

## **RESOLUTION NO. 758**

**A RESOLUTION EXTENDING MUNICIPAL SEWER SERVICE TO 1570 N.E. TERRITORIAL ROAD (TAX LOT 300 OF TAX MAP 3-1E-27 LOCATED OUTSIDE OF THE CANBY CITY LIMITS AND URBAN GROWTH BOUNDARY), PURSUANT TO OAR 660-011-0060 IN ORDER TO ABATE A PUBLIC HEALTH HAZARD.**

**WHEREAS**, a residence owned by Three Sisters Ranch, LLC, is located at 1570 N.E. Territorial Road. The residence is located in Clackamas County, Oregon, but is immediately adjacent to the corporate limits and urban growth boundary of the City of Canby; and

**WHEREAS**, on July 10, 2001, Clackamas County Soil Scientist, Richard L. Polson, acting as an agent for the Department of Environmental Quality, evaluated the current sanitary sewer system located at the residence and determined that the on-site septic system had failed and poses a public health hazard which must be abated; and

**WHEREAS**, Clackamas County denied the owner's request to repair the failed septic system due to the fact that the subject property is located within 300 feet of an existing community sanitary sewer owned and operated by the City of Canby as set forth by the State of Oregon On-Site Sewage Disposal Rules, OAR 340-71-100 to 600; and

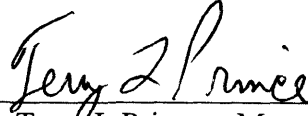
**WHEREAS**, Esther Andrus Nelson, on behalf of the Three Sisters Ranch, LLC has requested that the City of Canby allow them to connect to the municipal sewer system in order to abate the health hazard; and

**WHEREAS**, OAR 660-011-0060 (4) allows a local government to extend sewer services to properties outside of, but adjacent to its corporate limits and urban growth boundary where DEQ has determined a health hazard exists caused by sewage from a failing system and there is no practicable alternative to connecting to municipal system; and

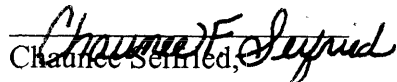
**WHEREAS**, Richard Polson, acting as agent for DEQ, determined in a letter dated July 10, 2001, that a health hazard exists on the subject property and referred the owners to the City of Canby for connection to its sanitary sewer system; now therefore,

**BE IT RESOLVED** that the residence located at 1570 N.E. Territorial Road is permitted and directed to connect to the City of Canby sanitary sewer system. Location of the connection to the City sewer shall be approved by the Public Works Director and the property owner shall pay any and all fees associated with the hook up, including, but not limited to, applicable system development charges, inspection fees, and ongoing utility bills.

ADOPTED this 1<sup>st</sup> day of August, 2001, by the Canby City Council

  
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Terry L Prince – Mayor

ATTEST:

  
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Chauncey Seim, Pro-Tem  
City Recorder, Pro-Tem