



STAFF REPORT

Meeting Type: City Council Meeting
Meeting Date: November 2, 2026
From: Josh Soper, Beery, Elsner & Hammond, LLP
Subject: PUBLIC HEARING: Resolution 2026-24 - Extension of Existing Development Moratorium

DECISION TO BE MADE:

Whether to approve Resolution 2026-24, which would extend the duration of the development moratorium while the City continues to work to address its wastewater system challenges, in compliance with the City's Consent Decree.

BACKGROUND / CONTEXT:

The City Council previously enacted a development moratorium (Moratorium 5.0) on May 18, 2026, as a result of the ongoing capacity issues the City is experiencing with its wastewater treatment system. That moratorium is scheduled to expire on December 1, 2026.

The Consent Decree requires the City to take whatever actions are necessary, including enactment of a development moratorium, to limit new connections to the City's sanitary sewer system, and modifications to existing connections to the City's sanitary sewer system that increase flows, in accordance with the capacity cap established pursuant to the Consent Decree.

The City continues to make great progress toward both (1) acquiring increases to the capacity cap under the Consent Decree in the near term, and (2) working toward a long-term solution to eliminate the capacity cap entirely. At this time, however, the capacity cap that was in effect when the current moratorium was adopted remains in effect.

KEY CONSIDERATIONS / ANALYSIS:

In order to ensure continued compliance with the Consent Decree, it is necessary to extend the current development moratorium while the City's work to address wastewater system capacity issues is ongoing.

It should also be noted that staff intends to bring forward a revised moratorium for Council's consideration in the near future to address developments that are under active construction but will not complete their development project by the December 31, 2027, ERU allocation expiration date. However, an extension is still necessary in the meantime because the current moratorium expires on December 1, 2026.

BUDGET IMPACT:

No direct budget impacts are anticipated.

RECOMMENDATION:

Staff recommends adoption of Resolution 2026-24.

SUGGESTED MOTION LANGUAGE:

"I move to approve Resolution 2026-24, extending a moratorium on development pursuant to ORS 197.505 to 197.540 based on limited sanitary sewer capacity."

LIST OF ATTACHMENTS / EXHIBITS:

- Resolution 2026-24