

JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY



Land Use Approval Extensions During Moratoria

Meeting Date: January 21, 2025
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 7
Staff Contact: Chloe Trifilio
Contact Telephone Number: 541-682-4247

ISSUE STATEMENT

The City may mitigate impacts of the current sanitary sewer moratorium on developments for which land use approval was granted prior to the establishment of the moratorium.

BACKGROUND

On May 1, 2024, the Department of Environmental Quality (DEQ) forwarded the City a draft MAO intended to replace the existing 2013 MAO between DEQ and the City. Both MAOs recognize the City's inability, at times, to comply with its National Pollutant Discharge Elimination System Waste Discharge Permit (NPDES Permit or the Permit.) NPDES Permits generally set effluent discharge limits. The most recent Permit, issued January 1, 2024, authorizes the City to construct and operate wastewater treatment facilities and discharge treated wastewaters into Flat Creek, subject to certain limitations and improvement timelines set in the Permit. An MAO with DEQ provides some flexibility under the issued Permit terms, settles identified future violations, and sets timeline benchmarks for identified public improvements.

During the ensuing negotiations with DEQ, the City has considered how to address the MAO's non-negotiable requirements. Of particular concern, the proposed MAO sets stringent facility connection limitations. Connections are limited to minimize increased pressure on the City's wastewater collection, treatment, and disposal system, thus reduce the likelihood of future violations. The originally proposed limit of 10 equivalent dwelling units (EDUs) connections has been increased to twenty (20). A few more connections are available each time an MAO task is completed – but each incremental increase is small (10 to 50 more connections). Connection limits continue unless and until required system improvements are completed. The anticipated term of the MAO is 10 years.

Based upon the July 3rd public Council memo, on July 9, 2024, Council directed staff to work with the City's legal counsel and City Engineer to initiate a sewer moratorium adoption process. On October 22, 2024, City Council adopted a resolution approving a moratorium on development pursuant to ORS 197.505 to 197.540 based on limited sanitary sewer capacity (Moratorium).

Junction City Municipal Code (JCMC) 16.05.040.D.2 "Effect of Approval" states:

“After such approval of the preliminary plan, the subdivider or partitioner may proceed with final surveying, subdivision or partition construction, and preparation of the final plat or map. Approval shall be effective for a period of two years, and if the final plat or map is not submitted to the secretary of the planning commission, under subsection (E) of this section, within such time, the preliminary plan shall be submitted again under subsection (A) of this section and the entire procedure provided thereafter shall be repeated for consideration of any changed conditions which may exist. Upon application, the approval of the preliminary plan may be extended for up to two years by the planning commission if the applicant is making progress on the subdivision plat application.”

JCMC 17.150.140 “Time limit on approved plans and permits” states:

“All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the planning commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation have occurred. [Ord. [1266](#) § 2 (Exh. B), 2021; Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [975](#) § 2, 1993; Ord. [950](#) § 119, 1991.]”

Land use decisions are generally subject to the one-year time limit and can be granted a two-year extension, which is a total of three years. Preliminary subdivision applications receive an initial approval timeline of two years and may be extended two years for a total of four years. There are several such subdivision applications that have received preliminary approval within the last two years and are in their effective approval period. Although two-year extensions may be acquired, this may not cover the anticipated length of the Moratorium.

Staff has been directed by City Council to prepare an ordinance allowing the extension of active land use approvals that may expire during the Moratorium. The Draft Ordinance (attached) provides certain criteria, and an application and approval process to allow for the extension of certain land use approvals. The proposed criteria are as follows:

- a. An owner whose property received an approval granted under the City’s Development Code on an application prior to October 22, 2024 and which has not yet expired, may apply for and be granted an extension of up to two years from the approval’s expiration date.
- b. If approved, the period of extension will be added to the current expiration date for the underlying approval.
- c. Extensions granted under this Ordinance are in addition to any other extension which may be available under the City’s Development Code, including but not limited to JCMC 16.05.040(D)(2) and 17.150.140.
- d. Any extension approved pursuant to this Ordinance or otherwise under the Development Code does not preclude an owner from requesting additional extensions hereunder, so long as a moratorium on development pursuant to ORS 197.505 to 197.540 remains in effect within the City.

The draft ordinance also calls for a Type I application to be submitted in order to review the criteria listed above. The application would have no associated fee.

COMMITTEE REVIEW

This item was not reviewed by any committee.

RELATED CITY POLICIES

- *JCMC Title 16, Subdivisions*
- *JCMC Title 17, Zoning and Land Use*

LEGAL REVIEW

This AIS was drafted by the City's general legal counsel and modified by the City Planner.

SUGGESTED MOTION

"I make a motion to recommend to City Council [approval/denial] [as amended] of the Ordinance allowing the extension of land use approval timelines during the moratorium."

ATTACHMENTS

1. Proposed Final Order
2. Draft Ordinance & Findings of Fact

FOR MORE INFORMATION

Staff Contact: Chloe Trifilio, Associate Planner (LCOG)
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Staff E-Mail: Ctrifilio@lcog.org

**FINAL ORDER OF THE
JUNCTION CITY PLANNING COMMISSION
(AMD-24-40), ORDINANCE FOR EXTENSION OF APPROVALS**

A. THE JUNCTION CITY PLANNING COMMISSION FINDS THE FOLLOWING:

- a. To ensure compliance with a Mutual Agreement and Order (MAO) between the City and the Department of Environmental Quality (DEQ), the City passed Resolution No. 1327 on October 22, 2024, declaring a moratorium on development pursuant to ORS 197.505 to 197.540, based upon limited sanitary sewer capacity (the Moratorium):
- b. At the November 12, 2024, regular City Council meeting, Staff was directed to prepare an ordinance allowing the extension of active land use approvals that may expire during the Moratorium.
- c. Staff proceeded to develop an ordinance that would provide for certain criteria, and an application and approval process to allow for the extension of certain land use approvals that may expire during the Moratorium (Ordinance for Extension of Approvals).
- d. On December 4, 2024, the Department of Land Conservation and Development (DLCDD) was properly provided notice of the proposed Ordinance for Extension of Approvals.
- e. Notice of the public hearing on the Ordinance for Extension of Approvals was advertised in the Register Guard on December 23, 2024, mailed to interested parties on December 19, 2024, and posted on December 19, 2024, consistent with Chapter 17.150.080.
- f. The Junction City Planning Commission held a public hearing on January 21, 2025 and took testimony on the matter, in accordance with JCMC Chapter 17.150.070(4) and considered all material relevant to the Ordinance for Extension of Approvals that have been submitted by staff and the general public regarding this matter and have determined that the intent of the Ordinance is consistent with the requirements of the Junction City Municipal Code and Oregon Statewide Planning Goals.
- g. Upon application by the property owner, the proposed Ordinance for Extension of Approvals will allow the City to extend approval granted under the City's Development Code prior to October 22, 2024, which may expire during the City's Moratorium if specific criteria laid out in the Ordinance for Extension of Approvals are met.
- h. The proposed Ordinance for Extension of Approvals is consistent with applicable Oregon Statewide Planning Goals as described below.

- B. IT IS HEREBY ORDERED THAT the Junction City Planning Commission recommends approval the Ordinance for Extension of Approvals based on the following findings of fact:**

Approval criteria are listed in bold. Findings addressing criteria, condition of approval and informational items included where appropriate.

OREGON STATEWIDE PLANNING GOAL COMPLIANCE

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding 1: This goal will be met by compliance with the adopted notification and hearing processes under Junction Municipal Code Sections 17.150.070 and 17.150.080. Notice was sent to DLCD on December 4, 2024. Notice was advertised in the Register Guard on December 23, 2024, and sent by mail to interested parties on December 19, 2029, and posted on December 19, 2024. Staff finds the notice and public hearing process as outlined in JCMC Title 17 has been followed and compliance with Statewide Planning Goal 1 met.

Goal 2 - Zoning: Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding 2: This extension process will continue to validate an applicant's original approval and will remove uncertainty surrounding specific development and financing needs, while maintaining desired community outcomes. The proposed Ordinance for Extension of Approvals shows that the City is continuing to seek alternative actions during the Moratorium. The extension process validates the City's decision-making to mitigate the negative economic impact on the City's housing and economic goals, while providing the continued support to the development community's economic interest in Junction City. Nothing in the proposal contradicts any language in the City's comprehensive plan. Staff finds that Goal 2 land use requirements related to the Ordinance for Extension of Approvals are met.

Goal 9 - Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding 3: The proposed Ordinance for Extension of Approvals will assist with economic development growth which is critical to meet future City economic development needs, as outlined in the City's Chapter 4: Economic Development Element of the Junction City 2012 Comprehensive Plan). The extension process provides an efficient way for applicants with certain approvals which are approaching expiration to preserve and resume their development activities, thus encouraging more cost-effective development of land. This meets the City's

economic development needs, as well as reduces administrative strain on local planning authorities and private landowners. Staff finds that Goal 9 economic development requirements related to the Ordinance for Extension of Approvals are met.

Goal 10 - Housing: To provide for the housing needs of citizens of the state.

Finding 4: The proposed Ordinance for Extension of Approvals will assist with growth of housing supply which is critical to meet future housing demand as outlined in Chapter 9: Housing Element of the Junction City 2012 Comprehensive Plan. The extension process provides an efficient way for applicants with certain approvals which are approaching expiration to preserve and resume their development activities. This encourages more cost-effective development of land to meet the City's housing needs, as well as reduces administrative strain on local planning authorities and private landowners. Staff finds that Goal 10 housing requirements related to the Ordinance for Extension of Approvals are met.

Goal 11 - Public Facilities and Services: to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding 5: The City's comprehensive plan contains an acknowledged Goal 11 element that contains policies to ensure sufficient and adequate public services are available (or will be available as appropriate) to serve lands within the UGB. The proposed Ordinance for Extension of Approvals does not authorize any increase in development other than those projects which have already been reviewed, therefore, no negative impact on public facilities is expected as a result of any granted extensions. The extension process will not violate the Moratorium and will not place any additional burdens on the City's sanitary sewer treatment system over what is already anticipated. The City has previously determined that all approved applications eligible for extension satisfy the requirements of the Junction City Municipal Code. Staff finds that Goal 11 public facilities and service requirements related to the proposed Ordinance for Extension of Approvals are met.

Signature:

Jeff Haag, Junction City Planning Commission Chair

Date:

ORDINANCE NO. _____

AN ORDINANCE ALLOWING EXTENSIONS OF DEVELOPMENT APPROVALS THAT COULD EXPIRE DURING CITY'S DEVELOPMENT MORATORIUM

WHEREAS, to ensure compliance with a Mutual Agreement and Order (MAO) between the City and the Department of Environmental Quality (DEQ), the City passed Resolution No. 1327 on October 22, 2024, declaring a moratorium on development pursuant to ORS 197.505 to 197.540, based upon limited sanitary sewer capacity (the Moratorium); and

WHEREAS, while the City is working diligently to address the underlying causes of the Moratorium, the duration of the Moratorium is anticipated to extend for several years; and

WHEREAS, the City recognizes that the Moratorium has created uncertainty for developers and contractors related to development timelines and permit issuance; and

WHEREAS, the City recognizes that property owners who submitted development applications prior to the Moratorium have invested significant resources to obtain those approvals and, subsequently, in reliance on those approvals; and

WHEREAS, City land use and limited land use approvals granted under Junction City Municipal Code (JCMC) Titles 16 and 17 (Development Code) prior to Moratorium adoption run the risk of expiring before the need for the Moratorium is resolved by increasing City sewer capacity; and

WHEREAS, the City desires to mitigate the impacts of the Moratorium on such approved development; and

WHEREAS, the City Council, therefore, finds that it is just and equitable to allow for the extension of the expiration date of such development approvals so that those developments may proceed through construction to final plat to the extent possible under and following the MAO and Moratorium; and

WHEREAS, the City Council finds that allowing the extension of such approvals will: 1) stimulate responsible and needed development within the City of Junction City to the extent possible under the MAO and Moratorium; 2) help address the state's current housing crisis; 3) enable property owners to recoup their investments; and 4) reduce the amount of staff time necessary to review these projects a second time, if the land use approvals expired and new approvals were required.

NOW, THEREFORE, THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. Moratorium Extension and Applicable Criteria.

- a. An owner whose property received an approval granted under the City's Development Code on an application prior to October 22, 2024 and which has not yet expired, may apply for and be granted an extension of up to two years from the approval's expiration date.
- b. If approved, the period of extension will be added to the current expiration date for the underlying approval.

- c. Extensions granted under this Ordinance are in addition to any other extension which may be available under the City’s Development Code, including but not limited to JCMC 16.05.040(D)(2) and 17.150.140.
- d. Any extension approved pursuant to this Ordinance or otherwise under the Development Code does not preclude an owner from requesting additional extensions hereunder, so long as a moratorium on development pursuant to ORS 197.505 to 197.540 remains in effect within the City.

Section 2. Approval Process.

- a. The Public Works Director will review an extension requested under Section 1 of this Ordinance as a Type I Administrative Decision under JCMC 17.150.070(A)(1)
- b. Such extension requests shall be approved, subject to the applicant meeting the clear and objective criteria set forth in Section 1 of this Ordinance and submittal of the necessary application established in Section 3.
- c. Any approvals issued pursuant to this Ordinance are not subject to appeal under JCMC 17.150.070(A)(1)(c).

Section 3. Extension Application.

An application for the extension of development approval authorized by this Ordinance shall be a Type I Extension Application, which includes:

- 1. A written narrative identifying the underlying development approval and providing any other information the applicant wishes the City to consider;
- 2. Application number;
- 3. Date of original application approval;
- 4. Date(s) of any prior approval extensions;
- 5. Current expiration date;
- 6. Property owner information; and
- 7. The requested length of extension.

Section 4. The Council adopts the findings set forth in the recitals and the attached Exhibit A, which are both incorporated herein by this reference, as support for this Ordinance.

Section 5. This Ordinance will go into full force and effect on the ____ day of _____ 2025.

Read in full for its first reading on the ____ day of _____, 2025.
 Read by title only, for its second reading this ____ day of _____, 2025.
 Passed by vote of the Council this _____, day of _____, 2025.

Approved by the Mayor this ____ day of _____, 2025.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Ken Wells, Mayor

**JUNCTION CITY
CITY COUNCIL
PROPOSED FINDING OF FACT**

Extensions of Land Use Approvals that could Expire During City's Development Moratorium

GENERAL FINDINGS

1. To ensure compliance with a Mutual Agreement and Order (MAO) between the City and the Department of Environmental Quality (DEQ), the City passed Resolution No. 1327 on October 22, 2024, declaring a moratorium on development pursuant to ORS 197.505 to 197.540, based upon limited sanitary sewer capacity (the Moratorium):
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8. The proposed Ordinance for Extension of Approvals is consistent with applicable Oregon Statewide Planning Goals as described below.

APPROVAL CRITERIA and PROPOSED FINDINGS

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Finding 1: This goal will be met by compliance with the adopted notification and hearing processes under Junction Municipal Code Sections 17.150.070 and 17.150.080. Notice was sent

to DLCD on December 4, 2024. Notice was advertised in the Register Guard on December 23, 2024, and sent by mail to interested parties on December 19, 2029, and posted on December 19, 2024. Staff finds the notice and public hearing process as outlined in JCMC Title 17 has been followed and compliance with Statewide Planning Goal 1 met.

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have already been reviewed, therefore, no negative impact on public facilities is expected as a result of any granted extensions. The extension process will not violate the Moratorium and will not place any additional burdens on the City's sanitary sewer treatment system over what is already anticipated. The City has previously determined that all approved applications eligible for extension satisfy the requirements of the Junction City Municipal Code. Staff finds that Goal 11 public facilities and service requirements related to the proposed Ordinance for Extension of Approvals are met.

Planning Commission Recommendation

The Planning Commission recommended approval of the Ordinance for Extension of Approvals at its January 21, 2025, meeting.