

**Agenda Bill 2019-11-12-03**

Date: November 12, 2019

To: Russ Axelrod, Mayor  
Members, West Linn City Council

From: John Boyd, Planning Manager Community Development

Through: John Williams, Deputy City Manager/Community Development Director *JRW*  
Eileen Stein, City Manager *ES*

Subject: Public Hearing to consider the Planning Commission Recommendation for PLN-19-02 Storm Drainage Master Plan

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**Purpose**

To provide background information to Council on the Planning Commission review of File PLN-19-02 Storm Drainage Master Plan.

**Question(s) for Council:**

Should the City Council, accept the Planning Commission recommendation to approve adoption of Ordinance 1696? The ordinance would complete two actions: approve Comprehensive Plan text amendments and adopt the Storm Drainage Master Plan (SDMP) dated September 2019.

**Public Hearing Required:**

Yes.

**Background & Discussion:**

The updated SDMP was presented to and discussed by the Planning Commission at work sessions on August 7 and September 4, 2019. A summary of the changes requested by the Planning Commission are listed below:

- 1) Change title of document from "Surface Water" Master Plan to "Storm Drainage" Master Plan. ***Located in multiple instances contained throughout the document.***
- 2) Utilize consecutive page numbering throughout the Master Plan document. ***Located throughout the document; generally the Executive summary contained roman numerals, the body of the document contained standard numbers. Each Appendix was numbered with using the lettered appendix reference and the sequential number (i.e. A-1)***
- 3) Add language to the Executive Summary linking the Master Plan to the Comprehensive Plan. ***Located in the Executive Summary on Page vii in the second paragraph.***
- 4) Change the name of Planning Project 1 (P-1) to the Tannler Drive/Bernert Creek Basin Feasibility Study. ***Located in the Executive Summary Table ES-1 Capital Project and Program Summary under Planning Projects on Page x.***
- 5) Change priority of the Tannler Drive/Bernert Creek Basin Feasibility Study from medium to high priority. ***Located in Table 6-1 within the Planning Project section it "P-1" on Page 37***

- 6) Add Table A-3 to Appendix B, documenting the City’s detention pond inventory. ***Located near the end of Appendix B prior to the Attachment B: Preliminary Maps.***

The Planning Commission then held a public hearing on the plan on October 2, 2019. The Planning Commission accepted a clean document containing the above listed changes and recommended the City Council approved this final SDMP, dated September 2019. As required by the Community Development Code Chapter 100, Section 100.050 Process, the Planning Commission is required to make a recommendation to City Council. The recommendation of the Planning Commission to the City Council was to adopt Ordinance 1696 with the attached final version of the SDMP, dated September 2019. The Planning Chair signed a transmittal letter to that effect.

On October 21, 2019, the City Council held a joint worksession with the Planning Commission and the Utility Advisory Board. At that meeting the City Council asked to see the redline version reviewed by the Planning Commission and Council also requested additional information from staff outlining the changes in the SDMP recommended by the Planning Commission. A link to the redline document is referenced at the end of this agenda bill and the listing of changes (1-6) are provided on the above page.

The City Council is holding this public hearing (November 12, 2019) to consider adoption of Ordinance 1696. Adoption of the proposed ordinance will ensure goals and policies, and land use development criteria, are aligned with the vision outlined in the SDMP for an efficient storm water system to meet community needs into the future. The primary intent of this legislative action is to ensure the City’s SDMP and the Comprehensive Plan remain viable tools for decision-makers.

**Budget Impact:**

The update to the Comprehensive Plan and adoption of the SDMP identifies priority projects and strategies that will provide guidance for the future use of environmental funds. Projects in the SDMP will eventually be budgeted for as funds become available and through programming in the City’s Capital Improvement Plan (CIP).

**Sustainability Impact:**

A review of the “Sustainable West Linn Strategic Plan” identifies that most of the City’s sustainability goals are not applicable to the SDMP. However, arguably GOAL 2 could apply which notes on page 54 “By 2040, all community members will enjoy a high quality of life with access to community services, facilities, and economic and educational attainment.” Generally, the SDMP supports sustainable development process by supporting storm drainage methods designed to improve water quality and wildlife habitat.

**Council Goal/Priority:**

Guiding Principle #3 Sub C Infrastructure. Adoption of the SDMP is critical to sustainable community development, our future well-being, and the daily lives of our residents. The SDMP enables the City to invest in and maintain a reliable infrastructure system and sustainable utility systems to promote a safe, equitable, and emergency-resilient utility system that provides services at the lowest rate possible.

**Council Options:**

1. Accept the Planning Commission recommendation to adopt the proposed Comprehensive Plan text amendment found in Land Use File PLN-19-02 and identified in Ordinance 1696, or

2. Modify the Planning Commission recommendation and adopt the proposed Comprehensive Plan text amendment found in Land Use File PLN-19-02 and identified in Ordinance 1696.
3. Overturn the Planning Commission recommendation, provide comments and return it to the Planning Commission for further evaluation.

**Staff Recommendation:**

Staff recommends Option 1. Accept the Planning Commission recommendation to adopt the proposed Comprehensive Plan text amendment found in Land Use File PLN-19-02 and identified in Ordinance 1696. This recommendation is consistent with the review undertaken by the Planning Commission and with the recommendation provided by the Planning Commission in their transmittal letter.

**Potential Motion:**

Move to conduct a first and second reading of Ordinance 1696.

**Attachments:**

1. Transmittal Memo from Planning Commission Chair Gary Walvatne
2. Ordinance 1696 with attached Final Storm Drainage Master Plan September 2019 and exhibits

**LINKS:**

Redline version of Storm Drainage Master Plan with modified exhibits only

[https://westlinnoregon.gov/sites/default/files/fileattachments/planning/project/39391/draft\\_final\\_west\\_linn\\_storm\\_drainage\\_master\\_plan\\_september2019\\_tc\\_planning\\_commission.pdf](https://westlinnoregon.gov/sites/default/files/fileattachments/planning/project/39391/draft_final_west_linn_storm_drainage_master_plan_september2019_tc_planning_commission.pdf)

File PLN-19-02 project page is found at this link:

<https://westlinnoregon.gov/planning/storm-drainage-master-plan-update>

The project page contains:

- The staff report and
- Additional documentation presented to the Planning Commission on October 2, 2019



# CITY OF West Linn

## Memorandum

Date: October 10, 2019  
To: West Linn City Council  
From: West Linn Planning Commission  
Subject: PLN-19-02 Storm Drainage Master Plan update - Recommendation

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The Storm Drainage Master Plan (PLN-19-02) was considered by the Planning Commission at two prior Planning Commission work sessions on August 7, and September 4, 2019. Two written submittals were entered into the record and attached to the staff report for the public hearing.

The Planning Commission held a public hearing on October 2, 2019, for the purpose of making a recommendation to the City Council on the proposed Comprehensive Plan text amendment and as identified in Ordinance 1696. One citizen provided oral testimony.

After conducting the public hearing, the Commission deliberated and voted unanimously (6 to 0) to recommend City Council adoption of the proposed Comprehensive Plan Text and Community Development Code Text amendments as identified in Ordinance 1696.

A review of the draft final September 2019 Storm Drainage Master Plan (SDMP) found references to the 2006 Surface Water Master Plan (2006 SWMP). This is noteworthy because Ordinance 1696 proposes to repeal all previous versions of the SDMP and 2006 SWMP and replaces with the 2019 SDMP. The City Council may wish to amend this ordinance by amending the "whereas clauses" to include an additional clause retaining those portions of the 2006 SWMP referenced in the 2019 SDMP as a technical resource.

Respectfully,

A handwritten signature in blue ink that reads "Gary Walvatne". The signature is fluid and cursive.

Gary Walvatne  
Chair, West Linn Planning Commission

**ORDINANCE NO. 1696**

**AN ORDINANCE ADOPTING AN AMENDMENT TO COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE STORM DRAINAGE MASTER PLAN DATED SEPTEMBER 2019.**

**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 Storm Drainage Master Plan ("SDMP") was last updated in December 19, 2006 via Resolution No. 06-42. The previous updates of the Storm Drainage Master Plan were completed in July 8, 1996. The first adoption was in October 1983 as part of the Comprehensive Plan acknowledgment process. Prior to acknowledgement, the original Storm Drainage Master Plan was prepared by CH2M Planners and Engineers and adopted by the City in 1967.

**WHEREAS**, the SDMP 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 two workshops (August 7 and September 4, 2019) and a public hearing where the PC recommended approval of the SDMP at its October 2, 2019, meeting, and the SDMP was presented to the City Council in a joint work session meeting with the Planning Commission and Utility Advisory Board on October 21, 2019;

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

**SECTION 1. Adoption of Master Plan.** The City of West Linn Storm Drainage Master Plan September 2019, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing the City's storm drainage planning policy.

**SECTION 2. Amendment.** West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-7 "SECTION 3: STORM DRAINAGE" "BACKGROUND AND FINDINGS" is amended to read as follows:

West Linn is drained by natural intermittent and flowing streams within a major system of natural canyons and drainageways that discharge to the Willamette and Tualatin Rivers. The existing storm drainage system is a composite of natural streams with culverts under streets and a network of underground storm drain conduits in more densely developed areas.

Much of the recent and planned new development in West Linn is located in upland areas of the City's watersheds, increasing the need for better erosion control of natural channels, reduce the level of pollutants in storm water discharge, manage flood flows, and reduce runoff to downhill areas

In order to comply with Sections 402 and 405 of the federal Clean Water Act, the City of West Linn has been issued a National Pollutant Discharge Elimination System (NPDES) permit and has prepared a storm water quality management program. Section 303 of the Clean Water Act requires that all new developments and significant re-developments apply management practices to reduce discharges of storm water pollutants. ~~The City uses the City of Portland Stormwater Management Manual to meet water quality requirements~~

In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City's commitment to natural drainageway preservation and water quality. Future efforts will be needed to respond to the recent Endangered Species Act listing of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service.

**A master plan is a supporting document to the Comprehensive Plan that is updated periodically to provide a comprehensive analysis of existing system needs and identifies programmatic and capital projects to address maintenance activities, system condition deficiencies, and water quality.**

**SECTION 3. 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 4. 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 5. 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 6. 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 12th day of November, 2019, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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RUSSELL B. AXELROD, MAYOR

ATTEST:

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KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

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

**EXHIBIT "A"**  
**STORM DRAINAGE MASTER PLAN**  
**SEPTEMBER 2019**