

9.8121 **Extra-Territorial Extension of Water or Sewer Service – Procedures and Approval Criteria.** The city council shall hold a public hearing to consider an application for an extra-territorial extension of water or sewer service.

(1) Notice of the public hearing shall be:

(a) Mailed at least 30 days prior to the public hearing to:

1. The applicant;
2. Owners and occupants of properties located within 750 feet of the perimeter of the subject property; and
3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property and any neighborhood group or community organization officially recognized by the city council for the area that is located within 750 feet of the perimeter of the subject property

(b) Published in a local newspaper with general circulation at least 20 days prior to the public hearing; and

(c) Posted on the property that is the subject of the application in a location clearly visible from adjacent streets.

(2) The city council shall adopt a resolution approving or denying the application. The city council's decision is final, and shall be based on compliance with the following criteria:

- (a) The property proposed for service is located within the city's urban growth boundary, is located within the property boundaries of the Mahlon Sweet Airport, or, for purposes of water extension only, Lane Community College;
- (b) In no case shall the city extend services extra-territorially to a property that could, instead, be annexed. Further, to receive extra-territorial water or sewer service an applicant must demonstrate the inability to satisfy either EC 9.7825(2) or (3);
- (c) The applicant has entered into an annexation agreement on forms provided by the city pertaining to the property proposed to be served or will enter into such an annexation agreement as a condition of approval;
- (d) The property proposed for service is not vacant;
- (e) The provision of service will not prolong uses which are nonconforming uses under the Eugene Code, 1971;
- (f) In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;
- (g) The proposed extension is consistent with adopted resolutions, policies, plans and ordinances concerning extra-territorial extensions; and
- (h) Even if a proposed extension is inconsistent with the criteria above, the city may approve an extra-territorial extension of water or sewer service consistent with adopted city resolutions, policies, plans and ordinances:
 1. Where a communicable disease hazard exists and the extension is the only practical remedy; or
 2. To property within a dissolved water district within which EWEB is providing service to some properties.

(Section 9.8121 added by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008; and amended by Ordinance No. 20411, enacted June 9, 2008, effective July 11, 2008.)