

ORDINANCE 2953

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO AMENDING THE COMPREHENSIVE PLAN, COMMUNITY HEALTH & PUBLIC SAFETY – PUBLIC FACILITIES & SERVICES: WASTEWATER COLLECTION & TREATMENT SECTION AND POLICIES 8 AND 10 REGARDING A NEW WASTEWATER TREATMENT FACILITY; AND ADOPTING FINDINGS (LU 24-0030).

WHEREAS, notice of the public hearing for consideration of this Ordinance was duly given in the manner required by law; and

WHEREAS, a public hearing before the Planning Commission was held on October 14, 2024, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 24-0030 be approved by the City Council; and

WHEREAS, a public hearing on LU 24-0030 was held before the City Council of the City of Lake Oswego on November 19, 2024, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, in 2018, the cities of Lake Oswego and Portland began actively exploring the option of a new Wastewater Treatment Facility (WWTF) to replace the existing Tryon Creek Wastewater Treatment Plan (TCWWTP) under a public-private partnership, and the Council approved Resolution 18-55 (authorizing a Design, Build, Finance, Operate, and Maintain procurement) and Resolution 24-19 authorizing a new Design-Build-Operate-Maintain (DBOM) procurement for the WWTF; and

WHEREAS, a new City-owned WWTF necessitates conforming amendments to the Comprehensive Plan, Community Health & Public Safety – Public Facilities & Services: Wastewater Collection & Treatment Section, and to the 2013 Update of the Wastewater Master Plan;

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 24-0030), attached as **Attachment A**.

Section 2. The Lake Oswego Comprehensive Plan, Community Health & Public Safety – Public Facilities & Services: Wastewater Collection & Treatment Section, is hereby amended by adding the new text shown in underlined type and deleting text shown in ~~striketrough~~ type in **Attachment B**, dated October 14, 2024.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 17th day of December, 2024.

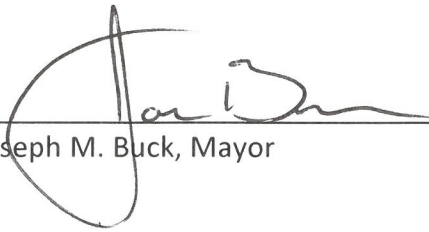
AYES: Councilors, Mboup, Corrigan, Afghan, Wendland, Verdick

NOES: None

ABSENT: None

ABSTAIN: None

EXCUSED: Mayor Buck and Councilor Rapf



Joseph M. Buck, Mayor

Dated: 12/20/24

ATTEST:



Kari Linder, City Recorder

APPROVED AS TO FORM:



Ellen Osoinach, City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR LEGISLATIVE TEXT
AMENDMENTS TO THE COMPREHENSIVE PLAN
AND WASTEWATER MASTER PLAN TO
ACCOUNT FOR PROPOSED WASTEWATER
TREATMENT FACILITY.

LU 24-0030
CITY OF LAKE OSWEGO
FINDINGS AND CONCLUSIONS

NATURE OF PROCEEDINGS

This matter came before the Lake Oswego City Council on the recommendation of the Planning Commission to adopt amendments to (1) the Comprehensive Plan, Community Health & Public Safety – Public Facilities & Services: Wastewater Collection & Treatment, and (2) the 2013 Update of the Wastewater Master Plan, modifying the capital improvement plan list to include the proposed Wastewater Treatment Facility.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on October 14, 2024. The Commission adopted its Findings, Conclusion and Order recommending approval of LU 24-0030 on October 28, 2024.

The City Council held a public hearing regarding Ordinance 2953 and considered the Commission's recommendation on November 19, 2024.

CRITERIA AND STANDARDS

- A. ORS Chapter 223 – Local Improvements & Works Generally
ORS 223.309 Preparation of plan for capital improvements financed by system development charges.
- B. City of Lake Oswego Comprehensive Plan
Community Health & Public Safety – Public Facilities & Services: Wastewater Collection & Treatment.
- C. City of Lake Oswego Community Development Code
LOC 50.07.003.3.c Notice of Public Hearing
LOC 50.07.003.4 Hearings before a Hearings Body

LOC 50.07.003.16.a	Legislative Decisions Defined (Quasi-judicial Comp. Plan Map, Zone Map, and CDC Amendments to be processed via Major Developments Procedures)
LOC 50.07.003.16.c	Required Notice to DLCD
LOC 50.07.003.16.d	Planning Commission Recommendation Required
LOC 50.07.003.16.e	City Council Review and Decision

FINDINGS AND REASONS

The City Council incorporates the Planning Commission Staff Report dated October 14, 2024, with all exhibits, and the Findings and Conclusions in the Commission's October 28, 2024 Findings, Conclusions and Order, for LU 24-0030, as support for the Council's decision.

CONCLUSION

The Council concludes that LU 24-0030 / Ordinance 2953 and Resolution 24-30, as recommended by the Planning Commission, complies with all applicable criteria and should be approved.

PUBLIC FACILITIES AND SERVICES: WASTEWATER COLLECTION AND TREATMENT

Background

The City adopted a Wastewater Master Plan (WWMP) in 2013, which was amended in 2019 and again in 2024. The WWMP contains a current inventory and analysis of the City's wastewater collection infrastructure, including its condition and capacity, and a plan for management and operation of the system. The WWMP plan policies and criteria guide wastewater infrastructure improvements. The Wastewater Plan also establishes specific criteria for evaluating the capacity of the wastewater collection system as the City grows pursuant to Statewide Planning Goal 11. The plan is based on the City providing service to all properties within its Urban Services Boundary.

The wastewater system is defined as the City's wastewater major collector pipelines, pump stations, and septic tank effluent pumps (STEPs). The service area is equal to the existing Urban Service Boundary. The City does not have a wastewater treatment plant. The majority of the wastewater is conveyed to the City of Portland's Tryon Creek Wastewater Treatment Plant (TCWTP) located in the Foothills area of Lake Oswego. The TCWTP is planned to be replaced by a new Wastewater Treatment Facility (WWTF) in the same general area as the existing plant and to be owned by the City of Lake Oswego. ~~The remainder~~ Wastewater flow not treated by TCWTP/WWTF is conveyed to ~~Cleanwater~~ Clean Water Services facilities, in Tigard. The City operates and maintains approximately one million feet of wastewater pipes, 12 pump stations, and 21 septic tank effluent pumps.

The Lake Oswego Interceptor Sewer (LOIS) was constructed in the early 1960s, submerged below the surface of Lake Oswego. The system included almost 3.5 miles of varying diameter pipe traversing Lake Oswego, canals, and bays. The interceptor was originally designed to handle sewer flows from about 3,500 developed acres, but by the end of its lifetime was collecting flows from a 4,500-acre service area, way beyond its capacity. Additionally, the system was vulnerable to flooding, storm events, and seismic events. Severe breaks in the pipeline would have dumped raw sewage into the lake and also caused millions of gallons of lake water to drain through the pipe, potentially overwhelming the treatment plant and impacting the Willamette River. In 2012, the City completed the rehabilitation of LOIS.

The WWMP analyzes capacity of the wastewater system based on current and future land uses/growth; condition of infrastructure; and regulatory requirements. It prioritizes improvements that correct system deficiencies to ensure public safety and protect the community's investment in the existing infrastructure system. The WWMP recommends projects within the City limits, including a Repair Program to fix old, deteriorated pipes, and an Improvement Program. Projects include replacing and resizing infrastructure, increasing

capacity, and reducing demand on the system through reducing storm water infiltration and inflow. It also includes an Expansion Program that looks at projects needed to provide more capacity to serve the entire Urban Service Boundary over time. Finally, the WWMP lists the WWTF project as an identified capital improvement project to provide wastewater treatment.

Summary of Major Issues

The wastewater system is aging. During rain events, it experiences flows more than 10 times higher than the base (dry weather) flow, which usually indicates that there are improper storm connections to the sanitary sewer (infiltration and inflow) or the collection system has deteriorated. This can result in more demand, requiring larger sewer pipes and pump stations, and wastewater treatment plant capacity. It can also cause sewer overflows. The aging condition is true of the TCWTP as well, which is why it is planned to be replaced with the new WWTF.

Goals And Policies

Goal

Provide adequate and efficient wastewater collection and treatment systems to meet the present and future needs of Lake Oswego residents and businesses, improve the City's environmental quality, and serve land uses within the Urban Services Boundary.

Policies

1. Maintain code requirements that require developers to:
 - a. Provide adequate wastewater collection to all new development; and,
 - b. Pay an equitable portion of costs associated with extending service.
2. Require all new development within the City to connect to the City's wastewater collection system and pay a system development charge.
3. Require connection to the City's wastewater collection system when existing septic systems fail and City wastewater collection service is available, in accordance with state Department of Environmental Quality requirements.
4. Extend wastewater collection service to:
 - a. Declared health hazard areas within the Urban Services Boundary; and
 - b. Property within the City limits.
5. Allow the use of private pumping systems in those areas and situations where conventional gravity sewer systems are not practical.
6. Prohibit the construction of structures that would prevent access to public sewer lines and easements.
7. Coordinate with other wastewater utility providers, public agencies, and City public facility programs to promote efficiency.
8. Maintain and implement intergovernmental agreements with the City of Portland (regarding the TCWTP) and Clean Water Services to treat Lake Oswego's wastewater, and coordinate Lake Oswego's collection system policies with these entities.

9. Provide and maintain code standards that promote water conservation in new development and in redevelopment projects to minimize impacts to the wastewater collection system.
10. Allow through appropriate land use and development standards modifications or expansions of the Tryon Creek Wastewater Treatment Plant (TCWTP) and the construction, modifications or expansions of the proposed replacement facility (WWTF) to address new regulatory and environmental conditions, while avoiding or mitigating negative offsite impacts to adjacent land uses.
11. As part of the City's Public Facility Plan, maintain a plan for a wastewater collection system that serves land within the City's Urban Service Boundary.

Recommended Action Measures

- A. Maintain the existing wastewater collection system to preserve its viability and minimize future capital costs.
- B. Prioritize improvements to control and reduce infiltration and inflow of storm and ground water into the wastewater collection system.
- C. Provide adequate funding sources for wastewater collection system capital projects listed in the Public Facility Plan.
- D. Work with the City of Portland and the Clean ~~water~~ Water Services of Washington County (USACWS) to ensure that the Tryon Creek (and, upon replacement, the City's WWTF) and Durham Wastewater Treatment Plants maintain adequate capacity to ultimately serve lands within the Lake Oswego Urban Services Boundary.
- E. Encourage innovative ways for new development and redevelopment to minimize impact on the wastewater system, such as graywater systems (reuse of shower and bath wastewater, bathroom sink water, kitchen sink and laundry wastewater onsite).
- F. Coordinate with Metro and other jurisdictions to identify efficient, economic and environmentally sound long term regional wastewater collection and treatment options.
- G. Ensure the costs of extending sanitary sewers accrue to those who benefit through such measures as connection fees based on the number of residential units or commercial or industrial equivalents; methods to pay for needed line over-sizing, such as zone-of-benefit agreements; and payment of system development charges.
- H. Maintain intergovernmental agreements with the City of Portland (for Tryon Creek) and Clean Water Services to treat Lake Oswego's sanitary sewage at the Durham ~~and Tryon Creek Wastewater~~ Treatment Plants, that are financially equitable, ensure adequate capacity is available to serve Lake Oswego, and provide for close cooperation and coordination in matters which may affect the City of Lake Oswego.
- I. Maintain and improve the existing sanitary sewer collection and treatment system through preventive maintenance and ongoing evaluation.
- J. Encourage Clackamas County to advise property owners seeking new septic system or repair permits within the Urban Services Boundary that they may be required to connect to the City's system when they are annexed to the City even if there are no documented problems with the existing system.
- K. Encourage Clackamas County to stop issuing new septic tank permits where there has been a pattern of recorded system failures or documented aquifer pollution.

- L. Require new sanitary sewers to be constructed using methods and materials that prevent infiltration and inflow.
- M. Request Clackamas County to inform the City of septic failures and requests for repair within the Urban Services Boundary.