



# STAFF REPORT

---

**Meeting Type:** City Council Meeting  
**Meeting Date:** November 20, 2023  
**From:** Josh Soper, City Attorney  
**Subject:** Temporary Extension of Moratorium on New Wastewater Connections

---

## **DECISION TO BE MADE:**

Whether to approve Resolution 2023-34, which would extend the duration of the development moratorium while the City awaits EPA and DEQ approval of the results of its wastewater system capacity evaluation

## **PURPOSE / OBJECTIVE:**

To ensure continue compliance with the terms of the Consent Decree relating to the City's wastewater system.

## **BACKGROUND / CONTEXT:**

The City Council previously enacted a development moratorium on June 20, 2023 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 20, 2023.

The Consent Decree with EPA and DEQ requires the City to perform a comprehensive capacity analysis to determine the capacity of the City's existing sanitary sewer system based on work the City has already performed to improve capacity. The results of the comprehensive capacity analysis must be approved by EPA and DEQ, which is not anticipated to occur until after the current moratorium expires.

The Consent Decree also requires the City 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, to no more than 300 equivalent residential units (ERUs) until the comprehensive capacity analysis results are approved by EPA and DEQ.

## **KEY CONSIDERATIONS / ANALYSIS:**

In order to ensure ongoing compliance with the Consent Decree, it is necessary to extend the current development moratorium in order to allow time for EPA and DEQ to approve the capacity evaluation results. When EPA and DEQ do so, the 300 ERU cap will be replaced with a cap determined by the results of the comprehensive capacity analysis and the development moratorium will be re-evaluated.

**RECOMMENDATION:**

Staff recommends adoption of Resolution 2023-34.

**SUGGESTED MOTION LANGUAGE:**

"I move to approve Resolution 2023-34, extending a moratorium on development pursuant to ORS 197.505 to 197.540 based on limited sanitary sewer capacity."

**LIST OF ATTACHMENTS / EXHIBITS:**

- Resolution 2023-34