

**ORDINANCE NO. 1695**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE SANITARY SEWER MASTER PLAN MARCH 2019, 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 public hearings 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 Plan 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, dated March 2019, 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.~~ **Encourage development and annexation that 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.

#### **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~~ Sanitary Sewer System Master Plan **dated March 2019**, which is a supporting document of the Comprehensive Plan.
3. Encourage residents with septic systems to connect to the City sanitary sewer system.
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 85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN is amended and renumbered where needed to read as follows:

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the ~~current~~ **City of West Linn** Sanitary Sewer Master Plan **dated March 2019** ~~and subsequent updates and amendments~~. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewered.
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 minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter 32 CDC, Water Resource Area Protection).
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 Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report 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.

**SECTION 5. 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 Sanitary Sewer Master Plan ~~(July 1989)~~ **(March 2019)**. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED AS TO FORM:

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

DRAFT