

IMPACT STATEMENT

Legislation title: *Authorize a temporary easement from PS Oregon Inc. for the Tryon Creek Headworks Project E10582 in the amount of \$3,000 (Ordinance)

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Purpose of proposed legislation and background information:

The purpose of this legislation is to authorize the Director of the Bureau of Environmental Services, or his designee to execute a temporary easement with PS Oregon, Inc.

A temporary easement is required for the City's design consultant team to perform geotechnical investigations, topographic surveys, archeological surveys, sensitive land delineations, tree survey, and biological resources evaluations to support design and permitting for the TCWTP Headworks Project. Following the site investigations and site design, BES will be able to determine the extent of property acquisition from PS Oregon Inc. required for the project.

PS Oregon's attorney requires inclusion of an indemnification clause to finalize the temporary easement. This clause holds BES responsible for claims, damages or fines levied as a result of the site investigations.

Council authorization is required for the indemnification provisions in the proposed temporary easement. The proposed temporary easement is attached; the relevant clause is article K.

Financial and budgetary impacts:

The cost of the Temporary Easement is \$3,000. Funds are available in the Sewer System Operating Fund, FY2017-2018 Budget, BES Project E10582.L65. This legislation does not affect current or future staffing levels or appropriations and it does not affect current or future City revenue.

Community impacts and community involvement:

The Tryon Creek Wastewater Treatment Plant (TCWTP) treats municipal wastewater and discharges treated effluent to the Willamette River. The plant is essential for BES to accomplish its mission. The 2014 Tryon Creek Wastewater Treatment Plant Facilities Plan identified several capital improvement project packages meant to ensure that the plant continues to provide reliable and cost-effective wastewater treatment to meet TCWTP Levels of Service. The first such project is Headworks/Dry Weather Clarifier Project. The new Headworks project will contribute to the lasting and effective functioning of the TCWTP and better serve both those who rely on the plant for wastewater treatment and those who live near it. It will also contribute to the plant's ability to protect environmental health and Willamette River water quality.

The Headworks project is located at the TCWTP, inside the Lake Oswego city limits. The plant is owned and operated by the City of Portland. The plant serves community members in both cities as well as in some nearby unincorporated areas. A Citizens Advisory Committee (CAC) made up of representatives from both Portland and Lake Oswego met regularly between 2012 and 2014 to help finalize the updated TCWTP Facilities Plan. Two open houses also gave interested members of the public the opportunity to weigh in on the plan and the projects the plan proposes.

Members of the public who attended the open houses generally supported the Facilities Plan. Some did ask for communication lines to remain open as the planning for individual projects begins. To that end, Environmental Services will develop a public involvement plan for the Headworks project that includes a website, flyers, emails, and open houses as well as ample opportunities for information to flow to the community and input, feedback and questions to flow from the community to the project team.

Also in response to public feedback and to strengthen the connection between the project and the community, the TCWTP Headworks project will also have a Citizens Advisory Committee (CAC). The CAC, which will be established around this project and will advise on future projects at the plant as well, will be run jointly by BES and Lake Oswego staff. It will include representatives from both cities as well as the nearby unincorporated areas. The CAC will be a community sounding board, and will:

- Review PI plan and project documents and advise staff to ensure that processes are inclusive and effective and that the project serves the environment and the surrounding community;
- Review project site plans, architecture, landscaping, facility layout and appearance;
- Provide feedback on public information materials;
- Communicate project goals to community contacts;
- Identify opportunities to provide linkages to other projects sponsored by other entities.

Recruitment for the CAC is complete. Ten applications were received and six applicants representing adjacent neighborhoods and interests were selected for the CAC. The CAC meetings are open to the public and are advertised on the website as well as notification sent to all area neighborhood associations and stakeholders

During the design of this project, there will be additional opportunities for the public to weigh in on various features of the project, including visual screening efforts and odor controls, and participate in the Land Use Review process with the City of Lake Oswego. Utilization of the CM/GC alternative contracting method will better enable BES and the construction contractor to identify and address public concerns with the project construction impacts. During construction, public involvement staff will work closely with neighbors to minimize impacts (traffic, noise, etc.).

During the TCWTP Facilities Plan update, Becky Tillson of BES served as Community Outreach and Public Involvement and now Debbie Caselton is serving as the Community Outreach and Public Involvement representative, working with Stacy Thomas of JLA Public Involvement to facilitate the CAC meetings and community outreach and public involvement assistance during the TCWTP code amendment process.

Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ YES: Please complete the information below.
- ☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount