

ORDINANCE NO. 181

AN ORDINANCE IMPOSING A MORATORIUM ON LAND DEVELOPMENT PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR PARTITIONS, SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS IN THE CITY OF DUNES CITY, AND DECLARING AN EMERGENCY

The City of Dunes City Finds:

- A. The residents of Dunes City primarily rely upon the surface waters of Woahink and Siltcoos Lakes for their potable water; and
- B. The residents of Dunes City rely upon subsurface disposal systems to treat their sewage effluent; and
- C. Subsurface disposal system effluent contain nitrates and phosphorus that eventually migrate into groundwater and surface water sources, providing nutrients that enrich phytoplankton populations; and
- D. Nutrients are also introduced into surface waters through erosion and run-off.
- E. Woahink Lake is more susceptible to changes in water quality than any other lake in its watershed. Both Woahink and Siltcoos Lakes have experienced episodes of rapid growth of phytoplankton populations (algae bloom) in recent years; and
- F. Subsurface disposal system effluent also contains fecal coliform that can transmit water-borne disease; and
- G. Several cases of water-borne diseases, including *Plesiomonas shigelloides*, have been documented in Siltcoos Lake within the last year.
- H. A 1972 Lane County survey of septic tanks found that 26 percent of all tanks located within 100 feet of Woahink Lake were performing unsatisfactorily.
- I. It is a very difficult and slow process to rehabilitate the water quality of a lake that has been compromised. Dunes City's low land use density would exacerbate the cost of developing a distribution system for a water treatment facility.
- J. The *Dunes City Drinking Water Source Assessment and Potential Planning Strategies* report (December 2002) identifies sensitive area setbacks based upon risk of spill contamination, high soil erosion potential, high permeability of soils and high runoff potential.

NOW, THEREFORE,

THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Moratorium Adopted. In accordance with ORS 197.505 – 197.540, and based on the above findings, and the findings attached as Exhibit “A” hereto and incorporated herein by reference, the City adopts a moratorium on certain types of intensive land development located within the corporate limits of Dunes City and, consistent with the sensitive area setback identified by the *Dunes City Drinking Water Source Assessment and Potential Planning Strategies* report. Properties subject to the moratorium include those lands within 1,000 feet from water a body; soils that have slopes in excess of 16 percent and a K-factor (soil erodibility potential) greater than 0.25; soils identified in the USGS geologic map of Oregon as Recent Alluvial Deposits that have a high potential for groundwater recharge adjacent to streams; and soils mapped by the Natural Resources Conservation Service as being Class D. Except as herein provided, no new land use applications shall be accepted, processed or issued for partitions, subdivisions, and planned unit developments that include land subject to one or more of the above-listed four (4) factors.

Section 2. Exempted Development. Proposed partitions that meet the below-listed standards are exempt from this moratorium:

a. Development that proposes to augment the use of traditional septic tank and subsurface sewage disposal systems with a Sand filter, textile filter, or other similarly advanced treatment unit approved by the Oregon Department of Environmental Quality – approved alternative treatment technologies (ATTs) that have been certified by the NSF International and meet the performance standards and other requirements of OAR 340-071-0135; and

b. Development applications that are accompanied with the applicant’s agreement to comply with the temporary erosion control measures and procedures contained in Exhibit B, attached to this ordinance and included herein by reference; and

c. Development that demonstrates through site specific soil testing, development of phosphorous adsorption isotherms, and computations performed by an Oregon registered Professional Engineer that detectable levels of phosphorous in the soil from the proposed drainfield locations and configurations to the nearest surface water body (stream with a defined bed and bank or lake) will not occur for at least 100-years after installation of the system.

For purposes of this ordinance, demonstration that the required travel time for detectable levels of phosphorous in the soil at the point of concern will be met when computations show that less than one-half of the volume of soil within the soil section under consideration will be saturated with phosphorous (P) after the required time interval.

Computations include and shall show:

- A site plan showing proposed drainfield locations and orientation,
- The direction of groundwater flow;
- The assumed or minimum drainfield width relative to the direction of flow of groundwater;
- The design phosphorous loading rate from the wastewater system and justification for the design loading rate if less than 20 parts per million (ppm) total phosphorous;
- The adsorption capacity of the soil at the design loading rate in parts per million (ppm);
- The unit weight of soil;
- The assumed reaction depth and justification for the design reaction depth if greater than the lessor of half the distance from the bottom of the drainfield disposal line to the top of the permanent groundwater table or three (3) feet;
- The design hydraulic loading rate for systems serving more than one dwelling or uses other than for a single-family dwelling. A design hydraulic loading rate of 450 gallons per day (gpd) shall be utilized for a single-family residence.
- The time of travel to the nearest surface water body and;
- The rate of travel in feet per year for the movement of detectable phosphorous in the soil from the disposal system.

Section 3. Emergency Clause. That the matters contained herein concern the public health, welfare and safety and therefore, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its passage by the Common Council and approval by the Mayor.

Section 4. Expiration Date. This ordinance shall expire on September 9, 2006 at midnight unless otherwise provided by an ordinance extending the moratorium established herein, in accordance with ORS 197.530(2).

ADOPTED BY THE DUNES CITY COUNCIL THIS 12th DAY OF May, 2006.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

Sheldon Meyer, Mayor

Joanne Hickey, City Recorder