

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;

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 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 30th 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