

ORDINANCE NO. 16-1005

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 THIRD TIME, FOR AN ADDITIONAL SIX MONTHS, AND LIFTING THE MORATORIUM FOR 12TH STREET NE, 12TH STREET SW, AND 12TH ST / 13TH ST / DIVISION ST

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 Commission adopted Ordinance No. 15-1002, extending the existing moratorium for an additional 6 months or until October 1, 2015; and

WHEREAS, on September 28, 2015, the City adopted Ordinance 15-1015, lifting the moratorium for the 12th Street NW area but also extending the moratorium for a second period until April 1, 2016; and

WHEREAS, during the winter of 2015/2016, the City completed construction to lift the 12th St. NE, 12th St. SW, and 12th St. / 13th St. / Division St. moratoriums; and

WHEREAS, the City continues to find a demonstrated need to prevent sanitary sewer overflows that would occur in some areas, specifically "Linn Ave N.," "Linn Ave S.," and "Hazelwood," 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 February 11, 2016, 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 March 2, 2016, 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:

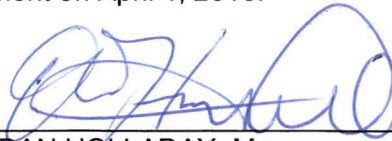
Section 1. Moratorium Lifted. Based on the findings set forth in Exhibit B, the moratorium on land development, building and sewer permit approvals within the areas designated "12th St. NE," "12th St. SW," and "12th St. / 13th St. / Division St." on the map attached as Exhibit A is lifted.

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 "12th St. NW," "12th St. NE," "12th St. SW," and "12th St. / 13th St. / Division St." Specifically, the moratorium is extended for the areas identified as "Linn Ave N.," "Linn Ave S.," and "Hazelwood."

Section 3. Term. This moratorium shall be effective as of April 1, 2016 and will expire on October 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.

Read for the first time at a regular meeting of the City Commission held on the 2nd day of March 2016, and the City Commission finally enacted the foregoing ordinance this 2nd day of March 2016 and will take effect 30 days from enactment on April 1, 2016.




DAN HOLLADAY, Mayor

Attested to this 2nd day of March 2016:



Katie Riggs, City Recorder

Approved as to legal sufficiency:



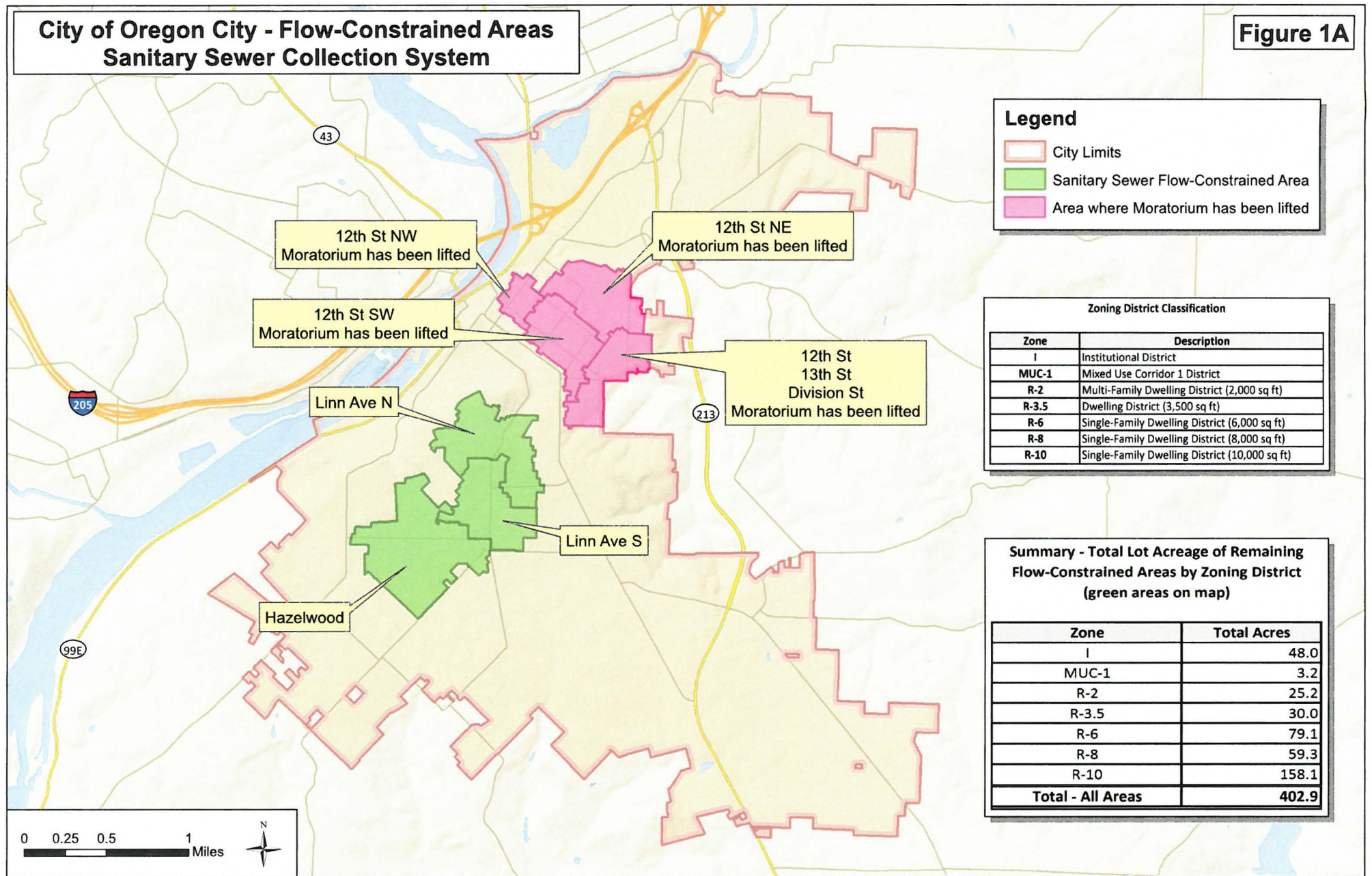
Cami Rice
City Attorney

Exhibits:

Exhibit A - Maps identifying the areas affected by moratorium
Exhibit B - City Engineer Findings

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

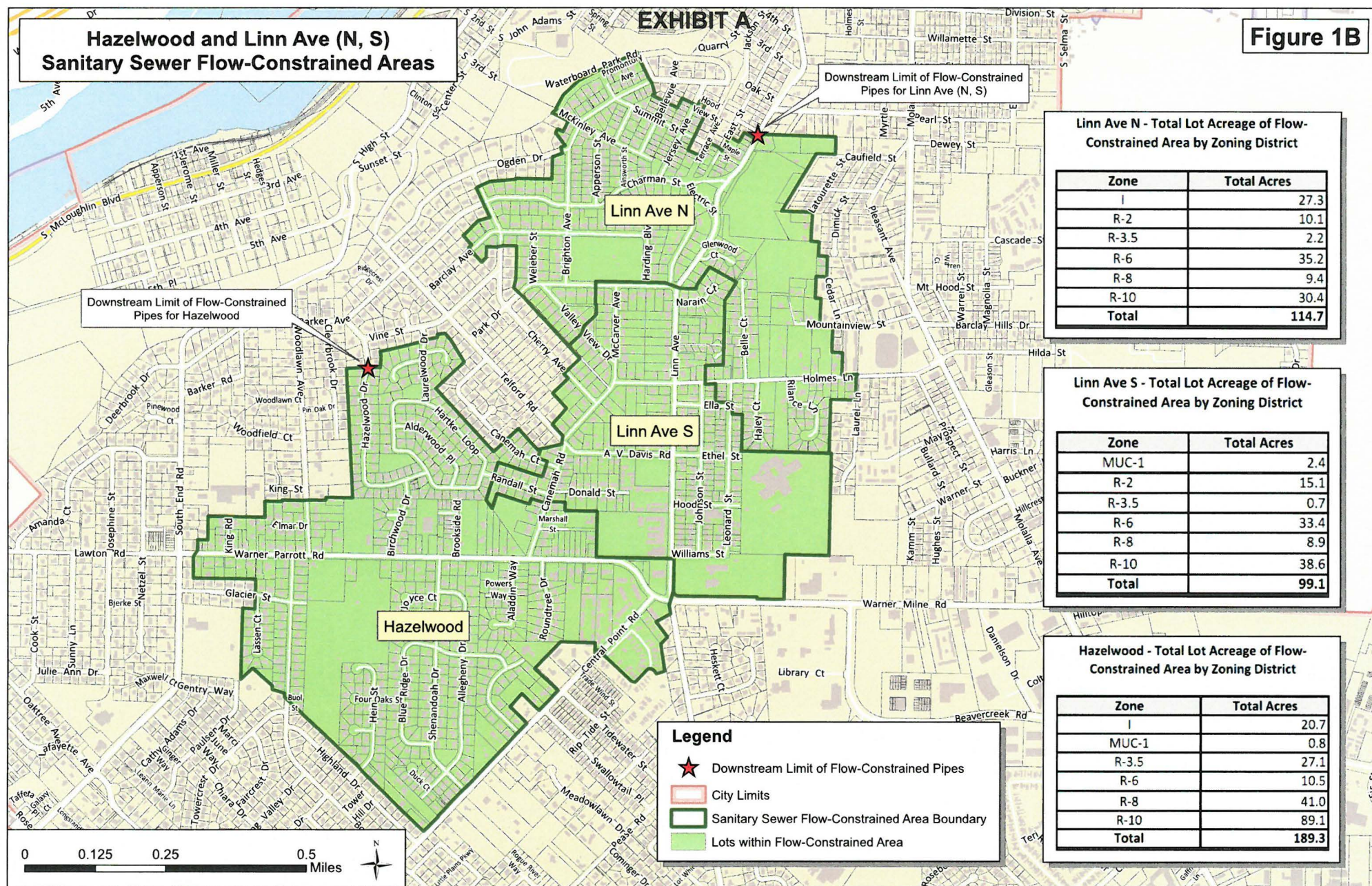
Figure 1A



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

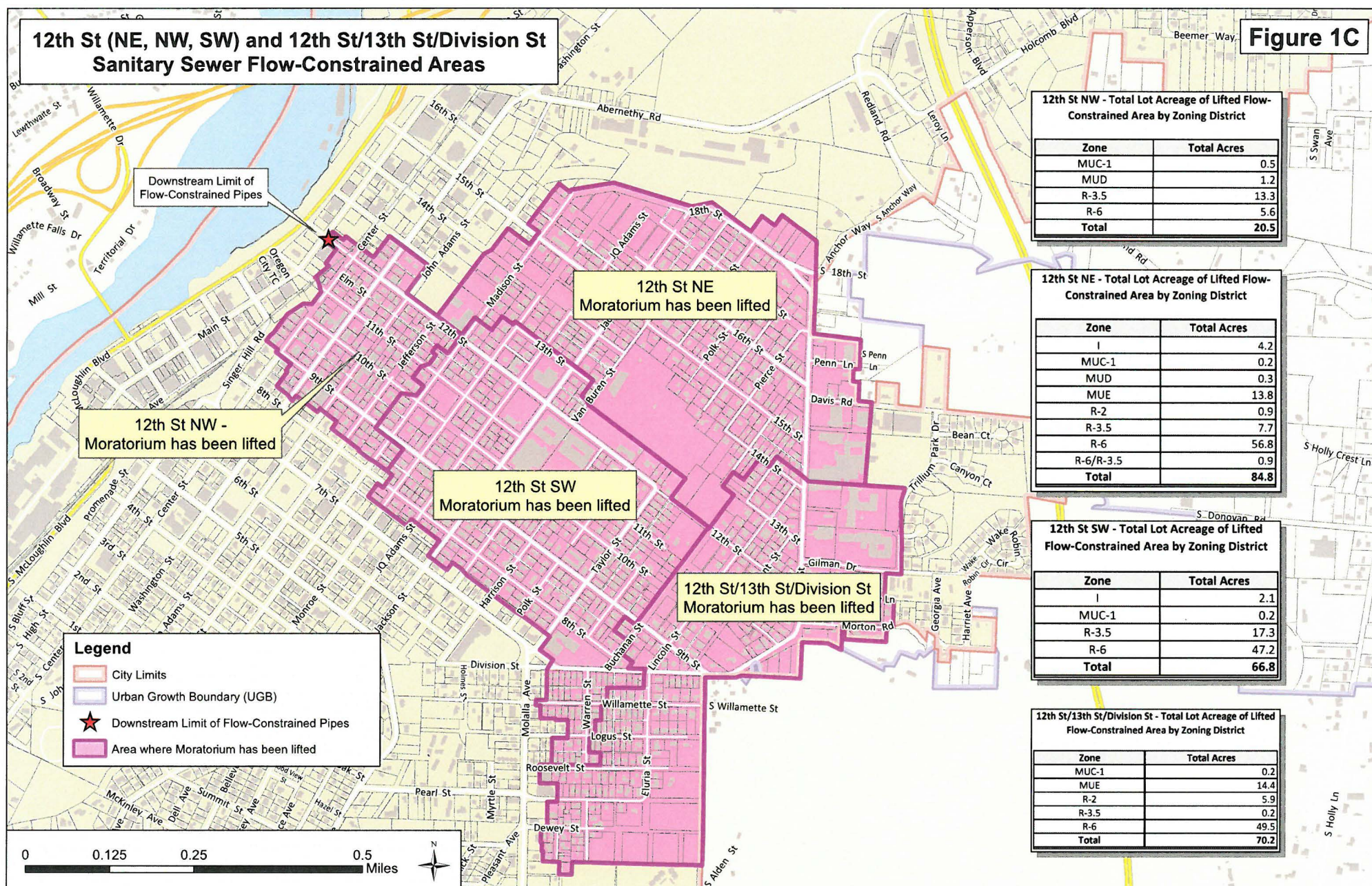
Zone	Total Acres
MUC-1	2.4
R-2	15.1
R-3.5	0.7
R-6	33.4
R-8	8.9
R-10	38.6
Total	99.1

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

Figure 1C

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





MEMORANDUM

PREPARED FOR: City Commission, City of Oregon City
SUBJECT: Ordinance No. 16-1005 *Adopting the Third 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, 2016

Background

The City of Oregon City (City) provides sanitary sewer collection services to nearly 33,000 customers 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. The need for a moratorium was based on the lack of sanitary sewer capacity to allow new or expanded connections to the City's sanitary sewer collection system. The specific 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 problems 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. Two improvement projects have been completed and another is currently scheduled to be completed before the end of 2016. This will leave one remaining area to be addressed in 2017. The problems giving rise to the moratorium will persist in the remaining areas as of April 1, 2016 necessitating the extension of the moratorium in those areas.

Status of Corrective Program

Over the past six months, since the second 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 construction of the *Madison St. and 14th St. to Division* project, allowing the lifting of the 12th St. SW, 12th St. NE, and 12th St./13th St./Division St. area moratoriums. The City has executed a contract with a design consultant to complete the design of the *Linn Ave.* project, for design phase services in February through April 2016 and planned construction in the summer of 2016. The completion of this

project is expected to allow the lifting of the Linn Ave. N and Linn Ave. S moratorium areas in the fall of 2016.

Another step which has been pursued by City staff is the continued monitoring 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 two existing flow-constrained areas, Linn Avenue and Hazelwood Drive, which 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 12th St. area as well as the 12 St. / 13th St./Division St. area moratoriums can now be lifted.

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 contract for engineering services to design the capacity improvements for the Linn Avenue moratorium area, and those improvements are expected to be constructed in calendar year 2016. The Hazelwood Drive sewer project is expected to be constructed in calendar year 2017. The 2015-2016 and 2016-2017 Biennial Budgets include funds being allocated to continue the implementation of capacity improvements for the corrective program.