

## RESOLUTION NO. 24-10

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### A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE MICROTUNNELING ACTIVITIES ASSOCIATED WITH THE TRI-CITY WATER RESOURCE RECOVERY FACILITY (WRRF) OUTFALL PIPELINE FROM THE PROHIBITION AGAINST UNLAWFUL NOISES

**WHEREAS**, Oregon City Municipal Code (OCMC) 2.52.020 defines “emergencies” to include “utility or transportation emergencies”; and

**WHEREAS**, OCMC 2.52.040(L) authorizes the City, in cases of emergency to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency”; and

**WHEREAS**, microtunneling has been chosen to reduce overall construction impacts (duration and footprint) and is a relatively quiet operation when compared to conventional trenching; and

**WHEREAS**, the trenchless method of microtunneling was selected because it can install pipelines through a variety of geotechnical stratum continuously, sub-grade, so that surface infrastructure is not impacted; and

**WHEREAS**, the microtunnel boring machine MTBM needs to operate 24 hours a day and up to 7 days per week to complete the operation on schedule, meeting the allotted Willamette River in water work window; and

**WHEREAS**, if 24-hour continuous operation is not allowed it could result in extensive delays to the project and could cause greater disturbance than planned to the surrounding area;

**WHEREAS**, the City would be acting in the best public interest by facilitating a fast and efficient completion of the Tri-City Water Resource Recovery Facility (WRRF) Outfall Pipeline which serves Oregon City; and

**WHEREAS**, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially zoned neighborhood between the hours of 6:00 PM and 7:00 AM, Monday through Friday; and between 6:00 PM and 9:00 AM on Saturday and Sunday or between the hours of 6:00 PM and 9:00 AM on any legal holidays as defined in ORS 187.010 to be a violation.

#### **NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City Commission declares an emergency, limited to microtunneling associated with the Tri-City Water Resource Recovery Facility (WRRF) Outfall Pipeline as shown in the map attached as **Exhibit A** to this resolution. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from June 3, 2024 at 6:00 PM to December 22, 2024 at 9:00 AM.

**Section 2.** Based on the emergency identified above, the City Commission grants the exemption from Section 9.12.020 of the Oregon City Municipal Code for microtunneling activities associated

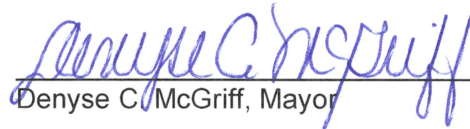
with constructing the Tri-City Water Resource Recovery Facility (WRRF) Outfall Pipeline, during the period identified above in Section 1 of this resolution.

**Section 3.** This resolution shall take effect immediately upon its adoption by the City Commission.

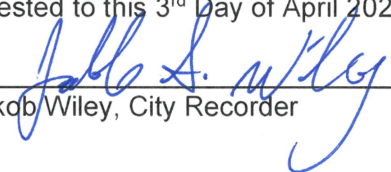
**Section 4.** The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

**Section 5.** The City Commission adopts these procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040.

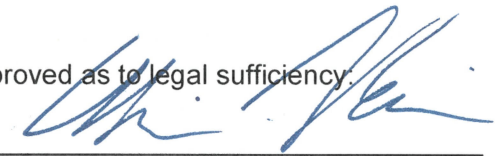
Approved and adopted at the regular meeting of the City Commission held on the 3rd day of April, 2024.

  
Denyse C. McGriff, Mayor

Attested to this 3<sup>rd</sup> Day of April 2024

  
Jakob Wiley, City Recorder

Approved as to legal sufficiency.

  
City Attorney