

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 12TH 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, 12th St. and 12th St./13th St./Division St., and completed construction to lift the 12th 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 "12th 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 "12th 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

City Attorney

Exhibits:

Exhibit A - Maps identifying the areas affected by moratorium

Exhibit B - City Engineer Findings

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Effective Date: October 1, 2015

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