

Moratorium on New Development in Banks Information

Who: The Banks City Council

What: On December 11, 2018 the Banks City Council declared a **Development Moratorium in the City of Banks Due to a Documented Shortage of Municipal Water Supply (Resolution No. 2018-19)** pursuant to ORS 197.505 to 197.540 and based upon the City Engineer August 7, 2018 report (www.cityofbanks.org/watermoratoriuminformation). The Banks City Council declared a Moratorium on new development and new water system connections.

Why: The City's supply of potable water is limited and the City is nearing the planned capacity of its water supply and utility. Without further measures to conserve and increase the current municipal water system capacity, peak water demand in the city will soon exceed the City's water supply capacity during the times of year when the supply is most limited.

The City Council received information from the City Engineer and the City's water system consultant (www.cityofbanks.org/watermoratoriuminformation) that documents the current system capacity during the summer high demand and low supply months (June through August).

The City has undertaken several measures and projects to prevent water system loss and to increase supply capacity, and is planning others, to increase its water system capacity to accommodate additional connections. These measures include a water line replacement for the City's water mains running down Sellers Road and Cedar Canyon Road, a comprehensive leak detection and repair program and the adoption of water conservation and curtailment measures. The water main replacement projects, however, will take at least one to two years to complete and it is not clear how many, if any, additional system connections these measures, collectively or individually, will produce.

Until the City's measures for increasing water system capacity are implemented and generate additional water system capacity, the City desires to preserve what little system capacity remains in the water system.

Exceptions to the Moratorium. Notwithstanding the foregoing development moratorium, proposals for the following development types are deemed to be critical to the City's economy and to meeting the City's need for affordable housing shall be exempt from this development moratorium:

- a. Any land use application for development that was submitted prior to the effective date of this moratorium.

b. Development applications for multi-family housing, including apartments condominiums and multi-family affordable housing projects, that propose minimum of 25 dwelling units, a maximum of 40 dwelling units, an incorporate and employ the water conservation measures in Banks Code of Ordinances Chapter 5.24. No more than three such qualifying development applications for multi-family housing shall be accepted, processed an approved during the pendency of this Development Moratorium, including any extensions thereof. In support of this exemption, the Council relies upon the portions of the City's Housing Needs Analysis, attached hereto as Exhibit B, which document a need for more affordable housing in the City.

c. Development applications for industrial uses on industrial or mixed-use zoned land that proposes to use no more than 5,000 gallons per day, and incorporate and employ the water conservation measures in Banks Code of Ordinances Chapter 5.24.

d. Any development that can provide a non-municipal source of water of sufficient quality to serve the new water demand created by the proposed development may submit and the city shall accept a land use application for purposes of verifying the use of the developer's water source for municipal purposes and verifying that the quantity of the developer's water source is sufficient to supply at least 75% of the water demand created by the prospective development. If these facts can be verified, the city may proceed to process and approve such a development. If these facts cannot be verified, the City shall suspend and may terminate or deny the application due to lack of sufficient water to serve the demand created by the proposed development.

When: Effective December 11, 2018

Adoption of a Water System Correction Program. Within 60 days of the adoption of the Moratorium, the City Engineer shall prepare and present to the City Council a Correction Program for adoption. The Program shall address and resolve the identified water system capacity problem.

Moratorium Duration. The Moratorium remains in effect for a period of 6 months following the date on which a Correction Program is adopted and may be renewed for successive 6-month periods as needed to prevent any exceedance of the City's water system capacity until such time as the City's Correction Program has increased water system capacity.

A copy of the Resolution can be found here (www.cityofbanks.org/watermoratoriuminformation) along with supporting documents.

If you have further questions please contact Jolynn Becker at 503-324-5112 or jbecker@cityofbanks.org