

## **CHAPTER 2.7 EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS**

### **Section 2.7.10 - BACKGROUND**

The process of annexing land to the City allows for the orderly expansion of the City and efficient, economical provision of public services and facilities. City Charter Section 51 allows Extension of Services outside the City limits only after a City Council public hearing and adoption of an ordinance approving the Extension. This Chapter contains criteria and procedures for use in considering Extension of Service requests. Services refer to City sanitary sewer, storm sewer and water services.

### **Section 2.7.20 - PURPOSES**

Review procedures for Extension of Services have been established to:

- a. Implement City Charter Section 52;
- b. Ensure that any Extension of Services complies with the Comprehensive Plan and other applicable City standards and policies;
- c. Reaffirm the City's policy that Annexation is the principal method of urbanization; and
- d. Expedite provision of services needed to alleviate an identified Health Hazard.

### **Section 2.7.30 - ELIGIBILITY FOR EXTENSION OF SERVICES**

City sanitary sewer, storm sewer, and water services may be extended outside the City limits only if the City Council finds that all of the following conditions exist:

- a. The property is within the City's Urban Growth Boundary;
- b. Service extension will not promote development of property in a manner inconsistent with the City's Comprehensive Plan;
- c. A Health Hazard exists on the subject property and extending City services is the most reasonable method of alleviating the Health Hazard; and
- d. The site cannot be annexed at this time, or the Annexation has been approved but has not yet taken effect.

### **Section 2.7.40 - EXCEPTIONS TO ELIGIBILITY OF EXTENSION**

The following are the exceptions to Section 2.7.30:

- a. Properties with a written commitment of service on record prior to passage of City Charter Amendment incorporating Section 52, obligating the City to furnish services outside the City limits; and

- b. Provision of water to the City of Philomath pursuant to contractual agreements.

## **Section 2.7.50 - PROCEDURES**

Extension of Service requests under Section 2.7.30 above shall be initiated and reviewed in accordance with the following procedures:

### **2.7.50.01 - Initiation of Request**

An Extension of Services request may be initiated by either:

- a. An application submitted by the property owner(s) or their authorized agent(s); or
- b. A majority vote of the City Council.

### **2.7.50.02 - Application Requirements**

An application for Extension of Services under the provisions of Section 2.7.30 shall include the items listed below. When the Director deems any requirement below unnecessary for proper evaluation of a proposed Extension of Services application, it may be waived.

- a. Consent to Annexation in a form suitable for recording with the Benton County Recorder and that meets the approval of the City Attorney;
- b. Map of the area to be serviced showing the relationship of the property to the Corvallis City limits and the Corvallis Urban Growth Boundary;
- c. Legal description of the property to be serviced and a boundary survey certified by a registered surveyor;
- d. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:
  - 1. All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;
  - 2. All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

3. Archaeological sites recorded by the State Historic Preservation Office (SHPO).
- e. Site plan indicating types and intensities of existing and proposed development, Watercourses, adjoining development, and the Significant Natural Features identified in “d,” above.
- f. Statement of the availability, capacity, and condition of existing water and sewer services.
- g. Statement indicating type and capacity of the proposed services and intended phasing of such services;
- h. Statement outlining the method and source of financing for proposed services;
- i. Statement from the Benton County Division of Environmental Health, the City Engineer, or the Oregon State Health Division declaring the specific nature and extent of the Health Hazard;
- j. Statement explaining why the subject property should not be annexed prior to the Extension of Services;
- k. Statement committing all service facilities required by the subject property to be built to City standards; and
- l. Brief narrative addressing compliance of the development with the Comprehensive Plan.

#### **2.7.50.03 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.7.50.04 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

#### **2.7.50.05 - Review Criteria**

Requests for Extension of Services outside of the City limits shall be reviewed to ensure consistency with the purposes of this Chapter, eligibility requirements in Section 2.7.30 above, policies of the Comprehensive Plan and other applicable policies and standards adopted by the City Council.

#### **2.7.50.06 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the request. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.7.50.07 - Action by the City Council**

Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance conditionally approving the Extension of Services. The Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.7.50.08 - Conditions of Approval**

Any ordinance for Extension of Services shall specify or limit Uses. In addition, the ordinance shall include appropriate Conditions of Approval, including the following:

- a. Extended City services shall be constructed in compliance with the City's adopted facility master plans;
- b. Extended City services shall be constructed in compliance with applicable City standards, regulations, and policies; and
- c. A non-remonstrance agreement for construction of municipal facilities shall be filed with the City Recorder.

#### **2.7.50.09 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings. The Notice of Disposition shall include a written statement of the hearing authority's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

### **2.7.50.10 - Effective Date**

The Extension of Service ordinance shall become effective 30 days after its passage by the Council and approval by the Mayor.

### **Section 2.7.60 - ENFORCEMENT**

In addition to the penalties listed in Chapter 1.3 - Enforcement, a violation of the provisions of this Chapter may result in the City terminating sewer and/or water services to the subject property.

