

W-8-a

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1191 (IN THE MATTER OF ADOPTING AMENDMENTS TO THE
(RURAL COMPREHENSIVE PLAN AND THE COBURG
(COMPREHENSIVE PLAN TO ENLARGE THE COBURG
(URBAN GROWTH BOUNDARY AND REDESIGNATE
(AFFECTED LANDS FROM A RURAL COMPREHENSIVE
(PLAN DESIGNATION OF AGRICULTURAL LANDS TO A
(CITY PLAN DESIGNATION OF PARK, RECREATION AND
(OPEN SPACE AND REZONE THESE AFFECTED LANDS
(FROM A LANE CODE CHAPTER 16 DISTRICT OF EFU-40
(TO A LANE CODE CHAPTER 10 DISTRICT OF PUBLIC
(RESERVE; ADOPTING SAVINGS AND SEVERABILITY
(CLAUSES; AND DECLARING AN EMERGENCY (File PA
(03-5277; City of Coburg)

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance 872, has adopted policies and provisions of the Coburg Comprehensive Plan; and

WHEREAS, land within the Urban Growth Boundary of the Coburg Comprehensive Plan but outside the City limits are within the political jurisdiction of Lane county, and are subject to County-adopted application of City Plan designations and County zoning provisions as set forth in Chapter 10, Lane Code; and

WHEREAS, in May 2003, the City of Coburg adopted an amendment to the City Comprehensive Plan adding land to the City Urban Growth Boundary; and

WHEREAS, the City of Coburg has requested Lane County action in co-adopting these amendments to achieve city-county coordination of land use planning within the City Urban Growth Boundary, in the form of Lane County's removal of land from the planning jurisdiction of the Rural Comprehensive Plan and placement of it within the Coburg Urban Growth Boundary, and application of a City Plan land use designation and the zoning provisions of Lane Code Chapter 10 to land added to the Urban Growth Boundary; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on July 1, 2003, and recommended approval of the proposed amendments; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapters 10, 12 and 16 and the requirements of applicable state and local law and

WHEREAS, the Board of County Commissioners has conducted public hearings and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

IN THE MATTER OF ADOPTING AMENDMENTS TO THE RURAL COMPREHENSIVE PLAN AND THE COBURG COMPREHENSIVE PLAN TO ENLARGE THE COBURG URBAN GROWTH BOUNDARY AND REDESIGNATE AFFECTED LANDS FROM A RURAL COMPREHENSIVE PLAN DESIGNATION OF AGRICULTURAL LANDS TO A CITY PLAN DESIGNATION OR PARK, RECREATION AND OPEN SPACE AND REZONE THESE AFFECTED LANDS FROM A LANE CODE CHAPTER 16 DISTRICT OF EFU-40 TO A LANE CODE CHAPTER 10 DISTRICT OF PUBLIC RESERVE; ADOPTING SAVINGS AND SEVERABILITY CLAUSES; AND DECLARING AN EMERGENCY (File PA 03-5277; City of Coburg)

Section 1. The Lane County Rural Comprehensive Plan is amended by removal of territory from its planning jurisdiction, such territory being further identified on Plan Plot 380, identified as Exhibit "A" attached and incorporated herein, and Zoning Plot 380, identified as Exhibit "B" attached and incorporated herein and clarified by Exhibit "C," attached and incorporated herein.

Section 2. The Coburg Comprehensive Plan, as amended, is further amended by the addition of territory removed from the Rural Comprehensive Plan, placed within the Urban Growth Boundary of the City Plan, and redesignated with a City Plan designation of "Park, Recreation and Open Space" and rezoned with a Lane County Code Chapter 10 zoning designation of "PR/ Public Reserve (LC 10.125), as identified on attached Exhibit "C" attached and incorporated herein.

Section 3. The prior designation and zone repealed by this Ordinance remain in full force and effect to authorized prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the remaining portions hereof.

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately upon adoption.

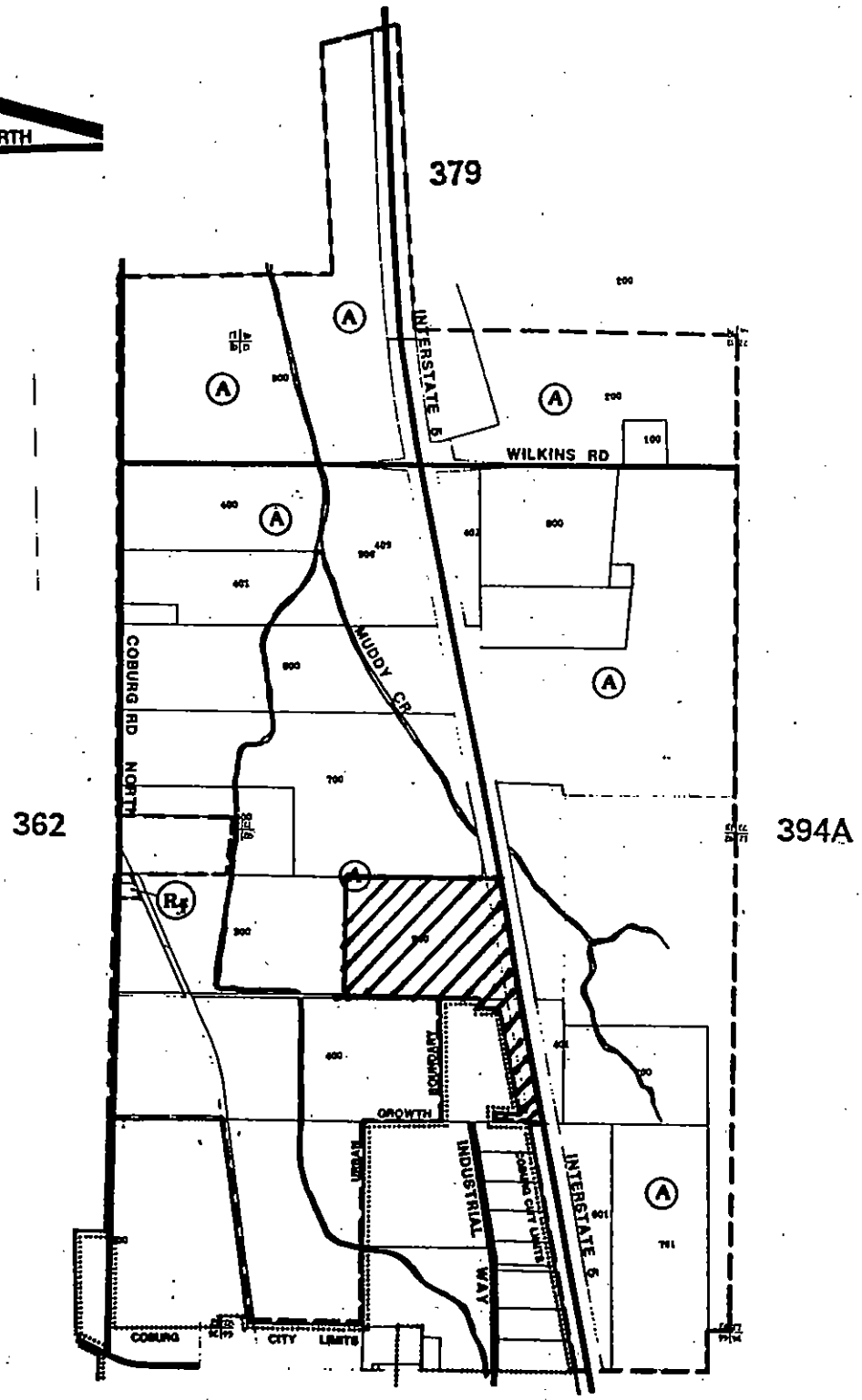
FURTHER, although not a part of this Ordinance except as described above, the Board of County Commissioners adopts Findings as set forth in Exhibit "D" attached, in support of this action.

ENACTED this 30th day of July, 2003

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

IN THE MATTER OF ADOPTING AMENDMENTS TO THE RURAL COMPREHENSIVE PLAN AND THE COBURG COMPREHENSIVE PLAN TO ENLARGE THE COBURG URBAN GROWTH BOUNDARY AND REDESIGNATE AFFECTED LANDS FROM A RURAL COMPREHENSIVE PLAN DESIGNATION OF AGRICULTURAL LANDS TO A CITY PLAN DESIGNATION OR PARK, RECREATION AND OPEN SPACE AND REZONE THESE AFFECTED LANDS FROM A LANE CODE CHAPTER 16 DISTRICT OF EFU-40 TO A LANE CODE CHAPTER 10 DISTRICT OF PUBLIC RESERVE; ADOPTING SAVINGS AND SEVERABILITY CLAUSES; AND DECLARING AN EMERGENCY (File PA 03-5277; City of Coburg)



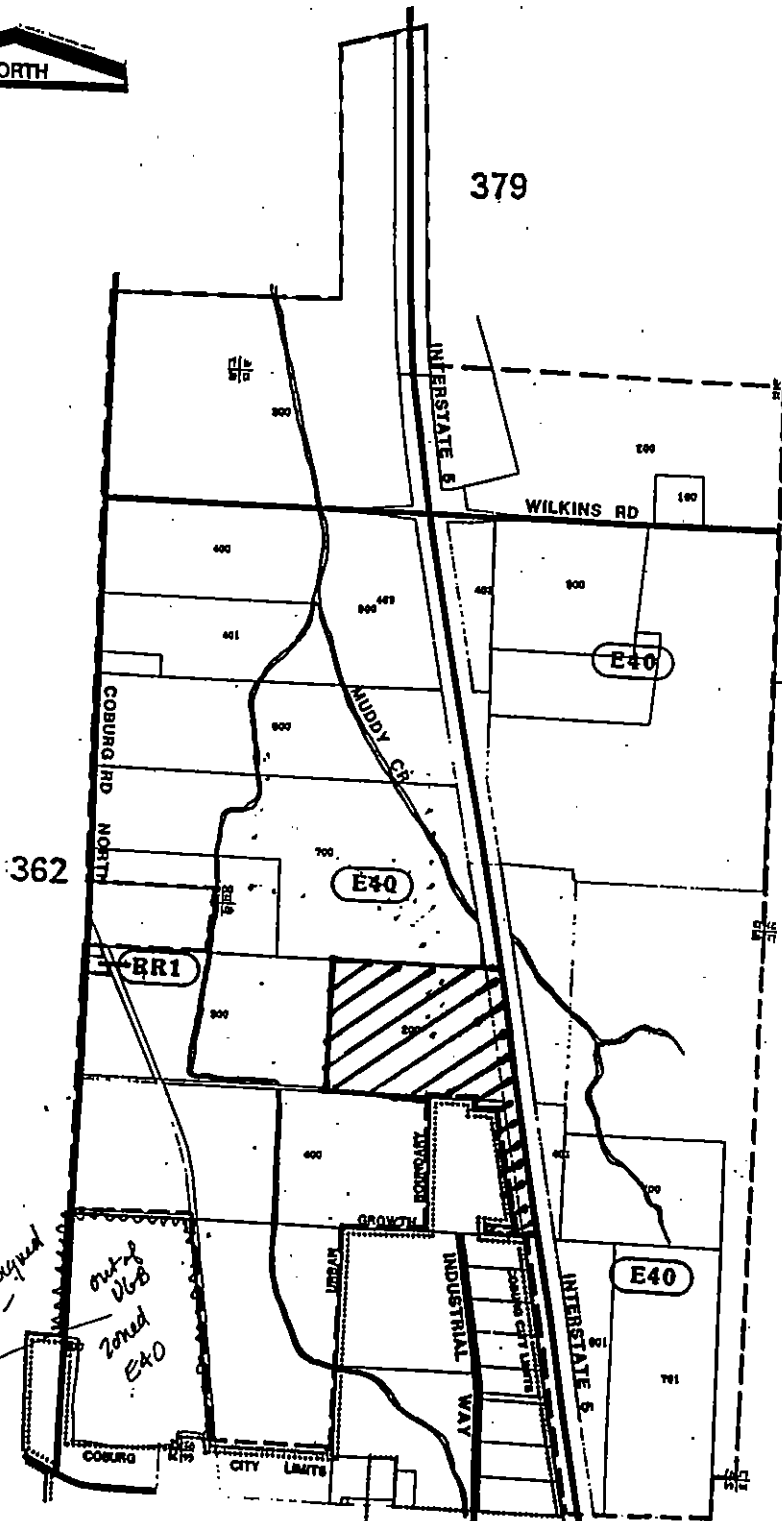
OFFICIAL PLAN MAP **PLOT# 380**

Township Range Section
16 03 21 / 16 03 28 ()

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____
REVISION # _____ ORD. # _____ DATE _____ FILE # _____



*Land slated for
conversion -
11/2/98
out of
zoned
E40*



lane county



OFFICIAL ZONING MAP

PLOT # 380

Township Range Section

16 03 21

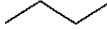


16 03 28

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____

REVISION # _____ ORD. # _____ DATE _____ FILE # _____

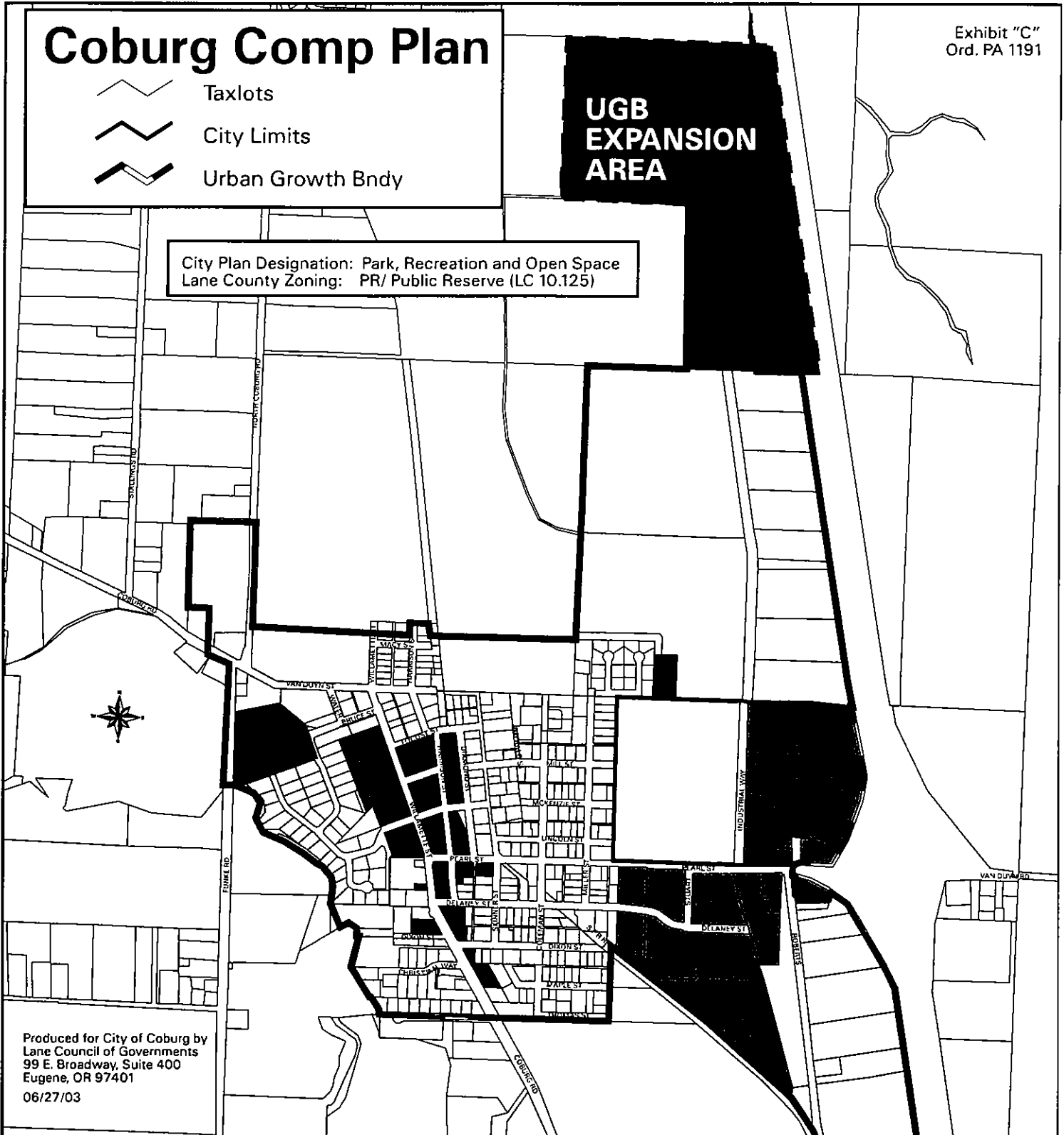
Coburg Comp Plan

Exhibit "C"
Ord. PA 1191

-  Taxlots
-  City Limits
-  Urban Growth Bndy

**UGB
EXPANSION
AREA**

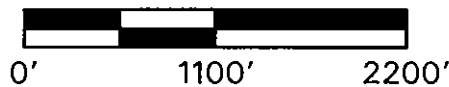
City Plan Designation: Park, Recreation and Open Space
Lane County Zoning: PR/ Public Reserve (LC 10.125)



Produced for City of Coburg by
Lane Council of Governments
99 E. Broadway, Suite 400
Eugene, OR 97401
06/27/03

-  Residential District
-  Central Business District
-  Highway Commercial District
-  Light Industrial District
-  Park, Recreation,
Open Space District
-  Public Water Service

Scale: 1" = 1100'



The information on this map was derived from digital databases on Lane Council of Governments' regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". LCOG cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, express or implied, accompanying this product. However, notification of any errors will be appreciated.

FINDINGS IN SUPPORT OF ADOPTION OF ORDINANCE PA 1191

PLAN AMENDMENT

1. Lane Code 12.050(5)(b) Rural Comprehensive Plan Amendment

Changes in the Lane County Rural Comprehensive Plan are evaluated through the application of the criteria of LC 12.050(5)(b) and the Statewide Planning Goals.

12.050 Method of Adoption and Amendment.

- (1) *The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.*
- (2) *The Board may amend or supplement the comprehensive plan upon a finding of:*
 - (a) *an error in the plan; or*
 - (b) *changed circumstances affecting or pertaining to the plan; or*
 - (c) *a change in public policy; or*
 - (d) *a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.*

At the time of the adoption of the Coburg Comprehensive Plan, residents of the City of Coburg relied upon subsurface sewage disposal systems for the treatment of waste. City Council has since determined that it must develop a sewage treatment system to protect the groundwater in and around the City. The City adopted a Wastewater Facilities Plan in September of 1999. This Plan, hereinafter referred to as the *City of Coburg Wastewater Facilities Plan (2003)*, was amended in April of 2003, to identify tax lot 203 as the site for the first phase of the sewage treatment facility. Criterion 12.050(2)(b) is therefore relevant criterion as circumstances have changed that require an amendment to the Coburg Comprehensive Plan Diagram/Urban Growth Boundary. This change in circumstance affects the Rural Comprehensive Plan as jurisdiction over the property will pass to the Coburg Comprehensive Plan with the approval of the proposed plan amendment.

2. Lane Code 16.400(6)(h)(iii) Method of Adoption and Amendment

The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

- (aa) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local state law, including Statewide Planning Goals and Oregon Administrative Rules.*
- (bb) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment is:*
 - (ii-ii) *necessary to fulfill an identified public or community need for the intended result of the component or amendment;*

The identified public or community need is the need to reduce the pollution of the groundwater around the City of Coburg with nitrates and other substances associated with subsurface waste disposal. This need has been documented by the Oregon Department of Environmental Quality which is currently in the process of considering the region around Coburg as a designated Groundwater Management Area.

3. Coburg Zoning Ordinance No. A-133, Article X.G.2: Comprehensive Plan Amendment Criteria

In reaching a decision on the Comprehensive Plan Amendment proposal, the Planning Commission and City Council shall adopt findings in consideration of the following:

- a. ***Conformance with goals and policies of the Plan or demonstration of change in circumstance which would necessitate a change in the goal and/or policies.***

There had been a change in circumstances that necessitates a change in the plan. When the Comprehensive Plan was originally developed, a wastewater treatment facility was not contemplated. Due to the concerns about nitrate levels in the groundwater and other factors, the City committed to construction of a wastewater treatment facility. The following policies in the Comprehensive Plan indicate that wastewater treatment facilities were not considered and demonstrates a change in circumstance that necessitates a change in the plan to allow for expansion for the treatment facility.

Sanitary Facilities (page 19)

Policy 5: Community residential and commercial sewage disposal needs will continue to be met on an individual basis utilizing subsurface disposal systems (septic tanks).

Policy 6: Community industrial sewage disposal needs will be met either through the use of subsurface disposal systems or where soil conditions do not permit septic tanks, through the use of other means as defined in the Coburg Sewerage Facilities Plan Addendum.

Policy 7: The City will encourage proper maintenance of subsurface sewage disposal systems by developing a city-wide public information program and septic maintenance program

The *City of Coburg Wastewater Facilities Plan (2003)* has recognized that development pressures, particularly in the industrial park, have overwhelmed the approach of using On-Site Subsurface Sewage Disposal Management systems, and that a city-wide sewer system is necessary.

- b. ***Citizen review and comment.***

Citizens have adequate review and comment for this proposal through the notification and public hearing procedures and processes. Notification was provided to all property owners within 300 feet of the subject properties during the City of Coburg's review of the amendment and the Coburg Planning Commission and Coburg City Council each held a public hearing on the plan amendment.

Property owners within 300 feet of the subject property were notified of the application before Lane County to ratify the amendment to the Coburg Comprehensive Plan and to rezone the subject property from E-40 Exclusive Farm Use to PR Public Reserve. A public hearing was held by the Lane County Planning Commission and the Lane County Board of Commissioners on this proposal.

- c. ***Applicable Statewide Planning Goals.***

Goal 1: Citizen Involvement: Numerous public hearings, public work sessions and public meetings have been held on the sewer project. The proposed Plan amendment will be reviewed at a public hearing before the Coburg and Lane County Planning Commissions and the Coburg City Council and the Lane County Board of Commissioners.

Goal 2: An exception must be taken to Goal 3 for this plan amendment. The property is currently designated under the Lane County Rural Comprehensive Plan for agricultural use, and is currently in use for the production of grass seed.

For reasons discussed elsewhere in this application, Coburg must develop a wastewater treatment system. The current on-going contamination of the groundwater is the primary reason for Coburg's actions, although the mandates of other policies, including policies in Goal 9, 10, 11 and 14 also encourage the development of a wastewater system to serve the current City of Coburg. The facility proposed for development to serve Coburg is an advanced facultative lagoon system, approved by the DEQ. To adequately serve the City of Coburg as it now exists and is projected to grow, the

facility needs approximately 50 acres of land. There are no areas within the current city limits of Coburg that will serve this need.

Pursuant to ORS 197.298 the City of Coburg has reviewed all available options for expansion of the UGB. There are no designated urban reserve lands in the vicinity of Coburg. The few areas acknowledged as exception areas adjacent to Coburg will not serve the City's needs for a wastewater treatment system. All of the exception lands adjacent to Coburg were designated as such because they were already physically developed. In addition to not containing sufficient area, all of these exception areas are developed to such an extent that they are not available for the new development of a wastewater treatment system requiring a footprint of 50 acres. There are no lands adjacent to the current UGB that are designated as marginal lands.

This analysis leaves only lands designated for agricultural use available. The optimal location for a wastewater treatment system is below the primary sources of wastewater. For Coburg, that means that the optimal location of a treatment system will be north of the city. In addition, adjacent properties to the south of the city are all higher value farm land than the proposed site north of the city. To the north of the city there are three properties, which the consulting engineers have analyzed as four sites. One site is approximately 70 percent class IV soil, being composed mainly of hydric soils. The remainder of this site is mixed value, being approximately 30 percent Coburg silty clay loam, a class IIw soil. This site has the lowest capability of any of the properties adjacent to the Coburg UGB. This is the site proposed for expansion of the UGB to accommodate the wastewater treatment system.

To assure adequate land to contain the inflow and outflow without risking disturbance of identified wetlands within the current UGB, the city is proposing to include in this UGB expansion two additional areas, which are owned by the Oregon Department of Transportation. These areas, which include a portion of the right of way of the I-5 Interstate Highway, are designated agricultural, but they are not in agricultural production. The portions proposed to be included in the UGB are all hydric soil, identified as Bashaw clay, of a capability subclass of IVw.

REASONS JUSTIFY WHY THE CURRENT AGRICULTURAL DESIGNATION SHOULD NOT CONTINUE:

The development of a wastewater system will serve the entire region. Groundwater contamination in the area comes from a variety of sources. Removing the contamination contributed by the residents of Coburg will improve the groundwater and reduce the incentive to impose use restrictions on agricultural practices in the area as well as the urban uses. Removing this relatively small area of agricultural land will serve to advance the statewide goals embodied in Goal 3 as well as Goals 11 and 14.

AREAS NOT REQUIRING AN EXCEPTION CANNOT ACCOMMODATE THE USE:

While Coburg's UGB is not completely occupied, there are no areas of sufficient size within the city or in the exception areas outside the city to accommodate the proposed use.

THE LONG TERM EASE CONSEQUENCES FAVOR THE PROPOSAL:

The proposed location represents the best alternative long term environmental, economic, social and energy consequences. The alternative of no site for a wastewater treatment system will result in continued and expanded contamination of the area groundwater, which has already been identified as contaminated. The expected resultant restrictions on new septic systems and other restrictions on expanded agricultural uses will not solve the current problem, but they would have a serious adverse consequence on the economic and social health of the area. An alternate site for the proposed wastewater system will not have any noticeable better environmental consequences. Some of the alternative sites considered had large areas of identified wetlands. Selection of the proposed site, which a preliminary analysis shows has very small areas of wetlands that can be preserved, will best protect this environmental resource. All but one of the proposed alternate sites would have

greater energy consequences, in that they would require more pumping of effluent to the treatment plan. The only other proposed site that is not uphill of some portions of the city of Coburg is a larger site with better quality soils that is also in agricultural production.

THE PROPOSED USE WILL BE COMPATIBLE WITH ADJACENT USES:

The adjacent uses to the southwest, west and north are agricultural uses which will not be affected by the proposed use. The property to the east of the Interstate Highway, is also agricultural and will not be affected. The proposal includes the inclusion of the portion of interstate 5 in the UGB so that, if necessary the outflow from the treatment plant, which is proposed to go south will be accommodated. It is not anticipated that there will be any significant intrusion into the interstate right of way, but to accommodate the possibility this portion is being included in the UGB. Also included is a small strip of land owned by the Oregon Department of Transportation that is located between the Interstate Highway and the current northernmost part of the Coburg UGB. The northernmost portion of the current Coburg UGB, and the property south of the proposed wastewater treatment system is almost all wetlands, being composed of borrow pits used during the construction of I-5. These wetlands will not be adversely affected. In fact, the proposed system, which will include large facultative lagoons, can be regarded as enhancing the indigenous wetlands to the south of the proposed site. To minimize the possibility of harmful effects caused by the installation of inflow and outflow piping through these wetlands, this proposal includes the adjacent properties owned by ODOT, which are not wetlands. The proposed location, representing as it does, a maximum possible distance from any residences or places of employment means that there are no expected remedial effects necessary to ensure no adverse consequences to adjacent properties.

Goal 3: Agriculture Lands: An exception will be taken to Goal 3, as described above.

Goal 4: Forest Lands: No forest lands are involved so this goal does not apply.

Goal 5: Opens Space, Scenic and Historic Areas and Natural Resources. The majority of the subject property, tax lot 200, is significantly occupied by property that may be considered as regulatory wetlands. Therefore, only a small portion of the property, about 10 acres, will be utilized for the proposed sewage lagoon. These lagoons will be able to serve the existing population of Coburg. The construction of the sewage treatment facilities will have to comply with Army Corps. Of Engineers and Oregon Division of State Lands regulations pertaining to wetlands. The remainder of tax lot 200 will be utilized for wetland mitigation.

Goal 6: Air, Water, and Land Resource Quality: This proposal will reduce the number of septic systems polluting the regional groundwater and will therefore have a positive effect in compliance with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards; Goal 8:,Recreational Needs; Goal 9: Economic Development, and Goal 10: Housing do not directly apply. The eventual installation of wastewater treatment system will improve the housing and economic development potential of the city, and in that way comply with the requirements of the goals.

Goal 11: Public Facilities and Services: This proposal is consistent with the *City of Coburg Wastewater Facilities Plan (2003)*. This proposal will ensure the timely orderly and efficient development of a wastewater treatment system for the City of Coburg.

Goal 12: Transportation . The inclusion of a transportation corridor Interstate 5, in the proposal will have no effect on transportation, and is included for reasons related to plant construction, maintenance and possibly location of the sewer line that may serve the industrial park to the south.

Goal 13:The Energy Conservation Goal does not apply.

Goal 14: Urbanization. Goal 14 requires that the establishment and change of urban growth boundaries shall be based upon consideration of the following factors:

1. ***Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.***

The *City of Coburg Wastewater Facilities Plan (2003)* estimated a population of 1,020 in the year 2022 with a build out population of 2,980 for the City. The need for the sewage treatment plant is not directly driven by population growth as much as it is for reasons associated with housing, employment opportunities and livability.

Conclusion: The need for the plan amendment is not based upon long-range population growth expectations so much as it is to address existing population considerations in conjunction with the need for sewerage.

2. ***Need for housing, employment opportunities, and livability;***

Wastewater disposal in Coburg is currently provided through on-site, subsurface disposal systems. This situation forces residential development to occur on larger lots because of the need to accommodate primary and secondary drainfields. The need for large lots for sewerage disposal results in higher land costs that has made it difficult to provide opportunities for multi-family residential development. Currently, most of the workers employed in the Coburg Industrial Park reside in the Eugene/Springfield area. (Year 2000 census data shows that the mean commute time for Coburg workers was almost 20 minutes.) The Coburg Community Survey has noted that while the City has attracted middle to upper income housing it has not been successful in providing housing for residents with more modest means. (Pg 32) The provision of sewers would allow for more affordable multi-family development and, by increasing the value of underutilized land, encourage infill throughout the community.

Lack of sewer service also limits future commercial and industrial opportunities as current industries utilize a non-resident labor force that is unlikely to support local retail operations. Also, much of the commercial businesses in Coburg are oriented towards serving the traveling public and not Coburg residents.

Coburg's Community Assessment has listed the elementary school as an important community resource. (Pg 32) Coburg's population base, and resulting small enrollment in the school, has made it difficult for the School District to justify keeping the facility open despite strong public support. The provision of sewers will allow for housing that will be more appropriate for the income levels of the workers in the industrial park. These workers are relatively young and could be expected to start families and, ultimately contribute to the enrollment of the elementary school.

Conclusion: The proposed plan amendment is necessary to address the current imbalance between housing and jobs in the Community. The proposed plan amendment also addresses the livability issue of solving the potential health hazard of contamination of the City's groundwater resources and of retaining the elementary school, as significant community resource.

3. ***Orderly and economic provision for public facilities and services;***

The *City of Coburg Wastewater Facilities Plan (2003)* has identified the subject property as the recommended site for the city's sewage treatment facility. (Page 7-14) This site was determined through a consideration of soil characteristics; availability of transportation and utility services; air quality and noise control; aesthetics concerns; cultural, archaeological and historical resources; and geology, hydrogeology and soil characteristics.

The proposed plan amendment will allow the construction of a sewage treatment plant in a location that has been determined by the *City of Coburg Wastewater Facilities Plan* to be optimal for the treatment of sewerage for the City of Coburg.

The City has a 12-inch water main that extends to a location just south of tax lot 404, a City-owned parcel that abuts the subject property to the south. Water can be extended to the subject property when necessary. Industrial Way, which serves the Coburg Industrial Park, also abuts tax lot 404. Access from Industrial Way, via tax lot 404, can be provided at the discretion of the City. Electricity is available to the surrounding area through the Emerald People's Utility District.

Conclusion: The proposed plan amendment will promote the orderly and economic provision for public facilities and services by providing the best location for a sewage treatment plant, considering its relationship to existing residential lands and cost of operating the associated distribution system. The property subject to the plan amendment also represents a location that can be as efficiently supplied with necessary urban services as any other alternative considered.

4. ***Maximum efficiency of land uses within and on the fringe of the existing urban area;***

There is no land within the current urban growth boundary that is available and suitable for the siting of the proposed sewage treatment plant. The subject property is adjacent to the current urban growth boundary and the proposed wastewater treatment plant will allow the infill and development of residential lots within the City at higher densities than currently allowed by on-site subsurface sewer systems.

Conclusion: The plan amendment will promote maximum efficiency of land uses by providing a sewage treatment plant that will, in turn, allow infill of existing underdeveloped parcels and new construction at higher (urban) densities.

5. ***Environmental, energy, economic and social consequences;***

Environmental: There will be positive environmental consequences by allowing this expansion of the urban growth boundary. The City will be allowed to construct a wastewater treatment facility and will abandon the septic systems within the city. This will reduce or eliminate the addition of nitrates to the groundwater, thereby providing positive environmental consequences

Energy: There will be no significant energy consequences with this proposal. The site will be served by power and telephone. The site is not proposed to be developed to increase significant energy requirements, other than to run the wastewater facility.

Economic: There will be economic consequences with the addition of this parcel to the urban growth boundary. The city has committed to construct a wastewater treatment facility and the first phase is expected to cost \$9.5 million. The cost of this facility and collection system will be financed by a combination of a local improvement district, urban renewal district and loans.

Social: The social consequences related to the expansion of the urban growth boundary will be that the impact of the construction of a wastewater facility will allow more development and infill in the city. This may be viewed as positive or negative, however, both sides would agree that there will be a social impact on the community. Additional population will allow for more students at the local school, which recently has been listed on the closure list for the 4J School District because of low student numbers. Additional residents will also allow for more individuals to help finance the wastewater treatment facility.

6. ***Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and***

The current urban growth boundary is surrounded by land designated by Lane County as Agriculture and zoned EFU. The soils with the poorest agricultural capability are located to the east, across Interstate 5. The operational costs of a treatment facility in this location are prohibitive because of pumping costs and the expense of drilling underneath the freeway.

The soils with the best agricultural capability are located to the northwest of the subject property. The remainder of the areas bordering the City on the west side of Interstate 5, including the subject property, are occupied by soils with an agricultural capability of II and which are located within the floodplain.

Conclusion: Of the properties most reasonably available to the City for siting a sewage treatment plant, the subject property represents an area with the soils with the lowest agricultural capability.

7. ***Compatibility of the proposed urban uses with nearby agricultural activities.***

The subject property is bordered on the east and north by land designated and zoned for agricultural use. The predominate agricultural use in the area is the growing of grass seed. This is a relatively low intensity agricultural use that does not require intensive land preparation, pesticide or herbicide application, or cultivation practices. Impacts from this farming practice are normally minimal on adjacent properties and would not adversely affect the operation of a sewage treatment plant.

The proposed "urban use" is a sewage treatment plant, a generally passive use where the major impact on adjacent uses is odor. Odor from a sewage treatment plant would most significantly affect residential uses and should not adversely affect grass seed growing or other low intensity agricultural uses. In the present case, access to adjacent agricultural uses is from North Coburg Road or Willamette or Harrison Streets. Access to the subject property will be via tax lot 404 and therefore will not adversely affect access to adjacent agricultural activities.

Conclusion: The bordering agricultural uses will not have an adverse impact on the treatment plant associated with the proposed plan amendment and the treatment plant will not adversely affect adjacent or nearby agricultural activities.

d. ***Input from affected governmental units and other agencies.***

Potentially affected governmental units, such as Lane County, and other agencies, are given input opportunities through notification procedures and hearing proceedings. Land use referrals requesting input from appropriate governmental units and other pertinent agencies have been mailed. No responses were received.

e. ***Short-and long-term impacts of the proposed change.***

This proposal will have no short-term adverse impacts to the subject property, City of Coburg residents, or adjacent properties. This proposal will have positive long-term impacts to County residents by reducing the nitrate contamination source of on-site sewerage disposal systems.

f. ***A demonstration of public need for the change.***

The identified public need concerns the protection of the regional groundwater supply, in general, and specifically as that groundwater supplies potable water to the residents of Coburg. This proposal will have positive long-term impacts to County residents by reducing the nitrate contamination source of on-site sewerage disposal systems.

A second area of public need is the ability of the City to retain its local elementary school, which has been considered for closure because of low enrollment. The development of a sewage treatment system will allow infill and the development at greater than current residential densities. This will result in a larger student population base to allow the school district to justify retaining the elementary school.

- g. *A demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.*

Alternative sites for the wastewater treatment facility, within the UGB, were examined by Brown and Caldwell consultants when updating the *City of Coburg Wastewater Facilities Plan (2003)*. There are no adequate or appropriate sites for a sewage treatment facility within the UGB. According to the *City of Coburg, Wastewater Facilities Plan (2003)*, of four alternative sites located outside the UGB, the proposed site is the best alternative site for placement of a wastewater treatment facility. Additionally, the *City of Coburg Wastewater Facilities Plan (2003)* indicates that the proposed expansion to the UGB to locate a wastewater treatment facility will better meet the public need than the alternative of disposing of the wastewater effluent at the Eugene-Springfield Water Pollution Control Facility.

- h. *Additional information as required by the Planning Commission or City Council.*

No additional information was required by either the Coburg Planning Commission or the Coburg City Council.

- i. *In lieu of f. and g. above, demonstration that the Plan was adopted in error.*

This criterion is not applicable.

4. Statewide Planning Goals

See the analysis under the examination of Article X.G.2 of the Coburg Zoning Ordinance. Those findings are adopted by the Board.

5. OAR 660–012–0060(1)–(2) –Transportation Planning Rule

Subsection (1) of this portion of the Transportation Planning Rule requires that amendments to acknowledged comprehensive plans and land use regulations that significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards of that facility. Subsection (2) provides that a plan amendment significantly affects a transportation facility if it:

- (a) *Changes the functional classification of an existing or planned transportation facility;*
- (b) *Changes standards implementing a functional classification system;*
- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

The primary access to the wastewater treatment plant will be via the panhandle of tax lot 200 (not included in this proposal but owned by the City) to Coburg Road North, to the west. Coburg Road North is classified by Lane Code 15.027 as a Major Collector and preliminary information in the draft TSP Update indicates that Coburg Road North is currently has an average daily traffic count of about 2950 (2001). This is currently a level “A” LOS. Traffic is expected to grow at 2% for 20 years (about a 50% increase) which would represent a level “B” LOS.

The proposed plan amendment will allow the construction of a wastewater treatment plant. Except during construction and thereafter for occasional operational and maintenance needs, there will be little traffic generated by the proposal. It is clear from the preliminary TSP data that the proposal will not change the functional classification (major collector) of Coburg Road North nor will it generate sufficient traffic that would be inconsistent with that functional classification. Nor will the small amount of additional vehicular traffic reduce the LOS of Coburg Road North anywhere near to a level "D" or significantly affect county transportation facilities. It can therefore be concluded that the proposal is consistent with OAR 660-012-0060(1)-(2).

6. ORS 197.298 Priority of land to be included within urban growth boundary

This statute requires that the following priorities be followed when a city is considering adding land to its urban growth boundary:

- a. Urban Reserve Land. There is no urban reserve land designated within the Coburg Urban Growth Boundary.
- b. Exception areas/Nonresource Land. There are no nonresource land located adjacent to the current urban growth boundary. Exception lands are clustered to the north and south of Coburg. The exception area to the northwest of Coburg is composed of numerous small lots, none larger than ten acres, of multiple ownership. All of these lots are zoned rural residential and most of the parcels are developed with residences. This entire area, even if undeveloped, would not be of sufficient size to serve the land needs of the proposed wastewater treatment system. The exception area to the south, along Coburg Road, is much smaller and is also in multiple ownership. The next nearest exception area is located across the Van Duyn freeway interchange and it is almost completely developed with commercial uses.
- c. Marginal Land. Lane County has not designated any marginal land in the area around the City of Coburg.
- d. Agricultural/Forest Land. The City is bordered on three sides (north, south and west) by land designated by the Lane County Rural Comprehensive Plan for Agriculture. The City is bordered on the east by Interstate-5 and with the exception of the developed properties at the freeway interchange, land in this direction, is also designated for Agriculture.

ORS 197.298(2) specifies that in regard to agricultural land, a higher priority should be given to land with a lower agricultural capability. Section (3) provides that a higher classification of soil may be utilized if a specific type of land need is identified and cannot be reasonably accommodated on lower class soils. The ability to reasonably provide future urban services may also be considered.

A soils map of the Coburg area show that generally, the agricultural capability class improves (gets higher) as one moves south or west of the City. The poorest soils are located across the freeway to the East. The subject property includes the one parcel (tax lot 200) that has predominantly the poorest agricultural soil around Coburg, west of the freeway.

The *City of Coburg Wastewater Facilities Plan* (2003) recommends sites located north of Coburg because of slope, and resulting construction cost, factors. The subject property is the most favorable of the sites considered by the facilities plan as it is furthest removed from existing residential development. Topographic factors that would require a pump station and the need to drill underneath the freeway represent costs factors that have removed consideration of east side of the freeway as an optimal location for the proposed wastewater treatment system.

ZONE CHANGE REQUEST

1. Lane Code 10.125 – Public Reserve District (PR)

The County proposes to change the zoning of the subject property from E-40 Exclusive Farm Use to PR Public Reserve. Lane Code 10.125-10(3)(g) allows governmental buildings and uses (federal, state, county, municipal or other governmental divisions) as an outright permitted use in the PR District.

2. Lane Code 10.315 – Procedures for Zoning, Rezoning and Amendments to Requirements

Lane Code 10.315-20 requires that a rezoning be consistent with the following criteria:

a. Achieve the general purpose of this Chapter (10)

Lane Code 10.015 sets out the following objectives that are arguably applicable to the proposed rezoning:

(i) To encourage the most appropriate use of land and resources throughout the County.

It is presumed under the Statewide Planning Goals (10, 11, 14, etc.) that urban population densities should occur within urban growth boundaries so that resource land will be protected from premature urbanization. In this regard, Coburg has not been able to develop at urban residential densities because development has been contingent upon the carrying capacity of the land for subsurface sewage disposal purposes. The proposed rezoning would allow the construction of a sewage treatment plant that would allow vacant and underdeveloped land in Coburg to develop at densities more appropriate to an urban area.

(ii) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks and other public requirements.

The proposed rezoning will allow the City of Coburg to develop a sewage treatment system that will result in the drastic reduction of nitrate loading in the regional groundwater aquifer.

(iii) To preserve and enhance the quality of Lane County's environment.

The proposed rezoning will have two positive impacts on the quality of Lane County's environment. First, it will allow the construction of a sewage treatment system that will, in turn, increase densities and reduce the need to add agricultural land to the urban growth boundary to satisfy development needs. Second, the creation of the sewage treatment system will significantly improve the quality of the groundwater in the region around Coburg.

b. Shall not be contrary to the public interest.

The public interest has been addressed through the adoption and amendment of the Coburg Wastewater Facilities Plan, which adopts a strategy to replace current subsurface disposal systems with a sewer treatment system and identifies the subject property as the location of the treatment facility.

The public interest is also expressed through applicable comprehensive plan policies. The Rural Comprehensive Plan has four policies that are directly relevant to the proposed rezoning:

Water Quality Policy #3 – *Lane County shall cooperate with the Department of Environmental Quality and other state and federal agencies in maintaining domestic water supplies to the existing standards of the appropriate governing body.*

Water Quality Policy #5 – Lane County shall cooperate with the Lane Council of Governments and Oregon Department of Environmental Quality in identifying sources of water pollution and controlling or abating them. The County's primary emphasis will be the possible degradation of ground and surface water quality by onsite sewage disposal system.

The primary issue that has generated the necessity of a sewage treatment plant has been the pollution of the groundwater aquifer in the region around Coburg, primarily through nitrate loading. This loading has been traced to two main sources: agricultural practices and onsite sewage disposal systems. The Department of Environmental Quality is in the process of studying the condition of the groundwater around Coburg and is likely to designate the area as a Groundwater Management Area in the near future. The proposed rezoning will allow Coburg to reduce the amount of nitrate loading into the groundwater and therefore reduce the degradation of that resource.

Urbanization Policy #7 – It is the County's position that ultimate urban-level density within a city's urban growth boundary should occur only where all essential public facilities and services (water, sewer, etc.) are or will be shortly available. Cities are encouraged and expected to prepare and publish facilities plans and schedules for all facilities.

The City of Coburg Wastewater Facilities Plan calls for the development of a wastewater treatment system. The implementation of this system will allow Coburg to develop at true urban densities.

Urbanization Policy #17 – Within established UGB's, city plans ratified or adopted by the County are to be considered the governing land use documents, but do not preempt final County legal responsibilities or authority. ...

This rezoning must be also consistent with the following four relevant policies of the Coburg Comprehensive Plan:

Sanitary Facilities Policy #4 – Community residential and commercial sewage disposal needs will continue to be met on an individual basis utilizing subsurface disposal systems (septic tanks).

Sanitary Facilities Policy #5 – Community industrial sewage disposal needs will be met either through the use of subsurface disposal systems or where soil conditions do not permit septic tanks, through the use of other means as defined in the Coburg Sewerage Facilities Plan Addendum.

The City of Coburg is currently served by subsurface disposal systems and this situation will remain until the proposed sewage treatment system is constructed and extended throughout the city; sometime between 2005 and 2007. This transition is anticipated by the Coburg Wastewater Facilities Plan.

Air, Water and Land Resource Quality Policy #3 – All waste and process discharges from development will not violate applicable state and federal environmental quality statutes, rules and standards.

Air, Water and Land Resource Quality Policy #4 – Future development shall be accomplished in accordance with the Coburg Sewerage Facilities Plan.

The State Department of Environmental Quality has serious concerns about continued use of onsite wastewater systems in an urban setting. These concerns are addressed in the Coburg Sewerage Facilities Plan that commits the City to the development of a wastewater treatment system.

- c. ***Shall be consistent with specific purposes of the zone district classification proposed.***

The PR Public Reserve District (Lane Code 10.125) does not have a purpose section. As noted above, Lane Code 10.125-10(3)(g) allows governmental buildings and uses within the PR District. The subject property is and the proposed wastewater treatment facility will be owned by the City of Coburg.

d. *Consistent with applicable Comprehensive Plan Policies*

See “b”, above.

e. *Consistent with applicable Statewide Planning Goals (for areas that have not been acknowledged for compliance with the Statewide Planning Goals)*

The proposed plan amendment and this rezoning cannot be considered to have been acknowledged by the Land Conservation and Development Commission until the former has been ratified and the latter adopted by Lane County. However, the 45-day notice to DLCDC was sent both for the City of Coburg plan amendment process and this combined application for a plan amendment and rezoning. DLCDC did not comment on Coburg’s plan amendment process and have not commented on this process. Applicable Statewide Planning Goals are affirmatively addressed above.