

RESOLUTION NO. 1577

A RESOLUTION ADOPTING A PROGRAM TO CORRECT THE PROBLEM CREATING THE MORATORIUM ON PLANNING APPROVALS FOR LAND DEVELOPMENTS THROUGHOUT THE CITY OF WILSONVILLE DUE TO A LACK OF WATER SYSTEM CAPACITY AND REPEALING RESOLUTION NO. 1542.

WHEREAS, on January 5, 1998, the Wilsonville City Council adopted Ordinance No. 493 entitled, "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, on June 15, 1998, the Wilsonville City Council adopted emergency Ordinance No. 497 entitled, "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," with effective date of July 5, 1998; and

WHEREAS, on December 21, 1998, the Wilsonville City Council adopted emergency Ordinance No. 504 entitled, "An Ordinance Extending a Moratorium on Development Throughout the City of Wilsonville Due to a Lack of Water System Capacity, and Continuing the Moratorium to July 5, 1999; and Declaring an Emergency," with an effective date of January 5, 1999; and

WHEREAS, on June 7, 1999, the Wilsonville City Council adopted emergency Ordinance No. 506 entitled, "An Ordinance Extending a Moratorium on Development Throughout the City of Wilsonville Due to a Lack of Water System Capacity, and Continuing the Moratorium to January 5, 2000; and Declaring an Emergency," with an effective date of July 5, 1999; and

WHEREAS, Oregon Revised Statutes 197.530 requires that a City that adopts a moratorium on construction or land development in conformity with ORS 197.520 shall within 60 days after the effective date of the moratorium adopt a program to correct the problem creating the moratorium. The program must be presented at a public hearing. The City is required to give at least 14 days advance notice to the Department of Land Conservation and Development (DLCD) of the time and date of the public hearing; and

WHEREAS, on March 2, 1998, the City Council adopted Resolution No. 1441 which was a program to correct the problem creating the moratorium on planning approvals

for land developments throughout the City of Wilsonville due to a lack of water system capacity; and

WHEREAS, the program which was described in Resolution No. 1441 was substantially modified due to (1) a lack of information concerning the City's ability to obtain water from the Bull Run system, and the cost of participating in a sub-regional Willamette River water treatment plant; and (2) action taken by City Council on June 29, 1998, adopting Resolution No. 1487 entitled, "A Resolution Directing the City Staff to Expedite the Planning and Development of the Troutdale Aquifer as the Future Water Supply Source for the City of Wilsonville"; and

WHEREAS, after approximately six months and more than \$200,000 spent on the effort to expedite the development of the Troutdale Aquifer as a water source, the City Council on December 21, 1998, adopted Resolution No. 1530, directing the City staff to discontinue that effort; and

WHEREAS, on March 1, 1999, the City Council adopted Resolution No. 1542 which amended the program to correct the problem creating the moratorium on planning approvals for land developments throughout the City of Wilsonville due to a lack of water system capacity; and

WHEREAS, on December 15, 1998, the City of Portland Bureau of Water Works published the "Portland Water System Plan for Expanded Southwest Service" to include the cities of Tualatin, Tigard, Sherwood and Wilsonville; and

WHEREAS, representatives from the City of Portland Bureau of Water Works and from the consulting firms of Murray Smith & Associates and Montgomery Watson presented details of their plans to the City Council and answered questions from Council and citizens at a public meeting held on January 12, 1999; and

WHEREAS, on June 7, 1999, the City Council conducted a public hearing on the two water source options that were still under consideration at that time: the City of Portland and the Willamette River; and

WHEREAS, on June 21, 1999, after considering public testimony and reviewing reports analyzing both the City of Portland's water system and the potential for using the Willamette River as a new source to serve Wilsonville, the City Council voted unanimously to support the use of the Willamette River and to seek the approval of the voters of Wilsonville for the use of the river and the sale of revenue bonds to finance the construction of a water treatment plant on the River; and

WHEREAS, the moratorium cannot be extended beyond January 5, 2000; and

WHEREAS, the only interim water supply available to provide water until a long-term source is available is from Tualatin Valley Water District (TVWD) as part of an

agreement between TVWD and the Department of Corrections for TVWD to construct lines and provide two million gallons per day to the Women's Prison/Intake Center; and

WHEREAS, this interim water would only be available if a Women's Prison/Intake Center is built at a Wilsonville site; and

WHEREAS, the City Council desires to provide all voting citizens with the opportunity to approve the recommended long-term water source and financing; and

WHEREAS, 14 days advance notice has been given to DLCD, regarding adoption of Resolution No. 1577; and

WHEREAS, the public hearing has been scheduled for August 2, 1999, at 7:00 p.m.; and

WHEREAS, staff has developed a modified program to correct the problem creating the moratorium (Attachments A and B); and

WHEREAS, the modified program has been available to the public for seven (7) days prior to the public hearing; and

WHEREAS, based on the staff report and public testimony (written and oral) the City Council finds that the interim solution to the current water moratorium is dependent upon the State of Oregon and the TVWD and will depend on a prison-siting decision that has not yet been finalized; and

WHEREAS, based on the staff report and public testimony (written and oral) the City Council finds that the long-term solution to the current water moratorium is dependent upon the voters of the City of Wilsonville, who will have the opportunity to vote on this issue in September 1999; and

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

1. Based on the above recitals and findings incorporated herein, the City Council of the City of Wilsonville adopts and incorporates by reference herein the program to correct the problem creating the moratorium, as shown in:

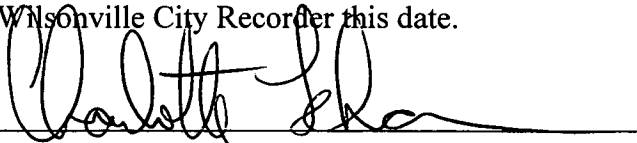
Attachment A, "*Program to Correct the Long Term Water Shortage Creating the Moratorium on Planning Approvals for Land Developments Throughout the City of Wilsonville*"; and

Attachment B, "*Schedule to Solve Water Moratorium*";

2. In addition, the City staff is hereby directed to assure that an election providing voters the opportunity to approve the recommended long-term water source and funding is scheduled for the September 1999 election.


Based on the adoption of this Resolution, Resolution No. 1542 is hereby repealed.

ADOPTED by the Wilsonville City Council at a regular meeting thereof on the 2nd day of August, 1999, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Holt	Yes
Councilor Kirk	Yes

ATTACHMENT A

A PROGRAM TO CORRECT THE LONG TERM WATER SHORTAGE CREATING THE MORATORIUM ON PLANNING APPROVALS FOR LAND DEVELOPMENTS THROUGHOUT THE CITY OF WILSONVILLE.

Introduction

This report together with the other attachments to Resolution No. 1577 constitutes the City of Wilsonville's program to correct the municipal water shortage that led to the enactment of a moratorium on new land development approvals on January 5, 1998, (Ordinance No. 493) and six months' extensions of that moratorium on July 6, 1998, (Ordinance No. 497), December 21, 1998 (Ordinance No. 504) and June 7, 1999 (Ordinance No. 506).

ORS 197.530, part of the State's Moratorium Statute, requires the City to adopt a program to correct the problem within 60 days of the enactment of the moratorium. The City adopted such programs with the enactment of Resolution No. 1441, on March 2, 1998; Resolution No. 1495 on August 17, 1998 and Resolution No. 1542 on March 1, 1998. Circumstances have changed, warranting this amendment to the program to correct the problem. For that reason, Resolution No. 1577 replaces Resolution No. 1542.

Summary

The City of Wilsonville must find an affordable, dependable, long-term source of water. It is needed to serve existing land uses and to serve the future growth of the community. Based on the best information available to the community, there are three potential sources of water that meet the City's criteria that were extensively studied to determine the best long-term water source for the City.

- Troutdale Aquifer
- City of Portland (including the Bull Run River and Columbia Wellfield);
- Willamette River.

The City diligently attempted to study the Troutdale Aquifer and spent in excess of \$200,000 to evaluate the aquifer and attempt to obtain test wells to acquire additional information. After it was determined that it would be impossible to obtain sites for test wells without exercising powers of eminent domain and after our city attorney developed a legal opinion explaining the difficulty of exercising eminent domain outside of the City boundaries, Council adopted Resolution No. 1530 on December 21, 1998, directing staff to discontinue further evaluation of the Troutdale Aquifer.

Extensive studies have been conducted over a several year period on the Willamette River and the latest report is a Willamette River Water Supply System Preliminary Engineering Report by Murray Smith and Associates, Montgomery Watson Consulting Engineers, and FCSG dated December 1998. In December 1998 the City of Portland Bureau of Water Works also published a report entitled

Portland Water System Plan for Expanded Southwest Service. Council conducted an extensive review of both supply alternatives and after careful consideration selected the Willamette River Water Treatment Plant alternative as the long-term source of water for the City on June 21, 1998 by adopting Resolution No. 1558. Council also referred the question "Shall Wilsonville issue \$25,000,000 in revenue bonds to treat and use the Willamette River as a long-term water source?" to the voters for the September 21, 1999 election by adopting Resolution 1577.

The State of Oregon is contemplating construction of the Women's Prison/Intake Center in the Wilsonville area. The plans for provision of interim water to the prison includes provision of 2,000,000 gallons per day to the City by Tualatin Valley Water District through an interconnect with Tualatin. The prison would only require 630,000 gallons per day on a maximum day of consumption and the remainder would be available to provide an additional source of interim water until the water from the long-term source is available.

Additionally, conservation will be used and aquifer storage and recovery may be used to satisfy some part of the community's water needs on either a short or long-term basis. The City must continue to consider these options as well as components of the long-term solution.

Program

The overall program to correct the long-term water shortage that led to the moratorium is scheduled in detail in Attachment B. The general summary is as follows:

Obtain voter approval of \$25,000,000 in revenue bonds for construction of the Willamette River Water Treatment Plant.

Complete the necessary interim agreements and construct the necessary facilities to obtain interim water from the Tualatin Valley Water District.

End the water moratorium as soon as the agreements for long-term water and construction of the near-term water connections are completed.

Complete the construction of the Willamette River Water Treatment Plant and discontinue use of the Tualatin Valley Water District waters for interim water supply.

ELDON R. JOHANSEN
COMMUNITY DEVELOPMENT DIRECTOR

Additional Attachments:

B. 7/12/99 Schedule to Solve Water Moratorium

Earliest End to Moratorium with September Election					
Schedule to Solve Water Moratorium					
Prison Option for Temporary Water					
Willamette River Water Treatment Plant for Long Term Water					
Schedule Adjusted for September 21, 1999 Election for Willamette Option					
7/12/99					
Activity	Action	Proposed Timeline	Revised Timeline	Actual Completion Date	Comments
Council decision on extending or canceling moratorium effective January 5, 1999	Council	12/21/98		12/21/98	
Council directs abandonment of efforts to acquire water from Troutdale Aquifer (Res. 1530)	Council	12/21/98		12/21/98	
For simplicity activities prior to abandonment of Troutdale Aquifer efforts have been hidden		2/4/99		2/4/99	
Approve program to solve moratorium	Council	3/1/99		3/1/99	
Obtain state or federal (peer review is a less desired option) review of Willamette River raw water testing reports and procedures for reliability of data to use as a basis for decision making	Jeff	4/30/99	earliest 5/7/99 & latest 6/5/99	5/3/99	
Verify participants, adjust cost estimates if necessary & calculate impacts on customer water bills	Eldon & Gary	6/5/99	5/17/99	5/17/99	
Organized groups provide input to Council concerning sources of water to solve the moratorium	Council		5/17/99	5/17/99	
Individuals comment on solutions to the water moratorium	Council			6/7/99	
Council decision on the long term source of water	Council		6/7/99 or 6/21/99	6/21/99	
Council decision on extending or canceling moratorium effective July 5, 1999	Council	6/21/99		6/21/99	
Council conducts public hearing, considers options, selects long term water option and refers to voters for source and funding approval	Council	8/16/99	earliest 6/21/99 & latest 7/19/1999	6/21/99	
Review and if necessary change program to solve moratorium	Council	8/16/99	8/2/99		
Conduct/attend public meetings to explain water situation and long term water alternatives if needed	Council & staff	10/26/99	9/20/99		
WV citizens approve long term water supply source and revenue bonds for financing	Voters	11/2/99	9/21/99		
City oversizes and completes lines to Wilsonville reservoir adjacent to Tualatin reservoir for future interconnect to receive 2 MGD of Bull Run water for prison & Wilsonville	Mike	12/1/99			
Council cancels moratorium effective Jan 5, 2000 if TVWD is installing lines in Tualatin for connection to provide 2 MGD for prison & WV	Council	12/20/99			
Notice to MSA & Montgomery Watson by subregional participants to begin plant design and Construction	WWSA & WV	2/1/00			

Earliest End to Moratorium with September Election				
Schedule to Solve Water Moratorium				
Prison Option for Temporary Water				
Willamette River Water Treatment Plant for Long Term Water				
Schedule Adjusted for September 21, 1999 Election for Willamette Option				
7/12/99				
TVWD completes oversizing Tualatin lines to deliver 2MGD of water to Wilsonville for prison and City use	TVWD	4/1/01		
Completion of plant & pipeline construction	WWSA & Mike S	11/30/03		
Plant begins to serve water to WV and temporary Tualatin connection reverts to standby	Mike S.	12/1/03		