

RESOLUTION No. 36819

Authorize actions to participate in appeals before the Land Use Board of Appeals of the State of Oregon regarding the Fanno Basin pump station and force main system (Resolution).

WHEREAS, the mission of the City of Portland's Bureau of Environmental Services is to serve the community by protecting public health, water quality and the environment; and,

WHEREAS, The Bureau of Environmental Services owns and operates the Fanno Basin pump station and force main systems consistent with this mission; and

WHEREAS, the Bureau of Environmental Services applied for approval to expand the pump station to accommodate current and future needs within the service area; and

WHEREAS, The Washington County Hearings Officer denied approval for the expansion of the Fanno Basin Pump Station Facility; and

WHEREAS, the Bureau of Environmental Services recommends that the City appeal the decision to the Land Use Board of Appeals in order to obtain the ability to operate, maintain, rehabilitate or expand the pump station now and in the future.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that BES is authorized, with the assistance of the City Attorney's office, to appeal the Washington County Hearings Officer's decision denying expansion of the Fanno Basin Pump Station Facility; and

BE IT FURTHER RESOLVED that BES is authorized to intervene in related appeals to LUBA regarding Fanno Basin Pump Station Facility and force main projects; and

BE IT FURTHER RESOLVED that BES is authorized to retain Christe C. White, Attorney at Law, as needed to represent the City of Portland and BES with regard to land use issues before Washington County, and LUBA.

Adopted by the Council:

OCT 13 2010

Commissioner Dan Saltzman
Prepared by: L. Meng
Date Prepared: September 10, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

Agenda No. **36819**
RESOLUTION NO.
 Title

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INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i>	CLERK USE: DATE FILED <u>OCT 08 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Den Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Auth</i></u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: <i>Dean Marriott</i> Prepared by: Scott T. Gibson, P.E. Date Prepared: September 7, 2010	
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 October 13, 2010	
City Attorney Approval <i>D.H.</i>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	_____	
Adams	Adams	✓	