

RESOLUTION NO. 18-20

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS/HER DESIGNEE, TO ACCEPT RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENTS FOR GRANTING LAND USE APPROVAL

WHEREAS, the City of Oregon City is the governmental body authorized to review and approve land use decisions, including subdivisions, partitions and site plan and design review in Oregon City, as well as the governmental body that accepts the dedication of land in fee as well as restrictive covenant non-remonstrance agreements required pursuant to the City's land use processes; and

WHEREAS, in 2015, the City Commission adopted Resolution 15-10 delegating the acceptance of deeds of dedication of land in fee, as easements, or covenants required as land use conditions to land use decisions, including subdivisions, partitions and site plan and design review to the City Manager or his/her designee; and

WHEREAS, as part of the land use review process, the City requires all developers requesting a land use decision such as a subdivision, partition, or site plan and design review to provide the City with a restrictive covenant non-remonstrance agreement so that the legal owners of the property described in the land use document waive any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; and

WHEREAS, Oregon Revised Statute 223.389 and Oregon City Municipal Code Chapter 3.08 outline a procedure for the creation of an LID that includes the provision of notice and hearing before the City Commission before any assessment for local improvements may be imposed; and

WHEREAS, the Oregon City Commission, as the governing body of the City of Oregon City, typically reviews and accepts restrictive covenant non-remonstrance agreements; and

WHEREAS, the City Manager, or his designee has the ability to review restrictive covenant non-remonstrance agreements resulting from land use approvals to ensure they meet the public interest.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby delegates to the City Manager or his/her designee the authority to accept restrictive covenant non-remonstrance agreements as required by conditions to land use approvals.

Section 2. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 15th day of August 2018.

DAN HOLLADAY, Mayor

Attested to this 15th day of August 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney