



Legislation Details (With Text)

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Title: Second Reading of Ordinance No. 17-1001, Removing Linn Avenue from the 2016 Sewer Public Facilities Strategy
Sponsors: John Lewis
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Attachments: 1. Staff Report, 2. Ordinance No. 17-1001, 3. Exhibit A - Figure 1A . Overall Map of Original Moratorium Areas, 4. Exhibit A - Figure 1B. Hazelwood Moratorium Area, 5. Exhibit B - Public Works Memo

Date	Ver.	Action By	Action	Result
2/1/2017	1	City Commission	approve on second reading and final adoption	Pass

Second Reading of Ordinance No. 17-1001, Removing Linn Avenue from the 2016 Sewer Public Facilities Strategy

RECOMMENDED ACTION (Motion):

Adopt Ordinance No. 17-1001, Continuing a Public Facilities Strategy for the Hazelwood Drive Sewer System and Removing the Linn Avenue Public Facilities Strategy.

BACKGROUND:

The City of Oregon City's new Sanitary Sewer Master Plan (SSMP) became effective November 1, 2014. During the course of the update of the master plan, the City's consultant, Brown and Caldwell (B&C), evaluated the City's sanitary sewer system. The SSMP provides detailed collection system modeling results and a capital improvement projects program for existing and future development needs. In addition, the SSMP identified four areas within the City's existing sanitary sewer collection system which at the time had capacity deficiencies during wet weather (both in the 5-yr-24-hr and 10-yr-24-hr design storm event conditions). In some cases, these capacity deficiencies resulted in pipe system surcharge and limited overflows discharging inadequately treated sewage into surface water.

The City of Oregon City's Comprehensive Land Use Plan requires that the rate of community growth and development may not exceed the community's ability to provide essential public services, including a sanitary sewer system. Policy 11.2.1 of the City's Comprehensive Plan requires that the City "plan, operate and maintain the wastewater collection system for all current and anticipated city residents;" Policy 11.2.3 requires that the City "...provide enough collection capacity to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage into surface water."

Based upon reasonably available information, the findings of the SSMP demonstrated the need for a public facilities strategy as required by ORS 197.520(2). An initial 6-month public facilities strategy

went into effect through the adoption of Ordinance No. 14-1006, which became effective on August 6, 2014. The public facilities strategy was subsequently extended for three 6-month periods.

On August 17, 2016, the City continued 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;” and adopted Ordinance No. 16-1006, enacting a public facilities strategy for the Linn Avenue and Hazelwood sewer systems. This public facilities strategy was effective as of October 1, 2016 and will expire on October 1, 2018, unless otherwise extended in accordance with state law

During the time since the original public facilities strategy was declared, capital projects have been completed to remedy capacity shortcomings in the 12th Street and 13th Street and Division Street areas, as well as the Linn Avenue area (Figure 1A). The Hazelwood Drive public facilities strategy area (Figure 1B) is still flow constricted based on the SSMP, and further development must be prohibited until capital improvement work to remedy identified capacity shortcomings in the system is completed. It is anticipated that a project to remedy flow shortcomings in the Hazelwood Drive system will be completed in 2017. Continuance of the public facilities strategy under ORS 197.768 is required in order to prohibit development in the identified flow-constricted area until the necessary capital improvement projects to remedy flow shortcomings are completed.

While this public facilities strategy remains in effect, all development within the Hazelwood Drive flow-constrained area shall be subject to the following notice and restrictions:

1. Property owners and representatives shall be notified by staff of the public facilities strategy at the earliest opportunity either during pre-application conferences or before. However, failure to provide notice shall not alter the development restrictions imposed by this public facilities strategy.
2. Land use permit applications will continue to be processed during the public facilities strategy period, and if approved, appropriate conditions shall be imposed restricting development until the flow-constrained sewer condition is remedied.
3. No building or plumbing permit, and/or a public works sewer or construction plan permit applications may be accepted or issued until flow-constrained sewer condition are remedied and the public facilities strategy is officially lifted.

Any development or redevelopment proposal using conventional wastewater conveyance that does not increase wastewater flows to these capacity restrained areas will be exempt from the restrictions of the public facilities strategy.

This public facilities strategy will allow staff the time to complete remaining studies to identify solutions, collect necessary funding and plan for the construction of remaining necessary improvements. 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 unless the City Commission extends the public facilities strategy in accordance with state law. State law allows for the public facilities strategy to be extended for up to three additional one-year periods.