

ORDINANCE NO. 15-1002

AN ORDINANCE EXTENDING AN EXISTING MORATORIUM ON LAND DEVELOPMENT, BUILDING AND SEWER PERMIT APPROVALS IN CERTAIN AREAS WITHIN THE CITY OF OREGON CITY DUE TO A LACK OF SANITARY SEWER SYSTEM CAPACITY FOR AN ADDITIONAL SIX MONTHS AND DECLARING AN EMERGENCY

WHEREAS, the City of Oregon City (City) is a home rule city under the laws of the State of Oregon and has a duly acknowledged Comprehensive Land Use Plan; and

WHEREAS, on August 6, 2014, the City Commission adopted Ordinance 14-1006, declaring a moratorium based on a lack of sanitary sewer capacity to allow new or expanded connections to the City's sewer system in four areas of the City, as identified on the map attached as Exhibit A; and

WHEREAS, on October 1, 2014, the City Commission adopted Ordinance No. 14-1012, adopting the City of Oregon City Sanitary Sewer Master Plan (SSMP), which sets forth solutions necessary to correct the problem creating the need for the moratorium and serves as the City's corrective program under ORS 197.530; and

WHEREAS, Section 3 of Ordinance No. 14-1012 and ORS 197.530(1) provides that upon adoption of the SSMP, the effective date of the moratorium adopted through Ordinance 14-1006, will expire six months *from* the date of SSMP enactment unless otherwise extended; and

WHEREAS, the City finds a demonstrated need to prevent sanitary sewer overflows that would occur if the moratorium does not remain in place; and

WHEREAS, on September 17, 2014, the City Commission adopted Resolution No. 14-17, adopting new monthly sanitary sewer collection charges that will allow for the implementation of the SSMP identified solutions to resolve the current capacity deficiencies but those improvements have not yet been made and the problem giving rise to the moratorium still exists; and

WHEREAS, pursuant to ORS 197.530(4), the City has provided written notice to the Department of Land Conservation and Development on February 18, 2015, which is more than 14 days prior to the public hearing for adoption of this ordinance;

WHEREAS, pursuant to ORS 197.530(2), the City has made written findings justifying the need for an extension; and

WHEREAS, pursuant to ORS 197.530(2), on March 18th, 2015, the City Commission held a duly noticed public hearing on declaring a moratorium based on the lack of sanitary sewer capacity to allow new or expanded connections to the City's sewer system in four areas and the findings which support the moratorium.

NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:

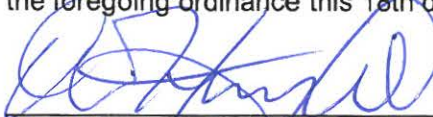
Section 1. Moratorium Extended. Based on the findings set forth in Exhibit B, the moratorium based on lack of sanitary sewer capacity for new development is extended for the areas identified in the map attached as Exhibit A, as set forth in Ordinance No. 14-1006.

Section 2. Term. This moratorium shall be effective as of April 1, 2015 and will expire on October 1, 2015, unless otherwise extended in accordance with state law.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 4. Emergency. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on April 1, 2015.

Read for the first time at a regular meeting of the City Commission held on the 18th day of March, and the City Commission finally enacted the foregoing ordinance this 18th day of March 2015.



DAN HOLLADAY, Mayor

Attested to this 18th day of March 2015:

Approved as to legal sufficiency:



Kattie Riggs, City Recorder



City Attorney

Exhibits:

Exhibit A - Maps identifying the areas affected by moratorium

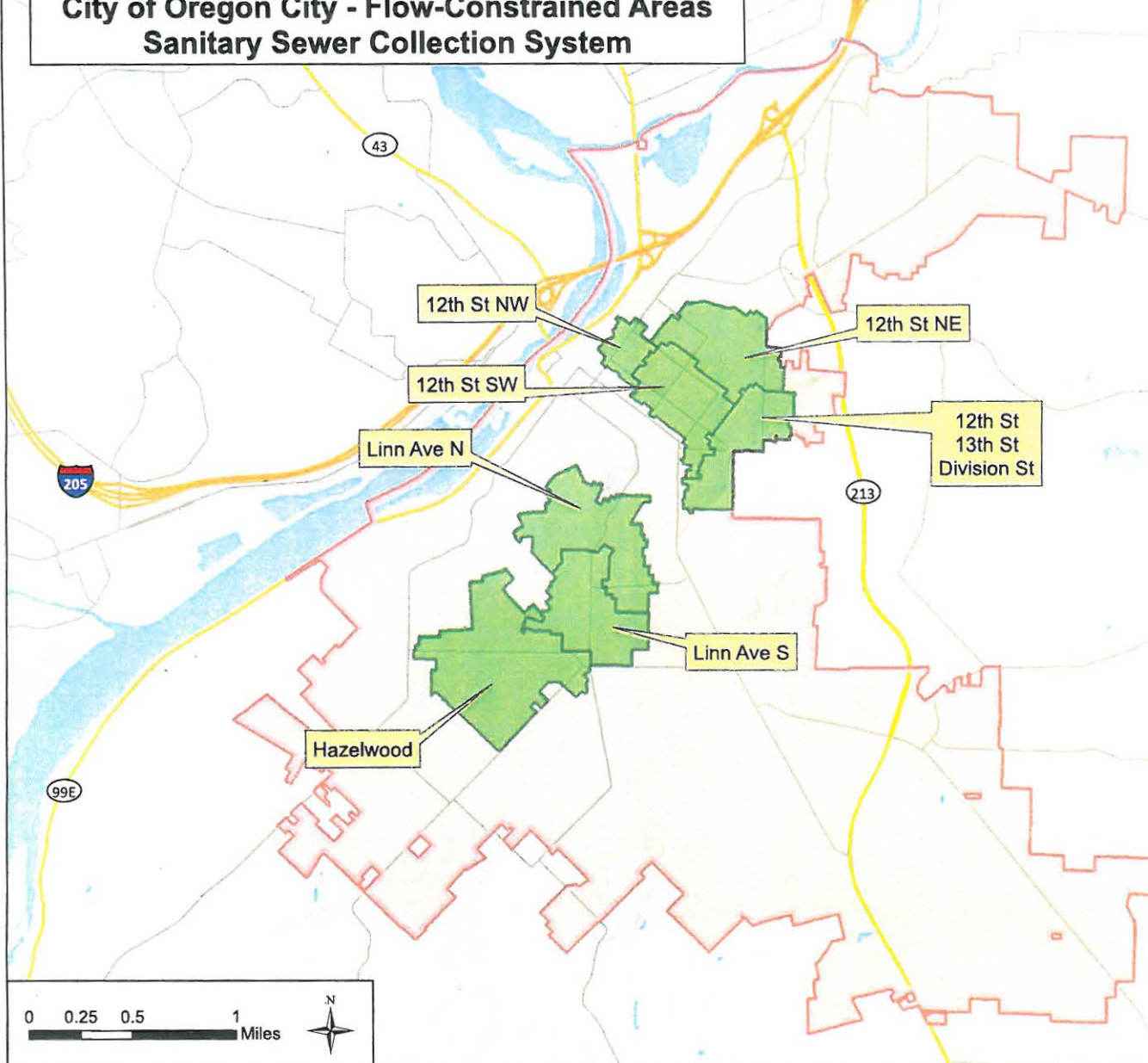
Exhibit B - City Engineer Findings

GSB:5018021.1

City of Oregon City - Flow-Constrained Areas Sanitary Sewer Collection System

EXHIBIT A

Figure 1A



Legend

- City Limits
- Sanitary Sewer Flow-Constrained Area

Zoning District Classification

Zone	Description
I	Institutional District
MUC-1	Mixed Use Corridor 1 District
MUD	Mixed Use Downtown District
MUE	Mixed Use Employment District
R-2	Multi-Family Dwelling District (2,000 sq ft)
R-3.5	Dwelling District (3,500 sq ft)
R-6	Single-Family Dwelling District (6,000 sq ft)
R-8	Single-Family Dwelling District (8,000 sq ft)
R-10	Single-Family Dwelling District (10,000 sq ft)

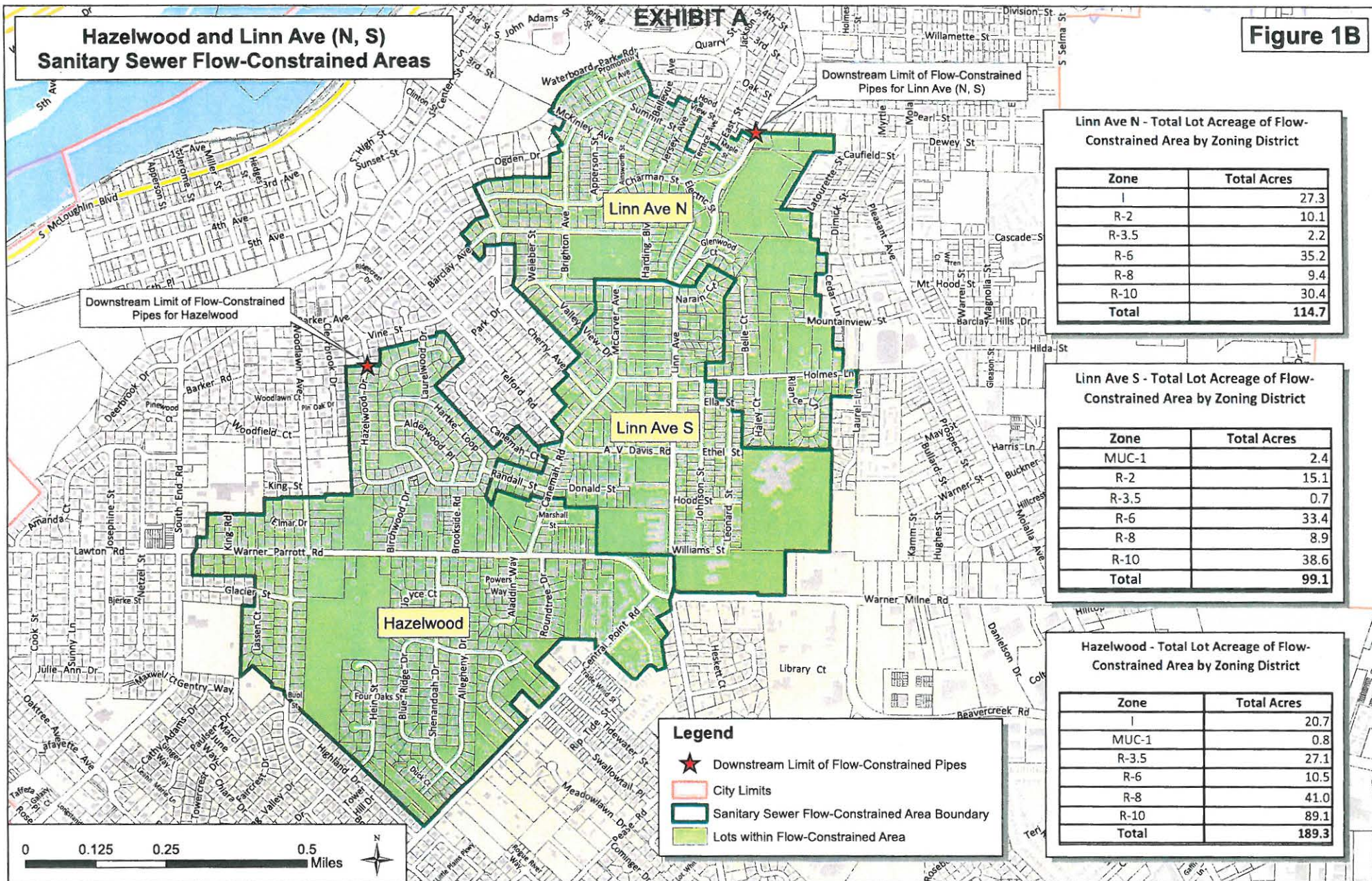
Summary - Total Lot Acreage of Flow-Constrained Areas by Zoning District

Zone	Total Acres
I	54.3
MUC-1	4.3
MUD	1.5
MUE	28.2
R-2	32.0
R-3.5	68.5
R-6	238.2
R-6/R-3.5	0.9
R-8	59.3
R-10	158.1
Total - All Areas	645.3

Hazelwood and Linn Ave (N, S) Sanitary Sewer Flow-Constrained Areas

EXHIBIT A

Figure 1B



12th St (NW, NE, SW) and 12th St/13th St/Division St Sanitary Sewer Flow-Constrained Areas

EXHIBIT A

Figure 1C

Downstream Limit of
Flow-Constrained Pipes

12th St NW

12th St NE

12th St SW

12th St/13th St/Division St

Legend

- City Limits
- Urban Growth Boundary (UGB)
- ★ Downstream Limit of Flow-Constrained Pipes
- Sanitary Sewer Flow-Constrained Area Boundary
- Lots within Flow-Constrained Area

0 0.125 0.25 0.5 Miles

12th St NW - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
MUC-1	0.5
MUD	1.2
R-3.5	13.3
R-6	5.6
Total	20.5

12th St NE - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
I	4.2
MUC-1	0.2
MUD	0.3
MUE	13.8
R-2	0.9
R-3.5	7.7
R-6	56.8
R-6/R-3.5	0.9
Total	84.8

12th St SW - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
I	2.1
MUC-1	0.2
R-3.5	17.3
R-6	47.2
Total	66.8

12th St/13th St/Division St - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
MUC-1	0.2
MUE	14.4
R-2	5.9
R-3.5	0.2
R-6	49.5
Total	70.2

**MEMORANDUM**

PREPARED FOR: City Commission, City of Oregon City

SUBJECT: Ordinance No. 15-1002 *Adopting the First 6-Month Extension to the Existing Moratorium on Land Development and Building Permit Approvals in Certain Areas Within the City of Oregon City Due to Lack of Sanitary Sewer System Capacity; and Declaring an Emergency*

PLANNING FILE: L 14-03 Sanitary Sewer Moratorium

FROM: Aleta Froman-Goodrich, P.E., City Engineer

DATE: March 2, 2015

Background

The City of Oregon City (City) provides sanitary sewer collection services to nearly 33,000 people across an area of approximately 9.3 square miles. Currently there are over 10,400 service connections to the sanitary sewer collection system which includes approximately 9,740 residential, 520 commercial, and 130 industrial users. The City owns the following infrastructure: over 148 miles of gravity pipelines, ranging in size from approximately 2 to 36 inches in diameter; 3,700 manholes; 12 (major) pumping stations; and 6 miles of sanitary force mains. The City's buildout population is expected to reach 52,500 by the year 2035, with most of the growth occurring around the fringes of the existing city limits.

On August 6, 2014, the City Commission adopted Ordinance 14-1006, declaring a moratorium on land development and building permit approvals, in certain areas within the City, based on a lack of sanitary sewer capacity to allow new or expanded connections to the City's sanitary sewer collection system. The certain areas are identified on the map attached as Exhibit A. On October 1, 2014, the City Commission adopted Ordinance No. 14-1012, adopting the City of Oregon City 2014 Sanitary Sewer Master Plan (SSMP), which sets forth solutions necessary to correct the problem creating the need for the moratorium and serves as the City's corrective program under ORS 197.530. On September 17, 2014, the City Commission adopted Resolution No. 14-17, adopting new monthly sanitary sewer collection charges that will allow for the implementation of the SSMP identified solutions to resolve the current capacity deficiencies but those improvements have not yet been made and the problem giving rise to the moratorium still exists.

Status of Corrective Program

Over the past six months since the declaration of the sanitary sewer moratorium, adoption of the corrective program and new sanitary sewer rates, the City has taken more steps to implement the solutions to resolve the current capacity deficiencies. The City has executed two personal services agreements with engineering consulting firms to provide technical engineering services for the design of improvements for two of the four areas, being 12th Street (NW, NE, SW) and 12th St/13th St/Division St. The design phase is expected to be completed spring/summer 2015 with the construction phase to be completed fall 2015 and winter 2016.

Exhibit B

Another step currently being worked on by City staff is the preparation of the Biennial Budget for fiscal years 2015-2016 and 2016-2017, with the effective date of July 1, 2015. The objective of the budget plan related to the corrective program is to allocate appropriate funds to continue with the implementation solutions to resolve the current capacity deficiencies in the sanitary sewer collection system.

Summary

There are still four existing flow-constrained areas, Linn Avenue, Hazelwood Drive, 12th Street (NW, NE, SW), and 12th Street/13th Street/Division Street, that have some sewers that are undersized and currently operating beyond existing capacity, during both the 1- in 5-year and 1- in 10-year storm events. The City is implementing a corrective program under ORS 197.530 based on the 2014 SSMP, which sets forth solutions necessary to correct the problem creating the need for the moratorium.

The City has adopted new sanitary sewer rates to generate revenue to fund the implementation of solutions to resolve the current capacity deficiencies. Two personal services agreements have been executed for engineering services to design the capacity improvements for two areas, 12th Street (NW, NE, SW) and 12th Street/13th Street/Division Street. The proposed 2015-2016 and 2016-2017 Biennial Budget is being prepared with funds being allocated to continue the implementation of capacity improvements for the corrective program.