

## ORDINANCE NO. 15-1015

---

### **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 A SECOND TIME, FOR AN ADDITIONAL SIX MONTHS, LIFTING THE MORATORIUM FOR 12<sup>TH</sup> STREET NW, 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**, on March 18, 2015, the City adopted Ordinance 15-1002, extending the moratorium until October 1, 2015; and

**WHEREAS**, during the summer of 2015, the City completed construction plans for 2 of the moratorium areas, 12<sup>th</sup> St. and 12<sup>th</sup> St./13<sup>th</sup> St./Division St., and completed construction to lift the 12<sup>th</sup> St. NW moratorium; and

**WHEREAS**, the City continues to find a demonstrated need to prevent sanitary sewer overflows that would occur in some areas 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 some of 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 September 14, 2015, which is more than 14 days prior to the public hearing for adoption of this ordinance; and

**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 September 28, 2015, the City Commission held a duly noticed public hearing on extending 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 Lifted. Based on the findings set forth in Exhibit B, the moratorium on land development, building and sewer permit approvals within the area designated "12<sup>th</sup> St. NW" on the map attached as Exhibit A is lifted.

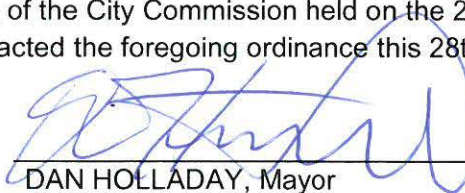
**Section 2.** Moratorium Extended. Based on the findings set forth in Exhibit B, the moratorium based on lack of sanitary sewer capacity for new development is extended for the areas identified in the map attached as Exhibit A, as set forth in Ordinance No. 14-1006, except for the area designated "12<sup>th</sup> St. NW."

**Section 3.** Term. This moratorium shall be effective as of October 1, 2015 and will expire on April 1, 2016, unless otherwise extended in accordance with state law.

**Section 4.** 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 5.** 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 October 1, 2015.

Read for the first time at a regular meeting of the City Commission held on the 28th day of September, and the City Commission finally enacted the foregoing ordinance this 28th day of September, 2015.

  
\_\_\_\_\_  
DAN HOLLADAY, Mayor

Attested to this 28th day of September, 2015:

Approved as to legal sufficiency:

  
\_\_\_\_\_  
Kattie Riggs, City Recorder

  
\_\_\_\_\_  
Carrie Rice  
City Attorney

**Exhibits:**

Exhibit A - Maps identifying the areas affected by moratorium

Exhibit B - City Engineer Findings

Ordinance No. 15-1015

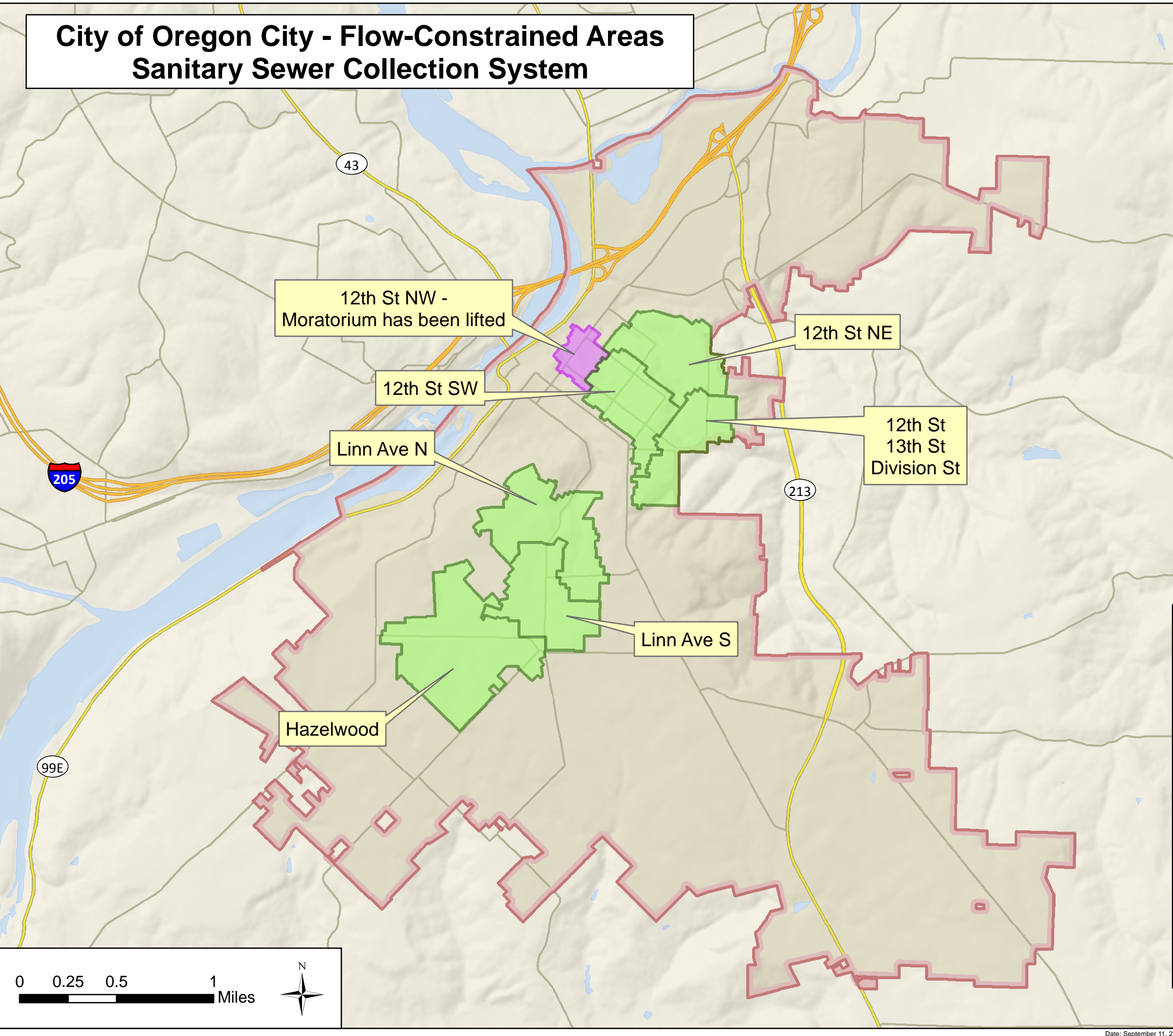
Effective Date: October 1, 2015

Page 2 of 2



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

Figure 1A



Legend

- City Limits
- Sanitary Sewer Flow-Constrained Area
- Area where Moratorium has been lifted

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	3.8
MUD	0.3
MUE	28.2
R-2	32.0
R-3.5	55.2
R-6	232.6
R-6/R-3.5	0.9
R-8	59.3
R-10	158.1
Total - All Areas	624.7

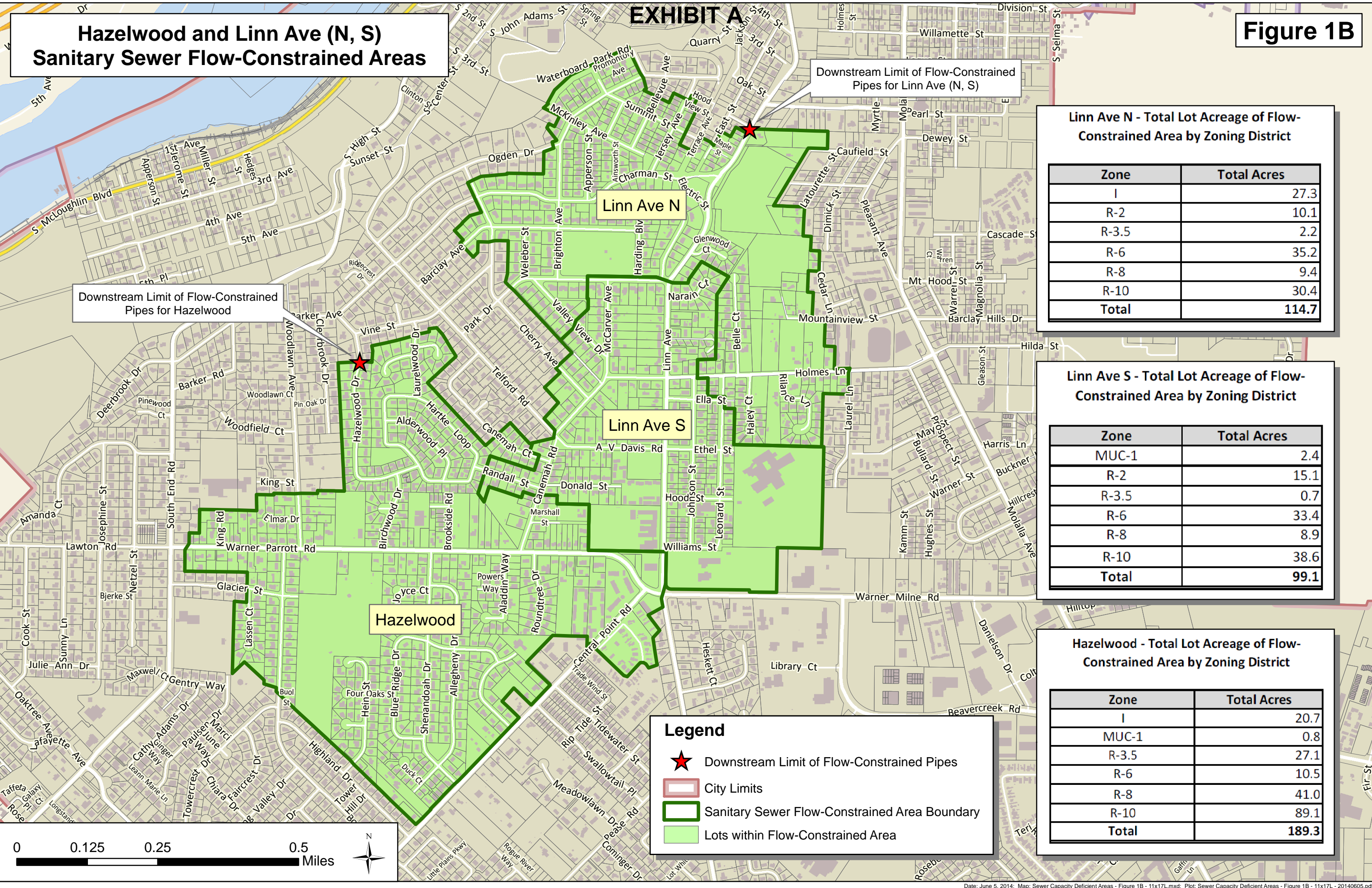




Hazelwood and Linn Ave (N, S)  
Sanitary Sewer Flow-Constrained Areas

EXHIBIT A

Figure 1B



Linn Ave N - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
I	27.3
R-2	10.1
R-3.5	2.2
R-6	35.2
R-8	9.4
R-10	30.4
Total	114.7

Linn Ave S - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
MUC-1	2.4
R-2	15.1
R-3.5	0.7
R-6	33.4
R-8	8.9
R-10	38.6
Total	99.1

Hazelwood - Total Lot Acreage of Flow-Constrained Area by Zoning District

Zone	Total Acres
I	20.7
MUC-1	0.8
R-3.5	27.1
R-6	10.5
R-8	41.0
R-10	89.1
Total	189.3

Legend

- ★ Downstream Limit of Flow-Constrained Pipes
- City Limits
- Sanitary Sewer Flow-Constrained Area Boundary
- Lots within Flow-Constrained Area

0 0.125 0.25 0.5 Miles





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

Figure 1C

Downstream Limit of  
Flow-Constrained Pipes

12th St NW -  
Moratorium has been lifted

12th St NE

12th St SW

12th St/13th St/Division St

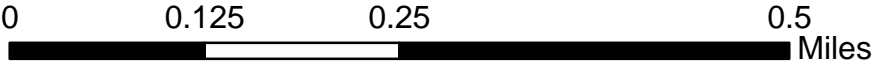
**Legend**

- City Limits
- Urban Growth Boundary (UGB)
- Downstream Limit of Flow-Constrained Pipes
- Sanitary Sewer Flow-Constrained Area Boundary
- Lots within Flow-Constrained Area
- Area where Moratorium has been lifted

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 Second 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: September 14, 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. One improvement project has been completed, and another is scheduled to be complete before the end of 2015. The problems giving rise to the moratorium will persist in remaining areas as of October 1, necessitating the extension of the moratorium in those areas.

### Status of Corrective Program

Over the past six months since the first extension of the sanitary sewer moratorium, the City has taken more steps to implement the solutions to resolve the current capacity deficiencies. The City has completed two personal service contracts with engineering consulting firms to design needed improvements for two of the four areas, being 12<sup>th</sup> Street (NW, NE, SW) and 12<sup>th</sup> St/13<sup>th</sup> St/Division St. Construction of the 12<sup>th</sup> and Main Street project was completed in August 2015, allowing the 12<sup>th</sup> St NW area moratorium to be lifted. Construction of the Madison St. and 14<sup>th</sup> St. to Division project will begin in September 2015 and is expected to be complete in November 2015, allowing the lifting of the 12<sup>th</sup> St.

SW, 12<sup>th</sup> St. NE, and 12<sup>th</sup> St./13<sup>th</sup> St./Division St. area moratoriums. The City is currently negotiating a personal service contract for the design of the *Linn Ave.* project, for design in Fall/Winter 2015/2016 and planned construction in Summer 2016. The completion of this project is expected to allow the lifting of the Linn Ave. N and Linn Ave. S moratorium areas in Fall 2016.

Another step which has been pursued by City staff is the preparation of the Biennial Budget for fiscal years 2015-2016 and 2016-2017. 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, 12<sup>th</sup> Street (NE, SW), and 12<sup>th</sup> Street/13<sup>th</sup> 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. Based on this work, a portion of the 12<sup>th</sup> St. area moratorium can now be lifted, and the remainder of that areas as well as the 12 St./13<sup>th</sup> St./Division St. area moratoriums are expected to be lifted in calendar year 2015.

The City-adopted new sanitary sewer rates continue to generate revenue to fund the implementation of solutions to resolve the current capacity deficiencies. A personal services agreement is under negotiation for engineering services to design the capacity improvements for the Linn Avenue moratorium area. The 2015-2016 and 2016-2017 Biennial Budgets include funds being allocated to continue the implementation of capacity improvements for the corrective program.