



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION FORM 2

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review. Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of West Linn

Local file no.: PLN 19-01

Date of adoption: 9/09/19

Date sent: 9/26/19

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/28/19

No

Is the adopted change different from what was described in the Notice of Proposed Change? X Yes No
If yes, describe how the adoption differs from the proposal:

Minor changes to Section 2 to add date specific master plan, editorial change to Section 3 Policy 1 and add Policy 4, Section 4 85.200.G add date specific master

Local contact (name and title): John J. Boyd Planning Manager AICP

Phone: 503-742-6058

E-mail: jboyd@westlinnoregon.gov

Street address: 22500 Salamo Road

City: West Linn

Zip: 97068

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Statewide Goal 11 Public Facilities; COWL Plan Goal 11 Public Facilities and Services Page PS-4 "Background and Findings"; Goal 11 Public Facilities and Services Page PS-5 "Policies and Recommended Action Measures"

Public Facilities and Services Page PS-5 Policies and Recommended Action Measures

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from ... to ... acres. A goal exception was required for this change.
Change from ... to ... acres. A goal exception was required for this change.
Change from ... to ... acres. A goal exception was required for this change.
Change from ... to ... acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

85.200 Approval Criteria G. Sewer

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from \_\_\_\_\_ to \_\_\_\_\_ Acres:

Change from \_\_\_\_\_ to \_\_\_\_\_ Acres:

Change from \_\_\_\_\_ to \_\_\_\_\_ Acres:

Change from \_\_\_\_\_ to \_\_\_\_\_ Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: \_\_\_\_\_ Acres added: \_\_\_\_\_ Acres removed: \_\_\_\_\_

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: **DEQ**

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**Due to Council changes, the final published document will be delayed. As soon as it is received an electronic version will be provided.**

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at:

<http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation

**As noted the published plan will be provided electronically when available**

If a comprehensive plan map or zoning map is created or altered by the proposed change:

- A map showing the area changed and applicable designations, and
- Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 1695

AN ORDINANCE ADOPTING THE MARCH 2019 SANITARY SEWER MASTER PLAN, AMENDING THE COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES, , AND AMENDING CHAPTER 85 OF THE COMMUNITY DEVELOPMENT CODE.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

WHEREAS, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

WHEREAS, the City's Sanitary Sewer Master Plan ("SSMP") was last updated in 1999;

WHEREAS, the SSMP complies with state law and addresses state requirements to periodically review and update its policies and land needs; and

WHEREAS, the Planning Commission (PC) held a public hearing and recommended approval of the SSMP at its July 17, 2019, meeting;

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. Adoption of Master Plan.** The March 2019 City of West Linn Sanitary Sewer Master Plan, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing Sanitary Sewer planning policy.

**SECTION 2. Amendment.** West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-4 "SECTION 1: SEWER SYSTEM" "BACKGROUND AND FINDINGS" is amended to read as follows:

The City of West Linn operates and maintains several ~~has 110 miles of public sanitary sewers, mains and several pump stations. ranging in diameter from 6 to 24 inches. Wastewater is conveyed through the City sanitary sewer system to the Tri-City Plant for treatment. The Tri-City Water Pollution Control Plant belongs to the~~ The Water Environment Services partnership Department (WES). ~~of Clackamas County is responsible for providing wastewater treatment services for the cities of West Linn, Oregon City, and Gladstone. Eleven pumping stations, eight City-owned and three owned by Clackamas County, carry the City's wastewater to Clackamas County's Tri-City Wastewater Treatment Plant. The Water Environment Services Department of Clackamas County operates under a master plan adopted for the Tri-City Wastewater Treatment Plant. The sanitary sewer system is separate from the storm sewer system and untreated storm water drains directly to surface streams.~~

In 1999, the City contracted with Bookman-Edmonston Engineering to update the 1989 Sanitary Sewer System Master Plan. The study determined expansion and rehabilitation needs of the current system, and identified a comprehensive schedule for improvements. **The City's Sanitary Sewer Master Plan provides an in-depth analysis of existing system conditions and incorporates hydraulic modeling of the system to identify hydraulic capacity deficiencies in the sewer collection system for both existing and future planning needs.**

**SECTION 3. Amendment.** West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-5 "GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES" "GOAL" is amended to read as follows:

Provide ~~adequate,~~ **reliable and** environmentally sound wastewater collection and treatment for all West Linn residents and businesses.

#### **POLICIES**

1. ~~Coordinate sanitary sewer service to existing and future residents to allow for the most efficient provision of service within the City and subsequent expansion of the service area.~~ **Ensure that development and annexation makes orderly and efficient use of the wastewater collection systems.**
2. Require the installation of new sanitary sewer collection facilities to be the responsibility of property owners who will receive direct benefit from those facilities. The City may participate in the development of those facilities to the extent that they benefit residents or businesses in addition to those directly involved.
3. Maintain and operate the sanitary sewer system to meet all federal and state permitting requirements.
4. **Non-conforming conditions shall be addressed equitably according to code.**

#### **RECOMMENDED ACTION MEASURES**

1. ~~Participate~~ **Coordinate** with the Clackamas County Department of Water Environment Services in meeting the City's sanitary sewer ~~requirements~~ **needs**.
2. Work with Clackamas County and other affected agencies to plan major waste water treatment facilities. The City recognizes and assumes its responsibility for operation, planning, and regulating ~~the waste water~~ **sanitary sewer** systems as designated in the City's 1999 ~~current~~ **Sanitary Sewer System Master Plan and subsequent updates and amendments** which is a supporting document of the Comprehensive Plan.
3. **Require** ~~Encourage~~ residents with septic systems to connect to the City sanitary sewer system **in accordance with the municipal code.**
4. **Continue efforts to reduce inflow and infiltration into the wastewater collection system to the extent such reduction are documented to be cost-effective and/or required by State or Federal regulation.**

**SECTION 4. Amendment.** West Linn Community Development Code, Chapter 85 General Provisions, Section 85.200 APPROVAL CRITERIA is amended and renumbered where needed to read as follows:

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the **current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted** (~~July 1989~~). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.
9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

**SECTION 6. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 7. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.



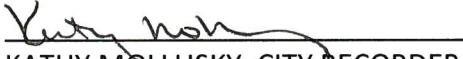
**SECTION 8. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

**SECTION 9. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

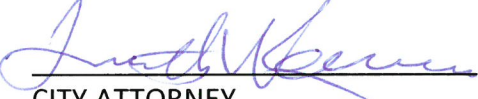
The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of September, 2019, and duly PASSED and ADOPTED this 9<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

ATTEST:

  
\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY