

ORDINANCE NO. 17-1001

AN ORDINANCE OF THE CITY OF OREGON CITY REMOVING LINN AVENUE FROM THE 2016 PUBLIC FACILITIES STRATEGY

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

WHEREAS, Ordinance 14-1006 provided for a moratorium on development until the corrective program could be implemented and that moratorium was extended a number of times; and

WHEREAS, on August 17, 2016, the City Commission, finding a demonstrated need to prevent sanitary sewer overflows in the remaining constrained areas, specifically "Linn Ave N.," "Linn Ave S.," and Hazelwood," adopted 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 these two areas; and

WHEREAS, on January 18th, 2017, completion of a capital project allowed development constraints to be lifted in the areas of "Linn Ave N." and "Linn Ave S."; and

WHEREAS, a demonstrated need to prevent sanitary sewer overflows that would occur in the "Hazelwood" constrained area remains.

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

Section 1. Continuation of the public facilities strategy. Based on the findings set forth in Exhibit B, the public facilities strategy limiting development served by the Linn Avenue sewer system is hereby lifted.

Section 2. The public facilities strategy for Hazelwood Drive sewer system remains in effect.

Section 3. 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 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 18th day of January 2017, and the City Commission finally enacted the foregoing ordinance this 1st day of February 2017.

DAN HOLLADAY, Mayor

Attested to this 18th day of January, 2017:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibits:

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

Exhibit B – Findings