

ORDINANCE 02-239

AN ORDINANCE Relating to Sewer System Connections during the Mutual Assistance Order pendency in the City of Lakeside, Repealing Ordinance 02-235, as amended, and declaring an emergency.

WHEREAS, the City has identified that the Lakeside Sewer System (which includes the collection, treatment, disposal, and the storage and supply network) is a danger to the public health, safety and general welfare; and,

WHEREAS, the City Council held a public hearing on February 14, 2002 upon appropriate notice and took oral and written testimony with respect to a possible moratorium and received same into the record; and,

WHEREAS, the City Council has determined that it is in the public's interest to suspend all future connections to the Sewer system that would increase the burden on the Sewer system and adopted an Ordinance 02-235 and,

WHEREAS, the City Council has approved a facilities plan to ameliorate the problem creating the moratorium pursuant to ORS 197.530 at a public hearing for consideration and adoption of such a program.

WHEREAS, the City has provided the LCDC at least 14 days' notice of the time and date of the public hearing on the extension of the moratorium.

NOW THEREFORE, THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. The moratorium adopted by Ord. 02-235 is hereby repealed.

Section 2. The City has entered into a Mutual Agreement and Order (MAO) with the Oregon Department of Environmental Quality. As of September 1, 2002, the City has determined which properties were connected to the City's sewer system. All new connections to Permittee's sewage collection system may be authorized as outlined in the MAO.

Section 3. Application for connection. After the effective date of this ordinance, the owner of any non-connected property may submit an application for connection, along with any necessary connection fee, and all other development applications, permits, fee's, etc. to the city for consideration. Pending applications that meet all city standards will be stamped with a date, and shall await the next stage completion date outlined in the MAO. The City shall accumulate said connection applications until the next MAO step has been completed that authorizes the issuance of new connections. When the City is able, pursuant to the MAO to provide additional connections, the accrued completed applications, along with any permits, will be granted approval.

Section 4. Approval of connection. The City shall only approve the number of applications that meet the MAO allocation of EDU at each development stage. For example, if pending applications equal or are less than the authorized EDU load, then the City shall approve all pending applications. If pending applications exceed the authorized EDU load, then the City will need to decide which applications will be approved in this time frame. The City Council shall conduct a lottery to determine which applications will be approved. Any

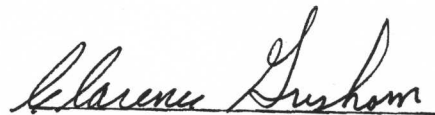
pending applications that are not approved shall be retained until the next MAO development stage.

Section 5. Emergency Clause. The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the Council and its approval by the Mayor.

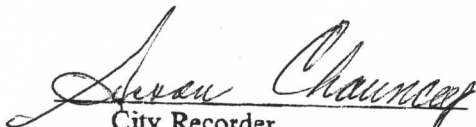
PASSED by the Council this 26th day of Sept, 2002.

APPROVED by the Mayor this 26th day of Sept, 2002.

Effective this 26th day of Sept, 2002.


Mayor

ATTEST:


City Recorder