

ORDINANCE NO. 502

AN ORDINANCE OF THE CITY OF WILSONVILLE REQUIRING NEW DEVELOPMENT IN THE CITY TO CONNECT TO MUNICIPAL WATER SUPPLY, PROVIDING FOR EXCEPTION, AND AMENDING WILSONVILLE CODE SECTIONS 3.075 AND 3.100, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Wilsonville is responsible for supplying water, sewer, and fire protection services to all development within the city limits; and

WHEREAS, an applicant for development approval must demonstrate that public facilities are available to serve a proposed project; and

WHEREAS, in its efforts to protect the public health, safety, and welfare, the City must protect its potable water supply from connections with other sources, including wells, to avoid contamination; and

WHEREAS, the City water system will be expected to supply full service to the City when it is completely developed; and

WHEREAS, the city is obligated to supply municipal water and must allocate the cost of such service to all users; and

WHEREAS, the City Council adopted Ordinance No. 493, "An Ordinance Adopting a Moratorium on Planning Approvals for Land Developments Throughout the City of Wilsonville Due to a Lack of Water System Capacity; and Declaring an Emergency"; and

WHEREAS, the City Council adopted Ordinance No. 497, "An Ordinance Extending a Moratorium on Development Throughout the City of Wilsonville Due to a Lack of Water System Capacity, Allowing for Tentative Land Use Approvals in Advance of the End of the Moratorium; and Declaring an Emergency"; and

WHEREAS, due to the shortage of water supply, it is in the public interest to continue the current use of existing wells for approved agricultural purposes; and

WHEREAS, in order to preserve the health, welfare and safety to the greatest extent possible and to avoid a risk of development applications seeking to avoid connection to the municipal system under this ordinance and drilling and using new wells

to the detriment of the health, welfare and safety of the community, an emergency is declared.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Section 3.075 is amended and renumbered by adding:

"Construction means installation or alteration of a building or other structure."

Section 3.100 is amended and renumbered by adding:

"(1) Connection required. All new construction within the City that is intended for residential, commercial, and industrial activity, as well as public gatherings and site development in anticipation of construction under (2)(c) below, must be connected to the City water and sewer system.

"(a) Residential, single family lot connection must be made where city water is available within 300 feet of the property line. Residential subdivision connection must be made where city water is available within 200 feet of the property line.

"(b) Commercial, industrial, and other buildings must connect no matter the distance from the public water supply to the property to be served."

"(2) Exceptions. The following exceptions may be allowed upon approval by the Community Development Director that the application for a non-municipal source is not likely to derive from the same source as the City water supply and meets all requirements of this chapter:

"(a) Residential expansion or remodel. A connection may be made to an existing non-municipal source if the new construction consists of an expansion or remodel of an existing dwelling unit or units and the number of dwelling units is not increased.

"(b) Existing irrigation use. An approved non-municipal water source that is already in use for irrigation of landscaping or crops may continue to be used for those purposes, as long as the use has been approved by the city.

"(c) Site development in anticipation of construction may be exempted by a determination of the Community Development Director upon a written agreement by the owner, binding on any successors, heirs or assigns, to connect to the City's sewer and sewer system at time of construction and the Director determines there is an

existing water source or sufficient alternative water source to protect the natural features and to provide dust and erosion control from the time of site development to construction."

2. Emergency Clause. In order to preserve the health, welfare and safety to the greatest extent possible and to avoid a risk of development applications seeking to avoid connection to the municipal system under this ordinance and drilling and using new wells to the detriment of the health, welfare and safety of the community, an emergency is declared.

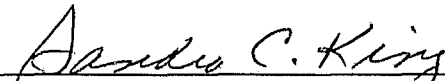
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 21st day of September, 1998, and scheduled for a second reading at a regular meeting thereof on the 5th day of October, 1998, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall Annex.


Sandra C. King, CMC, City Recorder

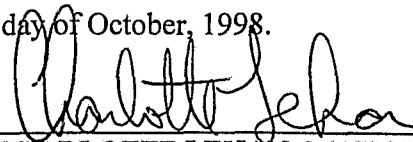
ENACTED by the City Council on October 5, 1998, by the following votes:

YES: -5-

NO: -0-


Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this _____ day of October, 1998.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Luper	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>