

ORDINANCE NO. 16-1006

AN ORDINANCE ADOPTING A PUBLIC FACILITIES STRATEGY FOR THE LINN AVENUE AND HAZELWOOD DRIVE SEWER SYSTEMS

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

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;

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 that created the need for the moratorium and serves as the City's corrective program under ORS 197.530 and 197.768;

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;

WHEREAS, on March 18, 2015, the City Commission adopted Ordinance No. 15-1002, extending the existing moratorium for an additional six months or until October 1, 2015;

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 for the remaining constrained areas until April 1, 2016;

WHEREAS, on April 1, 2016, the City adopted Ordinance 16-1005, lifting the moratorium for the 12th St. NE, 12th St. SW, and 12th St. / 13th St. / Division St areas but also extending the moratorium for a third period until October 1, 2016 for the still-constrained Linn Avenue and Hazelwood Drive sewer systems;

WHEREAS, the City continues to find a demonstrated need to prevent sanitary sewer overflows that would occur in constrained areas, specifically "Linn Ave N.," "Linn Ave S.," and "Hazelwood;"

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;

WHEREAS, the SSMP acts as the City's public facilities strategy that provides a clear, objective and detailed description of the actions and practices the City will engage in to control the time and sequence of development approvals in response to the identified deficiencies in the City's sewer system;

WHEREAS, pursuant to ORS 197.768(3), the City provided written notice to the Department of Land Conservation and Development on June 17, 2016, which is more than 45 days prior to the final public hearing for adoption of this ordinance;

WHEREAS, pursuant to ORS 197.768(3), the City has made written findings justifying the need for a public facilities strategy which prohibits land development, building and sewer permit approvals in the constrained areas until capital improvement projects are complete; and

WHEREAS, pursuant to ORS 197.768(3), on August 17, 2016, the City Commission held a duly noticed public hearing adopting a public facilities strategy based on the lack of sanitary sewer capacity to allow new or expanded connections to the City's sewer system in two areas.

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

Section 1. Adoption of the public facilities strategy. Based on the findings set forth in Exhibit B; the expiration of the moratorium on new development in the areas identified as "Linn Ave N.," "Linn Ave S.," and "Hazelwood" shown in the map attached as Exhibit A (Figures 1A-1C), as set forth in Ordinance No. 16-1005; and the capital improvement projects identified in the SSMP, the City adopts the SSMP as the public facilities strategy for the Linn Avenue and Hazelwood Drive sewer systems.

Section 2. Term. This public facilities strategy shall be effective as of October 1, 2016 and will expire on October 1, 2018, 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.

Read for the first time at a regular meeting of the City Commission held on the 3rd day of August, 2016, and the City Commission finally enacted the foregoing ordinance this 17th day of August, 2016 and will take effect on October 1, 2016.

DAN HOLLADAY, Mayor

Attested to this 17th day of August, 2016: Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Figures 1A, 1B, and 1C, Maps identifying the areas affected by the Public Facilities Strategy

Exhibit B - City Engineer Findings Supporting Public Facilities Strategy