



Legislation Text

File #: 18-374, **Version:** 1

First Reading of Ordinance No. 18-1008, Extending a Public Facilities Strategy for the Hazelwood Drive Sewer System

RECOMMENDED ACTION (Motion):

Approve the first reading of Ordinance No. 18-1008, Extending a Public Facilities Strategy for the Hazelwood Drive Sewer System.

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 identified four areas within the City's existing sanitary sewer collection system which at the time had capacity deficiencies during wet weather. In some cases, these capacity deficiencies resulted in pipe system surcharge and limited sewer overflows.

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.

The third moratorium extension expired October 1, 2016. Because two of the moratorium areas were still flow constrained at that time (the Linn Avenue and Hazelwood Drive systems), the City Commission voted on August 17, 2016, to adopt the SSMP as the continuing Public Facilities Strategy for the remaining constrained areas, effective October 1, 2016 to October 1, 2018.

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 / Division Street areas, as well as the Linn Avenue area. The Hazelwood Drive public facilities strategy area is still flow constricted based on the SSMP, and further development must be prohibited until capital improvement projects to remedy identified capacity shortcomings in the system are completed. It is anticipated that two projects to remedy flow shortcomings in the Hazelwood Drive basin will be completed in late 2018 and 2019, beyond the current expiration date of October 1, 2018.

Continuation of a public facilities strategy under ORS 197.768 is required in order to prohibit development in the identified flow-constricted areas until the necessary capital improvement projects to remedy flow shortcomings are completed.

While this public facilities strategy remains in effect, all development within the flow-constrained areas 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.

Continuation of the current public facilities strategy will allow staff the time to plan and administer construction of the remaining necessary improvements. The continued public facilities strategy shall expire one (1) year from the date of its enactment, or October 1, 2018, 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 two additional one-year periods.