

ORDINANCE NO. 1993

AN ORDINANCE AMENDING CPMC CHAPTER 17.60 BY ADDING PROVISIONS FOR INTERIM WATER SERVICE AND DEVELOPMENT STANDARDS FOR LANDS WITHIN THE TOLO AREA (CP-1B) URBAN RESERVE

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. On June 3, 2014, the Central Point Planning Commission recommended approval of a code amendment to CPMC Chapter 17.60 adding Interim Water Service and Development Standards.
- C. On July 24, 2014, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.
- D. Words ~~lined through~~ are to be deleted and words in **bold** are added.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Chapter 17.60 to add provisions for interim water service and development standards for lands within the Tolo Area (CP-1B) urban reserve.

Chapter 17.60

GENERAL REGULATION

Sections:

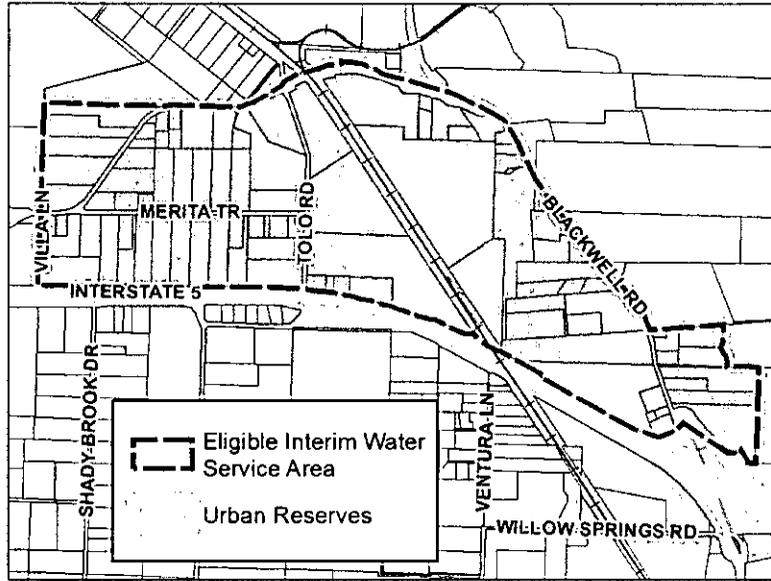
17.60.220 Interim Water Service and Development Standards

17.60.220 Interim Water Service and Development Standards.

A. **Purpose.** The purpose of this Section is to establish regulations permitting interim water service for new development within CP-1B where the municipal public water system cannot be immediately extended but where traded sector and support uses will produce economic growth and development.

B. **Applicability.** This Section shall apply exclusively to lands located within the area shown on the below map (the eligible lands) upon inclusion in the City's Urban Growth Boundary and annexation to the City. Nothing in this Section shall be construed to waive or otherwise interfere with the authority of the Oregon Water Resources Department, nor shall this ordinance prevent the repair or replacement of existing domestic wells which supply existing dwellings, nor shall it prevent the

issuance of well permits for residential uses where such land is under the jurisdiction of Jackson County and zoned to permit residential uses.



C. Interim Water Service Needs Agreement. Before eligible lands are included within the City's Urban Growth Boundary the owner of the land shall enter into an Interim Water Service Needs Agreement on forms that the City will provide which acknowledges that:

1. A public water system is not available and that it is the owners responsibility, at time of development, to demonstrate the owners ability to provide, both physically and financially, adequate private water service for the proposed development;
2. At such time as a public water system becomes available it will be the owner's responsibility, at the owner's sole cost and expense, to connect to the public water system; and
3. Prior to issuance of a Development Permit the owner will apply for and obtain an Interim Water Service Agreement pursuant to Subsection D.

D. Interim Water Service Agreement. At time of a development proposal the owner shall enter into an Interim Water Service Agreement with the City. The Agreement shall be entered into prior to final plat approval for a partition or subdivision, or the issuance of a building permit by the City, and shall demonstrate compliance with the following standards:

1. After consulting with Fire District #3, an Applicant for interim water service shall cause the preparation and submittal of engineered plans to Fire District #3. The engineered plans shall identify the minimum domestic and fire suppression water needs, the proposed water source, storage and distribution facilities necessary to meet the minimum water needs for both domestic use and fire suppression. The engineered plans shall be prepared by a qualified professional engineer licensed in Oregon that bears his/her professional stamp and seal and shall include an engineer's estimate of the cost to construct the water system per the approved engineered plans.

2. The engineered interim water service plans shall be submitted to Fire District #3 which will have sole authority to determine, on behalf of the City, whether the plans comply with the following standards and provided that reasonable and appropriate conditions may be attached by Fire District #3 to the approved plans :

a) **Minimum Water Source, Water Storage, and Water Pressure Standards.** The engineering plans shall comply with and be governed by Oregon law, including the 2010 Oregon Fire Code, as amended, with respect to water source, water storage, minimum water pressure for domestic and fire suppression purposes, and for any other matter concerning the engineering and delivery of interim water service pursuant to this Section. An applicant shall provide evidence sufficient from the Oregon Water Resources Department to establish a lawful right to use ground or surface water to supply interim water service.

Water Quality. Water supplied by groundwater for interim water service and which is intended for human consumption shall meet State of Oregon water quality standards for drinking water. Wells shall be tested annually for quality in accordance with Oregon law .

b) **Approval of Engineered Plans for Interim Water Service.** Fire District #3 shall approve the engineered plans when such plans are deemed to comply with the standards for service set forth in above Subsection (D)(2)(a). Fire District #3 will transmit a copy of the approved engineering plans and cost estimate to the City promptly following its approval, along with any conditions recommended to be incorporated into the Interim Water Service Agreement. The City may then enter into an Interim Water Service Agreement with the property owner.

3. As a condition of the Interim Water Service Agreement the Applicant shall be required to complete construction of the approved interim water system prior to issuance of a Certificate of Occupancy. Prior to issuance of a building permit or final plat the Applicant shall provide the City with verification by the Oregon Water Resources Department that the project is exempt, or has obtained the necessary permits from the Oregon Water Resources Department.

E. **Limitations on Interim Water Service.** Interim water service in accordance with this Section and as a prerequisite to the issuance of Development Permits shall only be approved for industrial, commercial and institutional uses and supporting uses thereof. Residential uses other than those in conjunction with permitted industrial, commercial and institutional uses, are not eligible to receive approval for interim water service. However, nothing in this Section shall be construed to prevent the repair or replacement of existing domestic wells which supply existing dwellings, nor shall it prevent the issuance of well permits for residential uses where such land is under the jurisdiction of Jackson County and zoned to permit residential uses.

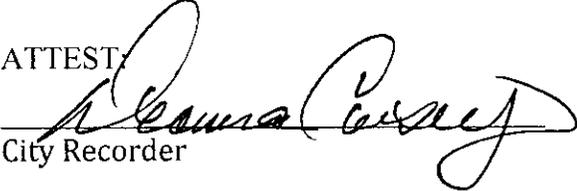
F. Duration of Interim Water Service. Once an Interim Water Service Agreement is approved by the City, interim water services may be installed, subject to approval by the Oregon Water Resources Department, by the owner and continued to be used in accordance with the terms of the Agreement and this Section until such time that:

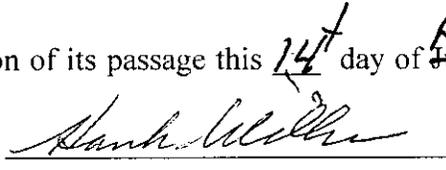
1. A permanent public water supply and delivery system is installed in the area and adequate water supply mains are located within 300 feet of any property authorized for interim water service or otherwise meets the requirements of the Central Point Municipal Code. At such time as a public water system is available the City will provide written notice to the owner who shall be required within ninety (90) days or such greater time as the parties may agree to properly abandon the interim water system, and connect to the public water system. Such connection shall be at the owner's sole cost and expense. It is further provided that nothing in this Section shall prevent the City, at its sole discretion, to permit the continued use of interim water for landscape irrigation or for any other lawful purpose after connection to a permanent public water system. Where it is proposed and lawfully permissible to interconnect the interim and public water systems, proper backflow prevention device(s) shall be installed; and
2. Additional development is proposed on the property, or additional off-site development that will jointly use the interim water system approved by the Agreement, at which time an amended Agreement will be required.

G. Shared Services. Authorized interim water service provided by one or more wells located on a parcel may be permissibly shared, subject to approval by the Oregon Water Resources Department, with other adjacent and nearby properties subject to an amended Interim Water Service Agreement, prepared in accordance with Section D that includes all affected properties.

H. Binding Agreement. Approval of an Interim Water Service Needs Agreement and an Interim Water Service Agreement by the City shall be in the form of a binding, civilly enforceable legal contract between the City and owner of the property for which interim water service approval is sought. Both the Interim Water Service Needs Agreement and the Interim Water Service Agreement shall be recorded and run with the land and be binding upon successors in interest. Upon connection to a public water system the Interim Water Service Needs Agreement and the Interim Water Service Agreement shall be terminated pending City's approval, after which the termination shall be recorded.

PASSED by the Council and signed by me in authentication of its passage this 14th day of August 2014.

ATTEST:

City Recorder


Mayor Hank Williams

Ordinance No. 1993 (081414)