

ORDINANCE NO. 18-1008

AN ORDINANCE OF THE CITY OF OREGON CITY EXTENDING A PUBLIC FACILITIES STRATEGY FOR THE HAZELWOOD DRIVE SEWER SYSTEM

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, 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 six 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 for the remaining constrained areas until April 1, 2016; and

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; and

WHEREAS, on October 1, 2016, the City adopted Ordinance 16-1006, lifting the moratoriums set forth for the 12th St. NE, 12th St. SW, and 12th St. / 13th St. / Division St areas and acknowledging the expiration of the moratorium on new development in the Linn Ave and Hazelwood sewer systems but also adopting the SSMP as the public facilities strategy for the still-constrained Linn Avenue and Hazelwood Drive sewer systems expiring October 1, 2018; and

WHEREAS, on January 18, 2017, the City adopted Ordinance 17-1001, lifting the development restrictions set forth in the public facilities strategy for the Linn Avenue system but

also continuing the public facilities strategy for the still-constrained and Hazelwood Drive sewer system; and

WHEREAS, the City continues to find a demonstrated need to prevent sanitary sewer overflows that would occur in constrained areas, specifically the Hazelwood Drive sewer system; 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, 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; and

WHEREAS, pursuant to ORS 197.768(3), the City provided written notice to the Department of Land Conservation and Development on June 29, 2018, which is more than 45 days prior to the final public hearing for adoption of this ordinance; and

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, and one of those areas, the Hazelwood system, still has deficient capacity; and

WHEREAS, the existing public facilities strategy with regard to areas of the Hazelwood shall expire on October 1, 2018, and pursuant to ORS 197.768(6), the City Commission is authorized to extend a public facilities strategy upon a finding that (1) the problem giving rise to the public facility strategy still exists and (2) setting the duration for the public facility strategy for a period of no more than one year.

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 Continuation of the public facilities strategy limiting new development in the area identified as "Hazelwood" shown in the map attached as Exhibit A (Figures 1A-1B), as set forth in Ordinance No. 17-1001; and the capital improvement projects identified in the SSMP, the City continues regarding the SSMP as the public facilities strategy for the Hazelwood Drive sewer system.

Section 2. Term. The term of the public facilities strategy shall be extended as of October 1, 2018 and will expire on October 1, 2019, 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 15th day of August, 2018, and the City Commission finally enacted the foregoing ordinance this 5th day of September, 2018 and will take effect on October 1, 2018.

DAN HOLLADAY, Mayor

Attested to this 5th day of September, 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Figures 1A, 1B, Maps identifying the areas affected by the Public Facilities Strategy
Exhibit B - City Engineer Findings Supporting Public Facilities Strategy

