

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 216

An ordinance Amending Multnomah County Code Chapter 11.10 by adopting the East County Groundwater Plan as an element of the Comprehensive Plan.

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

SECTION I FINDINGS

A. General.

1. The East County Groundwater Plan, (hereinafter "Groundwater Plan"), is a specific management plan for the elimination of cesspools in East Multnomah County, specifically in the Inverness Service area.
2. The majority of residents in the Inverness Service area dispose of sanitary wastes via cesspools. Continued use of cesspools poses significant problems:
 - a. Cesspools are not a permanent method of sanitary waste disposal in an urban area because there are a limited number of sites for cesspools on an urban residential lot and each site has a finite service life.
 - b. Continued use of cesspools threatens to contaminate domestic water quality and to violate LCDC Goal 6, and the applicable federal standards and community plan policies set out below.
 - c. Once the groundwater is contaminated, elimination of cesspools will not affect an improvement in water quality for many years.
3. The alternatives considered by the Board of County Commissioners as solutions to the problem of groundwater pollution are:
 - a. The Groundwater Plan which calls for 90% of all development in the area to be sewered by 1990, but permits new development on cesspools as a temporary measure.
 - b. A ban on all new development not connected to sewer service ("building moratorium").

- c. To provide sewers as cesspool systems fail.
 - d. To require individual pre-treatment for new development.
 - e. To delay action until there is a declared health hazard.
 - 4. The State Environmental Quality Commission has requested that the County prepare a specific management plan for the elimination of cesspools in East Multnomah County.
 - 5. A Board of County Commissioners Resolution of June 15, 1978, determined it necessary for the County to work with Department of Environmental Quality towards completion of a management plan for the disposal of subsurface sewage that satisfies their mutual concerns.
 - 6. Land Conservation Development Commission (L.C.D.C.) Goal #2 requires coordination with affected Governmental Units. The County has coordinated with the Metropolitan Service District, City of Portland and other affected agencies, in developing the Groundwater Plan.
 - 7. Planning Commission Resolution PC 10-79 recommends that the Board of County Commissioners adopt the East County Groundwater Plan as County Policy and submit the plan to the Environmental Quality Commission.
 - 8. The Board concurs with the Planning Commission and finds that the Groundwater Plan conforms to the applicable L.C.D.C. goals and County Comprehensive Plan policies as described below.
- B. Water Quality.
- 1. a. L.C.D.C. Goal 6, Air, Water and Land Quality, states the following:

"Goal: To maintain and improve the air, land and water resources of the State.

"All waste and process discharges from future development, when combined with such discharges from existing development, shall not threaten to violate, or violate, applicable state or federal environmental quality statutes, rules and standards...."
 - b. Policy 13, Air and Water Quality, of the County Comprehensive Framework Plan, states that the County Policy is to maintain and enhance water quality in accordance with applicable standards.

- c. Policy 13, Strategy 1A, of the Cully/Parkrose and Columbia Community Plans states that the County should oppose the degradation of water quality in the domestic water aquifer by developing sanitary sewer for the drainage system of the aquifer.
 - d. Policy 13, Finding 1A, of the Hazelwood Community Plan states that development in the community has contributed to pollution of the groundwater system from use of cesspools.
2. The East County groundwater system is a valuable resource serving the Parkrose, Hazelwood and Richland Water Districts and other domestic water supply systems. The City of Portland is currently developing a \$15-\$20 million well and pipeline system to use the groundwater as a supplement and emergency alternative to Bull Run.
 3. The Federal Standard, as established by E.P.A., for nitrates in drinking water, is 10 parts per million. The D.E.Q., with assistance of other agencies, has tested the nitrate level of several East County domestic water supply wells. The nitrate levels in shallower wells were found to be rising, and the levels in some wells used by Parkrose and Richland Water Districts have nitrate readings of 7-9 parts per million.
 4. As the D.E.Q. states, sanitary waste disposed through cesspools from existing development is the cause of the high nitrate readings in the groundwater.
 5. The majority of development that has occurred since the Inverness Treatment Plant and lines were constructed has been connected to sewer. The majority of large vacant parcels in the Inverness area have sewer service available. The County requires connection to sewer as a condition to development in areas where sewer service is available. It is the existing unsewered development that is and will continue to be the major source of groundwater pollution.
 6. Approximately 200 residential units are built in the Inverness area each year which are not connected to sewer. This annual rate of 200 unsewered units per year would account for less than 1% of the total amount of existing unsewered units, i.e., the amount of new development that will go in on cesspools would contribute only negligibly to the groundwater contamination problem.
 7. The population of the unsewered portion of the Inverness Service area (S. of Halsey St.) is expected to increase by 2500-3500 people between 1980 and 1990. This increase represents less than 8% of the existing population using cesspools.

8. Construction of the Inverness 8 Interceptor, as proposed by the Groundwater Plan, would connect several major existing services of groundwater pollution to sewer, such that approximately one million gallons a day of sewage that presently contributes to the groundwater problem would then be connected to sewer. The reduction in pollution which would result from connecting these major sources of pollution to sewer would compensate for 10-20 years of new development on cesspools at the rate of 200 units per year.

C. Public Facilities.

1. a. L.C.D.C. Goal #11, Public Facilities, and County Framework Plan Policy #32, Capital Improvements, advocate the planning and development of a timely, orderly and efficient arrangement of public facilities to serve as a framework for urban development.
b. Policy #13 of the Cully/Parkrose and Columbia Community Plans, and Policies #6 and #32 of the Hazelwood Community Plan advocate the provision of sewers.
2. The area which will be provided for by the sewage facilities proposed in the Groundwater Plan is within the Urban Growth Boundary as designated by the metropolitan regional planning body.
3. The sewer facilities contemplated by the Groundwater Plan are necessary and suitable for the level of development envisioned by the County Comprehensive and Community plans and meet the requirement of Goal 11 by providing a framework for urban development.
4. The Groundwater Plan provides for the construction of necessary sewage facilities in accordance with the County Master Plan for sewage facilities and the Regional Sewer Plan and thereby satisfies Goal 2 by its provision for regional coordination.

D. Housing.

1. L.C.D.C. Goal #10, Housing, and County Framework Plan Policy #21, Housing Choice, advocate provision of an adequate number of housing units at price ranges and rent levels commensurate with the financial capabilities of Oregon and the Region's households, and allowance for flexibility in housing location, type and density. The goal also requires plans to provide for the appropriate type, location and phasing of public facilities sufficient to support housing development.

2. The County Housing Goal enacted in the Framework Plan, The Community Plans, The Housing Opportunity Plan for Assisted Housing, and Report on Housing Demand and Supply in Urban East Unincorporated Multnomah County, requires significant additional development in the Inverness Service Area, including high density development in the unsewered area south of Halsey Street. The Department of Environmental Quality will not approve such development without the County's commitment that the area will be sewered in the near future.
3. The East County Groundwater Plan provides for the development of sewer service necessary to support the County housing goal. It permits some development on temporary cesspools in advance of sewer construction as a means of supporting the housing goal.
4. Because, as indicated in findings B5-7 above, new unsewered development will have only a negligibly deleterious impact on groundwater pollution, a building moratorium is a drastic solution to the groundwater pollution problem which is not called for under present circumstances and which would have a significantly negative effect on County's efforts to comply with L.C.D.C. Goal #10.

E. Citizen Involvement.

1. L.C.D.C. Goal #1, Citizen Involvement, and County Framework Plan Policy #3, Citizen Involvement, advocate a program that ensures opportunity for citizens to be involved in all phases of the planning process.
2. The Comprehensive Framework Plan and Community Plans, which provide the basis for the Groundwater Plan, were developed with extensive citizen involvement.
3. The Planning Commission conducted a public hearing, with extensive additional notice on Resolution P.C. 10-79.
4. The Board of County Commissioners has held two public hearings and one informal meeting on PC 10-79, and has held two public hearings on this ordinance.
5. There will be opportunities for citizen involvement in the development of the ordinances, financing measures, etc., that arise from the Groundwater Plan.

F. Evaluation of Alternatives.

1. Providing lateral sewers as cesspool systems fail is not a viable solution to the groundwater pollution problem because it is not economically feasible. Information presented by the County Engineer indicates that the costs are prohibitive.

2. Requiring individual pretreatment for new development is not a viable solution because as indicated by the County Engineer, there is presently no economically feasible method for filtering nitrates either at the point of waste discharge or from the groundwater after discharge.
3. Delaying action until a health hazard is declared is an unacceptable solution for many reasons:
 - 1) It is not in the best interests of the citizens of Multnomah County;
 - 2) It is in conflict with the applicable L.C.D.C. Goal, federal requirements and community plan policies set out above; and
 - 3) Once the groundwater is contaminated, elimination of cesspools will not affect an improvement in water quality for many years.
 - 4) The decision to act requires advance planning because the County will require a minimum of 10 years to design and construct the necessary treatment plant capacity, interceptor, trunk lines and lateral sewer.
4. Ban on all new development not connected to sewer service is an unacceptable solution because it is in conflict with the County's effort to comply with L.C.D.C. Goal #10 and with the County's housing goal and development plans set out in Findings D-1 and 2, and because new unsewered development will have only a negligible impact on groundwater quality. (Findings B5-8).
5. On the basis of the findings made above, the Groundwater Plan which calls for 90% of the development in the area to be sewerred by 1990 but permits new development in cesspools as a temporary measure, is the preferable solution:
 1. Provision of sewer facilities to existing development would provide service to the major sources of the pollution problem and result in significant reduction of groundwater pollution. (Finding B-8).
 2. Permitting new construction to be serviced by cesspools as a temporary measure would have only a negligible impact on groundwater quality. (Finding B-5 and 6).
 3. The Groundwater Plan best serves the requirements of L.C.D.C. Goal #6 by maintaining and improving water quality preserving the objectives of L.C.D.C. Goal #10 and the County's housing and development needs.

4. The Groundwater Plan is consistent with the objectives of L.C.D.C. Goal #2 and #11 and the County's Comprehensive and Community Plans provisions.

SECTION II CODIFICATION

Section III of this Ordinance is hereby added to and made a part of Multnomah County Code Chapter 11.10.

SECTION III

The East County Groundwater Plan is adopted.

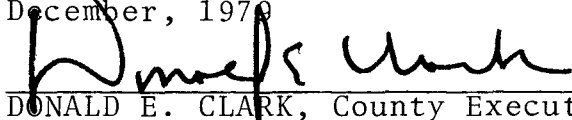
SECTION IV

The Director of the Department of Environmental Services shall forward the Groundwater Plan to the Environmental Quality Commission.

ADOPTION

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on January 19, 1980.

ADOPTED this 20th day of December 1979, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

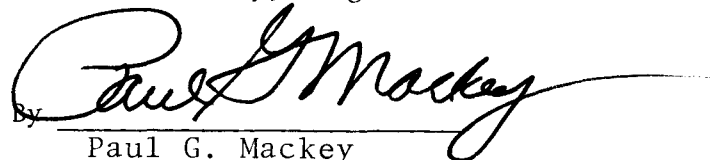
Authenticated by the County
Executive on the 20th day of
December, 1979

DONALD E. CLARK, County Executive

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Presiding Officer

APPROVED AS TO FORM

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By 
Paul G. Mackey
Deputy County Counsel