsboro HMA.  
Note: Excludes local school districts.  
Sources: Moody's Economy.com; Portland Business Journal: Book of Lists 2015

**Figure 2. Current Nonfarm Payroll Jobs in the Portland HMA,\* by Sector**



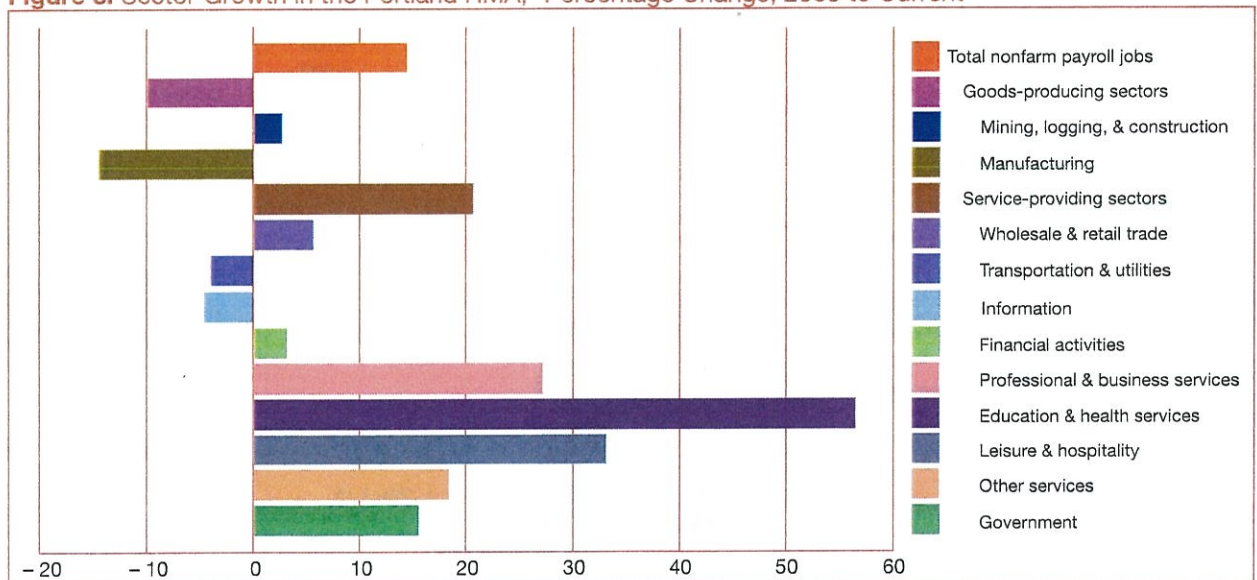
\*Portland-Vancouver-Hillsboro HMA.  
Note: Based on 12-month averages through April 2016.  
Source: U.S. Bureau of Labor Statistics

Columbia Sportswear Company, Daimler Trucks North America, Intel Corporation, and NIKE, Inc. Growth trends in this sector mirrored overall economic conditions in the HMA, with strong growth during the buildup of the dot.com bubble, followed by a sharp drop as it burst. The sector rebounded quickly, partially because business openings and expansions required increased administrative hiring, but also because of increased demand for computer systems design and information technology improvements. The onset of the nationwide economic recession caused a 1-year decline in sector payrolls, which fell by 11,600 jobs, or 8.0 percent, in 2009. Job growth in the professional and business services sector recovered faster than any sector in the HMA, and, from 2011 through 2014, payrolls increased by an average of 7,000 jobs, or 4.8 percent, annually. In April 2016, NIKE, Inc., announced a \$380 million expansion of its corporate headquarters campus in the Beaverton-Hillsboro submarket. With a target completion

date of 2018, the expansion will add approximately 3.2 million square feet of office, mixed-use, and parking facilities to the campus, with the potential to create thousands of jobs during the 3-year forecast period.

The manufacturing sector continues to play a significant role in the economy of the HMA, despite a decline in employment of 15.0 percent since 2000 (Figure 3). During the 12 months ending April 2016, manufacturing payrolls increased by 2,900 jobs, or 2.4 percent, to 122,400 jobs, compared with a gain of 3,200 jobs, or 2.5 percent, during the previous 12 months. Nearly 60 percent of the jobs in the manufacturing sector are in the computer and electronic product manufacturing or semiconductor and other electronic component manufacturing industries. Both these industries are considered part of the high-tech industry; consequently, the collapse of the dot.com bubble caused a major decline in manufacturing jobs. From 2001

**Figure 3. Sector Growth in the Portland HMA,\* Percentage Change, 2000 to Current**



\*Portland-Vancouver-Hillsboro HMA.

Note: Current is based on 12-month averages through April 2016.

Source: U.S. Bureau of Labor Statistics

through 2003, manufacturing sector payrolls declined by an average of 8,400 jobs, or 6.2 percent, annually, the largest payroll decline of any sector. Manufacturing payroll growth resumed from 2004 through 2006, during a period of economic expansion in the HMA, but the average growth of 2,800 jobs, or 2.3 percent, annually was not enough to compensate for all the job losses during the previous recession. The most recent economic recession caused payrolls to decline even further, losing an average of 4,900 jobs, or 4.1 percent, annually from 2007 through 2010. The manufacturing sector began to recover in 2011, when the high-tech industry began to expand; from 2011 through 2014, payrolls increased by an average of 2,800 jobs, or 2.5 percent, a year. This trend is expected to moderate during the forecast period because of planned layoffs at Intel Corporation, the largest employer in the HMA and in Oregon, which specializes in semiconductor manufacturing. In April 2016, the company announced plans to cut its global workforce by 11 percent, or 12,000 workers, beginning immediately. Already, nearly 800 employees have been laid off in Oregon, but that could climb to an estimated 2,150 jobs if the 11-percent cut is applied evenly across all locations. Reducing its workforce is not uncommon for Intel Corporation, however, and is not necessarily indicative of industry performance. It is likely that a large portion of these highly skilled workers will find employment at other high-tech firms that are expanding within the HMA.

During the past 5 years, the HMA has gained national attention for its lifestyle and culture, with numerous accolades, including being ranked number 1 in 2015 on the *Washington*

*Post's* list of "The 10 Best Food Cities in America." Recognition such as that has contributed to strong growth in the leisure and hospitality sector, which largely comprises jobs in the accommodations and food services industry. During the 12 months ending April 2016, sector payrolls increased by an average of 5,200 jobs, or 4.7 percent, to 114,700 jobs, compared with an increase of 3,900 jobs, or 3.7 percent, during the previous 12 months. Sector payrolls declined sharply in response to both economic downturns but have fully recovered, adding an average of 3,300 jobs, or increasing 3.3 percent, annually from 2011 through 2014. Part of this growth can be attributed to the HMA's growing beer industry. The number of brewing companies in the HMA increased from 83 in 2014 to 91 in 2015, and the industry had an economic impact of \$2.83 billion in Oregon in 2014 (Oregon Craft Beer). Job growth in the leisure and hospitality sector is expected to continue at a strong pace during the forecast period as the HMA continues to be nationally highlighted, boosting population growth and tourism and elevating the demand for accommodations and drinking and dining establishments.

The recent and future growth in the local high-tech industry is expected to positively affect employment in the manufacturing and the professional and business services sectors. Other sectors, such as the leisure and hospitality and the wholesale and retail trade sectors, are expected to indirectly benefit from growth in core industries. Nonfarm payrolls are expected to increase at an average annual rate of 2.7 percent, or by 29,950 jobs, annually during the 3-year forecast period.

## Population and Households

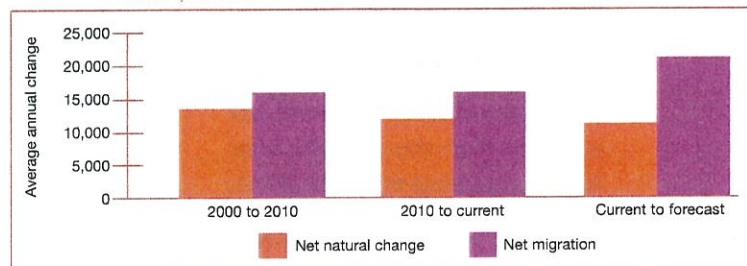
As of May 1, 2016, the population of the Portland HMA is estimated at 2.4 million, increasing at an average annual rate of 1.2 percent, or 27,800, since 2010, with net in-migration accounting for 15,800 people a year, or approximately 57 percent of the increase (Figure 4). Population growth averaged 1.5 percent a year from 2000 to 2004, despite the collapse of the dot.com bubble, with net in-migration accounting for 51 percent of the increase. Economic growth rebounded, and population growth accelerated moderately from 2004 to 2007, averaging 1.7 percent, or 35,050 people, annually; approximately 63 percent of the growth came from net in-migration. Population growth in the HMA slowed sharply in response to the nationwide economic recession that began in 2007, and, from 2007 to 2012, growth averaged 20,900 people, or 0.9 percent; net in-migration decreased, comprising 32 percent of the increase. Strengthening economic conditions boosted population growth to an average of 26,700 people, or 1.2 percent, from 2012 to 2013, because of increased net in-migration, which averaged 15,000 people and comprised 56 percent of the increase. Since 2013, population growth in the HMA has averaged 35,800 people, or

1.5 percent, annually, and strong labor market conditions helped boost net in-migration, which has accounted for nearly 69 percent of total population growth, or 24,800 people, annually. During the next 3 years, population growth is expected to slow slightly because of moderating economic growth, reaching an estimated 2.49 million people by May 1, 2019, reflecting an average annual increase of 32,000 people, or 1.3 percent, a year.

The Portland submarket is the most populous of the three submarkets in the HMA, with an estimated population of 1.24 million, followed by the Beaverton-Hillsboro submarket with an estimated population of 683,400, and the Vancouver submarket with approximately 472,200, increasing at average annual rates of 1.1, 1.4, and 1.3 percent, respectively, since 2010. Net in-migration in the HMA has averaged 15,800 people annually since 2010, with nearly 50 percent being in the Portland submarket, 28 percent in the Beaverton-Hillsboro submarket, and 22 percent in the Vancouver submarket. From 2000 to 2004, suburban growth was more prevalent, and net in-migration was strongest in the Vancouver submarket, which comprised 46 percent of total net in-migration to the HMA. The Vancouver submarket historically has been a bedroom community for the city of Portland, attracting new residents because of its relatively low cost of living compared with the other two submarkets. The Portland submarket captured approximately 32 percent of total net in-migration during this period, and the Beaverton-Hillsboro submarket accounted for 22 percent.

Population growth in the HMA increased from 2004 to 2007 because of strong economic conditions that

**Figure 4.** Components of Population Change in the Portland HMA,\* 2000 to Forecast



\*Portland-Vancouver-Hillsboro HMA.

Notes: The current date is May 1, 2016. The forecast date is May 1, 2019.

Sources: 2000 and 2010–2000 Census and 2010 Census; current and forecast—estimates by analyst

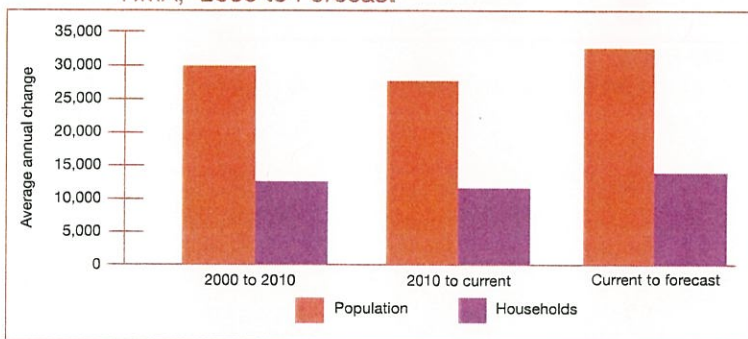
bolstered net in-migration, which averaged 22,150 people annually. During this period of economic expansion, household preferences shifted toward more urban areas that tend to be closer to job opportunities, and the share of net in-migration attributable to the Portland submarket increased from 32 to 43 percent. In the Beaverton-Hillsboro submarket, net in-migration increased, accounting for 30 percent of the total, largely a result of job growth in the high-tech industry, which is more concentrated in the submarket. Population growth slowed in the Vancouver submarket, and its share of net in-migration declined from 46 to 27 percent. The trend of moving into urban centers continued during the nationwide economic recession, although total population growth in the HMA slowed substantially and net in-migration declined to an average of 6,750 people annually from 2007 to 2012. The Portland submarket captured 52 percent of total net in-migration to the HMA during this time. The Beaverton-Hillsboro submarket accounted for 35 percent of all net in-migration, mainly because it has a stronger economic base than does the Vancouver submarket and it has easier access to the city of Portland, which is the economic center

for the HMA. The recession caused population growth in the Vancouver submarket to plummet and net in-migration fell to 13 percent of the HMA total from 2007 to 2012. Since 2013, improving economic conditions in the HMA have led to increased net in-migration, averaging 24,800 people annually, with the Portland, Beaverton-Hillsboro, and Vancouver submarkets comprising 47, 28, and 25 percent of the HMA total, respectively.

During the next 3 years, population growth is expected to accelerate slightly compared with the 2010-to-current period in the Portland submarket, increasing by an average of 15,350 people, or 1.2 percent, annually, reaching 1.29 million people by May 1, 2019. The population of the Vancouver submarket is also anticipated to grow at a faster rate than the 2010-to-current period, increasing by an average of 7,000, or 1.5 percent, annually, to 493,200, by May 1, 2019, largely because job growth in the submarket has been strong since 2013 and the cost of living continues to be relatively less than in the other two submarkets. Population growth in the Beaverton-Hillsboro submarket is anticipated to continue at the same rate, gaining 9,975 people, or 1.4 percent, a year, reaching 713,300 people by the end of the 3-year forecast period.

An estimated 936,700 households currently reside in the HMA, with 504,500, 254,800, and 177,350 being in the Portland, Beaverton-Hillsboro, and Vancouver submarkets, respectively. From 2010 to the current date, the number of households in the HMA increased by an average of 11,350, or 1.3 percent, annually compared with an average annual increase of 12,250 households, or 1.5 percent, from 2000 to 2010 (Figure 5). From 2000 to 2010,

**Figure 5. Population and Household Growth in the Portland HMA,\* 2000 to Forecast**



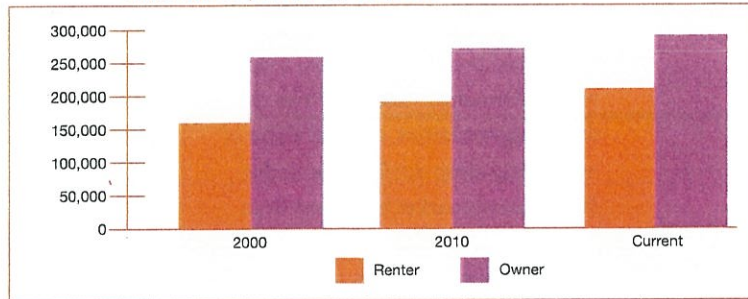
\*Portland-Vancouver-Hillsboro HMA.

Notes: The current date is May 1, 2016. The forecast date is May 1, 2019.

Sources: 2000 and 2010–2000 Census and 2010 Census; current and forecast—estimates by analyst

Population and Households *Continued*

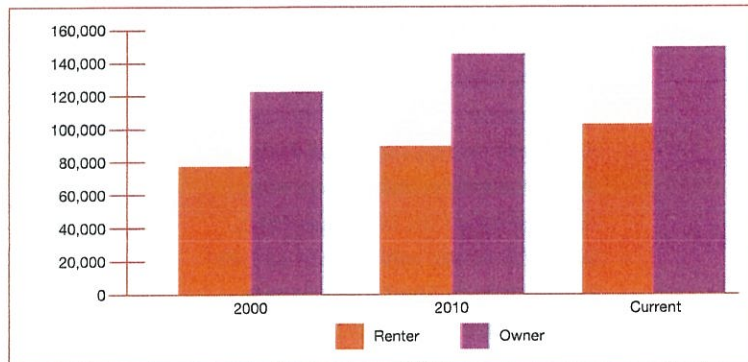
**Figure 6.** Number of Households by Tenure in the Portland Submarket, 2000 to Current



Note: The current date is May 1, 2016.

Sources: 2000 and 2010–2000 Census and 2010 Census; current—estimates by analyst

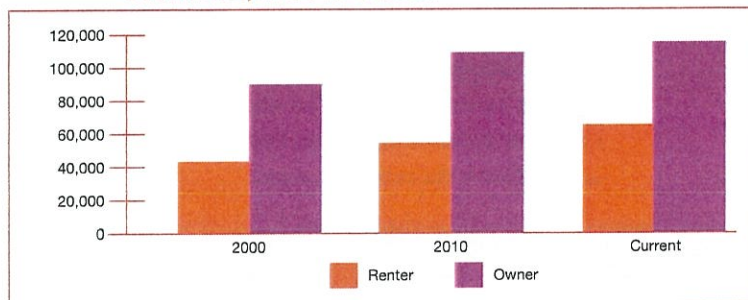
**Figure 7.** Number of Households by Tenure in the Beaverton-Hillsboro Submarket, 2000 to Current



Note: The current date is May 1, 2016.

Sources: 2000 and 2010–2000 Census and 2010 Census; current—estimates by analyst

**Figure 8.** Number of Households by Tenure in the Vancouver Submarket, 2000 to Current



Note: The current date is May 1, 2016.

Sources: 2000 and 2010–2000 Census and 2010 Census; current—estimates by analyst

the rate of household growth was highest in the Vancouver submarket, at 3,175 households, or 2.2 percent, followed by the Beaverton-Hillsboro submarket, at 3,775 households, or 1.8 percent, and the Portland submarket at 5,275 households, or 1.2 percent. Household growth slowed from 2010 to the current date in the Beaverton-Hillsboro and Vancouver submarkets because of the prolonged effects from the national recession and the shift toward urban living, with average annual increases of 3,150 households, or 1.3 percent, and 2,425 households, or 1.4 percent, respectively. The household growth rate in the Portland submarket remained unchanged, increasing by an average of 5,750 households, or 1.2 percent. During the 3-year forecast period, the number of households in the HMA is estimated to increase to 978,200, reflecting an average annual increase of 13,850 households, or 1.5 percent. The household growth rate is anticipated to increase in each submarket, reaching 525,400, 266,500, and 186,200 households in the Portland, Beaverton-Hillsboro, and Vancouver submarkets, respectively. Figures 6, 7, and 8 illustrate the number of households by tenure in each submarket from 2000 to the current date.



# Housing Market Trends

## Sales Market—Portland Submarket

Current sales housing market conditions in the Portland submarket are tight, with an estimated vacancy rate of 1.0 percent, down from 2.4 percent in April 2010 (Table DP-2 at the end of this report). The decline reflects increased demand because household finances and access to credit continue to improve, and much of the excess inventory that resulted from the foreclosure crisis has been absorbed.

During the 12 months ending March 2016, 24,300 existing single-family homes, townhomes, and condominiums (hereafter, existing homes) sold in the submarket, up 17 percent from a year ago (CoreLogic, Inc., with adjustments by the analyst). By comparison, existing home sales totaled 20,700 during the 12 months ending March 2015, representing a 9-percent increase from a year earlier. Existing home sales peaked from 2003 through 2005 during a period of strong economic expansion following the collapse of the dot.com bubble, averaging 28,650 sales annually. The nationwide recession and housing market collapse subsequently caused existing sales to decline at an average annual rate of 19 percent, or 4,525 homes sold, a year from 2006 through 2009, to a low of 13,750 homes sold. Existing sales increased modestly in 2010 when job losses moderated and again in 2011 when job growth gradually returned. As the economic recovery accelerated and access to credit improved, existing home sales increased, averaging 18,150 homes sold annually from 2012 through 2014. The average sales price of an existing home increased 9 percent, to \$356,000, during the 12 months ending March 2016 compared with the previous 12 months when the average

sales price increased 5 percent, to \$325,000. The current average sales price is approximately 9 percent higher than the previous peak of \$326,400 in 2007. The national recession caused a significant amount of strain on household finances and tighter mortgage lending standards. Combined, these two factors caused a sharp reduction in the number of potential homebuyers, and demand and prices fell quickly. From 2008 through 2011, the average sales price declined at an average annual rate of 6 percent, to a low of \$254,500. The average sales price began increasing in 2012 in response to increased demand as the economy improved, and, from 2012 through 2014, the average sales price increased at an average annual rate of 8 percent.

Seriously delinquent (90 or more days delinquent or in foreclosure) loans and real estate owned (REO) properties have become a less significant part of the sales market in the submarket than they were during the worst of the housing crisis from 2009 through 2012. During March 2016, 2.2 percent of mortgages were seriously delinquent or had transitioned into REO status, down from 3.1 percent in March 2015, but still above the average rate of 1.2 percent from 2000 through 2007 (CoreLogic, Inc.). By comparison, the delinquency rate averaged 5.4 percent from 2009 through 2012. During the 12 months ending March 2016, REO sales totaled 1,175, comprising 5 percent of all existing sales. By comparison, REO sales accounted for 21 percent of total existing sales from 2009 through 2012 and only 3 percent from 2000 through 2007. The average sales price of an REO home was \$225,000 during the

## Housing Market Trends

Sales Market—Portland Submarket Continued

12 months ending March 2016, approximately 38 percent less than the sales price of a regular resale home.

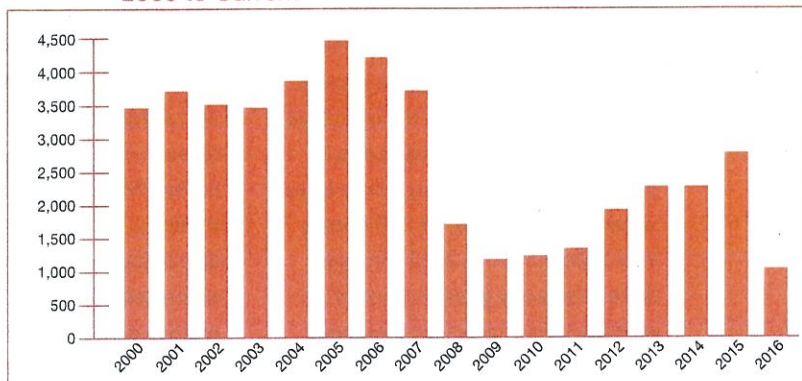
Approximately 2,175 new single-family homes, townhomes, and condominiums (hereafter, new homes) sold during the 12 months ending March 2016, up 18 percent from the 1,850 new homes sold during the previous 12 months (CoreLogic, Inc., with adjustments by the analyst). New home sales averaged 4,075 homes sold annually from 2001 through 2006, before declining at an average annual rate of 25 percent from 2007 through 2011 to a low of 1,275 new homes sold, a direct result of the nationwide recession and housing market crisis. As the economic recovery strengthened, the demand for new homes returned; sales increased an average of 25 percent a year from 2012 through 2014, averaging 1,600 homes sold annually. During the 12 months ending March 2016, the average sales price of a new home increased 5 percent from a year ago, to \$401,200, surpassing the previous peak of \$361,500 in 2008 by more than 11 percent. Sales prices increased at an average annual rate of 9 percent from 2003 through 2008 and, as a result of the national

recession, subsequently declined by an average of 10 percent a year in 2009 and 2010, to a low of \$295,100. Strong economic conditions from 2011 through 2014 led to an increase in the demand for new homes, and the average sales price increased at an average annual rate of 6 percent during this time.

New home construction, as measured by the number of single-family homes permitted, was relatively stable from 2000 through 2004, despite the economic impact of the dot.com bubble collapse; an average of 3,600 new homes were permitted annually (Figure 9). The buildup during the growth of the housing market bubble was fairly mild in the submarket, with new home construction increasing to an average of 4,150 homes permitted a year in 2005 and 2006; the limited amount of developable land in the submarket helped to constrain the amount of new home construction during this time. Conversely, the nationwide recession and housing crisis had a severe impact on new home construction in the submarket, causing permitting activity to decline an average of 35 percent annually from 2007 through 2009, to a low of 1,150 homes in 2009. New home construction stabilized in 2010 and increased gradually from 2011 through 2014, averaging 1,925 single-family homes permitted annually. During the 12 months ending April 2016, 2,725 single-family homes were permitted, up 11 percent from the 2,450 homes permitted during the 12 months ending March 2015 (preliminary data).

Nearly all new home construction in the Portland submarket is in smaller subdivisions with fewer than 50 homes, because available land is becoming harder to acquire. As

**Figure 9.** Single-Family Homes Permitted in the Portland Submarket, 2000 to Current



Notes: Includes townhomes. Current includes data through April 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analyst

**Housing Market Trends**

*Sales Market—Portland Submarket Continued*

the average sales prices continues to climb, the most common target market for new single-family homes is second- and third-time homebuyers looking to upgrade into a larger home, rather than the first-time homebuyer demographic that was most prevalent during the early stage of the housing market recovery (local developers). Numerous communities are under construction throughout the submarket, mainly concentrated in suburban cities that surround the city of Portland, and prices range considerably. New homes are typically priced higher in the city of

Portland; for example, home prices in the new subdivision of Cedar Mills in northwest Portland start in the mid-\$600,000s, whereas new homes in Legend at Villebois in Wilsonville in the southeastern part of the submarket start in the high \$200,000s. In the city of Happy Valley in the eastern portion of the submarket, two communities have new homes for sale, both with starting prices in the high \$300,000-to-mid-\$400,000 range.

During the 3-year forecast period, demand is expected for 12,750 new homes in the Portland submarket (Table 1). The 1,050 homes currently under construction and a portion of the 13,000 other vacant units that may return to the market will satisfy some of the forecast demand. Table 4 illustrates the estimated demand for new sales housing in the submarket by price range. Demand is expected to increase modestly during each year of the forecast period as economic conditions remain strong and as household finances and access to credit improve.

**Table 4.** Estimated Demand for New Market-Rate Sales Housing in the Portland Submarket During the Forecast Period

Price Range (\$)		Units of Demand	Percent of Total
From	To		
200,000	299,999	1,525	12.0
300,000	399,999	3,175	25.0
400,000	499,999	3,175	25.0
500,000	599,999	2,550	20.0
600,000	699,999	1,275	10.0
700,000	and higher	1,025	8.0

*Notes: The 1,050 homes currently under construction and a portion of the estimated 13,000 other vacant units in the submarket will likely satisfy some of the forecast demand. The forecast period is May 1, 2016, to May 1, 2019.*

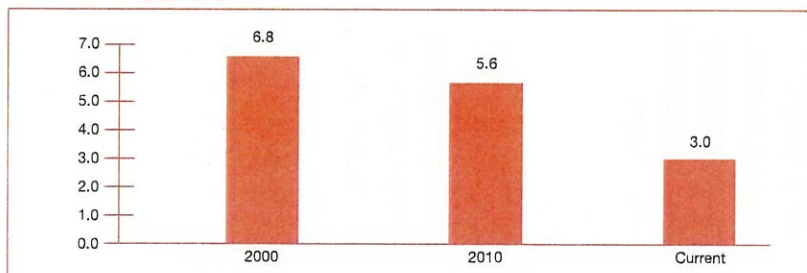
*Source: Estimates by analyst*

**Rental Market—Portland Submarket**

The current rental housing market in the Portland submarket is tight, with an overall estimated vacancy rate of 3.0 percent, down from 5.6 percent

in April 2010 (Figure 10). Along with increasingly high sales prices, strong economic growth and net in-migration in the submarket since 2010 have contributed to increased demand for rental housing. The apartment market is also tight, despite the addition of an estimated 3,200 units since the first quarter of 2015 (MPF Research). By comparison, approximately 1,125 units were added to the inventory during the first two quarters of 2014, and only 510 units during the first two quarters of 2015. Within the seven MPF-defined areas (hereafter areas) in the Portland

**Figure 10.** Rental Vacancy Rates in the Portland Submarket, 2000 to Current



*Note: The current date is May 1, 2016.*

*Sources: 2000 and 2010—2000 Census and 2010 Census; current—estimates by analyst*

## Housing Market Trends

Rental Market—Portland Submarket *Continued*

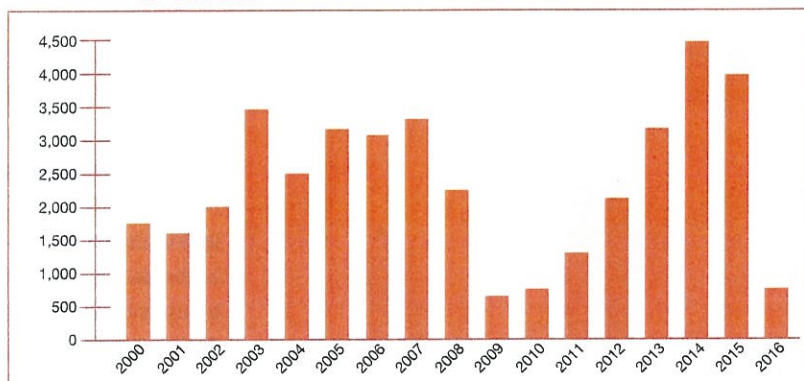
submarket, the apartment vacancy rates range from a high of 4.4 percent in the Central Portland area, up from 3.0 percent a year ago, to a low of 1.9 percent in the Gresham area, up from 1.4 percent a year ago. The increase in the vacancy rate in the Central Portland area is mainly because it is the location of more than one-third of the recently completed units in the submarket. Multifamily construction has been relatively limited in the Gresham area, contributing to the very low vacancy rate. Of the 3,200 units completed in the submarket during the past year, approximately 42 percent, or 1,325 units, were in the East Portland area, which reported a vacancy rate of 3.8 percent during the first quarter of 2016, up from 2.0 percent a year ago. Since 2010, the only area to have a vacancy rate above 5.0 percent was Central Portland during the first quarter of 2011.

Rent growth occurred in each MPF-defined area from the first quarter of 2015 to the first quarter of 2016. Except for the Central Portland area, which reported rent growth of 9 percent, all other areas in the submarket reported increases of more than 10 percent, with the largest increase in the Gresham area, at 17 percent.

The highest average asking rent was \$1,506 in the Central Portland area. Average asking rents by unit type were \$1,066 for a studio unit, \$1,406 for a one-bedroom unit, \$1,961 for a two-bedroom unit, and \$2,341 for a three-bedroom unit. The lowest average asking rent was \$1,037 in the Gresham area, where asking rents by unit type were \$867 for a studio unit, \$878 for a one-bedroom unit, \$1,067 for a two-bedroom unit, and \$1,296 for a three-bedroom unit. Average rent growth was more moderate in the submarket from 2011 through 2014, with no area reporting average annual rent growth above 10 percent. Properties offering concessions were more common in 2011 and 2012, when market conditions were not as tight; as of the first quarter of 2016, the Southwest Portland area was offering the most in concessions, at slightly more than 2 percent.

Because of job losses and reduced rental demand in the Portland submarket, multifamily construction, as measured by the number of multifamily units permitted, slowed to an average of 710 units a year in 2009 and 2010 compared with an average of 3,100 units permitted annually from 2003 through 2007, when economic growth was strong (Figure 11). Multifamily permitting began to increase after 2010 in response to increased rental demand, partially because the foreclosure crisis caused households to shift toward renting, but also because of rapidly increasing net in-migration. From 2011 through 2015, multifamily permitting increased at an average annual rate of 39 percent, averaging 3,000 units permitted each year. During the 12 months ending April 2016, approximately 4,775 multifamily units were permitted, up 25 percent

**Figure 11.** Multifamily Units Permitted in the Portland Submarket, 2000 to Current



Notes: Excludes townhomes. Current includes data through April 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analyst

## Housing Market Trends

Rental Market—Portland Submarket Continued

from the 3,825 units permitted during the previous 12 months (preliminary data). Since 2010, condominium construction has comprised less than 8 percent of total multifamily construction compared with the peak period of 2000 through 2007, when approximately 37 percent of multifamily construction was intended for condominiums. Currently under construction is the 28-story condominium tower Cosmopolitan On the Park, which will feature 150 units in downtown Portland's most popular neighborhood, the Pearl District. The development is expected to be complete in August 2016, with sales prices ranging from the low \$400,000s for a one-bedroom/one-bathroom unit to \$3.8 million for the largest penthouse suites.

Within the submarket, apartment development is most popular in areas close to the downtown Portland core, including the Central Portland and the East Portland areas. Examples of developments currently under construction include the three-tower, 657-unit Hassalo on Eighth in the East Portland area and the 267-unit Modera Pearl apartments, in the Central Portland area. The first tower of Hassalo on Eighth opened in the summer of 2015, and the other two

are preleasing, with expected completion dates in late 2016 and early 2017; asking rents range from \$990 to \$1,809 for studio units, \$1,680 to \$3,225 for one-bedroom units, \$2,380 to \$3,850 for two-bedroom units, and \$3,043 to \$3,722 for three-bedroom units. Unit rents for Modera Pearl apartments are not available yet, because it will not be finished until late 2017. At the 244-unit Waterline Apartments, which was recently completed in the Central Portland area, asking rents are \$1,469 for studio units and range from \$1,560 to \$1,883 for one-bedroom units and from \$1,945 to \$2,422 for two-bedroom units.

During the 3-year forecast period, demand is expected for 10,650 new market-rate rental units in the Portland submarket (Table 1). The 4,900 units estimated to be under construction will satisfy part of the forecast demand. Demand is expected to be strongest in the first year of the forecast period and moderate in the second and third years as the new inventory is absorbed and market conditions become more balanced. Table 5 shows the estimated demand by rent level and number of bedrooms for new market-rate rental housing in the submarket during the forecast period.

**Table 5. Estimated Demand for New Market-Rate Rental Housing in the Portland Submarket During the Forecast Period**

Zero Bedrooms		One Bedroom		Two Bedrooms		Three or More Bedrooms	
Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand
1,000 to 1,199	470	1,100 to 1,299	1,275	1,300 to 1,499	1,675	1,500 to 1,699	230
1,200 to 1,399	530	1,300 to 1,499	1,700	1,500 to 1,699	2,150	1,700 to 1,899	85
1,400 or more	180	1,500 or more	1,275	1,700 or more	960	1,900 to 2,099	65
						2,100 or more	45
<b>Total</b>	<b>1,175</b>	<b>Total</b>	<b>4,275</b>	<b>Total</b>	<b>4,800</b>	<b>Total</b>	<b>430</b>

Notes: Numbers may not add to totals because of rounding. Monthly rent does not include utilities or concessions. The 4,900 units currently under construction will likely satisfy some of the estimated demand. The forecast period is May 1, 2016, to May 1, 2019.

Source: Estimates by analysts

## Sales Market—Beaverton-Hillsboro Submarket

The current sales housing market in the Beaverton-Hillsboro submarket is tight as the demand for homes increases and prices continue to appreciate, a trend that has been sustained since 2012. The current estimated sales vacancy rate is 1.0 percent, down from 2.1 percent in April 2010 (Table DP-3 at the end of this report). During the 12 months ending March 2016, 12,650 existing homes sold in the submarket, up 29 percent from a year ago (CoreLogic, Inc., with adjustments by the analyst). By comparison, existing home sales totaled 10,100 homes sold during the 12 months ending March 2015, up 13 percent from a year earlier. The high-tech industry recovered from the dot.com bubble collapse, and the submarket experienced strong job growth from 2004 through 2005, which resulted in strong household growth. An average of 14,750 homes sold annually from 2004 through 2005. Although existing home sales remained elevated in 2006, it marked the first year of declining sales; from 2006 through 2009, existing home sales fell by an average of 28 percent annually, to a low of 6,000 homes sold. Existing home sales increased modestly in 2010, boosted by the first-time homebuyers tax credit program, but fell again in 2011 when the program expired. The economic recovery accelerated from 2012 through 2014, causing household finances to improve and banks to ease their lending standards, which resulted in increased demand for homes; an average of 9,400 homes sold annually.

The average sales price of an existing home increased 8 percent, to \$318,300, during the 12 months

ending March 2016, exceeding the previous peak of \$309,600 in 2007 by nearly 3 percent. By comparison, the average sales price increased 3 percent, to \$295,100, during the 12 months ending March 2015. The national recession caused the demand for homes to drop substantially, which put downward pressure on sales prices. From 2008 through 2011, the average sales price declined at an average annual rate of 6 percent to a low of \$241,400. Housing market conditions started to improve as the economic recovery accelerated, and, from 2012 through 2014, the average sales price increased 7 percent a year.

During 2005 and 2006, before the housing market downturn, the rate of home loans that were seriously delinquent or had transitioned into REO status in the submarket averaged 0.5 percent, and REO sales accounted for 1 percent of all existing home sales (CoreLogic, Inc.). The foreclosure crisis that resulted from the national recession had a damaging impact on the housing market, however, and the percentage of home loans that were seriously delinquent or in REO status averaged almost 5.0 percent from 2009 through 2011, and REO sales accounted for 23 percent of total existing home sales. By comparison, the delinquency rate averaged 0.9 percent from 2000 through 2007, during a period of strong housing market conditions, and REO sales accounted for only 2 percent of existing home sales. Housing market conditions have improved consistently since 2011 as a result of the strong economic recovery, and, as of March 2016, 1.9 percent of home loans in the submarket were seriously delinquent or in REO status, down from 2.8 percent in

## Housing Market Trends

Sales Market—Beaverton-Hillsboro Submarket Continued

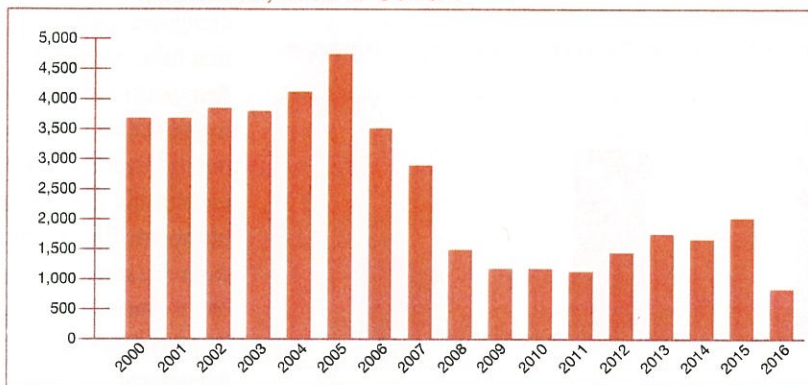
March 2015, and REO sales totaled 850, falling to 7 percent of all existing home sales. The average sales price of an REO home was \$226,500 during the 12 months ending March 2016, approximately 30 percent less than the sales price of a regular resale home.

The volume of new home sales in the submarket increased 14 percent, to 1,675 homes sold during the 12 months ending March 2016. By comparison, new home sales totaled 1,475 homes sold during the 12 months ending March 2015, up 3 percent from a year earlier. The economic expansion that occurred in the HMA from 2004 through 2007 especially benefited the submarket because of the relatively large number of rapidly expanding high-tech firms located in the submarket. New home sales peaked at an average of 4,125 homes sold annually in 2004 and 2005 and declined to an average of 3,300 homes sold a year in 2006 and 2007. Sales declined further as the housing market crisis worsened, averaging 1,335 homes sold a year from 2008 through 2010, before reaching a record low of 1,000 homes sold in 2011. The number of new home sales increased to an annual average of

1,375 homes sold from 2012 through 2014 because of strong economic growth. During the 12 months ending March 2016, the average sales price of a new home increased 4 percent from a year ago, to \$382,700, exceeding the previous peak of \$339,400 in 2008 by 13 percent. By comparison, the average sales price increased 16 percent during the 12 months ending March 2015 compared with prices during the previous 12 months. New home sales prices increased at an average annual rate of 9 percent from 2004 through 2008 and subsequently declined by an average of 5 percent a year from 2009 through 2012, to a low of \$277,200. Strong job growth and access to mortgage financing boosted the demand for new homes, causing prices to increase at an average annual rate of 13 percent from 2012 through 2014.

New home construction, as measured by the number of single-family homes permitted, has increased in the Beaverton-Hillsboro submarket since 2011 but remains below historical averages. During the 12 months ending April 2016, 2,250 single-family homes were permitted, a 36-percent increase from the 1,650 new homes permitted during the previous 12 months (preliminary data). New home construction was strong from 2000 through 2004, averaging 3,775 homes permitted annually despite the economic downturn that resulted from the collapse of the dot.com bubble, and permitting peaked in 2005, when 4,700 homes were permitted (Figure 12). Single-family home construction fell at an average annual rate of 30 percent from 2006 through 2009, to a low of 1,125 homes permitted, as a result of weakening housing market conditions and job losses brought on by the national recession.

**Figure 12.** Single-Family Homes Permitted in the Beaverton-Hillsboro Submarket, 2000 to Current



Notes: Includes townhomes. Current includes data through April 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analyst

## Housing Market Trends

Sales Market—Beaverton-Hillsboro Submarket Continued

From 2010 through 2014, an average of 1,400 new homes were permitted annually. New home construction in the submarket has generally concentrated in the cities of Beaverton and Hillsboro. The most common target

market for new single-family homes is second- and third-time homebuyers looking to upgrade into a larger home or new families earning high-tech industry wages that are typically much higher than the Area Median Income (local real estate agents).

**Table 6.** Estimated Demand for New Market-Rate Sales Housing in the Beaverton-Hillsboro Submarket During the Forecast Period

Price Range (\$)		Units of Demand	Percent of Total
From	To		
150,000	249,999	770	10.0
250,000	349,999	1,925	25.0
350,000	449,999	2,300	30.0
450,000	549,999	1,525	20.0
550,000	649,999	770	10.0
650,000	and higher	380	5.0

Notes: The 820 homes currently under construction and a portion of the estimated 3,800 other vacant units in the submarket will likely satisfy some of the forecast demand. The forecast period is May 1, 2016, to May 1, 2019.

Source: Estimates by analyst

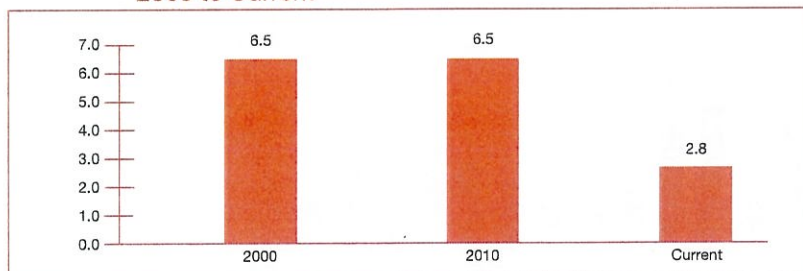
Demand is expected for 7,675 new homes in the Beaverton-Hillsboro submarket during the next 3 years (Table 1). The 820 homes currently under construction and a portion of the 3,800 other vacant units that may return to the market will satisfy some of the forecast demand. Table 6 illustrates the estimated demand for new sales housing in the submarket by price range. Demand is expected to be evenly distributed during each year of the forecast period.

## Rental Market—Beaverton-Hillsboro Submarket

As a result of increased population growth since 2010, the rental housing market in the Beaverton-Hillsboro submarket remains tight, with an overall estimated vacancy rate of 2.8 percent compared with 6.5 percent in April 2010 (Figure 13). Despite a spike in multifamily rental construction since 2012, the apartment market has also remained tight. MPF Research defines three areas in the Beaverton-Hillsboro submarket: East

Beaverton, Aloha/West Beaverton, and Hillsboro. The apartment vacancy rate increased from 2.4 to 2.9 percent in the East Beaverton area and from 3.0 to 4.8 percent in the Hillsboro area, largely because household preferences have shifted toward the Aloha/West Beaverton area, which has experienced the largest gain in new inventory during the past 3 years and is closest to the Intel Corporation and NIKE, Inc. campuses. Of the 1,900 new units that have entered the market since the first quarter of 2014, 1,200 have been in the Aloha/West Beaverton area, but the vacancy rate has continued to decline and is estimated at 2.4 percent during the first quarter of 2016, down from 3.3 percent in the first quarter of 2015. Since 2010, the vacancy rates in all three areas have remained below 5.0 percent.

**Figure 13.** Rental Vacancy Rates in the Beaverton-Hillsboro Submarket, 2000 to Current



Note: The current date is May 1, 2016.

Sources: 2000 and 2010—2000 Census and 2010 Census; current—estimates by analyst



## Housing Market Trends

Rental Market—Beaverton-Hillsboro Submarket *Continued*

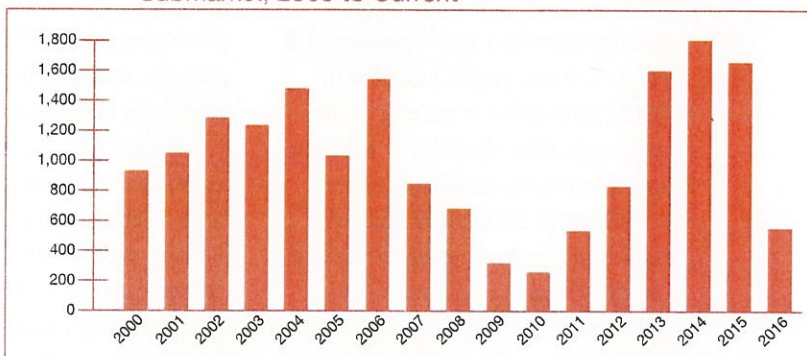
In percentage terms, the submarket has reported the strongest rent growth in the HMA from the first quarter of 2015 to the first quarter of 2016. The fastest rate of rent growth occurred in the East Beaverton area, at 19 percent, to an average of \$1,128; asking rents averaged \$848 for a studio unit, \$989 for a one-bedroom unit, \$1,182 for a two-bedroom unit, and \$1,411 for a three-bedroom unit. The average asking rent in the Hillsboro area increased 16 percent, to \$1,383, despite an increase in the vacancy rate; rents averaged \$1,180 for studio units, \$1,187 for one-bedroom units, \$1,425 for two-bedroom units, and \$1,719 for three-bedroom units. The smallest rent growth recorded in the submarket was in the Aloha/West Beaverton area, up 12 percent to \$1,226; rents averaged \$1,239 for studio units, \$1,081 for one-bedroom units, \$1,275 for two-bedroom units, and \$1,499 for three-bedroom units. Rent growth in the Aloha/West Beaverton area averaged 10 percent annually from the first quarter of 2013 through the first quarter of 2015. The East Beaverton and Hillsboro areas experienced milder average annual rent increases of 2 and 9 percent, respectively, during the same time. Studio units are most popular in newer developments,

with three-bedroom units taking the longest to lease (local property managers).

An average of 1,175 multifamily units were permitted in the Beaverton-Hillsboro submarket annually from 2000 through 2005, during a period of strong population growth (Figure 14). Multifamily permitting peaked in 2006, at 1,525 units, but subsequently declined at an average annual rate of 37 percent through 2010, to a low of 250 units permitted, because weak economic conditions resulted in reduced demand for condominiums and rental units. The foreclosure crisis fueled an increased demand for rental units, and multifamily permitting increased, averaging 670 units permitted a year in 2011 and 2012. As rental market conditions tightened further, builders responded by increasing multifamily building activity, which averaged 1,700 units annually in 2013 and 2014. During the 12 months ending April 2016, multifamily permitting decreased 6 percent, to 1,650 units permitted, compared with the number permitted during the previous 12 months (preliminary data). From 2004 through 2007, condominium construction peaked at nearly 40 percent of all multifamily building activity, as measured by the number of multifamily units permitted, in the submarket. The housing market collapse, however, caused a shift in preferences toward renting, increasing the demand for new apartment construction, and, since 2010, condominiums have comprised less than 10 percent of all multifamily units permitted.

Rental developments currently under construction or recently completed in the submarket include both affordable

**Figure 14.** Multifamily Units Permitted in the Beaverton-Hillsboro Submarket, 2000 to Current



Notes: Excludes townhomes. Current includes data through April 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analyst

## Housing Market Trends

Rental Market—Beaverton-Hillsboro Submarket *Continued*

and market-rate apartment projects. Sunset View Apartments is currently under construction with an expected completion date in the summer of 2016. The development will consist of 236 affordable apartment units close to the NIKE, Inc. headquarters campus in the city of Beaverton. The 352-unit Amberglen West apartments in the Aloha/West Beaverton area is currently under construction and expected to be complete in August 2017; asking rents will range from \$1,266 to \$1,598 for one-bedroom units, \$1,352 to \$2,033 for two-bedroom units, and \$1,904 to \$1,961 for three-bedroom units. Construction of the 255-unit Rowlock Apartments was completed in August 2015 in the Hillsboro area, with rents starting at

\$1,425 for studio units and ranging from \$1,425 to \$1,580 for one-bedroom units and from \$1,915 to \$2,070 for two-bedroom units.

During the next 3 years, demand is expected for 5,325 new market-rate rental units in the Beaverton-Hillsboro submarket (Table 1). The 970 units under construction will meet a portion of the forecast demand. Demand is expected to be strongest in the first year of the forecast period and moderate in the second and third years as the new inventory is absorbed and the market becomes more balanced. Table 7 shows the estimated demand by rent level and number of bedrooms for new market-rate rental housing in the submarket during the forecast period.

**Table 7. Estimated Demand for New Market-Rate Rental Housing in the Beaverton-Hillsboro Submarket During the Forecast Period**

Zero Bedrooms		One Bedroom		Two Bedrooms		Three or More Bedrooms	
Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand
1,000 to 1,199	160	1,150 to 1,349	930	1,250 to 1,449	1,325	1,550 to 1,749	370
1,200 or more	110	1,350 to 1,549	470	1,450 to 1,649	800	1,750 or more	160
		1,550 or more	370	1,650 or more	400		
<b>Total</b>	<b>270</b>	<b>Total</b>	<b>1,775</b>	<b>Total</b>	<b>2,525</b>	<b>Total</b>	<b>530</b>

Notes: Numbers may not add to totals because of rounding. Monthly rent does not include utilities or concessions. The 970 units currently under construction will likely satisfy some of the estimated demand. The forecast period is May 1, 2016, to May 1, 2019. Source: Estimates by analysts

## Sales Market—Vancouver Submarket

The current sales housing market in the Vancouver submarket is tight, with an estimated vacancy rate of 1.0 percent, down from 2.1 percent in 2010 (Table DP-4 at the end of this report). Similar to trends in the other two submarkets, housing market conditions in the submarket have tightened rapidly since the economic recovery began, and most of the excess vacancies that resulted from the housing market collapse have been absorbed.

During the 12 months ending March 2016, 9,450 existing homes sold in the submarket, up 22 percent from a year ago, marking the largest number of existing homes sold since 2006 (CoreLogic, Inc., with adjustments by the analyst). From 2003 through 2005, relatively affordable sales housing in the submarket attracted new households, with an average of 11,950 existing homes sold annually. Existing home sales fell 22 percent in 2006, when economic growth began

to slow, and, from 2007 through 2010, existing home sales fell by an average of 17 percent a year, to a low of 4,925 homes sold. Economic conditions moderated in 2010, and new home sales remained unchanged. Growth in existing home sales resumed as the economy fully recovered, and, from 2011 through 2014, an average of 6,400 existing homes sold annually. The average sales price of an existing home increased 8 percent, to \$283,300, during the 12 months ending March 2016, approximately 20 and 10 percent less than the average existing home sales prices in the Portland and Beaverton-Hillsboro submarkets, respectively. The current average sales price remains 2 percent less than the peak sales price of \$289,400 in 2007. From 2008 through 2011, the average sales price declined at an average annual rate of 8 percent, to a low of \$210,500, because substantial job losses caused a sharp drop in the demand for sales homes. When job growth recovered and the demand for homes increased, the average sales price increased an average of 8 percent annually from 2012 through 2014.

Strong job growth and increasing home values during the past 3 years helped reduce seriously delinquent loans and REO properties in the Vancouver submarket and the HMA. During March 2016, 1.8 percent of all home loans in the submarket were seriously delinquent or had transitioned into REO status, down from 2.6 percent in March 2015, and REO sales declined from 6 to 4 percent of total existing home sales (CoreLogic, Inc., with adjustments by the analyst). By comparison, the delinquency rate, including homes in REO status, averaged approximately 7.0 percent from 2009 through 2011, during the

worst of the foreclosures crisis, and REO sales comprised almost one-fourth of all existing home sales. By comparison, from 2000 through 2007, the delinquency rate averaged 1.3 percent and REO sales accounted for less than 2 percent of existing home sales. The average sales prices of an REO home sale in the submarket was \$232,000 during the 12 months ending March 2016, approximately 18 percent less than the sales price of a regular resale home.

The new home sales market has improved dramatically since 2011, with home sales increasing an average of 25 percent annually. During the 12 months ending March 2016, new home sales totaled 1,700 homes sold, up 32 percent from the 1,300 new homes sold during the 12 months ending March 2015. An average of 2,875 new homes sold annually from 2003 through 2005, when economic conditions were strong and access to financing was more readily available. Following the national and regional trend, however, new home sales declined with the onset of the recession, and, from 2006 through 2011, new home sales fell at an average annual rate of 23 percent, to a low of 650 homes sold. The average sales price of a new home increased 10 percent, to \$328,400, during the 12 months ending March 2016 compared with a 7-percent increase during the previous 12 months. Sales prices increased at an average annual rate of 3 percent from 2004 through 2006 and subsequently declined an average of 9 percent a year from 2007 through 2009, to a low of \$237,600. Prices increased at an average annual rate of 5 percent from 2010 through 2014, when economic conditions improved and demand for new homes returned.

## Housing Market Trends

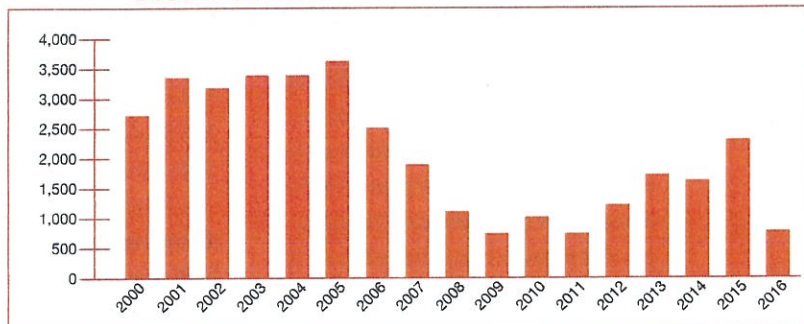
*Sales Market—Vancouver Submarket Continued*

Strong housing demand and increasing sales prices have led to an increase in new home construction in the Vancouver submarket since 2011. During the 12 months ending April 2016, 2,525 single-family homes were permitted, up 45 percent from the 1,750 homes permitted during the previous 12 months (preliminary data). Single-family homebuilding was robust from 2000 through 2005, when population growth in the submarket was strongest, and an average of 3,250 single-family homes were permitted annually (Figure 15). Homebuilding dropped dramatically following the onset of the national

recession as net in-migration to the submarket plummeted. From 2006 through 2009, homebuilding activity declined at an average annual rate of 33 percent, to a low of 720 single-family homes permitted. After the economic recovery was fully under way, homebuilding increased and an average of 1,525 new single-family homes were permitted a year from 2012 through 2014. Most buyers are second- and third-time homebuyers looking to upgrade to larger homes; however, more first-time homebuyers are purchasing in the Vancouver submarket than in the Portland or Beaverton-Hillsboro submarkets because housing in the submarket is still relatively affordable (local developers and real estate agents). Single-family development is concentrated in Ridgefield in the northeastern portion of the submarket and in Camas in the eastern section of the submarket. In Ridgefield, new home prices range from the mid-\$200,000s to the upper \$600,000s. New homes in Camas start in the mid-\$300,000 range and increase to the mid-\$900,000s.

Demand is expected for 6,800 new homes in the Vancouver submarket during the next 3 years (Table 1). The 940 homes currently under construction and a portion of the 3,900 other vacant units that may return to the market will satisfy some of the forecast demand. Table 8 illustrates the estimated demand for new sales housing in the submarket by price range. Demand is expected to be evenly distributed during each year of the forecast period.

**Figure 15.** Single-Family Homes Permitted in the Vancouver Submarket, 2000 to Current



Notes: Includes townhomes. Current includes data through April 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analyst

**Table 8.** Estimated Demand for New Market-Rate Sales Housing in the Vancouver Submarket During the Forecast Period

Price Range (\$)		Units of Demand	Percent of Total
From	To		
150,000	249,999	680	10.0
250,000	349,999	1,350	20.0
350,000	449,999	2,375	35.0
450,000	549,999	1,350	20.0
550,000	649,999	680	10.0
650,000	and higher	340	5.0

Notes: The 940 homes currently under construction and a portion of the estimated 3,900 other vacant units in the submarket will likely satisfy some of the forecast demand. The forecast period is May 1, 2016, to May 1, 2019.

Source: Estimates by analyst

## Rental Market—Vancouver Submarket

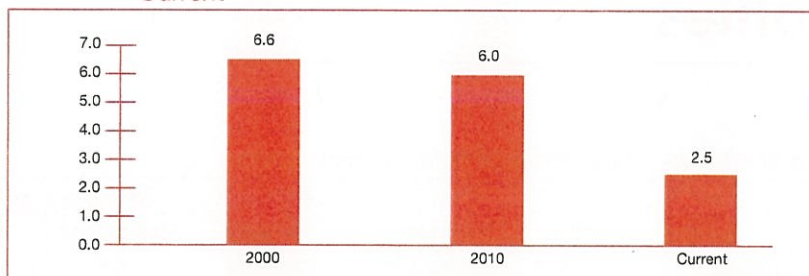
The current rental housing market in the Vancouver submarket is tight, with an overall estimated vacancy rate of 2.5 percent, down from 6.0 percent in April 2010 (Figure 16). The nationwide recession and housing market collapse caused a decrease in homeownership and a surge in demand for rental units since 2011. Although apartment construction has increased substantially during the past several years, it has not been strong enough to compensate for the record low level of construction from 2008 through 2012, and market conditions remain tight, with an estimated apartment vacancy rate of 2.5 percent during the first quarter of 2016, up from 1.7 percent a year ago (MPF Research). During the same time, the average asking rent in the submarket increased 10 percent, to \$1,068,

despite the uptick in the vacancy rate. Rents averaged \$777 for studio units, \$919 for one-bedroom units, \$1,150 for two-bedroom units, and \$1,294 for three-bedroom units. By comparison, rent growth averaged 8 percent annually from the first quarter of 2011 through the first quarter of 2014.

An average of 570 multifamily units were permitted annually in the Vancouver submarket from 2000 through 2007 (Figure 17). The national recession and housing market collapse caused multifamily construction to plummet from 2008 through 2011, when an average of 150 multifamily units were permitted annually. With increased rental demand stemming from the effects of the housing market crisis, the apartment market began to tighten quickly, and builders responded by increasing apartment construction 35 percent in 2012, to 370 units permitted. Apartment construction spiked in 2013, when 1,250 units were permitted, followed by a drop to 660 units permitted in 2014. During the 12 months ending April 2016, 1,050 multifamily units were permitted, up 33 percent from the 790 units permitted during the 12 months ending April 2015 (preliminary data). Condominium construction has accounted for less than 5 percent of total multifamily building activity in the submarket since 2010. By comparison, from 2004 through 2007, when financing was easier to obtain, condominium construction peaked at 37 percent of all multifamily building activity, as measured by the number of multifamily units permitted in the submarket.

Two of the larger developments currently under construction in the submarket are the 155-unit Columbia

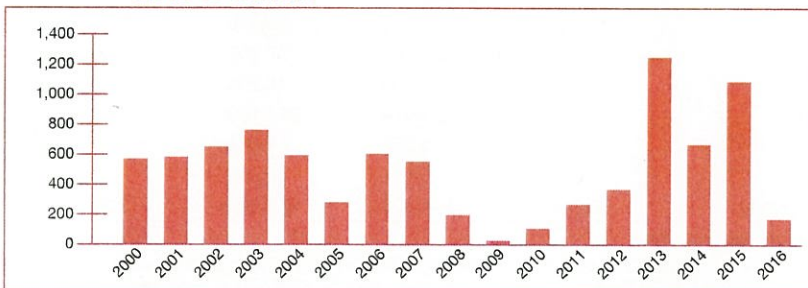
**Figure 16.** Rental Vacancy Rates in the Vancouver Submarket, 2000 to Current



Note: The current date is May 1, 2016.

Sources: 2000 and 2010—2000 Census and 2010 Census; current—estimates by analyst

**Figure 17.** Multifamily Units Permitted in the Vancouver Submarket, 2000 to Current



Notes: Excludes townhomes. Current includes data through April 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analyst

## Housing Market Trends

Rental Market—Vancouver Submarket Continued

View Apartments Phase 2 and the 156-unit Four Seasons Central. The mix of units for the Columbia View Apartments includes one-, two-, and three-bedroom units; the anticipated completion date is in late 2017, and asking rents are unavailable. Construction of the Four Seasons Central is expected to be complete in October 2016; asking rents range from \$1,199 to \$1,575 for one-bedroom units and from \$1,544 to \$1,699 for two-bedroom units and are \$1,705 for three-bedroom units.

During the next 3 years, demand is expected for 2,950 new market-rate rental units in the Vancouver submarket (Table 1). The 1,125 units under construction will meet a portion of the forecast demand. Demand is expected to be evenly distributed during each year of the forecast period. Table 9 shows the estimated demand by rent level and number of bedrooms for new market-rate rental housing in the submarket during the forecast period.

**Table 9.** Estimated Demand for New Market-Rate Rental Housing in the Vancouver Submarket During the Forecast Period

Zero Bedrooms		One Bedroom		Two Bedrooms		Three or More Bedrooms	
Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand
800 to 999	95	850 to 1,049	580	1,100 to 1,299	1,050	1,350 to 1,549	190
1,000 or more	50	1,050 or more	310	1,300 or more	570	1,550 or more	100
<b>Total</b>	<b>150</b>	<b>Total</b>	<b>890</b>	<b>Total</b>	<b>1,625</b>	<b>Total</b>	<b>300</b>

Notes: Numbers may not add to totals because of rounding. Monthly rent does not include utilities or concessions. The 1,125 units currently under construction will likely satisfy some of the estimated demand. The forecast period is May 1, 2016, to May 1, 2019.

Source: Estimates by analysts

## Data Profiles

**Table DP-1.** Portland HMA\* Data Profile, 2000 to Current

	2000	2010	Current	Average Annual Change (%)	
				2000 to 2010	2010 to Current
Total resident employment	1,031,816	1,084,124	1,179,000	0.5	1.6
Unemployment rate	4.5%	10.2%	5.0%		
Nonfarm payroll jobs	981,500	979,200	1,123,000	0.0	2.6
Total population	1,927,881	2,226,009	2,395,000	1.4	1.2
Total households	745,531	867,794	936,700	1.5	1.3
Owner households	469,156	535,433	559,500	1.3	0.7
Percent owner	62.9%	61.7%	59.7%		
Renter households	276,375	332,361	377,200	1.9	2.1
Percent renter	37.1%	38.3%	40.3%		
Total housing units	790,876	925,076	974,100	1.6	0.9
Owner vacancy rate	2.2%	2.2%	1.0%		
Rental vacancy rate	6.7%	5.9%	2.9%		
Median Family Income	\$52,400	\$70,000	\$73,300	2.9	0.9

\*Portland-Vancouver-Hillsboro HMA.

Notes: Numbers may not add to totals because of rounding. Employment data represent annual averages for 2000, 2010, and the 12 months through April 2016. Median Family Incomes are for 1999, 2009, and 2014. The current date is May 1, 2016.

Sources: U.S. Census Bureau; U.S. Department of Housing and Urban Development; estimates by analyst

**Table DP-2. Portland Submarket Data Profile, 2000 to Current**

	2000	2010	Current	Average Annual Change (%)	
				2000 to 2010	2010 to Current
Total population	1,042,437	1,160,677	1,239,000	1.1	1.1
Total households	416,674	469,513	504,500	1.2	1.2
Owner households	258,366	281,474	294,100	0.9	0.7
Percent owner	62.0%	60.0%	58.3%		
Rental households	158,308	188,039	210,400	1.7	1.9
Percent renter	38.0%	40.0%	41.7%		
Total housing units	443,087	502,475	527,000	1.3	0.8
Owner vacancy rate	2.2%	2.4%	1.0%		
Rental vacancy rate	6.8%	5.6%	3.0%		

Notes: Numbers may not add to totals because of rounding. The current date is May 1, 2016.

Sources: U.S. Census Bureau; U.S. Department of Housing and Urban Development; estimates by analyst

**Table DP-3. Beaverton-Hillsboro Submarket Data Profile, 2000 to Current**

	2000	2010	Current	Average Annual Change (%)	
				2000 to 2010	2010 to Current
Total population	530,334	628,903	683,400	1.7	1.4
Total households	197,894	235,660	254,800	1.8	1.3
Owner households	122,467	146,604	152,800	1.8	0.7
Percent owner	61.9%	62.2%	60.0%		
Rental households	75,427	89,056	102,000	1.7	2.3
Percent renter	38.1%	37.8%	40.0%		
Total housing units	209,183	249,560	263,100	1.8	0.9
Owner vacancy rate	2.3%	2.1%	1.0%		
Rental vacancy rate	6.5%	6.5%	2.8%		

Notes: Numbers may not add to totals because of rounding. The current date is May 1, 2016.

Sources: U.S. Census Bureau; U.S. Department of Housing and Urban Development; estimates by analyst

**Table DP-4. Vancouver Submarket Data Profile, 2000 to Current**

	2000	2010	Current	Average Annual Change (%)	
				2000 to 2010	2010 to Current
Total population	355,110	436,429	472,200	2.1	1.3
Total households	130,963	162,621	177,350	2.2	1.4
Owner households	88,323	107,355	112,600	2.0	0.8
Percent owner	67.4%	66.0%	63.5%		
Rental households	42,640	55,266	64,750	2.6	2.6
Percent renter	32.6%	34.0%	36.5%		
Total housing units	138,606	173,041	184,000	2.2	1.0
Owner vacancy rate	2.0%	2.1%	1.0%		
Rental vacancy rate	6.6%	6.0%	2.5%		

Notes: Numbers may not add to totals because of rounding. The current date is May 1, 2016.

Sources: U.S. Census Bureau; U.S. Department of Housing and Urban Development; estimates by analyst

## Data Definitions and Sources

2000: 4/1/2000—U.S. Decennial Census  
 2010: 4/1/2010—U.S. Decennial Census  
 Current date: 5/1/2016—Analyst's estimates  
 Forecast period: 5/1/2016–5/1/2019—Analyst's estimates

The metropolitan statistical area definition in this report is based on the delineations established by the Office of Management and Budget (OMB) in the OMB Bulletin dated February 28, 2013.

**Demand:** The demand estimates in the analysis are not a forecast of building activity. They are the estimates of the total housing production needed to achieve a balanced market at the end of the 3-year forecast period given conditions on the as-of date of the analysis, growth, losses, and excess vacancies. The estimates do not account for units currently under construction or units in the development pipeline.

**Other Vacant Units:** In the U.S. Department of Housing and Urban Development's (HUD's) analysis, other vacant units include all vacant units that are not available for sale or for rent. The term therefore includes units rented or sold but not occupied; held for seasonal, recreational, or occasional use; used by migrant workers; and the category specified as "other" vacant by the Census Bureau.

**Building Permits:** Building permits do not necessarily reflect all residential building activity that occurs in an HMA. Some units are constructed or created without a building permit or are issued a different type of building permit. For example, some units classified as commercial structures are not reflected in the

residential building permits. As a result, the analyst, through diligent fieldwork, makes an estimate of this additional construction activity. Some of these estimates are included in the discussions of single-family and multifamily building permits.

For additional data pertaining to the housing market for this HMA, go to [huduser.gov/publications/pdf/CMARtables\\_Portland\\_Vancouver\\_HillsboroOR\\_WA\\_16.pdf](http://huduser.gov/publications/pdf/CMARtables_Portland_Vancouver_HillsboroOR_WA_16.pdf).

## Contact Information

Holi Weaver, Economist  
 Seattle HUD Regional Office  
 206-220-5291  
[holi.m.woods-weaver@hud.gov](mailto:holi.m.woods-weaver@hud.gov)

This analysis has been prepared for the assistance and guidance of HUD in its operations. The factual information, findings, and conclusions may also be useful to builders, mortgagees, and others concerned with local housing market conditions and trends. The analysis does not purport to make determinations regarding the acceptability of any mortgage insurance proposals that may be under consideration by the Department.

The factual framework for this analysis follows the guidelines and methods developed by HUD's Economic and Market Analysis Division. The analysis and findings are as thorough and current as possible based on information available on the as-of date from local and national sources. As such, findings or conclusions may be modified by subsequent developments. HUD expresses its appreciation to those industry sources and state and local government officials who provided data and information on local economic and housing market conditions.

For additional reports on other market areas, please go to [huduser.gov/portal/ushmc/chma\\_archive.html](http://huduser.gov/portal/ushmc/chma_archive.html).

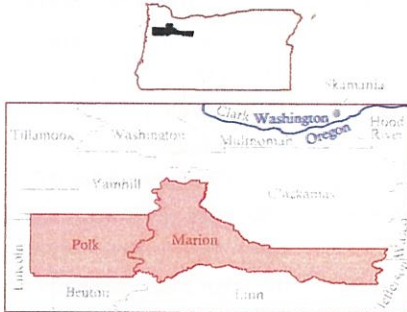


# Salem, Oregon

U.S. Department of Housing and Urban Development | Office of Policy Development and Research | As of August 1, 2016



## Housing Market Area



The Salem Housing Market Area (HMA), coterminous with the Salem, OR Metropolitan Statistical Area, consists of Marion and Polk Counties in the Willamette Valley region of Oregon, midway between Portland and Eugene along Interstate 5. The principal city, Salem, is the state capital.

## Market Details

- Economic Conditions ..... 2
- Population and Households ..... 5
- Housing Market Trends ..... 7
- Data Profile ..... 11

## Summary

### Economy

The economy of the Salem HMA has steadily improved since 2012 and has recovered all jobs lost as a result of the national recession. Nonfarm payrolls averaged 158,500 jobs during the 12 months ending July 2016, an increase of 4,800 jobs, or 3.1 percent, from the previous 12 months. During the same period, the unemployment rate declined from 6.4 to 5.4 percent. Nonfarm payrolls are expected to expand by an average of 4,800 jobs, or 3.0 percent, a year during the 3-year forecast period, led by growth in industries related to health care and business services.

### Sales Market

Sales housing market conditions in the Salem HMA are currently tight, with an estimated vacancy rate of 2.0 percent, down from 2.4 percent in 2010. During the 12 months ending July 2016, sales of new and existing single-family homes, townhomes, and condominiums increased more than 15 percent from the previous 12-month period, and the average sales price was up almost 9 percent (CoreLogic, Inc., with adjustments by the analyst). Demand is expected for 3,075 new homes in the HMA during the 3-year forecast period (Table 1). The 260 units currently under construction and a

portion of the 4,000 estimated other vacant units in the HMA will fulfill some of the forecast demand.

### Rental Market

Overall rental housing market conditions in the Salem HMA are currently slightly tight, with an estimated 4.5-percent vacancy rate as of August 1, 2016, down from 7.0 percent in April 2010. The decline in the vacancy rate is largely because the foreclosure crisis caused a shift in household preferences toward renting, and the rate of new apartment construction and conversion of single-family homes to rentals has not kept up with the rate of renter household growth. During the 3-year forecast period, demand is estimated for 2,025 rental units; the 520 units currently under construction will satisfy part of that demand (Table 1).

**Table 1. Housing Demand in the Salem HMA During the Forecast Period**

	Salem HMA	
	Sales Units	Rental Units
Total demand	3,075	2,025
Under construction	260	520

*Notes: Total demand represents estimated production necessary to achieve a balanced market at the end of the forecast period. Units under construction as of August 1, 2016. A portion of the estimated 4,000 other vacant units in the HMA will likely satisfy some of the forecast demand. The forecast period is August 1, 2016, to August 1, 2019. Source: Estimates by analyst*

# Economic Conditions

The economy of the Salem HMA has been expanding since 2012, and the current level of non-farm payrolls, 158,500 jobs, surpasses by nearly 4 percent the peak before the downturn of 152,600 jobs, recorded in

2008. During the 12 months ending July 2016, nonfarm payrolls increased by an average of 4,800 jobs, or 3.1 percent, from a year earlier (Table 2), which was higher than the average annual growth of 3,500 jobs, or 2.4 percent, from 2012 through 2015. The current economic expansion is also significantly stronger than the previous period of expansion from 2004 through 2008, when nonfarm payroll growth averaged 2,500 jobs, or 1.8 percent, annually. These recent job gains are in sharp contrast to annual declines of 3,600 jobs, or 2.4 percent, from 2009 through 2011 as a result of the national recession and sluggish consumer spending. The unemployment rate averaged 5.4 percent during the 12 months ending July 2016, down from 6.4 percent a year prior, the lowest rate recorded since 2007. Figure 1 shows trends in the labor force, resident employment, and the unemployment rate from 2000 through 2015.

The government sector serves as the foundation of the economy, representing more than one-fourth of all nonfarm payroll jobs in the HMA (Figure 2) due to the presence of the Oregon state capital and assorted state and local agencies, including the Oregon State Hospital, Oregon State Penitentiary, the Mill Creek Correctional Facility and Santiam Correctional Institution, Spirit Mountain Casino, and Chinook Winds Casino Resort. Also included in the government sector are public colleges Western Oregon University and Chemeketa Community College, which in 2014 had enrollments of 6,050 and 11,100 students and employed 900 and 1,150 workers, respectively. The HMA's largest employer (Table 3), the State of Oregon, employs approximately

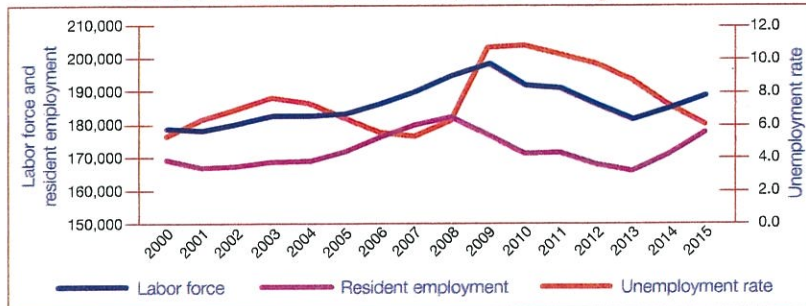
**Table 2. 12-Month Average Nonfarm Payroll Jobs in the Salem HMA, by Sector**

	12 Months Ending		Absolute Change	Percent Change
	July 2015	July 2016		
Total nonfarm payroll jobs	153,700	158,500	4,800	3.1
Goods-producing sectors	22,300	23,300	1,000	4.5
Mining, logging, & construction	9,600	10,200	600	6.3
Manufacturing	12,700	13,100	400	3.1
Service-providing sectors	131,400	135,200	3,800	2.9
Wholesale & retail trade	21,700	22,200	500	2.3
Transportation & utilities	3,900	3,900	0	0.0
Information	1,000	1,000	0	0.0
Financial activities	6,900	6,900	0	0.0
Professional & business services	13,000	14,200	1,200	9.2
Education & health services	24,300	25,200	900	3.7
Leisure & hospitality	14,000	14,600	600	4.3
Other services	5,200	5,300	100	1.9
Government	41,400	42,000	600	1.4

Notes: Numbers may not add to totals because of rounding. Based on 12-month averages through July 2015 and July 2016.

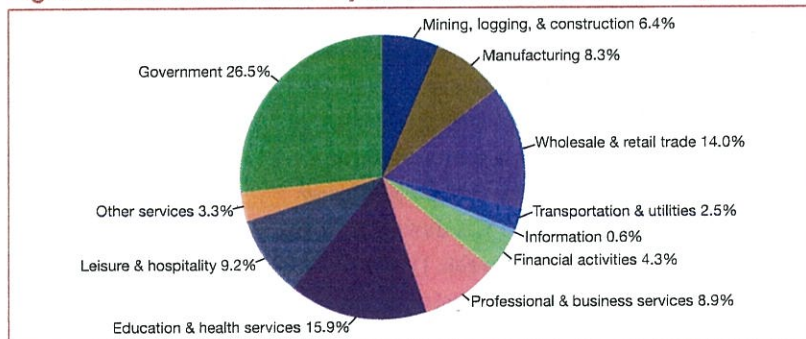
Source: U.S. Bureau of Labor Statistics

**Figure 1. Trends in Labor Force, Resident Employment, and Unemployment Rate in the Salem HMA, 2000 Through 2015**



Source: U.S. Bureau of Labor Statistics

**Figure 2. Current Nonfarm Payroll Jobs in the Salem HMA, by Sector**



Note: Based on 12-month averages through July 2016.

Source: U.S. Bureau of Labor Statistics

**Table 3. Major Employers in the Salem HMA**

Name of Employer	Nonfarm Payroll Sector	Number of Employees
State of Oregon	Government	22,500
Salem Health	Education & health services	3,900
Dex Media	Professional & business services	3,000
Association of Salem Keizer Education Support Professionals	Education & health services	2,100
Fred Meyer Stores	Wholesale & retail trade	1,710
Spirit Mountain Casino	Government	1,500
NORPAC Foods, Inc.	Manufacturing	1,106
SAIF Corporation	Financial activities	854
Wal-Mart Stores, Inc.	Wholesale & retail trade	820
Chinook Winds Casino Resort	Government	785

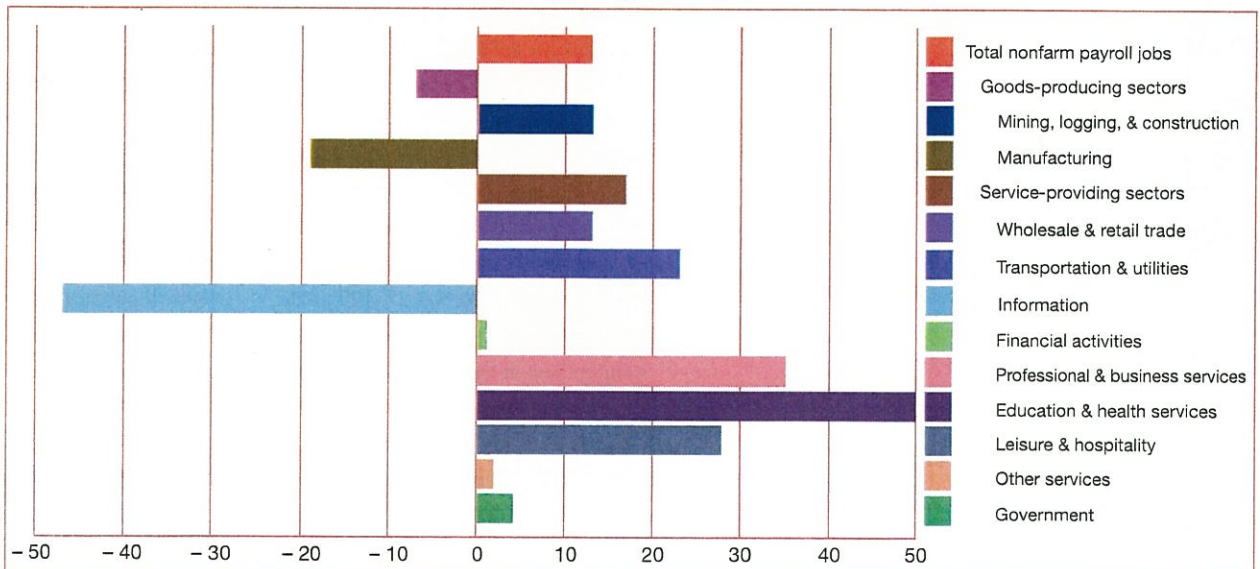
Note: Excludes local school districts.

Source: Moody's Economy.com

22,500 people, accounting for more than one-half of all government sector jobs in the HMA. The effects of the national recession that began in 2007 did not start to negatively impact the HMA until 2009, in large part because of the relative stability of employment in the government sector, which added an average of 900 jobs, or 2.3 percent, a year from 2007 through 2009 before declining by an average of 900 jobs, or 2.0 percent, annually from 2010 through 2011. Taxable incomes increased as job growth returned to the HMA in

2012, allowing increased government hiring, which further advanced the economic recovery. During the 12 months ending July 2016, government sector payrolls increased by 600 jobs, or 1.4 percent, including gains of 300 jobs each in the local government and state government subsectors. Job growth in the government sector is anticipated to continue at a similar pace during the 3-year forecast period as the economy continues to expand.

The education and health services sector has grown the most of any sector since 2000 (Figure 3) and currently accounts for 25,200 jobs, or 16 percent of total nonfarm payrolls. During the 12 months ending July 2016, payrolls increased by 900 jobs, or 3.7 percent, compared with a gain of 1,100 jobs, or 4.5 percent, during the 12 months ending July 2015. Part of the growth can be attributed to increased demand for healthcare services as the population continues to grow and age; from 2010 to 2015, the population of residents ages 62 years and older was the fastest-growing

**Figure 3. Sector Growth in the Salem HMA, Percentage Change, 2000 to Current**

Note: Current is based on 12-month averages through July 2016.

Source: U.S. Bureau of Labor Statistics

cohort in the HMA, increasing from 16.6 to 18.7 percent of the total population (American Community Survey 1-year data [ACS]). In addition, Salem Health, the HMA's second largest employer, opened a \$15 million outpatient clinic in February 2016, employing approximately 50 new providers servicing an estimated 250 clients per day. Unlike the cyclical nature of other sectors, the education and health services sector has added jobs every year since 2000, increasing by an average of 500 jobs, or 2.6 percent, annually from 2001 through 2015. The sector is expected to continue growing at a healthy rate during the forecast period as the healthcare industry expands to meet the increasing need for services as a result of strong population growth and an aging population.

The greatest nonfarm payroll gains during the 12 months ending July 2016 occurred in the professional and business services sector, which added 1,200 jobs, or 9.2 percent, increasing to 14,200 jobs compared with an increase of 300 jobs, or 2.6 percent, during the previous 12 months. Job gains in the sector have been caused by a mix of increased hiring at staffing agencies within the administrative and support services industry and in the management of companies industry, a result of the broad-based economic expansion occurring in the HMA. From 2001 through 2008, the professional and business services sector added an average of 300 jobs, or 2.8 percent, a year. As with most other sectors in the economy, the professional and business services sector lost jobs as a result of the national recession, declining by an average of 700 jobs, or 5.7 percent, annually from 2009 through 2011. Growth resumed in 2012 and, from 2012

through 2015, sector payrolls increased by an average of 600 jobs, or 4.7 percent, per year. The professional and business services sector is expected to continue to grow during the next 3 years as local firms increasingly make use of temporary workers and contract out work that is not part of their core product.

Several other sectors benefit from the strong performance in the core sectors discussed previously. The mining, logging, and construction, the leisure and hospitality, and the wholesale and retail trade sectors increased by 600, 600, and 500 jobs—or 6.3, 4.3, and 2.3 percent, respectively—during the 12 months ending July 2016. These sectors are the most responsive to changing economic conditions, because they rely heavily on consumer confidence and spending habits. All three sectors lost a substantial amount of jobs as a consequence of the national recession but have added jobs consistently since the economic expansion began in 2012. Payrolls in the wholesale and retail trade sector have finally recovered all jobs lost during the recession, and those in the leisure and hospitality sector have surpassed their prerecession peak by 15 percent. Although a recent boom in residential and commercial construction has bolstered job growth in the mining, logging, and construction sector, payrolls remain 11 percent below their prerecession level. No payroll sector reported job losses during the most recent 12 months, but three sectors—the transportation and utilities, information, and financial activities sectors—were stagnant. These three sectors combine to account for only 7 percent of nonfarm payrolls in the HMA; therefore, their impact on overall economic growth is minimal.

Strong population growth is expected to positively affect employment in the education and health services sector during the next 3 years, while the large public sector will continue providing a stable foundation to the economy. Other sectors—such as the professional and business services, the wholesale and retail trade, the mining, logging,

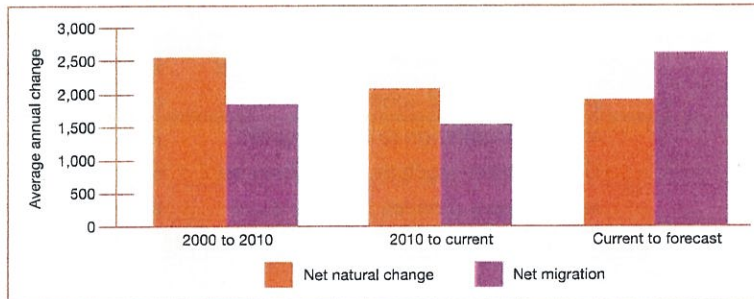
and construction, and the leisure and hospitality sectors—are expected to indirectly benefit from growth in core sectors. Nonfarm payrolls are expected to expand by an average of 4,800 jobs, or 3.0 percent, a year during the forecast period. Table DP-1 at the end of this report provides additional employment data.

## Population and Households

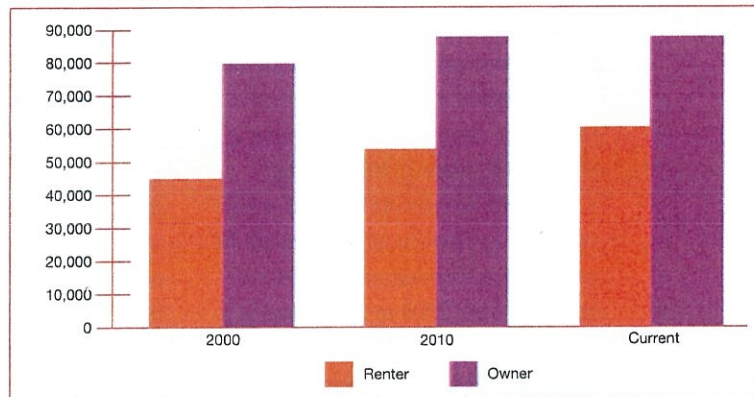
As of August 1, 2016, the population of the Salem HMA is estimated at 413,500, increasing at an average annual rate of 0.9 percent, or by 3,600, since 2010, with net in-migration accounting for 1,525 people a year, or approximately 42 percent of the increase. Population growth was strongest from 2004 to 2009, during a time of economic expansion, averaging 4,700 people, or 1.3 percent, annually, with net in-migration comprising 46 percent of the growth, or 2,175 people each year (Portland State University July 1 estimates, with adjustments by the analyst). The HMA is a popular destination for retirees, and an influx during this time furthered population growth; the number of residents in the HMA 62 years and older increased at an average annual rate of almost 6.0 percent from 2005 to 2009, increasing from 14.5 to 16.4 percent of total population (2005 and 2009 ACS 1-year data). From 2009 to 2012, as economic conditions weakened because of the national recession, population growth fell to an average of 3,400 people, or 0.9 percent, annually. Net in-migration declined to an average of 1,025 people a year and comprised only 30 percent of population growth, partially because the

weak labor market kept jobseekers from moving to the HMA, and also because the housing market collapse left many homeowners with negative equity and unable to relocate. The growth rate in the retired-age population also slowed, averaging only 2.0 percent a year, but its share of the overall population still increased from 16.4 to 17.3 percent of total population.

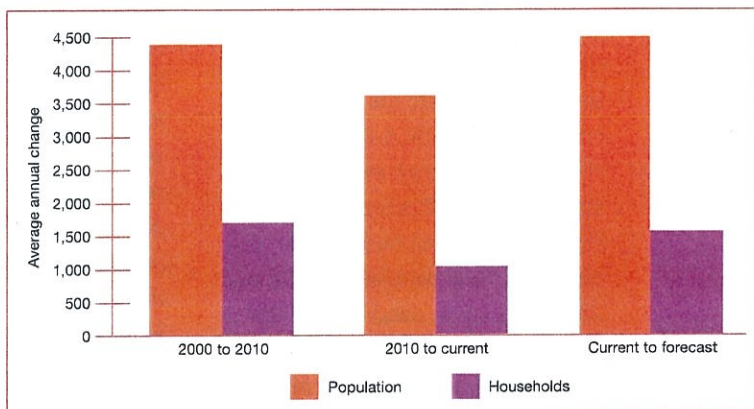
Since 2012, strengthening economic conditions have boosted population growth to an average of 4,000 people, or 1.0 percent, annually because of increased net in-migration, which has averaged 2,125 people annually, comprising 53 percent of the increase. The retired-aged population continued to increase from 2012 to 2015 at an average annual rate of nearly 4.0 percent, comprising 18.7 percent of total population, up from 17.3 percent. As economic conditions remain strong, inducing net in-migration from jobseekers, along with the continued attraction of retirees to the HMA, the population is expected to increase by an average of 4,475, or 1.1 percent, annually during the 3-year forecast period, with more than 58 percent of the growth resulting from net in-migration. The population of the

Population and Households *Continued***Figure 4.** Components of Population Change in the Salem HMA, 2000 to Forecast

Notes: The current date is August 1, 2016. The forecast date is August 1, 2019.  
Sources: 2000 and 2010–2000 Census and 2010 Census; current and forecast—estimates by analyst

**Figure 5.** Number of Households by Tenure in the Salem HMA, 2000 to Current

Note: The current date is August 1, 2016.  
Sources: 2000 and 2010–2000 Census and 2010 Census; current—estimates by analyst

**Figure 6.** Population and Household Growth in the Salem HMA, 2000 to Forecast

Notes: The current date is August 1, 2016. The forecast date is August 1, 2019.  
Sources: 2000 and 2010–2000 Census and 2010 Census; current and forecast—estimates by analyst

HMA is expected to reach 426,900 by August 1, 2019. Figure 4 shows the components of population change from 2000 to the forecast date.

An estimated 147,700 households reside in the HMA, reflecting an average annual increase of 1,025 households, or 0.7 percent, since 2010. By comparison, from 2000 to 2010, when population growth was stronger because of increased net in-migration, the number of households expanded by an average of 1,650, or 1.3 percent, annually. An estimated 59.2 percent of current households, or 87,450 households, are homeowners and the remaining 60,250 are renter households, compared with homeownership rates of 62.1 and 64.0 percent in April 2010 and 2000, respectively (Figure 5). The decline in homeownership reflects the prolonged effects from the foreclosure crisis, including stricter lending standards and a shift in household preferences toward renting. Renter households accounted for slightly more than one-half of household growth from 2000 to 2010 but have accounted for all of household growth since 2010. The number of households in the HMA is expected to grow by 1,525, or 1.0 percent, annually during the next 3 years, reaching 152,300 households by August 1, 2019. During the forecast period, renter households are projected to comprise approximately 41 percent of new households, mainly because the strong economy has helped improve household finances and access to credit, allowing more households the opportunity to purchase homes. Figure 6 shows population and household growth trends from 2000 to the forecast date.

# Housing Market Trends

## Sales Market

Sales housing market conditions in the Salem HMA are currently tight, with an estimated vacancy rate of 2.0 percent, down from 2.4 percent in April 2010. The decline in new home production following the collapse of the housing market, combined with improving economic conditions, contributed to the absorption of excess vacancies and to the tight market conditions. The inventory of homes for sale represented a 2.9-month supply in August 2016 compared with a 4.5-month supply in August 2015. During the same time, the number of active listings increased 36 percent, to 286, while the total marketing time declined from 79 to 46 days (RMLS™).

During the 12 months ending July 2016, approximately 6,850 existing single-family homes, townhomes, and condominiums (hereafter, existing homes) sold, up 17 percent from the 6,000 existing homes sold during the previous 12 months (CoreLogic, Inc., with adjustments by the analyst). By comparison, existing home sales averaged 8,175 during the buildup of the housing boom from 2003 through 2007 before declining from 2008 through 2011 at an average annual rate of 18 percent to a low of 3,475 existing home sales. Since 2013, demand for homes has increased faster than the available supply, putting upward pressure on home prices. The average sales price increased 8 percent during the 12 months ending July 2016 to \$225,300, which is 32 percent higher than the trough in 2012 and 3 percent higher than the prerecession peak of \$213,400 reached in 2007.

In response to strong economic conditions in the HMA, seriously delinquent (90 or more days delinquent

or in foreclosure) loans and real estate owned (REO) properties have become a less significant part of the sales market than they were during the worst of the housing crisis from 2009 through 2012. During July 2016, 2.8 percent of mortgages in the HMA were seriously delinquent or in REO status, down from 4.1 percent in July 2015 and well below a July high of 6.4 percent in 2012 (CoreLogic, Inc.). As a result of weak economic conditions and the foreclosure crises, REO home sales accounted for almost one-fourth of all existing home sales from 2009 through 2012; however, REO sales comprised only 10 percent of existing home sales during the 12 months ending July 2016. The average sales price of an REO home was \$162,600, almost 30 percent less than the average sales price of a regular resale home (CoreLogic, Inc., with adjustments by the analyst).

Sales of new single-family homes, townhomes, and condominiums (hereafter, new homes) have increased each year since 2013. Approximately 570 new homes sold during the 12 months ending July 2016, reflecting an increase of almost 20 percent from a year ago. By comparison, an average of 1,275 new homes sold annually from 2001 through 2007. After the housing bubble burst, the demand for new homes declined as a result of poor labor market conditions, decreased access to credit, and increased competition from existing homes. From 2008 through 2012, new home sales declined at an average annual rate of 26 percent to a low of 220 new homes sales. During the 12 months ending July 2016, the average sales price of a new home increased 10 percent

## Housing Market Trends

Sales Market *Continued*

to \$272,100, still 3 percent less than the prerecession peak of \$280,500 in 2008 but 42 percent higher than in 2013, when new home sales prices bottomed out.

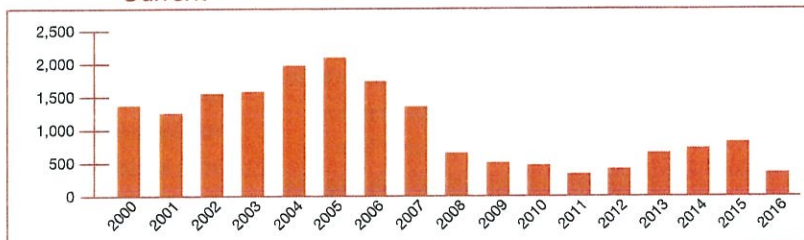
Single-family home construction, as measured by the number of single-family homes permitted, reached a 20-year low in 2011, when only 320 homes were permitted, in response to decreased demand for new homes as a consequence of the housing market collapse and national recession. Beginning in 2012, however, builders responded to the improving sales market by increasing new home construction (Figure 7). During the 12 months ending July 2016, 400 single-family

homes were permitted, a decline of approximately 5 percent compared with the preceding 12-month period; however, single-family permitting levels in 2015 were the highest recorded since 2007 (preliminary data subject to revisions). By contrast, an average of 1,600 homes were permitted annually from 2000 through 2007.

New home construction is occurring throughout the HMA, with a higher concentration in the southeast portion of the city of Salem. Examples of larger communities currently under construction include Cottonwood Lakes Phase III and Bailey Ridge Phase II. Cottonwood Lakes comprises 102 lots, with homes ranging from 1,425 to 2,300 square feet and an average list price of \$352,300. Bailey Ridge consists of 159 lots; Phase II is under construction with 5 homes available for purchase with an average list price of \$432,500, and 10 homes will be available within the coming year. Currently, an estimated 260 single-family homes are under construction in the HMA.

During the 3-year forecast period, demand is estimated for 3,075 new homes in the HMA, with increasing demand during the second and third years of the forecast period (Table 1). The 260 homes currently under construction and a portion of the 4,000 other vacant units that may reenter the sales market will satisfy some of the demand. Demand is expected to be greatest in the \$300,000-to-\$399,999 price range. Table 4 shows the estimated demand for market-rate sales housing by price range.

**Figure 7.** Single-Family Homes Permitted in the Salem HMA, 2000 to Current



Notes: Includes townhomes. Current includes data through July 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analysts

**Table 4.** Estimated Demand for New Market-Rate Sales Housing in the Salem HMA During the Forecast Period

Price Range (\$)		Units of Demand	Percent of Total
From	To		
250,000	299,999	310	10.0
300,000	349,999	920	30.0
350,000	399,999	920	30.0
400,000	449,999	370	12.0
450,000	499,999	250	8.0
500,000	599,999	180	6.0
600,000	and higher	120	4.0

Notes: The 260 homes currently under construction and a portion of the estimated 4,000 other vacant units in the HMA will likely satisfy some of the forecast demand. The forecast period is August 1, 2016, to August 1, 2019.

Source: Estimates by analyst



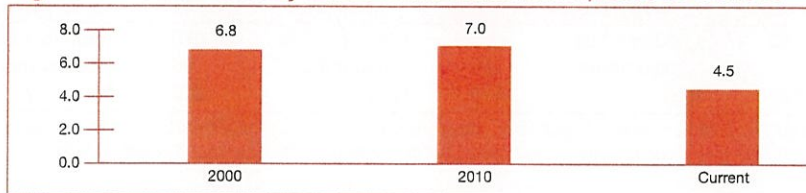
## Rental Market

Rental housing market conditions in the Salem HMA are currently slightly tight, with an overall rental vacancy rate estimated at 4.5 percent as of September 1, 2016, down from 7.0 percent in April 2010 when market conditions were soft (Figure 8). Rental market conditions in the Salem HMA have tightened considerably because growth in renter households has outpaced the increase in rental inventory since 2010. The apartment market, which comprises approximately 65 percent of renter-occupied units in the HMA, is very tight, but the vacancy rate increased to 2.7 percent during the second quarter of 2016, up from 1.3 percent a year prior, because approximately 320 new units entered the market in the past year (Reis, Inc.). Since 2005, limited apartment construction has kept the vacancy rate under 6 percent, even during periods when market conditions were soft, rent growth was slower, and concessions

were more prevalent (data available only beginning in 2005). The average apartment rent increased 9 percent from the second quarter of 2015 to the second quarter of 2016, to \$790, marking the fourth consecutive quarter with year-over-year rent growth of 9 percent or higher. Rents averaged \$578 for studios, \$658 for one-bedroom units, \$799 for two-bedroom units, and \$1,042 for three-bedroom units. As market conditions tightened, the percentage of units offering concessions declined from 100 percent during the second quarter of 2011 to 0 percent during the second quarter of 2016 (MPF Research).

Multifamily construction activity, as measured by the number of units permitted, has generally improved since the 2009-through-2011 period, when permitting was lower than during any other 3-year period since the late 1980s. Approximately 290 multifamily units were permitted in the HMA during the 12 months ending July 2016 compared with 110 units permitted during the previous 12 months (preliminary data subject to revisions). By comparison, an average of 450 multifamily units were permitted annually from 2000 through 2009 (Figure 9). The onset of the national recession and subsequent housing market collapse caused multifamily construction to decline at an average annual rate of 35 percent from 2009 through 2011, to a low of 110 multifamily units permitted. During this time, financing for new construction was particularly difficult to obtain, despite an increased demand for rental units brought on by the foreclosure crisis. This obstacle resulted in a very limited supply of new apartments, which, coupled with

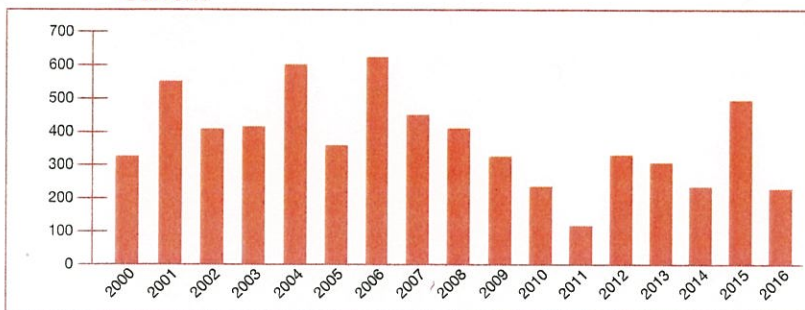
**Figure 8. Rental Vacancy Rates in the Salem HMA, 2000 to Current**



Note: The current date is August 1, 2016.

Sources: 2000 and 2010—2000 Census and 2010 Census; current—estimates by analyst

**Figure 9. Multifamily Units Permitted in the Salem HMA, 2000 to Current**



Notes: Excludes townhomes. Current includes data through July 2016.

Sources: U.S. Census Bureau, Building Permits Survey; estimates by analysts

## Housing Market Trends

### Rental Market *Continued*

increased demand, caused apartment market conditions to tighten. As lenders became increasingly confident in the economic recovery, financing returned and builders increased apartment construction to an average of 240 units annually from 2010 through 2014.

An estimated 520 multifamily units are currently under construction, 200 of which are units in assisted living facilities. The most recent market-rate apartment complex to open was the 108-unit Encore Apartments in January 2016 in downtown Salem. Rents start at \$900 for one-bedroom units, \$1,015 for two-bedroom units, and \$1,325 for three-bedroom units. The 115-unit South Block Apartments opened in August 2015 in downtown Salem. The property began preleasing in May 2015 and was fully occupied by December 2015, averaging an absorption rate of 16 units per month.

Monthly rents by bedroom range from \$995 to \$1,300 for studios, from \$1,100 to \$1,400 for one-bedroom units, and from \$1,300 to \$2,500 for two-bedroom units and start at \$2,000 for three-bedroom units. Phase II of South Block Apartments is under construction and will consist of 63 units on completion in December 2016. Currently, 75 percent of the units have been preleased, and unit rents are the same as those for Phase I.

During the next 3 years, demand is expected for 2,025 new market-rate rental units in the HMA (Table 1), with demand the highest in the first year and tapering off in the second and third years. The 520 units currently under construction will satisfy part of the demand. Table 5 shows the forecast demand for new market-rate rental housing in the HMA by rent level and number of bedrooms.

**Table 5.** Estimated Demand for New Market-Rate Rental Housing in the Salem HMA During the Forecast Period

Zero Bedrooms		One Bedroom		Two Bedrooms		Three or More Bedrooms	
Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand	Monthly Gross Rent (\$)	Units of Demand
800 or more	100	1,000 to 1,199	550	1,200 to 1,399	870	1,400 to 1,599	310
		1,200 or more	60	1,400 or more	95	1,600 or more	35
Total	100	Total	610	Total	970	Total	340

*Notes: Numbers may not add to totals because of rounding. Monthly rent does not include utilities or concessions. The 520 units currently under construction will likely satisfy some of the estimated demand. The forecast period is August 1, 2016, to August 1, 2019.*

*Source: Estimates by analyst*

# Data Profile

**Table DP-1. Salem HMA Data Profile, 2000 to Current**

	2000	2010	Current	Average Annual Change (%)	
				2000 to 2010	2010 to Current
Total resident employment	169,023	170,874	182,900	0.1	1.2
Unemployment rate	5.3%	10.9%	5.4%		
Nonfarm payroll jobs	140,700	143,700	158,500	0.2	1.8
Total population	347,214	390,738	413,500	1.2	0.9
Total households	124,699	141,245	147,700	1.3	0.7
Owner households	79,746	87,643	87,450	0.9	0.0
Percent owner	64.0%	62.1%	59.2%		
Renter households	44,953	53,602	60,250	1.8	1.9
Percent renter	36.0%	37.9%	40.8%		
Total housing units	132,635	151,250	156,400	1.3	0.5
Owner vacancy rate	2.5%	2.4%	2.0%		
Rental vacancy rate	6.8%	7.0%	4.5%		
Median Family Income	\$43,200	\$58,200	\$57,200	3.0	-0.3

*Notes: Numbers may not add to totals because of rounding. Employment data represent annual averages for 2000, 2010, and the 12 months through July 2016. Median Family Incomes are for 1999, 2009, and 2015. The current date is August 1, 2016.*

*Sources: U.S. Census Bureau; U.S. Department of Housing and Urban Development; estimates by analyst*

## Data Definitions and Sources

2000: 4/1/2000—U.S. Decennial Census  
 2010: 4/1/2010—U.S. Decennial Census  
 Current date: 8/1/2016—Analyst’s estimates  
 Forecast period: 8/1/2016–8/1/2019—Analyst’s estimates

The metropolitan statistical area definition in this report is based on the delineations established by the Office of Management and Budget (OMB) in the OMB Bulletin dated February 28, 2013.

**Demand:** The demand estimates in the analysis are not a forecast of building activity. They are the estimates of the total housing production needed to achieve a balanced market at the end of the 3-year forecast period given conditions on the as-of date of the analysis, growth, losses, and excess vacancies. The estimates do not account for units currently under construction or units in the development pipeline.

**Other Vacant Units:** In the U.S. Department of Housing and Urban Development’s (HUD’s) analysis, other vacant units include all vacant units that are not available for sale or for rent. The term therefore includes units rented or sold but not occupied; held for seasonal, recreational, or occasional use; used by migrant workers; and the category specified as “other” vacant by the Census Bureau.

**Building Permits:** Building permits do not necessarily reflect all residential building activity that occurs in an HMA. Some units are constructed or created without a building permit or are issued a different type of building permit. For example, some units classified as commercial structures are not reflected in the residential building permits.

As a result, the analyst, through diligent fieldwork, makes an estimate of this additional construction activity. Some of these estimates are included in the discussions of single-family and multifamily building permits.

For additional data pertaining to the housing market for this HMA, go to [huduser.gov/publications/pdf/CMARtables\\_SalemOR\\_17.pdf](http://huduser.gov/publications/pdf/CMARtables_SalemOR_17.pdf).

## Contact Information

Holi Weaver, Economist  
 Seattle HUD Regional Office  
 206-220-5291  
[holi.m.woods-weaver@hud.gov](mailto:holi.m.woods-weaver@hud.gov)

This analysis has been prepared for the assistance and guidance of HUD in its operations. The factual information, findings, and conclusions may also be useful to builders, mortgagees, and others concerned with local housing market conditions and trends. The analysis does not purport to make determinations regarding the acceptability of any mortgage insurance proposals that may be under consideration by the Department.

The factual framework for this analysis follows the guidelines and methods developed by HUD’s Economic and Market Analysis Division. The analysis and findings are as thorough and current as possible based on information available on the as-of date from local and national sources. As such, findings or conclusions may be modified by subsequent developments. HUD expresses its appreciation to those industry sources and state and local government officials who provided data and information on local economic and housing market conditions.

For additional reports on other market areas, please go to [huduser.gov/portal/ushmc/chma\\_archive.html](http://huduser.gov/portal/ushmc/chma_archive.html).



[Home](#)   [News](#)   [Events](#)   [Funding/Awards](#)

[Resources](#)   [About Smart Growth](#)   [SG Network](#)

[SGN Image Library](#)   [What is Smart Growth?](#)   [Partner Spotlight Archives Page](#)

[Webinar Archives](#)   [Why Smart Growth?](#)

[Smart Growth Principles](#)

[Smart Growth Principle Examples](#)

**Smart Growth Image Libraries**



V O I C E

<a href="#">Home</a>	<a href="#">About Our Blog</a>	<a href="#">Blog Archives</a>
----------------------	--------------------------------	-------------------------------

## How Luxury Housing Becomes Affordable

[August 3, 2017](#)   [Heather Poston](#)

By Joe Cortright via [City Lab](#)

This compilation contains links to more than two dozen online collections with thousands of images that illustrate smart growth principles.

**Most Recent Blog Articles**

17



(Lucas Jackson/Reuters)

One of the most common refrains in the affordable housing discussion is "developers are targeting the high end of the market" and new apartments are just unaffordable.

Of course, it's not that simple. Demand for new housing that isn't met by the construction of new high-end units doesn't disappear, it spills over into more modest housing, driving up rents for everyone. Building more high-end housing helps with affordability, because it keeps those with high incomes from **outbidding** those with lower incomes for the existing housing stock. (Just imagine what would happen to housing prices if you **suddenly demolished** 10,000 units of expensive housing.) And often, today's luxury units become tomorrow's affordable homes.

To understand this, just look to Portland's recent history. Housing blogger **Iain MacKenzie**, who tracks new housing and commercial developments at the definitive **Next Portland** website, shared with us a couple of fascinating historical clips from the city's paper of record, *The Oregonian*. They show that today's affordable housing often started life as self-

described "luxury" housing when it was originally built.

The first example dates back a half century, to the 1960s, when in the wake of urban renewal the city was building a wave of new apartments. *The Oregonian* on January 9, 1966, described the city's booming market for new luxury accommodation:

Luxury apartments, which start at \$135 for a one bedroom unit and rapidly climb out of sight, have been sprouting in Portland at a breathless rate, and more are planned or abuilding. The total investment in such properties is certainly above the \$100 million mark here.

One of these complexes was the Timberlee in suburban Raleigh Hills, a close-in suburban neighborhood. According to *The Oregonian*, the Timberlee on SW 38th Place was one of the most prosperous of the 13 apartment complexes it examined in its story, with 97 percent of its 214 units rented.

The Timberlee Apartments are still around today. While none of the units are currently for rent, according to Apartments.com, rents in the area run from about \$1,000 for studios and one-bedroom units to \$1,300 and more for two-bedroom and larger apartments. By today's standards, the Timberlee seems modest, and a bit dated, rather than luxurious.

The Timberlee apartments are typical of those that were built around the country in the 1960s and 1970s. As I've **chronicled**, similar vintage apartments in the Atlanta suburb of Marietta, started life as the preferred housing of (mostly white) young couples and singles, but as they aged, became so affordable that they constituted low-income housing. The city spent \$65 million of taxpayer money to buy and demolish these apartments, displacing hundreds of families.

A second clipping goes back just more than a century, to Christmas Day, 1910, when Portland was enjoying a small construction boom—interestingly, triggered by the advent of a tougher building code that would have made apartments more expensive or impossible to build in some neighborhoods. Just as with today's **inclusionary housing ordinance**, there was a land rush as developers filed for building permits in advance of the deadline.

The 1910 article plays up the luxury of the new dwellings under construction.

The purpose of the builds is to establish a model for high-class apartments... The building will follow the latest style of construction in vogue in New York, and will embody the extreme of luxury with every possible attention given to comfort. Some new features in the way of modern conveniences will be introduced, the aim being to attract the desirable class of patrons, those



who will be willing to pay as high as \$150 a month for the five and six room apartments which they house will contain.

One of the new luxury apartment buildings constructed in 1910 was the Belmont Court, on the city's growing East Side. Plans called for a modern 24-unit apartment building with a range of conveniences.

Some fine dwellings of this class are being planned for the East Side. MacNaughton & Raymond have designed for E. L. Taylor a three-story brick veneer apartment-house 50x100, to be built at East Fifteenth and Belmont Streets and to cost \$30,000. It will have seven three-room apartments on each floor and 24 in all, including the janitor's quarters and two other suites in the basement.

More than a century later, the Belmont Court building still stands. In fact, two of its apartments are for rent just now. According to Zillow, average apartment rents in Portland are about \$1,600 per month. With studio apartments renting at just under \$1,100, they're not exactly cheap, but they cost less per square foot than newly built units, and with a Walk Score of 92, there located in a neighborhood where one can conveniently live without a car.

Another interesting historical change. Described as three-room apartments when

they were built, the Belmont Court apartments are **today described as studios**. They have a separate living area, kitchen and bathroom (each of which, a century ago, merited counting as a separate room). In an era when a large fraction of urban residents were boarders in boarding houses, a private kitchen and bathroom may indeed have been a luxury.

New housing is almost always built for and sold to the high end of the marketplace. It was that way 100 years ago and 50 years ago. But as it ages, housing depreciates and moves down market. The luxury apartments of two or three decades ago have lost most of their luster, and command relatively lower rents. And the truth is, that's how we've **always generated** more affordable housing, through the process that economists call "filtering." And the new self-styled "luxury" apartments we're building today will be the affordable housing of 2040 and 2050 and later.

What causes affordability problems to arise is when we stop building new housing, or build it too slowly to cause aging housing to filter down-market. When new high-priced housing doesn't get built, demand doesn't disappear, instead, those higher-income households bid up the price of the existing housing stock, keeping it from becoming more affordable. Which is why otherwise prosaic 1,500-foot **ranch houses in Santa Monica** sell for a couple of million bucks, while physically similar 1950's era homes in the rest of the country are either now highly affordable—or candidates for demolition.

View original article [here](#)

 Facebook 0     Twitter 0

 Google plus 0

 **Blog, Create a Range of Housing Opportunities and Choices**

 **Affordable Housing, Apartments, Housing, Luxury Living**

### **How Urban Planners Can Promote Health and Wellness**

*2 Aug 2018*



By Patrick Sisson via Curbed FacebookOTwitterOGoogle plus0...

**[Read more](#)**

[f Facebook](#)

0

[t Twitter](#)

0

[G+ Google](#)

[plus](#) 0

(0)

## How Social Media Can Be A Tool To Impact Urban Planning

2 Aug 2018



By Andrew Arnold via Forbes  
Facebook0  
witter0Googl  
e plus0...

[Read more](#)

[f Facebook](#)

0

[t Twitter](#)

0

[G+ Google](#)

[plus](#) 0

(0)

## Design Parking Garages So They Can Easily Become Housing

2 Aug 2018



By Megan Ridgeway via Fast Company  
Facebook  
Twitter  
Google  
plus

[Read more](#)

 Facebook  
0

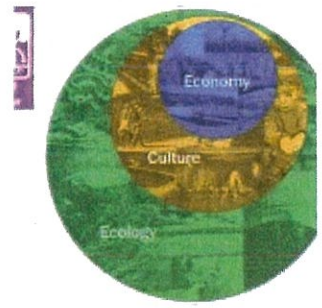
 Twitter  
0

 Google  
plus 0

(0)

## Sustainability Versus Resiliency: Designing For a Trajectory of Change

20 Jul 2018



By Keith  
Bowers via  
The Field  
FacebookOT  
witterOGogl  
e plusO...

**Read more**

**f Facebook**  
0

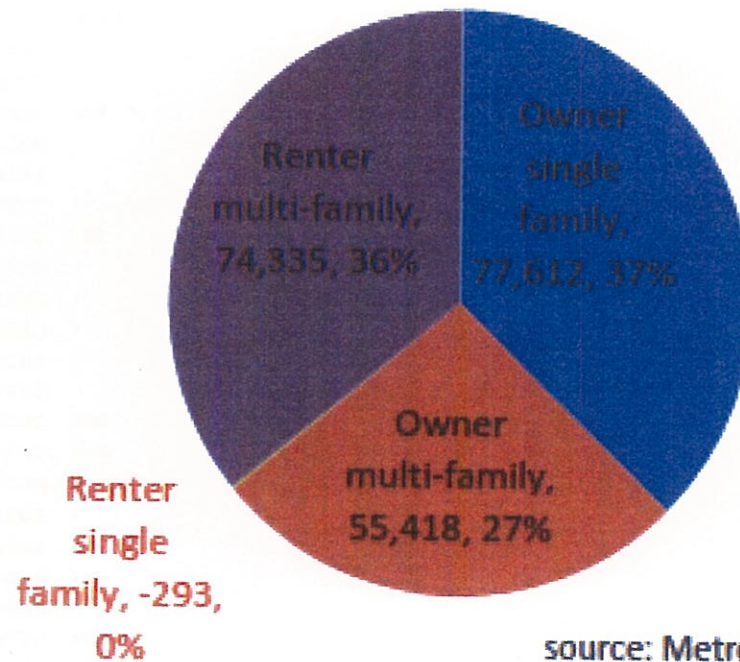
**Twitter**  
0

**G+ Google**  
**plus 0**

(0)

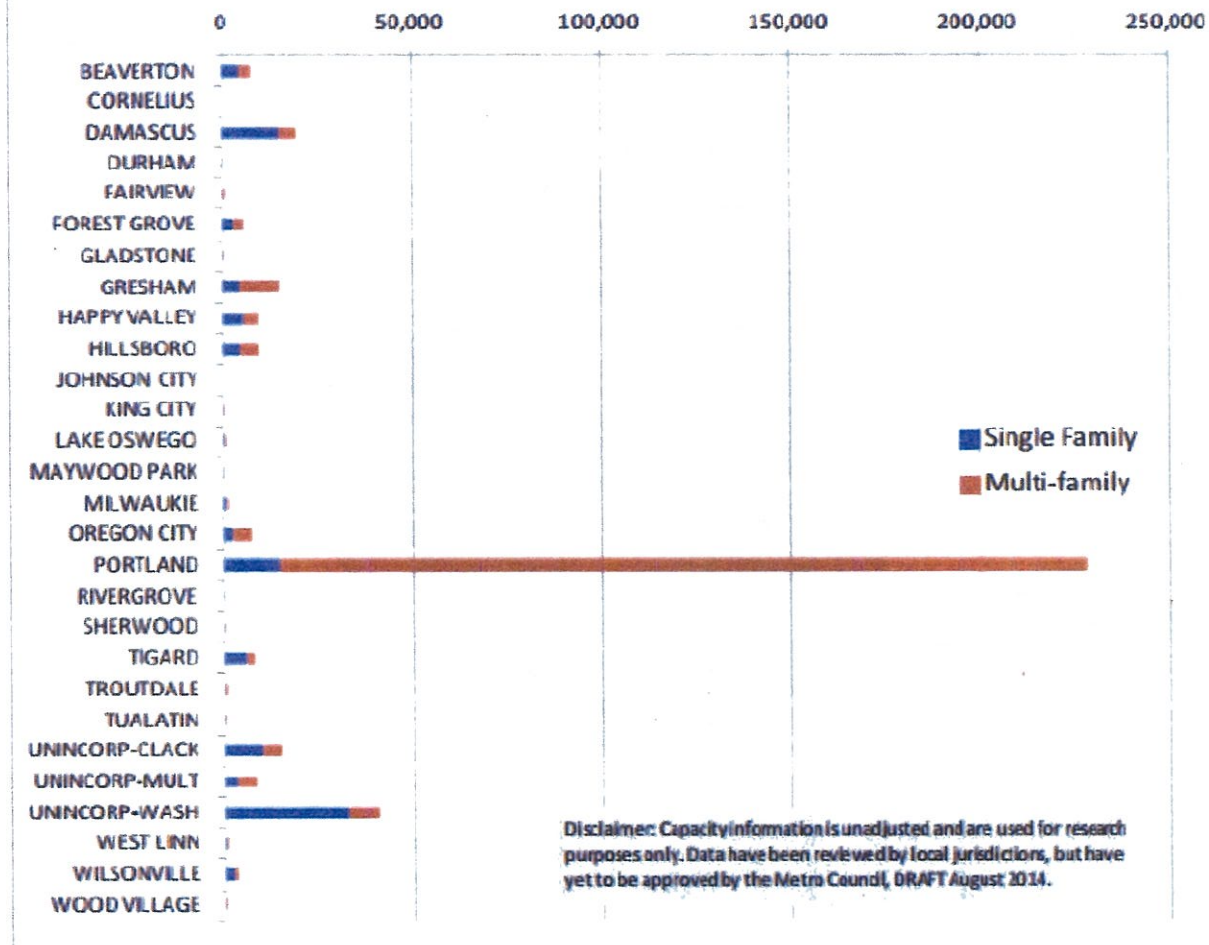
This website is a project of the Maryland Department of Planning and is funded by the U.S. EPA Office of Sustainable Communities

## Change in Residential Demand 2015-35



source: MetroScope Scen #1462

### Metro UGB Residential Dwelling Unit Capacity



SOURCE: 2014 UGR (Appendix 4, Figure 7)



Exhibit A

## 2040 POPULATION FORECAST DISTRIBUTION

Created: July 12, 2016

City population prorated to match 2015 PSU population estimates.  
Estimates and forecasts are bounded by today's city limits.

2015 Population Estimate (PSU estimate)	FINAL 2040 Population Forecast
---	--------------------------------

**INSIDE Metro UGB**

Clackamas County

Gladstone	11,505	12,083
Happy Valley	17,510	32,314
Johnson City	565	561
Lake Oswego	37,300	40,311
Milwaukie	20,505	23,149
Oregon City	33,940	41,857
Rivergrove	495	515
West Linn	25,605	27,861
Wilsonville	22,870	27,046
Uninc. Clackamas + formerly Damascus	104,353	148,716
Uninc. Clackamas County / future city annex.	93,728	116,447
Damascus / area within 2015 city boundary	10,625	32,269
<b>Clackamas County inside UGB total *</b>	<b>274,648</b>	<b>354,414</b>

Multnomah County

Fairview	8,940	9,708
Gresham	107,065	123,162
Maywood Park	750	771
Portland	613,355	863,509
Troutdale	16,020	17,884
Wood Village	3,910	4,298
Uninc. Multnomah County /future city annex.	17,809	37,448
<b>Multnomah County inside UGB total *</b>	<b>767,849</b>	<b>1,056,780</b>

Washington County

Beaverton	94,215	103,651
Cornelius	11,900	17,432
Durham	1,880	1,996
Forest Grove	23,080	34,844
Hillsboro	97,480	128,901
King City	3,425	5,310
Sherwood	19,080	20,674
Tigard	49,280	68,701
Tualatin	26,590	27,372
Uninc. Washington County /future city annex.	233,493	303,279
<b>Washington County inside UGB total</b>	<b>540,423</b>	<b>712,160</b>

**TOTAL inside today's Metro UGB** 1,582,920 2,123,354

**OUTSIDE Metro UGB (including urban reserves/ future UGB adds)**

Rural Cities	42,355	59,608
Uninc. Clackamas County / future city annex.	84,667	100,838
Uninc. Multnomah County /future city annex.	9,641	12,315
Uninc. Washington County /future city annex.	25,802	62,017

**TOTAL outside Metro UGB** 162,465 234,778  
**Tri-county TOTAL** 1,745,385 2,358,132


\* Cities in multiple counties are tabulated to the county of majority.



18

**QuickFacts**  
Tualatin city, Oregon

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

**Table**

All Topics	Tualatin city, Oregon
Population estimates, July 1, 2016, (V2016)	27,545
 <b>PEOPLE</b>	
<b>Population</b>	
Population estimates, July 1, 2017, (V2017)	NA
<b>Population estimates, July 1, 2016, (V2016)</b>	<b>27,545</b>
Population estimates base, April 1, 2010, (V2017)	NA
Population estimates base, April 1, 2010, (V2016)	26,118
Population, percent change - April 1, 2010 (estimates base) to July 1, 2017, (V2017)	NA
Population, percent change - April 1, 2010 (estimates base) to July 1, 2016, (V2016)	5.5%
Population, Census, April 1, 2010	26,054
<b>Age and Sex</b>	
Persons under 5 years, percent, July 1, 2016, (V2016)	X
Persons under 5 years, percent, April 1, 2010	7.3%
Persons under 18 years, percent, July 1, 2016, (V2016)	X
Persons under 18 years, percent, April 1, 2010	26.9%
Persons 65 years and over, percent, July 1, 2016, (V2016)	X
Persons 65 years and over, percent, April 1, 2010	7.0%
Female persons, percent, July 1, 2016, (V2016)	X
Female persons, percent, April 1, 2010	50.9%
<b>Race and Hispanic Origin</b>	
White alone, percent, July 1, 2016, (V2016) (a)	X
Black or African American alone, percent, July 1, 2016, (V2016) (a)	X
American Indian and Alaska Native alone, percent, July 1, 2016, (V2016) (a)	X
Asian alone, percent, July 1, 2016, (V2016) (a)	X
Native Hawaiian and Other Pacific Islander alone, percent, July 1, 2016, (V2016) (a)	X
Two or More Races, percent, July 1, 2016, (V2016)	X
Hispanic or Latino, percent, July 1, 2016, (V2016) (b)	X
White alone, not Hispanic or Latino, percent, July 1, 2016, (V2016)	X
<b>Population Characteristics</b>	
Veterans, 2012-2016	1,319
Foreign born persons, percent, 2012-2016	12.5%
<b>Housing</b>	
Housing units, July 1, 2016, (V2016)	X
Housing units, April 1, 2010	10,528
Owner-occupied housing unit rate, 2012-2016	55.2%
Median value of owner-occupied housing units, 2012-2016	\$337,100
Median selected monthly owner costs -with a mortgage, 2012-2016	\$1,896
Median selected monthly owner costs -without a mortgage, 2012-2016	\$640
Median gross rent, 2012-2016	\$1,078
Building permits, 2016	X
<b>Families &amp; Living Arrangements</b>	
Households, 2012-2016	10,826
Persons per household, 2012-2016	2.49
Living in same house 1 year ago, percent of persons age 1 year+, 2012-2016	88.1%
Language other than English spoken at home, percent of persons age 5 years+, 2012-2016	19.1%
<b>Education</b>	
High school graduate or higher, percent of persons age 25 years+, 2012-2016	93.3%
Bachelor's degree or higher, percent of persons age 25 years+, 2012-2016	43.2%
<b>Health</b>	
With a disability, under age 65 years, percent, 2012-2016	7.1%

Persons without health insurance, under age 65 years, percent	▲ 9.9%
<b>Economy</b>	
In civilian labor force, total, percent of population age 16 years+, 2012-2016	72.5%
In civilian labor force, female, percent of population age 16 years+, 2012-2016	64.9%
Total accommodation and food services sales, 2012 (\$1,000) (c)	78,342
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	D
Total manufacturers shipments, 2012 (\$1,000) (c)	2,103,563
Total merchant wholesaler sales, 2012 (\$1,000) (c)	785,593
Total retail sales, 2012 (\$1,000) (c)	478,254
Total retail sales per capita, 2012 (c)	\$17,901
<b>Transportation</b>	
Mean travel time to work (minutes), workers age 16 years+, 2012-2016	22.5
<b>Income &amp; Poverty</b>	
Median household income (in 2016 dollars), 2012-2016	\$71,896
Per capita income in past 12 months (in 2016 dollars), 2012-2016	\$37,287
Persons in poverty, percent	▲ 10.9%
<b> BUSINESSES</b>	
<b>Businesses</b>	
Total employer establishments, 2015	X
Total employment, 2015	X
Total annual payroll, 2015 (\$1,000)	X
Total employment, percent change, 2014-2015	X
Total nonemployer establishments, 2015	X
All firms, 2012	2,865
Men-owned firms, 2012	1,572
Women-owned firms, 2012	839
Minority-owned firms, 2012	334
Nonminority-owned firms, 2012	2,316
Veteran-owned firms, 2012	359
Nonveteran-owned firms, 2012	2,244
<b> GEOGRAPHY</b>	
<b>Geography</b>	
Population per square mile, 2010	3,170.4
Land area in square miles, 2010	8.22
FIPS Code	4174950

**Value Notes**

▲ This geographic level of poverty and health estimates is not comparable to other geographic levels of these estimates

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2017) refers to the final year of the series (2010 thru 2017). *Different vintage years of estimates are not comparable.*

**Fact Notes**

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

**Value Flags**

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lower interval of an open ended distribution.
- D Suppressed to avoid disclosure of confidential information
- F Fewer than 25 firms
- FN Footnote on this item in place of data
- NA Not available
- S Suppressed; does not meet publication standards
- X Not applicable
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

## City Population Census - Grown Estimates to 2040

City	2015 Metro Population Estimate	2040 Estimate	25-Year Growth Anticipated	Estimated Straight Line Annual Growth	Actual 1 Year Growth	2016 Census Data	1990 Census Data	Difference from 1990-2015	Difference Divided by 25 Years
Gladstone	11,505	12,083	578	23	611	12116	10152		
Happy Valley	17,510	32,314	14804	592	2194	19704	1519		
Johnson City	565	561	-4	N/A	N/A	N/A	N/A		
Lake Oswego	37,300	40,311	3011	120	1695	38995	30576		
Milwaukie	20,505	23,149	2644	106	424	20929	18692		
Oregon City	33,940	41,857	7917	317	2346	36286	14698		
River grove	495	515	N/A	N/A	N/A	N/A	N/A		
West Linn	25605	27861	2256	90	1254	26859	16367		
Wilsonville	22870	27046	4176	167	898	23768	N/A		
Fairview	8940	9708	768	31	350	9290	2391		
Gresham	107065	123162	16097	643	4458	111523	68235		
Maywood Park	750	771	N/A	N/A	N/A	N/A	N/A		
Portland	613,355	863,509	250154	10006	26508	639863	437319		
Troutdale	16,020	17,884	1864	75	597	16617	7852		
Wood Village	3,910	4,298	N/A	N/A	N/A	N/A	N/A		
Beaverton	94,215	112,651	18463	737	3375	97590	53310		
Cornelius	11900	17432	5532	221	514	12414	6148		
Durham	1,880	1,996	N/A	N/A	N/A	N/A	N/A		
Forest Grove	23080	34844	11764	471	978	24058	13559		
Hillsboro	97480	128901	31421	1257	7684	105164	37598		
King City	3425	5310	N/A	N/A	N/A	N/A	N/A		
Sherwood	19,080	20,674	1594	64	214	19294	3093		
Tigard	49280	68701	19721	777	2622	51902	29334		
Tualatin	26,590	27,372	782	31	955	27545	15013		
<b>TOTALS</b>	<b>1,247,265</b>	<b>1,642,910</b>	<b>393,542</b>	<b>15,728</b>	<b>57,677</b>	<b>1,293,917</b>	<b>765,856</b>		

Monday, August 6, 2018

# Spokesman



[HOME \(/WILSONVILLE-SPOKESMAN-HOME\)](#)
[NEWS ▾](#)
[SPORTS ▾](#)
[EDUCATION \(/WILSONVILLE-SPOKESMAN-EDUCATION\)](#)  
[OBITS \(/OBITS-PAPERS/WSP-OBITUARIES\)](#)
[BUSINESS ▾](#)
[SHOP LOCAL ▾](#)  
[CLASSIFIEDS \(HTTP://COMMUNITYCLASSIFIEDS.ADSPMG.COM/\)](http://communityclassifieds.adspmg.com/)
[HOMES \(HTTPS://WWW.JUSTLISTEDNEARYOU.COM\)](https://www.justlistednearyou.com)  
[ABOUT US ▾](#)

### FONT



### SHARE THIS

[\(/#facebook\)](#)

[\(/#twitter\)](#)

[\(/#google\\_plus\)](#)

[\(/#email\)](#)

[\(/#linkedin\)](#)

### MORE STORIES

[Prev \(/wsp/134-news/353871-233303-world-of-speed-honors-american-muscle-cars\)](#)

[Next \(/wsp/134-news/353855-232988-community-welcomes-als-home-and-garden\)](#)

## Priced out of the market: Wilsonville rent increases driving out residents

Claire Green Wednesday, April 12, 2017



0 Comments  
Go to top

## Big-time investors are putting the squeeze on renters scraping by in Wilsonville

*Editor's note: This is the second installment of a two-part series. Last week we took a look at how renting trends are personally affecting residents in Wilsonville.*

In 2004, Stacy Conger-Kupper and her husband were selling into a new home with their children. During a time when it was good to be a buyer — due to outrageously accessible loans — and good to be a seller — because of gradually climbing market prices — she says things were looking bright for her housing future.

Fast forward to the Great Recession of 2008 as the housing market bubble popped and took millions of homes along with it, including Conger-Kupper's. By 2012, the mother of three moved to a 3-bedroom unit at Boulder Creek Apartments to be close to her work.



SPOKESMAN PHOTO: VERN UYETAKE - Renovations of older properties by investment firms can be seen around Wilsonville, driving up the prices of rent around town and pricing people out of the market.

Having never rented an apartment before, Conger-Kupper says that she didn't have any major complaints because of her lack of comparative experience, other than how expensive she thought the \$930 a month price tag was for an apartment. At that time, she worked the night shift to make more money and also had help from her teenage son to make ends meet. But after renting the apartment for three years with gradual increases each time she renewed her lease, in 2015 when her son got closer to moving out and pursuing his own

endeavors, Conger-Kupper was faced with a choice: take the risk of staying and being priced into eviction or cutting her losses and looking elsewhere while staying with friends in the meantime.

"I had to make a decision when it came time to renew my lease," Conger-Kupper says, adding that she chose not to renew and gave up her apartment. "It was a rough decision, but it was the right one. However, when I (gave up my apartment), I didn't understand what the market was like."

Three years is a long time in the real estate market and as the economy had rebounded, so did investors' interest in purchasing multifamily complexes to flip and sell as cash-cows as the market continued to raise. As a result, Conger-Kupper says that she's been unable to find a new apartment that she can afford and is currently still displaced and couch surfing.

[Go to top](#)

According to apartment appraisal specialist Mark D. Barry of Barry & Associates, the Portland metro area has seen a tremendous increase in out-of-state investment development firms coming in and buying up older properties with the express purpose of renovating them and selling them for profit to other rental companies that can charge more per month based on amenities. Due to this, affordable units — costing renters less than 30 percent of their income — became harder to find as multifamily properties continued to renovate and raise their rents.

One specific example of an out-of-state investment giant swooping in to get a scoop of the Wilsonville market is TruAmerica Multifamily. A Californian property investment firm, TruAmerica acquired both the Bridge Creek and Boulder Creek apartment complexes during 2015 as a part of a seven-property, \$255 million multifamily portfolio acquisition in the Portland metro area. During the time of TruAmerica's purchase of the property portfolio, the company released a statement saying that it intended to invest \$30 million-plus across the portfolio to renovate property amenities. But as with any property investment firm, TruAmerica wanted to make rather than lose money on the renovations. According to Barry, that's just good business.

"There are a lot of stories," Barry says. "Stories about a guy who comes in, buys a property, everybody gets evicted or they raise the rents. But what they're really doing is raising the rents so that everybody moves out so that they can do renovations — the expression on the street is a 'value added' property."

Bridge Creek Property Manager Costin Mironesei disagrees with Barry's assessment, saying that the reason that prices in Wilsonville were significantly lower in the past was because the apartment complexes were keeping rent "artificially low."

"That's an interesting speculation," says Clackamas County Assessments & Taxation Assessor Bob Vroman. "But I would suggest that it doesn't necessarily make a lot of sense."

"We're in a market right now where there is very low inventory in general, so that makes buildings very attractive to come in and upgrade and rise rents to the perception of what the market level is," Vroman says, adding that the market has been getting hotter since 2013, but that there was a definite spike in 2015 across the Portland metro area. "It was just a big year, because we were a couple of years into an improving economy and you had all of these market factors in play, which are low inventory, high demand... and you have big companies and real estate investment trusts that are seeing these attractive investments, and I think that all of these things have led to the current market situation that we have."

For Conger-Kupper and many other Wilsonville residents whose incomes are failing to keep pace with the increases, the current market situation is a crushing one.

"With my wage right now, I can literally break it down into a third right now, which is \$600," Conger-Kupper says, exceeding the 30 percent mark of her income. "But there is no place for \$600. It doesn't exist!"

Families and individuals who make 60 percent or less of the estimated state median income, which was \$54,148 in 2015, according to the Census Bureau's latest American Community Survey (ACS) figures available, qualify for low-income housing. In Wilsonville, there are five complexes that receive property tax exemptions, targeted to low-income families, seniors and financially fragile individuals.

[Go to top](#)



These property tax exemptions are passed on from property owners to renters to assist in reducing rent rates. Of the five 366 units available in Wilsonville, reduced rates vary based on the property's tax exemption and the number of reduced rate units in the complex.

But of these apartments, waiting lists for prospective tenants are lengthy and City records indicate that renovations and updates are needed on some of the older properties. But some renters, like Conger-Kupper, make too much to qualify.

"It really sucks because I wouldn't be able to qualify for assistance of any kind because I'm right at that wage where I make too much for that," she says. "The only thing that I could do (to afford an apartment) would be to drop all of my 401K, my health insurance — that I would get penalized later for — and that's the only way that I could put a little bit extra into my bank."

But according to Jon Gail, Community Relations Coordinator for the City of Wilsonville, the City is making efforts to understand and improve the housing situation for residents with its Equitable Housing Strategic Plan.

Funded by a \$62,500 Metro Council grant awarded in December 2016, the City is working on finding a consultant that can analyze what is happening in the Wilsonville market to identify gaps in the housing market. With nearly 30 apartment complexes in Wilsonville, the percentage of renters is the largest of any Metro city at more than 55 percent.

"When we looked at the data, it's not rocket science that there are a lot of different people that are paying way too much for housing," Gail says. "Last summer, people started coming in to City Council and said that they've lived in X, Y, Z apartment for eight years for \$800 a month and they just got a notice that their rent is going up by \$500, and that represents a huge increase for them and is not affordable."

Gail said that the strategy will also specifically address people in Conger-Kupper's situation where they make too much to qualify for assisted or low-income housing but not enough to keep up in the current market of available housing.

"With the market rate being so high and going up everyday, at least for the last couple of years, it becomes problematic to really have a high quality of life if you're paying more than 30 percent of your income on housing, let alone a lot of people who are paying 50 percent, not including (other expenses)."

Gail says that the City is hoping to form a task force in the fall to begin the process and to follow it with a housing summit to get a serious dialog underway in the community with a list of actionable strategies appearing by July 2018. But Gail says that the City — in cooperation with the private sector — will do whatever it can to incentivize more affordable living

with existing options and future development possibilities within the Town Center redevelopment and the upcoming Frog Pond development.



SPOKESMAN PHOTO: CLAIRE GREEN - Jon Gail, Community Relations Coordinator for the City of Wilsonville, is heading up the City's Equitable Housing Strategic Plan. Intended to study the housing market specifically in Wilsonville, the project is funded by a Metro Council grant and result in a list of actions that the City can take to improve the renting climate.

Go to top

"We're looking to bring both experts and community members together to really begin to have a conversation about the situation," Gail says. "Metro is looking for us to not just plan it and study it, but to actually do something about it. So in the end, we're going to have a list of strategic, implementable things that we want to do and that council wants to do to address housing."

For Conger-Kupper, rent relief can't come soon enough. She says that the strain of trying and failing to find a good fit that she can afford while still being able live a normal life with her children is beginning to negatively affect her health.

"This has been (nearly) three years of my kids' lives, and it's impacting them more than I want to admit," she says. "I've got to find a place. But when I looked a few weeks ago, the best thing that I could find was in Gladstone, which is close to (my children), but it was a one-bedroom for \$900-something and I would have to travel. If you were to take my wage, that's over half of my wage. And here (in Wilsonville)? It's out of the question. And I know that there are a lot of people in the very same spot as me."

Contact Wilsonville Spokesman reporter Claire Green at 503-636-1281 ext. 113 or [cgreen@pamplinmedia.com](mailto:cgreen@pamplinmedia.com) (<mailto:cgreen@pamplinmedia.com>).

Sponsored Links

### Student CAUGHT Fleeing County After Bank Accidentally Deposits \$3.4M Into Account

LifeDaily

### Meet The Curvy Cardiac Nurse Whose Sexy Instagram Pics Just Might Give You A Heart Attack

World Lifestyle

### Events Take A Drastic Turn After Photo Goes Viral

PP Corn

### Daughter Returns Hungry From School, Mother Finds Note Inside Her Lunchbox

Greeningz

### We Never Expected Farrah Abraham To Have A Car Like This

Miss Penny Stocks

Comments for this thread are now closed



0 Comments

Pamplin Media

Login ▾

Recommend

Share

Sort by Best ▾

This discussion has been closed.

Subscribe

Add Disqus to your siteAdd DisqusAdd

Disqus' Privacy PolicyPrivacy PolicyPrivacy

Go to top

News

## Wilsonville: A hot rental market?

**Wilsonville outpacing other suburban cities with rent increases and unit prices**

**By:**

Shuly Wasserstrom (<https://www.koin.com/meet-the-team/shuly-wasserstrom/846695948>)

✉ (<mailto:shuly.wasserstrom@koin.com>)

Updated: Apr 06, 2017 05:53 AM PDT



Claire Green, The Wilsonville Spokesman - WILSONVILLE, Ore. (WILSONVILLE SPOKESMAN) --- When Samantha Andrews, 31, moved to Wilsonville in 2011 to be nearer to her job, the choice made sense from both a financial and practical standpoint.



*Wilsonville resident and longtime renter Samantha Andrews moved to Wilsonville in 2011 to be closer to her job. Since then, she's put down roots and become attached to the community. But due to rent increases, Andrews may have to start considering relocation.* (Spokesman/ Vern Uyetake)

She found a three-bedroom apartment at Berkshire Court for \$1,000 that she shared with a friend. After a year, Andrews moved out on her own and downsized to a two-bedroom, two-bath apartment at Sundial

Apartments for \$900 a month in 2012.

But throughout the Portland metro area, rent increases have been hitting multifamily-dwelling residents particularly hard in recent years. Management at apartment complexes largely cite a hot housing market for the trend and industry analysts typically agree, saying that the housing supply falls short of resident demand for space, allowing prices to rise or even skyrocket in some metro pockets.

One of the areas experiencing this climb in rent rates is Wilsonville.

An increase of nearly 100 percent in the last five years following each lease renewal has pushed Andrews' monthly rent up to \$1,800 and her financial situation to the brink.

"Me and my fiancé together struggle to make things come together, because when you add in electricity, internet, your cell phone and a car payment, you have nothing left," Andrews says, adding that despite having multiple incomes in her home, after being between jobs for a couple of months she almost couldn't keep the apartment. "I had to use my entire 401k to keep us afloat."

According to Clackamas County Assessments & Taxation Assessor Bob Vroman, a potent combination of market pressures has resulted in the current increases and heating market.

During the 2008 recession, Vroman says that that new construction projects throughout the region typically ground to a halt, with few exceptions. But between 2008 and 2017, in-migration from other states and more rural areas has created an imbalance where there is more demand for housing than there is inventory available. For those with budget limitations, these pressures can be crushing.

"The dynamics of the housing market have changed during these recovery years because of those factors," Vroman says.

According to apartment appraisal specialist Mark D. Barry of Barry & Associates, aside from market pressures, Wilsonville is unique compared to its suburban neighbors because of its optimal position on Interstate 5 between Portland and Salem and close proximity to industrial employers. This combination has attracted many large investment development firms over the years that built a number of complexes with 100-plus units that are run by equally large management companies.

But even for those who may be more willing or able to pay a higher premium for an apartment, pickings are sparse because of the influx to the market.

When Mike McCarty, native to and longtime resident of California, came to Wilsonville February of 2017 to become the new Wilsonville Parks and Recreation director, he was shocked by the prices and lack of availability of units on the market.

"They told me that it was a 2 percent vacancy rate for renters (in Wilsonville)," McCarty says. "And with my dog, they told me that it was .5 percent."

Even after securing something, McCarty said that the unit was both larger and more expensive than he wanted, but after having already lost one unit after taking time to think it over, he wasn't going to take any more chances.

"It's a hot market for sure," he says. "I just got really fortunate that something fell into my lap, but again, moving in, I had to take it sight-unseen because it was probably going to be the only chance I got."

Looking at countywide rent rates over the past three years collected by Clackamas County and compiled in its annual, countywide rent studies, in 2013 median quality, one-bedroom apartments went for \$675. Those same apartments jumped to renting for \$825 in 2014 and \$950 in 2015.

"Although it's a generalization, we probably haven't seen the same level of increase that you see closer in to the Portland metropolitan core area, because we're still a suburban market, so we probably saw those significant increases start a little bit later and begin to certainly increase," Vroman says.

Although numbers are still coming in from the final quarter of 2016, Vroman estimates that the initial numbers are tracking very closely to Portland numbers, with rents increasing in the 8-11 percent ballpark for 2016.

According to Clackamas County Appraisal Supervisor Lynn Longfellow, the market isn't looking like it's going to start cooling down anytime soon.

"People are still coming here," Longfellow says. "Our unemployment rate is low so people are employed... but the pressure on the rental market is really, really hard."

For renters like Andrews, these market pressures are inescapable and she says that they're "the reality that we're in right now." But she also admits that this knowledge doesn't make the situation any less bitter a pill to swallow.

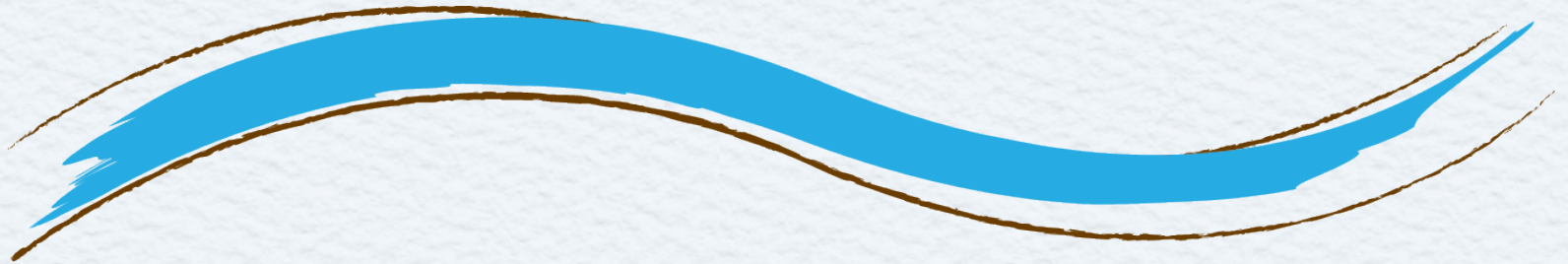
"At the very least, people should know what they are getting into before they make the choice to begin a life in Wilsonville," Andrews says. "Had I known this would happen, I might have started my life somewhere else but now I'm rooted in this community and would be very lost if, and probably when, I have to leave it."

***The Wilsonville Spokesman is a KOIN media partner.***

*Copyright by KOIN - All rights reserved*

---

Basalt Creek  
Concept Plan



**Wilsonville City Council  
Hearing**

August 6, 2018

# Tonight's Agenda

## Staff Presentation

- Basalt Creek Planning Area
- Project History
- Basalt Creek Concept Plan
  - Process & Public Engagement
  - Key Elements in Plan
  - Implementation
- Next Steps

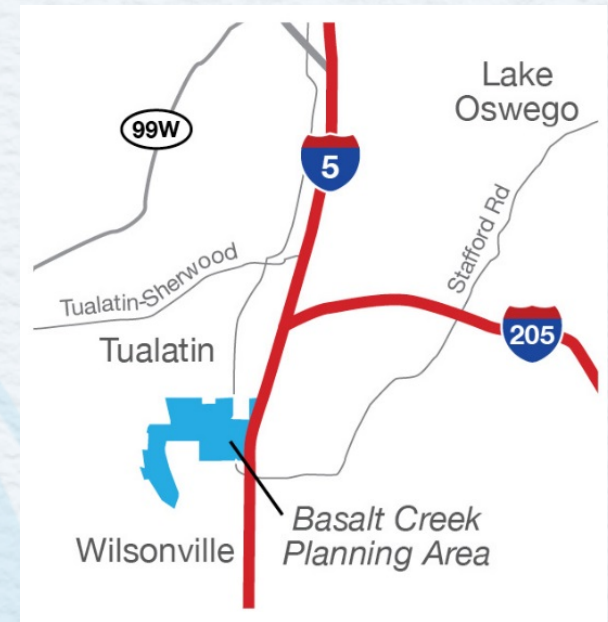
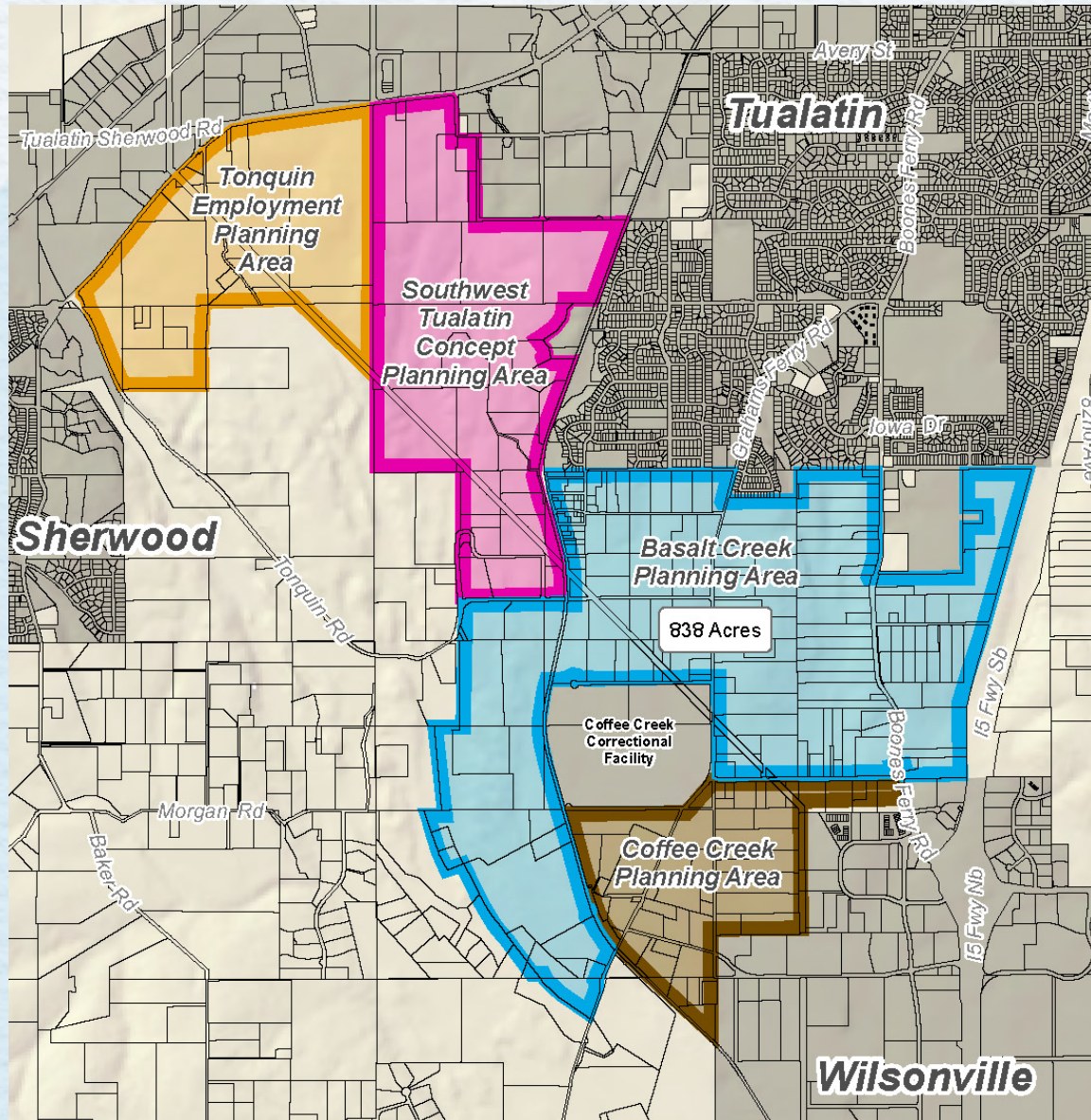
## Public Comments

## Discussion

## Action



# Basalt Creek Planning Area



# Project History

- **2004:** Metro brought Basalt Creek Planning Area into UGB
- **2010:** Metro awarded CET Grant to fund Concept Planning
- **2011:** Concept Planning Inter-governmental Agreement
- **2011-2013:** Washington County, Metro, Tualatin, and Wilsonville with ODOT participating to define transportation spine
- **2013 Basalt Creek Transportation Refinement Plan adopted**
- **2014-2016:** Basalt Creek Concept Planning & Scenario Analysis
- **2017-2018:** Central Subarea studies
- **January 2018:** IGA executed to resolve the Central Subarea land use designation
- **May 2018:** Central Subarea arbitration complete, 120-day adoption period begins
- **July 2018:** Basalt Creek Concept Plan draft for review

# What is a Concept Plan?

- **Identifies a vision and guides future** land use and transportation decisions for the planning area.
- **Ensures area has capacity** to contribute to local and regional land use and transportation goals.
- **Ensures compliance** with state land use goals, regional policies, and other plans, including existing transportation plans.
- **Sets the framework for future development and outlines implementation for future:**
  - **urban services** (transportation, water, sanitary sewer, and storm water systems)
  - **public services** (such as transit, parks, and open space), and
  - **natural and cultural resources protection**

# Overview: Basalt Creek Concept Plan

- Establishes **vision** for **urbanization** of the Basalt Creek area
- Establishes new **jurisdictional boundary** between Cities of Tualatin and Wilsonville
- Identifies **future land uses** on Basalt Creek Land Use Concept Map
- Provides **conceptual level plan** for transportation and infrastructure
- Recommends **high-level designs** for transportation and infrastructure systems to support future development
- Includes **implementation measures and phasing options**

# Guiding Principles

- Maintain and complement the Cities unique identities
- Capitalize on the area's unique assets and natural location
- Explore creative approaches to integrate jobs and housing
- Create a uniquely attractive business community unmatched in the metropolitan region
- Ensure appropriate transitions between land uses
- Meet regional responsibility for jobs and housing
- Design cohesive and efficient transportation and utility systems
- Maximize assessed property value
- Incorporated natural resource areas and provide recreational opportunities as community amenities and assets

# Decision Making Process

Joint Council

Agency Review Team

Project Management Team

# Public Engagement



Focus  
Groups  
2014



Design  
Workshop  
2014

What is your primary connection to the Basalt Creek Planning Area?



Open  
House  
2016

2014

Regular Mailed / E-mailed Updates  
Over 45 Public Meetings

2018

# Public Input at Design Workshop



Community input helps guide scenario development and design process, April 2014



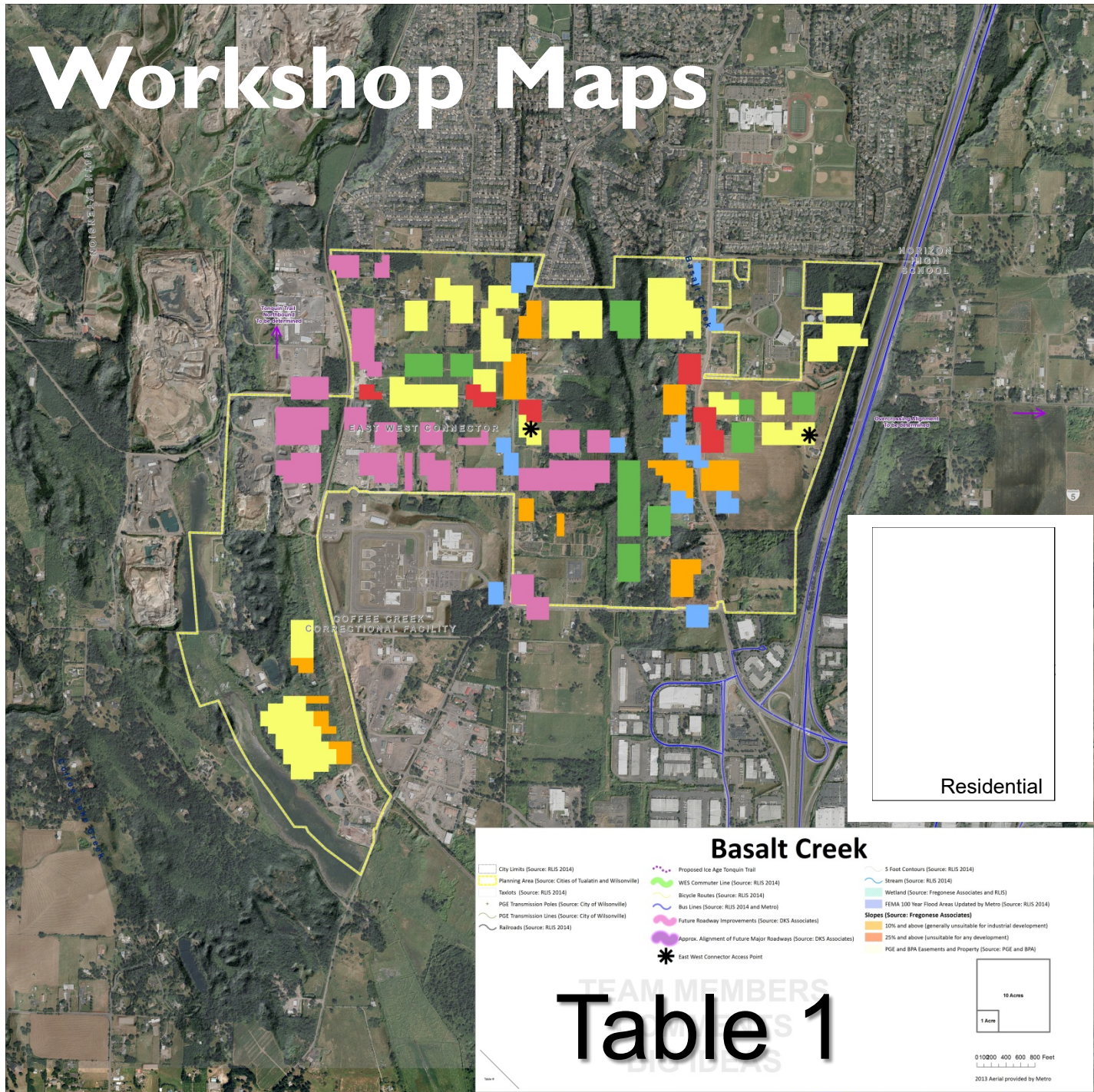
# Workshop Maps

## Goals

- Housing/schools close together
- Public amenities around wetlands
- Housing where there is transportation and other existing infrastructure
- Transit options that allow people to make trips without their cars
- Make the wetlands a source of pride and natural beauty (visual focal point/vistas)

## Comments

- Civic entertainment use – public theater?
- Seems like E-W Connector will determine how land uses are arranged
- Couth the nursery along Graham's Ferry be encouraged to develop as a unique attraction?
- This is an opportunity do something different – provide public amenities that make the community proud.

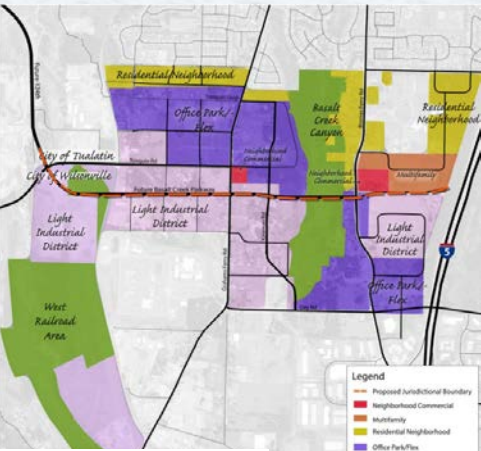


TEAM MEMBERS  
**Table 1**  
 CHAIRS  
 CHAIRS

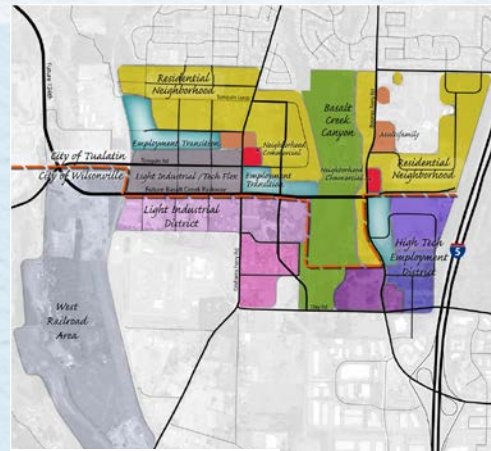
# Scenario Iterations

**Legend**

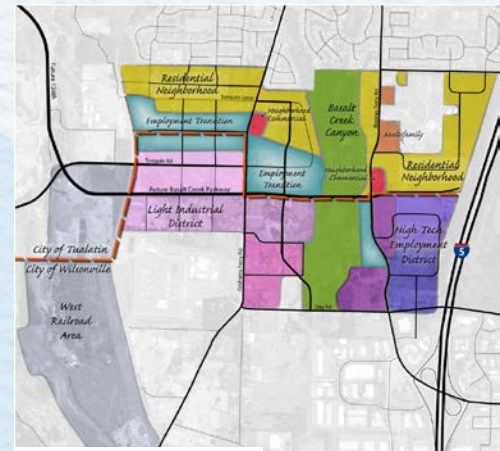
- Proposed Jurisdictional Boundary
- Neighborhood Commercial
- Multifamily
- Residential Neighborhood
- High Tech Employment District
- Light Industrial District
- Light Industrial/Tech Flex
- Employment Transition
- Basalt Creek Canyon
- West Railroad Area



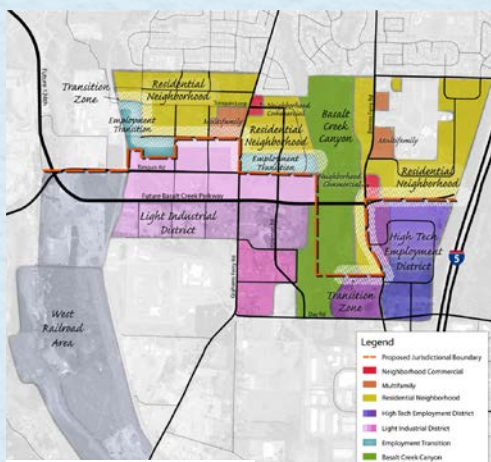
**Base Case**



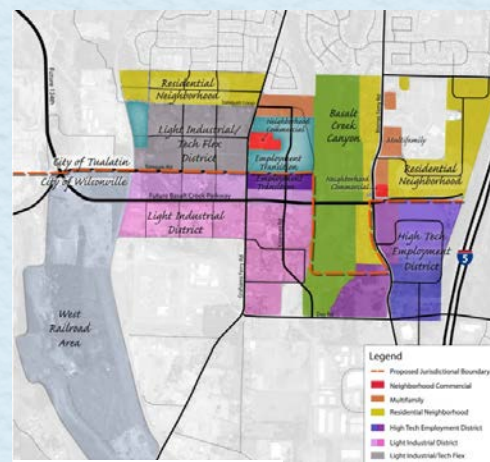
**Option 1**



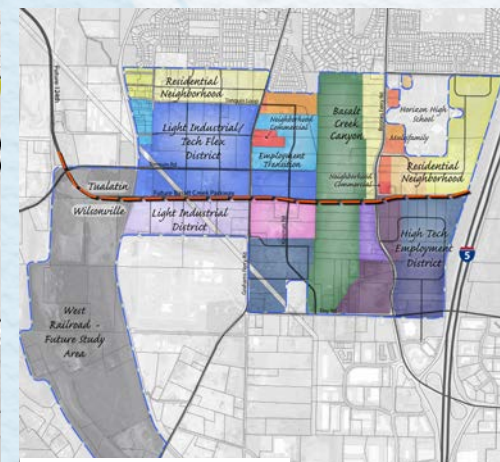
**Option 2**



**Option 3**

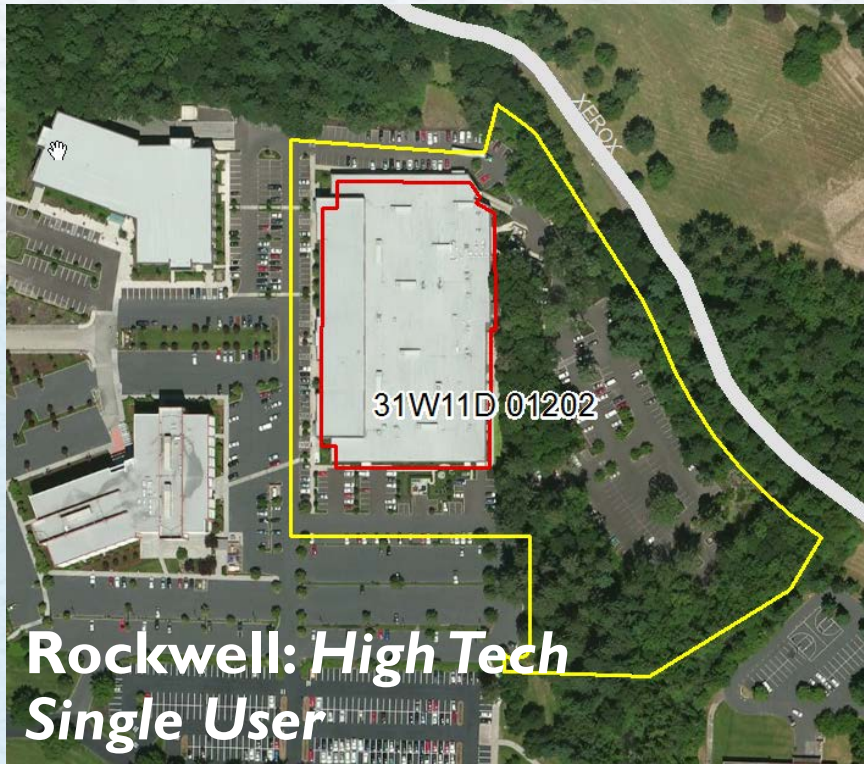


**Option 4**



**Option 5**

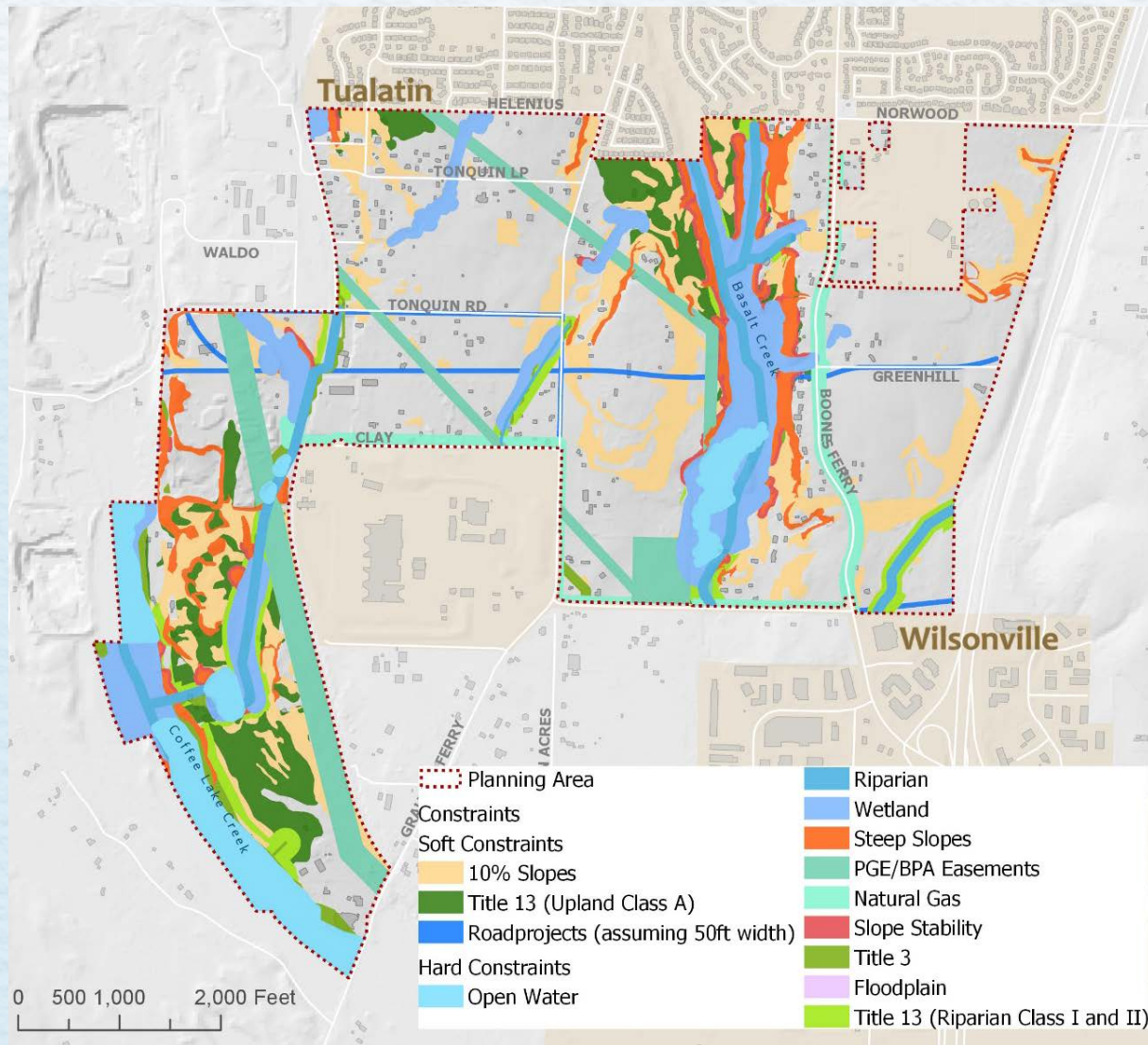
# Real Buildings Informed the Scenarios



Gather Physical Info: Lot size, Building size, Parking, Landscaping

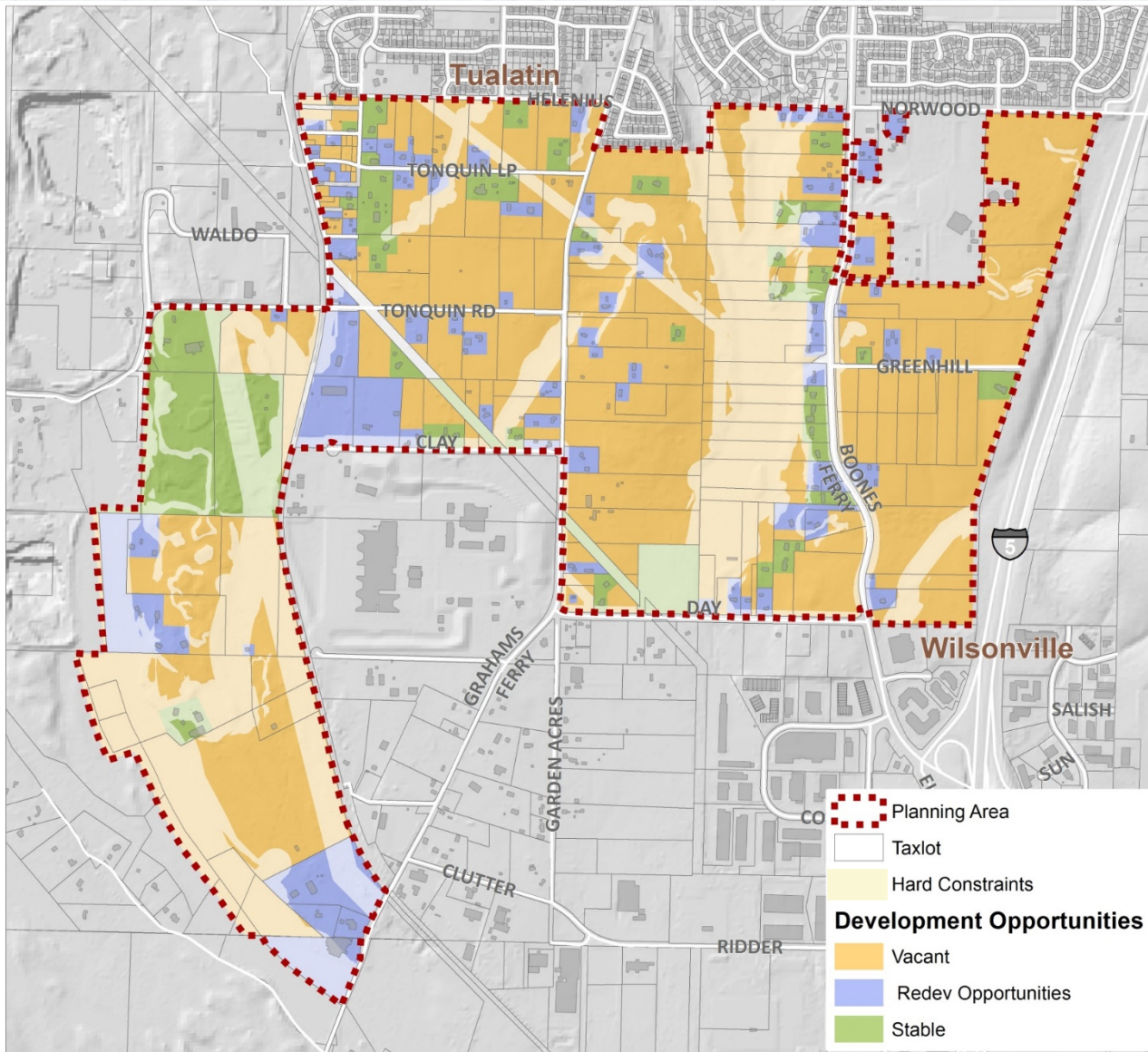
Gather Financial Info: Land value, Permits, SDCs, Construction cost, Taxes, Rent

# Natural Resources Map



- Open Water
- Streams
- Wetlands
- Floodplains  
(50% reduction of developable area)
- Title 3 Water Quality & Flood Management protections
- Title 13 Nature in Neighborhoods  
(20% reduction of developable area in areas designated Riparian Habitat Classes I and II)
- Steep Slopes  
(25% slopes and greater)

# Suitable Sites (hard constraints removed)



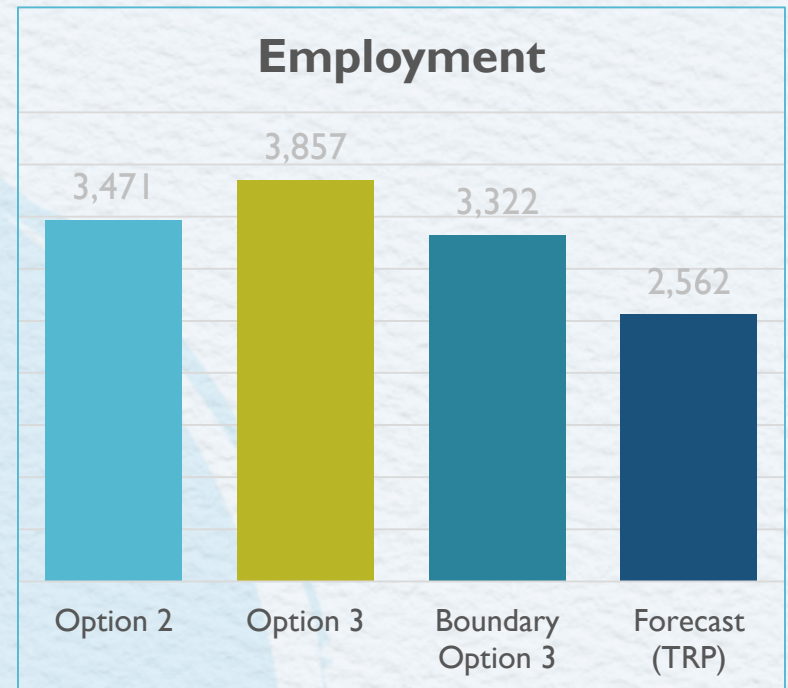
# Indicators

## *Key Indicators*

- Developable acres
- Housing units
- Jobs
- Trips

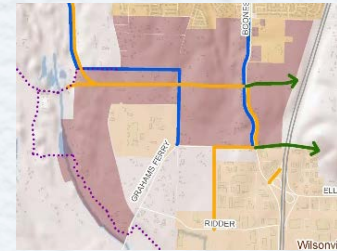
## *Other*

- Housing Mix
- Job Mix
- Service Development Charges (SDCs) and Fees
- Estimated Tax Revenues

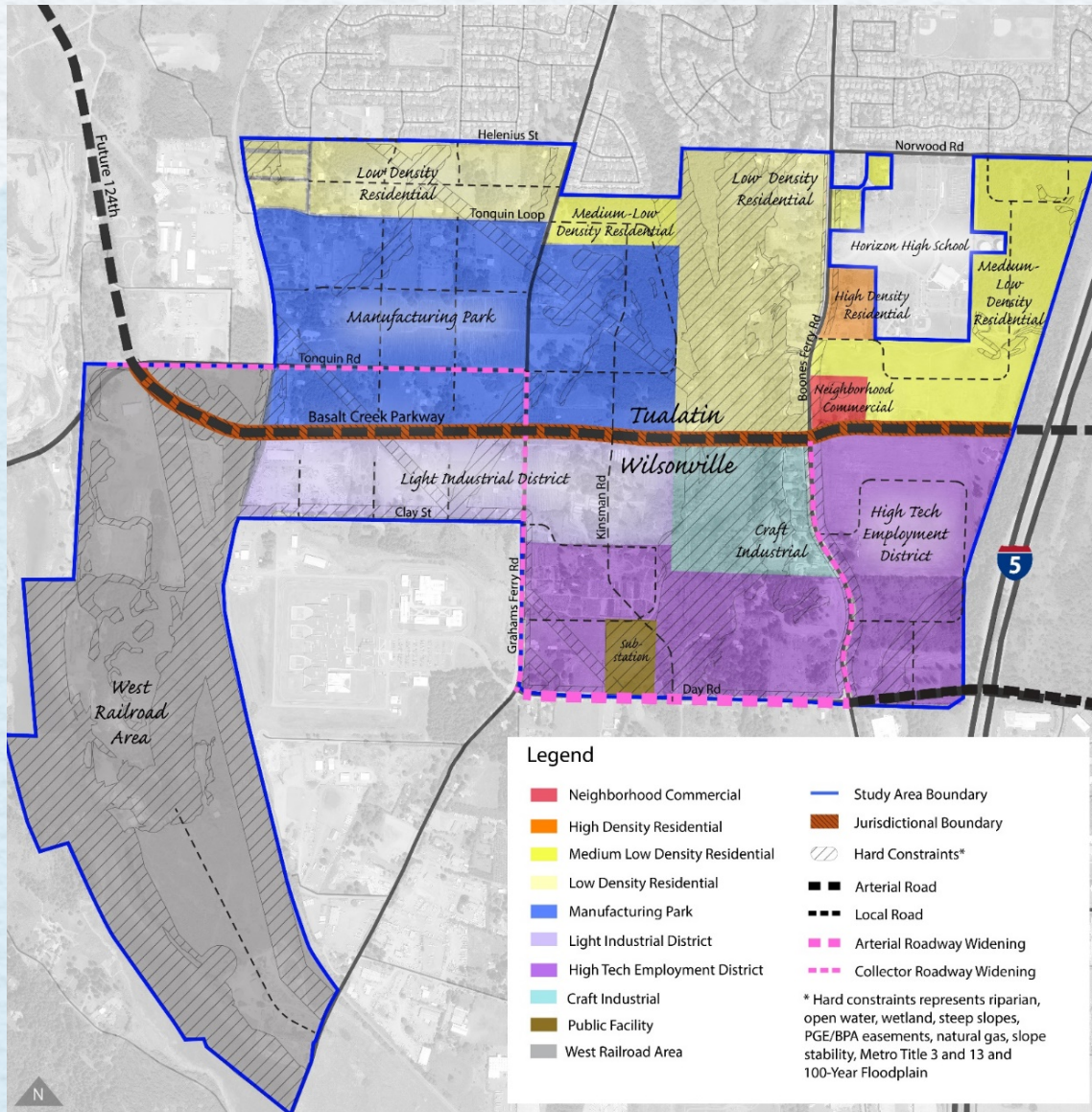


# Key Elements: Basalt Creek Concept Plan

- Jurisdictional Boundary
- Land Use and Development
- Transportation
- Transit
- Bicycle, Pedestrian and Trail Network
- Natural Resources
- Parks and Open Space
- Utilities: Water, Sewer, Stormwater
- Implementation



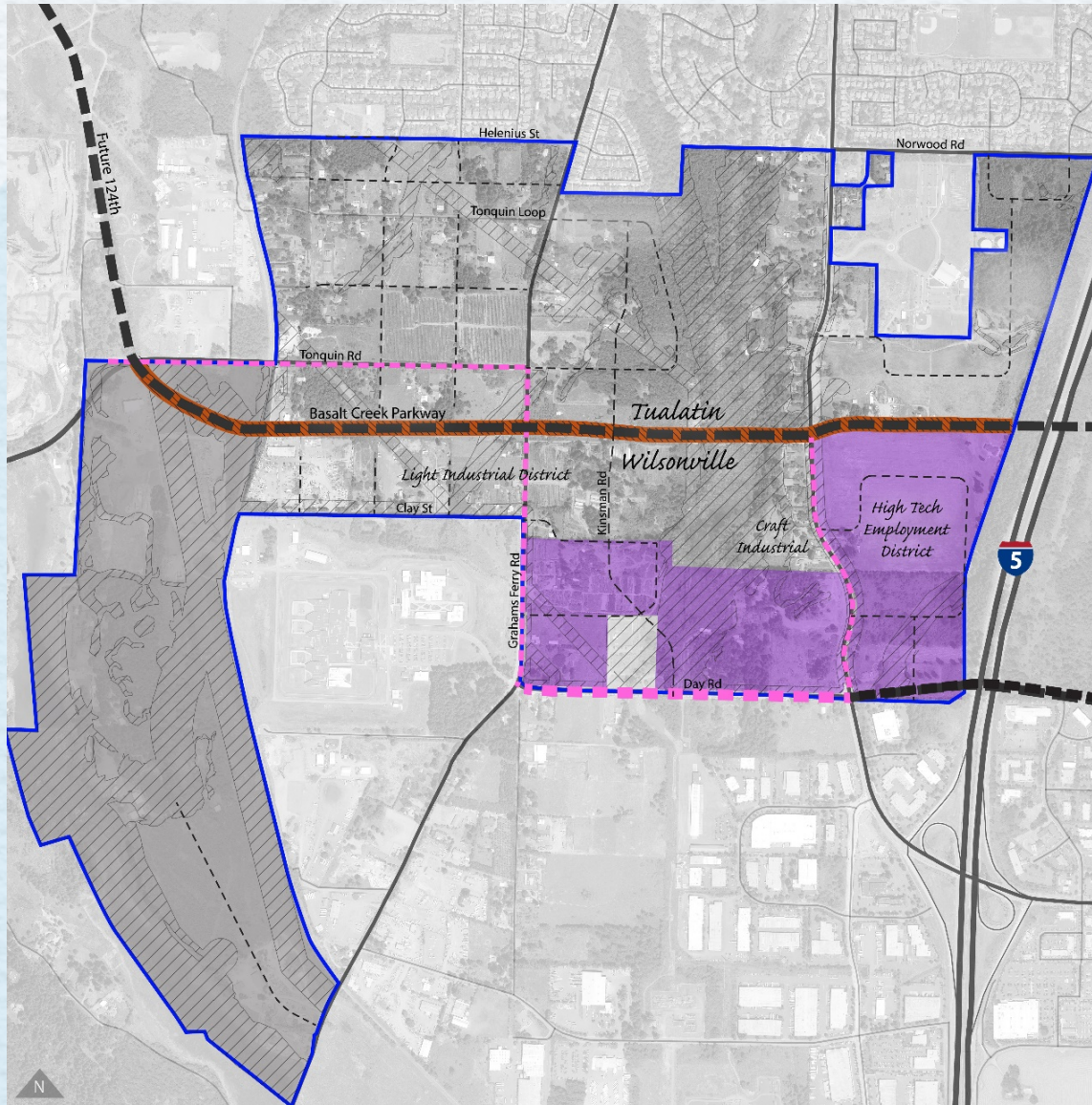
# Land Use Plan/Jurisdictional Boundary



- Mix of employment and housing
- Buffer residential areas
- Provide regional employment capacity

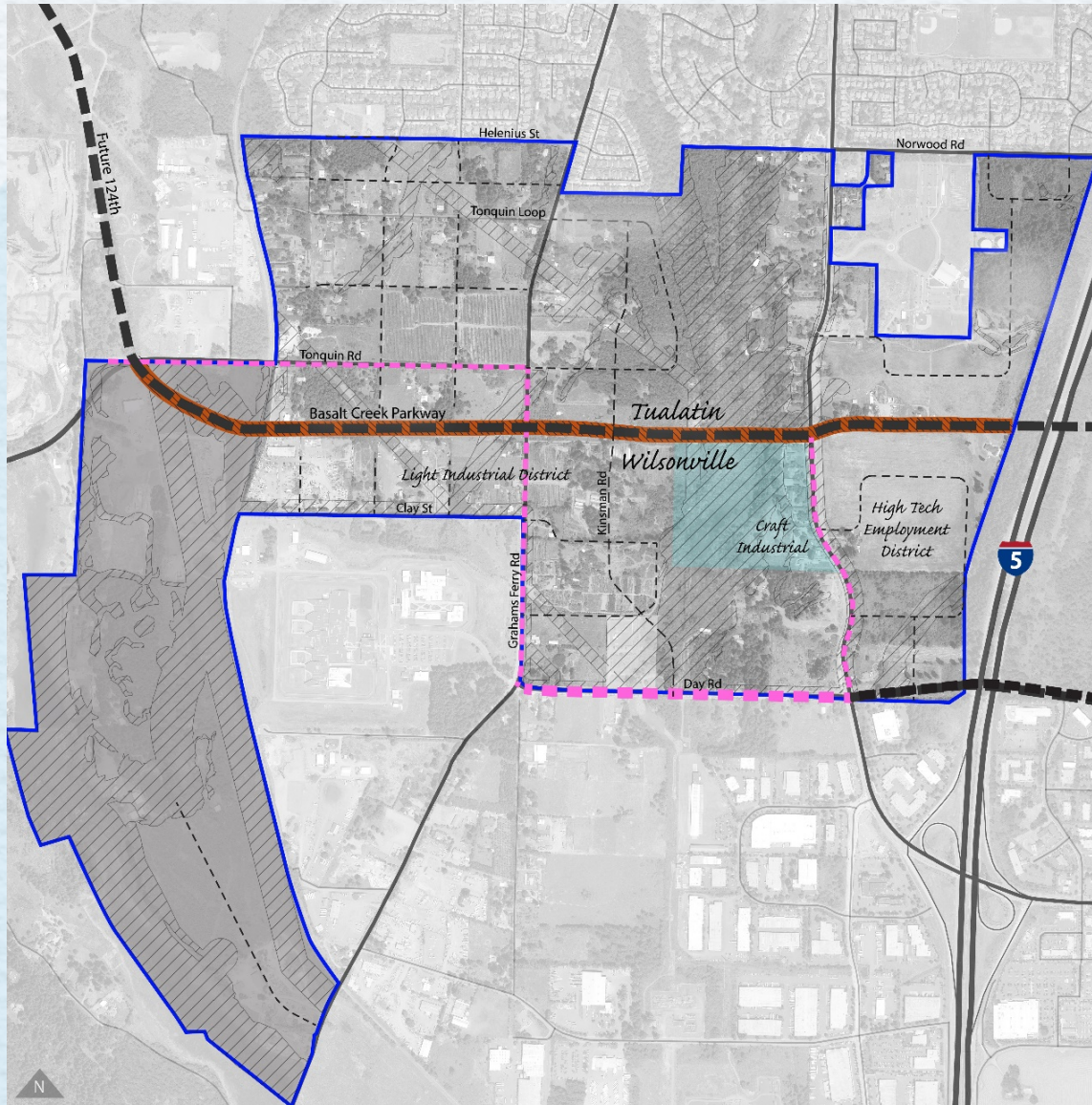


# High Tech Employment District





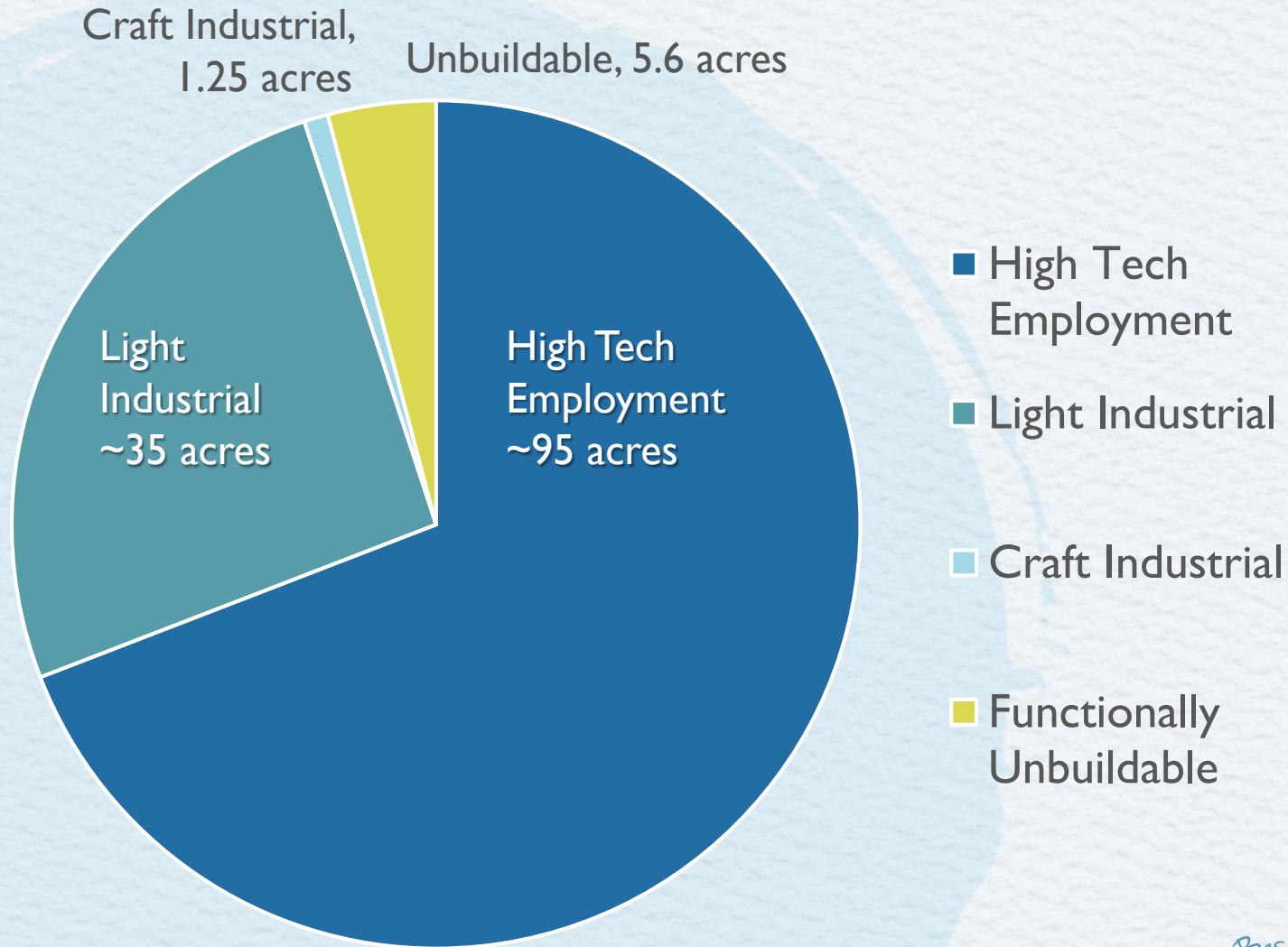
# Craft Industrial



# Snapshot: Land Use, Acreage, Trips

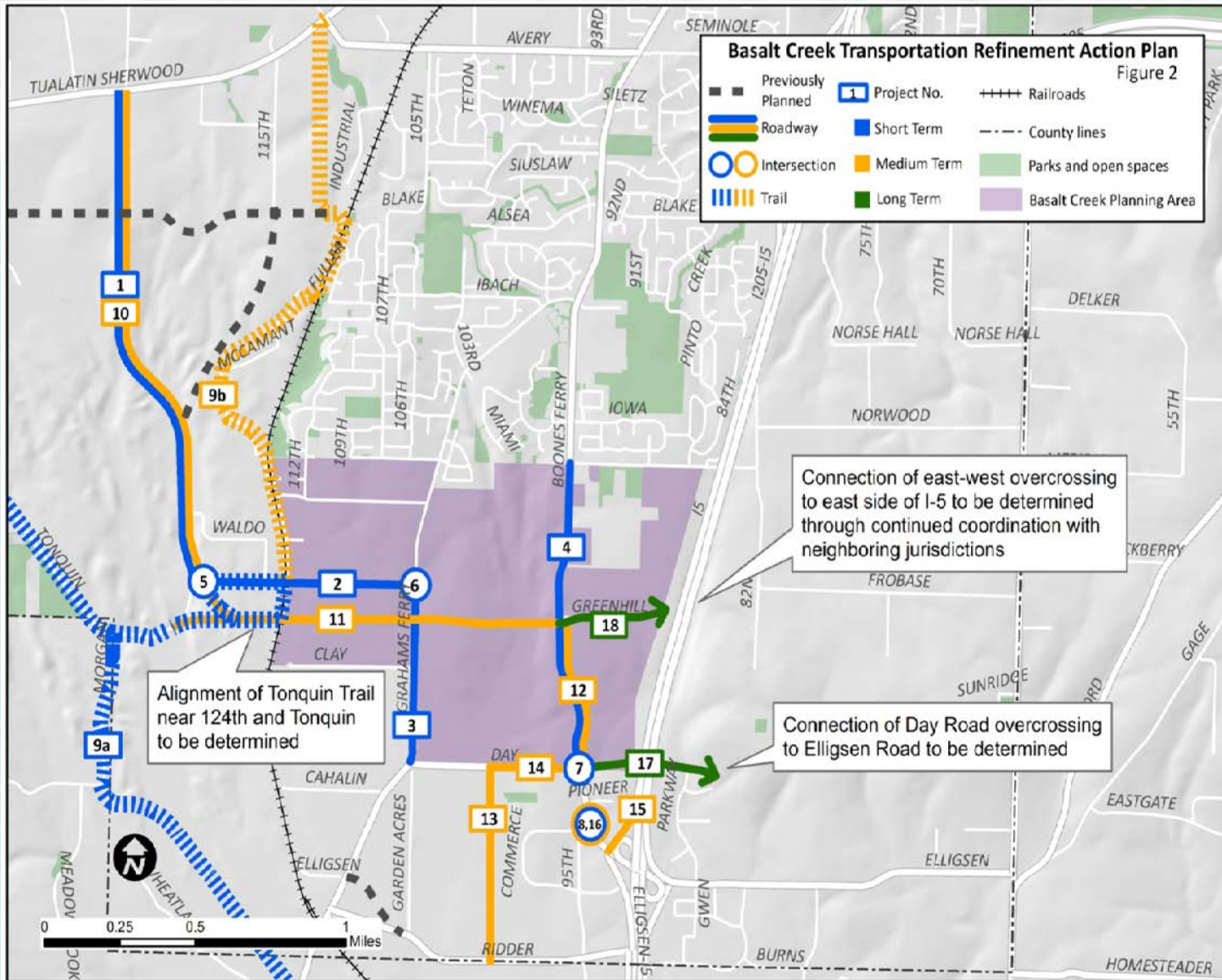
Indicator	Tualatin	Wilsonville
Employment Land Uses	96 ac (52%)	131 ac** (100%)
Residential Land Uses	88 ac (48%)	0 ac
Total Developable Acreage	184 ac*	131 ac*
Households	575	6
Jobs	1,929	2,524
Trips	1,111	951
*unconstrained developable acres ** with possibility of 6 live/work units		

# Wilsonville Land Use Mix



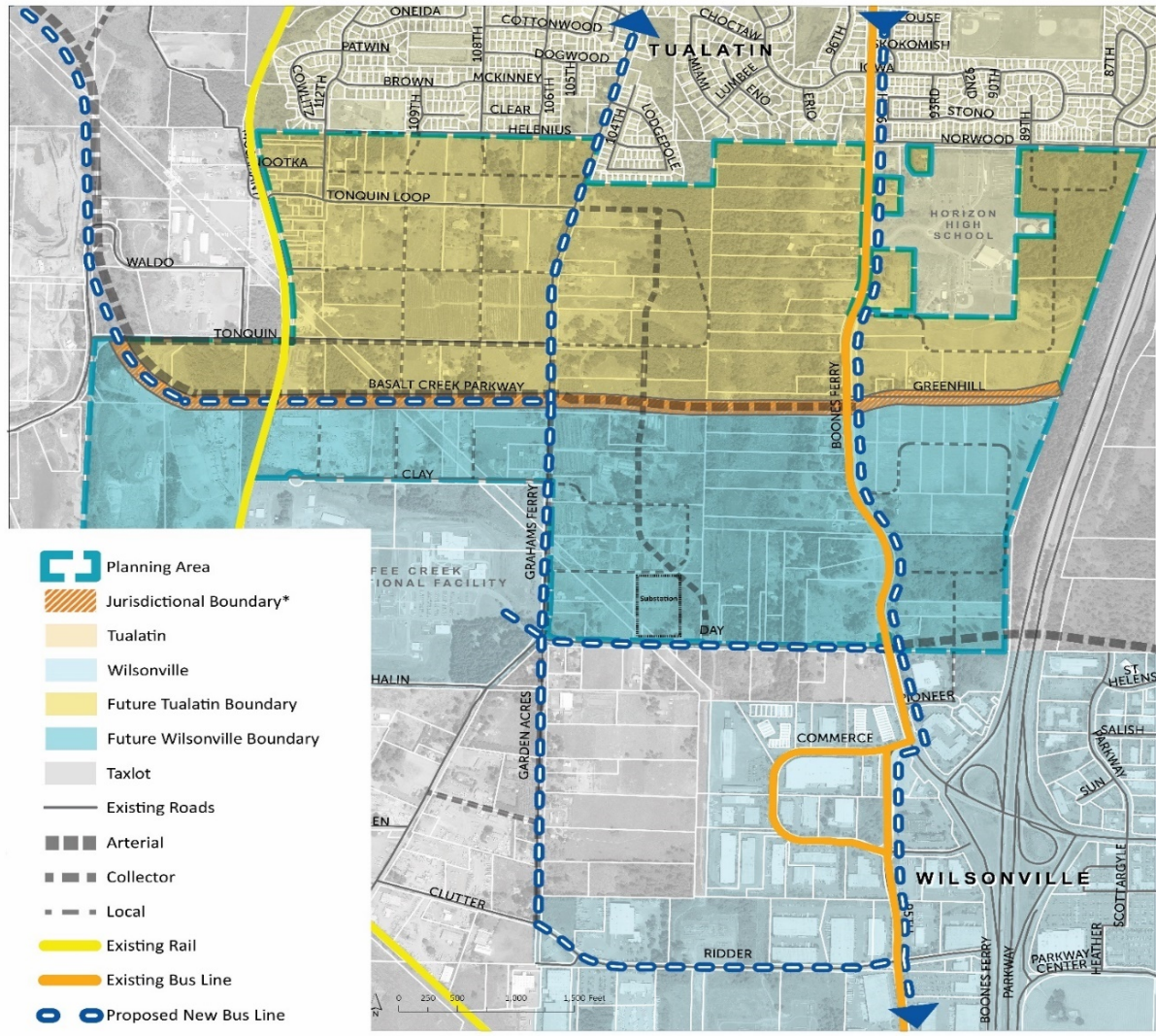
Total = 131 developable acres

# Transportation: Refinement Plan



# Future Transit Framework

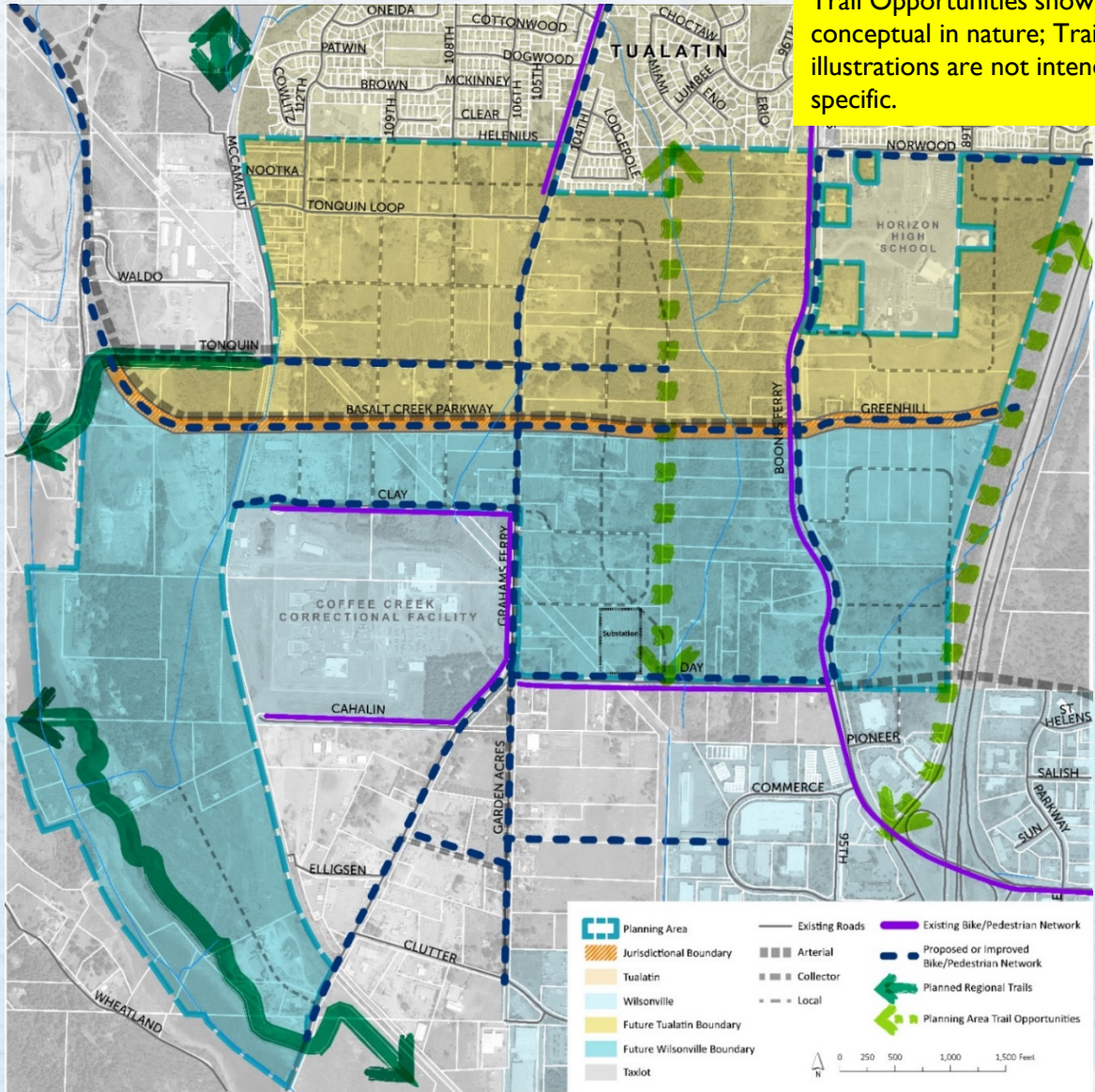
- TriMet & SMART
- Build on existing bus routes
- New north-south and east - west service
- WES opportunity



\*Subject to Considerations for Success

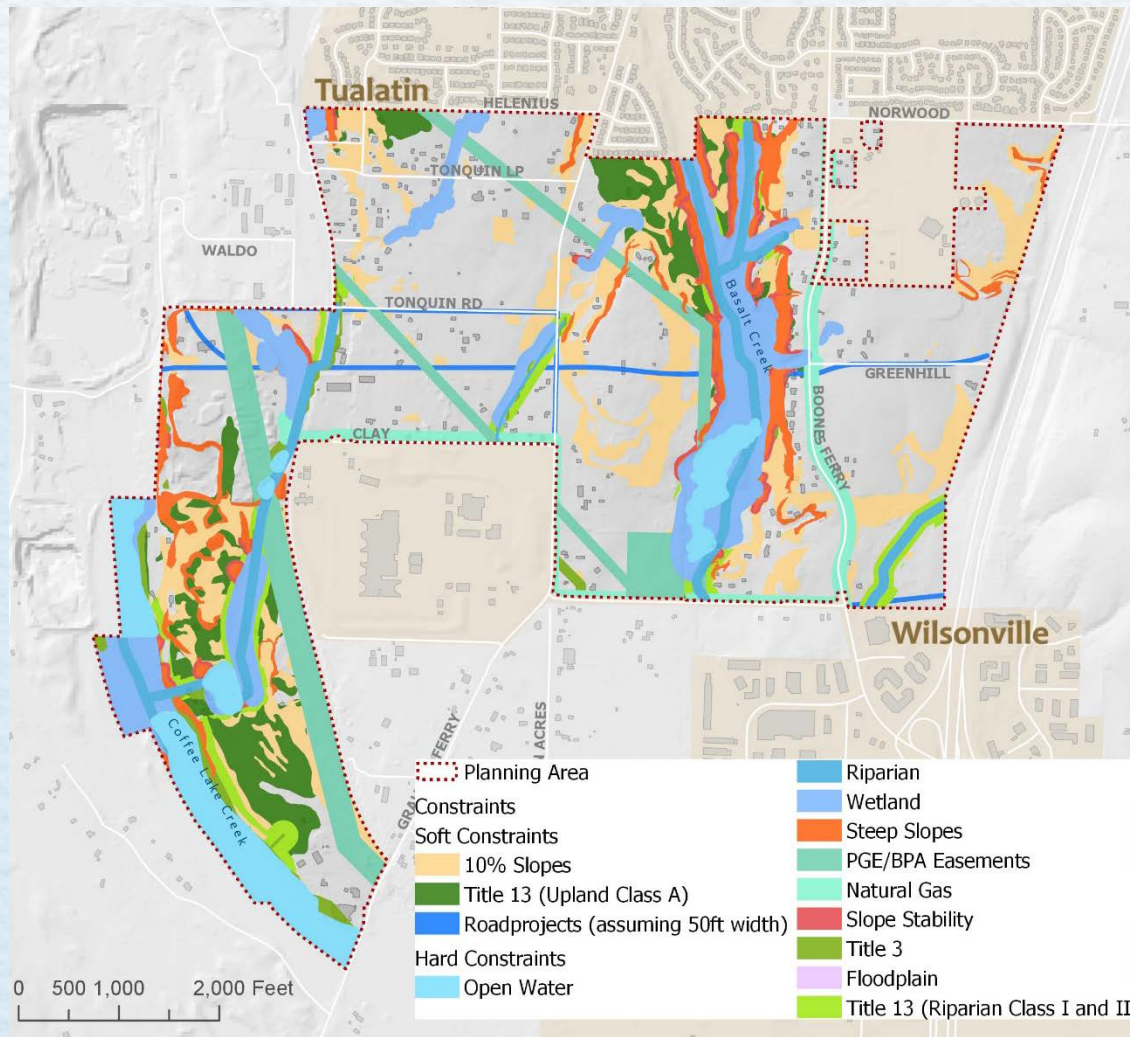
# Bikes, Trails, & Pedestrian Network

Trail Opportunities shown are conceptual in nature; Trail illustrations are not intended as site specific.



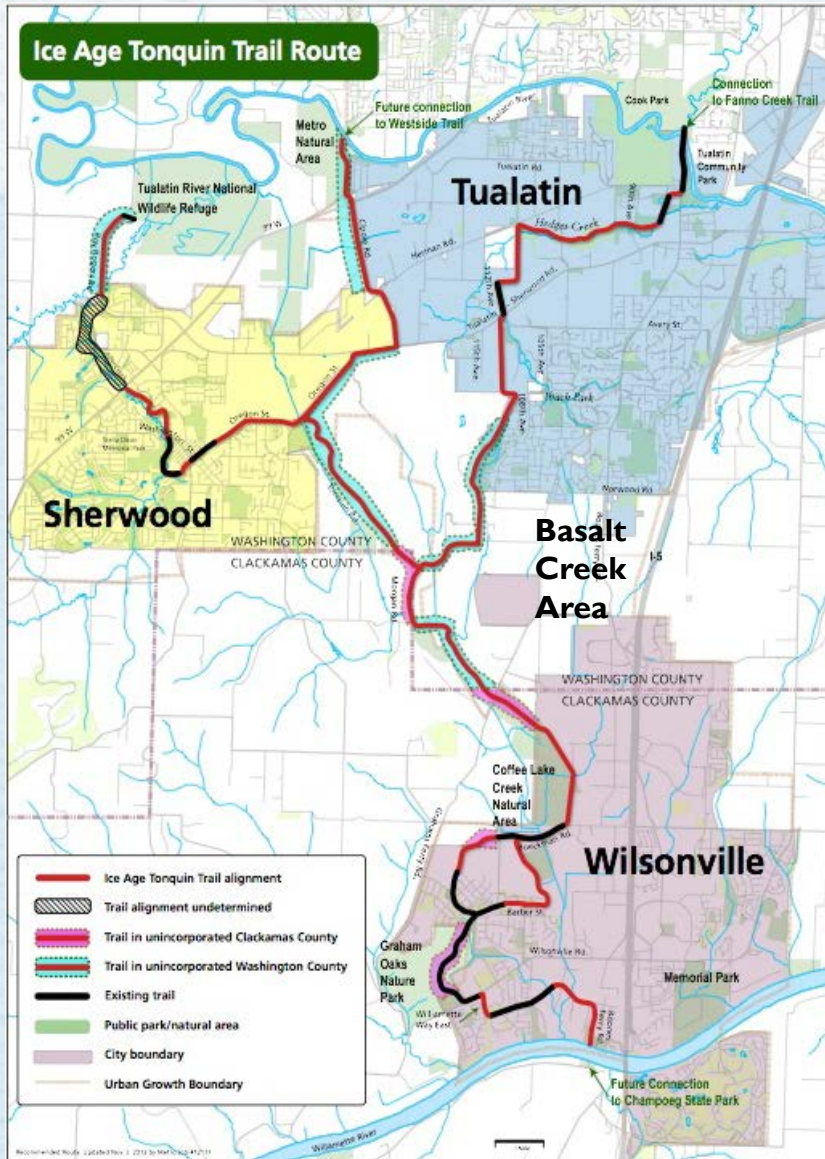


# Natural Resources Map



- Open Water
- Streams
- Wetlands
- Floodplains  
(50% reduction of developable area)
- Title 3 Water Quality & Flood Management protections
- Title 13 Nature in Neighborhoods  
(20% reduction of developable area in areas designated Riparian Habitat Classes I and II)
- Steep Slopes  
(25% slopes and greater)

# Parks, Open Spaces & Trails



- The Basalt Creek Canyon natural area spans both Cities
- Opportunities for regionally-connected trails & open space
- Cities will incorporate Basalt Creek area into their respective Parks Master Plans
- Cities will coordinate on trail planning particularly as it relates to the Basalt Creek Canyon



# Implementation Process

- Adopt Concept Plan
  - ✓ July 11, 2018 Wilsonville Planning Commission – approved Res. LP18-0005
  - ✓ July 19, 2018 Tualatin Planning Commission – informational
  - ✓ July 23, 2018 Tualatin City Council Meeting – Motion passed
  - **Aug 6, 2018 Wilsonville City Council: Adoption**
  - Aug 13, 2018 Tualatin City Council Meeting: Resolution
- Update Urban Planning Agreements (both cities, spring 2019)
- Update Comprehensive Plans (both cities by 5/2019)
- Review (update as needed) zoning/development code
- Annexation for Basalt Creek begins - at the option of property owner for both Tualatin and Wilsonville.

Questions,  
Comments,  
Discussion.



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018		<b>Subject: Ordinance No. 818</b> Code Updates Regarding Enforcement of Stormwater Regulations	
		<b>Staff Member:</b> Kerry Rappold, Natural Resources Manager; Amanda Guile-Hinman, Assistant City Attorney	
		<b>Department:</b> Natural Resources/Legal	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: Continue to August 20, 2018 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: Continue to August 20, 2018 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: September 6, 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 type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		<b>Comments:</b> Staff seek a continuance of the public hearing scheduled for August 6, 2018 to a date certain of August 20, 2018 regarding revisions to Wilsonville Code Chapter 8 – Environment.	
<b>Staff Recommendation:</b> Staff recommends the Council continue the public hearing to a date certain of August 20, 2018.			
<b>Recommended Language for Motion:</b> I move to continue the public hearing on Ordinance No. 818 to the date certain of August 20, 2018.			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:**  
**Ordinance No. 818 Staff Report**

City staff seek a continuance of the public hearing on Ordinance No. 818 regarding revisions to Wilsonville Code (WC) Chapter 8 – Environment so that Council has additional time to review the attached materials. The proposed revisions to WC Chapter 8 address issues regarding enforcement of stormwater provisions. Currently, there is no clear process for enforcing violations of stormwater regulations. 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 applicable to each, enforcement needs to be addressed in different, but complementary, manners.

The revisions also include 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. Staff added WC 8.010 under “General Provisions” to reflect that solid waste management is handled by Ordinance. Attached hereto as **Attachment A** is the Ordinance adopting revisions to Wilsonville Code Chapter 8. Attached hereto as **Attachment B** is a redline of the changes made to the current Wilsonville Code Chapter 8. Since the Stormwater regulations section was completely renumbered, the redlines appear as if the entire section (WC 8.300-8.336) is new. Attached hereto as **Attachment C** are the redlines for only the Stormwater section to show the particular changes to that section.

**EXECUTIVE SUMMARY:**

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) regulations found in WC 8.534 and enforcement of stormwater regulations in WC 8.536. 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:

<b>Current Code Section/ Ordinance</b>	<b>New Code Section (if applicable)</b>	<b>Action Taken by Staff</b>	<b>Reason for Action</b>
General Provisions – WC 8.000-8.008	Added WC 8.010	Update 8.006 (definitions); Add 8.010	Added definitions necessary for clarifying erosion prevention and sediment control and for enforcement of stormwater regulations; minor updates for consistency. Added a general provision discussing solid waste management to reflect new franchise agreement.
Water Conservation – WC 8.101-8.150	N/A	Update	Housekeeping; updates to reflect defined terms. Added language in WC 8.136 to address notifications via the internet regarding use of water during an emergency.
Public Sanitary Sewer Use – WC 8.200-8.214	N/A	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Industrial Wastewater Regulations – WC 8.300-8.320	WC 8.400-8.420	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Solid Waste Disposal – WC 8.400-8.404	WC 8.010	Update and Replace	Housekeeping; incorporated in Ordinance No. 814.

<b>Code Section/ Ordinance</b>	<b>New Code Section (if applicable)</b>	<b>Action Taken by Staff</b>	<b>Reason for Action</b>
Stormwater – WC 8.500-8.534	WC 8.300- 8.336	Update	Updated and renumbered WC 8.534 to WC 8.334 to provide clearer requirements for erosion prevention and sediment control and updated and renumbered 8.536 to 8.336 to enforce stormwater regulations.
Enforcement – WC 8.602-8.606	WC 8.502- 8.506	Update and Replace 8.400-8.404	Minor changes to reflect that the enforcement measures apply to WC 8.200-214 and 8.400-420. Moved to follow 8.400-8.420 so it follows the provisions it enforces.
Business Recycling Requirements – WC 8.700-8.750	WC 8.010	Update and Replace	Housekeeping, incorporated in Ordinance No. 814.
Industrial Pretreatment Program Enforcement Response Plan	N/A	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Ordinance 482	N/A	Repeal	Requires and regulates ESC permits, which will be incorporated into WC 8.334, so the Ordinance is no longer necessary.

The proposed update to Chapter 8 has been reorganized so that the relevant provisions that potentially apply to any resident or business in Wilsonville are first in the Chapter and the more specific Industrial Wastewater regulations are later in the Chapter since they only apply to industrial users (as defined in the Chapter and by 40 CFR 403.8 (federal regulations set by the Environmental Protection Agency)).

## **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 the current sections titled: WC 8.534 – Erosion Prevention and Sediment Control (renumbered to WC 8.334) and WC 8.536 – Stormwater – Violations (renumbered to WC 8.336). Previously, the Erosion Prevention and Sediment Control (“ESC”) provision 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 the current 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 provisions found in the current WC 8.536 (renumbered to 8.336) to enforce the stormwater regulations found in the current WC 8.500 through 8.534 (renumbered to 8300 through 8.334). 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 8.336 (renumbered from the current WC 8.536) provides a process for City staff to enforce the stormwater regulations in the renumbered WC 8.300 through 8.334 and to impose fines that are applicable to the particular violation. In other words, if a minor violation is associated with 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) The cost to the City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

The revised and renumbered 8.336 mimics other enforcement provisions found in Chapter 8, but tailors the enforcement provisions to stormwater because violations may be caused offsite from a property or by a party that is not the owner of the property.

#### **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 incorporated in certain sections coincide with the terms used under applicable state or federal laws, regulations, and permits, particularly the distinct terms required 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.

<b>Term</b>	<b>Definition</b>	<b>Basis for Definition</b>	<b>WC Section Location</b>
<b>User or Industrial User</b>	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 8.400  <u>Enforcement:</u> WC 8.500
<b>Applicant</b>	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>Public Sanitary Sewer Use:</u> WC 8.200
<b>ESC Applicant</b>	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 8.334.	<u>Stormwater:</u> WC 8.300
<b>Responsible Party</b>	The Person who causes a violation of the Stormwater regulations contained in WC 8.300 through WC 8.334 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>Stormwater:</u> WC 8.300
<b>Owner</b>	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>Stormwater:</u> WC 8.300  <u>Industrial Wastewater Regulations:</u> WC 8.400
<b>Lessee</b>	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>Stormwater:</u> WC 8.300  <u>Industrial Wastewater Regulations:</u> WC 8.400

After additional consultation with members of City Council, City staff also created **Attachment D**, which is a chart serving as an administrative guide to explain which provisions of Chapter 8 apply to whom, when such provisions would apply, and what, if any, permits may be required of a Wilsonville resident or business.

**EXPECTED RESULTS:**

Developers and other interested parties 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 August 6, 2018; however, City staff request continuing the public hearing to a date certain of August 20, 2018 so that the Council will have more time to review the changes to Chapter 8. The second reading will then occur on September 6, 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: 7/20/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: ARGH Date: 7/20/2018

**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:**

- Attachment A: Ordinance No. 818
- Attachment B: Redline of Chapter 8
- Attachment C: Redline of Stormwater regulations
- Attachment D: Chart outlining applicability of Chapter 8

**ORDINANCE NO. 818**

**AN ORDINANCE OF THE CITY OF WILSONVILLE REPEALING AND REPLACING CHAPTER 8 – ENVIRONMENT OF THE WILSONVILLE CODE 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 regulations; 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 provisions for clarification and grammar became necessary; and

WHEREAS, in undertaking a review of Chapter 8, renumbering sections of Chapter 8 to provide a more logical approach to Chapter 8 also 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 repealed and replaced with 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 6th day of August 2018, and scheduled for second reading on the 20th day of August 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 – Proposed New 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

- 8.101 Declaration of Emergency
- 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
- 8.120 Section Not Used
- 8.130 Use of Water During Emergency – Prohibited Uses of Water
- 8.132 Use of Water During Emergency – Exemptions
- 8.134 Use of Water During Emergency – Length of Restriction
- 8.136 Use of Water During Emergency – Declaration Period
- 8.140 Authority of Officer
- 8.150 Penalties

### PUBLIC SANITARY SEWER USE

- 8.200 General Provisions
- 8.202 Use of Public Sanitary Sewer Required
- 8.204 Private Sewage Disposal
- 8.205 Conflict
- 8.206 Buildings Sanitary Sewers and Connections
- 8.208 Use of Public Sanitary Sewers
- 8.210 Public Sanitary Sewers – Construction
- 8.212 Public Sanitary Sewers - Property Damage Prohibited
- 8.214 Powers and Authorities of Inspectors

### STORMWATER

- 8.300 General Provisions
- 8.302 Stormwater System Construction
- 8.304 Use of Public Stormwater System
- 8.306 Public Stormwater System – Property Damage Prohibited
- 8.308 Right of Entry
- 8.310 Discharge of Pollutants
- 8.312 Discharge in Violation of Permit
- 8.314 Waste Disposal Prohibitions
- 8.316 General Discharge Prohibitions

## **WILSONVILLE CODE**

- 8.318 Compliance with Industrial NPDES Stormwater Permits
- 8.320 Compliance with Local, State, and Federal Laws and Regulations
- 8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies
- 8.324 Accidental Spill Prevention and Control
- 8.326 Notification of Spills
- 8.328 Requirement to Eliminate Illicit Connections
- 8.330 Requirement to Remediate
- 8.332 Requirement to Monitor and Analyze
- 8.334 Erosion Prevention and Sediment Control
- 8.336 Stormwater – Violations

### INDUSTRIAL WASTEWATER REGULATIONS

- 8.400 General Provisions
- 8.401 Applicability
- 8.402 General Sanitary Sewer Use Requirements
- 8.404 Pretreatment of Wastewater
- 8.406 Industrial Wastewater Discharge Permit
- 8.408 Industrial Wastewater Discharge Permit Issuance by City
- 8.410 Reporting Requirements
- 8.412 Compliance Monitoring
- 8.414 Confidential Information
- 8.416 Publication of Users in Significant Noncompliance
- 8.418 Affirmative Defense
- 8.420 Pretreatment Charges and Fees

### ENFORCEMENT

- 8.502 Administrative Enforcement Remedies
- 8.504 Judicial Enforcement Remedies
- 8.506 Supplemental Enforcement Action

### 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

# WILSONVILLE CODE

## 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 Chapter and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Storm Water Ordinance, Industrial Wastewater Ordinance, and Environment Enforcement, etc.

#### 8.002 Administration.

Except as otherwise provided herein, the Public Works 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:

(a)	<u>BOD</u>	Biochemical Oxygen Demand
(b)	<u>BMP</u>	Best Management Practices
(c)	<u>BMR</u>	Baseline Monitoring Reports
(d)	<u>CFR</u>	Code of Federal Regulations
(e)	<u>CIU</u>	Categorical Industrial User
(f)	<u>COD</u>	Chemical Oxygen Demand
(g)	<u>DEQ</u>	Oregon Department of Environmental Quality
(h)	<u>EPA</u>	U.S. Environmental Protection Agency
(i)	<u>gpd</u>	Gallons Per Day
(j)	<u>IU</u>	Industrial User
(k)	<u>mg/l</u>	Milligrams per liter
(l)	<u>NPDES</u>	National Pollutant Discharge Elimination System
(m)	<u>NSCIU</u>	Non-Significant Categorical Industrial User
(n)	<u>O&amp;M</u>	Operation and Maintenance
(o)	<u>POTW</u>	Publicly Owned Treatment Works
(p)	<u>RCRA</u>	Resource Conservation and Recovery Act
(q)	<u>SIC</u>	Standard Industrial Classification
(r)	<u>SIU</u>	Significant Industrial User
(s)	<u>SNC</u>	Significant Non-Compliance
(t)	<u>SWDA</u>	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u> )
(u)	<u>TSS</u>	Total Suspended Solids
(v)	<u>USC</u>	United States Code



## WILSONVILLE CODE

**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 of a property and/or the Owner’s agents, contractors, or developers who applies for a City permit.

(a) ESC Applicant. The Owner of a property and/or the Owner’s agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.

(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 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.

(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 originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the City.

## WILSONVILLE CODE

(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.. 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 and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, Sediment fences, and Sediment traps and ponds. Erosion and 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 Pretreatment Standards and effluent limits.

(6) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the Discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the Building Sewer, which begins five (5) feet (1.524 meters) outside of the building exterior wall.

(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 and that receives the Sewage Discharge of the Building Drain and conveys it to a public Sanitary Sewer, private sanitary Sewer, private Sewage disposal system, or other point of disposal (aka Sanitary Sewer Lateral).

(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 and that receives the Stormwater or other approved drainage, but no Sewage Discharge from a Building Drain, and conveys it to a Public Stormwater System, private Stormwater system or other point of disposal (aka Storm Sewer Lateral).

(9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing 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.

(10) Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

## WILSONVILLE CODE

- (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.
- (12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.
- (13) City's Authorized Stormwater Representative. A Representative selected by the Community Development Director to oversee 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.
- (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.
- (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 Standards shall mean Industrial.
- (17) Composite Sample. The sample resulting from the combination of individual Wastewater samples taken at selected intervals based on either an increment of flow or time.
- (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, who receives utility services from the City such as water, Sanitary Sewer, Stormwater and streetlights.
- (21) Daily Maximum. The arithmetic average of all effluent samples for a Pollutant collected during a calendar day.
- (22) Daily Maximum Limits. The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass released or introduced over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measure of the Pollutant concentration derived from all the measurements taken that day.

## WILSONVILLE CODE

(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) Discharge. The release or the introduction of Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

(25) Environmental Protection Agency or EPA. The 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.

(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 current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all Erosion and Sediment control measures.

(29) Existing Source. Any source of Discharge that is not a "New Source."

(30) Federal. The United States government, including all related branches and authorized representatives or officials of the United States government.

(31) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and Industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and 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 and body waste.

(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.

(33) Illicit Discharge. Any Discharge to the public or natural Stormwater conveyance system that is not composed entirely of Stormwater, except Discharges governed by and in compliance with an NPDES Stormwater Permit.

(34) Indirect Discharge. The introduction of pollutants into the POTW from a non-domestic source.

## WILSONVILLE CODE

(35) Instantaneous Limit. The maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the Industrial flow rate and the duration of the sampling event.

(36) Industrial. Shall mean, in the context of 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, non-domestic.

(37) Industrial Wastewater. Any non-domestic Wastewater originating from a nonresidential source.

(38) Interference. A Discharge, which, alone or in conjunction with a Discharge or Discharges 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 Permit (including an increase in the magnitude or duration of a violation) or of the prevention of 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 other than the Owner having a legal right to possess or control the property.

(41) Local Limits. Specific Discharge limits developed and enforced by the City upon Industrial or Commercial facilities to implement the general and specific Discharge prohibitions listed in this Chapter.

(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.

(43) Monthly Average. The sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during the month.

## WILSONVILLE CODE

(44) Monthly Average Limits. The highest allowable average of “daily Discharges” over a calendar month, calculated as the sum of all “daily Discharges” measured 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.

(46) National Pretreatment Standard. National Pretreatment Standard is defined in 40 CFR 403.3(l) as any regulation containing 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.

(47) New Source.

(a) Any building, structure, facility or installation from which there is or may be a Discharge of 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 Pollutants at the Existing Source or
- 3) The production of Wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an 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 should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a 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 as defined under this paragraph has commenced if the Owner or operator has:

- 1) Begun, or caused to begin as part of a continuous on-site construction program;

## WILSONVILLE CODE

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 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.

(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.

(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).

(50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

(51) Official or Building Official. Shall be the Building Official for the City of Wilsonville.

(52) Owner. Shall mean the Person(s) who holds title to the property.

(53) Pass Through. A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or 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).

(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, or local governmental entities.

(55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(56) Pollutant. Any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or Discharged equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial wastes and certain characteristics of Wastewater (e.g. pH, temperature, TSS,

## WILSONVILLE CODE

turbidity, Color, BOD, COD, toxicity, or odor).

(57) Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration in the nature of Pollutant properties in Wastewater prior to or in lieu of introducing such 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 unless allowed by the applicable Pretreatment Standard.

(58) Pretreatment Requirement. Any substantive or procedural requirements related to the Pretreatment, other than National Pretreatment Standards, imposed on an Industrial user.

(59) Pretreatment Standard or Standard. Prohibited Discharge standards, Categorical Pretreatment Standards and Local Limits.

(60) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the Discharge of certain types or characteristics of Wastewater as established by EPA, DEQ, and/or the Public Works Director.

(61) Public Sewer. Shall mean a Sewer, either sanitary or storm, in which all the Owners of abutting property have equal rights, and which is controlled by public authority.

(62) Public Stormwater System. A 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 any devices or systems used in collection, storage, treatment, recycling and reclamation of Sewage, or Industrial wastes, and any conveyances which convey Wastewater to a Treatment Plant or other point of Discharge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(64) Public Works Director. The 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.

(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.



## WILSONVILLE CODE

(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 8.300 through WC 8.334 or who has the authority to direct and control the Person causing the violation.

(69) Sanitary Sewer. Shall mean a City Sewer which carries 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.

(71) Septic Tank Waste. Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

(73) Sewer. Shall mean a pipe or conduit for carrying Sewage in the case of Sanitary (Wastewater) Sewer lines. Shall mean a pipe or conduit for carrying Stormwater runoff, surface waters or drainage in the case of storm water lines.

(74) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

(75) Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

1) An Industrial Users subject to Categorical Pretreatment Standards or

2) Any other Industrial User that Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding Sanitary, Non-contact Cooling Water, and boiler blow-down 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 Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6).

(b) The City may determine that an Industrial User subject to the 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 more than 100 gallons per day (gpd) of total categorical Wastewater (excluding Sanitary, Non-contact Cooling Water, and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

## WILSONVILLE CODE

2) The Industrial User, prior to City’s findings, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

3) The Industrial User annually submits the certification statement required in Section 8.410(14) together with any additional information necessary to support the certification statement; and

4) The Industrial User never Discharges any untreated concentrated Wastewater.

(c) Upon finding that an Industrial 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 Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(F)(6), determine that such Industrial User is not a Significant Industrial User.

(76) Slug Load or Slug Discharge. Any Discharge at a flow rate or concentration which has the potential to cause a violation of the specific Discharge prohibitions of this article. A slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits of Permit conditions.

(77) State. State of Oregon.

(78) Storm Drain. (Sometimes termed “Storm Sewer”). Shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial wastes, other than unpolluted Cooling Waters.

(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 8.336(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.

(81) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid which is removable by laboratory filtering.

(82) Treatment Plant Effluent. Any Discharge of Pollutants from the POTW into Waters of the State.

## WILSONVILLE CODE

(83) User or Industrial User. Any Person who contributes, or causes or allows the contribution of Sewage, or Industrial Wastewater into the POTW, including 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.

(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 and/or turbidity relative to a control point immediately upstream of the 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.

(85) Wastewater. The liquid and water-carried Industrial wastes, or Sewage from Residential dwellings, Commercial buildings, Industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal Wastewater system.

(86) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial waste.

(87) Water is water from the City water supply system.

### **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;

(c) Fees for reviewing and responding to accidental Discharge procedures and construction;

## WILSONVILLE CODE

(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 separate from all other fees, system development charges, fines and penalties chargeable by the City.

(2) Non-exclusivity. Enforcement of 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 when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any non-compliant Industrial User.

# WILSONVILLE CODE

## 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 shortage in the City, the Mayor shall have the authority to declare an emergency 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 in the City Water supply system to allow irrigation and other uses of Water at all times by all parties; and the level of 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 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 using water, both in and outside the City, regardless of whether any Person using Water shall have a contract for Water services with the City.

### **8.114 Standards – Wasted Water.**

(1) Where 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.

(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 closets or urinals without self-closing valves and, when such leakage or other defects are discovered and

# WILSONVILLE CODE

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 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 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 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 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 by any Person may be limited and include prohibition of the following:

(a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.

## WILSONVILLE CODE

- (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 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 the Mayor 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 will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the Water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, the Mayor may declare the 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

## **WILSONVILLE CODE**

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 for the purpose of shutting off or reducing the flow of Water being used contrary to the provisions of Sections 8.101 to 8.150.

### **8.150 Penalties.**

A 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.



# WILSONVILLE CODE

## **PUBLIC SANITARY SEWER USE**

### **8.200 Public Sanitary Sewer Use – General Provision**

(1) Purpose. Provides for the required use of public Sanitary Sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public Sanitary Sewer facilities and for the uniform regulation of Indirect Discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic Users 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 municipal 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 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 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.

(3) The 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 of the City, is hereby required, at Owner or Lessee's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public 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 for the Residential use is within three hundred (300) feet of the property. Commercial and Industrial buildings or structures shall connect no matter what the distance is from the public Sanitary Sewer to the property to be served.

### **8.204 Private Sewage Disposal.**

(1) Where a public Sanitary Sewer is not available under the provisions of Section 8.202(3), the Building Sewer shall be connected to a private Sewage disposal system.

(2) Before commencement of construction of a private Sewage disposal system, the Owner or Lessee shall first obtain a written permit signed by the City.

## WILSONVILLE CODE

(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 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 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 disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private 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 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 runoff through the soil as an effective means of treatment of Sewage disposal, the City shall reject the septic or private Sewage disposal system, and require, at the Owner's or Lessee's expense, construction of an adequately sized Sanitary Sewer line as approved by the City to connect to an existing public Sanitary Sewer system. The Owner or Lessee shall construct the Sanitary Sewer by those requirements of the Public Works Standards of the City of Wilsonville.

(4) At such time as a public Sanitary Sewer becomes available to a property served by a private Sewage disposal system, as provided in Section 8.202(3), a direct connection shall be made to the public 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, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(3), approved pumping facilities shall be installed to pump the septic tank effluent to the available Sanitary Sewer system.

(6) The Owner or Lessee shall operate and maintain private 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.

# WILSONVILLE CODE

## **8.206 Buildings Sanitary Sewers and Connections.**

(1) No unauthorized Person shall uncover, make any connections to or opening into, use, alter or disturb any Sanitary Sewer Lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the 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.

(2) There shall be two (2) classes of plumbing permits for Sanitary Sewer Laterals that run from the property line to the structure on the property:

- (a) Residential, Single, and Multifamily; and
- (b) Commercial.

If a Person intends to connect a Sanitary Sewer Lateral to the Public Sewer, the Person must also obtain a public works permit from the City.

(3) All costs and expenses incident to the installation and connection of the Sanitary Sewer Lateral shall be borne by the Owner or Lessee. The 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 Sanitary Sewer Lateral.

(4) A separate and independent 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 is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building Sanitary Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

(5) Old 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, 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 shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the public Sanitary Sewer, sanitary Sewage carried by such Building Drain shall be lifted by an approved means and Discharged to the building Sanitary Sewer.

(8) No Person shall make connection of roof down spouts, areaway drains, or other sources of Stormwater runoff to a Building Sanitary Sewer or Sewer drain which, in turn, is

## WILSONVILLE CODE

connected directly or indirectly to the public Sanitary Sewer.

(9) The connection of the Building Sanitary Sewer into the public 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 for the building permits shall notify the Building Official when the 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 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 installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(12) The property Owner or Lessee is responsible for the maintenance, repair and replacement of the Sanitary Sewer Lateral from the building up to and including the connection to the Sanitary Sewer main. 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 shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

### **8.207 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 recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the Pretreatment system of any drainage to the 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 system before discharging into the 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 system.

### **8.208 Use of Public Sanitary Sewers.**

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Sewer or appurtenance thereof without first obtaining a written permit from the City.

## WILSONVILLE CODE

(2) When required by the City, the Owner or Lessee of any property serviced by a Building Sanitary Sewer carrying Industrial wastes or large quantities of Discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary 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 or Lessee at the Owner's or Lessee's expense, and shall be maintained by the Owner or Lessee so as to be safe and accessible at all times.

(3) 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 to the point at which the building Sanitary Sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the 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.

(4) 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 containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for 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 or Lessee, at Owner or Lessee's expense. Connection to these devices shall conform to the requirements of the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(5) Separation of Domestic and Industrial Waste Streams. All new and domestic Wastewaters from restrooms, showers, drinking fountains, etc., unless specifically included as part of a Categorical Pretreatment Standard, shall be kept separate from all Industrial Wastewaters until the Industrial Wastewaters have passed through a required Pretreatment system and the Industrial User's monitoring facility. When directed to do so by the Public Works Director, Industrial Users must separate existing domestic waste streams.

(6) Hauled Wastewater. Septic Tank Waste (septage) or hauled septage shall not be accepted into the municipal Wastewater system.

(7) Vandalism. No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or

## WILSONVILLE CODE

equipment, or other part of the municipal Wastewater system. Any Person found in violation of this requirement shall be subject to the sanctions set out in Section 8.504.

### **8.210 Public Sanitary Sewers – Construction**

(1) No Person shall construct, extend or connect to any public Sanitary Sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds 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 and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public 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 designee who shall, within twenty (20) days, approve them as filed or require them to be modified as the City Engineer or designee may deem necessary.

(3) All 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 construction, the 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 facilities to serve any parcel or tract of land shall be done by and at the expense of the Owner or Lessee. The size of all Sanitary Sewer mains and other Sewage facilities shall be as required by the City Engineer to lay Sewer pipe larger than that required for Owner or Lessee's own purposes, to accommodate other 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 Owner or Lessee's 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 or Persons constructing 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

## WILSONVILLE CODE

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, 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 system. No drainage is allowed to enter the Storm Sewer system

### **8.212 Public Sanitary Sewers – Property Damage Prohibited.**

No unauthorized 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 works which is a municipal public utility. Any Person violating this provision and as a result thereof damages any part of the 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 8.412, 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 collection and treatment system as provided for in this Chapter.

(2) While performing the necessary work on private properties referred to in Section 8.412(1) and 8.214(1) above, the Owner or 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 or Lessee. The premises shall be maintained in a safe condition and the 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 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.

# WILSONVILLE CODE

## **STORMWATER**

### **8.300 General Provisions**

(1) Purpose. Provides for the building of and connection to public Stormwater facilities and for the uniform regulation of Discharges to the 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.

### **8.302 Stormwater System Construction**

(1) No unauthorized Person shall uncover, make any connections to or opening into the Public Stormwater System, use, alter or disturb any Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the 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.

(2) All costs and expenses incidental to the installation and connection of Stormwater facilities shall be borne by the Owner or Lessee. The 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 facilities or connections to the Public Stormwater System.

(3) The size, slope, alignment, construction materials of 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 facilities to the 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 before installation.

(5) The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, 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



## WILSONVILLE CODE

replacement work for a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

(6) The Applicant shall notify the City's Authorized Stormwater Representative when the Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the 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 expense in a manner satisfactory to the City, in accordance with the City's requirements.

(7) All excavations for Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

### **8.304 Use of Public Stormwater System**

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be Discharged to 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 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.

(4) It shall be unlawful to Discharge in or into any natural outlet or 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 or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

### **8.306 Public Stormwater System – Property Damage Prohibited**

(1) No unauthorized 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. Any Person violating this provision and as a result thereof damages any part of the 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.

### **8.308 Right of Entry**

(1) Where it is necessary to perform inspections, measurements, sampling and/or

## WILSONVILLE CODE

testing, to enforce the provisions of this code, or where the 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 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 shall first make a reasonable effort to locate the Owner, Lessee, or other Person having charge or control of the premises and request entry. If entry is refused, the 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 or a Person having charge or control of the premises and upon contact by the City's Authorized Stormwater Representative the Owner or a Person having charge or control of the premises shall have a duty to notify City's Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.

(3) Not with standing, Section 8.308(1) above, the 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 Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

### **8.310 Discharge of Pollutants**

(1) The commencement, conduct, or continuance of any non-Stormwater Discharge to the Public Stormwater System is prohibited and is a violation of this Chapter, except as described below.

(2) The prohibition shall not apply to any non-Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater Permit, waiver, or Discharge order issued to the Person who Discharges and administered by the DEQ, provided that the Person who Discharges is in full compliance with all requirements of the permit, waiver, or Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any Discharge to the Municipal Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-Stormwater Discharges to the 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 from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual Residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool Discharges, street wash water, and flows from firefighting.

## WILSONVILLE CODE

(b) “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 Stormwater Permit.

(c) Discharge of flows to the public or private 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 to reduce Pollutants, or may prohibit a specific Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the Discharge is, was, or will be a significant source of pollution.

### **8.312 Discharge in Violation of Permit**

Any Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other Discharges, is a violation of this Chapter and is prohibited. Liability for any such Discharge shall be the responsibility of the Responsible Party, and such Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such Discharge.

### **8.314 Waste Disposal Prohibitions**

(1) No Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, Sediment or 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.

(2) Runoff from Commercial or Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not Discharge directly to a private or Public Stormwater System except as allowed under Section 8.310 of this code; this includes but is not limited to outdoor 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 directly or indirectly to a private or Public Stormwater System.

### **8.316 General Discharge Prohibitions**

(1) It is unlawful to Discharge or cause to be Discharged directly or indirectly into the Public Stormwater System any of the following:

(a) Any Discharge having a visible sheen, or containing floating solids or

## WILSONVILLE CODE

discoloration (including but not limited to dyes and inks);

(b) Any 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 which causes or may cause damage, Interference, or hazard to the Public Stormwater System or the City personnel; and

(d) Any Discharge containing human sanitary waste or animal feces.

### **8.318 Compliance with Industrial NPDES Stormwater Permits**

Any Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other Discharges subject to any NDPES Stormwater Permit issued by the Oregon DEQ, from which Pollutants may enter the public or private 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.

### **8.320 Compliance with Local, State, and Federal Laws and Regulations**

All users of the Public Stormwater System and any Person or entity whose actions may affect the system shall comply with all applicable local, State and 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 and Federal laws and regulations.

### **8.322 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, and Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

### **8.324 Accidental Spill Prevention and Control**

Accidental spills and releases by Persons who are not required to obtain a NPDES Stormwater Permit but who handle, store or use hazardous or toxic substances or Discharges prohibited under Section 8.312 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.

### **8.326 Notification of Spills**

## WILSONVILLE CODE

(1) As soon as any 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, or waste creating a risk of Discharge to the Public Stormwater System, such Persons shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or 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, or Federal regulations and laws. The notification requirements do not relieve the Person of necessary remediation.

### **8.328 Requirement to Eliminate Illicit Connections**

(1) The City's Authorized Stormwater Representative may require by written notice that a Responsible Party who makes an illicit connection to the Public Stormwater System complies 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 Party can demonstrate that an Illicit Discharge will no longer occur, that Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the Responsible Party's expense.

### **8.330 Requirement to Remediate**

Whenever the City finds that a Discharge of Pollutants is taking place or has taken place which will result in or has resulted in pollution of Stormwater or the Public Stormwater System, the City's Authorized Stormwater Representative may require by written notice to the Responsible Party that the pollution is remediated and the affected property restored, to the requirements of this Chapter.

### **8.332 Requirement to Monitor and Analyze**

Whenever the City's Authorized Stormwater Representative determines that any Person engaged in any activity which may cause or contribute to Stormwater pollution or Illicit Discharges to the Public Stormwater System, the City's Authorized Stormwater Representative may, by written notice, order that the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to

## WILSONVILLE CODE

demonstrate compliance with this Chapter. The written notice shall be served either 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.

### **8.334 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 and to prevent the creation, migration and/or transport of 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 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 and Sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

## WILSONVILLE CODE

(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 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

(e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and 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. 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

## WILSONVILLE CODE

performance standards for ESC and are approved by the City Manager or designee.

### **8.336 Stormwater – Violation**

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 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 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 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 be delivered to the ESC Applicant or Responsible Party and 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.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, 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 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 8.300 through and including 8.334, 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 8.300 through and including 8.334, 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 or ESC Applicant may appeal such determination pursuant to WC 8.336(12)



## WILSONVILLE CODE

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 has violated any provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or 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 exceed 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 8.336.

(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 (\$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 8.336(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 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 8.336(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

## WILSONVILLE CODE

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, and seven (7) days after the date mailed if to an address outside this 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 8.336(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 8.336, the City Manager or designee shall consider:
- (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.
- (9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(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 8.336(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.

## WILSONVILLE CODE

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. 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 8.336(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 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 8.336(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

## WILSONVILLE CODE

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 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 control measures as required by this Section 8.300 through and including 8.334 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 8.300 through and including 8.336. 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 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, 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 8.336(13), the City Manager or designee shall keep an accurate account of all expenses

## WILSONVILLE CODE

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.

# WILSONVILLE CODE

## **INDUSTRIAL WASTEWATER REGULATIONS**

### **8.400 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 into the POTW that will interfere with its operation;
- (b) To prevent the introduction of 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 and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of 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.

### **8.401 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.

### **8.402 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 or 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 Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

## WILSONVILLE CODE

(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or 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 below 5.0 or above 11.0 is a violation.
- 5) Pollutants, including oxygen- demanding Pollutants (BODs, etc.) released at a flow rate and/ or Pollutant concentration- which, either singly or by interaction with other Pollutants, to Pass Through or Interfere with the POTW, any Wastewater treatment or sludge process, or constitute a hazard to humans or animals.
- 6) Noxious or malodorous liquids, gases, or solids or other 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 for maintenance and repair.
- 7) Any substance which may cause the 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 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 which imparts 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 to the Treatment Plants effluent thereby violating the City's NPDES Waste Discharge Permit. Color (in combination with turbidity) shall not cause the Treatment Plant Effluent to reduce

## WILSONVILLE CODE

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 having a temperature greater than 150°F(55°C), or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104°F(40°C).

10) Any 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 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.

13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, Non-contact Cooling Water and unpolluted Industrial Wastewater, unless specifically authorized by the Public Works Director.

14) Sludges, screenings, or other residues from the pretreatment of Industrial wastes.

15) Medical 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 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 from dry cleaning machines.

22) Wastewater discharging from Dental facilities which contain



## WILSONVILLE CODE

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 Discharged to the POTW.

(2) National Categorical Pretreatment Standards.

(a) Users must comply with the 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 Categorical Pretreatment Standard.

(b) When Wastewater subject to a Categorical Pretreatment Standard is mixed with 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 Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in 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 Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of 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 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 8.402(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 8.402(2) in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

## WILSONVILLE CODE

(d) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily 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 to the POTW shall be met by all Users which are subject to such limitations in any instance in which they are more stringent than Federal requirements and limitations or those in this Chapter.

(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 8.402.

(b) Numerical Local Limits.

1) No nonresidential User shall Discharge Wastewater containing restricted substances into the POTW in excess of limitations specified in its 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.

(c) 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 Categorical Standards or the specific Pollutant limitations for a given Pollutant will be specified in the City-issued industrial wastewater discharge permit.

(d) Specific effluent limits shall not be developed and enforced without individual notices to Persons or groups who have requested such notice and an

# WILSONVILLE CODE

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 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.

## **8.404 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 8.402, 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. A City-issued industrial wastewater discharge

## WILSONVILLE CODE

permit may be issued solely for flow equalization.

(c) Users with the potential to 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/Slug Discharge control plan or other action to control Slug 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/Slug Discharge plan shall address, at a minimum, the following:

1) Description of Discharge practices; including non-routine batch Discharges.

2) Description of stored chemicals.

3) Procedures for immediately notifying the Public Works Director of any accidental or Slug Discharge, as required by this Chapter;

(4) Procedures to prevent adverse impact from any accidental or Slug 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, 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.

### **8.406 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 or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their Wastewater generated on site. The 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 to update this information.

(2) Wastewater Discharge Permit Requirement.

(a) SIU Wastewater Discharge Permit Required. No Significant Industrial Users shall Discharge to the POTW without first obtaining an individual City-issued

## WILSONVILLE CODE

industrial wastewater discharge permit from the Public Works Director, except that a SIU that has filed a timely application pursuant to Section 8.406(3) of the Chapter may continue to Discharge 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 Users, 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 a 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 8.502 through 8.506 of this Chapter. Obtaining a 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 Discharge permit who was discharging Wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such Discharges in the future, shall within ninety (90) days after said date, apply to the City for an industrial wastewater discharge permit in accordance with Section 8.406(5) below, and shall not cause or allow Discharges 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 Industrial waste into the POTW must obtain a City-issued industrial wastewater discharge permit prior to beginning or recommending such Discharge. An application for this City-issued industrial wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any Discharge will begin or recommence.

(5) **Industrial Wastewater Discharge Permit Application Contents.** All Users required to obtain 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 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;

(c) **Description of Operations.** A brief description of the nature, average rate

## WILSONVILLE CODE

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 the industry as a whole and any processes for which 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 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, 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 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 in the 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 8.410(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution

## WILSONVILLE CODE

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 8.410(11) of this Chapter.

(1) 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 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 8.410(14).

(7) City-Issued Industrial Wastewater Discharge Permit Decisions. The 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 Public Works Director will determine whether or not to issue an industrial wastewater discharge permit. The City may deny any application for an industrial wastewater discharge permit.

### **8.408 Industrial Wastewater Discharge Permit Issuance by the City**

(1) Permit Duration. City-issued industrial wastewater discharge permits shall be issued for a specific time period not to exceed five (5) years. A 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.

## WILSONVILLE CODE

(2) Permit Contents. City-issued industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Public Works Director to prevent Pass Through or Interference and to protect the quality of the water body receiving the Treatment Plant 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 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 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 (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 and 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; and

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) 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, time of Discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of Pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of Pollutants into the treatment works;

3) Requirements for the development and implementation of spill control plans or other special conditions including management practices



## WILSONVILLE CODE

necessary to adequately prevent accidental, unanticipated, or routine Discharges;

4) Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;

5) The unit charge or schedule of User charges and fees for the management of the 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, including those which become effective during the term of the permit; and/or

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 including the 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 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:

## WILSONVILLE CODE

(a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(b) To address signification alterations or additions to the Industrial User's operation, processes, or 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;

(d) Information indicating that the permitted 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 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/operator/Lessee.

(5) Permit Transfer.

(a) City-issued industrial wastewater discharge permits may be transferred to a new 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 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 which:

1) States that the new 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; and

3) Acknowledges full responsibility for complying with the existing permit.

## WILSONVILLE CODE

### (6) Permit Revocation.

(a) 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 prior to the changed Discharge;
- 2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.410(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 charges;
- 10) Failure to meet compliance schedules;
- 11) Failure to complete a 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 or any terms of the permit or this Chapter;
- 14) Upon cessation of operations; or
- 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 8.406 of this Chapter, a minimum of

## WILSONVILLE CODE

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.

(8) Regulation of Wastewater Received From Other Jurisdictions.

(a) The City may accept Wastewater from individual Industrial Users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a 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 treatment a list of Industrial Users within their jurisdiction, the nature and volume of the Industrial Discharges, the combined Discharge from the municipality that will be treated by the Wilsonville 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 must submit 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 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 8.402 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville Code Chapter 8 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 implementation activities, including industrial wastewater discharge permit issuance, inspection

## WILSONVILLE CODE

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 activities;

5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the POTW;

6) Requirements for monitoring the contributing municipality's 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 Discharges in the event the contributing jurisdiction is unable or unwilling to take such action.

### 8.410 Reporting Requirements

(1) Baseline Monitoring Reports.

(a) Users that become subject to new or revised 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 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 Categorical Industrial Users currently discharging to or scheduled to 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, and sources that become Categorical Industrial Users subsequent to the promulgation of an

## WILSONVILLE CODE

applicable Categorical Standard shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source shall also give estimates of its anticipated flow and quantity of Pollutants Discharged.

(c) Users described above shall submit the information set forth below:

1) All information required in Section 8.406(2) through Section 8.406(7); and

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 Pretreatment measures.

(d) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

(e) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to 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;

(f) Sampling and analysis shall be performed in accordance with Section 8.410(10);

(g) 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 Discharges to the POTW;

(h) Compliance Certification. A statement, reviewed by the User's authorized representative and certified to be a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional Pretreatment is required in order to meet Pretreatment Standards and Requirements;

(i) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest possible schedule by which the Industrial User will provide such additional Pretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.410(2) of this Chapter; and

## WILSONVILLE CODE

(j) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 8.410(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 Discharges to the POTW.

(2) **Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Section 8.410(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 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.

(e) **Reports on Compliance with Categorical Pretreatment Standard Deadline.**

1) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of 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 8.406(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.402(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable 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 8.410(14) of this Chapter. All sampling will be done in conformance with Section 8.410.

## WILSONVILLE CODE

2) 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 8.410(14).

(f) Except as specified in Section 8.410(14), 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 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.

(g) All periodic compliance reports must be signed and certified in accordance with Section 8.410(14) of this Chapter.

(h) All 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.

(i) If a User subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 8.410(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 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 to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application under Section 8.406(5), if necessary.

(b) The Public Works Director may issue an industrial wastewater discharge permit under Section 8.408(7) or modify an existing City-issued industrial wastewater discharge permit under Section 8.408(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



## WILSONVILLE CODE

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.

(b) Within five (5) days following an accidental Discharge, the User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the 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 or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of an accidental Discharge as described above. Employers shall ensure that all employees who may cause or suffer such a 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 not required to obtain 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 of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any 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 (continuous, batch, or other). If the User 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 during that

## WILSONVILLE CODE

calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 8.410(5) of this Chapter. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.410(1), 8.410(3), and 8.410(4) of this Chapter.

(b) Persons who Discharge 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 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 Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the 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

## WILSONVILLE CODE

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 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. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple 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 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 8.410(1) and 8.410(3), a minimum of four (4) 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 8.410(4), the Industrial User is required to collect the number of 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.

## WILSONVILLE CODE

(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 8.402(4). Records shall include the date, exact place, method, and time of sampling, and the name of the 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 permit applications in accordance with Section 8.406(6): Users submitting baseline monitoring reports under Section 8.410(1); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 8.410(3); Users submitting periodic compliance reports required by Section 8.410(4); and Users submitting an initial request to forego sampling of a Pollutant on the basis of Section 8.410(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 8.410(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 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

## WILSONVILLE CODE

Section 8.006 (81)(b)(1)-(3).).

2) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and

3) The facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during this reporting period.

4) The Facility never Discharged concentrated untreated Wastewater.”

### **8.412 Compliance Monitoring**

#### **(1) Right of Entry; Inspection and Sampling.**

(a) The City, an authorized representative of the 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 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 Industrial User shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(c) The City, State, and EPA shall have the right to set up or require installation of, on the 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 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 facility to be inspected and/or sampled shall be promptly removed by the

## WILSONVILLE CODE

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.

(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 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.

### **8.414 Confidential Information**

Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit applications, City-issued industrial wastewater discharge permit, 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 program, and in enforcement proceedings involving the 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.

### **8.416 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 limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a

## WILSONVILLE CODE

numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.402;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each 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 8.402 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH;

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.402 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any Discharge of a 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;

(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 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 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 program.

### 8.418 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 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.

## WILSONVILLE CODE

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with 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 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 Pretreatment Standards.

(f) Users shall control production of all Discharges to the extent necessary to maintain compliance with 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 8.402 of this chapter if it can prove it did not know or have



## WILSONVILLE CODE

reason to know that its Discharge alone or in conjunction with other Discharges, would cause Pass Through or Interference and that either:

(a) A local limit exists for each Pollutant Discharged and the User was in compliance with each limit directly prior to and during the Pass Through or Interference; or

(b) No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the City was regularly in compliance with the NPDES Waste Discharge Permit, and in the case of 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.

(b) A User may allow any bypass to occur which does not cause 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 ten (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

## WILSONVILLE CODE

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 (3)(d)(1) of this Section.

### **8.420 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;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge;

(c) Fees for reviewing monitoring reports and certification statements submitted by Users;

(d) Fees for reviewing and responding to slug color;

(e) Discharge procedures and construction;

(f) Fees for filing appeals;

(g) Fees to recover administrative and legal costs (not included in Section 8.504, Section 8.506 and 8.416) associated with the enforcement activity taken by the City to address IU noncompliance; and

## **WILSONVILLE CODE**

(h) 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.

# WILSONVILLE CODE

## **ENFORCEMENT**

### **8.502 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 8.214 and/or 8.400 through and including 8.420 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any 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 8.502(2) through Section 8.502(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, work health and safety; violation of the City's NPDES 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 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit or order issued hereunder, or any other Pretreatment Requirement, the Public Works Director or designee 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 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 8.502(4) or 8.502(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any Industrial User which causes or contributes to any violation(s) of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, City-issued industrial wastewater discharge permits or orders issued hereunder, or any other 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 show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or

## WILSONVILLE CODE

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 8.214 and/or 8.400 through and including 8.420, 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 directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, 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 to the 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 8.214 and/or 8.400 through and including 8.420, 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. 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 8.214 and/or 8.400 through and including 8.420, 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 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 service charge

## WILSONVILLE CODE

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 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 and the Industrial User's City-issued industrial wastewater discharge permit, after informal notice to the Industrial User, whenever such suspension is necessary in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of Persons. The City may also immediately suspend a User's Discharge and the Industrial User's City-issued industrial 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 activity or City-issued industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of an 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 connection to prevent or minimize damage to the POTW, its Receiving Stream, or endangerment to any individuals. The City may allow the User to recommence its 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 8.502(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 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 8.502(4) or 8.502(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to Discharge termination:

## WILSONVILLE CODE

- (a) Violation of City-issued industrial wastewater discharge permit conditions;
- (b) Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- (c) Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to Discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the Pretreatment Standards in Section 8.402 of this Chapter.

Such Users will be notified of proposed termination of its Discharge and be offered an opportunity to show cause under Section 8.502(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 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 the 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.
- 2) A factual report prepared and presented by the City.

## WILSONVILLE CODE

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.

### **8.504 Judicial Enforcement Remedies**

(1) Injunctive Relief. Whenever the City finds that a User has violated or continues to violate the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, permits or orders issued hereunder, or any other 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. 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 Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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 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 violation, corrective actions by the Industrial User, the compliance history of the 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.

(3) Criminal Prosecution.



## WILSONVILLE CODE

(a) Any User who willfully or negligently violates any provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, any orders or permits issue hereunder, or any other 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 8.214 and/or 8.400 through and including 8.420, 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 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 Chapter are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of 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.

### **8.506 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 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial 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 User which has failed to comply with the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater

## WILSONVILLE CODE

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.

(3) 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 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or order issued hereunder.

(4) Water Supply Severance. Whenever a User has violated or continues to violate provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, orders, or permits issued hereunder, Water services to the Industrial User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(5) 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(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.

(6) 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, 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).

(7) Contractor Listing. Users which have not achieved consistent compliance with applicable Pretreatment Standards and 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 found to be in significant violation with Pretreatment Standards may be terminated at the discretion of the City.

**WILSONVILLE CODE**

**CITY OF WILSONVILLE, OREGON**

**Industrial Pretreatment Program  
Enforcement Response Plan**

**Table of Contents**

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

# WILSONVILLE CODE

## **SECTION I. INTRODUCTION**

The General Pretreatment Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved 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.

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 soon as a compliance deadline is missed or noncompliance is detected. The City is not

# WILSONVILLE CODE

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 contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation; and
- 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. The 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 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 five (5) business days after discovery of the violation.

The NOV may be issued by the Pretreatment Coordinator.

The NOV will require the IU to submit a written explanation of the violation and a plan for its satisfactory correction within ten (10) days of receipt of the NOV. If the User does not return to

# WILSONVILLE CODE

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 in significant noncompliance (SNC) to cease illegal or unauthorized Discharges immediately or to terminate its Discharge altogether. A Cease and Desist Order should be used in situations where the Discharge could cause Interference of a 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 ninety (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 is not

## WILSONVILLE CODE

contributing to Pass Through or Interference of the POTW. The City may establish interim permit limits or special 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 is having on the POTW (Pass Through or 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 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 its noncompliance, and who caused why more severe enforcement actions against the User should not go forward. The order to show cause is typically issued after information contacts, NOVs, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Cause 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 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 violations (WC, Section 8.418) 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 8.502(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 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

## WILSONVILLE CODE

assistance, engineering design, additional or replacement Pretreatment equipment, development of 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 and 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 City-issued industrial wastewater discharge permit, without informal notice or previous enforcement action, in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of Persons, or an endangerment to the environment. Any Industrial User notified of an emergency suspension must immediately stop or eliminate its Discharge to the POTW. In the event of the Industrial User's failure to immediately comply voluntarily with the suspension order, the City may sever Sewer connection prior to the date of any show cause or termination hearing. The 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 to the POTW can be restored.

### 7. Termination of Permit

Termination of service is the revocation of an Industrial User's privilege to Discharge Industrial Wastewater into the City's Sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of a suspension



## **WILSONVILLE CODE**

order which compels the User to terminate its 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 who violates the Wilsonville Code Chapter 8, City-issued industrial wastewater discharge permit, or compliance orders is subject to termination of the City-issued industrial wastewater discharge permit as an enforcement remedy. Non-compliant 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 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 operations have occurred without authorization resulting in new Pollutant contributions or volume of 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 compliance can be assured, the City may terminate the IU's permitted right to 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. Injunctive relief is carried out by the City Attorney in conjunction with the City Manager, Public Works Director and the Mayor.

#### **2. Civil Penalties**

Civil litigation is the formal process of filing lawsuits against 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 is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or

# WILSONVILLE CODE

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 Wilsonville Code Chapter 8 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

The remedies provided for in the Chapter are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of 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

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.

<b>Class of Violation</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

# WILSONVILLE CODE

## B. Class of Violations

### Class I:

- \* Un-permitted Discharge or failure to halt Discharge which cause harm to the POTW and/or the environment.
- \* Failure to comply with notification requirements of a spill or 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.

### Class II:

- \*\* Operation of a Pretreatment facility without first obtaining a 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 City-issued industrial wastewater discharge permit limits or Federal Standard.

### Class III

- \*\*\* Un-permitted Discharge which causes no harm to POTW.
- \*\*\* Failure to operate and maintain a Pretreatment facility.
- \*\*\* Monitoring, record keeping, and reporting violations.
- \*\*\* First-time violation of a local permit limit or Federal Standard regulating the Discharge of 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, 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 thirty (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, other than pH.
- Third Notice of Violations of a City-issued industrial wastewater discharge permit

# WILSONVILLE CODE

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, other than pH.
- Second Notice of Violation for the same 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 thirty (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:

$$\mathbf{BP + [(0.1 \times BP) (P+H+O+R+C)] + EB}$$

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:

## WILSONVILLE CODE

- (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.
- (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

# WILSONVILLE CODE

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.

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 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;

# WILSONVILLE CODE

- (ii) The 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 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 by the compliance deadline date;
5. Industry failure to comply with 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 or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same 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 measurements taken for each 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 except pH);
3. Any other violation of a Pretreatment Standard or Requirement (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 (including endangering the health of City personnel of the general public);
4. Any Discharge of Pollutant that has caused imminent endangerment to the public

## WILSONVILLE CODE

or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a 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 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 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;
- Compliance history of the Industrial User; and
- Good faith of the 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 to escalated enforcement actions. For example, an effluent violation



## WILSONVILLE CODE

which occurs in two out of three samples over a six-month period or a report which is more than forty-five (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 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 program is to prevent Pollutants from "passing through" the POTW and entering the 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 a Pollutant into the Sewer system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES 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 of any NPDES fines and penalties paid by the City to any party whether governmental or otherwise. If a 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 upsets the 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.

## **WILSONVILLE CODE**

### **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 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 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 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 or to any additional 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 violations are usually detected by the following six ways:

- (1) An Industrial User reports a violation.

## WILSONVILLE CODE

- (2) The City's collection system monitoring and field surveillance detects a possible violation.
- (3) The 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 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 IUU 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 8.502(2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8.502(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 8.502(5))	Public Works Director
2. Cease and Desist Order (WC, Section 8.502(6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8.502(8))	Public Works Director City Attorney

# WILSONVILLE CODE

- |  |  |
|--|--|
| 4. Termination of Permit<br>(WC, Section 8.502(9)) | Public Works Director<br>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 program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable Pretreatment Standards and 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 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.
    - 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 regulations. Level III enforcement may also be used for willful Discharge of Wastewater in amounts which cause Pass Through or 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.

<b><u>Response</u></b>	<b><u>City Personnel</u></b>
1. Injunctive Relief (WC, Section 8.504(1))	City Attorney City Council
2. Civil Penalties (WC, Section 8.504(2))	City Attorney City Council
3. Criminal Prosecution (WC, Section 8.504(3))	City Attorney City Council

## WILSONVILLE CODE

4. Supplemental Enforcement  
(WC, Section 8.506)

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 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 (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 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 for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all 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 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 five (5) days of receipt of reports.
  
2. Violations classified by the Pretreatment Coordinator as SNC will be followed with an enforceable Level II order to be issued by the Public Works Director within three (3) days of

## **WILSONVILLE CODE**

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 sixty (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 Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the Treatment Plant. The Supervisor is also responsible for compliance with the NPDES Waste Discharge Permit for Wastewater Discharge. The Supervisor has the authority to recommend to discontinue Sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of 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 program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the Person typically working with 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 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)**

The Public Works Director is the 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 Permit compliance and the 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**

# WILSONVILLE CODE

The City Attorney will be responsible for advising staff and City Council on 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 in this Chapter.

## **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 and City-issued industrial wastewater 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

## **WILSONVILLE CODE**

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.
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 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 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. Specify correction action or other responses required of the 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 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 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

## WILSONVILLE CODE

	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)**

<b>Noncompliance</b>	<b>Nature Of Violation</b>	<b>Violation Level</b>	<b>Enforcement Responses</b>	<b>Staff</b>
<b>II. Discharge Limit Violation (continued)</b>				
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, 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
<b>III Monitoring and Reporting Violations</b>				
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

## WILSONVILLE CODE

	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)**

<b>Noncompliance</b>	<b>Nature Of Violation</b>	<b>Violation Level</b>	<b>Enforcement Responses</b>	<b>Staff</b>
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 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

# WILSONVILLE CODE

## **SUMMARY OF TIME FRAMES FOR RESPONSES**

1. Compliance Reports – reviewed within five (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 five (5) days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within thirty (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 sixty (60) days.
6. Recurring Violations – follow-up enforcement within sixty (60) days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the 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**

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

- 8.101 Declaration of Emergency
- 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
- 8.120 Section Not Used
- 8.130 Use of Water During Emergency – Prohibited Uses of Water
- 8.132 Use of Water During Emergency – Exemptions
- 8.134 Use of Water During Emergency – Length of Restriction
- 8.136 Use of Water During Emergency – Declaration Period
- 8.140 Authority of Officer
- 8.150 Penalties

PUBLIC SANITARY SEWER USE

- 8.200 General Provisions
- 8.202 Use of Public Sanitary Sewer Required
- 8.204 Private Sewage Disposal
- 8.205 Conflict
- 8.206 Buildings Sanitary Sewers and Connections
- 8.208 Use of Public Sanitary Sewers
- 8.210 Public Sanitary Sewers – Construction
- 8.212 Public Sanitary Sewers - Property Damage Prohibited
- 8.214 Powers and Authorities of Inspectors

~~INDUSTRIAL WASTEWATER REGULATIONS~~

STORMWATER

- 8.300\_ General Provisions
- ~~8.301~~ ~~Applicability~~
- 8.302 ~~General Sanitary Sewer Use Requirements~~
- ~~8.304~~ ~~Pretreatment of Wastewater~~
- ~~8.306~~ ~~Wastewater Discharge Permit~~
- ~~8.308~~ ~~Wastewater Permit Issuance~~
- ~~8.310~~ ~~Reporting Requirements~~
- ~~8.312~~ ~~Compliance Monitoring~~



# WILSONVILLE CODE

- ~~8.314~~ — ~~Confidential Information~~
- ~~8.316~~ — ~~Publication of Users in Significant Noncompliance~~
- ~~8.318~~ — ~~Affirmative Defense~~
- ~~8.320~~ — ~~Pretreatment Charges and Fees~~

## SOLID WASTE DISPOSAL

- ~~8.400~~ — ~~Garbage — General Regulations~~
- ~~8.402~~ — ~~Contract Garbage Hauler~~
- ~~8.404~~ — ~~Violation~~

## STORMWATER

- ~~8.500~~ — ~~General Provisions~~
- ~~8.502~~ — ~~Stormwater System Construction~~
- ~~8.504~~~~304~~ Use of Public Stormwater System
- ~~8.506~~~~306~~ Public Stormwater System – Property Damage Prohibited
- ~~8.508~~~~308~~ Right of Entry
- ~~8.510~~~~310~~ Discharge of Pollutants
- ~~8.512~~~~312~~ Discharge in Violation of Permit
- ~~8.514~~~~314~~ Waste Disposal Prohibitions
- ~~8.516~~~~316~~ General Discharge Prohibitions
- ~~8.518~~~~318~~ Compliance with Industrial NPDES Stormwater Permits
- ~~8.520~~~~320~~ Compliance with Local, State, and Federal Laws and Regulations
- ~~8.522~~~~322~~ Conflicts with Existing and Future Regulatory Requirements of Other Agencies
- ~~8.524~~~~324~~ Accidental Spill Prevention and Control
- ~~8.526~~~~326~~ Notification of Spills
- ~~8.528~~~~328~~ Requirement to Eliminate Illicit Connections
- ~~8.530~~~~330~~ Requirement to Remediate
- ~~8.532~~~~332~~ Requirement to Monitor and Analyze
- ~~8.534~~~~334~~ Erosion Prevention and Sediment Control
- ~~8.336~~ — Stormwater – Violations

## INDUSTRIAL WASTEWATER REGULATIONS

- ~~8.400~~ — ~~General Provisions~~
- ~~8.401~~ — ~~Applicability~~
- ~~8.402~~ — ~~General Sanitary Sewer Use Requirements~~
- ~~8.404~~ — ~~Pretreatment of Wastewater~~
- ~~8.406~~ — ~~Industrial Wastewater Discharge Permit~~
- ~~8.408~~ — ~~Industrial Wastewater Discharge Permit Issuance by City~~
- ~~8.410~~ — ~~Reporting Requirements~~
- ~~8.412~~ — ~~Compliance Monitoring~~
- ~~8.414~~ — ~~Confidential Information~~
- ~~8.416~~ — ~~Publication of Users in Significant Noncompliance~~
- ~~8.418~~ — ~~Affirmative Defense~~
- ~~8.420~~ — ~~Pretreatment Charges and Fees~~

# WILSONVILLE CODE

## ENFORCEMENT

- 8.~~602~~502 Administrative Enforcement Remedies
- 8.~~604~~504 Judicial Enforcement Remedies
- 8.~~606~~506 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 ——— Violations

# WILSONVILLE CODE

## 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

# WILSONVILLE CODE

## 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~~ Chapter 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~~ Industrial Wastewater 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:

<del>(1)</del> <u>(a)</u> BOD	Biochemical Oxygen Demand
<del>(1)</del> <u>(b)</u> BMP	Best Management Practices
<del>(2)</del> <u>(c)</u> BMR	Baseline Monitoring Reports
<del>(3)</del> <u>(d)</u> CFR	Code of Federal Regulations
<del>(4)</del> <u>(e)</u> CIU	Categorical Industrial User
<del>(5)</del> <u>(f)</u> COD	Chemical Oxygen Demand
<del>(6)</del> <u>(g)</u> DEQ	Oregon Department of Environmental Quality
<del>(7)</del> <u>(h)</u> <del>US</del> -EPA	U.S. Environmental Protection Agency
<del>(8)</del> <u>(i)</u> gpd	Gallons Per Day
<del>(9)</del> <u>(j)</u> IU	Industrial User
<del>(10)</del> <u>(k)</u> mg/l	Milligrams per liter
<del>(11)</del> <u>(l)</u> NPDES	National Pollutant Discharge Elimination System
<del>(12)</del> <u>(m)</u> NSCIU	Non-Significant Categorical Industrial User
<del>(13)</del> <u>(n)</u> O&M	Operation and Maintenance
<del>(14)</del> <u>(o)</u> POTW	Publicly Owned Treatment Works
<del>(15)</del> <u>(p)</u> RCRA	Resource Conservation and Recovery Act
<del>(16)</del> <u>(q)</u> SIC	Standard Industrial Classification
<del>(17)</del> <u>(r)</u> SIU	Significant Industrial User
<del>(18)</del> <u>(s)</u> SNC	Significant Non-Compliance
<del>(19)</del> <u>(t)</u> SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
<del>(20)</del> <u>(u)</u> TSS	Total Suspended Solids
<del>(21)</del> <u>(v)</u> USC	United States Code

# WILSONVILLE CODE

**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) Approval Authority. The Oregon Department of Environmental Quality (DEQ).~~

~~(2) Applicant. The Owner of a property and/or the Owner’s agents, contractors, or developers who applies for a City permit.~~

~~(a) ESC Applicant. The Owner of a property and/or the Owner’s agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.~~

(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.

(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

## WILSONVILLE CODE

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 Erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, Sediment fences, and Sediment traps and ponds. Erosion and Sediment control BMPs are synonymous with stabilization and structural BMPs.

~~(5)~~(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.

(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.

(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).

(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).

(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.

## WILSONVILLE CODE

(10) Categorical Industrial User. An Industrial User subject to a ~~eategorical~~Categorical Pretreatment Standard or ~~eategorical~~Categorical Standard.

(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.

(12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

(13) ~~City~~City's 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.~~

~~(14)~~(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.

~~(15)~~ ~~Combined Sewer. Shall mean a sewer receiving both surface runoff and sewage.~~

(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~~Chapter's pretreatment standardsPretreatment Standards shall mean ~~industrial~~Industrial.

(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.

~~(18)~~ ~~Contractor. Shall mean a person or persons, corporation, partnership or other entity who is a party to an agreement with the City.~~

~~(19)~~(18) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

~~(20)~~(19) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

~~(21)~~(20) Customer. Shall mean any individual, firm, company, association, society, corporation, group or ~~owner~~Owner, who receives utility services from the City such as

## WILSONVILLE CODE

water, ~~sanitary sewer, stormwater~~Sanitary Sewer, Stormwater and streetlights.

~~(22)~~(21) Daily Maximum. The arithmetic average of all effluent samples for a ~~pollutant~~Pollutant collected during a calendar day.

~~(23)~~(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.

~~(24)~~(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.

~~(25)~~ ~~Director~~. ~~The City of Wilsonville Public Works Director for the City of Wilsonville or designated representative of the Director.~~

~~(26)~~(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.

~~(27)~~(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.

(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~~ 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 and Sediment control measures.

~~(28)~~(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.



## WILSONVILLE CODE

~~(29)~~(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.

~~(30)~~(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.

~~(31) — Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.~~

~~(32)~~(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.

~~(33)~~(34) Indirect Discharge ~~or Discharge~~. The introduction of pollutants into the POTW from a non-domestic source.

~~(34)~~(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.

~~(35)~~(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~~City's zoning and building code provisions. It shall otherwise mean in the context of this Chapter for ~~pretreatment standards~~Pretreatment Standards, non-domestic.

~~(36) — Industrial User. A source of indirect discharge.~~

(37) Industrial Wastewater. Any non-domestic ~~wastewater~~Wastewater originating from a nonresidential source.

(38) Interference. A ~~discharge~~Discharge, which, alone or in conjunction with a ~~discharge~~Discharge or ~~discharges~~Discharges 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 ~~permit~~Waste Discharge Permit (including an increase in the magnitude or duration of a violation) or of

## WILSONVILLE CODE

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 other than the Owner having a legal right to possess or control the property.

~~(39)~~(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.

~~(40) — 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.~~

~~(41) — 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.~~

(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.

(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.

(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.

(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.

~~(45)~~(46) National Pretreatment Standard. National ~~pretreatment~~

## WILSONVILLE CODE

~~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.

~~(46) 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.~~

(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:

- 1) Begun, or caused to begin as part of a continuous on-site construction program;

## WILSONVILLE CODE

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.

(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.

(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).

(50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

(51) ~~Official~~or Building Official. Shall be the Building Official for the City of Wilsonville.

(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~~.

(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).

(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.

(55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(56) Pollutant. Any dredged spoil, solid waste, incinerator residue, ~~sewage, garbage,~~Sewage, Garbage, Sewage sludge, munitions, ~~medical wastes~~Medical Wastes, chemical

## WILSONVILLE CODE

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).

(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.

(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.

(59) Pretreatment Standard or Standard. Prohibited ~~discharge~~Discharge standards, ~~categorical~~Categorical Pretreatment ~~standards~~Standards and Local Limits.

(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.

~~(61) 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.~~

~~(62)~~(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.

~~(63)~~(62) Public Stormwater System. A ~~stormwater~~Stormwater system owned or operated by the City of Wilsonville.

~~(64)~~(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. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

~~(65)~~(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.

# WILSONVILLE CODE

~~(66)(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.

~~(67)~~ Residential Users. Persons only contributing sewage wastewater to the municipal wastewater system.

~~(68)~~ (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 8.300 through WC 8.334 or who has the authority to direct and control the Person causing the violation.

(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.

~~(70)~~ (71) Septic Tank Waste. Any ~~sewage~~Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~(71)~~ (72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

~~(72)~~ (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 conduit for carrying ~~stormwater~~Stormwater runoff, surface waters or drainage in the case of storm water lines.

~~(73)~~ (74) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

~~(74)~~ (75) Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant

# WILSONVILLE CODE

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 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 ~~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)~~ ~~(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.

~~2)~~ ~~1)~~ The Industrial User, prior to City's findings, has consistently complied with all applicable ~~eategorical~~Categorical Pretreatment Standards and Requirements;

~~3)~~ ~~2)~~ The Industrial User annually submits the certification statement required in Section 8.~~310~~410(14) together with any additional information necessary to support the certification statement; and

~~4)~~ ~~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 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 40 CFR 403.8(F)(6), determine that such ~~industrial user~~Industrial User is not a ~~significant industrial user~~Significant Industrial User.

~~(75)~~(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-

## WILSONVILLE CODE

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.

~~(76)~~(77) State. State of Oregon.

~~(77)~~(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.

~~(78)~~(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 8.336(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.

~~(79)~~(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.

~~(80)~~ 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.

~~(81)~~(82) Treatment Plant Effluent. Any ~~discharge~~Discharge of ~~pollutants~~Pollutants from the POTW into ~~waters~~Waters of the ~~state~~State.

~~(82)~~(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.

~~(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.

~~(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 and/or turbidity relative to a control point immediately upstream of the Discharge point



## WILSONVILLE CODE

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.

~~(83)~~(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.

~~(84)~~(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.

(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-users~~Industrial Users;

(c) Fees for reviewing and responding to accidental ~~discharge~~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 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

## WILSONVILLE CODE

enforcement action against nay non-compliant ~~industrial user~~Industrial User.

# WILSONVILLE CODE

## 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)~~ \_\_\_\_\_ ~~(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.

~~(2)~~ \_\_\_\_\_ ~~(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

# WILSONVILLE CODE

~~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)~~ ~~Water~~—~~(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)~~ ~~Water~~—~~(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)~~ ~~Water~~—~~(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)~~ ~~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:

- (a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass,

## WILSONVILLE CODE

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)~~ ~~(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~~the Mayor 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)~~ ~~(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~~the Mayor may declare the prohibition terminated in whole or in part in the manner prescribed by

## WILSONVILLE CODE

these sections, effectively immediately upon announcement.

~~(3)~~ ~~—(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.

# WILSONVILLE CODE

## PUBLIC SANITARY SEWER USE

### 8.200 Public Sanitary Sewer Use – General Provision

~~(1)~~ ~~(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)~~ ~~(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~~ Chapter:

~~(1)~~ ~~(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)~~ ~~(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)~~ ~~(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 or 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~~ Owner or Lessee's 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)~~ ~~(1)~~ Where a public ~~sanitary sewer~~ Sanitary Sewer is not available under the provisions of Section 8.202~~(4)~~~~3~~, the ~~building sewer~~ Building Sewer shall be connected to a private ~~sewage~~ Sewage disposal system.

## WILSONVILLE CODE

~~(2)~~ (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)~~ (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)~~ (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(~~43~~), 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)~~ (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(~~43~~), approved pumping facilities shall be installed to pump the septic tank effluent to the available ~~sanitary sewer~~Sanitary Sewer system.

~~(6)~~ (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.



# WILSONVILLE CODE

## 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.

## 8.206 Buildings Sanitary Sewers and Connections.

~~(1)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(2)~~ There shall be ~~three~~ ~~(3)~~ two (2) classes of ~~building sanitary sewer lateral plumbing~~ permits for Sanitary Sewer Laterals that run from the property line to the structure on the property:

- (a) Residential, Single, and Multifamily; and
- (b) Commercial; and
- ~~(c) Industrial Service.~~

~~\_\_\_\_\_~~ ~~(3)~~

If a Person intends to connect a Sanitary Sewer Lateral to the Public Sewer, the Person must also obtain a public works permit from the City.

~~(3)~~ ~~\_\_\_\_\_~~ All costs and expenses incident to the installation and connection of the ~~building sanitary sewer~~Sanitary Sewer Lateral 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 Lateral.

~~(4)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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.

## WILSONVILLE CODE

~~(6)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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 ~~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)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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 up to and including the ~~sanitary sewer~~connection to the 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.

# WILSONVILLE CODE

## **8.206207 Equipment and/or Vehicle Washing Facilities**

~~(1)~~ ~~\_\_\_\_\_~~ ~~(1)~~ Equipment and/or Vehicle wash areas shall be covered.

~~(2)~~ ~~\_\_\_\_\_~~ ~~(2)~~ Equipment and/or Vehicle washing facilities shall be equipped with a ~~water~~ Water recycling system approved by the Public Works Director.

~~(3)~~ ~~\_\_\_\_\_~~ ~~(3)~~ Best available technology shall be utilized for the ~~pretreatment~~ Pretreatment system of any drainage to the ~~sanitary sewer~~ Sanitary Sewer system.

~~(4)~~ ~~\_\_\_\_\_~~ ~~(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 ~~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)~~ ~~\_\_\_\_\_~~ ~~(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.

~~(2)~~ ~~\_\_\_\_\_~~ ~~(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.

~~(3)~~ ~~\_\_\_\_\_~~ ~~(4)~~ All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this ~~chapter~~ Chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater<sup>2</sup>," 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

# WILSONVILLE CODE

measured C.O.D.

~~(4)~~ ~~\_\_\_\_\_~~ ~~(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, at his expense~~ Owner or Lessee, at Owner or Lessee's expense. Connection to these devices shall conform to the requirements of the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

~~(5)~~ ~~\_\_\_\_\_~~ ~~(6)~~ Separation of Domestic and Industrial Waste Streams. All new and domestic ~~wastewaters~~ Wastewaters from restrooms, showers, drinking fountains, etc., unless specifically 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.

~~(6)~~ ~~\_\_\_\_\_~~ ~~(7)~~ Hauled Wastewater. Septic ~~tank waste~~ Tank Waste (septage) or hauled septage shall not be accepted into the municipal ~~wastewater~~ Wastewater system.

~~(7)~~ ~~\_\_\_\_\_~~ ~~(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.~~604~~ 504.

## **8.210 Public Sanitary Sewers – Construction**

~~(1)~~ ~~\_\_\_\_\_~~ ~~(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)~~ ~~\_\_\_\_\_~~ ~~(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~~

## WILSONVILLE CODE

~~City Engineer designee~~ who shall, within twenty (20) days, approve them as filed or require them to be modified as ~~he~~the City Engineer or designee may deem necessary.

~~(3)~~ ~~\_\_\_\_\_~~ ~~(3)~~ All ~~sewer~~Sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

~~(4)~~ ~~(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)~~  
~~(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~~Owner or Lessee's 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~~Owner or Lessee's own use.

~~(6)~~ ~~(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)~~ ~~(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)~~ ~~(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)~~ ~~(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

## WILSONVILLE CODE

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) ~~(1)~~ In addition to the authority set forth in Section 8.~~312~~412, 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) ~~(2)~~ While performing the necessary work on private properties referred to in Section 8.~~312~~412(1) and 8.214(1) above, the ~~owner~~Owner or 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. 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) ~~(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.

# WILSONVILLE CODE

## ENVIRONMENT STORMWATER

### 8.300 General Provisions

(1) Purpose. Provides for the building of and connection to public Stormwater facilities and for the uniform regulation of Discharges to the 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.

### 8.302 Stormwater System Construction

(1) No unauthorized Person shall uncover, make any connections to or opening into the Public Stormwater System, use, alter or disturb any Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the 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.

(2) All costs and expenses incidental to the installation and connection of Stormwater facilities shall be borne by the Owner or Lessee. The 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 facilities or connections to the Public Stormwater System.

(3) The size, slope, alignment, construction materials of 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 facilities to the 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 before installation.

(5) The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, as used herein, includes pipe clean-out, clog removal,

## WILSONVILLE CODE

root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

(6) The Applicant shall notify the City's Authorized Stormwater Representative when the Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the 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 expense in a manner satisfactory to the City, in accordance with the City's requirements.

(7) All excavations for Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

### **8.304 Use of Public Stormwater System**

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be Discharged to 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 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.

(4) It shall be unlawful to Discharge in or into any natural outlet or 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 or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

### **8.306 Public Stormwater System – Property Damage Prohibited**

(1) No unauthorized 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. Any Person violating this provision and as a result thereof damages any part of the 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.

### **8.308 Right of Entry**



## WILSONVILLE CODE

(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 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 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 shall first make a reasonable effort to locate the Owner, Lessee, or other Person having charge or control of the premises and request entry. If entry is refused, the 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 or a Person having charge or control of the premises and upon contact by the City's Authorized Stormwater Representative the Owner or a Person having charge or control of the premises shall have a duty to notify City's Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.

(3) Not with standing, Section 8.308(1) above, the 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 Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

### **8.310 Discharge of Pollutants**

(1) The commencement, conduct, or continuance of any non-Stormwater Discharge to the Public Stormwater System is prohibited and is a violation of this Chapter, except as described below.

(2) The prohibition shall not apply to any non-Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater Permit, waiver, or Discharge order issued to the Person who Discharges and administered by the DEQ, provided that the Person who Discharges is in full compliance with all requirements of the permit, waiver, or Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any Discharge to the Municipal Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-Stormwater Discharges to the 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 from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual Residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool Discharges, street wash water, and

# WILSONVILLE CODE

flows from firefighting.

(b) “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 Stormwater Permit.

(c) Discharge of flows to the public or private 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 to reduce Pollutants, or may prohibit a specific Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the Discharge is, was, or will be a significant source of pollution.

## **8.312 Discharge in Violation of Permit**

Any Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other Discharges, is a violation of this chapter Chapter and is prohibited. Liability for any such Discharge shall be the responsibility of the Responsible Party, and such Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such Discharge.

## **8.314 Waste Disposal Prohibitions**

(1) No Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, Sediment or 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.

(2) Runoff from Commercial or Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not Discharge directly to a private or Public Stormwater System except as allowed under Section 8.310 of this code; this includes but is not limited to outdoor 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 directly or indirectly to a private or Public Stormwater System.

## **8.316 General Discharge Prohibitions**

(1) It is unlawful to Discharge or cause to be Discharged directly or indirectly into the Public Stormwater System any of the following:

# WILSONVILLE CODE

(a) Any Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);

(b) Any 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 which causes or may cause damage, Interference, or hazard to the Public Stormwater System or the City personnel; and

(d) Any Discharge containing human sanitary waste or animal feces.

## **8.318 Compliance with Industrial NPDES Stormwater Permits**

Any Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other Discharges subject to any NPDES Stormwater Permit issued by the Oregon DEQ, from which Pollutants may enter the public or private 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.

## **8.320 Compliance with Local, State, and Federal Laws and Regulations**

All users of the Public Stormwater System and any Person or entity whose actions may affect the system shall comply with all applicable local, State and Federal laws and regulations. Compliance with the requirements of this ~~chapter~~ Chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, State and Federal laws and regulations.

## **8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies**

Any provisions or limitation of this ~~chapter~~ Chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, State, and Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

## **8.324 Accidental Spill Prevention and Control**

Accidental spills and releases by Persons who are not required to obtain a NPDES Stormwater Permit but who handle, store or use hazardous or toxic substances or Discharges prohibited under Section 8.312 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.

# WILSONVILLE CODE

## **8.326 Notification of Spills**

(1) As soon as any 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, or waste creating a risk of Discharge to the Public Stormwater System, such Persons shall:

(a) Begin containment procedures;

(b) Notify proper emergency personnel in case of an emergency;

(c) Notify appropriate city and/or 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, or Federal regulations and laws. The notification requirements do not relieve the Person of necessary remediation.

## **8.328 Requirement to Eliminate Illicit Connections**

(1) The City's Authorized Stormwater Representative may require by written notice that a Responsible Party who makes an illicit connection to the Public Stormwater System complies with the requirements of this ~~chapter~~ 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~~ Chapter, the Responsible Party can demonstrate that an Illicit Discharge will no longer occur, that Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the Responsible Party's expense.

## **8.330 Requirement to Remediate**

Whenever the City finds that a Discharge of Pollutants is taking place or has taken place which will result in or has resulted in pollution of Stormwater or the Public Stormwater System, the City's Authorized Stormwater Representative may require by written notice to the Responsible Party that the pollution ~~by~~ is remediated and the affected property restored, to the requirements of this Chapter.

## **8.332 Requirement to Monitor and Analyze**

Whenever the City's Authorized Stormwater Representative determines that any Person engaged in any activity which may cause or contribute to Stormwater pollution or Illicit Discharges to the Public Stormwater System, the City's Authorized Stormwater Representative may, by written

## WILSONVILLE CODE

notice, order that the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this ~~chapter~~ Chapter. The written notice shall be served either 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~~ Chapter.

### **8.334 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 sited 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 and to prevent the creation, migration and/or transport of 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 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 and Sediment control measures.

## WILSONVILLE CODE

(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 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

(e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and 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. 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

## WILSONVILLE CODE

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.

### **8.336 Stormwater – Violation**

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 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 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 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 be delivered to the ESC Applicant or Responsible Party and 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.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, 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 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 8.300 through and including 8.334, 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 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or

## WILSONVILLE CODE

other permits within the Land Development area where the violation is occurring. The Responsible Party or ESC Applicant may appeal such determination pursuant to WC 8.336(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 has violated any provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or 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 exceed 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 8.336.

(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 (\$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 8.336(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 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 8.336(3).



## WILSONVILLE CODE

(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, and seven (7) days after the date mailed if to an address outside this 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 8.336(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 8.336, the City Manager or designee shall consider:

(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.

(9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(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 8.336(12). If the ESC Applicant appeals, the decision will become final, if at all, upon issuance of the City Council's decision

## WILSONVILLE CODE

affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. 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 8.336(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 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 8.336(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

## WILSONVILLE CODE

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 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 control measures as required by this Section 8.300 through and including 8.334 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 8.300 through and including 8.336. 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 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, 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.

## WILSONVILLE CODE

1) Whenever a violation is abated under this Subsection 8.336(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.

# WILSONVILLE CODE

## INDUSTRIAL WASTEWATER REGULATIONS

### 8.300-400 General Provisions:

(1) ~~\_\_\_\_\_~~ Purpose and Policy. This ~~chapter~~ 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~~ 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.

### 8.301401 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.

### 8.302402 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 ~~cateogorical~~ Categorical Pretreatment Standards

## WILSONVILLE CODE

or any other National, State, or local ~~pretreatment standards~~Pretreatment Standards or ~~requirements~~Requirements.

————(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,

## WILSONVILLE CODE

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 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.

## WILSONVILLE CODE

\_\_\_\_\_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.

\_\_\_\_\_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 ~~categorical~~ 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 ~~categorical pretreatment standard~~ Categorical Pretreatment Standard.

\_\_\_\_\_ (b) When ~~wastewater~~ Wastewater subject to a ~~categorical 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 ~~categorical~~ 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



## WILSONVILLE CODE

in a ~~ategorical~~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 ~~ategorical~~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~~402(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~~402(2) in lieu of the promulgated ~~ategorical~~Categorical Standards from which the equivalent limitations were derived.

\_\_\_\_\_ (d) Many ~~ategorical~~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 ~~then~~than Federal requirements and limitations or those in this ~~ordinance~~Chapter.

(4) Local Limits.

\_\_\_\_\_ (a) Authority to Establish Local Limits: The City is authorized to

## WILSONVILLE CODE

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 8.032402.

————(b) Numerical Local Limits.

—————1) No nonresidential userUser shall discharge wastewaterDischarge Wastewater containing restricted substances into the POTW in excess of limitations specified in its Wastewater Discharge PermitCity-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(c) 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 categorical standardsCategorical Standards or the specific pollutantPollutant limitations for a given pollutantPollutant will be specified in the Wastewater Discharge PermitCity-issued industrial wastewater discharge permit.

—————(b(d) Specific effluent limits shall not be developed and enforced without individual notices to personsPersons 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 dischargesDischarges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No userUser shall ever increase the use of process water, or in any way attempt to dilute a dischargeDischarge as a partial or complete substitute for adequate treatment to achieve compliance with a dischargeDischarge limitation unless expressly authorized by an applicable pretreatment standardPretreatment Standard or requirementRequirement. The City may impose mass limitations on Users who are using dilution to meet applicable pretreatment standardsPretreatment 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 dischargesIndustrial Discharges to the City Sanitary Sewer system.

### **8.304404 Pretreatment of Wastewater**

# WILSONVILLE CODE

## (1) Pretreatment Facilities.

——(a) Users shall provide necessary ~~wastewater~~Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all ~~category~~Categorical Pretreatment Standards, Local Limits and the prohibitions set out in Section 8.~~302~~402, 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~~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~~User from the responsibility of modifying the facility as necessary to produce an acceptable ~~discharge~~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~~Users to restrict their ~~discharge~~Discharge during peak flow periods, designate that certain ~~wastewater~~Wastewater be ~~discharge~~Discharge only into specific ~~sanitary sewers~~Sanitary Sewers, relocate and/or consolidate points of ~~discharge~~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~~User's compliance with the requirements of this Chapter.

——(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~~A City-issued industrial wastewater discharge permit may be issued solely for flow equalization.

——(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.<sup>5</sup> 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

# WILSONVILLE CODE

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—406 Industrial Wastewater Discharge Permit**

(1) Authority to Require Data Disclosure. When requested by the Public Works Director, a ~~Users~~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 City-issued industrial wastewater discharge permit from the Public Works Director, except that a SIU that has filed a timely application pursuant to Section 8.306406(3) of the ~~chapter~~Chapter may continue to ~~discharge~~Discharge 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 ~~users~~Users, to obtain individual City-issued industrial wastewater discharge permits as necessary to carry out the purposes of this ~~chapter~~Chapter.

—(c) Violation of City-Issued Industrial Wastewater Discharge Permit. Any violation of the terms and conditions of ~~an individual~~a City-issued industrial wastewater discharge permit shall be deemed a violation of this Chapter and subjects the

## WILSONVILLE CODE

~~industrial~~ wastewater discharge permittee to the sanctions set out in Sections 8.~~602~~502 through 8.~~606~~506 of this Chapter. Obtaining ~~an individual~~a 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~~User required to obtain an individual ~~discharge~~Discharge permit who was discharging ~~wastewater~~Wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such ~~discharges~~Discharges in the future, shall within ninety (90) days after said date, apply to the City for an ~~individual~~industrial wastewater ~~discharge~~discharge permit in accordance with Section 8.~~306~~406(5) below, and shall not cause or allow ~~discharges~~Discharges 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 ~~industrial~~Industrial waste into the POTW must obtain a City-issued industrial wastewater ~~discharge~~discharge permit prior to beginning or recommending such ~~discharge~~Discharge. An application for this ~~individual~~City-issued industrial wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any ~~discharge~~Discharge will begin or recommence.

(5) Industrial Wastewater Discharge Permit Application Contents. All ~~users~~Users required to obtain ~~a 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;

——(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 pints 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

## WILSONVILLE CODE

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~~410(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~~410(11) of this Chapter.

# WILSONVILLE CODE

(1) 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~~410(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—408 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. A 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 water body receiving the ~~treatment plant's effluent~~Treatment Plant Effluent, protect worker

## WILSONVILLE CODE

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; ~~and~~

6) ~~Requirement~~ 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~~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;



## WILSONVILLE CODE

\_\_\_\_\_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;

\_\_\_\_\_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; and/or

\_\_\_\_\_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 ~~a~~an 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.

## WILSONVILLE CODE

—(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~~ Pretreatment Standards or ~~requirements~~ Requirements;

—(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)~~ —(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

~~(g)~~ —(g) Revision of or a grant of variance from ~~categoryical 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;

## WILSONVILLE CODE

\_\_\_\_\_2) Identifies the specific date on which the transfer is to occur; and

\_\_\_\_\_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:

\_\_\_\_\_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 8.310410(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~~ Pretreatment Standard or ~~requirement~~ Requirement or any terms of the permit or this Chapter;

## WILSONVILLE CODE

\_\_\_\_\_14) Upon cessation of operations; ~~or~~

\_\_\_\_\_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 8.306406 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.

(8) Regulation of Wastewater Received From Other Jurisdictions.

~~(a)~~ \_\_\_\_\_(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

# WILSONVILLE CODE

as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.302402 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~~Code Chapter 8 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;

\_\_\_\_\_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 ~~dischargers~~the Person who Discharges in the event the contributing jurisdiction is unable or unwilling to take such action.

## 8.310410 Reporting Requirements

~~(1)~~ (1) ~~—~~ Baseline Monitoring Reports.

# WILSONVILLE CODE

~~(a)~~ ~~—~~ ~~(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 Categorical ~~industrial users~~ 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 standards~~ 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~~ 406(2) through Section 8.~~306~~ 406(7); and

~~—~~ ~~2)~~ Measurement of Pollutant.

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 pretreatment~~ Industrial Pretreatment measures;

~~—~~ ~~(a)~~ ~~(d)~~ The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

~~—~~ ~~(b)~~ ~~(e)~~ 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;

~~—~~ ~~(e)~~ ~~(f)~~ Sampling and analysis shall be performed in accordance with

## WILSONVILLE CODE

Section 8.~~310~~410(10);

———~~(d)~~(g) 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)~~(h) 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)~~(i) 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~~410(2) of this Chapter; and

———~~(g)~~(j) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.~~310~~410(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~~410(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

## WILSONVILLE CODE

reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

~~(d)~~ ~~(d)~~ In no event shall more than nine (9) months elapse between such progress reports to the City.

~~(e)~~ ~~(3)~~ Reports on Compliance with Categorical Pretreatment Standard Deadline.

~~1)~~ ~~a)~~ Within ninety (90) days following the date for final compliance with applicable ~~categoryal~~ 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~~406(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.~~302~~402(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to ~~categoryal~~ 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~~410(14) of this Chapter. All sampling will be done in conformance with Section 8.~~310~~410.

### ~~(4)~~ Periodic Compliance Reports.

~~2)~~ 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~~(410)(14).

~~(a)~~ ~~(f)~~ Except as specified in Section 8.~~310~~(410)(14), 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.

~~(b)~~ ~~(g)~~ All periodic compliance reports must be signed and certified in accordance with Section 8.~~310~~410(14) of this Chapter.

~~(c)~~ ~~(h)~~ All ~~wastewater~~ Wastewater samples must be representative of the User's ~~discharge~~ Discharge. Wastewater monitoring and flow measurement facilities shall



## WILSONVILLE CODE

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)~~(i) 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 ~~8.310410~~(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 ~~a~~an industrial wastewater ~~discharge~~discharge permit application under Section ~~8.306406~~(5), if necessary.

—(b) The Public Works Director may issue ~~a~~an industrial wastewater ~~discharge~~discharge permit under Section ~~8.308408~~(7) or modify an existing City-issued industrial wastewater discharge permit under Section ~~8.308408~~(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.

—(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

## WILSONVILLE CODE

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 ~~an~~individual City-issued industrial wastewater ~~discharge~~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~~410(5) of this Chapter. The notification requirement in this Section does not apply to ~~pollutants~~Pollutants already reported by Users subject to categoricalCategorical Pretreatment Standards under the self-monitoring requirements of Sections 8.~~310~~410(1), 8.~~310~~410(3), and 8.~~310~~410(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).

## WILSONVILLE CODE

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~~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 ~~category~~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

## WILSONVILLE CODE

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 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~~410(1) and 8.~~310~~410(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~~410(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~~402(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

# WILSONVILLE CODE

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 ~~8.306406(6);~~; Users submitting baseline monitoring reports under Section ~~8.310410(1);~~; Users submitting reports on compliance with the ~~eategorical~~Categorical Pretreatment Standard deadlines under Section ~~8.310410(3)~~; Users submitting periodic compliance reports required by Section ~~8.310410(4);~~; and Users submitting an initial request to forego sampling of a ~~pollutant~~Pollutant on the basis of Section ~~8.310410(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 ~~8.310410(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 ~~eategorical~~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)-(0)-(3-).~~).

\_\_\_\_\_ 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.

# WILSONVILLE CODE

4) The Facility never ~~discharged~~Discharged concentrated untreated ~~wastewater.~~Wastewater.”

## 8.312412 **Compliance Monitoring**

### (1) Right of Entry; Inspection and Sampling.

——(a) The City, an authorized representative of the ~~US~~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.

——(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~~US-EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

——(c) The City, State, and ~~US~~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.

# WILSONVILLE CODE

(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.

## **8.314414 Confidential Information**

~~(4)~~ Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit applications, ~~individual~~City-issued industrial wastewater discharge ~~permits~~permit, 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.

## **8.316416 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~~402;

## WILSONVILLE CODE

——(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~~402 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~~402 (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;

——(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~~418 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.



## WILSONVILLE CODE

——(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with ~~ategorical~~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;

——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

## WILSONVILLE CODE

specific prohibitions in Section 8.302402 of this ~~chapter~~ 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 discharged~~ 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.

——(b) A User may allow any bypass to occur which does not cause ~~pretreatment standards~~ Pretreatment Standards or ~~requirements~~ 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 ten (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

## WILSONVILLE CODE

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 ~~affects~~effects, if the Public Works Director determines that it will meet paragraph ~~(3)(d)-(1)~~(1) of this Section.

### **8.320**~~420~~ 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;

———(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's ~~discharge~~Discharge;

~~(c)~~———~~(e)~~ 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;

~~(f)~~———~~(e)~~ Fees for filing appeals;

~~(g)~~———~~(f)~~ Fees to recover administrative and legal costs (not included

## WILSONVILLE CODE

in Section 8.~~604~~504, Section 8.~~606~~506 and 8.~~316~~416) associated with the enforcement activity taken by the City to address IU noncompliance; and

(h) — ~~(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.

# WILSONVILLE CODE

## ENFORCEMENT SOLID WASTE DISPOSAL

### 8.400 Garbage—General Regulations.

~~(1) — The regulation of the disposal and hauling of garbage in the City under the provisions of this Code shall be under the supervision of the City Council or an agent or employee of the City, duly assigned by the City Council and the powers and duties of said Council or as designated shall include, though not exclusively, authority to conduct periodic inspections to insure full compliance with terms and provisions of these sections and to arbitrate or provide for arbitration of any and all disputes arising between the Garbage Contractor or Garbage Franchisee of the City and the citizens of the City.~~

~~(2) — It shall be unlawful for any person in possession, charge or in control of any dwelling, apartment, trailer camp, restaurant, camp, place of business or manufacturing establishment where garbage is created or accumulated, to fail at all times to keep portable cans or containers of standard type and construction and to deposit said garbage therein, provided however, that stiff paper products and wooden or metal waste matter may remain outside of cans or containers, if neatly and orderly stored. Said cans or containers for garbage shall be strong, watertight, rodent proof, insect proof and be of capacity approved by the City and shall have tight fitting lids. Said cans or containers shall be kept tightly closed at all times except when being emptied or filled and shall be kept and maintained at a place or places reasonably accessible to garbage haulers at first floor or ground level. Recyclable materials containers may be open if the materials are not likely to attract animals.~~

~~(3) — It shall be unlawful to burn, dump, collect, remove or in any other manner accumulate or dispose of garbage upon any street, alley, public place or private property, within the City, otherwise than as herein provided. Waste paper, rubbish and debris, brush, grass, wood and cuttings from trees, but excepting paper, cardboard or wood containers in commercial quantities, may be burned in furnaces, outside fireplaces or incinerators on private property in keeping with State and County laws, or upon special permit from the fire chief of the City, they may be burned in open fires. It shall always be unlawful to burn, within City limits, any wet garbage or other substance which creates foul or obnoxious orders. Any unauthorized accumulation of garbage on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage within thirty (30) days after the effective date of this Code shall be deemed in violation of this Section.~~

~~(4) — It shall be unlawful for any person to haul garbage upon the streets and public thoroughfares of the City, except as otherwise provided herein.~~

~~(5) — All persons in the City are hereby required to dispose of all perishable garbage before the same shall become offensive and to dispose of all non perishable garbage promptly and not permit the same to accumulate on or about the premises and to dispose of the same by burning, burying or such manner as shall not create a nuisance and as permitted by these sections.~~

## WILSONVILLE CODE

~~(6) — Any person may transport garbage produced by himself or itself upon the streets of the City provided that such garbage must be hauled in such manner as to prevent leakage or litter upon the streets and must be deposited upon designated dumping grounds or disposed of in a manner not inconsistent with these sections.~~

~~(7) — Except as provided herein, it shall be unlawful for any person, firm or corporation, other than a person, firm or corporation under contract with the City as provided in Section 8.402 of this Code to gather and haul garbage over the streets of the City.~~

### 8.402 Garbage — Contract Garbage Hauler

~~(1) — The Mayor of the City is hereby authorized and directed to enter into a contract with a person, firm or corporation for a period of five (5) successive years from and after the effective date of this Code granting to the said person, firm or corporation the exclusive right to collect, convey or dispose of all garbage as herein defined and which accumulates in the City. The terms and conditions of such contract to be first approved by the City Council. Upon expiration of said contract by the lapse of time or otherwise the Mayor of the City is hereby authorized to enter into a renewal contract or other contracts with other persons, firms, or corporations as may be required for the collection, conveyance, removal and disposal of garbage within the City.~~

~~(2) — For the right to collect and haul garbage over the streets of the City, the Contractor shall pay to the City as a license and inspection fee, annually, and in advance, an amount equal to three percent (3%) of the gross revenue collected by the Contractor for garbage collections services; and fee to be based upon the prior year's gross revenue.~~

~~(3) — The rates and compensation for the service rendered by the contract garbage hauler shall be reasonable and uniform and shall not be in excess of a schedule of charges and compensation to be fixed by the contract. Provided that such rates and charges may be changed from time to time after negotiations with the Contractor.~~

### 8.404 Garbage — Violation:

~~Any person violating any of these terms of this Chapter shall upon a first conviction thereof, be punished for a violation pursuant to Section 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, be punished for a Class C Misdemeanor pursuant to Section 1.011 of the Wilsonville Code. In addition, upon a conviction, a person shall be liable for the costs of prosecution.~~

# WILSONVILLE CODE

## **8.502 ~~STORMWATER~~**

### **8.5008.300 ~~General Provisions~~**

(1) ~~— Purpose. Provides for the building of and connection to public stormwater facilities and for the uniform regulation of discharges to the 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.~~

### **8.5028.302 ~~Stormwater System Construction~~**

(1) ~~— No unauthorized person shall uncover, make any connections to or opening into the public stormwater system, use, alter or disturb any storm sewer lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the 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 authorized stormwater representative.~~

(2) ~~— All costs and expenses incidental to the installation and connection of stormwater facilities shall be borne by the owner. The 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 facilities or connections to the public stormwater system.~~

(3) ~~— The size, slope, alignment, construction materials of 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 facilities to the 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 before installation.~~

(5) ~~— The applicant shall notify the City's authorized stormwater representative when the stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's 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 expense in a manner satisfactory to the City, in accordance with the City's requirements.~~

# WILSONVILLE CODE

~~(6)(1) All excavations for stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.~~

## ~~8.5048.304 Use of Public Stormwater System~~

~~(1) — No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb, any public stormwater system or appurtenance thereof without first obtaining written permission from the City.~~

~~(2) — Stormwater shall be discharged to 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 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.~~

~~(4) — It shall be unlawful to discharge in or into any natural outlet or 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 or other polluted water.~~

~~(5)(1) 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 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. Any person violating this provision and as a result thereof damages any part of the 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 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 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 shall first make a reasonable effort to locate the owner or other person having charge or control of the~~



# WILSONVILLE CODE

premises and request entry. If entry is refused, the 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 or a person having charge or control of the premises and upon contact by the City's authorized stormwater representative the owner or a person having charge or control of the premises shall have a duty to notify 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 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 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 to the 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 permitted or approved under an Industrial or Municipal NPDES Stormwater permit, waiver, or discharge order issued to the discharger and administered by the DEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any discharge to the municipal separate storm wastewater system (MS4).

(a) — Except as provided in subsection (3), the prohibition shall not apply to the following non-stormwater discharges to the 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 from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, street wash water, and flows from firefighting.

(b) — "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.

(c) — Discharge of flows to the public or private stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

# WILSONVILLE CODE

(3) — ~~The City may require best management practices to reduce pollutants, or may prohibit a specific discharger from engaging in a specific activity identified in subsection (2) if at any time the City determines that the discharge is, was, or will be a significant source of pollution.~~

## **8.512 — Discharge in Violation of Permit**

~~Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge.~~

## **8.514 — Waste Disposal Prohibitions**

(1) — ~~No person may cause or contribute to pollution, including but not limited to any refuse, rubbish, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, sediment or 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.~~

(2) — ~~Runoff from commercial or industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a private or public stormwater system except as allowed under Section 8.510 of this code; this includes but is not limited to outdoor 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 directly or indirectly to a private or public stormwater system.~~

## **8.516 — General Discharge Prohibitions**

(1) — ~~It is unlawful to discharge or cause to be discharged directly or indirectly into the public stormwater system any of the following:~~

- (a) — ~~Any discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);~~
- (b) — ~~Any 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 which causes or may cause damage, interference, nuisance or hazard to the public stormwater system or the City personnel; and~~
- (d) — ~~Any discharge containing human sanitary waste or animal feces.~~

# WILSONVILLE CODE

## ~~8.518~~ ~~Compliance with Industrial NPDES Stormwater Permits~~

~~Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES Stormwater permit issued by the Oregon DEQ, from which pollutants may enter the public or private 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 Regulations~~

~~All users of the public stormwater system and any person or entity whose actions may affect the system shall comply with all applicable local, state and federal laws. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, state and federal, state laws.~~

## ~~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 and 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~~

~~Accidental spills and releases by dischargers who are not required to obtain a NPDES Stormwater permit but who handle, store or use hazardous or toxic substances or 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 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, or waste creating a risk of discharge to the public stormwater system, such persons shall:~~

- ~~(a) — Begin containment procedures;~~
- ~~(b) — Notify proper emergency personnel in case of an emergency;~~
- ~~(c) — Notify appropriate city and/or state officials regarding the nature of the spill; and~~

# WILSONVILLE CODE

~~(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, or Federal regulations and laws. The notification requirements do not relieve the person of necessary remediation.~~

## **8.528 Requirement to Eliminate Illicit Connections**

~~(1) The City's authorized stormwater representative may require by written notice that a person responsible for an illicit connection to the 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 can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.~~

## **8.530 Requirement to Remediate**

~~Whenever the City finds that a discharge of pollutants is taking place or has taken place which will result in or has resulted in pollution of stormwater or the public stormwater system, the City's authorized stormwater representative may require by written notice to the responsible 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 determines that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or illicit discharges to the public stormwater system, the City's authorized stormwater representative may, by written notice, order that such person undertake such monitoring activities and/or analyses and furnish such reports as the City's authorized stormwater representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either 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.~~

## **8.534 Erosion Prevention and Sediment Control**

## WILSONVILLE CODE

(1) ~~Any person performing construction work in the city shall comply with the provisions of this chapter and shall provide and maintain erosion and sediment controls that prevent discharges of pollutants to the public stormwater system. Any person performing construction work in the city shall comply with the City's Public Works Standards which establishes standards and guidelines for implementing Best Management Practices designed to provide erosion prevention and sediment control from construction sites.~~

(2) ~~The City's authorized stormwater representative may make periodic inspections to ensure compliance with the requirements of the Public Works Standards.~~

### ~~8.536 Stormwater Violation~~

~~Any person violating any of the terms of this Section shall upon a first conviction thereof, be subject to the violation fine provisions pursuant to City Code Chapter 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, shall be subject to the Class C Misdemeanor fine provisions pursuant to City Code Chapter 1.011. In addition, upon a conviction, a person shall be liable for the costs of prosecution.~~

# WILSONVILLE CODE

## ENFORCEMENT

### **8.602 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 8.214 and/or 8.400 through and including 8.420 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 8.602502(2) through Section 8.602502(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 ~~this Chapter~~ any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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 or designee~~ 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 8.602502(4) or 8.602502(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 ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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

## WILSONVILLE CODE

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 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 8.214 and/or 8.400 through and including 8.420, 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 ~~this ordinance~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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 ~~this ordinance,~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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

## WILSONVILLE CODE

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 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 user's~~ ~~discharge~~a 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 ~~an user's discharge~~ ~~a 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 ~~8.602~~502(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



## WILSONVILLE CODE

future occurrence to the Public Works Director prior to the date of any show cause or termination hearing under Section 8.~~602~~502(4) or 8.~~602~~502(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~~User's premises for the purpose of inspection, monitoring or sampling;

(e) Violation of the ~~pretreatment standards~~Pretreatment Standards in Section 8.~~302~~402 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.~~602~~502(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 the 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*.

# WILSONVILLE CODE

(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) \_\_\_\_\_ 1)~~ The record, if any, of the matter before the City.

~~2) \_\_\_\_\_ 2)~~ A factual report prepared and presented by the City.

~~3) 3)~~ All exhibits, materials and memoranda submitted by any  
— party and received or considered in reaching the decision  
— under review.

~~4) \_\_\_\_\_ 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.

## **8.604504** Judicial Enforcement Remedies

(1) Injunctive Relief. — Whenever the City finds that a ~~user~~User has violated or continues to violate the provisions of ~~this Chapter~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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 ~~this Chapter~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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.

## WILSONVILLE CODE

(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.

(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 8.214 and/or 8.400 through and including 8.420, 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 ~~this Chapter, or~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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~~Chapter 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.

# WILSONVILLE CODE

## ~~8.606~~ **8.506 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 8.214 and/or 8.400 through and including 8.420, 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, 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 ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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 ~~this ordinance, a previous~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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 ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, 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

## WILSONVILLE CODE

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.

# WILSONVILLE CODE

## **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

## WILSONVILLE CODE

~~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.~~

# WILSONVILLE CODE

|

|



**WILSONVILLE CODE**

**CITY OF WILSONVILLE, OREGON**

**Industrial Pretreatment Program  
Enforcement Response Plan**

**Table of Contents**

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

# WILSONVILLE CODE

## 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 soon as a compliance deadline is missed or noncompliance is detected. The City is not

# WILSONVILLE CODE

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; and
- 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 five (5) business days after discovery of the violation. -

The NOV may be issued by the Pretreatment Coordinator.

The NOV will require the IU to submit a written explanation of the violation and a plan for its

# WILSONVILLE CODE

satisfactory correction within ten (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 ninety (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.

## WILSONVILLE CODE

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 it 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 8.318418) 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, ~~Section 8.602~~Section 8.502(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 negotiated with the IU. The City establishes the mandatory actions and milestone

# WILSONVILLE CODE

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 NOV's 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.

## 7. Termination of Permit

# WILSONVILLE CODE

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,~~Chapter 8, 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~~Manager, Public Works Director and the Mayor.

### 2. Civil Penalties

# WILSONVILLE CODE

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~~Wilsonville Code Chapter 8 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~~Chapter 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



# WILSONVILLE CODE

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.
- Recurring failure to meet the terms of a compliance order or recurring failure to

# WILSONVILLE CODE

- correct a known violation.
- Missed compliance milestone or report submittal deadline by more than thirty (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 thirty (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:

$$\mathbf{BP + [(0.1 \times BP) (P+H+O+R+C)] + EB}$$

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.)

## WILSONVILLE CODE

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.
- (xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

## WILSONVILLE CODE

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.

7. Values for (EB) shall be as follows:

# WILSONVILLE CODE

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 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

## WILSONVILLE CODE

~~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 maximum~~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 ~~category~~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 REPOSES**

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;
- ~~-~~ 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:

# WILSONVILLE CODE

## 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 forty-five (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 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~~

## WILSONVILLE CODE

~~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.

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.



# WILSONVILLE CODE

- 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.

LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IIU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

## Response

## City Personnel

- |   |                             |
|---|-----------------------------|
| 1. (Informal) Phone Call  | Pretreatment Coordinator    |
| 2. (Informal) Compliance Meeting                                      | Pretreatment Coordinator    |
| 3. Notice of Violation (WC, Section 8. <del>602</del> <u>502</u> (2)) | Pretreatment Coordinator    |
| 4. Consent Order (WC, Section 8. <del>602</del> <u>502</u> (3))       | ———Pretreatment Coordinator |

# WILSONVILLE CODE

**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:

<b><u>Response</u></b>	<b><u>City Personnel</u></b>
1. Compliance Order (WC, Section 8. <del>602</del> <u>502</u> (5))	Public Works Director
2. Cease and Desist Order (WC, Section 8. <del>602</del> <u>502</u> (6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8. <del>602</del> <u>502</u> (8))	Public Works Director City Attorney
4. Termination of Permit (WC, Section 8. <del>602</del> <u>502</u> (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 and requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU's, includes:~~  
~~pretreatment standards and 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.
    - 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

# WILSONVILLE CODE

~~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<br>(WC, Section 8. <del>604</del> <u>504</u> (1))     | City Attorney<br>City Council                         |
| 2. Civil Penalties<br>(WC, Section 8. <del>604</del> <u>504</u> (2))       | City Attorney<br>City Council                         |
| 3. Criminal Prosecution<br>(WC, Section 8. <del>604</del> <u>504</u> (3))  | City Attorney<br>City Council                         |
| 4. Supplemental Enforcement<br>(WC, Section 8. <del>606</del> <u>506</u> ) | Public Works Director, City Attorney,<br>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 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

# WILSONVILLE CODE

~~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 five (5) days of receipt of reports.
2. Violations classified by the Pretreatment Coordinator as ~~SMC~~SNC will be followed with an enforceable Level II order to be issued by the Public Works Director within three (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 sixty (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 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

# WILSONVILLE CODE

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 use ordinance~~in this Chapter.

## 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

## WILSONVILLE CODE

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 <del>discharge</del> <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 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

## WILSONVILLE CODE

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
<b>I. Unauthorized Discharge (No Discharge Permit)</b>				
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
<b>II. Discharge Limit Violation</b>				
<b>A. Reported Limit Violation</b>	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 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>B. pH Limit Violations – Grab Sampling</b>	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
<b>C. pH Limit Violation – continuous</b>	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
	Daily or monthly	II	CO-2 with AF	PWD

## WILSONVILLE CODE

	violations occurring during 66% or more of a 6 month period. (Level II)			
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
<b>II. Discharge Limit Violation (continued)</b>				
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 <del>interference</del> 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
<b>III Monitoring and Reporting Violations</b>				
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
	Failure to Submit	II	CDO with possible AF	PWD, CA, PC

## WILSONVILLE CODE

	Reports; or reports are always late.			
	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 <del>pollutants</del> <b>Pollutants</b> 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
	ReOccurringReoccurring 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

# WILSONVILLE CODE

## **SUMMARY OF TIME FRAMES FOR RESPONSES**

1. Compliance Reports – reviewed within five (5) days of receipt.
2. All violations will be identified and documented within five (5) days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within five (5) days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within thirty (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 sixty (60) days.
6. Recurring Violations – follow-up enforcement within sixty (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

**STORMWATER****8.5008.300 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.

**8.5028.302 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.

(5) ~~The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, 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 a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.~~

~~(5)(6)~~ ~~The~~ ~~The applicant shall notify the City's authorized stormwater representative when the stormwater~~ Applicant shall notify the City's Authorized Stormwater Representative when the 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)(7)~~ 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~~8.304~~ 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~~306~~ 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 8.308 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 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.

(1) 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.

(2) Not with standing, Section 8.~~508~~308(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.

### **8.510310 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~~Chapter, 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 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 ~~discharges~~Discharges, street wash water, and flows from firefighting.

(b) “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.

### **8.512312** 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.

### **8.514314** 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 8.510310 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.

### **8.516316      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, nuisance~~ 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.

### **8.518318      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.

### **8.520320      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.

### **8.522322      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.

#### **8.524324      Accidental Spill Prevention and Control**

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 8.512312 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.

#### **8.526326      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.

#### **8.528328      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.

### **8.530330 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 ~~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.

### **8.532332 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.

### **8.534334 Erosion Prevention and Sediment Control**

(1) Any person performing construction work in the city shall comply with the provisions of this chapter and shall provide and maintain erosion and sediment controls that prevent discharges of pollutants to the public stormwater system. Any person performing construction work in the city shall comply with the City's Public Works Standards which establishes standards and guidelines for implementing Best Management Practices designed to provide erosion prevention and sediment control from construction sites. 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 and to prevent the creation, migration and/or transport of 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 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 and 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 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

(e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and 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. 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.

~~(1)~~

~~(2) The City's authorized stormwater representative may make periodic inspections to ensure compliance with the requirements of the Public Works Standards.~~

### **8.536-336 Stormwater – Violation**

~~Any person violating any of the terms of this Section shall upon a first conviction thereof, be subject to the violation fine provisions pursuant to City Code Chapter 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, shall be subject to the Class C Misdemeanor fine provisions pursuant to City Code Chapter 1.011. In addition, upon a conviction, a person shall be liable for the costs of prosecution.~~

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has

reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 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 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 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 be delivered to the ESC Applicant or Responsible Party and 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.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, 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 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 8.300 through and including 8.334, 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 8.300 through and including 8.334, 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 or ESC Applicant may appeal such determination pursuant to WC 8.336(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 has violated an provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or 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 exceed 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 8.336.

(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 (\$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 8.336(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 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 8.336(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, and seven (7) days after the date mailed if to an address outside this 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 8.336(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 8.336, the City Manager or designee shall consider:

(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.

(9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(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 8.336(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 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. 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 8.336(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 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 8.336(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.

(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 control measures as required by this Section 8.300 through and including 8.334 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 8.300 through and including 8.336. 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 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, 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 8.336(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.

## Chapter 8 – Environment

Code Section	Who It Applies To	When It Applies	How It Applies	Key Terms	Applicable Permits
<b><u>Water Conservation:</u></b> WC 8.101-8.150	All residents and businesses located within the City of Wilsonville.	Emergency situations, including but not limited to a drought and moratoriums.	Advises residents and businesses how they should use water in extreme circumstances.	Person.	N/A
<b><u>Public Sanitary Sewer Use:</u></b> WC 8.200-8.214	All residents and businesses located within and outside the City limits by contract or agreement with the City, except for properties with a septic system.	When an individual or business has to hook up or discharge to a public sewer system.	Hooking up to sanitary sewer; or using a public sewer system.	Person, Owner, Lessee, Applicant, User, and Residential User.	Plumbing Permit when performing work on the sanitary sewer system on private property (e.g. replacing a shower); Public Works Permit when connecting a sanitary sewer lateral to the public sewer system.
<b><u>Stormwater:</u></b> WC 8.300-8.334 (Incl. Erosion Prevention and Sediment Control)	Anyone with a stormwater facility/conveyance system or discharging pollutants; and construction sites subject to erosion prevention and sediment control requirements.	When an individual has to hook up or discharge to a stormwater system and/or perform construction activities.	Provides connection to public Stormwater system and for uniform regulations of discharge.	Person, ESC Applicant, Owner, Lessee, Responsible Party	Public Works Permit ESC Permit.
<b><u>Stormwater—Violation:</u></b> WC 8.336  (Part of Stormwater Section [8.300-8.336])	Anyone with a stormwater facility/conveyance system and construction sites subject to erosion prevention and sediment control requirements. Anyone who causes a violation of the stormwater regulations or who has authority to direct and control the person causing the violation.	When violations are discovered or reported.	Enforcement procedures depend on the type of violation discovered or reported. Appeal procedures.	Person, ESC Applicant, Owner, Lessee, Responsible Party	N/A

Chapter 8 Code Revision – Chart of Applicability of Chapter 8

<p><b><u>Industrial Wastewater Regulations:</u></b> WC 8.400-8.420</p>	<p>All industry as it is defined by 40 CFR 403. The Code language regarding industrial wastewater regulations is from 40 CFR 403 and such language has been approved by DEQ as complying with 40 CFR 403.</p>	<p>All Significant Industrial Users and when Best Management Practices (BMP) are necessary.</p>	<p>Protects wastewater plants, employees working in the collection system, and rivers from discharge through enforcement mechanisms.</p>	<p>Person, User/Industrial User, Significant Industrial Users.</p>	<p>Industrial Wastewater Discharge Permit. BMP Agreement.</p>
<p><b><u>Enforcement:</u></b> WC 8.502-8.506</p>	<p>Anyone subject to Sanitary Sewer and Industrial Wastewater regulations.</p>	<p>When violations are discovered or reported.</p>	<p>Enforcement procedures depend on the type of violation discovered or reported.</p>	<p>Person, User/Industrial User.</p>	<p>N/A</p>
<p><b>Industrial Pretreatment Program Enforcement Response Plan</b></p>	<p>All industry as it is defined by 40 CFR 403.</p>	<p>Guidance to City staff and Users for the uniform and consistent enforcement of City Industrial Wastewater Regulations as applied to all Users of the system.</p>		<p>Person, User/Industrial User, Significant Industrial Users.</p>	<p>Industrial Wastewater Discharge Permit. BMP Agreement.</p>



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018		<b>Subject: Ordinance No. 825</b> Accessory Dwelling Unit Development Code Amendments.	
		<b>Staff Member:</b> Daniel Pauly, Senior Planner; Amanda Guile-Hinman, Assistant City Attorney	
		<b>Department:</b> Community Development, Legal	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: Continue to October 1, 2018 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: Continue to October 1, 2018 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: October 15, 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 type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		<b>Comments:</b> Following staff presentation at the July 11, 2018 public hearing, the Planning Commission requested additional information regarding some of the proposed code amendments and voted to delay a recommendation to the City Council until a follow-up meeting with the Planning Commission could occur.	
<b>Staff Recommendation:</b> Staff recommends the Council continue the public hearing to a date certain of October 1, 2018.			
<b>Recommended Language for Motion:</b> I move to continue the Public Hearing on Ordinance No. 825 to the date certain of October 1, 2018.			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable	



**ISSUE BEFORE COUNCIL:**

August 6<sup>th</sup> was noticed as the date for the City Council Public Hearing on Ordinance No. 825. Based on the results of the Planning Commission public hearing, Staff requests Council open and continue their hearing to a date certain in October following the Planning Commission resolving their recommendation.

**EXECUTIVE SUMMARY:**

On August 15, 2017 Senate Bill (SB) 1051 (2017) became Oregon law. The new statutes adopted become effective July 1, 2018. The purpose of SB 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes adopted as part of SB 1051 is ORS 197.312, which requires at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as consultants provided by Metro, reviewed Wilsonville’s Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. Proposed code amendments include allowing Accessory Dwelling Units (ADUs) for each detached dwelling unit, regardless of whether the detached dwelling unit is on its own lot or if multiple detached dwelling units are on one lot, removing subjective “substantially similar architecture” language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood.

In addition, the proposed code amendments seek to remove barriers to ADU development. A common reason cited as preventing construction of an ADU is Development Code lot coverage requirements. Staff recommends amending the Code to allow additional lot coverage to provide enough space to further permit the possibility for ADUs. Another common barrier is private covenants and restrictions. While not addressing current private restrictions, staff recommends code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures.

During the July 11, 2018 Planning Commission Public Hearing, Commissioners requested additional information regarding some of the proposed code amendments, particularly staff recommendations regarding lot coverage changes, requirements that new subdivisions allow for ADUs in the Covenants, Conditions and Restrictions (CC&Rs), and removal of architectural requirements for ADUs. Due to the Planning Commission’s work program, the earliest opportunity to revisit the topic with the Planning Commission is September 12, making the first meeting in October the earliest for City Council to consider a Planning Commission recommendation.

**EXPECTED RESULTS:**

Additional time for staff to work with the Planning Commission on possible code amendments.

**TIMELINE:**

With the updated timeline, Council would conduct the 1<sup>st</sup> and 2<sup>nd</sup> reading of the Ordinance at the October meetings, with the new code language expected to take effect in mid-November.

**CURRENT YEAR BUDGET IMPACTS:**

The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole Date: 7/25/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: ARGH Date: 7/25/2018

**COMMUNITY INVOLVEMENT PROCESS:**

The City sent broad notice of the public hearing to all residential properties within the Wilsonville City limits, as well as other typical public hearing notice procedures. Staff will continue to keep parties who have expressed interest in the project up-to-date on the progress and project timeline.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

The adoption of the Code amendments will provide clarity and certainty for property owners in Wilsonville who desire to add an ADU on their property, potentially increasing ADU construction, and thus potentially providing additional housing in the community, consistent with state law. The added time to review will result in a more thorough review and discussion of important components of the proposed amendments.

**ALTERNATIVES:**

A number of alternatives exist for the Code amendments. Staff will provide their recommendations and reasoning. Feedback on other alternatives from the Council and public are welcome.

**ATTACHMENTS:**

None



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018	<b>Subject: Resolution No. 2701</b> ERP Software Replacement Resolution  <b>Staff Member:</b> Andy Stone, IT Manager  <b>Department:</b> Information Systems	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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  <b>Comments:</b>	
<b>Staff Recommendation:</b> Staff recommends that Council adopt Resolution No. 2701.		
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2701.		
<b>Project / Issue Relates To:</b>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Resolution 2701 would authorize the staff to proceed with negotiating a new contract with the City's current provider, Tyler Technologies, in order to upgrade the City's core financial and permitting software. The final contract will be presented to City Council for approval and award.

**EXECUTIVE SUMMARY:**

Based on the presentation and feedback at the July 16, 2018 work session, this resolution would authorize the City to engage Tyler Technologies in contract negotiations for the purchase and implementation of Munis and EnerGov software upgrades. The City engaged the consultant firm L. Yeo Consulting to conduct a Needs and Solution Assessment, with the result of identifying the City's various needs for its financial and permitting software, and recommending upgrading to products within the Tyler Technologies company. As noted in prior reports, two other vendors were also seriously considered but Tyler's familiarity with the Wilsonville system, program offerings/flexibility and better financial package offered led the consultant and City staff to determine that Tyler would be the best, most efficient and cost effective program for the City at this time.

**EXPECTED RESULTS:**

The resolution presented at the August 6 council meeting will allow the City to proceed with negotiations with Tyler.

**TIMELINE:**

The contracting portion is anticipated to take between six and eight months. Implementation would start after resources were assigned and a schedule agreed upon by the City and Tyler. Implementation length is being estimated at approximately three years.

**CURRENT YEAR BUDGET IMPACTS:**

Depending upon the timeline of negotiations, the upgrade could begin this fiscal year. The majority of this project is budgeted in FY18-19 in project #8126 for an approximate cost of \$1.1 million.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole Date: 7/17/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 7/18/2018

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

N/A

**ALTERNATIVES:**

N/A

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENT:**

A. Resolution No. 2701

**RESOLUTION NO. 2701**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO PROCEED WITH UPGRADING THE CITY'S CORE FINANCIAL AND PERMITTING SOFTWARE TO PRODUCTS WITHIN TYLER TECHNOLOGIES.**

WHEREAS, the City installed the Tyler Technologies product of Eden for its core financial and permitting functions in 2002

WHEREAS, technology has advanced and the current system is not serving to the optimal level in meeting the City's medium- to long-term needs; and

WHEREAS, the City engaged a software consultant, L. Yeo Consulting, to assess the needs of the City relating to its core financial and permitting functions, and viable vendors with the capability to meet the City's needs in these areas; and

WHEREAS, L. Yeo Consulting concluded that the City's financial and permitting needs would be best met by upgrading Tyler's Eden product to Munis for its core financial needs and Energov for its core permitting needs, and

WHEREAS, full implementation, including contract negotiations, data conversion, software implementation, and training and is estimated to occur over the next 36 to 48 months at an estimated cost of \$1.1 million.

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

1. The City Manager or his designee is authorized to proceed with negotiating a contract and upgrading the City's core financial and permitting software to products within Tyler Technologies.
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6th day of August, 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

**Resolution No. 2698**  
**Removal of Non-Vehicular Access Reserve Strip**

**INDEX of RECORD**

1. City Council Staff Report for August 6, 2018 Meeting
2. Resolution No. 2698 Removal Of A Non-Vehicular Access Reserve Strip
3. Attachment 1: Aspen Meadows Recorded Subdivision Plat
4. Attachment 2: Aspen Meadows No. 2 Tentative Subdivision Plat



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> August 6, 2018		<b>Subject: Resolution No. 2698</b> Removal of Non-Vehicular Access Reserve Strip	
		<b>Staff Member:</b> Kimberly Rybold, AICP, Associate Planner	
		<b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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 <b>Comments:</b> This resolution authorizes removal of a non-vehicular access reserve strip recorded on the Aspen Meadows Subdivision Plat.	
<b>Staff Recommendation:</b> Staff recommends that Council adopt Resolution No. 2698.			
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2698.			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities		<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Approve, modify, or deny Resolution No. 2698 to authorize removal of a non-vehicular access reserve strip recorded on the 2017 Aspen Meadows subdivision plat.

### EXECUTIVE SUMMARY:

This resolution accompanies Ordinance Nos. 823 and 824, a proposed Comprehensive Plan Map Amendment and Zone Map Amendment, along with associated development applications, to allow the development of five single-family lots.



To enable a more coordinated development pattern by allowing vehicular access between Aspen Meadows No. 2 and the previously approved Aspen Meadows subdivision to the north, the applicant has requested removal of a 24-foot non-access line recorded on Tract A, a private drive tract, of the Aspen Meadows Plat. When the City approved Aspen Meadows, development of the subject property was not anticipated and this reserve strip was required to prevent vehicular access to the subject property consistent with the Development Code requirements for private residential access drives. Because reserve strips are placed under the jurisdiction of the City Council, formal action is required to authorize removal of the non-vehicular access reserve strip recorded on the Aspen Meadows Plat. Removal of the reserve strip removes the prohibition of the two private drives connecting if they so desire.

**EXPECTED RESULTS:**

Adoption of Resolution No. 2698 will enable vehicular access to occur along the private drive tract if the property owners consent.

**TIMELINE:**

Removal of the non-vehicular access reserve strip from the Aspen Meadows Plat is anticipated with the development of the Aspen Meadows No. 2 subdivision.

**CURRENT YEAR BUDGET IMPACTS:**

None.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole      Date: 7/25/2018

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ      Date: 7/25/2018

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

Removal of the reserve strip will provide connectivity and improved emergency access between the subdivisions.

**ALTERNATIVES:**

The alternatives are to approve or deny the reserve strip removal request.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENT:**

1. Resolution No. 2698

## **RESOLUTION NO. 2698**

### **A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING REMOVAL OF A NON-VEHICULAR ACCESS RESERVE STRIP RECORDED ON THE 2017 ASPEN MEADOWS SUBDIVISION PLAT.**

WHEREAS, in June 2016 the City Council approved a Comprehensive Plan Map Amendment and Zone Map Amendment for the development of the 14-lot Aspen Meadows subdivision; and,

WHEREAS, at the time of development approval future development of the property to the south of Aspen Meadows was not anticipated; and,

WHEREAS, Aspen Meadows includes a residential private access drive to access Lots 5 and 6, as shown in Attachment 1; and,

WHEREAS, pursuant to Wilsonville Code Section 4.001 residential private access drives serve no more than four dwelling units, provide for no through vehicle access, and are not extendable; and,

WHEREAS, pursuant to Wilsonville Code Subsection 4.236 (.06) reserve strips may be required by the Planning Director or Development Review Board to prevent access to adjacent land abutting a street within the land division; and

WHEREAS, reserve strips are placed under jurisdiction of the City Council; and

WHEREAS, a 24-foot non-access line was recorded on Tract A, a private drive tract, of the Aspen Meadows plat (Plat No. 4502, Plat Book 148, Page 003, Clackamas County records) preventing vehicular access across said line, as shown in Attachment 1; and,

WHEREAS, in June 2018 the Development Review Board approved an application for Aspen Meadows No. 2, a five-lot subdivision serving as an extension of Aspen Meadows on the property to the south, contingent upon a Comprehensive Plan Map Amendment and Zone Map Amendment presently under consideration by the City Council; and

WHEREAS, the applicant for the Aspen Meadows No. 2 subdivision proposes a residential private access drive connecting to the residential private access drive in Aspen Meadows, as shown in Attachment 2; and

WHEREAS, connection of the residential private access drives would not provide access to any destination so as to encourage through traffic, would not contribute to the larger public vehicular connectivity network consistent with the intent of residential private access drives, would not serve more than four dwelling units, and would provide for a more coordinated development pattern; and

WHEREAS, the parties controlling the Homeowners Association owning the tract with the non-access line consent to the City of Wilsonville approval to remove this reserve strip.

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

1. The Wilsonville City Council authorizes the removal the 24-foot reserve strip recorded on the 2017 Aspen Meadows subdivision plat.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6<sup>th</sup> day of August 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

Attachments:

Attachment 1: Aspen Meadows Recorded Subdivision Plat

Attachment 2: Aspen Meadows No. 2 Tentative Subdivision Plat

# Resolution No. 2698 Attachment 1



6445 SW FALLBROOK PLACE, STE. 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com  
 JOB NO. 400-002

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO PREPARE A PLAT FOR THE SUBDIVISION OF THE LAND DESCRIBED IN DEED DOCUMENT NOS. 2016-068800 AND 2016-068972, CLACKAMAS COUNTY DEED RECORDS.  
 THE BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN2016-249, CLACKAMAS COUNTY SURVEY RECORDS.

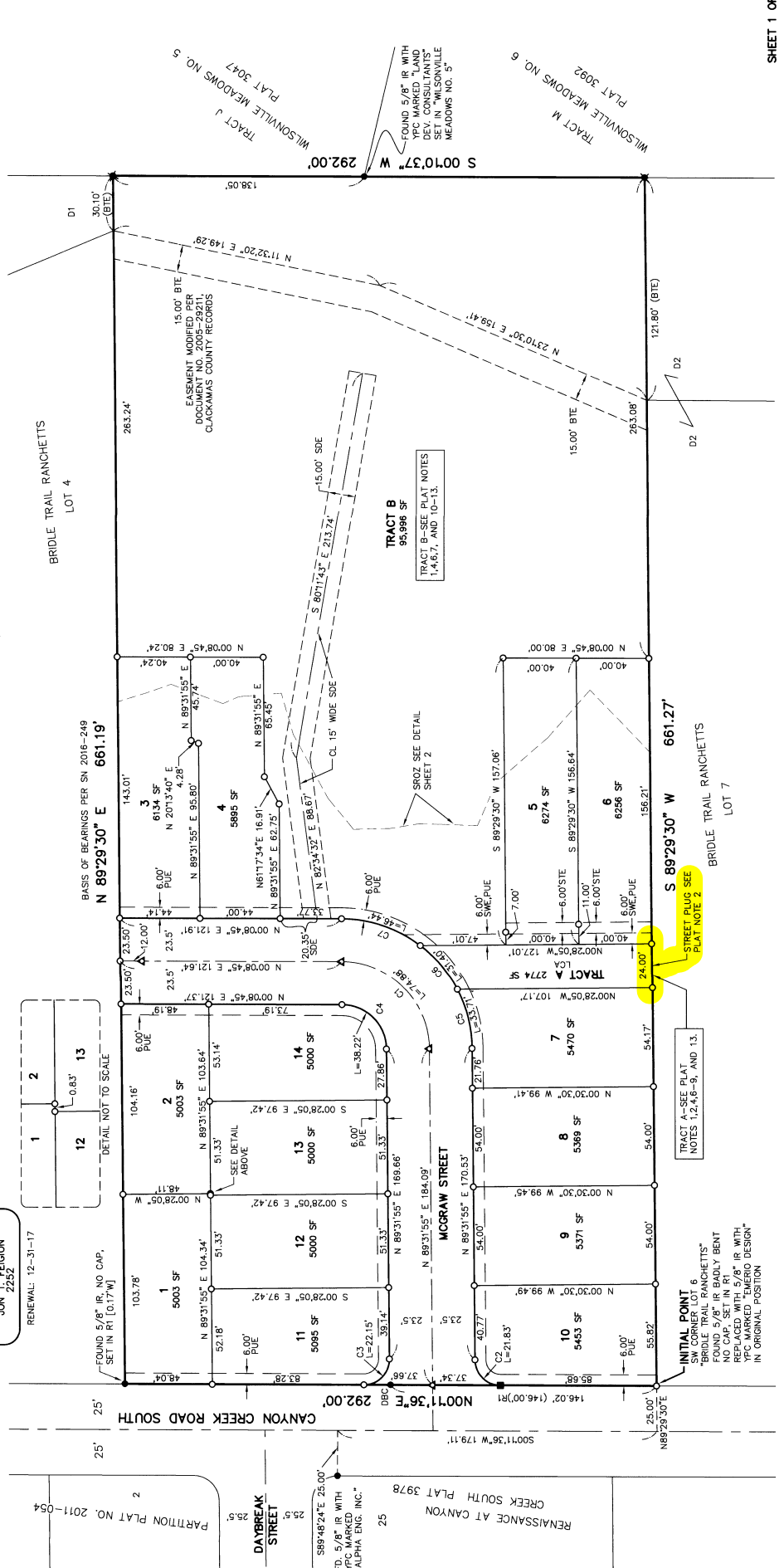
**REGISTERED PROFESSIONAL LAND SURVEYOR**  
*Jon T. Feigson*  
 JON T. FEIGSON  
 JANUARY 15, 1987  
 OREGON 987  
 JON T. FEIGSON  
 2252  
 RENEWAL: 12-31-17

**LEGEND**

- ★ FOUND 5/8" IR WITH YPC MARKED "EMERIO DESIGN" SET IN SN 2016-249
- FOUND MONUMENT AS NOTED
- SET 5/8" X 30" IR WITH YPC MARKED "EMERIO DESIGN" SET ON 4-18-17
- SET 5/8" X 30" IR WITH YPC MARKED "EMERIO DESIGN" SET ON 4-18-17
- SET 1/2" BRASS DISK MARKED "EMERIO DESIGN" SET ON 4-18-17
- IR IRON ROD
- IP IRON PIPE
- YPC YPC MARKED "EMERIO DESIGN"
- SGF SURVEYOR GENERAL FEASIBILITY CAP
- SN SN SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- SN SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- (H) HELD MONUMENT POSITION
- (M) MONUMENT POSITION
- (L) LATERAL EASEMENT
- SMOZ SIGNIFICANT RESOURCE OVERLAY ZONE BOUNDARY (SEE NOTE 11)
- PUE PUBLIC UTILITY EASEMENT
- SWE SIDEWALK EASEMENT
- SDE SIDEWALK EASEMENT
- CL CENTERLINE
- CL PUBLIC STORM DRAINAGE EASEMENT TO THE CITY OF WILSONVILLE
- BITE BRIDLE TRAIL EASEMENT PER PLAT OF "BRIDLE TRAIL RANCHETTS" PLAT 1147
- D1 DEED DOCUMENT NO. 2007-039291
- D2 DEED DOCUMENT NO. 2005-073484
- LC LIMITED COMMON AREA FOR THE USE OF LOTS 5 & 6, SEE NOTE 11.



CURVE	LENGTH	RADIUS	DELTA	CURVE TABLE	CHORD BEARING	CHORD
C1	74.89	48.00	89°23'11"	N44°30'20"E	67.52	
C2	21.83	14.00	89°20'20"	S44°51'46"W	19.68	
C3	22.15	14.00	90°39'40"	S45°08'14"E	19.91	
C4	22.15	14.00	89°20'20"	N45°08'14"E	19.91	
C5	33.71	71.50	29°20'33"	N45°20'24"E	33.40	
C6	31.40	71.50	25°09'35"	N49°58'15"E	31.15	
C7	46.44	71.50	37°12'42"	N18°45'06"E	45.63	



PLAT BOOK 148 PAGE 003 PLAT NO 4502

**ASPEN MEADOWS**

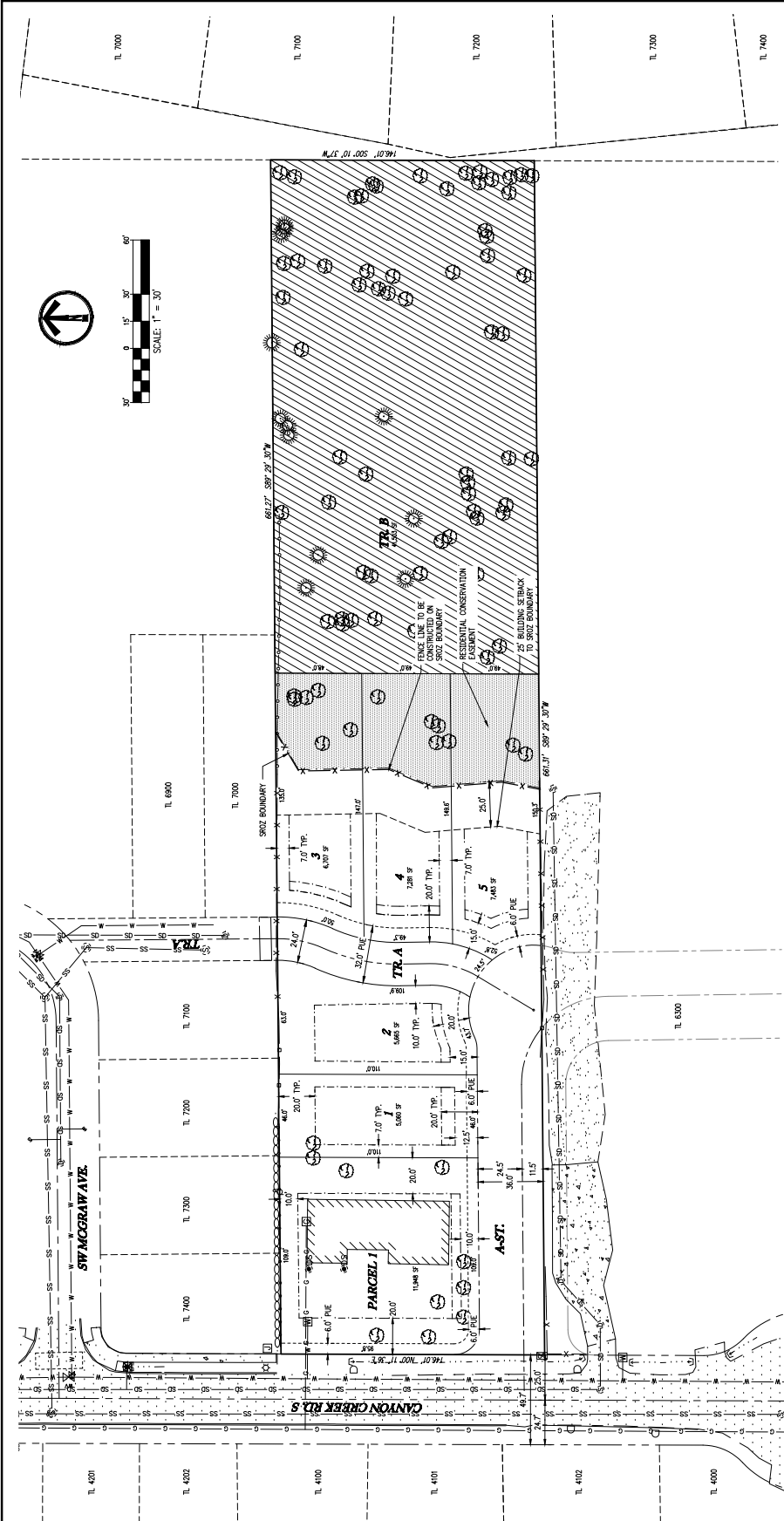
A REPLAT OF LOTS 5 AND 6, "BRIDLE TRAIL RANCHETTS" AND OTHER LAND, LOCATED IN THE N.W. 1/4 OF SEC. 13, T. 3S., R. 1W., W.M. CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON  
 JUNE 12, 2017



# Resolution No. 2698 Attachment 2

FILED: 1461-002 Canyon Creek S Ph 2 (map) 1461-002, Original Layout: 08 PRELIMINARY PLAT, Plat Date: 5/9/2018 2:22 PM by Russell Walker

<b>EMERIO</b> 6445 SW FALLBROOK PLACE, SUITE 100 BEASLEY, OREGON 97008 TEL: (503) 746-8812 FAX: (503) 639-9992 WWW.EMERIO.COM	NO. DATE 0 5/xxxx DESCRIPTION 1ST SUBMITTAL	<b>PRELIMINARY PLAT</b> CANYON CREEK SOUTH TAX MAP 31W138D TAX LOT 6200 NW 1/4 OF SEC. 13, T.35 R.1W W.M.	SHEET <b>90</b> OF <b>10</b>
--	--	---	---------------------------------------



**NOTES:**

- SW CANYON CREEK ROAD SOUTH AND SW WARBREAK STREET ARE PUBLIC STREETS UNDER THE JURISDICTION OF THE CITY OF WILSONVILLE. THE ADJACENT PUBLIC STREET 'X' WILL ALSO BE UNDER WILSONVILLE'S JURISDICTION.
- FOR ANY PLANNING APPROVAL AND PREPARATION, AND APPROVAL OF REQUIRED CONSTRUCTION DRAWINGS THE FOLLOWING IMPROVEMENTS WILL BE INSTALLED: PUBLIC STREET 'A', PRIVATE STREET, SIDEWALKS ALONG ALL STREET FRONTAGES, PARKING SPACES, TRASH ENCLOSURES, LANDSCAPING, PLANT MATERIALS IN PARK AS SHOWN ON LANDSCAPING PLAN AND BOOK, UTILITY LOCATIONS IN PARK AS SHOWN ON UTILITY PLAN AND BOOK, PATHWAY, ASSOCIATED UTILITIES.
- UNDERGROUND INSTALLATION OF UTILITIES SHALL TAKE PLACE IN ACCORDANCE WITH WILSONVILLE'S CODE REQUIREMENTS.
- CROSSWALKS (WHERE A PATHWAY CROSSES A PARKING AREA OR DRIVEWAY) SHALL BE CLEARLY MARKED WITH CONTRASTING PAINT OR PAVING MATERIALS (E.G. PAVEMENT LIGHT-COLOR CONCRETE INLAY BETWEEN ASPHALT, OR SIMILAR CONTRAST).
- STREET TREE PLACEMENT SHALL MEET THE STANDARDS OF PUBLIC WORKS DEPARTMENT.

**SITE DATA**

ZONE: PRS-3  
 TOTAL SITE AREA: 2.27 ACRES (98,547 SQ. FT.)  
 TRACT A AREA: 1.22 ACRES (52,834 SQ. FT.)  
 NON-RESIDABLE AREA: 1.22 ACRES (52,834 SQ. FT.)  
 LOT(S) COVERED: 5,960 SQ. FT.  
 MAXIMUM LOT SIZE: 11,848 SQ. FT.  
 AVG. LOT SIZE: 7,190 SQ. FT.

**TRACT 'B' DATA**

USABLE AREA: 0.08 ACRES (3,403 SQ. FT.)  
 NON-USABLE AREA: 1.12 ACRES (48,434 SQ. FT.)

**MINIMUM SETBACKS**

FRONT: 10'  
 REAR: 10'  
 SIDE: 7' FOR TWO OR MORE STORES  
 STREET SIDE: 10'  
 GARAGE DOOR: 20'  
 MAX. HEIGHT: 35'  
 MAX. LOT COVERAGE: 40% (MAXIMUM LESS THAN 7,000 SQ. FT.)  
 MIN. SETBACKS FOR LOTS BETWEEN 7,000-8,000 SQ. FT.:  
 • 40' FOR LOTS EXCEEDING 8,000 SQ. FT.  
 MIN. LOT WIDTH: 40'

**PARCEL DATA**

AREA: 2.22 AC.  
 PROPOSED ZONING: PRS-3  
 TAX MAP: 31W138D  
 TAX LOTS: 6200  
 NO. OF LOTS: 5  
 PARCELS: 1

**LEGEND**

RESIDENTIAL CONSERVATION EXEMPT ON LOTS 4, 5 AND 6  
 NON-USABLE AREA (BROZ)  
 6' P.U.L.E.  
 SETBACK LINES  
 BOUNDARY LINES  
 RIGHT-OF-WAY LINE  
 LOT LINE  
 PROPOSED FENCE

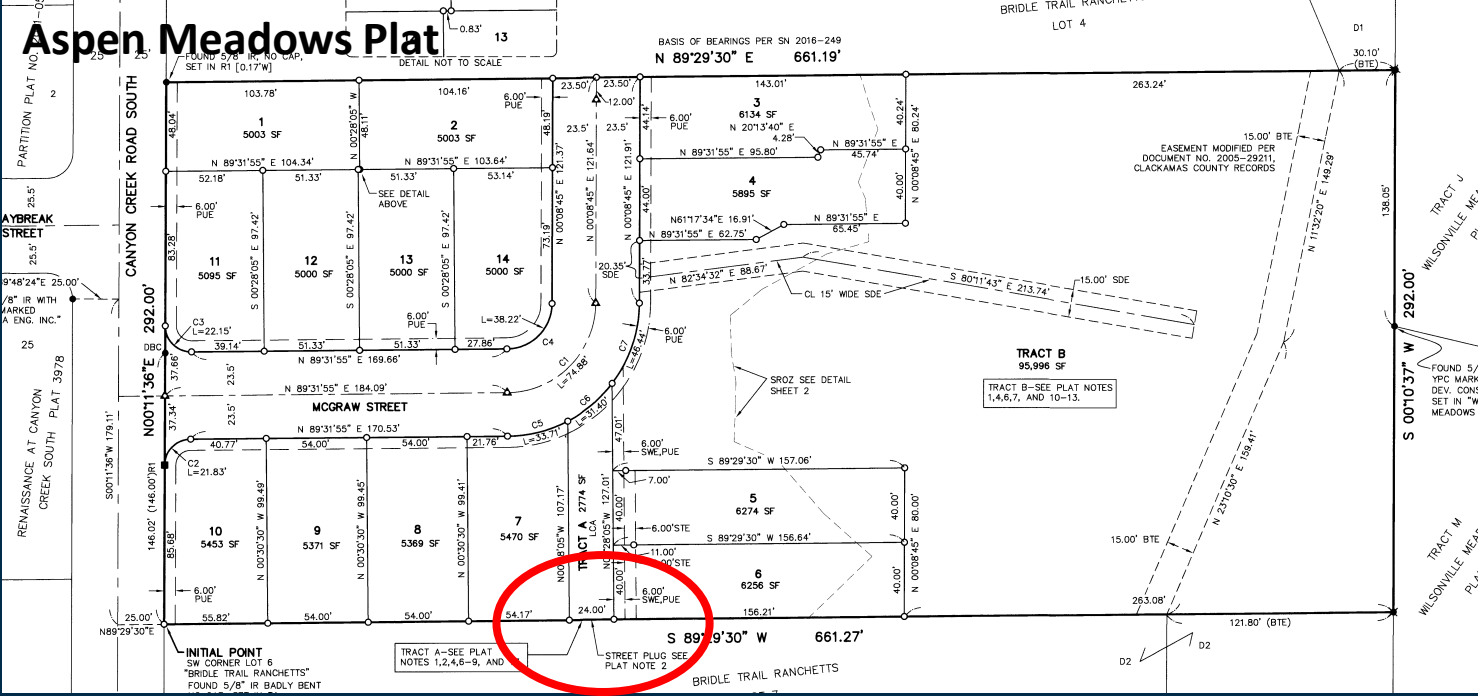


Resolution No. 2698  
Removal of Non-Vehicular Access  
Reserve Strip  
Aspen Meadows Subdivision

City Council Meeting  
August 6, 2018

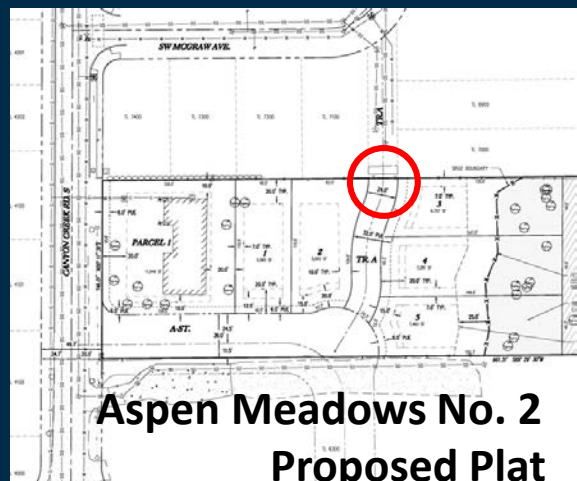
Presented by: Kimberly Rybold, AICP, Associate Planner

# Aspen Meadows Plat



## PLAT NOTES AND RESTRICTIONS

- TRACT B IS AN OPEN SPACE TRACT. TRACT A IS A PRIVATE STREET. TRACTS A AND B ARE OWNED BY THE ASPEN MEADOWS HOME OWNERS ASSOCIATION PER DOCUMENT NO. 2017-043242, CLACKAMAS COUNTY RECORDS. MAINTENANCE OF TRACT A IS ASSIGNED IN THE CONDITIONS, COVENANTS AND RESTRICTIONS. TRACT B WILL BE MAINTAINED BY THE ASPEN MEADOWS HOME OWNERS ASSOCIATION.
- A 24.00' NON-ACCESS LINE SHALL EXIST ALONG THE SOUTH BOUNDARY OF TRACT A. NO VEHICULAR ACCESS SHALL BE PERMITTED ACROSS SAID LINE. THIS LINE IS CONTROLLED BY THE CITY OF WILSONVILLE AND CAN ONLY BE REMOVED BY ACTION OF THE CITY COUNCIL.







Questions?

**Ordinance Nos. 823 and 824**  
**Comprehensive Plan Map Amendment and Zone Map Amendment**  
**5-Lot Subdivision Aspen Meadows No. 2**

**INDEX of RECORD**

1. City Council Staff Report for July 16, 2018 Meeting
2. Council Exhibit A: Ordinance No. 823 Comprehensive Plan Map Amendment
3. Council Exhibit A, Attachment 1: Comprehensive Plan Map Order DB18-0027 including legal description and sketch depicting map amendment
4. Council Exhibit A, Attachment 2: Comprehensive Plan Map Amendment findings
5. Council Exhibit A, Attachment 3: Development Review Board Panel 'B' Resolution No. 355 recommending approval of Comprehensive Plan Map Amendment
6. Council Exhibit B, Ordinance No. 824 Zone Map Amendment for the subject territory
7. Council Exhibit B, Attachment 1: Zoning Order DB18-0028 including legal description and sketch depicting Zone Map Amendment
8. Council Exhibit B, Attachment 2: Zone Map Amendment Findings
9. Council Exhibit B, Attachment 3: Development Review Board Panel 'B' Resolution No. 355 recommending approval of Zone Map Amendment
10. Council Exhibit C: Amended and Adopted Staff Report and DRB Recommendation



## CITY COUNCIL MEETING STAFF REPORT

<p><b>Meeting Date:</b> August 6, 2018</p>	<p><b>Subject: Ordinance Nos. 823 and 824 – 2<sup>nd</sup> Reading</b> Comprehensive Plan Map Amendment and Zone Map Amendment for 5-Lot Subdivision named Aspen Meadows No. 2.</p> <p><b>Staff Member:</b> Kimberly Rybold, AICP, Associate Planner</p> <p><b>Department:</b> Community Development</p>
<p><b>Action Required</b></p>	<p><b>Advisory Board/Commission Recommendation</b></p>
<p><input checked="" type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: July 16, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 1<sup>st</sup> Reading Date: July 16, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 2<sup>nd</sup> Reading Date: August 6, 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 checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not Applicable</p> <p><b>Comments:</b> Following their review at the June 25, 2018 meeting, the Development Review Board unanimously recommended approval of a Comprehensive Plan Map Amendment and a Zone Map Amendment for the subject property. The DRB also approved with conditions, contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment, a Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Tentative Partition Plat, copies of which are included for reference.</p>
<p><b>Staff Recommendation:</b> Staff recommends that the City Council adopt Ordinance Nos. 823 and 824 .</p>	
<p><b>Recommended Language for Motion:</b> Two separate motions: I move to approve Ordinance No. 823 on second reading. I move to approve Ordinance No. 824 on second reading.</p>	
<p><b>Project / Issue Relates To:</b></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:**

Approve, modify, or deny Ordinance Nos. 823 and 824 to modify the Comprehensive Plan Map designation from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre and rezone from Residential Agriculture-Holding (RA-H) to Planned Development Residential-3 (PDR-3) approximately 2.22 acres on the east side of Canyon Creek Road South, south of McGraw Avenue, enabling development of a 5-lot single-family subdivision.

**EXECUTIVE SUMMARY:**

The proposed Comprehensive Plan Map Amendment and Zone Map Amendment, along with associated development applications, will allow the development of five single-family lots.

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision where each lot was approximately two acres in size. When the City adopted the current Comprehensive Plan Map a density of 0-1 dwelling units per acre was designated for this area. Beginning in the mid-2000s, the City approved a series of requests to increase the density from 0-1 to 4-5 dwelling units an acre. The City has previously approved single-family applications on 14 of the original 19 lots.

Contingent on approval of the Comprehensive Plan Map Amendment of 4-5 dwelling units per acre, the subject properties would receive a corresponding zoning designation of PDR-3. The City previously approved the same zoning for other portions of Bridle Trail Ranchetts.

To enable a more coordinated development pattern between Aspen Meadows No. 2 and the previously approved Aspen Meadows subdivision to the north, the applicant has requested removal of a 24-foot non-access line recorded on Tract A, a private drive tract, of the Aspen Meadows Plat. When the City approved Aspen Meadows, development of the subject property was not anticipated and this reserve strip was required to prevent vehicular access to the subject property consistent with the requirements for private residential access drives. Because reserve strips are placed under the jurisdiction of the City Council, formal action is required to authorize removal of the non-access line recorded on the Aspen Meadows Plat. A resolution for removal of this non-access line is anticipated at the second reading of Ordinances 823 and 824 on August 6, 2018. If the reserve strip is not removed, a DRB condition of approval will require a locked gate with a Knox box, preventing vehicular access across the reserve strip.

**EXPECTED RESULTS:**

Adoption of Ordinance Nos. 823 and 824 will enable redevelopment of the subject property consistent with prior redevelopment in the Bridle Trail Ranchetts subdivision. Adoption of a resolution to remove the non-access line is anticipated at the second reading of these ordinances.

**TIMELINE:**

The Comprehensive Plan Map Amendment and Zone Map Amendment will be in effect 30 days after ordinance adoption on second reading.

**CURRENT YEAR BUDGET IMPACTS:**

None.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: SCole Date: 7/5/2018

**LEGAL REVIEW / COMMENT:**

**Ordinance Nos. 823 and 824 Staff Report**

Reviewed by: BAJ Date: 7/9/2018

**COMMUNITY INVOLVEMENT PROCESS:**

Staff sent the required public hearing notices.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

The development of the subject land will provide additional housing choices within the current urban growth boundary.

**ALTERNATIVES:**

The alternatives are to approve or deny the Comprehensive Plan Map Amendment, Zone Map Amendment, and reserve strip removal requests.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

Exhibit A – Annexation Ordinance No. 823

Attachment 1 – Comprehensive Plan Map Order DB18-0027 Including Legal Description and Sketch Depicting Zone Map Amendment

Attachment 2 – Comprehensive Plan Map Amendment Findings

Attachment 3 – Development Review Board Panel B Resolution No. 355 Recommending Approval of Comprehensive Plan Map Amendment

Exhibit B – Zone Map Amendment Ordinance No. 824

Attachment 1 – Zoning Order DB18-0028 Including Legal Description and Sketch Depicting Zone Map Amendment

Attachment 2 – Zone Map Amendment Findings

Attachment 3 – Development Review Board Panel B Resolution No. 355 Recommending Approval of Zone Map Amendment

Exhibit C – Amended and Adopted DRB Staff Report and DRB Recommendation

**ORDINANCE NO. 823**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE ON APPROXIMATELY 2.22 ACRES LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 6200, SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

WHEREAS, David Kersten (“Owner”) and Scott Miller of SAMM-MILLER LLC (“Applicant”) have made a development application requesting, among other things, a Comprehensive Plan Map Amendment for the Property; and

WHEREAS, the development application form has been signed by the Owner of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Comprehensive Plan Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, which staff report was presented to the Development Review Board on June 25, 2018; and

WHEREAS, the Comprehensive Plan Map Amendment is contingent on the 5-lot subdivision proposed upon the property having access to and shared responsibility for the usable non-SROZ open space in Tract B of the “Aspen Meadows” subdivision; and

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Comprehensive Plan Map Amendment on June 25, 2018, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 355 which recommends City Council approval of the Comprehensive Plan Map Amendment request (Case File DB18-0027), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on July 16, 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 Comprehensive Plan 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 Comprehensive Plan Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Comprehensive Plan Map is hereby amended by Comprehensive Plan Map Order DB18-0027, attached hereto as Attachment 1, from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre contingent on submission to the City of a recorded agreement demonstrating, to the satisfaction of the City Attorney, the 5-lot subdivision will have access to and shared responsibility for the non-SROZ usable open space in Tract B of the plat of "Aspen Meadows".

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16<sup>th</sup> day of July, 2018, and scheduled for a second reading at a regular meeting of the Council on the 6<sup>th</sup> day of August, 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 6<sup>th</sup> day of August, 2018 by the following votes:

Yes: \_\_\_ No: \_\_\_

---

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of August, 2018.

---

TIM KNAPP, Mayor

**SUMMARY OF VOTES:**

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

**Attachments:**

Attachment 1 – Comprehensive Plan Map Order DB18-0027 Including Legal Description and Sketch Depicting Comprehensive Plan Map Amendment

Attachment 2 – Comprehensive Plan Map Amendment Findings

Attachment 3 – Development Review Board Panel B Resolution No. 355 Recommending Approval of Comprehensive Plan Map Amendment



**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE,  
OREGON**

In the Matter of the Application of	)	
SAMM-MILLER LLC	)	
for an Amendment	)	<b>COMPREHENSIVE PLAN MAP</b>
of the City of Wilsonville	)	<b>ORDER DB18-0027</b>
Comprehensive Plan Map	)	

The above-entitled matter is before the Council to consider the application of DB18-0027, for a Comprehensive Plan Map Amendment and an Order, amending the official Comprehensive Plan Map of the City of Wilsonville.

The Council finds that the subject property (“Property”), legally described and shown in the attached legal description and sketch, has heretofore appeared on the City of Wilsonville Comprehensive Plan Map with a designation of Residential 0-1 dwelling units per acre.

The Council having heard and considered all matters relevant to the application for a Comprehensive Plan 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 2.22 acres located at 28600 SW Canyon Creek Road South comprising Tax Lot 6200 of Section 13BD, T3S, R1W, City of Wilsonville, Clackamas County, Oregon, as more particularly shown and described in the attached legal description and sketch, is hereby designated as Residential 4-5 dwelling units per acre, subject to conditions detailed in this Order’s adopting Ordinance. The foregoing designation is hereby declared an amendment to the Wilsonville Comprehensive Plan Map and shall appear as such from and after entry of this Order.

Dated: This 6<sup>th</sup> day of August,  
2018.

\_\_\_\_\_  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

---

Barbara A. Jacobson, City Attorney

ATTEST:

---

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory Subject to the  
Comprehensive Plan Map Amendment

TAX LOT 6200 3 1W 13BD  
ASPEN MEADOWS 2

JOB NO. 463-002  
JUNE 26, 2018

EXHIBIT A (PAGE 1 OF 2)

LOT 7, "BRIDLE TRAIL RANCHETTS", AND OTHER LAND LOCATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

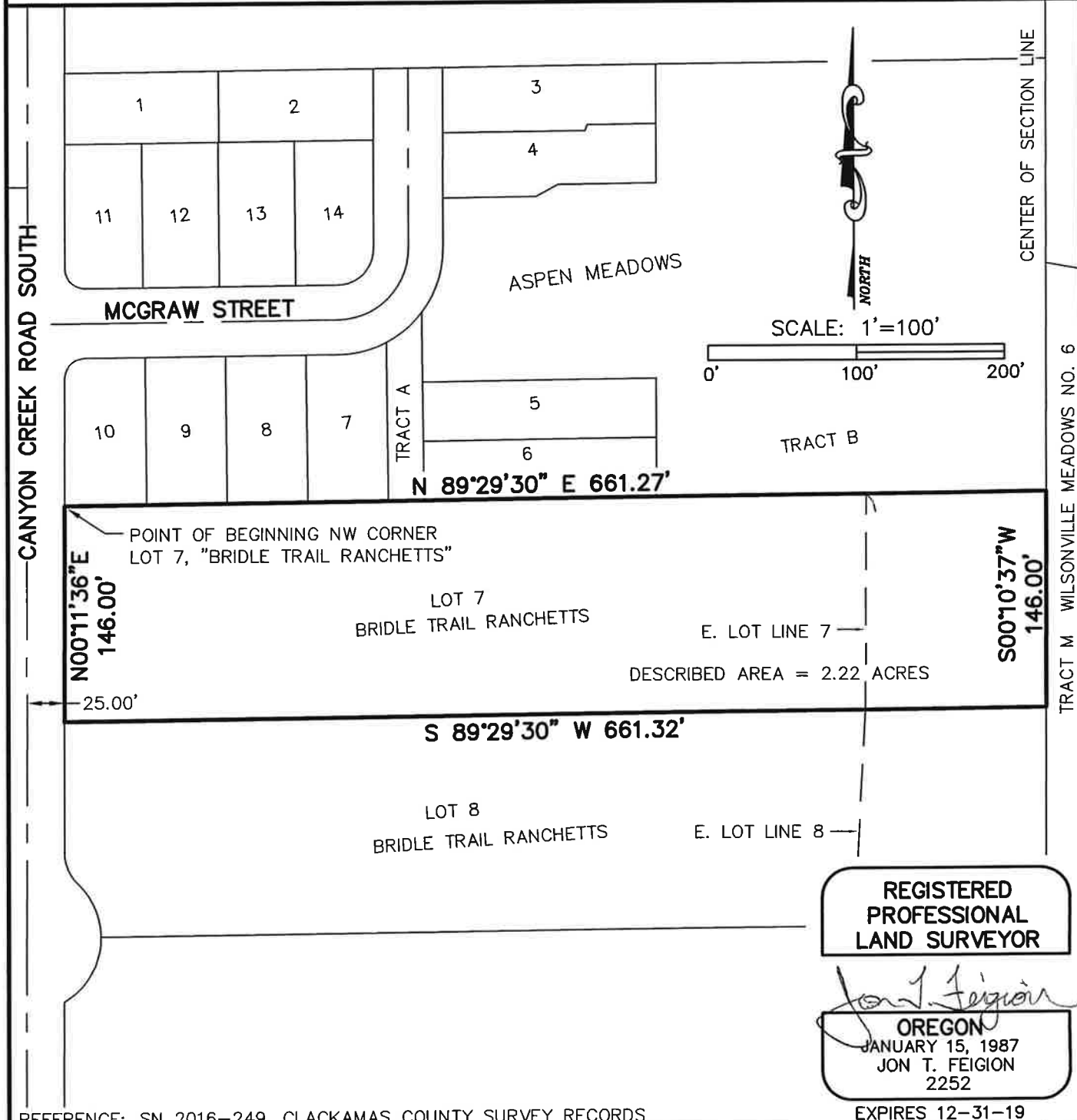
BEGINNING AT THE NORTHWEST CORNER OF LOT 7, "BRIDLE TRAIL RANCHETTS", BEING ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (50.0 FEET WIDE); THENCE ALONG THE NORTH LINE OF SAID LOT 7 AND ITS EASTERLY EXTENSION, NORTH 89°29'30" EAST, 661.27 FEET TO THE WEST LINE OF TRACT M, "WILSONVILLE MEADOWS NO. 6"; THENCE ALONG SAID WEST LINE, SOUTH 00°10'37" WEST, 146.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7; THENCE ALONG SAID EASTERLY EXTENSION AND SOUTH LINE, SOUTH 89°29'30" WEST, 661.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7 ON THE EAST RIGHT OF WAY LINE OF SAID CANYON CREEK ROAD SOUTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°10'36" EAST, 146.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 96,544 SQUARE FEET (2.22 ACRES), MORE OR LESS.



REFERENCE: SN 2016-249, CLACKAMAS COUNTY SURVEY RECORDS

**EXHIBIT A (PAGE 2 OF 2)**  
 LOT 7, "BRIDLE TRAIL RANCHETTS" AND  
 OTHER LAND LOCATED IN THE  
 N.W. 1/4 OF SEC. 13, T.3S., R.1W., W.M.  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*Jon T. Feigion*  
**OREGON**  
 JANUARY 15, 1987  
 JON T. FEIGION  
 2252

REFERENCE: SN 2016-249, CLACKAMAS COUNTY SURVEY RECORDS

EXPIRES 12-31-19

DRAWN BY: JTF	
JOB NO.: 463-002	ASPEN MEADOWS 2
SCALE: 1" = 100'	TL 6200 3 1W 13BD
DATE: 6-26-18	

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com



Ordinance No. 823 Attachment 2  
Comprehensive Plan Map Amendment Findings

Aspen Meadows No. 2 5-Lot Single-Family Subdivision

City Council  
Quasi-Judicial Public Hearing

---

<b>Hearing Date:</b>	July 16, 2018
<b>Date of Report:</b>	June 29, 2018

---

<b>Application No.:</b>	DB18-0027 Comprehensive Plan Map Amendment
-------------------------	--

**Request/Summary:** The request before the City Council is a Comprehensive Plan Map Amendment for approximately 2.22 acres.

**Location:** 28600 SW Canyon Creek Road South, east side of SW Canyon Creek Road South, south of SW McGraw Avenue. The property is specifically known as Tax Lot 6200, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owner:** David Kersten

**Applicant:** Scott Miller, Samm-Miller, LLC

**Applicant's Rep.:** Steve Miller, Emerio Design, LLC

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre (du/ac)

**Comprehensive Plan Designation (Proposed):** Residential 4-5 dwelling units per acre (du/ac)

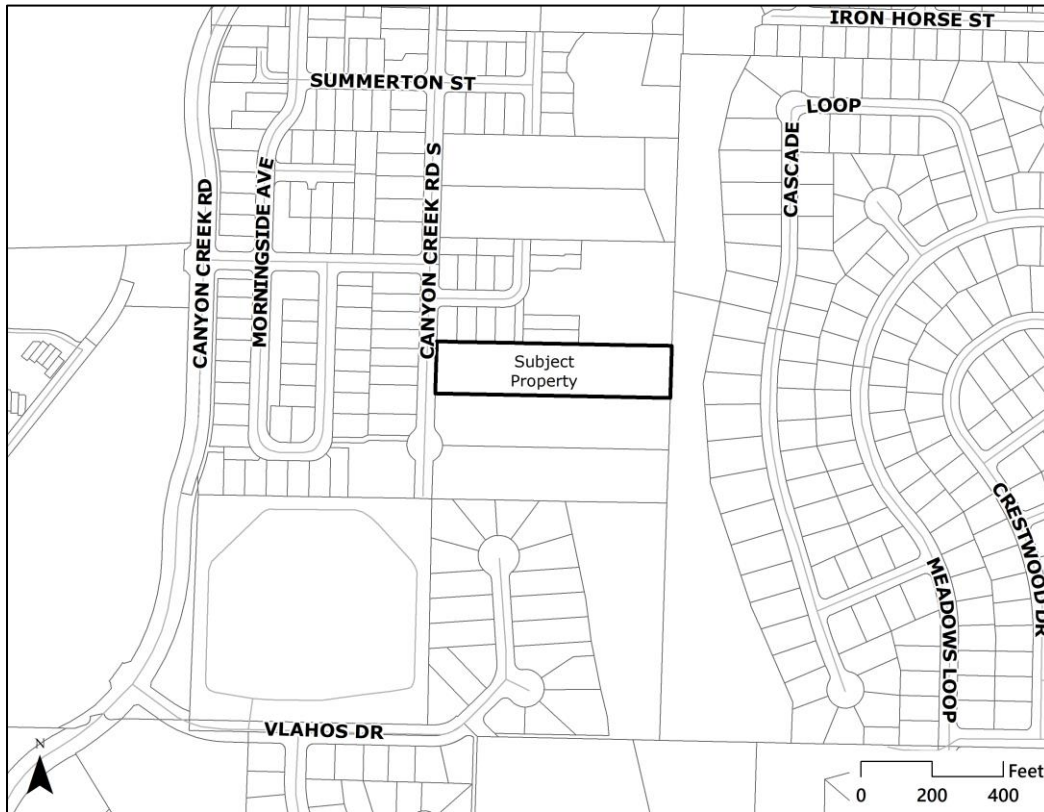
**Staff Reviewer:** Kimberly Rybold, AICP, Associate Planner

**Staff/DRB Recommendation:** Adopt the requested Comprehensive Plan Map Amendment.

**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.198	Comprehensive Plan Changes
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
<u>Regional and State Law and Planning Documents</u>	
Oregon Statewide Planning Goals	

**Vicinity Map**



**Background/Summary:**

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision, developed prior to Wilsonville’s incorporation as a city. Each lot in the subdivision is approximately 2 acres in size, and adoption of the current Comprehensive Plan Map included a residential density for this area

reflecting the existing subdivision. Beginning in the mid-2000s, the City approved many of the Bridle Trail Ranchetts lots for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre (du/ac). Currently, the City has approved portions of 14 of the original 19 Bridle Trail Ranchetts lots for increased density.

The first and largest approved change in this area from 0-1 to 4-5 du/ac was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff report discussed the need of additional single-family homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that designations for higher residential density surround the subject area.

In early 2006, Ordinance No. 604 similarly changed the Comprehensive Plan designation for approximately four acres on the east side of Canyon Creek Road South from 0-1 to 4-5 du/ac for the development of the 13-lot Cross Creek Subdivision. The City made the same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas.

In 2007, Ordinance No. 635 approved a similar Comprehensive Plan designation change for approximately 0.69 acres on the west side of Canyon Creek Road South, north of Renaissance at Canyon Creek. The City made findings consistent with the previously approved amendments.

In 2014, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 project and now desired to redevelop.

In 2016, Ordinance No. 790 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 14-lot Aspen Meadows subdivision to the immediate north of the subject property. At the time, the owner of the subject property did not elect to participate in the planning and development of Aspen Meadows. The owner now requests a similar change of density for similar reasons as the other lots redeveloped in Bridle Trail Ranchetts.

The applicant proposes to change the Comprehensive Plan Map designation for the 2.22-acre subject property from 0-1 du/ac to 4-5 du/ac, consistent with previous Comprehensive Plan Map amendments for properties in the Bridle Trail Ranchetts subdivision.

### **Conclusion and Conditions of Approval:**

Staff and the Development Review Board recommend approval of this request with no additional conditions.

## 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 property owner, David Kersten, signed the submitted application form.

### Request: DB18-0027 Comprehensive Plan Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Development Code - Comprehensive Plan Amendment Process

#### Procedures and Criteria in Comprehensive Plan Subsection 4.198 (.01)

A1. The lot of the subject development site is of sufficient size for development in a manner consistent with the purposes and objectives of Section 4.140.

#### Review Bodies Subsection 4.198 (.02)

A2. The DRB and City Council are considering the request as described.

#### Applicant Agreeing to Conditions of Approval Subsection 4.198 (.05)

A3. The owner will be required to sign a statement accepting conditions for approvals granted contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment.

### Comprehensive Plan Amendment Required Findings

#### Meets Identified Public Need Subsection 4.198 (.01) A.

A4. The "Residential Development" portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.



On the basis of the Housing Data used for the 2017 City of Wilsonville Housing Report, of the City's 10,866 housing units, 52 percent are multi-family (apartments and condos) and 48 percent are single-family.

Policy 4.1.4 and its implementation measures, seek to "provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville." The proposal provides additional single-family homes supporting an ongoing desire for single-family homes at various price levels as part of Wilsonville's strong diversity of housing unit types.

#### Meets Identified Public Need As Well As Reasonable Alternative

Subsection 4.198 (.01) B.

- A5. The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Aspen Meadows, and provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development makes the proposed continued residential use at the proposed density meet the need for a variety of single-family homes better than other density or design options for the site.

#### Supports Statewide Planning Goals

Subsection 4.198 (.01) C.

- A6. The City's Comprehensive Plan complies with the Statewide Planning Goals. The consistency of the proposal with the Comprehensive Plan, as stated in the findings for this request, demonstrates the proposal also complies with the Statewide Planning Goals. See also Findings A33-A37.

#### No Conflict with Other Portions of Plan

Subsection 4.198 (.02) D.

- A7. The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

### **Comprehensive Plan-Initiating, Applying for, and Considering Plan Amendments**

#### Who May Initiate Plan Amendments

Introduction Page 7 "Plan Amendments" 1.

- A8. The property owner of the subject lot has initiated the proposed amendment.

## How to Make Application

Introduction Page 7 "Plan Amendments" 2.

- A9.** The property owner of the subject lots, who has submitted a signed application form provided by the City and paid the required application fee, initiated the proposed amendment.

## Consideration of Plan Amendments

Introduction Page 7 "Plan Amendments" 3.

- A10.** The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

## Standards for Approval of Plan Amendments

### Conformance with Other Portions of the Plan

Introduction Page 7 "Plan Amendments" 4. a.

- A11.** The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

### Public Interest

Introduction Page 7 "Plan Amendments" 4. b.

- A12.** The request is in the public interest by providing needed housing. See also Finding A4.

### Public Interest Best Served by Timing of Amendment

Introduction Page 7 "Plan Amendments" 4. c.

- A13.** The timing of the amendment is appropriate. See Finding A5.

### Factors to Address in Amendment

Introduction Page 7 "Plan Amendments" 4. d.

- A14.** The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Aspen Meadows. The density is consistent with these other recent nearby developments. No parties submitted evidence that the development would negatively affect property values. Preservation of natural resource areas is part of the development. The application of design standards ensures healthful, safe and aesthetic surroundings.

### Conflict with Metro Requirements

Introduction Page 7 "Plan Amendments" 4. e.

- A15.** The review did not identify any conflicts with Metro requirements. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

Public Notice Requirements  
Introduction Page 8 "Plan Amendments" 5.

A16. The City has or will send all required public hearing notices.

## **Urban Growth Management**

Urbanization for Adequate Housing  
Implementation Measure 2.1.1.b.

A17. The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

Revenue Sources for Urbanization  
Implementation Measure 2.1.1.d.

A18. Existing requirements for improvements and systems development charges apply to the development proposed concurrently with the Comprehensive Plan Map amendment.

New Development and Concurrency  
Implementation Measure 2.1.1.e.

A19. The City's concurrency requirements in the Development Code apply to the concurrently proposed development.

Encourage Master Planning  
Implementation Measure 2.1.1.f.2.

A20. The subject property is large enough, being greater than the two-acre threshold for planned development established in Section 4.140, for design consistent with the City's planned development regulations to support design quality and conformity with the Comprehensive Plan.

## **Public Facilities and Services**

Urban Development Only Where Facilities and Services Can Be Provided  
Implementation Measure 3.1.2.a.

A21. Application of the concurrency standards of the City's Development Code ensures the development proposed concurrently with this amendment request will have all necessary facilities and services provided.

Paying for Facilities and Services  
Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

A22. The City has all necessary codes and processes in place to ensure the development pays for public facilities/services directly related to the development.

## Growth and Sewer Capacity

### Implementation Measure 3.1.4.b

**A23.** The City will not allow development without adequate sanitary sewer capacity. As reviewed in the Stage II Final Plan, adequate sanitary sewer capacity exists by connecting to the existing sewer in Canyon Creek Road South.

## Land Use and Development

### Variety of Housing Types

Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

**A24.** Wilsonville has a rich diversity of housing types. Infill in other areas of the Bridle Trail Ranchetts involved single-family residential development of a similar density as proposed (including Renaissance at Canyon Creek and Aspen Meadows subdivisions). The proposal supports the area's continued role as a single-family area amongst Wilsonville's housing mix.

### Encouraging Variety

Implementation Measure 4.1.4.c

**A25.** Being relatively small for a planned development, not a lot of variety would be expected within the development. However, the proposal provides a variety of lot sizes allowing diversity of housing products.

### Housing Balance

Implementation Measure 4.1.4.d

**A26.** On the basis of the Housing Data used for the 2017 City of Wilsonville Housing Report, of the City's 10,866 housing units, 52 percent are multi-family and 48 percent are single-family.

The proposal adds single-family to the housing mix having a minor impact on making single-family housing more balanced with multi-family. In addition, the development is proposed in a single-family area of the community where multi-family is not planned thus supporting the planned geographic distribution.

### Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

**A27.** The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

### Housing Development and the Social and Economic Needs of the Community

Implementation Measure 4.1.4.g.

**A28.** Wilsonville has a rich diversity of housing types, to which these additional single-family homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

## Jobs Housing Balance

Implementation Measures 4.1.4.l. and 4.1.4.p.

- A29.** It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek Road and Parkway Avenue.

## Residential Districts and Density

Implementation Measures 4.1.4.u. and 4.1.4.z.

- A30.** The applicant requests the density to change from 0-1 du/ac to 4-5 du/ac in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Aspen Meadows subdivisions.

## 2-3 or 4-5 Dwelling Unit Per Acre Residential District

"Residential Planning Districts" page D-19

- A31.** The 4-5 du/ac designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

## **Metro Urban Growth Functional Plan**

### Maintaining or Increasing Housing Capacity

Title 1 3.07.110

- A32.** The proposal will increase the City's housing capacity within the current City limits.

## **Statewide Planning Goals**

### Citizen Involvement

Goal 1

- A33.** A thorough citizen involvement process, as defined in Wilsonville's Development Code and Comprehensive Plan, ensures citizen involvement in the decision.

### Land Use Planning

Goal 2

- A34.** The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

## Agriculture Lands

### Goal 3

**A35.** The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to lessen slightly the demand for housing on land currently in use for commercial agriculture.

## Natural Resources, Scenic and Historic Areas, and Open Spaces

### Goal 5

**A36.** The City's SROZ overlay standards ensure protection of significant natural resources on the eastern portion of the subject properties.

## Air, Water and Land Resources Quality

### Goal 6

**A37.** The requirements to preserve the natural area as well as stormwater requirements help maintain water quality. No significant negative impacts to air and land resources can reasonably be anticipated.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 355**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN AND TENTATIVE PARTITION PLAT FOR A 2-LOT PARTITION AND SUBSEQUENT 5-LOT SINGLE-FAMILY SUBDIVISION LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 06200 OF SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

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 June 18, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on June 25, 2018, at which time exhibits, together with findings and public testimony were entered into the public record, and

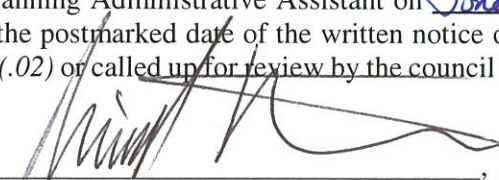
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 June 18, 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 Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB18-0027 and DB18-0028) for:

DB18-0029 through DB18-0033; Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Tentative Partition Plat for an new 5-lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25<sup>th</sup> day of June, 2018 and filed with the Planning Administrative Assistant on June 26, 2018. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).

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

Attest:  
  
\_\_\_\_\_  
Shelley White, Planning Administrative Assistant

## **ORDINANCE NO. 824**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURE-HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL-3 (PDR-3) ZONE ON APPROXIMATELY 2.22 ACRES LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 6200, SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

WHEREAS, David Kersten (“Owner”) and Scott Miller of SAMM-MILLER LLC (“Applicant”) have made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by the Owner of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, concurrently with the Zone Map Amendment the Applicant is requesting a change of the Comprehensive Plan Map designation to “Residential 4-5 dwelling units per acre”; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with the Comprehensive Plan Map designation of “Residential 4-5 dwelling units per acre”, upon approval of the requested Comprehensive Plan Map designation; and

WHEREAS, the Zone Map Amendment and associated Comprehensive Plan Map Amendment is contingent on the 5-lot subdivision proposed upon the property having access to and shared responsibility for the usable non-SROZ open space in Tract B of the “Aspen Meadows” subdivision; 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 June 25, 2018; and

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Zone Map Amendment on June 25, 2018, and after taking public testimony and



giving full consideration to the matter, adopted Resolution No. 355 which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0028), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on July 16, 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 DB18-0028, attached hereto as Attachment 1, from the Residential Agriculture-Holding (RA-H) Zone to Planned Development Residential-3 (PDR-3) Zone contingent on finalization of concurrent Comprehensive Plan Map Amendment.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16<sup>th</sup> day of July, 2018, and scheduled for a second reading at a regular meeting of the Council on the 6<sup>th</sup> day of August, 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 6<sup>th</sup> day of August, 2018 by the following votes:

Yes: \_\_\_\_ No: \_\_\_\_

---

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of August, 2018.

---

TIM KNAPP, Mayor

**SUMMARY OF VOTES:**

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

**Attachments:**

Attachment 1 – Zoning Order DB18-0028 Including Legal Description and Sketch  
Depicting Zone Map Amendment

Attachment 2 – Zone Map Amendment Findings

Attachment 3 – Development Review Board Panel B Resolution No. 355 Recommending  
Approval of Zone Map Amendment

**BEFORE THE CITY COUNCIL OF  
THE CITY OF WILSONVILLE,  
OREGON**

In the Matter of the Application of	)	
SAMM-MILLER LLC	)	
for a Rezoning of Land and Amendment	)	<b>ZONING ORDER DB18-0028</b>
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 DB18-0028, 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 City of Wilsonville zoning map zoned as Residential Agriculture-Holding (RA-H).

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 2.22 acres located at 28600 SW Canyon Creek Road South comprising Tax Lot 6200 of Section 13BD, T3S, R1W, City of Wilsonville, Clackamas County, Oregon, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Residential-3 (PDR-3), 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 6<sup>th</sup> day of August,  
2018.

\_\_\_\_\_  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

---

Barbara A. Jacobson, City Attorney

ATTEST:

---

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned

TAX LOT 6200 3 1W 13BD  
ASPEN MEADOWS 2

JOB NO. 463-002  
JUNE 26, 2018

EXHIBIT A (PAGE 1 OF 2)

LOT 7, "BRIDLE TRAIL RANCHETTS", AND OTHER LAND LOCATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

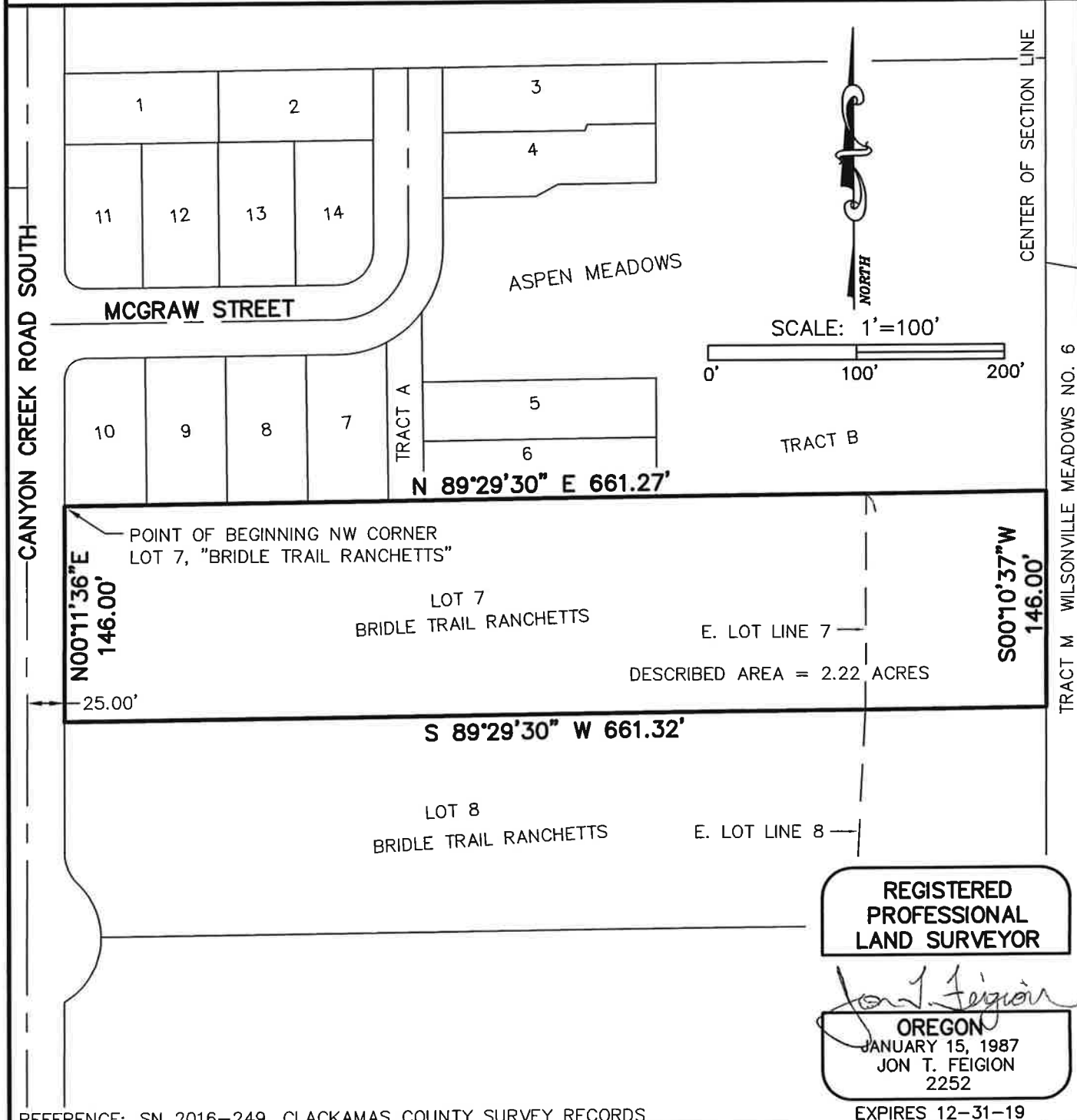
BEGINNING AT THE NORTHWEST CORNER OF LOT 7, "BRIDLE TRAIL RANCHETTS", BEING ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (50.0 FEET WIDE); THENCE ALONG THE NORTH LINE OF SAID LOT 7 AND ITS EASTERLY EXTENSION, NORTH 89°29'30" EAST, 661.27 FEET TO THE WEST LINE OF TRACT M, "WILSONVILLE MEADOWS NO. 6"; THENCE ALONG SAID WEST LINE, SOUTH 00°10'37" WEST, 146.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7; THENCE ALONG SAID EASTERLY EXTENSION AND SOUTH LINE, SOUTH 89°29'30" WEST, 661.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7 ON THE EAST RIGHT OF WAY LINE OF SAID CANYON CREEK ROAD SOUTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°10'36" EAST, 146.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 96,544 SQUARE FEET (2.22 ACRES), MORE OR LESS.



REFERENCE: SN 2016-249, CLACKAMAS COUNTY SURVEY RECORDS

**EXHIBIT A (PAGE 2 OF 2)**  
 LOT 7, "BRIDLE TRAIL RANCHETTS" AND  
 OTHER LAND LOCATED IN THE  
 N.W. 1/4 OF SEC. 13, T.3S., R.1W., W.M.  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*Jon T. Feigion*  
**OREGON**  
 JANUARY 15, 1987  
 JON T. FEIGION  
 2252

REFERENCE: SN 2016-249, CLACKAMAS COUNTY SURVEY RECORDS

DRAWN BY: JTF	
JOB NO.: 463-002	ASPEN MEADOWS 2
SCALE: 1" = 100'	TL 6200 3 1W 13BD
DATE: 6-26-18	

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com



Ordinance No. 824 Attachment 2  
Zone Map Amendment Findings

Aspen Meadows No. 2 5-Lot Single-Family Subdivision

City Council  
Quasi-Judicial Public Hearing

---

<b>Hearing Date:</b>	July 16, 2018
<b>Date of Report:</b>	June 29, 2018

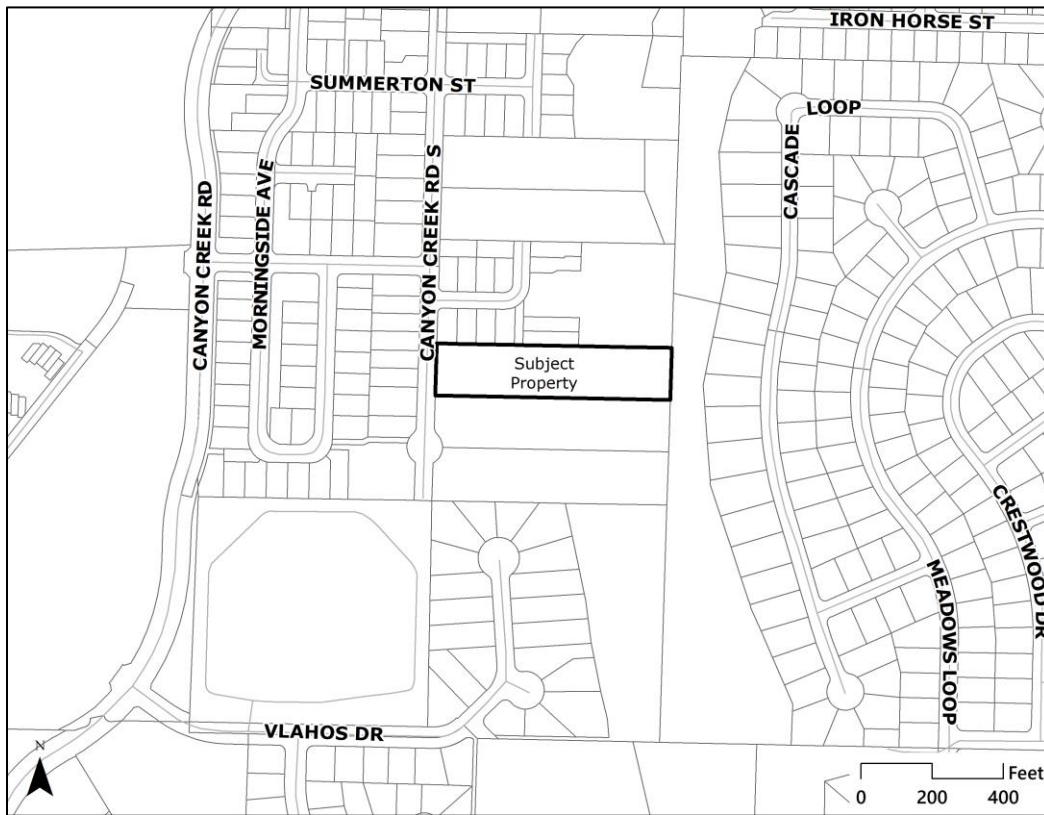
---

<b>Application No.:</b>	DB18-0028 Zone Map Amendment
<b>Request:</b>	The request before the City Council is a Zone Map Amendment for approximately 2.22 acres.
<b>Location:</b>	28600 SW Canyon Creek Road South, east side of SW Canyon Creek Road South, south of SW McGraw Avenue. The property is specifically known as Tax Lot 6200, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
<b>Owner:</b>	David Kersten
<b>Applicant:</b>	Scott Miller, Samm-Miller, LLC
<b>Applicant's Rep.:</b>	Steve Miller, Emerio Design, LLC
<b>Comprehensive Plan Designation:</b>	Residential Neighborhood
<b>Zone Map Classification (Current):</b>	RA-H (Residential Agricultural-Holding)
<b>Zone Map Classification (Proposed):</b>	PDR-3 (Planned Development Residential-3)
<b>Staff Reviewers:</b>	Kimberly Rybold, AICP, Associate Planner
<b>Staff/DRB Recommendation:</b>	<u>Adopt</u> the requested Zone Map Amendment.

**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.110	Zones
Section 4.124	Planned Development Residential Zones
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	
Transportation Systems Plan	
<u>Regional and State Law and Planning Documents</u>	
Oregon Statewide Planning Goals	

**Vicinity Map**





## Summary:

### Zone Map Amendment (DB18-0028)

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 du/ac, the applicant proposes a corresponding PDR zoning of PDR-3. Other portions of Bridle Trail Ranchetts with past approval of increased density to 4-5 du/ac have the same PDR-3 zoning.

## Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend approval with the following condition:

### Request: DB18-0028 Zone Map Amendment

This action is contingent upon the Comprehensive Plan Map Amendment (DB18-0027).
--

## 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 property owner, David Kersten, signed the submitted application form.

### Request: DB18-0028 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

## Comprehensive Plan

### Diversity of Housing Types Implementation Measure 4.1.4.b.,d.

- B1.** Based on the housing data used in the 2017 City of Wilsonville Housing Report, of the City's 10,866 housing units, 52 percent are multi-family and 48 percent are single-family. The City has approved hundreds of new single-family home lots, mainly in Villebois, for development over the next few years. In addition, adopted plans designate Frog Pond West

exclusively for single-family homes as it begins to develop in the coming years. The proposal will provide additional single-family options outside of Villebois and Frog Pond West within the existing City limits, supporting a trend of increasing the number of single-family homes in relation to multi-family homes.

### **Safe, Convenient, Healthful, and Attractive Places to Live**

Implementation Measure 4.1.4.c.

- B2.** The proposed Planned Development Residential-3 (PDR-3) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

### **Residential Density**

Implementation Measure 4.1.4.u.

- B3.** The subject area will be zoned PDR-3, allowing the application of the proposed residential density of 4-5 du/ac to the subject property.

### **Development Code**

#### **Zoning Consistent with Comprehensive Plan**

Section 4.029

- B4.** 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 PDR-3 is consistent with the proposed Comprehensive Plan Residential 4-5 du/ac designation. The approval of the Zone Map Amendment is contingent on City approval of the related Comprehensive Plan Map Amendment.

#### **List of Base Zones**

Subsection 4.110 (.01)

- B5.** The requested zoning designation of PDR-3 is among the base zones identified.

### **Standards for All Planned Development Residential Zones**

#### **Typically Permitted Uses**

Subsection 4.124 (.01)

- B6.** The list of typically permitted uses includes single-family dwelling units, and open space, covering all proposed uses on the subject properties.

#### **Appropriate PDR Zone**

Subsection 4.124 (.05)

- B7.** PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac.

## Zone Change Procedures

Subsection 4.197 (.02) A.

- B8.** The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

## Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

- B9.** The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Residential 4-5 du/ac. As shown in the Comprehensive Plan Map Amendment request and Findings B1 through B3, the request complies with applicable Comprehensive Plan text.

## Specific Comprehensive Plan Findings for Residential Designated Lands

Subsection 4.197 (.02) C.

- B10.** Findings B1 through B3 under this request and A24 through A30 under the Comprehensive Plan Map Amendment request provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

## Public Facility Concurrency

Subsection 4.197 (.02) D.

- B11.** The applicant's Exhibits B1, B2, and B3 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

## Impact on SROZ Areas

Subsection 4.197 (.02) E.

- B12.** The proposed design of the development preserves and protects the SROZ area on the property.

## Development within 2 Years

Subsection 4.197 (.02) F.

- B13.** Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

## Development Standards and Conditions of Approval

Subsection 4.197 (.02) G.

- B14.** As can be found in the findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or as a condition of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 355**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN AND TENTATIVE PARTITION PLAT FOR A 2-LOT PARTITION AND SUBSEQUENT 5-LOT SINGLE-FAMILY SUBDIVISION LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 06200 OF SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

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 June 18, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on June 25, 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 June 18, 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 Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB18-0027 and DB18-0028) for:

DB18-0029 through DB18-0033; Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Tentative Partition Plat for an new 5-lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25<sup>th</sup> day of June, 2018 and filed with the Planning Administrative Assistant on June 26, 2018. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).

  
Richard Martens, Chair, Panel B  
Wilsonville Development Review Board

Attest:  
  
Shelley White, Planning Administrative Assistant



VIA: Certified Mail, Return Receipt Requested

June 26, 2018

Dave Kersten  
28600 SW Canyon Creek Rd S  
Wilsonville, OR 97070

Re: Aspen Meadows Phase II

Case Files:	<b>Request A:</b>	<b>DB18-0027</b>	<b>Comprehensive Plan Map Amendment</b>
	<b>Request B:</b>	<b>DB18-0028</b>	<b>Zone Map Amendment</b>
	Request C:	DB18-0029	Stage I Master Plan
	Request D:	DB18-0030	Stage II Final Plan
	Request E:	DB18-0031	Tentative Subdivision Plat
	Request F:	DB18-0032	Type C Tree Plan
	Request G:	DB18-0033	Tentative Partition Plat

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 Comprehensive Plan Map Amendment and Zone Map Amendment, which are scheduled for a hearing on July 16, 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: Scott Miller – SAMM-MILLER, LLC  
Steve Miller – Emerio Design, LLC

June 26, 2018

**DEVELOPMENT REVIEW BOARD PANEL B**

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND  
RECOMMENDATION TO CITY COUNCIL**

**Project Name:** Aspen Meadows Phase II

**Case Files:**

<b>Request A:</b>	<b>DB18-0027</b>	<b>Comprehensive Plan Map Amendment</b>
<b>Request B:</b>	<b>DB18-0028</b>	<b>Zone Map Amendment</b>
Request C:	DB18-0029	Stage I Master Plan
Request D:	DB18-0030	Stage II Final Plan
Request E:	DB18-0031	Tentative Subdivision Plat
Request F:	DB18-0032	Type C Tree Plan
Request G:	DB18-0033	Tentative Partition Plat

**Owner:** David Kersten

**Applicant:** Scott Miller, Samm-Miller, LLC

**Applicant's  
Representative:** Steve Miller, Emerio Design, LLC

**Property  
Description:** Tax Lots 6200 in Section 13BD; T3S R1W; Clackamas County;  
Wilsonville, Oregon.

**Location:** 28600 SW Canyon Creek Road South

On June 25, 2018 at the meeting of the Development Review Board Panel B, 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, July 16, 2018 to hear these items.*

Requests C, D, E, F, and G:  
Approved with conditions of approval.  
*These approvals are contingent upon City Council's approval of Requests A and B.*

An appeal of Requests C, D, E, F, and G 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 26<sup>th</sup> day of June 2018 and is available for public inspection. The decision regarding Requests C, D, E, F, and G shall become final and effective on the fifteenth (15<sup>th</sup>) 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. 355, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 355**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN AND TENTATIVE PARTITION PLAT FOR A 2-LOT PARTITION AND SUBSEQUENT 5-LOT SINGLE-FAMILY SUBDIVISION LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 06200 OF SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

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 June 18, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on June 25, 2018, at which time exhibits, together with findings and public testimony were entered into the public record, and

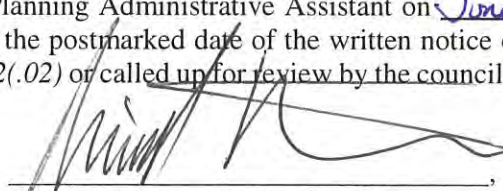
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 June 18, 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 Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB18-0027 and DB18-0028) for:

DB18-0029 through DB18-0033; Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Tentative Partition Plat for an new 5-lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25<sup>th</sup> day of June, 2018 and filed with the Planning Administrative Assistant on June 26, 2018. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).

  
Richard Martens, Chair, Panel B  
Wilsonville Development Review Board

Attest:

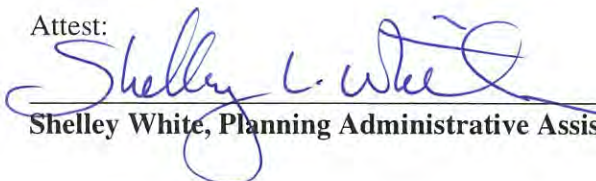
  
Shelley White, Planning Administrative Assistant





Exhibit A1  
Staff Report  
Aspen Meadows No. 2 Subdivision – 5 New Single-Family Lots

Development Review Board Panel 'B'  
Quasi-Judicial Public Hearing  
Added language ***bold italics underline***

---

<b>Hearing Date:</b>	June 25, 2018
<b>Date of Report:</b>	June 18, 2018

---

<b>Application Nos.:</b>	DB18-0027 Comprehensive Plan Map Amendment DB18-0028 Zone Map Amendment DB18-0029 Stage I Preliminary Plan DB18-0030 Stage II Final Plan DB18-0031 Tentative Subdivision Plat DB18-0032 Type C Tree Removal Plan DB18-0033 Tentative Partition Plat
--------------------------	---

**Request/Summary:** The requests before the Development Review Board include a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Tentative Partition Plat

**Location:** 28600 SW Canyon Creek Road South, east side of SW Canyon Creek Road South, south of SW McGraw Avenue. The property is specifically known as Tax Lot 6200, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owner:** David Kersten

**Applicant:** Scott Miller, Samm-Miller, LLC

**Applicant's Rep.:** Steve Miller, Emerio Design, LLC

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre (du/ac)

**Comprehensive Plan Designation (Proposed):** Residential 4-5 dwelling units per acre (du/ac)

**Zone Map Classification (Current):** RA-H (Residential Agricultural-Holding)

**Zone Map Classification (Proposed):** PDR-3 (Planned Development Residential-3)

**Staff Reviewers:** Kimberly Rybold, AICP, Associate Planner  
Steve Adams, PE, Development Engineering Manager  
Kerry Rappold, Natural Resources Program Manager

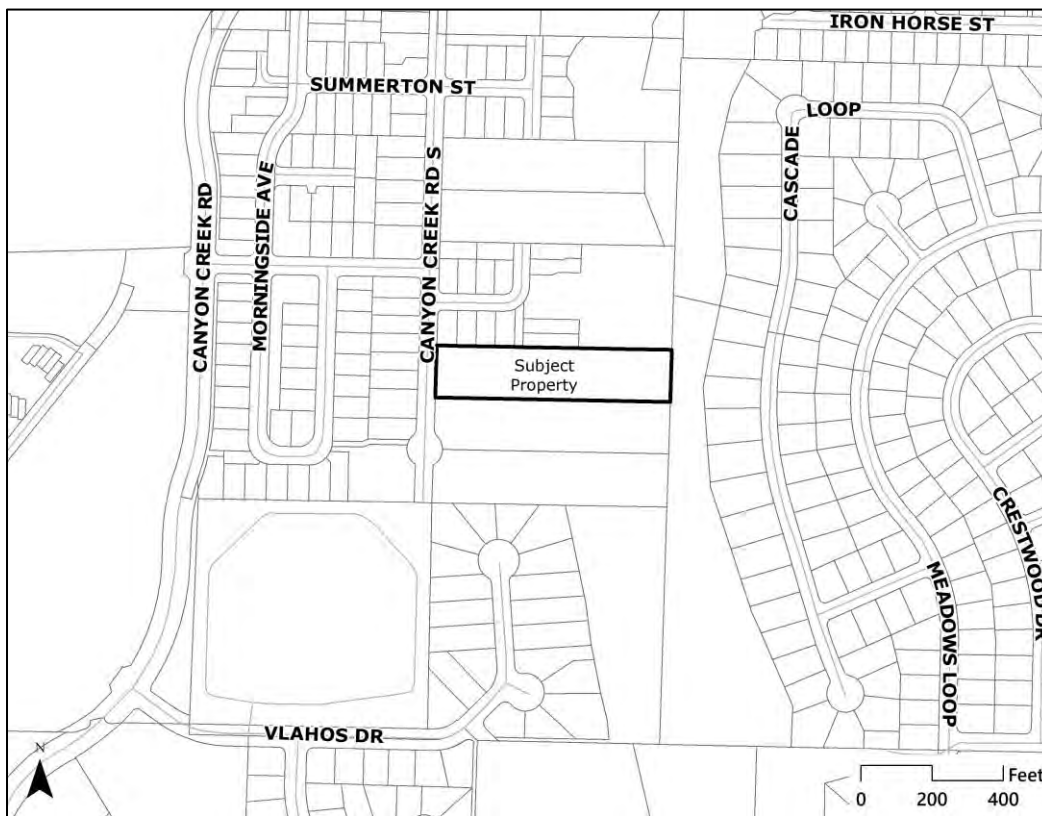
**Staff Recommendation: Recommend approval to the City Council** of the Comprehensive Plan Map Amendment and Zone Map Amendment; **approve with conditions** the Stage I Master Plan, State II Final Plan, Tentative Subdivision Plat, Type C Tree Plan, and Tentative Partition Plat contingent on City Council approval of the Comprehensive Plan Map Amendment and Zone Map Amendment.

Applicable Review Criteria:

<b><u>Development Code:</u></b>	
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 the 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 4.124	Standards Applying to All Planned Development Residential Zones
Section 4.124.3	PDR-3 Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	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
Section 4.198	Comprehensive Plan Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.600-4.640.20	Tree Preservation and Protection
<b><u>Comprehensive Plan and Sub-elements:</u></b>	

Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Oregon Statewide Planning Goals	

Vicinity Map



Background:

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision, developed prior to Wilsonville’s incorporation as a city. Each lot in the subdivision was approximately 2 acres in size, and adoption of the current Comprehensive Plan Map included a residential density for this area reflecting the existing subdivision. Beginning in the mid-2000s, the City approved many of the Bridle Trail Ranchett lots for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre (du/ac). Currently, the City has approved portions of 14 of the original 19 Bridle Trail Ranchett lots for increased density.



Light Gray – 0-1 du/ac  
 Dark Gray – 4-5 du/ac

Subject Property

The first and largest approved change in this area from 0-1 to 4-5 du/ac was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff report discussed the need of additional single-family homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that designations for higher residential density surround the subject area.

In early 2006, Ordinance No. 604 similarly changed the Comprehensive Plan designation for approximately four acres on the east side of Canyon Creek Road South from 0-1 to 4-5 du/ac for the development of the 13-lot Cross Creek Subdivision. The City made the same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas.

In 2007, Ordinance No. 635 approved a similar Comprehensive Plan designation change for approximately 0.69 acres on the west side of Canyon Creek Road South, north of Renaissance at Canyon Creek. The City made findings consistent with the previously approved amendments.

In 2014, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 project and now desired to redevelop.

In 2016, Ordinance No. 790 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 14-lot Aspen Meadows subdivision to the immediate north of the subject property. At the time, the owner of the subject property did not elect to participate in the planning and development of Aspen Meadows. The owner now requests a similar change of density for similar reasons as the other lots redeveloped in Bridle Trail Ranchetts.

#### Summary:

##### Comprehensive Plan Map Amendment (DB18-0027)

The applicant proposes to change the Comprehensive Plan Map designation for the 2.22-acre subject property from 0-1 du/ac to 4-5 du/ac, consistent with previous Comprehensive Plan Map amendments for properties in the Bridle Trail Ranchetts subdivision.

##### Zone Map Amendment (DB18-0028)

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 du/ac, the applicant proposes a corresponding PDR zoning of PDR-3. Other portions of Bridle Trail Ranchetts with past approval of increased density to 4-5 du/ac have the same PDR-3 zoning.

##### Stage I Master Plan (DB18-0029)

The Stage I Master Plan generally establishes the location of housing, streets, and open space tracts on the site, reviewed in more detail with the Stage II Final Plan. The Development Code lists the planned uses of single-family residential and open space as allowed in the PDR-3 zone.

##### Stage II Final Plan (DB18-0030)

The applicant proposes installing necessary facilities and services concurrent with the development of the proposed subdivision. Proposed lot layout and size as well as block size and access demonstrate consistency with development standards established for Planned Development Residential Zones.

Regarding the protection of natural features and other resources, the design of the project avoids disturbance of the significant natural features on the site, particularly the Boeckman Creek Canyon. The applicant proposes development on the portion of the site behind the existing house, which drops by approximately 15 feet to the edge of the SROZ. This slope necessitates some grading, particularly along the front of Lots 3-5, to prepare lots for development with single-family homes.

##### Tentative Subdivision Plat (DB18-0031)

The tentative subdivision plat shows all the necessary information consistent with the Stage II Final Plan for dividing the property in a manner to allow the proposed development.

## Type C Tree Removal Plan (DB18-0032)

While the development plans preserve the large forested area in the eastern portion of the site, the plans include removal of 10 trees that are either not viable or not practicable to preserve with proposed grading for development.

The proposed planting of 16 trees, including street trees and additional trees in the SROZ, will mitigate for the removals.

## Tentative Partition Plat (DB18-0033)

The applicant proposes a tentative partition plat so that the existing single family home on the subject property is separate from the Aspen Meadows No. 2 subdivision. The tentative partition plat shows all the necessary information for dividing the property in a manner to allow the subsequent subdivision for Aspen Meadows No. 2.

## Discussion Points:

### Redevelopment of Bridle Trail Ranchetts

The 1964 Bridle Trail Ranchetts Subdivision created 19 lots, many of which were approximately 2 acres in size. In the most recent adoption of the Comprehensive Plan map, the entire subdivision was designated Residential 0-1 dwelling units per acre, and had a Zone Map designation of RA-H. Subsequently, portions of 14 of the 19 have been changed to 4-5 dwelling units per acre and rezoned. The current request continues the trend reflecting the continued infill with urban single-family densities of this area.

### Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include 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.

### Land Division

The applicant proposes two tentative plats with this development application. The tentative partition plat would split the subject property into two separate parcels. Parcel 1 contains the existing dwelling unit, which would remain, while the applicant would subsequently subdivide Parcel 2 as shown on the tentative subdivision plat. The applicant's reason for partitioning the property prior to subdividing the land is to keep the existing dwelling unit separate from the Aspen Meadows subdivision and CC&R's. Both land divisions are contingent upon approval of

the zone map amendment, as the lot size and dimensions proposed in the tentative partition plat do not meet the minimum requirements of the existing zoning classification, RA-H. A condition of approval ensures that recording of the final partition plat occurs prior to recording of the final subdivision plat.

#### Residential Private Access Drives

The applicant proposes Tract A as a residential private access drive connecting to an existing residential private access drive to the north in Aspen Meadows. The connection of these private drives would provide access to a total of four dwelling units. The connection of these private drives enables the turnaround of emergency vehicles entering the subdivision, but does not provide access to any destination points beyond the Aspen Meadows subdivision. Trash collection will only occur on the public streets. The extension of the private street will be limited to the boundaries of the Aspen Meadows subdivision and it will facilitate the orderly development of the subject property. Given the isolated location at the eastern edge of Aspen Meadows, no through vehicular access is expected. To ensure that Development Code standards regarding residential private access drives are met, Condition of Approval PDD 5 requires signs stating “no through access” or similar language approved by the City Engineer to be installed.

Additionally, Condition of Approval PFD 2 ensures that Lot 5 is accessed via the public street, not the private access drive.

#### Aspen Meadows Reserve Strip

When the City approved the first phase of Aspen Meadows, a reserve strip was required on the private street to prevent access to the subject property. At that time, the applicant had not secured a right to purchase the subject property and it was not anticipated that this would occur. Since the approval of Aspen Meadows, the applicant has secured the right to purchase the subject property and is now requesting that the reserve strip be removed in order to allow for the extension of the private street into the second phase of the Aspen Meadows subdivision. The extension of the private street will provide access for two additional lots and will terminate into a public street that will prevent any future extension of the private street.

The Development Code states that any required reserve strips are placed under the jurisdiction of the City Council. As such, the City Council will have to pass a resolution removing this reserve strip in Aspen Meadows in order to facilitate the connection of the residential private access drive proposed in the proposed subdivision. As an alternative, if the reserve strip is to remain, the applicant would be required to install a barrier preventing vehicular access across this reserve strip from the proposed subdivision. While technically feasible, this approach would make emergency vehicular access to this drive more difficult and would result in a less coordinate development pattern between the two phases of Aspen Meadows.

## Usable Open Space Requirements

The applicant proposes the five-lot subdivision as an extension of the Aspen Meadows subdivision to the north. Development plans for Aspen Meadows include a 0.29-acre usable open space tract serving 14 lots. Where SROZ lands exceed 25 percent of the total site area, development must provide ¼ acre of usable open space per 100 dwelling units. Given the integration of only five additional lots into the existing Aspen Meadows subdivision, the proposed development does not require additional usable open space.

## 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 (DB18-0027 through DB18-0033) with the following conditions:

### Planning Division Conditions:

#### Request A: DB18-0027 Comprehensive Plan Map Amendment

This action recommends to the City Council approval of the Comprehensive Plan Map Amendment for the subject property. The Zone Map Amendment (DB18-0028) and all approvals contingent on it are contingent on the Comprehensive Plan Map Amendment.
---

No conditions for this request
--------------------------------

#### Request B: DB18-0028 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon the Comprehensive Plan Map Amendment (DB18-0027). Case files DB18-0029, DB18-0030, DB18-0031, DB18-0032, and DB18-0033 are contingent upon City Council's action on the Zone Map Amendment request.
--

No conditions for this request
--------------------------------

#### Request C: DB18-0029 Stage I Master Plan

Approval of DB18-0029 (Stage I Master Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0028).
---

No conditions for this request
--------------------------------

#### Request D: DB18-0030 Stage II Final Plan

Approval of DB18-0030 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0028).
---

<b>PDD 1.</b> 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.
<b>PDD 2.</b>	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 D34.
<b>PDD 3.</b>	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 D37.
<b>PDD 4.</b>	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 subdivision plat. See Finding D59.
<b>PDD 5.</b>	At the entrance to the private access drive in Tract A, signs stating “no through access” or similar language approved by the City Engineer shall be installed. See Finding D66.
<b>PDD 6.</b>	The design of the private access drive in Tract A shall provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street. See Finding D68.
<b>PDD 7.</b>	All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D70.
<b>PDD 8.</b>	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 D31.
<b>PDD 9.</b>	All street trees and other right-of-way landscaping shall be installed fronting a lot prior to issuance of an occupancy permit for a home on the lot. See Finding D51.
<b>PDD 10.</b>	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 D52.
<b>PDD 11.</b>	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 D53 and D54.
<b>PDD 12.</b>	The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> </ul>

	<ul style="list-style-type: none"> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.</li> <li>• Shrubs shall reach their designed size for screening within three (3) years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.</li> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.</li> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> </ul> <p>Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding D47.</p>
<b>PDD 13.</b>	All trees shall be balled and burlapped and conform in size and grade to "American Standards for Nursery Stock" current edition. See Finding D47.
<b>PDD 14.</b>	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. The applicant shall provide specific details on the proposed irrigation method prior to installation of street trees. See Finding D48.

Request E: DB18-0031 Tentative Subdivision Plat

Approval of DB18-0031 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB18-0028).	
<b>PDE 1.</b>	Any necessary easements or dedications shall be identified on the final subdivision plat.
<b>PDE 2.</b>	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 Subdivision Plat.
<b>PDE 3.</b>	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 E14.
<b>PDE 4.</b>	Prior to the recording of the final subdivision plat, the applicant/owner shall submit for review and approval by the City Attorney CC&R's, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.
<b>PDE 5.</b>	For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the final subdivision plat, the applicant/owner and

	the City shall enter into easement agreements on templates established by the City 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.
<b>PDE 6.</b>	With the final subdivision plat, a street tree easement shall be granted for Lots 3-5 along the private drive guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees located on private property. See Finding E21.

Request F: DB18-0032 Type C Tree Plan

	Approval of DB18-0032 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0028).
<b>PDF 1.</b>	This approval for removal applies only to the 10 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B3. All other trees on the property shall be maintained unless removal is approved through separate application.
<b>PDF 2.</b>	The applicant/owner 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/owner 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/owner 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. See Finding F18.
<b>PDF 3.</b>	The applicant/owner shall install the required 10 mitigation trees, as shown in the applicant’s sheets 4 and L1 of Exhibit B3, per Section 4.620 WC.
<b>PDF 4.</b>	The permit grantee or the grantee’s successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
<b>PDF 5.</b>	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 F24.

Request F: DB18-0033 Tentative Partition Plat

	Approval of DB18-0033 (Tentative Partition Plat) is contingent on City Council approval of the Zone Map Amendment request (DB18-0028).
<b>PDG 1.</b>	Any necessary easements or dedications shall be identified on the final partition plat.
<b>PDG 2.</b>	The final partition 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.
<b>PDG 3.</b>	The final partition plat shall be recorded prior to the recording of the Final Subdivision Plat for Aspen Meadows No. 2.
<b>PDG 4.</b>	<u><i>No home construction shall occur on Parcel 2 prior to the recording of a final subdivision plat for Aspen Meadows No. 2.</i></u>

*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: DB18-0030 Stage II Final Plan

<b>PFD 1.</b>	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
<b>PFD 2.</b>	The existing home on Parcel 1 will be allowed one driveway access onto Canyon Creek Road South. Lots 1, 2, and 5 shall obtain access via the proposed A-Street. Lots 3 and 4 shall obtain access from the private street located in Tract A.
<b>PFD 3.</b>	On frontage to Canyon Creek Road South the applicant shall be required to construct a 14-foot half-street improvement, face of curb to street centerline (asphalt roadway, curb and gutter, sidewalk, stormwater system, street lights and street trees) in compliance with Residential Street Standards as provided in the 2015 Public Works Standards. Existing street right-of-way is 50 feet; no additional right-of-way dedication is required.
<b>PFD 4.</b>	For emergency access purposes, the applicant shall provide looped roadway access by connecting the proposed private street in Tract A with the existing private street in the adjacent Aspen Meadows. The applicant shall provide a public access easement over the entirety of Tract A. If the reserve strip in the Aspen Meadows subdivision to the north is not removed, the applicant shall provide a locked gate with Knox box preventing vehicular access across the reserve strip.
<b>PFD 5.</b>	The applicant shall construct and dedicate the proposed A-Street as a public street. A-Street shall be constructed with a shed cross-section to bring all storm runoff to

	the north side to be treated in the proposed water quality facilities. The applicant shall install a vertical curb on the south side of A-Street.
<b>PFD 6.</b>	Submitted plans show the proposed A-Street as having a 24-foot width. The applicant shall install “No Parking” signage along either the north or south side of the street.
<b>PFD 7.</b>	The applicant shall obtain water and sanitary sewer service from the existing systems in Canyon Creek Road South.
<b>PFD 8.</b>	The applicant shall provide a looped water system by connecting to the existing 4” water line in the private street in Aspen Meadows to the north.
<b>PFD 9.</b>	The existing home on Parcel 1 will be allowed to install a SS service to the main line in Canyon Creek Road South via using a 36” long radius bend, connecting the service into the upper surface of the main line using a saddle T connection.
<b>PFD 10.</b>	Where feasible, stormwater connections may be made to the public storm main in Canyon Creek Road South, provided stormwater quality and retention requirements are met.
<b>PFD 11.</b>	Where is it not feasible to connect to the stormwater main in Canyon Creek Road South, the applicant shall obtain and submit to the City written permission allowing connection to the storm system in the Aspen Meadows 15-lot subdivision to the north to use that storm system outfall.

Natural Resources Division Conditions:

All Requests

<b>NR 1.</b>	Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.
<b>NR 2.</b>	The Significant Resource Overlay Zone (SROZ) identified as Tract B and portions of Lots 3-5 shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas County Clerk’s office. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division and the Natural Resources Program Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.
<b>NR 3.</b>	All plantings in the SROZ shall be approved by the City’s Natural Resources Manager prior to installation.

Building Division Conditions:

All Requests

<b>BD1.</b>	<p>Prior to construction of the subdivision’s residential homes, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:</p> <ul style="list-style-type: none"> <li>a. Street signs shall be installed at each street intersection and approved per the public work design specifications and their required approvals.</li> </ul>
-------------	--

- 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 Files DB18-0027 through DB18-0033. 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 June 21, 2018 Regarding Staff Report Changes

### Materials from Applicant

- B1. Applicant's Narrative and Materials**
  - Application
  - Supplementary Partition Narrative
  - Reduced Partition Plans 11x17
  - Narrative
  - Reduced Subdivision Plans 11x17
  - Preliminary Title Report
  - Draft Bylaws
  - Draft CC&Rs
  - Preliminary Stormwater Management Plan
  - Technical Memorandum – Conveyance Analysis
  - DKS Trip Generation Memorandum
  - Natural Resource Assessment
  - Republic Services Letter
- B2. Drawings and Plans – 2-Lot Partition**
  - 1 Cover Sheet
  - 2 Existing Conditions Map
  - 3 Partition Plat
  - 4 Shadow Partition Plat
- B3. Drawings and Plans – 5-Lot Subdivision**
  - 1 Cover Sheet
  - 2 Existing Conditions Map
  - 3 Tree Preservation and Removal Plan
  - 4 Tree Mitigation Plan
  - 5 Preliminary Grading Plan

- 6 Preliminary Plat
- 7 Preliminary Storm Water and Utilities Plan
- 8 Street 'A' Plan and Profile
- 9 Private Street Plan and Profile
- 10 Lighting Plan
- L1 Street Tree Plan

Development Review Team Correspondence

- C1.** Engineering Requirements
- C2.** Public Works Comments
- C3.** Natural Resource Requirements
- C4.** TVF&R Standards

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 27, 2018. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on March 28, 2018. The applicant submitted additional material on May 10, 2018. Planning Staff deemed the application complete on May 24, 2018. The City must render a final decision for the request, including any appeals, by September 21, 2018.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDR-3	Single-family residential (under construction)
East:	PDR-4	SROZ, Single-family residential
South:	RA-H	Single-family residential
West:	PDR-3	Single-family residential

3. Previous City Planning Approvals: Current subdivision (Bridle Trail Ranchetts) approved prior to City incorporation.
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 property owner, David Kersten, signed the submitted application form.

#### Pre-Application Conference Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conferences for the proposal on November 9, 2017 (PA17-0021) 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: DB18-0027 Comprehensive Plan Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Development Code - Comprehensive Plan Amendment Process

Procedures and Criteria in Comprehensive Plan  
Subsection 4.198 (.01)

**A1.** The lot of the subject development site is of sufficient size for development in a manner consistent with the purposes and objectives of Section 4.140.

Review Bodies  
Subsection 4.198 (.02)

**A2.** The DRB and City Council are considering the request as described.

Applicant Agreeing to Conditions of Approval  
Subsection 4.198 (.05)

**A3.** The owner will be required to sign a statement accepting conditions for approvals granted contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment.

### Comprehensive Plan Amendment Required Findings

Meets Identified Public Need  
Subsection 4.198 (.01) A.

**A4.** The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.

On the basis of the Housing Data used for the 2017 City of Wilsonville Housing Report, of the City’s 10,866 housing units, 52 percent are multi-family (apartments and condos) and 48 percent are single-family.

Policy 4.1.4 and its implementation measures, seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” The proposal provides additional single-family homes supporting an ongoing desire for single-family homes at various price levels as part of Wilsonville’s strong diversity of housing unit types.

Meets Identified Public Need As Well As Reasonable Alternative  
Subsection 4.198 (.01) B.

**A5.** The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Aspen Meadows, and

provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development makes the proposed continued residential use at the proposed density meet the need for a variety of single-family homes better than other density or design options for the site.

Supports Statewide Planning Goals  
Subsection 4.198 (.01) C.

**A6.** The City's Comprehensive Plan complies with the Statewide Planning Goals. The consistency of the proposal with the Comprehensive Plan, as stated in the findings for this request, demonstrates the proposal also complies with the Statewide Planning Goals. See also Findings A33-A37.

No Conflict with Other Portions of Plan  
Subsection 4.198 (.02) D.

**A7.** The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

Comprehensive Plan-Initiating, Applying for, and Considering Plan Amendments

Who May Initiate Plan Amendments  
Introduction Page 7 "Plan Amendments" 1.

**A8.** The property owner of the subject lot has initiated the proposed amendment.

How to Make Application  
Introduction Page 7 "Plan Amendments" 2.

**A9.** The property owner of the subject lots, who has submitted a signed application form provided by the City and paid the required application fee, initiated the proposed amendment.

Consideration of Plan Amendments  
Introduction Page 7 "Plan Amendments" 3.

**A10.** The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

Standards for Approval of Plan Amendments

Conformance with Other Portions of the Plan  
Introduction Page 7 "Plan Amendments" 4. a.

**A11.** The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

Public Interest

Introduction Page 7 "Plan Amendments" 4. b.

**A12.** The request is in the public interest by providing needed housing. See also Finding A4.

Public Interest Best Served by Timing of Amendment

Introduction Page 7 "Plan Amendments" 4. c.

**A13.** The timing of the amendment is appropriate. See Finding A5.

Factors to Address in Amendment

Introduction Page 7 "Plan Amendments" 4. d.

**A14.** The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Aspen Meadows. The density is consistent with these other recent nearby developments. No parties submitted evidence that the development would negatively affect property values. Preservation of natural resource areas is part of the development. The application of design standards ensures healthful, safe and aesthetic surroundings.

Conflict with Metro Requirements

Introduction Page 7 "Plan Amendments" 4. e.

**A15.** The review did not identify any conflicts with Metro requirements. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

Public Notice Requirements

Introduction Page 8 "Plan Amendments" 5.

**A16.** The City has or will send all required public hearing notices.

Urban Growth Management

Urbanization for Adequate Housing

Implementation Measure 2.1.1.b.

**A17.** The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

Revenue Sources for Urbanization

Implementation Measure 2.1.1.d.

**A18.** Existing requirements for improvements and systems development charges apply to the development proposed concurrently with the Comprehensive Plan Map amendment.

New Development and Concurrency  
Implementation Measure 2.1.1.e.

**A19.** The City’s concurrency requirements in the Development Code apply to the concurrently proposed development.

Encourage Master Planning  
Implementation Measure 2.1.1.f.2.

**A20.** The subject property is large enough, being greater than the two-acre threshold for planned development established in Section 4.140, for design consistent with the City’s planned development regulations to support design quality and conformity with the Comprehensive Plan.

Public Facilities and Services

Urban Development Only Where Facilities and Services Can Be Provided  
Implementation Measure 3.1.2.a.

**A21.** Application of the concurrency standards of the City’s Development Code ensures the development proposed concurrently with this amendment request will have all necessary facilities and services provided. See Stage II Final Plan in Request D.

Paying for Facilities and Services  
Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

**A22.** The City has all necessary codes and processes in place to ensure the development pays for public facilities/services directly related to the development.

Growth and Sewer Capacity  
Implementation Measure 3.1.4.b

**A23.** The City will not allow development without adequate sanitary sewer capacity. As reviewed in the Stage II Final Plan, adequate sanitary sewer capacity exists by connecting to the existing sewer in Canyon Creek Road South.

Land Use and Development

Variety of Housing Types  
Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

**A24.** Wilsonville has a rich diversity of housing types. Infill in other areas of the Bridle Trail Ranchetts involved single-family residential development of a similar density as proposed (including Renaissance at Canyon Creek and Aspen Meadows subdivisions). The proposal supports the area’s continued role as a single-family area amongst Wilsonville’s housing mix.

Encouraging Variety  
Implementation Measure 4.1.4.c

**A25.** Being relatively small for a planned development, not a lot of variety would be expected within the development. However, the proposal provides a variety of lot sizes allowing diversity of housing products.

Housing Balance  
Implementation Measure 4.1.4.d

**A26.** On the basis of the Housing Data used for the 2017 City of Wilsonville Housing Report, of the City's 10,866 housing units, 52 percent are multi-family and 48 percent are single-family.

The proposal adds single-family to the housing mix having a minor impact on making single-family housing more balanced with multi-family. In addition, the development is proposed in a single-family area of the community where multi-family is not planned thus supporting the planned geographic distribution.

Housing Needs of Existing Residents  
Implementation Measure 4.1.4.f.

**A27.** The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

Housing Development and the Social and Economic Needs of the Community  
Implementation Measure 4.1.4.g.

**A28.** Wilsonville has a rich diversity of housing types, to which these additional single-family homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

Jobs Housing Balance  
Implementation Measures 4.1.4.i. and 4.1.4.p.

**A29.** It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek Road and Parkway Avenue.

Residential Districts and Density  
Implementation Measures 4.1.4.u. and 4.1.4.z.

**A30.** The applicant requests the density to change from 0-1 du/ac to 4-5 du/ac in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Aspen Meadows subdivisions.

2-3 or 4-5 Dwelling Unit Per Acre Residential District  
"Residential Planning Districts" page D-19

**A31.** The 4-5 du/ac designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

Metro Urban Growth Functional Plan

Maintaining or Increasing Housing Capacity  
Title 1 3.07.110

**A32.** The proposal will increase the City's housing capacity within the current City limits.

Statewide Planning Goals

Citizen Involvement  
Goal 1

**A33.** A thorough citizen involvement process, as defined in Wilsonville's Development Code and Comprehensive Plan, ensures citizen involvement in the decision.

Land Use Planning  
Goal 2

**A34.** The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

Agriculture Lands  
Goal 3

**A35.** The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to lessen slightly the demand for housing on land currently in use for commercial agriculture.

Natural Resources, Scenic and Historic Areas, and Open Spaces  
Goal 5

**A36.** The City's SROZ overlay standards ensure protection of significant natural resources on the eastern portion of the subject properties.

Air, Water and Land Resources Quality  
Goal 6

**A37.** The requirements to preserve the natural area as well as stormwater requirements help maintain water quality. No significant negative impacts to air and land resources can reasonably be anticipated.

## Request B: DB18-0028 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Comprehensive Plan

#### Diversity of Housing Types

Implementation Measure 4.1.4.b.,d.

- B1.** Based on the housing data used in the 2017 City of Wilsonville Housing Report, of the City's 10,866 housing units, 52 percent are multi-family and 48 percent are single-family. The City has approved hundreds of new single-family home lots, mainly in Villebois, for development over the next few years. In addition, adopted plans designate Frog Pond West exclusively for single-family homes as it begins to develop in the coming years. The proposal will provide additional single-family options outside of Villebois and Frog Pond West within the existing City limits, supporting a trend of increasing the number of single-family homes in relation to multi-family homes.

#### Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

- B2.** The proposed Planned Development Residential-3 (PDR-3) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

#### Residential Density

Implementation Measure 4.1.4.u.

- B3.** The subject area will be zoned PDR-3, allowing the application of the proposed residential density of 4-5 du/ac to the subject property.

### Development Code

#### Zoning Consistent with Comprehensive Plan

Section 4.029

- B4.** 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 PDR-3 is consistent with the proposed Comprehensive Plan Residential 4-5 du/ac designation. The approval of the Zone Map Amendment is contingent on City approval of the related Comprehensive Plan Map Amendment.

#### List of Base Zones

Subsection 4.110 (.01)

- B5.** The requested zoning designation of PDR-3 is among the base zones identified.



## Standards for All Planned Development Residential Zones

### Typically Permitted Uses

Subsection 4.124 (.01)

- B6.** The list of typically permitted uses includes single-family dwelling units, and open space, covering all proposed uses on the subject properties.

### Appropriate PDR Zone

Subsection 4.124 (.05)

- B7.** PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac.

### Zone Change Procedures

Subsection 4.197 (.02) A.

- B8.** The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

### Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

- B9.** The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Residential 4-5 du/ac (see Request A). As shown in Request A and Findings B1 through B3, the request complies with applicable Comprehensive Plan text.

### Specific Comprehensive Plan Findings for Residential Designated Lands

Subsection 4.197 (.02) C.

- B10.** Findings B1 through B3 under this request and A24 through A30 under Request A provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

### Public Facility Concurrency

Subsection 4.197 (.02) D.

- B11.** The applicant's Exhibits B1, B2, and B3 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

### Impact on SROZ Areas

Subsection 4.197 (.02) E.

- B12.** The proposed design of the development preserves and protects the SROZ area on the property.

Development within 2 Years  
Subsection 4.197 (.02) F.

**B13.** Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval  
Subsection 4.197 (.02) G.

**B14.** As can be found in the findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or as a condition of approval.

Request C: DB18-0029 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.

**C1.** The City's Comprehensive Plan designates the subject property for residential use. The proposed Comprehensive Plan Map amendment would increase the density for the subject property and would continue to be 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.

City Obligated to do its Fair Share to Increase Development Capacity within UGB  
Implementation Measure 2.2.1.b.

**C3.** 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.

- C4.** As can be found in the findings for the Stage II Final plan, the proposed development provides all necessary facilities and services.

Provision of Usable Open Space  
Implementation Measures 3.1.11.p, 4.1.5.kk

- C5.** The second phase of Aspen Meadows meets the usable open space requirement through the usable open space provided within the subdivision's first phase. Findings related to Section 4.113 of the Development Code offer additional details related to provision of usable open space.

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.

- C6.** Previous Comprehensive Plan Map amendments for the Bridle Trail Ranchetts subdivision have 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.

Accommodating Housing Needs of Existing Residents  
Implementation Measure 4.1.4.f.

- C7.** 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 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

Planned Development Regulations

Planned Development Lot Qualifications  
Subsection 4.140 (.02)

- C8.** The planned five-lot subdivision will accommodate detached single-family homes, a functional public street, and preserved open space consistent with the purpose of Section 4.140.

Ownership Requirements  
Subsection 4.140 (.03)

- C9.** The owner of the subject property has signed an application form included with the application.

Professional Design Team  
Subsection 4.140 (.04)

**C10.** Steve Miller of Emerio Design is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

Planned Development Permit Process  
Subsection 4.140 (.05)

**C11.** The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, and is proposed to be zoned Planned Development Residential. The property will be developed as a planned development.

Comprehensive Plan Consistency  
Subsection 4.140 (.06)

**C12.** The proposed project, as found elsewhere in this report, complies with the PDR-3 zoning designation, which implements the proposed Comprehensive Plan designation of Residential 4-5 du/ac.

Planned Development Application Requirements  
Subsection 4.140 (.07)

**C13.** Review of the proposed Stage I Master Plan has been scheduled 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 owner.
- 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 C10.
- The applicant has 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)

**C14.** The proposed five-lot subdivision will be the second phase of the previously approved Aspen Meadows subdivision located immediately to the north. The outdoor recreational area developed as part of the Aspen Meadows subdivision will be available for use by residents of the second phase. 1.23 acres of SROZ is located on the eastern portion of the subject property. The proposal will preserve a majority of this area as open space within a conservation easement in Tract B. See Finding D9.

### Other Standards

Subsections 4.113 (.03) through (.14)

**C15.** The applicant proposes meeting these standards. See Request D, Stage II Final Plan.

## Standards for All Planned Development Residential Zones

### Typically Permitted Uses

Subsection 4.124 (.01)

**C16.** The list of typically permitted uses includes single-family dwelling units and open space on the subject property.

### Accessory Uses

Subsection 4.124 (.02)

**C17.** While the proposal does not specifically propose any of the listed accessory uses, they continue to be allowed accessory uses.

### Appropriate PDR Zone

Subsection 4.124 (.05)

**C18.** PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac. See Requests A and B.

### Block and Access Standards

Subsection 4.124 (.06)

**C19.** Street locations and lot configurations are such as to support the development of blocks supportive of these standards with existing and potential future development of adjacent properties.

## PDR-3 Zone

### Development Standards Section 4.124.3

**C20.** Each lot meets or exceeds the minimum lot size standard of 5,000 square feet. The lots exceed the average lot size requirements of 7,000 square feet. All lots are at least 40 feet wide and 60 feet deep. All structures will meet setbacks as well as maximum height and lot coverage.

### Request D: DB18-0030 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 Developments Lot Qualifications Subsection 4.140 (.02)

**D1.** The planned five-lot subdivision will accommodate detached single-family homes, a functional public street, and preserved open space consistent with the purpose of Section 4.140. The subject property is 2.21 acres and is suitable for a planned unit development. Concurrent with the request for a Stage II Final Plan, the applicant proposes to rezone the property to PDR-3.

#### Ownership Requirements Subsection 4.140 (.03)

**D2.** The owner of the subject property signed an application form included with the application.

#### Professional Design Team Subsection 4.140 (.04)

**D3.** Steve Miller of Emerio Design is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, 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.** With the requested Comprehensive Plan Map Amendment, Request A, the project is consistent with the Comprehensive Plan and other applicable plans of which staff is aware.

Traffic Concurrency  
Subsection 4.140 (.09) J. 2.

**D5.** As shown in the Trip Generation Memorandum, Exhibit B1, the City expects the proposed subdivision to generate five new p.m. peak hour trips. Of the studied intersections, the City expects the proposed development to generate one p.m. peak hour trip through the I-5/Elligsen Road interchange area and one p.m. peak hour trip through the I-5/Wilsonville Road interchange area. No identified intersection would fall below the City's Level of Service D.

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

Purpose of Outdoor Recreational Area  
Subsection 4.113 (.01) A.

**D8.** No additional open space or recreational area is required for the proposed subdivision as the requirement is met in the first phase of Aspen Meadows to the north. See Finding D10.

25 % Open Space Required  
Subsection 4.113 (.02) A.

**D9.** As over half of the subject property is classified as SROZ, well in excess of 25 percent of the property is proposed as open space.

Usable Open Space When SROZ is Greater than 25 % of Developable Area  
Subsection 4.113 (.02) A.

**D10.** The proposed five-lot subdivision is an extension of the Aspen Meadows subdivision to the north. Aspen Meadows includes a 0.29-acre usable open space tract serving 14 lots. As this Development Code criterion requires ¼ acre per 100 dwelling units, no additional usable open space is required to serve the proposed development.

Building Setbacks – Lots Over 10,000 Square Feet  
Subsection 4.113 (.03) A.

**D11.** The existing single-family structure will remain on a lot exceeding 10,000 square feet in size. The proposed lot will allow the existing home to meet the front yard setback of 20 feet, garage door setback of 20 feet, side yard setbacks of 10 feet, and rear yard setback of 20 feet.

Building Setbacks – Lots Not Exceeding 10,000 Square Feet  
Subsection 4.113 (.03) B.

**D12.** The proposed lots will allow homes to be built to meet the front yard setback of 15 feet, garage door setback of 20 feet, side yard setbacks of five (one story) to seven (two stories) feet, and rear yard setback of 15 (one story) to 20 (two stories) feet.

Effects of Compliance Requirements and Conditions on Cost of Needed Housing  
Subsection 4.113 (.14)

**D13.** 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

**D14.** The developer will install all utilities underground.

Habitat Friendly Development Practices to be Used to the Extent Practicable  
Subsection 4.118 (.09)

**D15.** The portions of the subject property proposed for development do not contain any wildlife corridors or fish passages. Consistent with City and other standards, the applicant proposes protection of the SROZ, and no disturbance within this area is proposed. 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.

Permitted Uses  
Subsections 4.124 (.01) and (.02)

**D16.** The applicant proposes open space and detached single-family homes, allowed uses in the PDR zones. While no allowed accessory uses are specifically mentioned in the applicant's materials, they will continue to be allowed.



## Block and Access Standards in PDR Zones

Maximum Block Perimeter: 1800 Feet

Subsection 4.124 (.06) 1.

**D17.** Three new blocks will be created by the subdivision. Of these, only one block is surrounded entirely by streets or private drives. The perimeter of this block, which includes the existing house (Parcel 1) and Lots 1-2 will measure  $\pm$  880 feet.

Maximum Spacing Between Streets for Local Access: 530 Feet

Subsection 4.124 (.06) 2.

**D18.** The proposed public street providing access to the project is approximately 230 feet south of McGraw Avenue. The distance between the subdivision entrance and the private street is approximately 210 feet.

Maximum Block Length Without Bicycle or Pedestrian Crossing: 330 Feet

Subsection 4.124 (.06) 3.

**D19.** When combined with the Aspen Meadows subdivision to the north, all proposed blocks are less than 330 feet.

## PDR-3 Zone Standards

Average (7,000 sf) and Minimum (5,000 sf) Lot Size

Subsections 4.124.3 (.01) and (.02)

**D20.** The Preliminary Subdivision Plans show lots ranging in size from  $\pm$  5,060 square feet to  $\pm$  11,948 square feet, with an average lot size of  $\pm$  7,357 square feet. The average lot size calculation includes Parcel 1, as this lot is included as a part of the zone map amendment request.

Minimum Density: One Unit per 8,000 sf

Subsection 4.124.3 (.03)

**D21.** Minimum density has been calculated based on the Comprehensive Plan density range, understood to be the controlling standard for density, as historically applied elsewhere with Planned Development Residential zoning. The minimum density calculation is as follows:

Usable (non-SROZ) acres  $.98 \times 4 \text{ du/ac} = 3.92$  or 4 lots minimum

In addition, the property is permitted a density transfer from the SROZ portion of the property equal to 50% of the expected maximum density for the SROZ area, calculated as follows:

SROZ acres  $1.23 \times 5 \text{ du/ac} = 6.15 \times 0.5$  (50% SROZ transfer credit = 3.08 or 3 units)

The proposed unit count (six) exceeds the minimum density of four units.

Minimum Lot Width: 40 Feet  
Subsection 4.124.3 (.04) A.

**D22.** The Preliminary Subdivision Plans show all lots with more than a 40-foot width.

Minimum Street Frontage: 40 Feet, 24 Feet on Cul-de-sac  
Subsection 4.124.3 (.04) B.

**D23.** The tentative subdivision plat shows Parcel 1 and Lots 1-4 having a minimum street frontage of at least 40 feet. Lot 5 has frontage on both a cul-de-sac and a private drive, with the combined frontage exceeding 40 feet.

Minimum Lot Depth: 60 Feet  
Subsection 4.124.3 (.04) C.

**D24.** The tentative subdivision plat shows the minimum lot depth for all lots exceeds 60 feet.

Maximum Height: 35 Feet  
Subsection 4.124.3 (.04) E.

**D25.** No homes will be approved for construction in this subdivision with a height greater than 35 feet.

Maximum Lot Coverage  
Subsection 4.124.3 (.04) F.

**D26.** Lots 1-3 are less than 7,000 square feet in size and thus would be allowed up to 50 percent lot coverage. Lots 4-5 are between 7,000 and 8,000 square feet in size and would be allowed up to 45 percent lot coverage. Parcel 1 exceeds 8,000 square feet in size and would be allowed up to 40 percent lot coverage.

## SROZ Regulations

Prohibited Activities  
Section 4.139.04

**D27.** The rear portions of Lots 3-5 include a combined 8,200 square feet of SROZ. Condition of Approval NR 2 requires these portions of Lots 3-5 be identified in a conservation easement along with Tract B to prohibit any disturbance of natural vegetation without first obtaining approval from the City.

Uses and Activities Exempt from These Regulations  
Section 4.139.04

**D28.** The regulations apply to a significant portion of the property within the SROZ. The applicant proposed no development within the SROZ; however, the applicant limits plantings in the SROZ to those identified as native on the Metro Native Plant List.

Condition of Approval NR 3 requires that the City's Natural Resources Manager approve the SROZ plantings prior to their installation.

#### Density Transfer from Significant Resource Overlay Zone

Transfer of Density from SROZ Permitted  
Subsection 4.139.11 (.02)

**D29.** The applicant proposes a density transfer of two units consistent with this subsection. The permitted density transfer is three units based on the following calculation:  
SROZ acres  $1.23 \times 5$  du/ac (maximum density per proposed Comprehensive Plan designation) =  $6.15 \times 0.5$  (50% SROZ transfer credit) = 3.08 or 3 units

SROZ Density Transfer Limiting Standards.  
Subsection 4.139.11 (.02) B. 2.-3.

**D30.** The standards for outdoor living area, landscaping, building height and parking are still met as established by other findings under this request. The proposed lots are of a similar size as many in the area and meet the minimum of the PDR-3 zone and will allow development of homes similar to many in the area. Setbacks and relationships to adjacent properties are similar with or without the density transfer. Setbacks for the PDR-3 zone are met. Permitted single-family homes and parks and open space continue to be the only uses proposed with the density transfer. All other applicable standards are able to be met with the density transfer.

#### On-site Pedestrian Access and Circulation

Continuous Pathway System  
Section 4.154 (.01) B. 1.

**D31.** The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. 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 or lots.

Safe, Direct, and Convenient  
Section 4.154 (.01) B. 2.

**D32.** The submitted plans show sidewalk and pathways providing safe, direct, and convenient access to homes and open spaces in the adjacent Aspen Meadows subdivision.

Vehicle/Pathway Separation  
Section 4.154 (.01) B. 3.

**D33.** 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.

**D34.** Condition of Approval PDD 2 requires the clear marking of all crosswalks 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.

**D35.** The applicant proposes all pathways to be concrete or asphalt, meeting or exceeding the 5-foot required width.

Parking Area Design Standards

Minimum and Maximum Parking  
Subsection 4.155 (.03) G.

**D36.** Each dwelling unit requires one parking space. The applicant states each lot will accommodate at least one exterior parking space, which will be a minimum of 20 feet long by 12 feet wide. Additionally, the proposed homes will have at least a single-car garage, providing an additional parking space.

Other Parking Area Design Standards  
Subsections 4.155 (.02) and (.03)

**D37.** 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 meeting the dimensional standards.
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.	☒	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)

**D38.** 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.

### Protection of Natural Features and Other Resources

#### General Terrain Preparation Section 4.171 (.02)

**D39.** The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. This area is designated for protection as SROZ and will not be disturbed. Prior to any site earth work a grading permit must be issued by the City’s Building Division ensuring planned grading conforms 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 grading. The applicant designed the development to limit the extent of disturbance of soils. Tree removal is limited to those that are non-viable, dead, diseased, dying, or those that will impede construction of infrastructure, street improvements, driveways and future building sites.

#### Trees and Wooded Areas Section 4.171 (.04)

**D40.** The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. The applicant proposes preserving all trees within the SROZ. Outside of the SROZ, the applicant proposes retaining all trees except those that are in the way of the required frontage improvements, the new public street, the proposed private road or future dwellings. As noted in Request F, the applicant proposes removing 10 trees outside of the SROZ.

#### Earth Movement and Soil Hazard Areas Subsections 4.171 (.07) and (.08)

**D41.** The applicant states the subject property does not contain any earth movement or soil hazard areas.

Historic Resources  
Subsection 4.171 (.09)

**D42.** 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

**D43.** The development will be a traditional single-family subdivision to create a quiet area with eyes on the street to discourage crime. Lighting will be typical of other subdivisions in Wilsonville. The Building Permit process will ensure appropriate addresses are affixed to the homes for emergency responders.

Landscaping Standards

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

**D44.** 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.

**D45.** 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 trees and stormwater swale plantings. Except where driveways and utility conflicts prevent, street trees are placed 30 feet on center.

Types of Plant Material, Variety and Balance, Use of Natives When Practicable  
Subsection 4.176 (.03)

**D46.** The applicant proposes a professionally designed landscape using a variety of plant material. The design incorporates native plants, including coastal strawberry and spreading rush.

Quality and Size of Plant Material  
Subsection 4.176 (.06)

**D47.** 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. Conditions of

Approval PDD 12 and PDD 13 ensure 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)

**D48.** The installation and maintenance standards are or will be met by Condition of Approval PDD 14 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.
- An irrigation system is required to ensure the plant materials survive during the establishment period. – need additional condition?

Landscape Plans  
Subsection 4.176 (.09)

**D49.** The applicant's submitted landscape plans in Exhibit B3 provide the required information.

Completion of Landscaping  
Subsection 4.176 (.10)

**D50.** The applicant has not requested to defer installation of plant materials.

Landscape Installation or Bonding  
Subsection 4.450 (.01)

**D51.** Condition of Approval PDD 9 further requires all street trees and other right-of-way landscaping be installed fronting a lot prior to issuance of an occupancy permit for a home on the lot.

Approved Landscape Plan  
Subsection 4.450 (.02)

**D52.** Condition of Approval PDD 10 ensures the approved landscape plan is binding upon the applicant/owner. 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)

**D53.** Condition of Approval PDD 11 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)

**D54.** Condition of Approval PDD 11 provides ongoing assurance by preventing modification or removal without the appropriate City review.

Street Improvement Standards-Generally

Conformance with Standards and Plan  
Subsection 4.177 (.01)

**D55.** 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 a standard local residential street proportional to and typical of the single-family development proposed.

Street Design Standards-Future Connections and Adjoining Properties  
Subsection 4.177 (.02) A.

**D56.** The proposed design provides for continuation of A-Street onto the adjacent property to the south.

City Engineer Determination of Street Design and Width  
Subsection 4.177 (.02) B.

**D57.** The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in Figure 3-9 of the 2013 Transportation Systems Plan. The Engineering Division will check final conformance with the cross sections shown in the Transportation Systems Plan during review of the Public Works Permit.

Right-of-Way Dedication  
Subsection 4.177 (.02) C. 1.

**D58.** The tentative subdivision plat shows right-of-way dedication. See Request E.

Waiver of Remonstrance Required  
Subsection 4.177 (.02) C. 2.

**D59.** 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.

**D60.** The full length of the proposed public street exceeds the 200-foot maximum for a dead-end street. However, the street may be extended in the future with development of the property



to the south. The project contains a private drive, providing an outlet and turn-around for emergency services. The number of homes accessing the street is less than the maximum allowed for a dead-end street.

#### Street Improvement Standards-Clearance

Corner Vision Clearance  
Subsection 4.177 (.02) E.

**D61.** Street locations and subdivision design allow the meeting of vision clearance standards.

Vertical Clearance  
Subsection 4.177 (.02) F.

**D62.** 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.

**D63.** The City Engineer has or will review all interim improvements to meet applicable City standards.

#### Street Improvement Standards-Sidewalks

Sidewalk Requirements  
Subsection 4.177 (.03)

**D64.** The applicant proposes sidewalks along all public street frontages abutting proposed lots and along the project frontage with Canyon Creek Road South.

#### Street Improvement Standards-Bicycle Facilities

Bicycle Facility Requirements  
Subsection 4.177 (.04)

**D65.** The streets within and adjacent to the project do not require any bike facilities per the Transportation Systems Plan.

#### Residential Private Access Drives

Definition  
Subsection 4.001 (224.) B

**D66.** The applicant proposes Tract A as a residential private access drive that would connect to an existing residential private access drive to the north in Aspen Meadows. The connection of these private drives would provide access to a total of four dwelling units. The

connection of these private drives enables the turnaround of emergency vehicles entering the subdivision, but does not provide access to any destination so as to encourage through traffic. This connection does not contribute to the larger public vehicular connectivity network, consistent with the intent of private drives. Condition of Approval PDD 5 requires signs stating “no through access” or similar language approved by the City Engineer to be installed.

Access to No More Than 4 Dwelling Units  
Subsection 4.177 (.07) A.

**D67.** The proposed private access drive provides access to two homes, less than the four home limit set by this subsection. When connected to the private access drive within Aspen Meadows, a total of four homes may be connected by this access drive. To ensure this criterion is met, Condition of Approval PFD 2 ensures that Lot 5 is accessed via the public street, not the private access drive.

Lifespan and Structure Similar to Public Local Street for Private Access Drives  
Subsection 4.177 (.07) B.

**D68.** Condition of Approval PDD 6 ensures the design of the private access drives provides for a useful lifespan and structural maintenance schedule comparable to a public local residential street.

Addresses for Private Access Drives  
Subsection 4.177 (.07) C.

**D69.** The orientation of the homes fronting the private access drive and the short length of the drive enables addressing the homes off the nearby public street.

Access Drive Development Standards  
Subsection 4.177 (.07) D. and 4.177 (.08)

**D70.** Condition of Approval PDD 7 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.

**D71.** The applicant does not propose any offset intersections.

Transportation System Plan Table 3-2  
Subsection 4.177 (.09) B.

**D72.** All involved streets are local streets with no spacing standard.

## Request E: DB18-0031 Tentative Subdivision Plat

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)

**E1.** The Development Review Board is reviewing the tentative subdivision according to this subsection. The Planning Division will review the final subdivision 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.

**E2.** The proposed land division does not divide lots into smaller sizes than allowed by the PDR-3 zone. See Finding D20 under Request D.

### Plat Application Procedure

Pre-Application Conference  
Subsection 4.210 (.01)

**E3.** The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation  
Subsection 4.210 (.01) A.

**E4.** Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, Emerio Design, prepared the tentative subdivision plat.

Tentative Plat Submission  
Subsection 4.210 (.01) B.

**E5.** The applicant has submitted a tentative subdivision plat with all the required information.

Phases to Be Shown  
Subsection 4.210 (.01) D.

**E6.** 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.

- E7.** The tentative subdivision 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)

- E8.** As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan and other applicable plans.

Adjoining Streets Relationship  
Subsection 4.236 (.02) A.

- E9.** The proposed public street allows for the potential future extension of the street to the south. The three remaining lots within the Bridle Trail Ranchetts subdivision have a Comprehensive Plan designation of 0-1 dwelling units an acre reflecting the current development. While no plans or requirements, short or long term, exist to require the these lots to develop and connect to the proposed subdivision it is possible that the property owners may elect to change the Comprehensive Plan and Zone Map and pursue development similar to the subject lots. Therefore, the provision for street continuation should be provided.

Planning for Further Land Divisions  
Subsection 4.236 (.02) C.

- E10.** No further land divisions are planned or anticipated requiring consideration in arrangement of lots and streets.

Streets Standards Conformance  
Subsection 4.236 (.03)

- E11.** As part of the Stage II Final Plan approval, the streets conform with Section 4.177 and block sizes requirements. See Request D.

Topography  
Subsection 4.236 (.05)

- E12.** No significant topography exists affecting street layout decisions.

Reserve Strips  
Subsection 4.236 (.06)

- E13.** The City does not require any reserve strips for the reasons stated in this subsection. However, when the City approved the first phase of Aspen Meadows, which is located

immediately north of the subject property, a reserve strip was required on the private street to prevent access to the subject property. At that time, the applicant had not secured a right to purchase the subject property and it was not anticipated that this would occur. Since the approval of Aspen Meadows, the applicant has secured the right to purchase the subject property and is now requesting that the reserve strip be removed in order to allow for the extension of the private street into the second phase of the Aspen Meadows subdivision. The extension of the private street will provide access for two additional lots and will terminate into a public street that will prevent any future extension of the private street. The extension of the private street will be limited to the boundaries of the Aspen Meadows subdivision and it will facilitate the orderly development of the subject property. Given the isolated location at the eastern edge of Aspen Meadows, no through vehicular access is expected. As stated in Exhibit B1, trash collection will be limited to public streets. See Finding D66.

Future Street Expansion  
Subsection 4.236 (.07)

- E14.** The proposed public street is extended to the boundary of the land division to allow for potential future extension. Condition of Approval PDE 3 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)

- E15.** No additional right-of-way is required for the proposed subdivision plat.

Street Names  
Subsection 4.236 (.09)

- E16.** No street names are proposed with this application. The City Engineer will check all street names to not be duplicative of existing street names and otherwise conform to the City’s street name system at the time of the final subdivision plat review.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites in Conformance with Zoning  
Subsection 4.237 (.01)

- E17.** Streets and block size for Planned Development Residential zones are addressed in the Stage II Final Plan. See Request D. The tentative subdivision plat provides adequate building sites for detached single-family homes, and safe and convenient access and circulation will be provided by the project for vehicles, pedestrians, and bicycles in compliance with applicable requirements in the Wilsonville Development Code and Transportation System Plan.

## General Land Division Requirements-Easements

### Utility Line Easements

Subsection 4.237 (.02) A.

**E18.** As will be further verified during the Public Works Permit review and final subdivision 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.

**E19.** The applicant proposes a dedicated tract for the drainage way and associated riparian area of the Boeckman Creek SROZ.

## General Land Division Requirements-Pedestrian and Bicycle Pathways

### Mid-block Pathways Requirement

Subsection 4.237 (.03)

**E20.** No mid-block pathways are proposed or required.

## General Land Division Requirements-Tree Planting

### Tree Planting Plan Review and Street Tree Easements

Subsection 4.237 (.03)

**E21.** The City is reviewing the tree planting plan concurrently with the tentative subdivision plat, see Request D. Condition of Approval PDE 6 ensures that street tree easements will be provided for Lots 3-5, which are accessed via a private tract.

## General Land Division Requirements-Lot Size and Shape

### Lot Size and Shape Appropriate

Subsection 4.237 (.05)

**E22.** Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed single-family residential development and meet standards for the PDR-3 zone.

## General Land Division Requirements-Access

### Minimum Street Frontage

Subsection 4.237 (.06)

**E23.** 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 D23 in Request D.

## General Land Division Requirements-Other

### Lot Side Lines

Subsection 4.237 (.08)

**E24.** Side lot lines run at or near a 90-degree angle to the front line. Angles and curves of streets necessitate the exceptions, including Lots 3-5.

### Corner Lots

Subsection 4.237 (.13)

**E25.** All corner lots have radii exceeding the 10-foot minimum.

### Lots of Record

#### Lots of Record

Section 4.250

**E26.** The applicant provided documentation all subject lots are lots of record.

## Request F: DB18-0032 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.

**F1.** 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.

**F2.** 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 for Permit Compliance

Subsection 4.610.00 (.06) C.

**F3.** As allowed by Subsection 4.610.00 (.06) C. 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.

- F4.** The applicant has taken tree preservation into consideration, and has limited tree removal to non-viable trees and trees necessary to remove for development.

### Development Alternatives

Subsection 4.610.10 (.01) C.

- F5.** No significant wooded areas or trees would be preserved by design alternatives.

### Land Clearing Limited to Right-of-Way and Areas Necessary for Construction

Subsection 4.610.10 (.01) D.

- F6.** The proposed clearing is necessary for streets, homes, and related improvements.

### Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

- F7.** 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.

- F8.** 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.

- F9.** 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.

- F10.** 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.

- F11.** 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.

**F12.** The Utility Plan shows a design to minimize the impact upon the environment to the extent feasible given existing conditions, particularly the Boeckman Creek SROZ. The City will further review utility placement in relation to preserved trees during review of construction drawings and utility easement placement on the final subdivision plat.

Type C Tree Plan Review

Tree Removal Related to Site Development at Type C Permit  
Subsection 4.610.40 (.01)

**F13.** 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)

**F14.** 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)

**F15.** Review of the proposal allows residential unit counts consistent with the proposed Comprehensive Plan Map density range.

Type C Tree Plan Review with Stage II Final Plan  
Subsection 4.610.40 (.01)

**F16.** The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development. 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)

**F17.** The applicant proposes counting the proposed street trees and SROZ plantings as the mitigation for removal.

No Tree Removal Before Decision Final  
Subsection 4.610.40 (.01)

**F18.** 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.

Tree Maintenance and Protection Plan Submission Requirements  
Section 4.610.40 (.02)

**F19.** 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)

**F20.** The applicant proposes removal of 10 trees 6 inches d.b.h. or greater. The applicant will plant 10 trees as street trees and six trees within the SROZ, exceeding a one to one ratio.

**Replacement Requirement: 1 for 1, 2" Caliper**  
Subsection 4.620.00 (.02)

**F21.** The applicant proposes tree mitigating removed trees on the basis of one tree for each tree removed. Staff does not recommend any inch per inch mitigation. The applicant proposes planting more trees than trees proposed for removal. The tree mitigation and street tree plans show each tree, including street trees and trees in the SROZ, meets or exceeds the minimum diameter requirement.

Replacement Plan and Tree Stock Requirements  
Subsections 4.620.00 (.03) and (.04)

**F22.** 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 Locations Requirements: On Site and Same General Area to Extent Feasible and Desirable  
Subsection 4.620.00 (.05)

**F23.** The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development.

Protection of Preserved Trees

Tree Protection During Construction  
Section 4.620.10

**F24.** Condition of Approval PDF 5 ensures tree protection measures, including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240.

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)

**G1.** The Development Review Board is reviewing the tentative partition plat according to this subsection. The Planning Division will review the final partition 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.

**G2.** The proposed land division does not divide lots into smaller sizes than allowed by the PDR-3 zone.

#### Plat Application Procedure

Pre-Application Conference  
Subsection 4.210 (.01)

**G3.** The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation  
Subsection 4.210 (.01) A.

**G4.** Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, Emerio Design, prepared the tentative partition plat.

Tentative Plat Submission  
Subsection 4.210 (.01) B.

**G5.** The applicant has submitted a tentative partition plat with all the required information.

Phases to Be Shown  
Subsection 4.210 (.01) D.

**G6.** The purpose of the partition is to separate the existing house on the subject property from the remaining land that will be subdivided under Request E. Parcel 2 will be developed in a single phase with subsequent home development pursuant to the market and other factors. Exhibit B2 illustrates the proposed future subdivision of Parcel 2. To prevent

development of a single home this parcel, Condition of Approval PDG 4 requires that no home construction occur on Parcel 2 prior to the recording of a final subdivision plat.

Remainder Tracts  
Subsection 4.210 (.01) E.

**G7.** The tentative partition 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)

**G8.** As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan, and other applicable plans.

Adjoining Streets Relationship  
Subsection 4.236 (.02) A.

**G9.** No streets are required or proposed related to the subject partition.

General Land Division Requirements-Easements

Utility Line Easements  
Subsection 4.237 (.02) A.

**G10.** As will be further verified during the Public Works Permit review and final partition 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.

**G11.** No water course easements have been identified to be recorded with the requested partition.

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate  
Subsection 4.237 (.05) C

**G12.** The size, width, shape, and orientation of lots comply with the standards for the PDR-3 zone. See Findings D20 through D26 in Request D. No waivers are proposed with the land division.

## General Land Division Requirements-Access

### Minimum Street Frontage

Subsection 4.237 (.06)

**G13.** 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 D23 in Request D.

## General Land Division Requirements-Other

### Through Lots

Subsection 4.237 (.07)

**G14.** No parcels are proposed as described in this subsection.

### Lot Side Lines

Subsection 4.237 (.08)

**G15.** The side lines for the parcels generally run at a right angle to the street and the front lot lines. The southern lot line between Parcel 1 and Parcel 2 is curved to accommodate the future right-of-way for A-Street to be dedicated as part of the proposed 5-lot subdivision.

### Large Lot Divisions

Subsection 4.237 (.09)

**G16.** The proposed partition enables the future subdivision of Parcel 2 as demonstrated in Request E.

### Corner Lots

Subsection 4.237 (.13)

**G17.** No corner lots are proposed; however, the boundary between Parcel 1 and Parcel 2 enables Parcel 1 to meet this criterion upon subdivision of Parcel 2 consistent with the Stage II Final Plan.

## Lots of Record

### Defining Lots of Record

Section 4.250

**G18.** The applicant provided documentation that the subject lot is a lot of record.

Sign off accepting Conditions of Approval

Project Name: Aspen Meadows Phase II

<b>Case Files:</b>	<b>Request A:</b>	<b>DB18-0027</b>	<b>Comprehensive Plan Map Amendment</b>
	<b>Request B:</b>	<b>DB18-0028</b>	<b>Zone Map Amendment</b>
	Request C:	DB18-0029	Stage I Master Plan
	Request D:	DB18-0030	Stage II Final Plan
	Request E:	DB18-0031	Tentative Subdivision Plat
	Request F:	DB18-0032	Type C Tree Plan
	Request G:	DB18-0033	Tentative Partition Plat

*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



## Planning Division Memorandum

**From:** Kimberly Rybold, AICP, Associate Planner  
**To:** Development Review Board Panel 'B'  
**Date:** June 21, 2018  
**RE:** Amendment to Staff Report for Aspen Meadows No. 2

Staff recommends an amendment to the Staff Report published June 18, 2018 for Aspen Meadows No. 2. This change adds a condition of approval, PDG 4, which was referenced in the findings but omitted from the published report.

Add Condition of Approval PDG 4 to read:

No home construction shall occur on Parcel 2 prior to the recording of a final subdivision plat for Aspen Meadows No. 2.



# Oregon

Kate Brown, Governor



3040 25th Street, SE  
Salem, OR 97302-1125  
Phone: (503) 378-4880  
Toll Free: (800) 874-0102  
FAX: (503) 373-1688

July 27, 2018

The Honorable Senator Peter Courtney  
The Honorable Representative Tina Kotek  
900 Court St. NE  
Salem, OR 97301

Dear Senator Courtney and Representative Kotek,

Please consider this letter as the Oregon Department of Aviation's (ODA) notification of intent to apply for a preliminary federal grant requesting consideration of discretionary funding over \$33 Million with the Federal Aviation Administration (FAA) on August 8, 2018 for a runway extension at Aurora State Airport. If the preliminary application is accepted for fiscal year 2018 the department plans to apply for the final grant application no later than September 1, 2018. The department will be requesting retroactive authority to apply for the grant during the 2018 September Emergency Board.

The Consolidated Appropriations Act of 2018 appropriated an additional \$1 billion for airport grants that will be available through September 30, 2020. On Monday, July 9, 2018 the Federal Aviation Administration and U.S. Department of Transportation published document number 2018-14675 to the Federal Register. This document provides supplemental guidance on the process and deadlines for eligible airport sponsors to notify the FAA of any supplemental discretionary funding requests from the Airport Improvement Program (AIP) for fiscal years 2018-2020. The FAA anticipates issuing grants from this supplemental funding during fiscal years 2018, 2019, and 2020. The FAA has not yet released details of how much of the funding it will obligate in each fiscal year. For fiscal year 2018 the FAA plans to issue the grants no later than September 1, 2018. The FAA will be reviewing and evaluating all requests received from airport sponsors and then release more details. Any airport included in the FAA's National Plan of Integrated Airport Systems (NPIAS) is eligible to request supplemental discretionary funding. These grants will be unique in that they will not require airport sponsor matching funds. They will be funded 100% by the FAA.

This project will extend the runway at Aurora State Airport from 5003' to 6000'. The department recently conducted a constrained operations study at the airport to justify the runway extension. A constrained operation is defined in its simplest definition as an aircraft that is operating with less than full fuel or cargo on the basis that the runway isn't long enough or doesn't have the weight bearing capacity to operate at full fuel and cargo. Through this study it has been determined that Aurora State Airport currently has just under 700 documented constrained operations that require a runway of 6000' or longer. The FAA's threshold for constrained operations, before funding a runway extension is 500. With the recent opening of the air traffic control tower in late 2015, it is estimated that the number of constrained operations will continue to grow. It is for this reason that the Oregon Department of Aviation is seeking funding to extend the only runway at Aurora State Airport. This project supports the agency's mission to provide infrastructure, financial resources, and expertise to ensure a safe and efficient air transportation system.

This project is anticipated be complete in four phases. The first phase is the environmental phase. The runway extension will require construction of pavement on previously disturbed, but



undeveloped land that the Oregon Department of Aviation owns within the current airport boundary. The purchase of land (phase 2) and new construction of pavement will require a National Environmental Policy Act (NEPA) evaluation and analysis.

The second phase is the property purchase. Current Runway Protection Zone (RPZ) extends onto property not currently owned by the Oregon Department of Aviation. With the extended runway, this will push the RPZ further onto property not owned or controlled by ODA. Based on the FAA Advisory Circular, AC 150/5300-13A, airport sponsor/owner controlled RPZ is preferred through property acquisition.

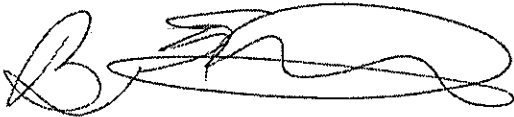
The final two phases are design engineering and construction.

The table below summarizes the costs for all phases of the project:

<b>Aurora Runway Extension Total Project Costs</b>	
Phase 1 Environmental	\$800,000
Phase 2 Property Purchase	\$4,000,000
Phase 3 Design Engineering	\$2,275,000
Phase 4 Construction	\$26,225,000
	<b>\$33,300,000</b>

If you have additional questions about the request please contact the State Airports Manager, Matt Maass at (503)378-2523 or the Project Manager, Heather Peck at (503)378-3168.

Thank you,



Brian DeForest  
Interim Director  
Oregon Department of Aviation

CC:  
Ken Rocco, Legislative Fiscal Office  
Gregory Jolivette, Legislative Fiscal Office  
George Naughton, Chief Financial Office  
Linnea Wittekind, Chief Financial Office