



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/21/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 005-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 01, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lester Lee, City of Portland
Angela Lazarean, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

NOV 14 2011

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Portland**

Local file number: **184988**

Date of Adoption: **11/9/2011**

Date Mailed: **11/10/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: July 27, 2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Portland Comprehensive Plan List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include additional sanitary sewer projects in the Fanno Creek Basin necessary to meet existing level of service standards, serve designated land uses and protect public health and safety.

Does the Adoption differ from proposal? No, no explanation is necessary

No, however the initial proposal included a reference copy of the existing Figure 4-3, which was removed from the adopted amendment.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 005-11 (18916) [16827]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Portland, Washington County, Clean Water Services, Tualatin Hills Parks & Recreation

Local Contact: **Michelle Kunec**

Phone: **(503) 823-9710**

Extension:

Address: **1900 SW 4th Ave, Suite 7100**

Fax Number: **503-823-7800**

City: **Portland, OR** Zip: **97211**

E-mail Address: **michelle.kunec@portlandoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

ORDINANCE No. 184988

Amend the Portland Comprehensive Plan List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include additional sanitary sewer projects in the Fanno Creek Basin necessary to meet existing level of service standards, serve designated land uses and protect public health and safety (Ordinance)

The City of Portland ordains:

Section 1. The Council finds that:

1. The City of Portland adopted its Comprehensive Plan on October 16, 1980 (Ordinance 150580, effective date January 1, 1981). The Plan was acknowledged as being in conformance with Statewide Land Use Planning Goals by the Land Conservation and Development Commission (LCDC). Upon its adoption, the Plan complied with State Goal 11: Public Facilities.
2. In October 1984, the Oregon Land Conservation and Development Commission adopted the administrative rule on public facilities planning (OAR 660, Division 11). The purpose of the rule is to aid in achieving the requirements of Goal 11, Public Facilities and Services by implementing ORS 197.712 (2)(e), requiring cities to develop and adopt a public facilities plan. The Public Facilities Plan describes water, sewer and transportation facilities which support the land uses designated in the acknowledged comprehensive plan (OAR 660-11-005).
3. The Public Facilities Plan for the City of Portland, including the six service bureau plan elements (water, drainage, sanitary sewer, combined sewer, wastewater treatment and transportation) were adopted as a support document to the City's Comprehensive Plan by City Council Ordinance No. 161770 on April 5, 1989. The Public Facilities Plan includes a list of major sanitary sewer projects intended to serve the needs of the City for the following 20 years.
4. Ordinance No. 161770 amended the City's Comprehensive Plan to include the List of Significant Projects contained in the Public Facilities Plan.
5. The Sanitary Sewer Element of the Comprehensive Plan was adopted by City Council by Ordinance 161770 on April 5, 1989. The Sanitary Sewer Element includes detailed information on the existing and planned sanitary sewer system as well as projects necessary to serve land uses designated in the acknowledged comprehensive plan, protect public health and safety and meet applicable level of service standards and regulatory mandates.
6. Bureau of Environmental Services provides sanitary sewer services to the City of Portland and unincorporated areas within the urban services boundary, per the Urban Services Policy as adopted by Resolution 33327 and amended by Ordinance 155002.

7. On May 20, 1998, the City of Portland and Clean Water Services (formerly the Unified Sewerage Agency) entered into a Wholesale Sewer Service Agreement to provide for the transportation and treatment of sewage flowing from areas served by each party to treatment facilities operated by the other party.
8. Ordinance 176563, adopted in June 2002, amended the Wholesale Sewer Service Agreement between the City of Portland and Clean Water Services. Under this amended agreement, during normal operational conditions, the Fanno Pump Station is required to pump to the City of Portland 100% of the flows from the area upstream of the pump station with no overflows or bypasses to Clean Water Service's system. The City shall design the pump station to have adequate capacity for anticipated flows, including infiltration and inflow during peak storm events.
9. The existing pumping facility, the Fanno Basin Pump Station, does not have sufficient capacity to manage existing flows, primarily due to excessive and unintended infiltration and inflow of surface and groundwater into the sanitary sewer system. This capacity deficiency results in a failure to manage a 5-year storm as required by the City's NPDES permit. Peak flows are diverted to the Clean Water Services sewer system where conveyance capacity limitations can cause sanitary sewer overflows, and potential sewer releases to Fanno Creek, which pose a significant risk to public health.
10. Resolving the capacity deficiency requires a system-based solution that combines capacity upgrades with projects to reduce infiltration and inflow of surface and groundwater into the sanitary sewer system in the Fanno Creek Basin.
11. The Bureau of Environmental Services has an ongoing, basin-wide program to address infiltration and inflow of surface and groundwater into the sanitary sewer system in the Fanno Creek Basin. This program will reduce, but not eliminate, the need for additional pumping capacity.
12. To address remaining hydraulic capacity deficiencies, the Bureau of Environmental Services is proposing three new interrelated capacity projects, the SW 86th Ave Pump Station, the SW 86th Ave Diversion Structure, the SW 86th Sewer Extension. These proposed facilities would be located in Washington County and within the Fanno Creek drainage basin.
13. On July 27, 2011, notice of proposed action was mailed to the Oregon Department of Land Conservation and Development (DLCD) in compliance with the post-acknowledgement review process required by OAR-660-020.
14. On September 13, 2011, after complete and proper notice, the Planning and Sustainability Commission held a public hearing to receive testimony on the proposed amendments. Staff from the Bureau of Environmental Services and the Bureau of Planning and Sustainability presented the proposal, and public testimony was received. The Commission voted to forward the *Recommended Draft*, including Exhibits A through C of this ordinance, to City Council.

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184988

15. The proposed amendment is consistent with the Washington County Comprehensive Plan. Public utilities, including public sewer facilities, are permitted on residential land through a Type III quasi-judicial review procedure in Washington County, pursuant to the County's acknowledged Comprehensive Plan and adopted Community Development Code.
16. All applicable requirements of the Statewide Planning Goals and the Portland Comprehensive Plan have been met for the reasons stated in Exhibit D, which is attached and made a part of this ordinance by this reference.

NOW, THEREFORE, the Council:

- a. Adopts the Planning and Sustainability Commission's September 26, 2011 *Recommended Draft* memorandum recommending amendments to the Comprehensive Plan List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element concerning sanitary sewer facilities in the Fanno Creek Basin, which is attached as Exhibit 1;
- b. Adopts the amendment to the Portland Comprehensive Plan List of Significant Projects, dated September 2011, which is attached as Exhibit A;
- c. Adopts the amendment to the Portland Comprehensive Plan Public Facilities Plan, dated September 2011, which is attached as Exhibit B;
- d. Adopts the amendment to the Portland Comprehensive Plan Public Facilities Plan: Sanitary Sewer Element, dated September 2011, which is attached as Exhibit C;
- e. Adopts the findings for the amendments, as shown in Exhibit D, as an expression of legislative intent and as further findings to support City Council's action.

Section 2. The Council declares that, if anything contained in this ordinance, or in the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, the validity of the remaining portions thereof shall not be affected, and that the Council would have nevertheless adopted said plan, map, or code.

Passed by the Council:

NOV 09 2011

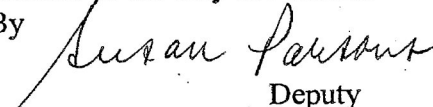
Mayor Adams

Prepared by: M. Kuneč

Date Prepared: October 13, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

8401X1

Agenda No.
ORDINANCE NO. 184988
 Title

Amend the Portland Comprehensive Plan's List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include additional sanitary sewer projects in the Fanno Creek Basin necessary to meet existing level of service standards, serve designated land uses and protect public health and safety. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams Commissioner Dan Saltzman	CLERK USE: DATE FILED <u>OCT 28 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman <i>[Signature]</i>	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i>	ACTION TAKEN: NOV 02 2011 PASSED TO SECOND READING NOV 09 2011 9:30 A.M.
Prepared by: M. Kunec Date Prepared: September 27, 2011	
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 November 2, 2011	
City Attorney Approval <i>[Signature]</i>	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:30 a.m.</u>
Total amount of time needed: <u>30 minutes</u> (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> 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	←	←



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Portland Planning and Sustainability Commission

André Baugh, Chair

Michelle Rudd, Vice Chair

Howard Shapiro, Vice Chair

Karen Gray

Gary Oxman

Don Hanson

Jill Sherman

Mike Houck

Chris Smith

Lai-Lani Ovalles

Irma Valdez

DATE: September 26, 2011

TO: Portland City Council

FROM: Portland Planning and Sustainability Commission

RE: Recommended Draft: Amendment to the Comprehensive Plan's List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element

The Planning and Sustainability Commission recommends amending the City of Portland Comprehensive Plan's Project List, Public Facilities Plan and Sanitary Sewer Element, to include additional sanitary sewer projects in the Fanno Creek Basin. These projects are necessary to protect public health and safety.

Background

The Public Facilities Plan (PFP) was originally acknowledged by the State of Oregon's Land Conservation and Development Commission (LCDC) as support document to the City's Comprehensive Plan in 1989. It includes a list of major infrastructure projects intended to serve the needs of the City for the following 20 years, as well as specific elements providing more detail on each infrastructure system. At adoption, the City's Comprehensive Plan was amended to include the List of Significant Projects contained in the Public Facilities Plan. The Sanitary Sewer Element includes detailed information on the existing and planned sanitary sewer system, as well as projects necessary to serve land uses designated in the acknowledged comprehensive plan, protect public health and safety and meet applicable level of service standards and regulatory mandates.

A new diversion structure, sewer extension and sewage pump station are currently needed in the Fanno Creek Basin to properly manage the area's sewer needs and address a public health risk. These projects are not currently listed in the City's acknowledged Public Facilities Plan or Comprehensive Plan List of Significant Projects.

The Bureau of Environmental Services is required by the Oregon Department of Environmental Quality to maintain wastewater pumping facilities that have the capacity to operate without overflow or bypass during the 5-year, 24-hour design storm for winter and 10-year, 24-hour design storm for summer, as part of the City's National Pollutant Discharge Elimination System (NPDES) wastewater treatment plan permit. This permit requires that the City protect water quality of the receiving streams and satisfy requirements of the Clean Water Act.

In addition, the City's Wholesale Sewer Service Agreement with Clean Water Services requires the Fanno Basin Pump Station to pump 100% of the flows from the area upstream of the pump station to the City of Portland with no overflows or bypasses to Clean Water Service's system, during normal operating conditions. To accomplish this, the City must have sufficient pumping capacity to manage anticipated flows, including infiltration and inflow during peak storm events.

The existing Fanno Basin Pump Station's existing pumping capacity of 24 cfs is insufficient to manage existing peak flows of 44 cfs, primarily due to excessive and unintended infiltration and inflow of surface and groundwater into the sanitary sewer system. This capacity deficiency results in a failure to manage flows as required by the City's permit, and peak flows are diverted to the Clean Water Services sewer system where conveyance capacity restrictions can cause sanitary sewer overflows, and potential sewage releases to Fanno Creek, which pose a risk to public health.

Resolving this capacity deficiency requires a system-based solution that combines ongoing projects to reduce infiltration and inflow with capacity upgrades. The Bureau of Environmental Services has an ongoing, basin-wide program to address infiltration and inflow of surface and groundwater into the sanitary sewer system in the Fanno Creek Basin. This program will reduce, but not eliminate, the need for additional pumping capacity.

The Bureau of Environmental Services is proposing three new interrelated capacity upgrade projects, the SW 86th Ave Diversion Structure, the SW 86th Sewer Extension, and the SW 86th Ave Pump Station, to address hydraulic deficiencies. These proposed facilities would be located within the Fanno Creek drainage basin in Washington County, on property owned by the City of Portland. The proposed facilities would serve both residents within the City of Portland's Bureau of Environmental Services' and Washington County's Clean Water Services' service areas.

The Bureau of Environmental Services considered a number of alternative solutions, including building a new pump station and pressure line system further upstream; building a new 5-million gallon wet weather storage tank system to capture wet weather flow; and permanently diverting excess flows to Clean Water Services. The proposed SW 86th Avenue projects were selected as the preferred option as they were the most efficient and cost-effective way to capture flow, posed the least impact to the Clean Water Services collection and conveyance system, and were the least disruptive to the public.

The proposed projects need to be included in the Public Facilities Plan in order to procure the required Washington County land use approvals and construction permits for the new facilities. Development applications for the projects will be submitted to the Land Development Services Division of the Washington County Department of Land Use and Transportation.

Relation to Periodic Review of the Portland Comprehensive Plan

The proposed amendment will add the three projects described above to the Comprehensive Plan's Public Facilities Plan and project list, to address an urgent need. The Bureau of Environmental Services will propose a complete update of the Sanitary Sewer Element of the Public Facilities Plan, as required by periodic review, through the City's update of the

Comprehensive Plan. Findings related to the current Comprehensive Plan and the Statewide Planning Goals are included in the ordinance.

Proposal

The proposed action will amend the Comprehensive Plan’s List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include the proposed SW 86th Avenue projects, as shown in Attachments A, B and C. Amendments are shown in ~~strikeout~~ (deletions) or underline (additions). Details of the existing system, deficiencies, and proposed projects to address the deficiencies are contained in the attached materials. The proposed amendments also include changes to Figure 4-3, a map of existing and proposed facilities. The existing Figure 4-3, as included in the 1989 adopted Public Facilities Plan, has been included for reference.

The methodology and the balance of the Public Facilities Plan are unchanged. No changes are proposed to the land use, projected population, levels of service, or thresholds for included facility projects (e.g. pipes 15” or larger).

The proposed Public Facilities Plan amendment is a legislative action and must be reviewed by the Planning and Sustainability Commission prior to being submitted for adoption by City Council. The City will follow the legislative process spelled out in Chapter 33.430 of the Portland City Code, for hearing and adopting the proposed public facilities plan. After adoption by City Council, the amendment will be submitted to the Oregon Department of Land Conservation and Development as a post acknowledgement plan amendment. The City will follow the public notification and procedural steps required for this type of amendment.

Recommendation

The Portland Planning and Sustainability Commission recommends that City Council take the following actions:

- Amend the adopted Comprehensive Plan Project List, Public Facilities Plan and Sanitary Sewer Element as specified in this report and
- Adopt the ordinance.

Attachments

Attachment A: Proposed Amendment to the Comprehensive Plan’s List of Significant Projects

Attachment B: Proposed Amendment to the Public Facilities Plan

Attachment C: Proposed Amendment to the Sanitary Sewer Element

- i. Narrative: 5-Fanno Creek Basin
- ii. Table 4-7: Existing and Proposed Facilities
- iii. Figure 4-3: Map of the Fanno Basin: Location Of Existing and Proposed Facilities

Attachment D: Letter of Support from the Oregon Department of Environmental Quality

A. SHORT TERM

(This is a summary list of Public Facilities Plan projects. Please refer to each bureau's Public Facilities Plan for detail on each project).

Sanitary Sewer

I-26	122 nd Avenue Trunk
I-29	Cherry Park Pump Station and Trunk
J-2	South Mid-County Trunk
J-3	Holgate Pump Station and Pump Line
I-28	Burnside Basin Trunk
J-4	103 rd Avenue Trunk
C-1	Lombard Basin Trunk
C-2	Broadway Basin Pump Station and Trunk
I-5	Cully Basin Pump Station and Trunk
I-7	Cully Basin Trunk
I-13	Airport Way Pump Station and Trunk
I-14	Airport Way Pump Station and Trunk
I-15	Airport Way Pump Station and Trunk
P-26	Hayden Island Pump Station and Pressure Line
<u>F-3</u>	<u>SW 86th Ave Diversion Structure</u>
<u>F-4</u>	<u>SW 86th Ave Sewer Extension</u>
<u>F-5</u>	<u>SW 86th Ave Pump Station</u>

Combined Sewer

WHE-1025	In-line Storage
WHE-1240	In-line Storage
WHE-1131	In-line Storage
WHE-1232	In-line Storage
WHE-1102	In-line Storage
WHE-1160	In-line Storage
WHE-1268	In-line Storage
WHE-1221	In-line Storage
WHE-1128	In-line Storage
WHE-1118	In-line Storage
STA-1041	Drainage Sumps
ATA-3013	In-line Storage
13T-5028	Drainage Sumps
13T-1227	Drainage Sumps
13T-1516	Drainage Sumps
13T-1606	Drainage Sumps
13T-3506	Drainage Sumps
13T-1620	Drainage Sumps
13T-1205	Drainage Sumps
13T-5404	Drainage Sumps

A. SHORT TERM

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I-7	Cully Basin Trunk
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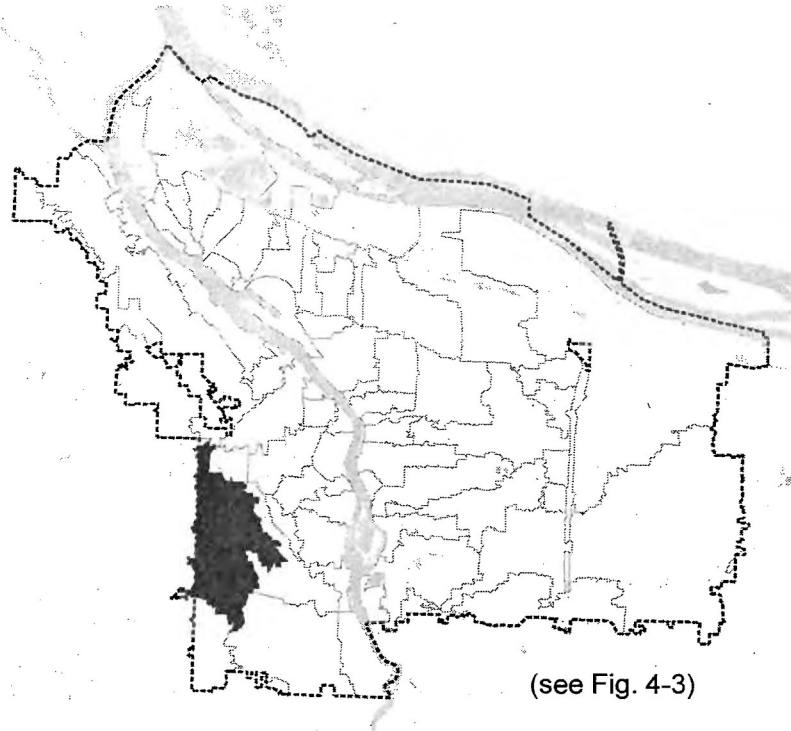
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13T-3506	Drainage Sumps
13T-1620	Drainage Sumps
13T-1205	Drainage Sumps
13T-5404	Drainage Sumps

5-FANNO CREEK BASIN

Drainage Area
Approximately
1,900 acres.

Topography
Fanno Creek and its tributaries drain the west face of the West Portland Hills, the Tualatin Mountains. The basin is bounded by the City's Urban Services Boundary on the west, the West Skyline Basin and the Southwest Basin on the north and the Tryon Creek Basin on the east and south. The basin drains west out of Portland's Urban



Services Area via Fanno Creek to the Tualatin River. This is a hillside basin draining to Fanno Creek which has cut a narrow valley between the hills. Predominant geographic features are Fanno Creek, and the West Portland Hills (Tualatin Mountains). Slopes range from 1% to over 10% on the hillsides. The hillsides are cut by many small watercourses. Elevations generally range from 150 feet to 1000 feet. The basin is largely covered by second growth conifer forest. It is primarily residential in nature. It is approximately 75% developed.

Soil Characteristics
Poorly drained clay soils underlaid by clay hardpan predominate.

Existing Land Use
Residential Use 73%; Commercial Use 1%; Open space and Vacant Use 26%. There were 2,800 residential units in this basin in 1985. 1985 population was 7,300.

Future Land Use
The existing land use pattern reflects Comprehensive Plan designations. Residential Use is to increase 8% to 81%; Commercial Use 1%, Open space and Vacant Use to decrease 8% to 18%. Year 2005 population projections show an additional 900 residential units in this basin for a total of 3,700. Year 2005 population is projected to be 8,700.

Existing System

There is one significant facility in this basin with an overall length of 2.0 miles. Pipe size ranges from 15 inches to 21 inches in diameter. Sanitary wastewater flows west out of this basin to the Unified Sewerage Agencies (USA) facilities. The USA treats the waste water as a contract service to the City of Portland. In addition, there is a pump station and pressure line in this basin (see T-11) which pumps a portion (1.99 cfs) of the wastewater from this basin back through the Tryon Creek system (through pump station and pressure lines at T-10 and T-9) to the Tryon Creek Treatment Interceptor. Pipe is relatively new concrete. Based on the results of inspections, where inspection have been made, the pipe appears to be in good condition with only occasional minor defects. The facilities is listed on Table 4-7. Facility locations are shown on Figure 4-3.

The existing sanitary trunk sewer system is adequate and in good condition to provide for projected growth in this basin. The City has determined that it is more economical to pump flows (that would naturally flow westerly towards the Tualatin River), back to the east, to the Portland system for treatment. As a result, the existing system consists of two pump stations and three major sewers in the basin (T-8, F-1, and F-2).

The **Cambridge Village Pump Station (T-8)** (SW 35th and SW Beaverton Hillsdale Highway), has a capacity of 2 cfs. Cambridge Village is designed to pump high flows associated with moderate to intense storms. Cambridge Village Pump Station discharges to the Burlingame basin. During dry weather it does not operate and the sanitary sub-basin above the pump station drains to the Tryon Creek Interceptor.

The **Fanno Creek Interceptor (F-1)** (FCI) ranges from 10 to 36-inches in diameter and is the main gravity collector for the basin. The FCI flows west starting at the Cambridge Village Pump Station and receives flow from various Portland and Washington County neighborhood collectors. The FCI continues flowing west, parallel to Beaverton-Hillsdale Highway, until it turns south near the Washington County line. The FCI continues south along Fanno Creek, receiving flows from the 24-inch diameter **Vermont Trunk** and the 21-inch diameter **Woods Trunk**, before entering the Fanno Diversion Structure. The Fanno Diversion Structure directs all flow to the Fanno Basin Pump Station under normal operations.

The **Fanno Basin Pump Station (F-2)** (6895 SW 86th Avenue) has a capacity of 24 cfs. The Fanno Basin Pump Station discharges to Burlingame Trunk at SW 31st and Multnomah via a 30-inch diameter steel force main. A parallel 30-inch steel force main was installed to allow for future additional pumping capacity. The Burlingame Trunk flows east and eventually enters the combined sewer system's Southwest Parallel Interceptor.

During large storms, if wet weather flows exceed the capacity of the Fanno Basin Pump Station, water will rise in the diversion structure and flow through two 16-inch diameter orifices to the CWS Fanno Creek Interceptor. During any condition, if needed for maintenance or capacity issues and with prior approval by Clean Water Services, the diversion gate may be opened to allow sewage to flow into the CWS Fanno Interceptor and to the Durham Advance Wastewater Treatment Facility.

Existing Capacity Deficiencies

During the wet months of the year (November through March), the Fanno Creek Basin sanitary system can experience high rates of stormwater infiltration and inflow (I/I). This includes infiltration from seasonally elevated ground water that enters sewer pipes through holes, breaks, joint failures and inflow sources such as yard and footing drains, directly connected downspouts, and holes in manhole covers.

Under saturated conditions and large rain events, approximately equal to the 2-year recurrence interval storm, the flow to the Fanno Basin Pump Station can exceed the station capacity and excess flow may enter the CWS Fanno Creek Interceptor. Certain reaches of the CWS collection system are also likely experiencing flows near system capacity and thus, the additional flows from the Fanno Creek Basin during intense storms may cause uncontrolled overflows to occur. If not relieved, the excess flows could cause excessive pressures in the CWS collection system that could damage the structural integrity of the pipes and manholes. Demand analysis indicates that the Fanno Basin system must be able to capture and pump up to 44 cfs during the 5 year design event to prevent Fanno Creek Basin flows from spilling over into the CWS collection system. Thus, the current Fanno Basin Pump Station capacity is deficient and BES needs to provide an additional 20 cfs pumping capacity to meet the State's 5-year design standard.

The City and CWS cooperatively provide services to the area customers under a Wholesale Sewer Service Agreement that facilitates payment between the City and CWS as compensation for providing sewage service. Under this agreement, the City is a net payer to CWS. The agreement includes a requirement that the Fanno Basin pumping system contain 100% of the flows from the Fanno Creek basin as well as the Fanno Creek CWS service area tributary to the pump station. The existing Fanno Basin Pump Station does not have the firm pumping capacity to meet this requirement.

The existing parallel 30-inch force mains have sufficient conveyance capacity for the increased pumping from the Fanno Basin system. However, these steel force mains experience transient surge pressures generated when one or more pumps shut off during normal operations. Surge analysis has determined that this problem must be addressed by surge tanks installed at the proposed new SW 86th Ave pump station to protect the force mains.

Proposed System

The existing sanitary trunk sewer system is adequate to provide for projected growth in this basin through the year 2005. No additional trunk facilities are required. This area lies west of ridge separating the Willamette and Tualatin Valleys. The area's sanitary wastewater may either be drained to the Unified Sewerage Agencies service area or pumped to drain into the Tryon Creek Basin. In the event the City determines pumping to Portland facilities is the most economical, alternative pump station expansion will be required and Tryon Creek system will have to be rehabilitated to provide additional capacity.

To address the above mentioned capacity deficiencies, the proposed system improvements would include the design and construction of a gravity sewer diversion structure with overflow relief; an extension of the gravity sewer from the diversion structure to the East, and the SW 86th Ave. pump station which will include surge protection.

The pumping capacity of the existing Fanno Basin system should be increased from 24 cfs to 44 cfs. The expanded pumping capacity will be conveyed by two existing 30-inch diameter force mains. A surge tank facility should be installed to protect the force mains. The Burlingame Trunk Sewer Improvement project, currently under construction, will provide adequate downstream capacity to convey flow from both force mains. A new gravity sewer diversion structure is needed to control and direct influent flow to the proposed SW 86th Ave pump station and the existing Fanno Basin Pump Station.

As a result, the proposal for increasing the pumping capacity of the Fanno Basin system is to construct a new pump station, *SW 86th Ave Pump Station (F-5)*, with a minimum pumping capacity of 20 cfs, including surge protection for the two existing force mains, to the east of the existing Fanno Basin Pump Station. In conjunction with the SW 86 Ave Pump Station, a new flow control facility, *SW 86th Ave Diversion Structure (F-3)*, will be needed to manage the flow volume to each of the pump stations. Lastly, piping between the flow control facility and the new pump station, *SW 86th Ave Sewer Extension (F-4)*, will be required to convey the flow to the new pump station.

Therefore, to address the capacity deficiencies, three new projects are proposed, the SW 86th Ave Diversion Structure, SW 86th Sewer Extension, and the SW 86th Ave Pump Station; facility numbers F-3, F-4, and F-5 respectively.

Table 4-7
EXISTING AND PROPOSED FACILITIES

Fanno Creek Basin				EXISTING FACILITIES				PROPOSED FACILITIES						Comment
Facil. Num.	Rank	Basin (1/4 sect)	Drainage Area (acres)	Type/ Size	Phys. Cond.	Exist. Capacity (min.) (cfs)	Maint. Responsibility	Type/Size	Req'd Capacity (cfs)	Cost x \$1,000	Time Est.	Provider with Author.	Funding Mechanism	
F-1 (Fanno Creek Interceptor, Cambridge Village PS, Vermont & Woods Trunks)		3522-5, 3622	1,900	15-33"	Good	8.1	COP		5.9					Drains to T-11 pump station at Olesen Rd. 1.0 cfs pumped back to T-10. Rmndr to USA. Fanno Ck Interceptor, Vermont and Woods Trunk flows to Fanno Pump Station
F-2 Fanno Pump Station		3720	1,900	Pump Station	Good	24 cfs	COP		44					Existing Fanno Pump Station is under capacity by 20 cfs
F-3 SW 86th Ave Diversion Structure	1	3720	4,347					Diversion Structure	44	800	Short Term	COP	CIP	Flow control and diversion to new (SW 86th Ave PS) and existing Fanno Pump Station
F-4 SW 86th Ave Sewer Extension	1	3720	4,347					Pipe	20	7,500	Short Term	COP	CIP	Gravity sewer from diversion structure to new (SW 86th Ave) pump station
F-5 SW 86th Ave Pump Station	1	3720	4,347					Pump Station	20	12,300	Short Term	COP	CIP	New pump station with minimum 20 cfs capacity, including surge protection for existing force mains

COP - City of Portland
 CWS - Clean Water Services
 CIP - Capital Improvement Program
 Very Short Term - Projects to be built as soon as possible
 Short Term - Projects to be built within the next 5 years
 Long Term - Projects to be built at least 5 years into the future
 PS - Pump Station, FM - Force Main, CSP - Concrete Sewer Pipe, I/I - infiltration and inflow

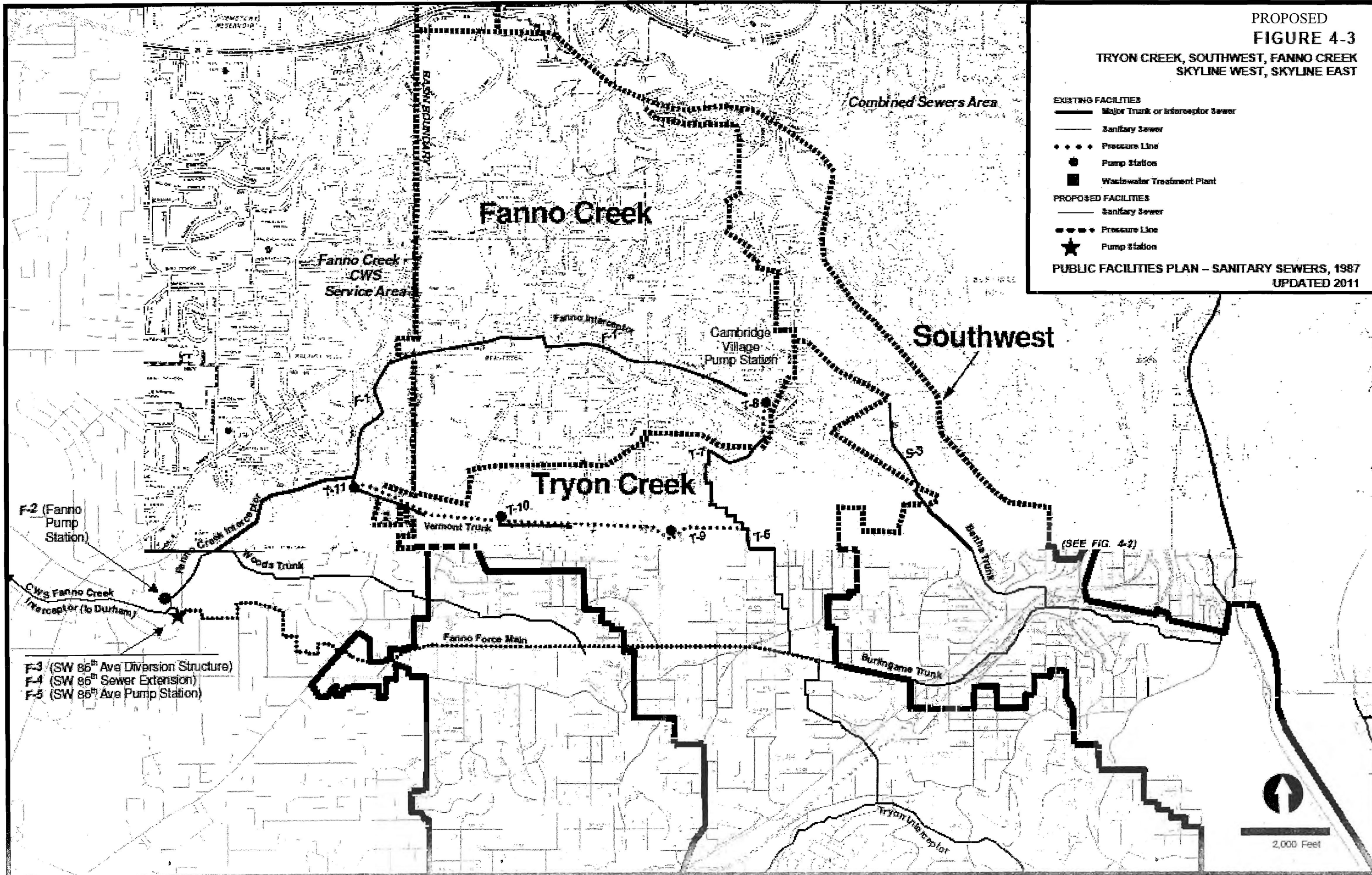
4-5B

PROPOSED
FIGURE 4-3

TRYON CREEK, SOUTHWEST, FANNO CREEK
SKYLINE WEST, SKYLINE EAST

- EXISTING FACILITIES**
- Major Trunk or Interceptor Sewer
 - Sanitary Sewer
 - Pressure Line
 - Pump Station
 - Wastewater Treatment Plant
- PROPOSED FACILITIES**
- Sanitary Sewer
 - Pressure Line
 - ★ Pump Station

PUBLIC FACILITIES PLAN – SANITARY SEWERS, 1987
UPDATED 2011



F-3 (SW 86th Ave Diversion Structure)
F-4 (SW 86th Sewer Extension)
F-5 (SW 86th Ave Pump Station)

FINDINGS ON OREGON STATEWIDE PLANNING GOALS AND PORTLAND COMPREHENSIVE PLAN**Findings on Oregon Statewide Planning Goals**

1. State planning statutes require cities to adopt and amend comprehensive plans in compliance with state land use goals. Oregon Statewide Planning Goals 1, 2, and 11 apply to the proposed amendment as it amends the Portland Comprehensive Plan's List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element. The proposed facilities included in the amendment are needed to serve residential and employment designations and densities anticipated in the acknowledged Comprehensive Plan. As they are not designed to increase or diminish residential or employment capacity, Oregon Statewide Planning Goals 9 and 10 do not apply.
2. Goal 1, Citizen Involvement, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided opportunities for public involvement as described below.
3. On August 12, 2011, complete and proper legislative notice of the proposed amendments was mailed to approximately 571 individuals, groups, agencies and other entities, including neighborhood and business associations within the Fanno Creek Basin in both Portland and Washington County as required by the Portland City Code Section 33.740.020. The notice informed them of the proposal, the availability of the *Proposed Draft*, and the public hearing before the Planning and Sustainability Commission.
4. On August 12, 2011, the same public notice was sent to approximately 335 residents and businesses within 1000' of the proposed projects and sent by email to persons who requested notification about the Fanno Basin Pump Station Expansion Project.
5. Section 33.835.030 of the Portland City Code identifies comprehensive text amendments as a legislative procedure. Providing additional notice to residents and businesses located near the project area did not change a legislative procedure into a quasi-judicial procedure. Neither the zoning code nor the applicable state law governing post-acknowledgment plan and regulatory amendments requires a notice of a legislative proceeding to state the applicable criteria. The City's notice to DLCD identified the applicable statewide planning goals pertinent to this amendment. The additional notice the City mailed to residents within 1000 feet of the site and others was supplemental to the notice the code requires for legislative amendments to the City's comprehensive plan and zoning code.
6. On August 12, 2011, the *Proposed Draft* was published and made available to the public on the Bureau of Environmental Service's website, and mailed to those who requested copies.
7. On September 13, 2011, Planning and Sustainability Commission held a public hearing to receive testimony on the proposed amendments. Staff from the Bureau of Environmental Services and the Bureau of Planning and Sustainability presented the proposal, and public

testimony was received. The Commission voted to forward the *Recommended Draft*, including Exhibits A through C of this ordinance, to City Council.

8. On October 18, 2011, complete and proper legislative notice of the proposed amendments was mailed to 582 individuals, groups, agencies and other entities, including neighborhood and business associations within the Fanno Creek Basin in both Portland and Washington County, those who had testified at the Planning and Sustainability Commission hearing in person or in writing, and those who had requested notice, as required by the Portland City Code Section 33.740.020. The notice informed them of the proposal, the availability of the *Recommended Draft*, and the public hearing before the City Council.
9. On October 18, 2011, the same public notice was sent to 335 residents and businesses within 1000' of the proposed projects and sent by email to persons who requested notification about the Fanno Basin Pump Station Expansion Project. This additional notice was supplemental to the notice the code requires for legislative amendments to the City's comprehensive plan and zoning code.
10. On October 18, 2011, the *Recommended Draft* was published, made available to the public on the Bureau of Environmental Service's website, and mailed to those who requested copies.
11. On November 2, 2011, City Council held a hearing on the Planning and Sustainability Commission recommendation for amendments to the City of Portland Comprehensive Plan's List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element. Staff from the Bureau of Environmental Services and the Bureau of Planning and Sustainability presented the proposal, and public testimony was received.
12. Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because development of the recommendations followed established city procedures for legislative actions. See also findings for Portland Comprehensive Plan Policy 1.4, Intergovernmental Coordination.
13. Notice of the proposed amendment was distributed following the procedures outlined in statewide planning goal findings 3, 4, 8 and 9. Metro, Washington County, Clean Water Services and the Tualatin Hills Parks & Recreation District were notified of this proposal and given the opportunity to comment. No comments were received.
14. In March 2009, the City of Portland and Clean Water Services entered into a Mutual Agreement and Order (MAO) with the Department of Environmental Quality, which is attached as Exhibit E, regarding the conveyance and treatment of wastewater within the Fanno Creek Basin.
15. The City of Portland's Bureau of Environmental Services and Clean Water Services coordinated on sewer system planning and modeling for the Fanno Basin to ensure the proposed capital improvement projects necessary to comply with the MAO meet both

systems' needs. This coordination is documented in a letter from Clean Water Services, attached as Exhibit F.

16. The Bureau of Environmental Services held pre-application meetings with Washington County planning staff regarding development requirements and codes for the proposed capital improvements.
17. Goal 11. Public Facilities and Services, requires the development of a public facility plan as a support document(s) to a comprehensive plan, which describes the water, sewer and transportation facilities necessary to support the land uses designated in the appropriate acknowledged comprehensive plan. The amendments support this goal as they update the adopted List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element to include projects necessary to support currently designated land uses in the Fanno Creek Basin. See also findings for Portland Comprehensive Plan Policy 1.4, Intergovernmental Coordination, Policy 11.1A, Service Responsibility, Policy 11.1B, Service Responsibility, Goal 11C, Sanitary and Stormwater Facilities and Policy 11.5, Improvement.

Findings on Portland Comprehensive Plan

18. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
19. Only Comprehensive Plan Goals 1, 9 and 11 apply as the proposal would amend the Comprehensive Plan's List of Significant Projects and Public Facilities Plan. As the proposed projects included in the amendment are not designed to increase or diminish residential or employment capacity, Comprehensive Plan Goals 4 and 5 do not apply. The applicable Comprehensive Plan Goals are addressed below.
20. Policy 1.4, Intergovernmental Coordination, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this goal for the reasons found in findings 13 through 16 for Statewide Planning Goal 2, Land Use Planning.
21. Goal 9, Citizen Involvement, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
22. Policy 11.1A, Service Responsibility, requires that the City of Portland provide, within its boundaries of incorporation, sanitary and stormwater sewer facilities and services at

levels appropriate for all land use types, where feasible and as sufficient funds are available from public or private sources. Based on the Planning and Sustainability Commission's report and information submitted into the record by BES, these amendments support the planning and provision for sanitary sewer facilities and services necessary to support land uses in the area served by the Fanno Basin Pump Station.

23. Policy 11.1B, Service Responsibility, Outside its boundaries of incorporation, the City of Portland shall: (1) Acknowledge the City's role as principal provider of urban services within the City's established Urban Services Boundary and plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas. (2) Coordinate closely with other jurisdictions providing services within the established Portland Urban Services Boundary. The City of Portland's Bureau of Environmental Services is the sanitary sewer service provider for areas covered under this amendment, per the Urban Services Policy and Wholesale Sewer Service Agreement with Clean Water Services. The City of Portland has coordinated with Washington County and Clean Water Services as related to this amendment as required by this policy.
24. Goal 11C, Sanitary and Stormwater Facilities, requires that the City of Portland insure an efficient, adequate and self-supporting wastewater collection treatment and disposal system which will meet the needs of the public and comply with federal, state and local clean water requirements. These amendments add projects to the City's Public Facilities Plan necessary to insure adequate and efficient wastewater treatment and disposal as directed by this policy.
25. Policy 11.5, Improvement, requires the City of Portland to improve the existing sewer system in areas adversely affected by overloaded sewer systems. These amendments add projects to the Comprehensive Plan's List of Significant Projects, Public Facilities Plan and Sanitary Sewer Element necessary to resolve existing capacity deficiencies in the sewer system.

Elimination System permit, the City of Portland will be responsible for any and all overflows from the CWS system that are caused by diversion of the City's Fanno Basin flows to the CWS system, as described in Paragraph 13 below.

6. The City has submitted the notice and request required to demonstrate that there is no feasible alternative to avoiding overflows under certain storm conditions. The City has demonstrated that the environmental damage caused by treatment and discharging partially treated wastewater to Fanno Creek in a controlled manner would result in less damage to the environment than would be caused by another failure of the Fanno Force Main or uncontrolled overflow from and damage to the CWS system.

7. The Department and the City recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for violations of Oregon law. Therefore, pursuant to ORS 183.415(5), the Department and the City wish to settle all of those past violations referred to in Paragraph 1 and to limit and resolve the future violations referred to in Paragraph 5 in advance by this Mutual Agreement and Order (MAO) rather than by the issuance of an abatement order.

8. This MAO is not intended to limit, in any way, the Department's right to proceed against the City or CWS in any forum for any past or future violations not expressly settled herein.

NOW THEREFORE, it is stipulated and agreed that:

9. The Environmental Quality Commission shall issue a final order:

A. Requiring the City to comply with the following schedule and conditions:

(1) By no later than March 15, 2009 submit for Department approval:

A Capital Improvement Plan and schedule for completion of capital project(s) to permanently manage flows from the City's Fanno Creek basin. The approved Plan and schedule will establish milestones for completion of the project and will be included in an amendment to this MAO.

(2) By no later than the 15th of the month following a month in which an overflow or overflows occurred during the period in which the City diverts Fanno Basin wastewater to CWS:

Submit a Wet Weather Monitoring and Response Report that explains why the overflow occurred, includes details of the overflow, including flow estimates

and identification of the responsible party, and describes the steps taken to respond to and mitigate the overflow under the Wet Weather Monitoring and Response plan.

- (3) By no later than March 1, 2009, September 1, 2009, March 1, 2010, and September 1, 2010, submit to the Department status reports covering the previous six months and including:
- a. Summary of information regarding progress and completion of repairs and capital projects.
 - b. Any changes to previously proposed schedules.
 - c. Summary information regarding sanitary sewer flow monitoring data, specifically data related to storm events.
 - d. Date(s), duration, and circumstances of any implementation of the Wet Weather Monitoring and Response Plan.

B. Requiring, upon receipt of a written notice from the Department for any violations of this MAO:

- a. the City to pay a civil penalty in the amount of \$250 for each day of each violation of the compliance schedule set forth in Paragraph 9A(1).
- b. the City to pay a civil penalty in the amount of \$500 for failure to follow the Wet Weather Monitoring Response Plan provided in accordance with Paragraph 9 A.(1).
- c. the City to pay civil penalties in the amount of \$3,000 for overflows that occur from the impacted areas of the CWS system identified in the Justification for Anticipated Noncompliance submitted by the City during storm events other than those defined in Paragraph 13.

C. Requiring that within 24 hours of the occurrence of an overflow, the City or CWS must provide the Department with oral notification either directly or through the Oregon Emergency Response System (OERS @1-800-452-0311) of each occurrence and within five days submit a written description of actions taken within five days of the conclusion

of the overflow. This written report, which will be prepared cooperatively by the City and CWS, must provide further information about the overflow including whether circumstances causing the overflow meet the conditions provided in the Justifications for Anticipated Noncompliance submitted by the City. The report must also identify whether the City or CWS is responsible for the overflow.

10. If any event occurs that is beyond the City's reasonable control and that causes or may cause a deviation in performance of the requirements of this MAO, the City shall immediately notify the Department verbally of the cause of delay or deviation and its anticipated duration, the measures that have been or will be taken to prevent or minimize the delay or deviation, and the timetable by which the City proposes to carry out such measures. The City shall confirm in writing this information within five (5) working days of the onset of the event. It is the City's responsibility in the written notification to demonstrate to the Department's satisfaction that the delay or deviation has been or will be caused by circumstances beyond the control and despite the due diligence of the City. If the City so demonstrates, and CWS continues to have capacity for the additional flows from the City's service area, the Department will extend times of performance of related activities under this MAO as appropriate. Circumstances or events beyond the City's control include, but are not limited to, acts of nature, unforeseen strikes, bid protests, work stoppages, fires, explosions, riot, sabotage, or war. Increased cost of performance or consultant's failure to provide timely reports may not be considered circumstances beyond the City's control.

11. Regarding the violations set forth in Paragraph 1 above, which are expressly settled herein with a civil penalty of \$16,000, the City hereby waives any and all of its rights to any and all notices, hearing, judicial review, and to service of a copy of the final order herein. The Department reserves the right to enforce this order through appropriate administrative and judicial proceedings.

12. Regarding the potential for future violations set forth in Paragraph 5 above, the City hereby waives any and all of its rights to any and all notices, hearing, judicial review, and to service of a copy of the final order herein. In addition, in accordance with the plan, if the City is responsible for the overflow, the City shall be subject to the stipulated penalties specified in Paragraph 9.B. If CWS is responsible for the overflow, the stipulated penalty provisions of Paragraph 9.B shall not apply and the Department will follow its normal enforcement procedures. The Department reserves the right to enforce this order through appropriate administrative and judicial proceedings.

13. The Department recognizes that anticipated noncompliance may occur as a result of the following circumstances: (a) Storm events that are greater than a 2-year storm level; or (b) extreme storm events that occur at less than the 2-year storm level when the CWS collection system is already surcharged to levels reaching its design capacity. These conditions generate excessive wet weather flows in the Portland and CWS systems that may result in an overflow. Any occurrences of these instances of recognized anticipated noncompliance during the term of this MAO will not subject either the City or CWS to civil penalty or enforcement action on the condition that the Wet Weather Monitoring and Response Plan is implemented, facilities are properly operated and maintained and storage facilities are maximized. As required by the Wet Weather Monitoring and Response Plan submitted under Paragraph 9.A herein, the City and CWS will cooperatively monitor, report and document the storm conditions if an overflow from the City system or the CWS system occurs. The City and CWS also will cooperatively provide signage and public notification and will initiate cleanup procedures as required by the Wet Weather Monitoring and Response Plan.

14. The terms of this MAO may be amended by the mutual agreement of the Department, CWS and the City.

15. The Department may amend the compliance schedule and conditions in this MAO upon finding that such modification is necessary because of changed circumstances or to protect public health and the environment. The Department shall provide the City and CWS a minimum of thirty (30) days written notice prior to issuing an Amended Order modifying any compliance schedules or conditions. If the City and/or CWS contests the Amended Order, the applicable procedures for conduct of contested cases in such matters shall apply.

16. This MAO shall be binding on the parties and their respective successors, agents, and assigns. The undersigned representative of each party certifies that he or she is fully authorized to execute and bind such party to this MAO. No change in ownership or corporate or partnership status relating to the facility shall in any way alter the City's obligations under this MAO, unless otherwise approved in writing by the Department.

17. All reports, notices, and other communications required under or relating to this MAO should be directed to Lyle Christensen, DEQ Water Quality Northwest Regional Office, 2020 SW 4th Avenue, Portland, Oregon 97201, phone number (503) 229-5295. The contact person for the City shall be Dean Marriott, Environmental Services Director, 1120 SW 5th, Room 1000, Portland, OR 97204, phone number (503) 823-7769.

The contact person for CWS shall be Charles Logue, Director, Regulatory Affairs Department, Clean Water Services 2550 SW Hillsboro Highway, Hillsboro Oregon 97123, phone number (503) 681-3604.

18. The City acknowledges that it has actual notice of the contents and requirements of the MAO and that failure to fulfill any of the requirements herein would constitute a violation of this MAO and subject the City to payment of civil penalties pursuant to Paragraph 9B above.

19. Any stipulated civil penalty imposed pursuant to Paragraph 9B shall be due upon written demand. Stipulated civil penalties shall be paid by check or money order made payable to the "Oregon State Treasurer" and sent to: Business Office, Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204. Within 21 days of receipt of a "Demand for Payment of Stipulated Civil Penalty" Notice from the Department, the City may request a hearing to contest the Demand Notice. At any such hearing, the issue shall be limited to the City's compliance or non-compliance with this MAO. The amount of each stipulated civil penalty for each violation and/or day of violation is established in advance by this MAO and shall not be a contestable issue.

20. Providing the City has paid in full all stipulated civil penalties pursuant to Paragraph 18 above, this MAO shall terminate 60 days after the City demonstrates full compliance with the requirements of the schedule set forth in Paragraph 9A above.

APPROVED AS TO FORM

[Signature]
CITY ATTORNEY

CITY OF PORTLAND

3/11/09
Date
3/11/2009
Date

[Signature]
[Signature]

CLEAN WATER SERVICES

3-6-09
Date
3/6/09
Date

[Signature]
[Signature]
APPROVED AS TO FORM
GENERAL COUNSEL
CLEAN WATER SERVICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

3/20/09
Date

[Signature]
Jane K. Hickman, Administrator
Office of Compliance and Enforcement

FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

3/20/09
Date

[Signature]
Jane K. Hickman, Administrator
Office of Compliance and Enforcement
Department of Environmental Quality
Pursuant to OAR 340-011-0136(1)



October 12, 2011

Dean Marriott, Director
Bureau of Environmental Services
1120 SW 5th Ave
City of Portland, OR 97204

Dear Dean,

Please accept the following confirmation of the interagency process that occurred regarding the Fanno Pump Station.

Clean Water Services and the City of Portland Bureau of Environmental Services met several times in 2007 and 2008 to investigate alternatives for managing the sewage flows from the area that historically has been managed by the City of Portland. Clean Water Services developed planning-level estimates for the infrastructure improvements that would be necessary for them to reliably convey and treat these flows. The Bureau of Environmental Services compared Portland's best alternative to the option of allowing Clean Water Services to convey and treat the flows and chose to pursue Portland's best alternative.

Since the completion of the alternatives analyses, BES and CWS have continued periodic communication relative to activities associated with the Fanno Basin flows and the planning and construction of the selected alternative. CWS remains prepared to assist as necessary to hasten the day when wastewater from the Fanno area is reliably conveyed and treated.

Regards,

A handwritten signature in cursive script that reads "Bill".

Bill Gaffi
General Manager
Clean Water Services

RECORD CONTENTS
Date: November 2, 2011

City Council Hearing
Ordinance as Filed, with Exhibits
Letter of Recommendation, Planning and Sustainability Commission
Commissioner Memorandum
Fiscal Impact and Public Involvement Statement
<i>Recommended Draft</i> , Planning and Sustainability Commission
Presentation to City Council
Legislative Notice
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Testimony Received prior to Council Hearing
Planning and Sustainability Commission (PSC) Hearing
Proposed Draft
Meeting Minutes
Presentation
Legislative Notice
Notice Mailing and E-mail Lists
Testimony Received
Department of Land Conservation and Development (DLCD)
DLCD Notice of Proposed Amendment
Coordination and Analysis
Letter from Dept. of Environmental Quality
Letter from Clean Water Services
1998 Wholesale Sewer Service Agreement with CWS (Ord 172285)
2002 Amendment to the Wholesale Sewer Service Agreement (Ord 176563)
Mutual Order and Agreement – DEQ/COP/CWS (2008)
MAO Status Report, September 2011
Flow projections, Fanno Creek Basin
Memorandum: BES/CWS Meeting Follow-up
Summary of Meeting Dates with Clean Water Services (attached meeting information as available)
Interagency Planning (from project website)
Memorandum: Interagency Options for Solving Capacity Deficiencies
Memorandum: Washington County Pre-Application Conference Summary
Washington County Pre-Application Conference Request
Technical Memorandum: Capacity Improvements Options Analysis Update
Fanno Basin Study Area Sewer Hydraulics Characterization

Bureau of Planning and Sustainability
City of Portland, Oregon
1900 SW 4th Ave. Suite 7100, Portland, OR 97201



P-276

Address Service
Requested



Hasler

016H26521487
\$01.480
11/10/2011
Mailed From 97204
US POSTAGE

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540