

ORDINANCE No. 184988

Amend the Portland Comprehensive Plan List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include additional sanitary sewer projects in the Fanno Creek Basin necessary to meet existing level of service standards, serve designated land uses and protect public health and safety (Ordinance)

The City of Portland ordains:

Section 1. The Council finds that:

1. The City of Portland adopted its Comprehensive Plan on October 16, 1980 (Ordinance 150580, effective date January 1, 1981). The Plan was acknowledged as being in conformance with Statewide Land Use Planning Goals by the Land Conservation and Development Commission (LCDC). Upon its adoption, the Plan complied with State Goal 11: Public Facilities.
2. In October 1984, the Oregon Land Conservation and Development Commission adopted the administrative rule on public facilities planning (OAR 660, Division 11). The purpose of the rule is to aid in achieving the requirements of Goal 11, Public Facilities and Services by implementing ORS 197.712 (2)(e), requiring cities to develop and adopt a public facilities plan. The Public Facilities Plan describes water, sewer and transportation facilities which support the land uses designated in the acknowledged comprehensive plan (OAR 660-11-005).
3. The Public Facilities Plan for the City of Portland, including the six service bureau plan elements (water, drainage, sanitary sewer, combined sewer, wastewater treatment and transportation) were adopted as a support document to the City's Comprehensive Plan by City Council Ordinance No. 161770 on April 5, 1989. The Public Facilities Plan includes a list of major sanitary sewer projects intended to serve the needs of the City for the following 20 years.
4. Ordinance No. 161770 amended the City's Comprehensive Plan to include the List of Significant Projects contained in the Public Facilities Plan.
5. The Sanitary Sewer Element of the Comprehensive Plan was adopted by City Council by Ordinance 161770 on April 5, 1989. The Sanitary Sewer Element includes detailed information on the existing and planned sanitary sewer system as well as projects necessary to serve land uses designated in the acknowledged comprehensive plan, protect public health and safety and meet applicable level of service standards and regulatory mandates.
6. Bureau of Environmental Services provides sanitary sewer services to the City of Portland and unincorporated areas within the urban services boundary, per the Urban Services Policy as adopted by Resolution 33327 and amended by Ordinance 155002.

7. On May 20, 1998, the City of Portland and Clean Water Services (formerly the Unified Sewerage Agency) entered into a Wholesale Sewer Service Agreement to provide for the transportation and treatment of sewage flowing from areas served by each party to treatment facilities operated by the other party.
8. Ordinance 176563, adopted in June 2002, amended the Wholesale Sewer Service Agreement between the City of Portland and Clean Water Services. Under this amended agreement, during normal operational conditions, the Fanno Pump Station is required to pump to the City of Portland 100% of the flows from the area upstream of the pump station with no overflows or bypasses to Clean Water Service's system. The City shall design the pump station to have adequate capacity for anticipated flows, including infiltration and inflow during peak storm events.
9. The existing pumping facility, the Fanno Basin Pump Station, does not have sufficient capacity to manage existing flows, primarily due to excessive and unintended infiltration and inflow of surface and groundwater into the sanitary sewer system. This capacity deficiency results in a failure to manage a 5-year storm as required by the City's NPDES permit. Peak flows are diverted to the Clean Water Services sewer system where conveyance capacity limitations can cause sanitary sewer overflows, and potential sewer releases to Fanno Creek, which pose a significant risk to public health.
10. Resolving the capacity deficiency requires a system-based solution that combines capacity upgrades with projects to reduce infiltration and inflow of surface and groundwater into the sanitary sewer system in the Fanno Creek Basin.
11. The Bureau of Environmental Services has an ongoing, basin-wide program to address infiltration and inflow of surface and groundwater into the sanitary sewer system in the Fanno Creek Basin. This program will reduce, but not eliminate, the need for additional pumping capacity.
12. To address remaining hydraulic capacity deficiencies, the Bureau of Environmental Services is proposing three new interrelated capacity projects, the SW 86th Ave Pump Station, the SW 86th Ave Diversion Structure, the SW 86th Sewer Extension. These proposed facilities would be located in Washington County and within the Fanno Creek drainage basin.
13. On July 27, 2011, notice of proposed action was mailed to the Oregon Department of Land Conservation and Development (DLCD) in compliance with the post-acknowledgement review process required by OAR-660-020.
14. On September 13, 2011, after complete and proper notice, the Planning and Sustainability Commission held a public hearing to receive testimony on the proposed amendments. Staff from the Bureau of Environmental Services and the Bureau of Planning and Sustainability presented the proposal, and public testimony was received. The Commission voted to forward the *Recommended Draft*, including Exhibits A through C of this ordinance, to City Council.

- 880481
15. The proposed amendment is consistent with the Washington County Comprehensive Plan. Public utilities, including public sewer facilities, are permitted on residential land through a Type III quasi-judicial review procedure in Washington County, pursuant to the County's acknowledged Comprehensive Plan and adopted Community Development Code.
 16. All applicable requirements of the Statewide Planning Goals and the Portland Comprehensive Plan have been met for the reasons stated in Exhibit D, which is attached and made a part of this ordinance by this reference.

NOW, THEREFORE, the Council:

- a. Adopts the Planning and Sustainability Commission's September 26, 2011 *Recommended Draft* memorandum recommending amendments to the Comprehensive Plan List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element concerning sanitary sewer facilities in the Fanno Creek Basin, which is attached as Exhibit 1;
- b. Adopts the amendment to the Portland Comprehensive Plan List of Significant Projects, dated September 2011, which is attached as Exhibit A;
- c. Adopts the amendment to the Portland Comprehensive Plan Public Facilities Plan, dated September 2011, which is attached as Exhibit B;
- d. Adopts the amendment to the Portland Comprehensive Plan Public Facilities Plan: Sanitary Sewer Element, dated September 2011, which is attached as Exhibit C;
- e. Adopts the findings for the amendments, as shown in Exhibit D, as an expression of legislative intent and as further findings to support City Council's action.

Section 2. The Council declares that, if anything contained in this ordinance, or in the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, the validity of the remaining portions thereof shall not be affected, and that the Council would have nevertheless adopted said plan, map, or code.

Passed by the Council:

NOV 09 2011

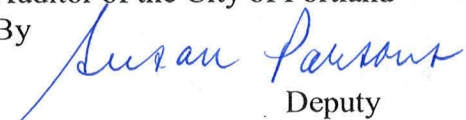
Mayor Adams

Prepared by: M. Kunec

Date Prepared: October 13, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

1145 1195 -

880181

Agenda No.
ORDINANCE NO. 184988
Title

Amend the Portland Comprehensive Plan's List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include additional sanitary sewer projects in the Fanno Creek Basin necessary to meet existing level of service standards, serve designated land uses and protect public health and safety. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams Commissioner Dan Saltzman	CLERK USE: DATE FILED <u>OCT 28 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: _____ Deputy
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson Prepared by: M. Kunec Date Prepared: September 27, 2011 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date November 2, 2011	ACTION TAKEN: NOV 02 2011 PASSED TO SECOND READING NOV 09 2011 9:30 A.M.
City Attorney Approval	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: 10:30 a.m. Total amount of time needed: 30 minutes (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)
--

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	