



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/24/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Marion County Plan Amendment  
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 07, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Brandon Reich, Marion County  
Jon Jinings, DLCD Community Services Specialist

<paa>



FORM 2

DLCD

# Notice of Adoption

HAND DELIVERED

in person  electronic  mailed

DEPT OF

MAY 17 2012

LAND CONSERVATION AND DEVELOPMENT

RECEIVED

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Marion County**

Local file number: **LA 12-1**

Date of Adoption: **5/16/2012**

Date Mailed: **5/17/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **3/29/2012**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **UGB Amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to the Marion County Comprehensive plan by adopting amendments to the City of Jefferson comprehensive plan including a coordinated population forecast of 5,370 for the year 2032, a 29 acre UGB expansion to include city water and sewer facilities and a city cemetery in the UGB, and Marion County zoning designation of Public for properties added to the UGB.

\* 700 bl N 2nd St, Jefferson (T10S, R3W, Section 2) and 3300 bl Cemetery Hill Rd (T10S; R3W; Section 1)

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **County Primary Agriculture**

to: **City Public**

Zone Map Changed from: **County Exclusive Farm Use**

to: **County Public**

Location: **700 bl N 2nd St, Jefferson (T10S, R3W, Section 2)\***

Acres Involved: **29**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 001-12 (19257) [17047]

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Brandon Reich**

Phone: (503) 566-4175 Extension:

Address: **5155 Silverton Road NE**

Fax Number: **503-566-4116**

City: **Salem**

Zip: **97305-**

E-mail Address: **breich@co.marion.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#) ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#) ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#) ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

**BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON**

In the matter of an Ordinance amending the ) LA 12-1  
Marion County Comprehensive Plan by adopting )  
text and plan amendments to the City of Jefferson )  
Comprehensive Plan including a coordinated )  
population forecast of 5,370 for the year 2032 )  
a 29 acre urban growth boundary amendment )  
to include city water and wastewater facilities and )  
a city cemetery in the urban growth boundary, )  
applying a Marion County urban zoning designation )  
to properties added to the urban growth boundary )  
and declaring an emergency. )

**ORDINANCE NO. 1027**

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

**SECTION I. Purpose**

This ordinance is enacted pursuant to the authority granted general law counties in the State of Oregon by Oregon Revised Statutes (ORS) Chapter 203, and the comprehensive land use planning and coordination with local government provisions under Chapters 195 and 197, by amending the Marion County Comprehensive Plan by adopting amendments to the City of Jefferson Comprehensive Plan including an Urban Growth Boundary amendment, a coordinated 2032 population forecast for the City of Jefferson, and redesignation and rezoning of properties included within the amended Jefferson Urban Growth Boundary.

**SECTION II. Authorization**

The Marion County Board of Commissioners initiated a legislative amendment to the Marion County Comprehensive Plan by Resolution No. 12-6R dated March 28, 2012. The legislative amendments came before the Board at the request of the City of Jefferson for concurrence in and adoption of text and plan map amendments being considered by the City, pursuant to the planning coordination and concurrence provisions under ORS Chapters 195 and 197, and the provisions of the executed June 12, 1986 Urban Growth Boundary and Policy Agreement between Marion County and the City of Jefferson that establishes procedures for addressing land use matters of mutual concern, including amendments to the comprehensive plan and urban growth boundary. The Board held a public hearing on May 9, 2012 for which proper public notice and advertisement was given. The Board closed the hearing on May 9, 2012. All persons present during the public hearing and those provided notice of the hearing, were given the opportunity to speak or present written statements on the proposed amendments.

**SECTION III. Evidence and Findings**

The Board has reviewed the evidence and testimony in the record. Based on the facts and findings in the record, as contained in Exhibits A and B, which are incorporated herein by this

reference, the Board determines that the updated City of Jefferson Comprehensive Plan conforms with the requirements under ORS Chapter 197 and the Statewide Land Use Planning Goals and Administrative Rules for the development and revision of comprehensive plans, with ORS Chapter 195 for county coordination with local comprehensive plan activities, and the Marion County Comprehensive Plan Urbanization Element on coordination with cities on growth management policies and guidelines.

The City of Jefferson Comprehensive Plan amendments adopt a coordinated population forecast of 5,370 for the 20-year planning period of the plan (2012 to 2032). The Jefferson Comprehensive Plan update involves a 29.45 acre urban growth boundary amendment to include existing public facilities inside the urban growth boundary and adjacent rights-of-way. The redesignation of lands included in the boundary expansion from a Marion County designation of "Primary Agriculture" to a City of Jefferson Comprehensive Plan designation of "Public" and the rezoning of these lands from a Marion County rural zoning designation of "Exclusive Farm Use" (EFU) to a County urban zoning designation of "Public" (P), is depicted on the map set forth in Exhibit C, which is incorporated herein by this reference.

The Board finds that the adoption of the amendments are consistent with the provisions of the intergovernmental coordination agreement between Marion County and the City of Jefferson. The Board further finds that the amendments are in compliance with Statewide Land Use Planning Goals and Administrative Rules, ORS Chapters 195 and 197, and applicable provisions of the Urbanization Element of the Marion County Comprehensive Plan.

#### **SECTION IV. Amendments to Marion County Comprehensive Plan**

The Marion County Comprehensive Plan is amended to include the adoption of an updated City of Jefferson Comprehensive Plan for application in the area within the urban growth boundary that lies outside the city limits. The Marion County Comprehensive Plan is amended to include the adoption of a new coordinated 2032 population forecast of 5,370 for the City of Jefferson Comprehensive Plan. The Marion County Comprehensive Plan Map is amended to include a 29.45 acre urban growth boundary expansion and changes in the Plan designation of those properties added to the boundary and within the urban growth area as depicted on the maps set forth in Exhibit C. The Marion County Comprehensive Plan and its implementing ordinances (zoning maps) is further amended to include the rezoning of the properties included within the amended urban growth boundary as depicted on the map set forth in Exhibit C.

#### **SECTION V. Repeal Of Portions Of Existing Ordinances**

Those portions of Marion County Ordinance No. 530 adopting a City of Jefferson Urban Growth Boundary and a Comprehensive Plan for the area outside the city but within the growth boundary or amendments pertaining to the City of Jefferson, are hereby repealed or amended as set forth in this ordinance through the adoption of the City of Jefferson Comprehensive Plan updates and amendments, which by reference are incorporated into this Ordinance.

#### **SECTION VI. Severability**

Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or any policy, provision, findings, statement, conclusion, or designation to a particular land use or area of land, or any other portion, segment or element of this Ordinance or of any amendments thereto and


adopted hereunder, be declared invalid for any reason, such declaration shall not affect the validity and continued application of any other portion or element of this Ordinance or amendments to the Comprehensive Plan, as amended herein; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which this Ordinance of any portion thereof was enacted.

**SECTION VII. Effective Date**

This Ordinance amending the Marion County Comprehensive Plan by adopting amendments to the City of Jefferson Comprehensive Plan, an urban growth boundary amendment, new 2032 coordinated population forecast, and redesignation and rezoning of properties added to the urban growth boundary, being necessary to protect the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall become effective upon its passage.

SIGNED and FINALIZED this 16<sup>th</sup> day of May, 2012 at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

  
Chair

  
Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes (ORS) Chapter 197.830 provides that land use decisions may be reviewed by the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal within 21 days from the date this ordinance becomes final.

### **Facts and Findings**

This matter comes before the Marion County Board of Commissioners at the request of the City of Jefferson for concurrence in and adoption of amendments to the Jefferson Comprehensive Plan (Exhibit B). The city has held public hearings on the amendments to its Plan and has approved an ordinance on the plan amendments that would become effective following concurrence and adoption of the city's proposed amendments by Marion County.

The City of Jefferson adopted its Comprehensive Plan on September 27, 1977. The Marion County Board of Commissioners adopted the Jefferson Urban Growth Boundary and Comprehensive Plan for the area outside the city but within the boundary on February 28, 1979 (Ordinance No. 530). The Land Conservation and Development Commission (LCDC) acknowledged the City of Jefferson Comprehensive Plan on January 12, 1979. There do not appear to have been any significant amendments to the plan since its original adoption.

Marion County and the City of Jefferson entered into an Urban Growth Boundary and Policy Agreement (UGBPA) on June 12, 1986. The UGBPA establishes procedures for dealing with and coordinating land use matters of mutual concern. The UGBPA provides for the county to concur in the city's comprehensive plan and to adopt those provisions for application within the urban growth area (the area within the urban growth boundary outside the city limits). Such provisions include urbanization policy changes, plan map amendments affecting properties in the urban growth area, and urban growth boundary changes.

During the city's public hearings process on the current amendments to its Plan, county Planning staff participated in conversations with the city's planning consultant for this proposal. The city has addressed the issues identified by staff. On March 28, 2012, the Board of Commissioners approved Resolution 12-6R initiating the review process to amend the Marion County Comprehensive Plan by adopting the City of Jefferson Comprehensive Plan amendments and setting a public hearing date of to receive testimony on the proposed amendments. The Board held a public hearing on May 9, 2012 for which proper public notice and advertisement was given. The Board closed the hearing on May 9, 2012. All persons present during the public hearing and those provided notice of the hearing, were given the opportunity to speak or present written statements on the proposed amendments.

### **CITY OF JEFFERSON COMPREHENSIVE PLAN AMENDMENTS**

The City of Jefferson Comprehensive Plan amendments involve coordinating a population forecast for the year 2032 for the city's public facilities planning, findings to support a 27.22 acre urban growth boundary (UGB) expansion proposal for city public facilities needs, and designating the land proposed to be added as Public in the city comprehensive plan (a map is included as Exhibit C). The city is also proposing an amendment to the Jefferson Development Code to add a Public Facility District zone; however, that zone designation would apply only to property inside the city and, as such, does not have to be concurred in by Marion County.

### **Population Coordination**

Oregon Revised Statutes (ORS) 195.034 to 195.036 and Oregon Administrative Rule (OAR) 660-024-0030 task the county with coordinating population forecasts among the cities in the county. Marion County last coordinated a countywide forecast for all the cities in the county and the rural area of the county in 2009 for the year 2030. State law contains provisions for extending a forecast that is less than 10 years old by applying the adopted growth rate to the additional forecast years. In this instance, the City of Jefferson is proposing to extend the 2030 forecast to 2032 by applying the average annual growth rate adopted by the county, 2.4%, for two additional years. The 2030 population forecast adopted by the county for Jefferson is 5,121. Extending this forecast by an average annual growth rate of 2.4% for two years yields a population forecast of 5,370 for 2032. This method of extending an adopted forecast is consistent with state law. Notice of the coordinated 2032 forecast for the City of Jefferson was provided by the county in its public hearing notice related to this proposal.

### **Urban Growth Boundary Expansion**

#### **Oregon Revised Statutes and Oregon Administrative Rules**

The City of Jefferson is proposing to expand its urban growth boundary (UGB) by 27.22 acres, which includes a portion of the roadway of Cemetery Road. After further discussions with the city it was determined that there is a discrepancy between what the city and what the county identifies as the portion of the right-of-way of Cemetery Road inside the UGB. To correct this difference, the city is proposing to include the entire right-of-way of Cemetery Road with this proposal, which increases the area to be included in the UGB for the additional right-of-way. The total UGB expansion proposal is therefore 29.45 acres.

Jefferson proposes adding additional land to its UGB on both the west and east sides of the city. These properties are developed with the city's water and sewer treatment plants, a city cemetery, and the city's water reservoirs. All parcels are owned by the City of Jefferson.

While Oregon law requires a city plan for land to accommodate a multitude of uses within the urban area, such as housing, employment, public facilities, streets, schools and parks, OAR 660-024-0040 (3) permits a city to consider the UGB land needs for just one category of land need without simultaneously reviewing it for other categories of land need. In this case, Jefferson proposes to review its UGB for public facilities needs for the city consistent with Goal 11—Public Facilities and Services.

OAR 660-024-0040 (7) requires that a determination of 20-year land needs for public facilities must comply with Goal 11 and the public facilities requirements of ORS 197.712 and 197.768. In this instance, the city is considering the need over a 20 year time period, from 2012 to 2032, which is consistent with the requirement in the rule. ORS 197.768 applies to the adoption of a public facilities strategy, which Jefferson has not done and is not proposing to do; that statute does not apply to this proposal.

ORS 197.712 requires cities with a population greater than 2,500 persons to adopt a public facility plan. As described in the proposal submitted by the city, Jefferson developed a water system plan in 1996 and a wastewater system plan in 2000. Both plans identified that the city would be able to serve a population in excess of 5,000 people with existing facilities. When the plans were developed, the city's population was less than 2,500. The city reached the threshold population of 2,500 in 2005, after



both plans were prepared. Therefore, while the city has crossed the population threshold to adopt a public facility plan, it has no intention of doing so at this time because its existing water and wastewater plans, developed before the population reached the threshold number, identify in existing systems a capacity to serve the projected 2032 population of 5,370 persons.

In the information submitted to the county, the city identified the vacant areas of the parcels proposed to be included in the UGB as necessary to allow for expansion of existing facilities at these locations.

#### Statewide Land Use Planning Goals

The city provided an analysis of whether the proposal is consistent with the applicable Statewide Land Use Planning Goals. It identified the public notices provided by the city, as well as the ordinance adoption process which provides the opportunity for appeal, to satisfy Goal 1—Public Involvement. Similarly, the county has provided notice of the public hearing and an ordinance adoption process coordinated with the city that provides interested parties the opportunity for participation and appeal, which satisfies Goal 1.

The city addressed Goal 11—Public Facilities and Services by demonstrating that the facilities now in place on the properties owned by the city are necessary to provide urban services for the City of Jefferson and are capable of providing those services through the 20-year planning period to 2032.

The city demonstrated that Goal 14—Urbanization is met because, while city facilities are allowed outside a UGB on rural land, those facilities must serve the city residents and are not intended to serve a rural population. Consistent with Goal 14 requirements not to provide an urban level of service to rural lands, no extension of water or sewer service is proposed or anticipated in conjunction with this proposal. Instead, the city is proposing to include an urban facility inside the urban area of the city to provide services to city residents; which is consistent with Goal 14. The inclusion of these lands within the UGB provides the city with jurisdictional control over maintenance and expansion of its city's own water and wastewater facilities and cemetery.

The city also considered the location analysis described in OAR 660-024-0060. In this case, the city's existing public facility and service system were developed in their current locations due to system requirements to provide service to the city. They cannot easily be relocated elsewhere due to the system requirements and existing infrastructure at the sites and throughout the city. While the rule does not appear to anticipate the city's proposal directly, the city's proposal appears consistent with the requirements for a location analysis for consideration of including a city's existing public facilities in a UGB.

#### City of Jefferson Comprehensive Plan and Development Code

The city reviewed the economic, public facilities and urbanization policies in its comprehensive plan and determined that the proposal is consistent with those policies. The city also applied the criteria contained in its development code for a comprehensive plan change to the proposal and determined that the UGB expansion is consistent with the code's criteria.

#### Marion County Comprehensive Plan

The Urban Growth policies contained in the Urbanization section of the Marion County Comprehensive Plan must also be reviewed against the proposal. In this case, no further urbanization

of land would be caused by the inclusion of the city properties into the UGB and no intensification of the use of the facilities by the city is proposed beyond what is in current water and wastewater treatment plans. Instead, property containing existing city facilities providing planned services for existing and future residents of the city would be included in the UGB. While no Urban Growth policies apply specifically to this proposal, the intent of those policies is met by the city's proposal.

### **REDESIGNATION OF PROPERTIES ADDED TO THE URBAN GROWTH BOUNDARY**

The city determined that the appropriate designation for the properties in its comprehensive plan is the Public designation. The city proposes to apply a newly developed Public Facility District zone once the properties are annexed into the city limits. After they have been included in the UGB and their designation in the Jefferson Comprehensive Plan changed to Public, but until the properties are annexed, the county must apply an urban zone to the properties consistent with the city plan designation.

The Chapter 16.16 of the Marion County Code, the urban Public zone, states:

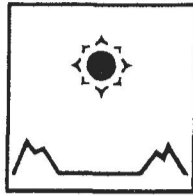
“The purpose of the P (public) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use.”

Since the properties are developed with and intended to be used in the future for public facilities for the City of Jefferson, applying an urban Public zone to the properties is consistent with the purpose of the zone. In addition, the zone permits public facilities and cemeteries, the uses that exist on the properties. Applying the Public zone recognizes the existing uses on the property and permit their continuance.

### **DECISION**

The Board concurs in the City of Jefferson Comprehensive Plan amendments by approving the amendments to the Marion County Comprehensive Plan by adopting the amendments to the City of Jefferson Comprehensive Plan including a coordinated 2032 population forecast for the City of Jefferson of 5,370 and an Urban Growth Boundary amendment of 29.45 acres for public facilities needs.

The Board further concurs in the redesignation of the properties newly added to the UGB from a Marion County Comprehensive Plan rural designation of Primary Agriculture to a City of Jefferson Comprehensive Plan urban designation of Public and approves the rezoning of the properties from a Marion County Rural Zoning designation of EFU (Exclusive Farm Use) to a Marion County Urban Zoning designation of P (Public).



Mid-Willamette Valley  
Council of Governments

Exhibit B

105 HIGH STREET S.E. • SALEM, OREGON 97301-3667 • [www.mwvcog.org](http://www.mwvcog.org)  
TELEPHONE (503) 588-6177 • FAX (503) 588-6094 • e-mail: [mwvcog@open.org](mailto:mwvcog@open.org)  
*An equal opportunity lender, provider and employer*

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*Getting things done together!*

Brandon Reich  
Marion County Planning Division  
5155 Silverton Road NE  
Salem, OR 97305

RE: City of Jefferson Urban Growth Boundary Expansion Request

Mr. Reich,

The Mid-Willamette Valley Council of Governments (COG) is the contract planner for the City of Jefferson. The COG, on behalf of the City of Jefferson, submits this letter and its enclosures as a request for Marion County to approve the city's proposed urban growth boundary (UGB) expansion proposal.

The expansion would add city owned, and city operated, public facility lands to the UGB. The lands are currently developed with sewer and water treatment facilities, a water reservoir and a city operated cemetery.

After duly noticed public hearings by the Planning Commission on February 2, 2012 and the City Council on February 23, 2012, the Council completed the first and second readings of Ordinance 675 on February 23, 2012 and now submits its proposal to Marion County for the County Board of Commissioners to approve the proposed UGB expansion.

The city thanks you in advance for a careful review and an expeditious decision.

Should you have any questions, please contact me at 503 540-1619 or [jjacks@mwvcog.org](mailto:jjacks@mwvcog.org).

Sincerely,

Jim Jacks, AICP  
Senior Planner

enclosures

**ORDINANCE #675**

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**AN ORDINANCE AMENDING THE JEFFERSON COMPREHENSIVE PLAN TO EXPAND THE URBAN GROWTH BOUNDARY; APPLY THE PUBLIC DESIGNATION TO THE LAND ADDED TO THE URBAN GROWTH BOUNDARY; ADOPT AN UPDATED POPULATION PROJECTION TO 2032; AMEND THE PUBLIC FACILITIES POLICY 1; AND ADOPT A PUBLIC FACILITY DISTRICT IN THE DEVELOPMENT CODE**

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**WHEREAS**, on February 2, 2012, the Planning Commission conducted a public hearing regarding Planning File No. LA 2011-01, an application by the City of Jefferson to amend the Comprehensive Plan and adopt a Public Facility District in the Development Code, at which time the public was given a full opportunity to be present and heard on the matter; and

**WHEREAS**, on February 2, 2012, the Planning Commission considered the information provided by City staff and the public, and upon deliberation, voted to recommend the City Council approve the proposed amendments; and

**WHEREAS**, on February 23, 2012, the City Council conducted a public hearing regarding Planning File No. LA 2011-01, an application by the City of Jefferson to amend the Comprehensive Plan and adopt a Public Facility District in the Development Code, at which time the public was given a full opportunity to be present and heard on the matter; and

**WHEREAS**, on February 23, 2012, the City Council considered the information provided by City staff and the public, received the recommendation of the Planning Commission, and upon deliberation, voted to approve the proposed amendments.

**NOW THEREFORE, THE CITY OF JEFFERSON, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map to add to the urban growth boundary the 27.22 acres comprising the properties listed in Table 1, "Summary of Tax Lots and Their Sizes To Be Added To The UGB," in Exhibit "A" and by this reference made a part hereof, and shown in Attachments 2 and 3 in Exhibit "A" and by this reference made a part hereof.

**Section 2.** The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map to apply the Public Designation to the properties added to the urban growth boundary in Section 1, above.

**Section 3.** The City Council of the City of Jefferson does hereby adopt the 2010 Marion County coordinated population projection for Marion County and the incorporated cities in Marion County and adopt an updated City of Jefferson population projection of 5,370 population in the year 2032 for public facilities purposes, and amend the Jefferson Comprehensive Plan's Public Facility Policy 1 on pages 26 and 44 to read as follows:

Policy 1: The city will provide water and sewerage facilities with a capacity to meet the needs of 5,370 people in 2032 while maintaining local, state and federal health standards.

**Section 4.** The City Council of the City of Jefferson does hereby amend the Jefferson Development Code to add a new Public Facility District as Chapter 12.31, Public Facility (PF) District, as shown in Section V, Proposed Public Facility District, pages 21-23 in Exhibit "A" and by this reference made a part hereof.

**Section 5.** The City Council of the City of Jefferson does hereby adopt those certain findings of fact, conclusionary findings and supporting documentation shown in Section III, Findings of Fact and Conclusions, pages 3-20, in Exhibit "A" and by this reference made a part hereof.

Enacted by City Council: \_\_\_\_\_  
Effective: \_\_\_\_\_

\_\_\_\_\_  
Michael D. Myers, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Cook, City Recorder

EXHIBIT "A"

# Memorandum

**MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS**  
**105 HIGH STREET S. E., SALEM, OREGON 97301-3667**  
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: JEFFERSON CITY COUNCIL

FROM: JIM JACKS, CITY PLANNING CONSULTANT

SUBJ: LEGISLATIVE AMENDMENT 2011-01 TO THE JEFFERSON COMPREHENSIVE PLAN TO (1) AMEND THE URBAN GROWTH BOUNDARY TO ADD THE CITY'S PUBLIC FACILITY SITES AND THE CITY CEMETERY; (2) TO ADOPT AN UPDATED POPULATION PROJECTION OUT TO 2032 AND INCORPORATE IT INTO THE PUBLIC FACILITIES POLICIES; AND (3) TO ADOPT A NEW PUBLIC FACILITIES DISTRICT INTO THE DEVELOPMENT CODE

DATE: FEBRUARY 23, 2012

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## I. PROPOSED AMENDMENTS

The City of Jefferson proposes:

1. To amend the Jefferson Comprehensive Plan to:
  - a. Update the Public Facilities Policy 1 of the Jefferson Comprehensive Plan to include the coordinated Marion County population projection adopted in 2010 for the period 2010 to 2030 and extend it to 2032.
  - b. Add about 27.22 acres of city owned land, and public right-of-way, to the Jefferson urban growth boundary (UGB). The properties are currently used for sewer system treatment facilities, water system treatment facilities, two water system concrete tank reservoirs and a city owned and operated cemetery.
  - c. Amend the Comprehensive Plan Map to apply the Public designation to the land proposed to be added to the UGB.
2. Amend the Jefferson Development Code to add a new Public Facility District that would be applied to the land added to the UGB after it is annexed to the city.

The reason for the proposal is, the city desires the city owned land and the city maintained and operated facilities be in the UGB and city limits thereby allowing the city to control the land uses on the properties.

In the past land use applications for the placement of facilities on the west side property and on the east side property were submitted to Marion County and were subject to Marion County zoning requirements because the properties were outside the UGB and the city limits. After the properties

are added to the UGB and annexed, a Site Development Review (SDR) application for development of public projects would be submitted to the city and will be subject to the Jefferson Development Code.

The proposed new Public Facility District would allow public facilities outright and they would be subject to the Site Development Review (SDR) process. Public facility projects in the 100-year floodplain would obtain a Floodplain Development Permit (FDP) from the city, not Marion County. The city would save funds by not submitting an application fee for land use applications to Marion County. Staff would save a small amount of time because preparation of the SDR and FDP applications would be coordinated with local city staff, not Marion County staff in Salem.

## II. BACKGROUND

The city has owned the property containing the sewer and water treatment facilities on the west side of the city since 1958 or before (see Vicinity Map at Attachment 1). The city has owned and operated the property containing the cemetery on the east side of the city since 1935. The city has owned the property containing the two concrete water reservoir tanks abutting the east boundary of the cemetery for about 70 years (see Vicinity Map at Attachment 1). When the 1.75 million gallon tank was constructed the smaller tank was decommissioned and it is no longer used. It will be demolished when funds become available.

When the city's first Comprehensive Plan and Plan Map were adopted per Ordinance 412 on September 27, 1977 (acknowledged by LCDDC January 12, 1979), the Plan Map, included only about 5.35 acres of the 20.68 acre west side property in the UGB which left the remaining approximately 15.33 acres outside the urban growth boundary (UGB). The 5.35 acre area was in the city limits at that time. Similarly, the Plan Map did not include any of the approximately 10.98 acre east side property in the UGB. The 10.98 acre area was not in the city limits at that time and is not in the city limits today. It is separated from the current city limits by land that is in the UGB, but has not yet been annexed and developed. It is not known why the west side and east side properties were not included in the original UGB.

In 2011 the Public Works Director, Steve Human, the City Planner, Gregg Gorthy, and Jim Jacks, the planning consultant with the Mid-Willamette Valley Council of Governments (MWVCOG) met and discussed adding the west side and east side properties to the UGB. The issue was presented to the Planning Commission on November 3, 2011, and consistent with the Jefferson Development Code, Section 12.104.020, B, 1 (old Code, 12.08.080, A) the Commission unanimously passed a motion initiating an amendment to the Jefferson Comprehensive Plan to add the properties to the UGB. The reason for adding the land to the UGB is to bring the properties under the control of the city comprehensive plan's Public Facility Plan Map designation, and once annexed, to apply the proposed new Public Facility District.

The east side site does not abut the current city limits and it is not expected to be annexed within the next 5 years. The area between the east side site and the current city limits is in the current UGB and is designated Residential on the comprehensive plan map. Once it is annexed, then the east side site will abut the city limits and could be annexed.

The western approximately 15.33 acres of the 20.68 acre west side site is outside the city limits and UGB, but it abuts the current city limits and the city expects to annex it (voter approved annexation) as soon as it is added to the UGB and it is designated with the Public comprehensive plan map designation. At the time of annexation the city's proposed new Public Facility District would be applied to the property. The 5.35 acre portion of the west side property that is currently in the city limits is designated Commercial in the Comprehensive Plan Map and is zoned Commercial.

### III. FINDINGS OF FACT AND CONCLUSIONS

#### A. Facts.

1. **Water System.** The April 1996 Water System Evaluation and Master Plan by Westech Engineering, Salem, OR, sets forth the water system for the city. The approximately 100-page document includes the following:

- Executive Summary.
- Introduction.
- Population and Community Development.
- Present and Future Water Demands.
- Existing Water System.
- Long Term Water System Plans.
- Recommended Capital Improvement Priorities.
- Water System Financing.
- Appendices

The plan has been used to guide the city's improvements to the water system and water treatment plant. The Master Plan calls for additional water treatment plant improvements at the west side site, reservoir capacity increases at the east side site and other system upgrades to accommodate future population and jobs growth. The original 5 ground wells that supplied the city with water are no longer used as the primary supply. Three of the wells are used as secondary back-up water sources. A water intake on the Santiam River approximately at the SW corner of the west side site (just upstream from the sewer treatment plant outfall into the river) is now the primary water supply. The water is pumped to the water treatment plant on the west side site and then is pumped to the service area and to the reservoir on the east side site.

The city's water treatment plant was constructed on the west side site in 1989. It was designed to be expanded with additional conventional filtration equipment. Such incremental expansions may not be possible in the future because the federal regulatory agencies may require microfiltration facilities. The Public Works Director has indicated the west side site has adequate area to accommodate a new microfiltration plant. The city is in the process of taking the necessary steps to be able to construct a new water treatment plant in about 5 years on the west side site. In the past as development occurred the west side site was "shadow planned" so that there is room for the new water plant.

The city's water reservoir site on the east side site contains two reservoirs. The smaller reservoir is empty and decommissioned. It will be demolished when funds are available. The larger reservoir was built in 1999 and has capacity for 1.75 million gallons. Its capacity exceeds the approximately 700,000 gallon per day peak usage periods during the summer. An additional reservoir is not anticipated for many years. The Public Works Director has indicated the east side site has sufficient area to accommodate another large reservoir when it is needed. At this time it is anticipated that no new land will be needed for a new reservoir.

2. **Sewer System.** The September 2000 Waste Water System Facility Plan by Westech Engineering, Salem, OR, sets forth the waste water system for the city. The approximately 100-page document includes the following:

- Executive Summary.
- Introduction.
- Study Area and Planning Coordination.
- Regulatory Requirements.
- Description of Existing System.



Wastewater Flows and Loads.  
 Collection System Evaluation and Recommendations.  
 Treatment System Evaluation and Recommendations.  
 Recommended Capital Improvement Priorities and Implementation Plan.  
 Appendices.

The plan has been used to guide the city's improvements to the sewer system and the sewer treatment plant. A new sewer treatment plant constructed with Federal funds was opened in 2010. It is on the 15.33 acre area outside the UGB and city limits. Placement of the new plant in Marion County's Exclusive Farm Use Zone was reviewed and approved by Marion County and a floodplain development permit was issued. The Master Plan calls for additional sewer facilities at the west side site to accommodate future population and jobs growth.

The 2010 sewer treatment plant can serve a population of 4,500 to 4,700. The July 1, 2010 population estimate for the city was 3,115 (Oregon Population Research Center). The plant is capable of accommodating an approximately 50% increase in the 2010 population before expansion is needed. The layout of the west side site has been designed to accommodate future expansions of the sewer treatment facility. At this time it is anticipated that no new land will be needed to expand the existing facility.

3. **Population.** In 2009 Marion County and the cities in Marion County, including the City of Jefferson, participated in the adoption of a coordinated population projection. The following table shows the city's population projection in 5-year increments. The Marion County Population Projection adopted in 2010 is used in this UGB expansion proposal.

**POPULATION PROJECTION FROM 2005 TO 2030**

2005 Actual	2010	2015	2020	2025	2030	Ave %/Year
2,515	3,162	3,598	4,085	4,583	5,121	2.4

Source: Marion County Population Projection, 2010.

The Oregon Population Research Center estimated Jefferson's population at 3,115 as of July 1, 2010.

The previous population projections forecasted steady growth. The April 1996 Water System Evaluation and Master Plan (Table 2-2, p. 2.5) used a figure of 3,077 in 2010 and 3,500 in 2016 which are very close to the above coordinated population projections. The Marion County coordinated countywide population allocation adopted on October 21, 1998 (Ordinance 1091) showed a projected population for Jefferson of 2,895 in 2020 which was very small compared to the actual population of 3,115 in 2010. The September 2000 Wastewater System Facilities Plan (Table 2-4, p. 2-8) used the Marion County population allocation of 2,895 in 2020.

The Marion County 20 year population projection adopted in 2010 covering the period 2010 to 2030 is revised in this proposal to be a 20 year period from 2012 to 2032. The 5,121 projected for 2030 is increased by 2.4 percent per year for two years to give a population projection of 5,244 in 2031 (5,121 x 1.024) and 5,370 in 2032 (5,244 x 1.024).

4. **Acreages.** The west side site is Tax Lot 2300 on Assessor's Map T10S, R3W, Section 2. About 5.35 acres are currently in the UGB and city limits, but the remaining 15.33 acres of the 20.68 acre site are outside the UGB and city limits. The 15.33 acre area is proposed to be added to the UGB and the city will apply the comprehensive plan's Public designation to the property. The city intends to annex the 15.33 acre area to the city limits once it is added to the UGB. As part of the annexation, the city will apply the proposed new Public Facility District.

The east side site is in five tax lots (T10S, R3W, Section 1). They comprise about 10.98 acres which are all outside the UGB and city limits. The 10.98 acre area and the right-of-way for Cemetery Hill Road (40 x 993 = 39,720 sq. ft. or 0.91 ac) is proposed to be added to the UGB.

The following table shows the tax lots for the west side and east side sites and their acreages.

**TABLE 1  
SUMMARY OF TAX LOTS AND THEIR SIZES TO BE ADDED TO THE UGB**

	Assessor Map	Tax Lot	Tax ID No.	Acres In	Acres Out
<b>WEST AREA</b>					
	10 3W 02	02300	R37209		15.33
	10 3W 02	02300A	R37210	5.35	
West Total:				5.35	<b>15.33</b>
<b>EAST AREA</b>					
Reservoir	10 3W 01	00701	R37293	0.00	0.50
Reservoir	10 3W 01	00702	R37294	0.00	1.12
AT&T Tower	10 3W 01	00702L1	R44707	0.00	
Future Reser.	10 3W 01	00703	R334022	0.00	0.80
Cemetery	10 3W 01	00800	R36964	0.00	1.27
Cemetery	10 3W 01	00900	R36958	0.00	6.40
Additional PLA*					0.89
	[Ceme Total	8.56 ac]			
Ceme Hill Rd:	Right of way				0.91
East Total:					<b>11.89</b>
<b>GRAND TOT:</b>					<b>27.22</b>

\* See No. 5 immediately following.

5. **Donation to Cemetery.** Several months before this UGB expansion request was initiated by the Planning Commission on November 3, 2011, the owner of the EFU zoned property abutting the cemetery to the north contacted the city with a proposal to donate to the city sufficient land to "square-up" the northwest corner of the cemetery. Marion County approved Property Line Adjustment Case No. 11-030 on December 15, 2011, increasing Tax Lot 800 from 1.27 acres to 2.16 acres, an increase of 0.89 acres.

The cemetery is composed of Tax Lots 800 (2.16 ac.) and 900 (6.40 ac.) and is about 8.56 total acres, including the recently added 0.89 acres.

6. **Ownership Dates.** The city acquired the properties in the following years. In some cases the city has owned the property for so long it is not clear when ownership was established.

West side site:

The site was acquired on or before 1958. The two lagoons were constructed in about 1958. In 1968 the basic collection system was installed. In 1978 the activated sludge portion of the waste water treatment plant was constructed. In 1978 the water treatment plant was constructed and it has had four upgrades. In 2010 the new waste water treatment plant was opened and the two lagoons became "polishing ponds."

East side site:

Cemetery: Donated to the city in 1935 with additional land acquired in 1968 and in 2011.

Water Reservoirs: The original two reservoirs on the site were constructed in the 1950's and 1964. The reservoir constructed in the 1950's was removed many years ago. The 410,000 gallon reservoir constructed in 1964 was taken off line in 1999 and will be demolished when funds are available. The current reservoir is a 1.75 million gallon concrete tank and was constructed in 1999.

7. **Comprehensive Plan Designations and Zoning.** The comprehensive plan designations and zoning districts are:

West side site:

The approximately 5.35 acres inside the current UGB and city limits are designated "Commercial" in the Jefferson Comprehensive Plan Map and are zoned "Commercial" in the Jefferson Zone Map.

The approximately 15.33 acres outside the current UGB and city limits are designated Primary Agriculture in the Marion County Comprehensive Plan and are zoned Exclusive Farm Use (EFU) in the Marion County Zone Map.

East side site:

The approximately 11.89 acres (10.98 ac. private property and 0.91 ac. of public right-of-way) outside the current UGB and city limits are designated Primary Agriculture in the Marion County Comprehensive Plan and are zoned Exclusive Farm Use (EFU) in the Marion County Zone Map.

8. **Current Uses.** The subject properties are used for the following uses:

West side site:

The approximately 5.35 acres inside the current UGB and city limits is not developed.

The approximately 15.33 acres outside the current UGB and city limits are developed with sewer treatment facilities including two "finishing ponds" at the west end, buildings for offices and labs to the east of the ponds, and a structure for sewage treatment to the east of the offices and labs. Also included on this site is a water treatment building east of the ponds. A paved driveway with parking for the buildings serves the site and provides access to N. Main Street at its intersection with E. North Street.

East side sites:

The approximately 0.91 acres of Cemetery Hill Road right-of-way which provides access to the cemetery at its western end and runs along the south side of the cemetery is improved with gravel. The road also runs along the south side of the water tank reservoir properties and provides access to the reservoirs.

The approximately 10.98 acres outside the current UGB and city limits are developed with an approximately 8.56 acre cemetery on Tax Lots 800 and 900 (including the 0.89 area added). The cemetery was originally donated to the city in 1935 and an additional area was acquired in 1968. The cemetery property is owned by the city and the operation and maintenance of the cemetery is performed by city employees. For

example, if an interment is desired, a person must contact the City of Jefferson and pay the city for the site. The city prepares the site and closes the site. City staff maintain the records of the burials at the cemetery.

The smaller decommissioned concrete water reservoir tank (410,000 gallons) is on Tax Lot 701. The larger (1.75 million gallon) concrete water reservoir tank is on Tax Lot 702. The two lots are approximately 1.62 acres and are owned by the city. A 10 inch water main in Cemetery Hill Road connects the reservoirs to the service areas in the city limits.

The AT&T communications facility is on Tax Lot 702 (1.12 acres). It is in the NE corner of the parcel and is about 50 feet from the 410,000 gallon water tank.

Tax Lot 703 (0.80 acres) is vacant and available for an additional water reservoir.

The cemetery, reservoirs and communications facility are accessed by Cemetery Hill Road (County Road 925) which is a dead-end road. It is an eastern extension of E. North Street. It also serves three farm houses less than one-quarter mile to the east of the cemetery/reservoir site. The Cemetery Hill Road right-of-way is 66 feet wide from the current city limits to the west boundary of the cemetery and is 40 feet wide along the south side of the cemetery extending to the farm houses.

9. **Abutting Properties.** The comprehensive plan map designations, zones and uses on the abutting properties are:

West side site:

East: East of the site the abutting properties are in the UGB and in the city limits. They are designated on the comprehensive plan map "commercial" and are zoned "commercial." The uses are generally commercial (auto shop, building supply retailer, mini-storage and a church. Three lots with single family dwellings front on N. 2<sup>nd</sup> Street, but they do not abut the city's public facility property.

North: North of the portion of the site that is outside the UGB and city limits, the abutting property is outside the UGB and city limits and is designated Primary Agriculture in the Marion County comprehensive plan and is zoned Exclusive Farm Use (EFU). The land is used for farming.

West: West of the site is the Santiam River and west of the river is a sand and gravel operation in Linn County.

South: South of the portion of the site that is outside the UGB and city limits, the abutting property is outside the UGB and city limits and is designated Primary Agriculture in the Marion County comprehensive plan and is zoned Exclusive Farm Use (EFU). The land is used for farming.

East side site:

East: East of the site the abutting property is outside the UGB and city limits. It is an approximately 90 acre parcel designated Primary Agriculture in the Marion County comprehensive plan and is zoned Exclusive Farm Use (EFU). The land is used for farming. This owner also owns the land to the south of the site (see below).

North: North and northwest of the site the abutting property is outside the UGB and city limits. It is an approximately 112 acre parcel designated Primary Agriculture in the Marion County comprehensive plan and is zoned Exclusive Farm Use (EFU). The land is used for farming.

West: West and south of Cemetery Hill Road the property is inside the UGB and outside the city limits. There are about 6 parcels ranging in area from 1 to 7 acres. They are designated Low Density Residential in the Jefferson comprehensive plan and are zoned Urban Transition – 3 (UT-3) by Marion County. The land is used for farming and rural residences.

South: South of the site across Cemetery Hill Road the property is outside the UGB and city limits. It is an approximately 90 acre parcel designated Primary Agriculture in the Marion County comprehensive plan and is zoned Exclusive Farm Use (EFU). The land is used for farming. This owner also owns the land to the east of the site (see above).

B. Criteria for Amending the Comprehensive Plan and Development Code.

1. Section 12.104.020 of the Jefferson Development Code (effective 7/1/11 per Ordinance 672 passed 5/26/11) requires legislative changes to the comprehensive plan and development code to be initiated by city staff, the planning commission or the city council. On November 3, 2011, the Planning Commission unanimously passed a motion directing staff to prepare the necessary amendments to bring the city owned properties containing the sewer, water and cemetery facilities into the UGB.

2. Section 12.104.050, A – G, of the Jefferson Development Code (effective 7/1/11 per Ordinance 672 passed 5/26/11) sets forth the criteria for a legislative, Type D, application. They are:

**“A. The applicable Comprehensive Plan Policies and Objectives;”**

The objectives and policies of the Jefferson Comprehensive Plan were reviewed and carefully considered. The objectives and policies determined to be applicable follow.

**“Agricultural Lands:” (p. 23)**

**“Objective: To retain the agricultural use of land in those areas where it is deemed the highest and best use, given the soil conditions of the area, and the suitability of competing uses.”**

**“Policy 1: Urban services will not be extended to land designated for open space of [or] exclusive farm use.”**

Finding: The properties proposed to be added to the UGB have been used for public facilities extending back to as long ago as 1935 for the cemetery and 1964 for the water reservoirs on the east side site, and 1958 for the west side site. They have been used for public facilities since before the Jefferson Comprehensive Plan was adopted on September 27, 1977. Marion County designated the west side site and the east side site Primary Agriculture in the Marion County Comprehensive Plan and zoned them Exclusive Farm Use (EFU) in the Marion County Zone Map.

The EFU Zone allows public facilities. Over the years Marion County has approved public facilities on the west side and east side sites. An AT&T wireless communications facility was approved for the property with the 1.75 million gallon water reservoir on the east side site. Over the years the City of Jefferson's development applications and Marion County's approvals of development on the west side and east side sites for public facilities has resulted in the lands being used for non-agricultural uses. The EFU Zone allows public facilities and, therefore, one could contend the existing facilities are rural uses, but another contention could be the uses are urban because they are substantial buildings whose only purpose is to serve and support urban levels of development in the city limits (the lagoons, sewer treatment building, water treatment

building, office for the laboratory functions and the Public Works Department, and water reservoir). The cemetery does not include substantial buildings, but the majority of the internments are for the residents of the city, thus one could contend it is an urban cemetery.

It would be more appropriate for the lands to be in the UGB and city limits because they are developed with urban levels of public facilities. It is not appropriate for the lands to continue to be designated Primary Agriculture or to be zoned EFU because no agricultural activities occur on the properties. There is insufficient area on the sites for agricultural activities, however, there is room on the sites for public facility expansions. Over the years the city proposed and Marion County approved non-agricultural development on the properties because they were owned by the city and they already contained structures and buildings related to the city's public facility systems at the time the Marion County comprehensive plan and zoning were applied to the properties. The actions of the city and county have deemed public facilities that support urban development in the city limits to be the highest and best use, not agriculture.

The Agricultural Lands Objective and Policy 1 are met because agricultural use of the properties was not retained and non-agricultural uses were deemed to be the highest and best use.

**"Economy of City:"** (p. 25)

**"Objective: To improve the economic vitality of the Jefferson area."**

Finding: The city's public facilities for sewer, water and cemetery services must be maintained and continue to be improved and enlarged to support the economic vitality of the Jefferson area. The west side site and the east side site are already developed with significant structures and building serving and supporting urban development in the city limits. The west side site abuts the Santiam River and has been the site of two treatment ponds since 1958. The west side site is on low ground near the Santiam River which allows the sewer system to operate on gravity flows whenever the topography allows it. The east side site is on the only hill near the city which allows the water system to provide adequate water pressure at the faucet for development in the city. The water and sewer systems are adequate, with periodic upgrades and expansions, to provide adequate services to the existing and future land uses in the city.

The economy objective is met because the economic vitality of the city is supported by the city's public facilities on the west side site and the east side site.

**"Public Facilities and Services:"** (p. 26)

**"Objective: To provide public services in a timely, cost efficient manner."**

Finding: The city's sewer, water and cemetery services are provided in a timely and cost efficient manner. Development in the city limits must be provided with sewer and water facilities at the time of development. The gravity flow capability of the sewer system with flows running to the low point in the city at the west side site next to the Santiam River provide an efficient sewer system. The water reservoirs are on the only high ground (368 feet above sea level) in the area and such height allows the construction of at-grade water reservoir tanks which creates water pressure for the city's water system. The at-grade tanks allow for efficient maintenance and operation compared to reservoirs that are at lower topographic levels, but are elevated on tall supports.

The Objective to provide public services in a timely and cost efficient manner is met.

**"Policy 1: The city will provide water and sewerage facilities with a capacity to meet the needs of 3500 people while maintaining local, state and federal health standards."**

Finding: As part of this post-acknowledgement plan amendment, the population projection is proposed to be extended to the year 2032 with a population of 5,370. The proposed revised Policy 1 would read, "The city will provide water and sewerage facilities with a capacity to meet the needs of 5,370 people in 2032 while maintaining local, state and federal health standards."

In 2009 Marion County and the cities in Marion County, including the City of Jefferson, participated in the adoption of a coordinated population projection. The following table shows the city's population projection in 5-year increments. The Marion County Population Projection adopted in 2010 is used in this UGB expansion proposal.

**POPULATION PROJECTION FROM 2005 TO 2030**

2005 Actual	2010	2015	2020	2025	2030	Ave %/Year
2,515	3,162	3,598	4,085	4,583	5,121	2.4

Source: Marion County Population Projection, 2010.

The Oregon Population Research Center (PRC) estimated Jefferson's population at 3,115 as of July 1, 2010.

The previous population projections forecasted steady growth. The April 1996 Water System Evaluation and Master Plan (Table 2-2, p. 2.5) used a figure of 3,077 in 2010 and 3,500 in 2016. The 2010 figure is very close to the PRC's July 1, 2010 estimate of 3,115.

Marion County's October 21, 1998 (Ordinance 1091) coordinated countywide population allocation showed a projected population for Jefferson of 2,895 in 2020, which in retrospect was too low because the city included 3,115 in 2010.

The September 2000 Wastewater System Facilities Plan (Table 2-4, p. 2-8) used Marion County's 1998 population allocation of 2,895 in 2020 and 3,127 in 2024.

The Marion County 20 year population projection adopted in 2010 for the period 2010 to 2030 with a 2.4% per year growth rate for the city is revised in this proposal to be a 20 year period from 2012 to 2032. The 5,121 projected for 2030 is increased by 2.4 percent per year for two years to give a population projection of 5,244 in 2031 ( $5,121 \times 1.024$ ) and 5,370 in 2032 ( $5,244 \times 1.024$ ).

Policy 1 is met because the water and sewer facilities have the capacity to meet the needs of the city's new projected population of 5,370 in 2032. The sewer and water systems are capable of accommodating an approximately 50% increase in population up to about 4,500 to 4,700. The water and sewer systems will be improved and expanded in the future to meet the needs of the city's projected population of 5,370 in 2032 in accordance with the 1996 Water System Evaluation and Master Plan and the 2000 Wastewater System Facility Plan, or revised plans that may be prepared in the future. The west side site contains sufficient area to accommodate expansions of the sewer treatment facility and the water treatment facility. The east side site contains sufficient area to accommodate an additional large water reservoir. The city's cemetery contains sufficient area to accommodate additional internments. Its capacity may last longer than anticipated because the national rate of cremations is increasing significantly thereby resulting in fewer internments.

**"Policy 2: No development will take place in urbanizable lands until water and sewerage services are provided."**

Finding: The city's Municipal Code requires development to be served with public water and

sewerage services provided by the city. Policy 2 is met.

**“Policy 3: All storm water run-off will be channeled into an effective drainage system.”**

Finding: Policy 3 is not applicable because the west side site and the east side site do not contain storm water drainage facilities.

**“Urbanization:” (p. 27)**

**“Objective: To provide for the urbanization of enough land to meet the future needs of the residents of Jefferson.”**

Finding: The proposed addition to the UGB will include the sewer and water treatment buildings, the sewer system’s “polishing ponds,” the water reservoirs, and the cemetery to support the future needs of residents of the city. The proposed new Public Facility District in the Jefferson Development Code will provide a zone that specifically allows sewer, water and cemetery facilities. The Urbanization Objective is met.

**“Policy 1: The nature and role of the city will remain as a farm service center and bedroom community.”**

Finding: Not applicable because the proposed UGB expansion and new Public Facility District does not affect the city in terms of its nature and role as a farm service center and bedroom community.

**“Policy 2: Urban services will not be extended outside the Urban Services Boundary.”**

Finding: Not applicable because the proposed UGB expansion and new Public Facility District does not address the extension of urban services outside the urban services boundary (UGB).

**“Policy 3: An urban boundary will be created along the Santiam River and by a ring of residential development.”**

Finding: The policy’s intent is not clear and does not appear to be intended to apply to public facility lands and uses, thus it is not applicable.

**“Policy 4: Urban services will only be provided to lands within the city’s corporate limits.”**

Finding: The city intends to annex the west side site in 2012 as soon as the site is added to the UGB. The west side site abuts the current city limits, thus it would meet the ORS 222 requirement that lands added to the city limits abut the current city limits. As part of the annexation, the city would apply the proposed new Public Facility District to the west side site and any development on the site in the future would be in accordance with the city’s regulations, not the current EFU Zone applied to the property by Marion County. The city does not intend to annex the east side site soon because it does not abut the current city limits. The land between the east side site and the current city limits is in the UGB and once it is annexed, then the east side site will abut the city limits and the city can annex it into the city limits.

**“Policy 5: Once urban services have been extended to a parcel of land within the urban growth boundary that parcel shall be considered available for urban development.”**

Finding: Not applicable because the proposed UGB expansion and new Public Facility District do not address the extension of urban services to a parcel of land.



**“B. The applicable Statewide Planning Goals; and”**

Goal 1, Citizen Involvement, is met because the city's review and decision making regarding this comprehensive plan and development code amendment is following the process set forth in the Jefferson Development Code for the review and decision on legislative proposals. The Planning Commission and City Council each hold a duly noticed public hearing. The Planning Commission makes a recommendation to the City Council and the City Council makes a written decision in the form of an adopted ordinance. An appeal is provided by ORS 197 to the Oregon Land Use Board of Appeals or the Land Conservation and Development Commission as applicable based on the issue appealed.

Goal 2, Land Use Planning, is met because the city's review and decision making regarding this comprehensive plan and development code amendment includes an adequate factual base and follows the process set forth in ORS 197 for post-acknowledgement plan amendments.

Goal 3, Agricultural Lands, is not applicable because Oregon Administrative Rule 660-024-0020, (1), (b), Urban Growth Boundaries, states Goal 3 is not applicable. See (1)(b) below.

“(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;”

Note: Subsections (1)(c) through (1)(g) are not shown as they relate to Goal 5, the transportation planning rule, Goal 15, Goals 16 to 18, and Goal 19, respectively, and thus do not apply to compliance with Goal 3.

Goal 4, Forest Lands, is not applicable because Oregon Administrative Rule 660-024-0020, (1), (b), Urban Growth Boundaries, states Goal 4 is not applicable. See (1)(b) below.

“(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;”

Note: Subsections (1)(c) through (1)(g) are not shown as they relate to Goal 5, the transportation planning rule, Goal 15, Goals 16 to 18, and Goal 19, respectively, and thus do not apply to compliance with Goal 4.

Goal 5, Natural Resources, Scenic and Historic Areas, Open Spaces, is not applicable because the proposal does not involve natural resources, scenic areas, historic areas or open spaces.

Goal 6, Air, Water and Land Resources Quality, is not applicable because the proposal is to add land with existing public facilities to the UGB.

Goal 7, Areas Subject to Natural Hazards, is applicable because the proposal includes adding the west side site to the UGB which is partially in the 100-year flood plain. Development on the west side site must comply with the Marion County floodplain regulations and after annexation to the city limits must comply with the city's floodplain regulations. The existing substantial development on the west side site has been constructed in accordance with the Marion County

floodplain regulations. The proposed addition of the west side site to the UGB is consistent with Goal 7.

Goal 8, Recreation Needs, is not applicable because the proposal does not involve parks or recreation.

Goal 9, Economic Development, is not applicable because the proposal does not involve the addition to the UGB of land for economic development. The proposal involves the addition of land with substantial public facilities already built.

Goal 10, Housing, is not applicable because the proposal does not involve the addition of land to the UGB for housing.

Goal 11, Public Facilities and Services, is applicable because the existing Public Facilities and Services Policy 1 (Jefferson Comprehensive Plan, p. 26) is proposed to be changed to replace the reference to a population projection of 3,500 (no year specified) to a population of 5,370 in 2032 based on the 2010 Marion County coordinated population projection.

**“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: Over the years the city has planned and developed a timely, orderly and efficient arrangement of sewer and water facilities to serve urban development. In 1980, just three years after the city adopted its first comprehensive plan, the city's population was 1,702 (Comp Plan, p. 10) and as late as the 1990 U.S. census it was only 1,805 (Oregon Population Research Center). The 2000 U.S. census count was 2,487, a notable increase of 38% in 10 years. The 2010 U.S. census count was 3,098, another high increase of 25% in 10 years.

Oregon Revised Statute 197.712, (2), (e), does not require cities of less than 2,500 population to develop and adopt a public facility plan. Thus, the city was not required to adopt a public facility plan until it reached a population of 2,515 as of July 1, 2005 (Oregon Population Research Center annual population estimate). ORS 197.712, (2), (e), states:

“(e) A city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The public facility plan shall include rough cost estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the comprehensive plan and land use regulations. Project timing and financing provisions of public facility plans shall not be considered land use decisions.”

The city's population exceeded 2,500 in 2005 and the city is now required by State Statute to prepare and adopt a public facilities plan, however, until funding is identified to prepare a public facilities plan, the water and sewer master plans will be used.

It is not the purpose of this UGB expansion to add land specifically for future water and sewer facilities. Rather, its purpose is to add to the UGB public facility lands that the city has owned for decades, and coincidentally, the Public Works Director indicates the west side and east side sites have sufficient area to accommodate expansions of the water and sewer systems to accommodate population increases for several years.

Despite not being required to prepare and adopt a public facility plan, in 1996 the city adopted the “Water System Evaluation and Master Plan,” a 100-plus page document prepared by Westech Engineering, Inc. The city has been using it to guide water system decisions and investment. Also, in 2000 the city adopted the “Wastewater System Facilities

Plan,” another 100-plus page document prepared by Westech Engineering. It is being used to guide sewer system decisions and investment. For example, a new waste water treatment plant was constructed and opened in 2010 based on the 2000 document and also on more recent analyses. It can accommodate an approximately 50% increase in population over the 2010 population (3,115) up to about 4,500 to 4,700 people and the 1.75 million gallon water reservoir can accommodate approximately a 50% increase in population.

Goal 12, Transportation, is not applicable because the proposal does not involve the transportation system.

Goal 13, Energy Conservation, is not applicable because the proposal does not involve energy conservation.

Goal 14, Urbanization, is applicable because the proposal involves amending the UGB to add lands used for public facilities. Goal 14 states, in part:

**“To provide for an orderly and efficient transition from rural to urban land use, urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”**

Finding: The addition to the UGB of the west side and east side sites will provide for an orderly and efficient transition from rural to urban land use and will ensure the efficient use of land and provide for livable communities. The land proposed for inclusion in the UGB has been owned by the city for decades and is already developed with substantial sewer, water and cemetery facilities. The west side site is about 20.68 acres and about 5.35 of those acres are already in the UGB and city limits. Adding the remaining 15.33 acres which contain the “polishing ponds,” water treatment building, sewer treatment building and laboratory/office building will ensure an orderly and efficient transition from rural to urban land use.

The west side and east side sites are in Marion County’s EFU Zone. Over the years Marion County has approved land use applications by the city for the construction of new sewer and water facilities in the EFU Zone. Given the significant size and number of structures on the properties and that their only purpose is to serve urban development in the city limits, adding the west side and east side sites to the UGB would be an orderly and efficient transition from rural to urban land use.

Goal 14 includes an associated Oregon Administrative Rule 660-024 which provides direction for complying with Goal 14. The rule requires two basic steps, (1) to identify a need for adding land to the UGB and (2) to analyze possible locations of the land to be added. The following addresses the need and the location requirements.

Land Need:

The basic requirement for land need is stated in OAR 660-024-0040(1):

“(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, **and must provide for needed** housing, employment and other urban uses such as **public facilities**, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.” (emphasis added)

Finding: The proposal includes an updated 20 year coordinated population forecast based on the 2010 Marion County 20 year forecast out to 2030. The proposal includes extending the 2030

forecast by 2 years to 2032. The requirement to base the UGB on an adopted 20 year population forecast is met.

Except for the addition of about 0.89 acres to the cemetery in 2011, the city has owned the 27.22 acres in the west side and east side sites for decades. In 1980 the population was 1,702 and the ratio of public facility land owned by the city to the population was about 1 acre per 62 people (1,702/27.22). In 1990 the population was 1,805 and the ratio of public facility land owned by the city to the population was about 1 acre per 66 people. In 2000 the population was 2,487 and the ratio of public facility land owned by the city to the population was about 1 acre per 91 people. In PRC July 1, 2010 population estimate was 3,115 and the ratio of public facility land owned by the city to the population was about 1 acre per 114 people.

Clearly, the city has been adding sewer and water facility capacity over the years, but has not been adding sewer and water facility land to the UGB as the population increased. The city owned land was large enough to accommodate the construction of new public facilities and expand existing public facilities without adding land to the UGB. The west side and east side sites could have been included in the original UGB, but for unknown reasons they were not. Now, 30 years after the initial UGB was established, they are proposed to be added. Their addition is not a function of population growth.

The reason for proposing to add public facilities land to the UGB is it is city owned land with city operated facilities and the city believes it is appropriate for such land to be in the UGB and eventually annexed to the city limits.

Based on the Public Works Director indicating the west side site has been "shadow planned" and it shows there is sufficient area to expand the sewer treatment plant and the water treatment plant on the site, the proposed UGB expansion does not include more than the current 15.33 west side site acres to accommodate future sewer and water facility expansion out to the year 2032.

Based on the Public Works Director indicating the reservoir portion of the east side site has been "shadow planned" and it shows there is sufficient area to construct a second million gallon reservoir on the site, the proposed UGB expansion does not include more than the current 2.42 reservoir acres to accommodate future reservoirs out to the year 2032.

Based on the 8.56 acres in the cemetery in 2012 and that it has sufficient area for many more grave sites, the proposed UGB expansion does not include more than the current 8.56 acres to accommodate future cemetery demands out to the year 2032. Many former Jefferson residents are buried in the cemetery. The city assumes more Jefferson residents will be buried in the cemetery, but it is not clear how many because the national rate of cremations is significantly increasing. Additionally, some Jefferson residents will be buried in other cemeteries. Finally, it is not known how many residents of the rural area around Jefferson will be buried in the cemetery.

Regardless of the 20 year population forecast, the 27.22 acres proposed to be added to the UGB are currently developed with significant structures or are committed to public facilities. The west side site contains two "polishing ponds," a sewer treatment building, a water treatment building, an office/laboratory building, parking, perimeter fencing with security gate and an access driveway. The east side site contains two concrete tank water reservoirs (the smaller tank is decommissioned and will be demolished) and an AT&T wireless communications facility. It also includes a cemetery with graves dating to the 1850's where many former Jefferson residents are buried.

Adding the land to the UGB is justified because it is currently built with significant levels of development. The significant levels of development on the sites show the land is needed to serve and support the growing population of the city. Because the sites contain significant levels of development, and that development serves and supports the population of the city, they

should be in the UGB, designated with the city's existing "Public" comprehensive plan designation, and once annexed into the city limits, zoned with the proposed new Public Facility District.

The west side site has sufficient area for a new water treatment building east of the "polishing ponds." In 5 – 10 years a new water treatment building may be needed due to more rigorous federal water quality standards. The east side site has sufficient area for a new water reservoir once the decommissioned 410,000 gallon tank is demolished. Additional land to the north of the 1.75 million gallon tank is vacant and available for a future reservoir. The cemetery has land available for future grave sites.

The segment of Cemetery Hill Road west of the cemetery is now in the UGB. It provides access to the cemetery and contains the water lines to the reservoir east of the cemetery. The current Jefferson Comprehensive Plan Map includes the Cemetery Hill Road right-of-way west of the cemetery in the current UGB (the UGB boundary is along the north right-of-way line of the road).

The segment of Cemetery Hill Road along the south side of the site is an existing public road. The public right-of-way is 40 feet wide based on Marion County Assessor Map T10S, R3W, Section 1, and a field visit confirmed it is improved with gravel. It is not in the UGB, but it should be in the UGB because it provides access to the water reservoirs and the AT&T wireless communications facility.

Based on the above, the "land need" is met for the addition of 27.22 acres to the UGB.

#### Location Analysis:

The basic requirement for the location analysis is stated in OAR 660-024-0060 and it is to inventory, review and analyze each property that abuts, or is near, the current UGB, and then select which property best meets the identified need.

For this proposal the analysis of which land to add to the UGB is controlled by which land already contains the public facilities. The west side site includes sewer and water facilities and related buildings and structures. The east side site includes one decommissioned and one active water reservoir, a cemetery and an AT&T wireless communications facility.

Because this proposal is controlled by the location of the existing facilities, the location alternatives analysis is addressed concisely.

#### Finding:

##### West Side Site:

The west side site is at the topographic low side of the city and it abuts the Santiam River. The site was chosen in the 1950's for the city's initial sewer system's sewage lagoons because it was at the topographic low area, it abutted the Santiam River which receives the treated sewage and was conducive to a gravity flow system with only minimal reliance on sewer pump stations. Over the years the west side site has served the city well and now contains a modern sewer treatment building and an office/laboratory building which were opened in 2010. The old sewage lagoons have been changed to be "polishing ponds."

The cost to decommission and construct a new sewer treatment building, office/laboratory building, water treatment building, office/laboratory and "polishing ponds" has not been specifically estimated. However, the cost would be millions of dollars at least. Because the current sewer treatment building was just opened in 2010, it is not likely any funding source (local, State, Federal) could be identified that would fund another new sewer treatment facility at

a different location. Because the current office/laboratory building was just opened in 2010, it is not likely any funding source (local, State, Federal) could be identified that would fund another new office/laboratory building at a different location. Because the current water treatment building is performing well and is not over capacity it is not likely any funding source (local, State, Federal) could be identified that would fund a new water treatment facility at a different location. Finally, it is not likely any funding source (local, State, Federal) could be identified that would fund decommissioning and construction new sewer main lines and water main lines to serve a new sewer treatment site or a new water treatment site.

The west side site is also the location of the city's water treatment plant. The city's original water source was 5 wells on the south side of 99E and the Union Pacific RR main track on the east bank of the Santiam River. The water was pumped from the wells about three-quarters of a mile north to the west side site where it was treated in the water treatment plant that was constructed in 1978 and has been upgraded four times. The original 5 ground wells that supplied the city with water are no longer used as the primary supply. Three of the wells are used as back-up water sources. A water intake on the Santiam River approximately at the SW corner of the west side site (just upstream from the sewer treatment plant outfall into the river) is now the primary water supply. The water is pumped about 100 yards to the water treatment plant on the west side site and is then pumped to the service area and to the reservoirs on the east side site. A different site for the water treatment building would need to be integrated with the old wells that continue to act as a back-up water source for the city. No other suitable sites are as close to the back-up wells and are connected with water main lines as the current west side site.

In terms of an alternative site to the west side site, other sites around the city were briefly reviewed for this proposed UGB expansion and found to not be suitable because they were not topographically as low as the current site, or were not abutting the Santiam River, or would have committed the city to millions of dollars of unnecessary expense to construct new facilities at a new site.

#### East Side Site:

The east side site is the highest ground in the Jefferson area. It is the western portion of a low ridge that extends westerly from some high ground to the east of the city. The United States Geological Survey's Albany Quadrangle indicates the elevation is 368 feet above sea level. The downtown area is about 220 feet above sea level.

The east side site is the location of the city owned and operated cemetery which includes a view of the city. It has existed at its current location for about 150 years. The city became the owner in 1935 and the ownership was augmented in 1968 and 2011. The east side site is also the site of the city's two concrete tank water reservoirs east of the cemetery. The smaller 410,000 gallon tank was decommissioned in 1999 when the larger tank was constructed and would have been demolished, but the cost was too high. The larger 1.75 million gallon concrete tank was constructed in 1999. This location was selected by the city decades ago because it is the highest ground in the Jefferson area, is near the city (about 200 yards away) and provides water pressure for the city's water service area. There is no other high ground in the Jefferson area.

In terms of an alternative site to the east side site, other sites around the city were briefly reviewed for this proposed UGB expansion and found to not be suitable because they were not topographically as high as the current site, or would have committed the city to millions of dollars of unnecessary expense to construct new facilities at a new site.

Based on the above considerations of location alternatives analysis, the west side and east side sites are the most suitable areas to add to the UGB for sewer, water and cemetery public facilities.

Goal 15, Willamette River Greenway, is not applicable because the proposal does not involve the Willamette River.

Goals 16 through 19, the Coastal Goals, are not applicable because the subject property is not at the Oregon coast.

**“C. The applicable Oregon Administrative Rules.”**

The applicable Oregon Administrative Rule regarding Goal 14 is addressed above.

The applicable Oregon Administrative Rule (660-011, Public Facilities Planning) regarding Goal 11, Public Facilities, is addressed, partially, by the proposed change to the city's Public Facilities and Services Policy 1 (Jefferson Comprehensive Plan, p. 26). The reference to a population of 3,500 is replaced with a reference to a projected population of 5,370 in 2032. The Marion County 2010 adopted and coordinated population projection is the basis of the 2032 population projection of 5,370.

**1996 Water System Evaluation and Master Plan:**

The April 1996 Water System Evaluation and Master Plan by Westech Engineering, Salem, OR, sets forth the water system for the city. It has been used to guide the city's improvements to the water system and water treatment plant. The Master Plan calls for additional water treatment plant improvements at the west side site, reservoir capacity increases at the east side site and other system upgrades to accommodate future population and jobs growth. Consistent with the Plan the original 5 ground wells that supplied the city with water are no longer used as the primary supply. Three of the wells are used as secondary back-up water sources. Again, consistent with the Plan a water intake on the Santiam River was developed at the SW corner of the west side site (just upstream from the sewer treatment plant outfall into the river) and is now the city's primary water source. The water is pumped to the water treatment plant on the west side site and is then pumped to the service area and to the reservoirs on the east side site.

The April 1996 Water System Evaluation and Master Plan is based on a population projection of 3,500 at the year 2016 (p. 2-2 and Figure 1, Table 2-2, p. 2-5). The average annual rate of growth assumed was 2.79 percent. The 3,500 figure was "...developed in conjunction with the 1992 Comprehensive Plan Update..." (p. 2-2) "These projections were used to project future water demands over the planning period. Anticipated future water requirements are based on the population and service connection projections through the year 2015." (p. 2-2)

The Oregon Population Research Center estimated Jefferson's population was 3,115 as of July 1, 2010. The water plan's projection of 3,500 for 2016 is close to the actual of 3,115 on July 1, 2010. Given the current recession, the actual July 1, 2016 population may approximate the Plan's projection of 3,500 for 2016.

It is not the purpose of this UGB proposal to prepare for the first time a Public Facilities Element to the Jefferson Comprehensive Plan because the creation of a new element is a significant project on its own. The city should consult with the City Engineer and Public Works Director regarding the need for a new water plan or an update to the 1996 water plan. In the meantime, the new population projection included in this proposal of 5,370 in 2032 (using an average annual rate of growth of 2.4 percent compared to the current water plan's 2.79 percent) is used to address the UGB expansion for public facility needs. When a new water plan is adopted, it might show a need for additional land for the sewer and water facilities, and if that is the case, then the new plan would be used to justify a UGB expansion at that time. The city anticipates that an upgraded or new water treatment plant may be needed in 5 to 10 years due to more rigorous federal water quality standards. The current water treatment plant can treat 1 million gallons per day and summer time maximum use is only about 0.7 million gallons per day.

#### 2000 Wastewater System Facilities Plan:

The September 2000 Wastewater System Facility Plan sets forth the wastewater system for the city. It has been used to guide the city's improvements to the sewer system and sewer treatment plant. A new sewer treatment plant constructed with Federal funds was opened in 2010. It has capacity to serve a population of 4,500 to 4,700 which is the population the project expected would live in the city in 2030. The 4,500 to 4,700 figure is less than the Marion County coordinated 2010 population projection of 5,121 in 2030. The 2010 sewer treatment facility is on the 15.33 acre area outside the UGB and city limits. Placement of the new plant in the EFU Zone was reviewed and approved by Marion County and a floodplain development permit was issued. The Master Plan calls for additional sewer facilities at the west side site to accommodate future population and jobs growth.

The September 2000 Wastewater System Facility Plan is not clear regarding a population projection. It states, "For purposes of this facility plan, the projected population of 3500 at year 2016 that was adopted by the City as part of the 1996 Water master Plan is used, and projected out to 2024." (p. 2-7) But page 2-8 states, "The projected populations used for the purposes of this report are shown in Table 2-4." And Table 2-4 shows a 2024 population of 3,127 (includes 480 public school students coming in from the surrounding area which places demands on the waste water system). The 3,127 figure is about 390 less than the 2016 projected population of 3,500 in 2016 that was used in the 1996 Water System Evaluation and Master Plan. It is not clear what population the 2000 waste water plan used. Regardless, using the 2000 Wastewater System Facilities Plan the city obtained federal funding and a new waste water treatment plant and associated facilities was opened in 2010 with a capacity for a population of 4,500 to 4,700 (projected in 2030).

Based on the above, the applicable Oregon Administrative Rules are met.

#### **"D. Short- and long-term impacts;"**

The sewer and water plans noted above considered the short and long term impacts that were identified at the time of the plans. No impacts are identified as part of this UGB expansion that would affect the proposed addition of 27.22 acres to the UGB. The west side and east side sites have land available for the future expansion of the sewer, water and cemetery facilities.

#### **"E. Public benefit;"**

The public would benefit from the proposed UGB expansion because any future public facility development on the subject sites would be proposed, reviewed and decided by the City of Jefferson. The city would not have to prepare an application or pay an application fee to Marion County for land use applications to allow urban facilities to be constructed on land zoned EFU.

#### **"F. Reasonable alternative proposals;"**

Reasonable alternative proposals were discussed above in the section addressing the Statewide Goals. No reasonable alternative proposals were identified because the west side and east side sites are the best sites for the sewer and water facilities and moving the current facilities to a different location would be prohibitively expensive.

#### **"G. Any other factors deemed relevant by Planning Commission or City Council."**

The Planning Commission reviewed the proposal at their public hearing on February 2, 2012. The Planning Commission did not deem any other factors relevant. If the City Council deem any



other factors relevant at their February 23, 2012 public hearing, they will be addressed as part of the public hearing process.

#### C. Conclusion.

The City Council concludes the applicable comprehensive plan policies and the applicable Statewide Planning Goals and their implementing Oregon Administrative Rules were reviewed and found to be met.

#### IV. PROPOSED CHANGES TO THE COMPREHENSIVE PLAN'S POLICIES

1. **Public Facility Policies.** The Jefferson Comprehensive Plan's Public Facilities and Services policies (p. 26) must be changed to recognize the 2010 Marion County coordinated population projection that the city was a party to and agreed with. That projection showed a population of 5,121 in 2030 with an average annual growth rate of 2.4 percent. This proposal extends the 2030 projection two more years to 2032 at a rate of 2.4 percent for a 20 year projection from 2012 to 2032 of 5,370.

Language proposed to be added is ***bolded and italicized***. Language proposed to be deleted is shown in ~~strikeout~~.

Policy 1: The city will provide water and sewerage facilities with a capacity to meet the needs of ~~3500~~ ***5,370*** people ***in 2032*** while maintaining local, state and federal health standards.

Policy 1 is repeated on p. 44 with a slight change in the wording. It appears the phrase "...water and..." was inadvertently deleted. It is proposed to be added back in.

Policy 1: The city will provide ***water and*** sewerage facilities with a capacity to meet the needs of ~~3500~~ ***5,370*** people ***in 2032*** while maintaining local, state and federal health standards.

No changes are proposed to policies 2 and 3.

Policy 2: No development will take place in urbanizable lands until water and sewerage services are provided.

Policy 3: *All storm water run-off will be channeled into an effective drainage system.*

2. **Housing Policies.** It is noted the Housing Objective (Comprehensive Plan, p. 25) includes the 3,500 population figure in 2000, but it is not proposed to be changed in this proposal because this proposal does not address housing. If the 3,500 population figure were changed to 5,370 in 2032, there would be no housing needs or location analysis to compliment it.

#### V. PROPOSED PUBLIC FACILITY DISTRICT

The Jefferson Comprehensive Plan Map includes a designation of "Public." The "Public" designation is proposed to be placed on the lands added to the UGB.

Neither the Jefferson Development Code or Zone Map include a Public Facility District. A Public Facility District is proposed below and it is intended that it be applied to the public facility lands when they are annexed to the city.

The initial application of the Public Facility District would be to the west side site with the expectation of the annexation going to the voters in the November 6, 2012 election. Additionally, it would be available to be applied to other publicly owned property annexed into the city in the future. It is not anticipated that it will be applied to any existing city, school district or fire district properties in the near future.

The proposed new Public Facility District follows. It is shown in ***bold italics*** because it is all new.

***Chapter 12.31 -- Public Facility (PF) District***

***Sections:***

- 12.31.010 Purpose.***
- 12.31.020 Permitted uses.***
- 16.31.030 Conditional uses.***
- 16.31.040 Dimensional standards.***
- 16.31.050 Development standards.***

***16.31.010 Purpose.***

***The purpose of the PF District is to recognize existing public facility uses and to provide for the development of future public facility uses.***

***16.31.020 Permitted uses.***

***The following uses are permitted in the PF District when developed under the applicable development standards of this Code and subject to Site Development Review:***

- A. Public uses including, but not limited to city hall, administrative and office buildings, community centers, libraries, schools, museums, fire stations and police stations;***
- B. Public uses including, but not limited to pump stations, public works and emergency responder communication antennas, water reservoirs, water treatment plant and facilities, sewage treatment plant and facilities, and related offices and laboratories;***
- C. Public use sewer lagoons and polishing ponds;***
- D. Public uses including, but not limited to storage yards for machinery, equipment and other materials related to public facilities;***
- E. Private electrical substations;***
- F. Public indoor and outdoor recreation uses including, but not limited to parks, swimming pools, activity structures and golf courses;***
- G. Public open space and uses including, but not limited to nature preserves and scenic areas;***
- H. Public and private cemetery, mausoleum and columbarium;***
- I. Public parking lot;***
- J. Public schools, kindergarten through high school; and***

- K. Park and ride lot, provided each space is occupied by a vehicle whose driver is riding public transit or participates in a public administered transit system or public sponsored car pool program.**

**16.31.030 Conditional uses.**

**The following uses may be permitted in the PF District subject to obtaining Site Development Review approval and a conditional use permit.**

- A. Wireless communication facility.**

**16.31.040 Dimensional standards.**

**The following minimum dimensional standards shall be provided in the PF District, except as otherwise provided in this Code.**

- A. Lot Dimensions.**

- 1. Minimum lot area shall be sufficient to meet the minimum standards of the PF District.**
- 2. Minimum lot width: 30 feet, except for public facility uses, including but not limited to sewer pump stations, where a 30 foot width is inappropriate.**

- B. Minimum yard setbacks.**

- 1. Lot or parcel abutting, or across an alley from, a residential district:**
  - a. Front yard: 20 feet.**
  - b. Side yard: 15 feet.**
  - c. Rear yard: 15 feet.**
- 2. Lot or parcel not abutting, or across an alley from, a residential district:**
  - a. Front yard: 20 feet.**
  - b. Side yard: 0 feet.**
  - c. Side yard abutting a street: 20 feet.**
  - d. Rear yard: 0 feet.**
  - e. Rear yard abutting a street: 20 feet.**
- 3. Subsections B, 1, and B, 2, do not apply to public facility uses, including but not limited to sewer and water pump stations, where the required setbacks would not be needed.**

- C. Maximum building and structure height: 80 feet.**

- D. Maximum structure height for wireless communication facilities: As determined by the conditional use permit decision authority based on coverage and capacity supported by information in the application materials, but not greater than 100 feet.**

**16.31.040 Development standards.**

**Development in the PF District shall comply with the applicable provisions of this code. In addition, the following standards shall apply:**

- A. Off-Street Parking. Off-street parking and loading shall comply with Section 12.44, Parking and Loading Requirements.**
- B. Signs. Signs shall comply with Section 12.68, Signs.**
- C. Site Plan Review. Development in the PF District shall comply with Section 12.88, Site Plan Review.**

- E. Landscaping and Screening. A minimum of 10 percent of the gross site area shall be landscaped and screening shall be provided consistent with the Site Plan Review and Conditional Use Permit decisions.**
- F. Storage. Outside storage areas shall be screened by a 100 percent sight-obscuring fence or wall at least 6 feet in height. The fence or wall may be screened by an evergreen hedge at least 3 feet in height and capable of attaining a height of 6 feet.**

End of the proposed new language for the Public Facilities District.

#### VI. PROCEDURAL STEPS

Statewide Planning Goal 14 and its Oregon Administrative Rule 660-024 address UGB issues and guide the process. The city will coordinate closely with Marion County because the UGB and any changes to it must be coordinated between the two jurisdictions and must be approved by both the city and the county.

The Marion County Planning Division staff is aware of the city initiating this UGB amendment and will present it to the Board of County Commissioners for approval. The process set forth in the County/City Intergovernmental Agreement is for the Jefferson City Council to complete the first and second readings of the Ordinance approving the proposal, then forward it to Marion County for the Board of Commissioners to approve it, and then return it to the city for the third reading wherein it would be adopted and become final.

After adding the properties to the UGB, the city's intention is to annex the west side site because it abuts the existing city limits. The city does not intend annexing the east side site immediately following its addition to the UGB because it does not abut the existing city limits.

#### VII. PLANNING COMMISSION RECOMMENDATION

On February 2, 2012 the Planning Commission conducted a duly noticed public hearing wherein there was no testimony from the audience. The Commission unanimously passed a motion directing staff to prepare a Planning Commission Order for the Chairman to sign recommending the City Council and the Marion County Board of Commissioners approve:

1. The proposed UGB expansion;
2. The application of the Public designation to the properties on the Comprehensive Plan Map;
3. The updated population projection;
4. The amendments to Public Facilities Policy 1 in the Jefferson Comprehensive Plan;
5. The new Public Facility District in the Jefferson Development Code.

#### VIII. CITY COUNCIL ACTION

Upon closing of the February 23, 2012 City Council public hearing on Legislative Amendment 2011-01, the Council's task is to deliberate to a decision whether to adopt the proposed amendments.

The city intends to annex the west side site with the issue being presented to the voters at the November 6, 2012 general election. To ensure there is sufficient time to prepare the annexation application and ballot materials, an Ordinance is provided to the City Council this evening, February 23, 2012 for first and second readings.

The City Council's options and sample motions to support each option follow:

1a. Motion for first reading of the ordinance by title only thereby approving Legislative Amendment 2011-01.

I MOVE FIRST READING OF THE ORDINANCE BY TITLE ONLY.

1b. And then a second motion would be needed for the second reading by title only:

I MOVE SECOND READING OF THE ORDINANCE BY TITLE ONLY.

-OR-

2a. Motion for first reading of the ordinance by title only with modifications thereby approving Legislative Amendment 2011-01.

I MOVE FIRST READING OF THE ORDINANCE BY TITLE ONLY WITH THE FOLLOWING MODIFICATIONS (the motion must include the modifications).

2b. And then a second motion would be needed for the second reading by title only:

I MOVE SECOND READING OF THE ORDINANCE BY TITLE ONLY.

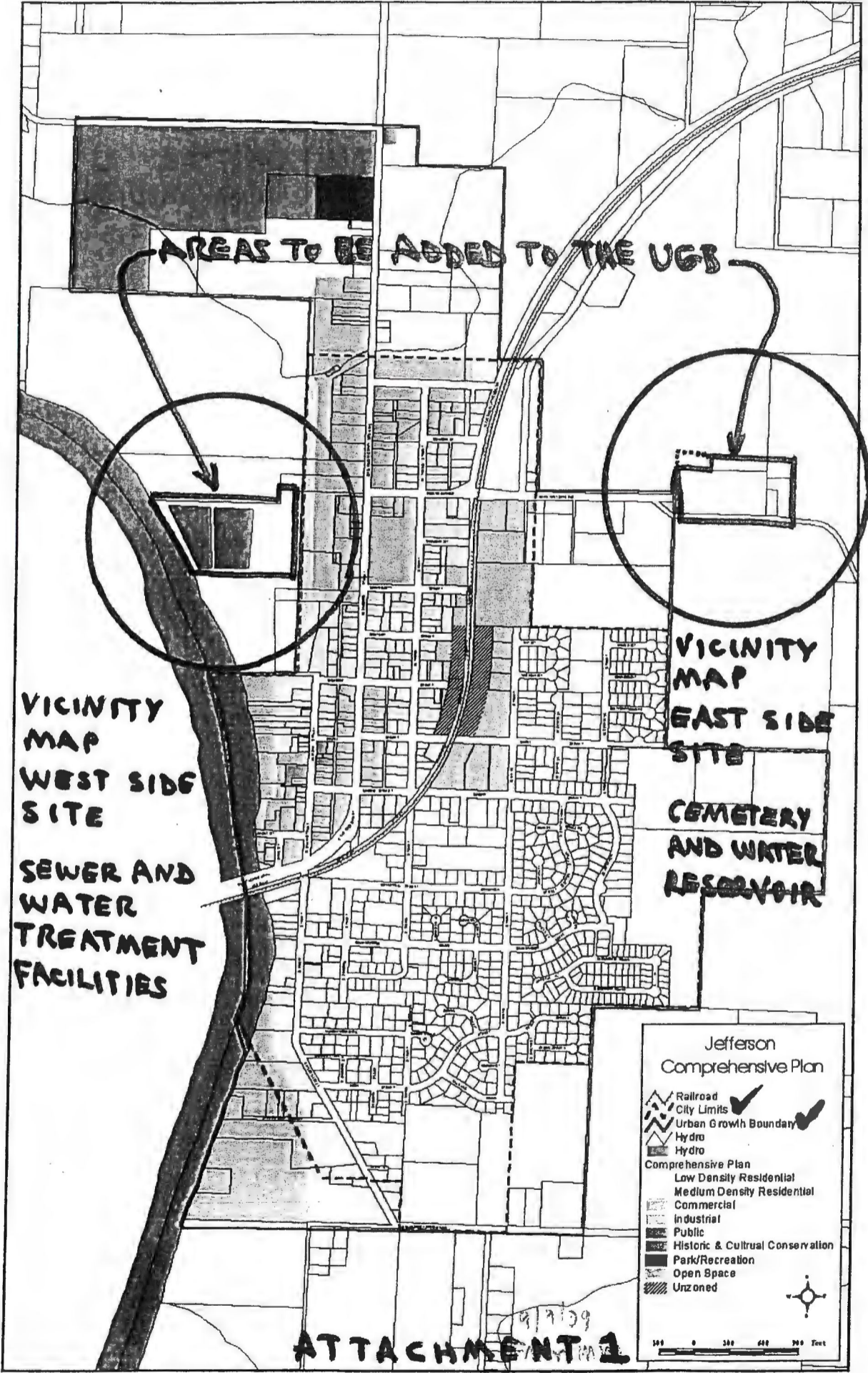
-OR-

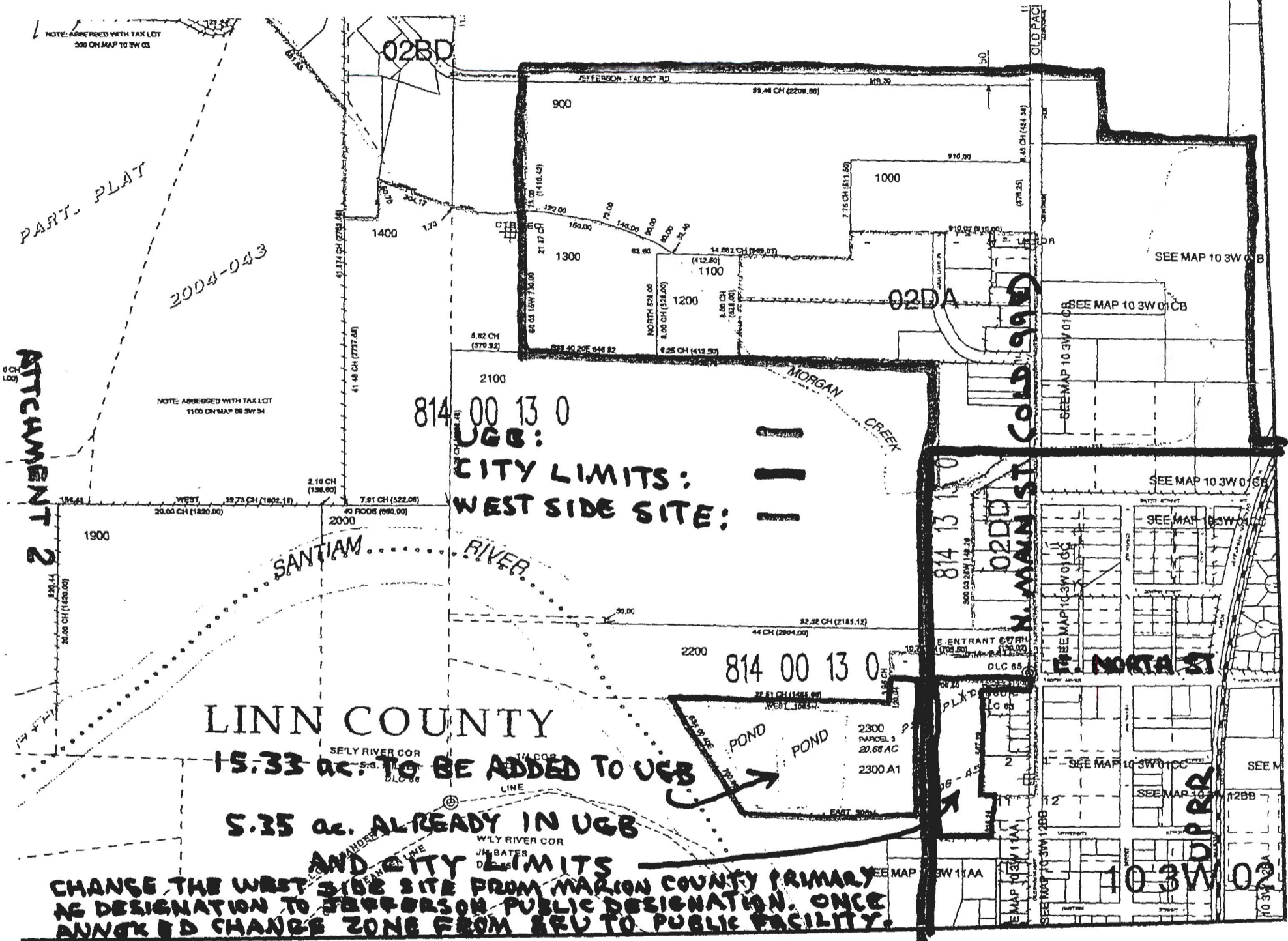
3. Motion to deny.

I MOVE THE CITY COUNCIL DENY THE PROPOSED LEGISLATIVE AMENDMENT 2011-01 (the motion should include a summary of the reasons why from the deliberations).

Attachments:

1. Vicinity map of the west and east side sites.
2. Map of the west side site.
3. Map of the east side site.





ATTACHMENT 2

2004-043

02BD

02DA

02DD

02DD

10 3W 02

LINN COUNTY

15.33 ac. TO BE ADDED TO UGB

5.35 ac. ALREADY IN UGB

AND CITY LIMITS

CHANGE THE WEST SIDE SITE FROM MARION COUNTY PRIMARY  
 TO JEFFERSON PUBLIC DESIGNATION. ONCE  
 ANNEXED CHANGE ZONE FROM SRV TO PUBLIC FACILITY.

814 00 13 0  
 UGB:  
 CITY LIMITS:  
 WEST SIDE SITE:

814 00 13 0

2300  
 PARCEL 3  
 20.68 AC  
 2300 A1

POND  
 POND

SANTIAM RIVER

MORGAN CREEK

N. MAIN ST

N. NORTH ST

NOTE: ABRETTED WITH TAX LOT  
 300 ON MAP 10 3W 03

NOTE: ABRETTED WITH TAX LOT  
 1100 ON MAP 00 3W 34

SEE MAP 10 3W 01 B

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 SB

SEE MAP 10 3W 01 SB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

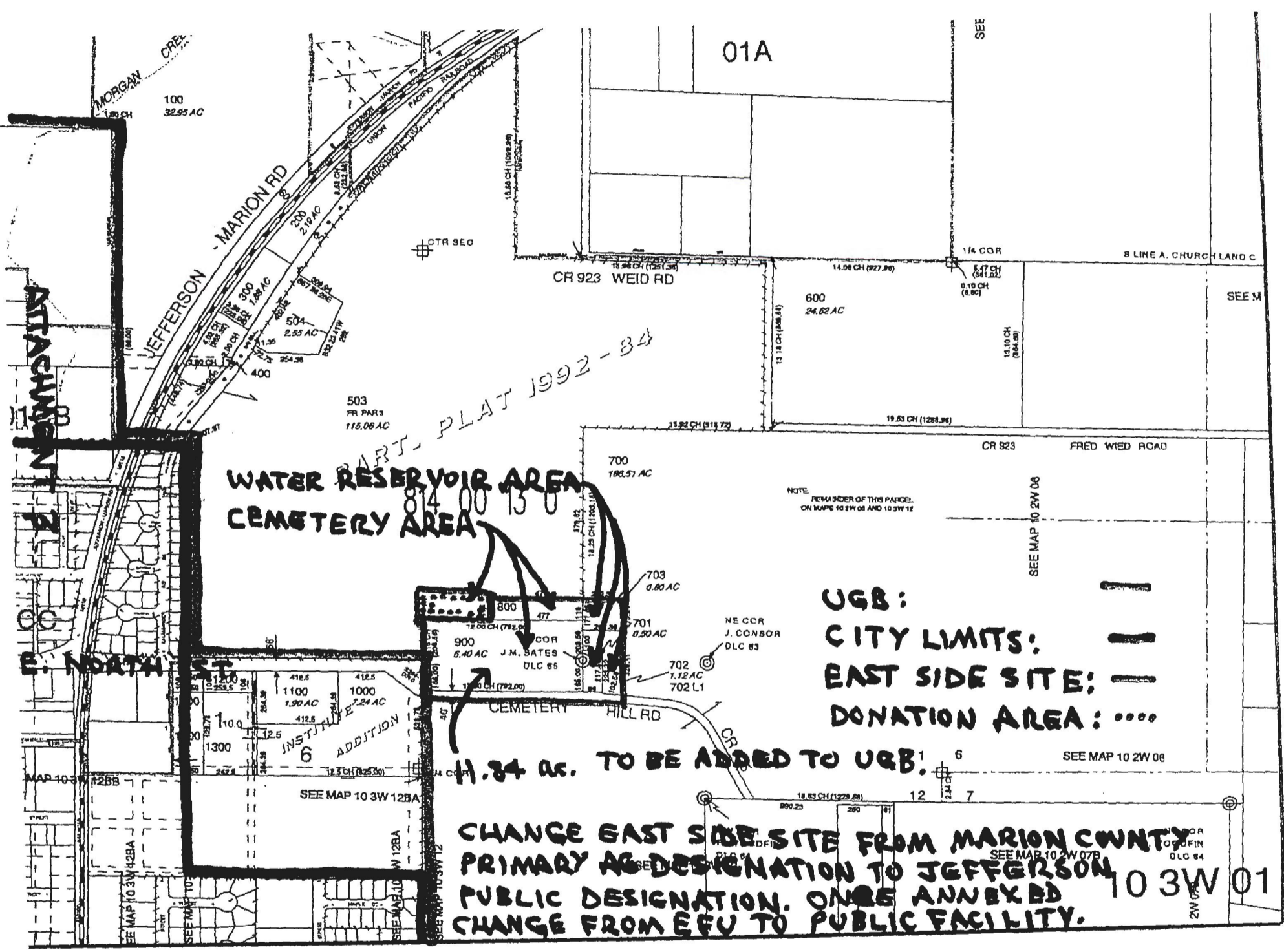
SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB

SEE MAP 10 3W 01 CB



*PART PLAT 1992-84*

**WATER RESERVOIR AREA**  
**CEMETERY AREA**

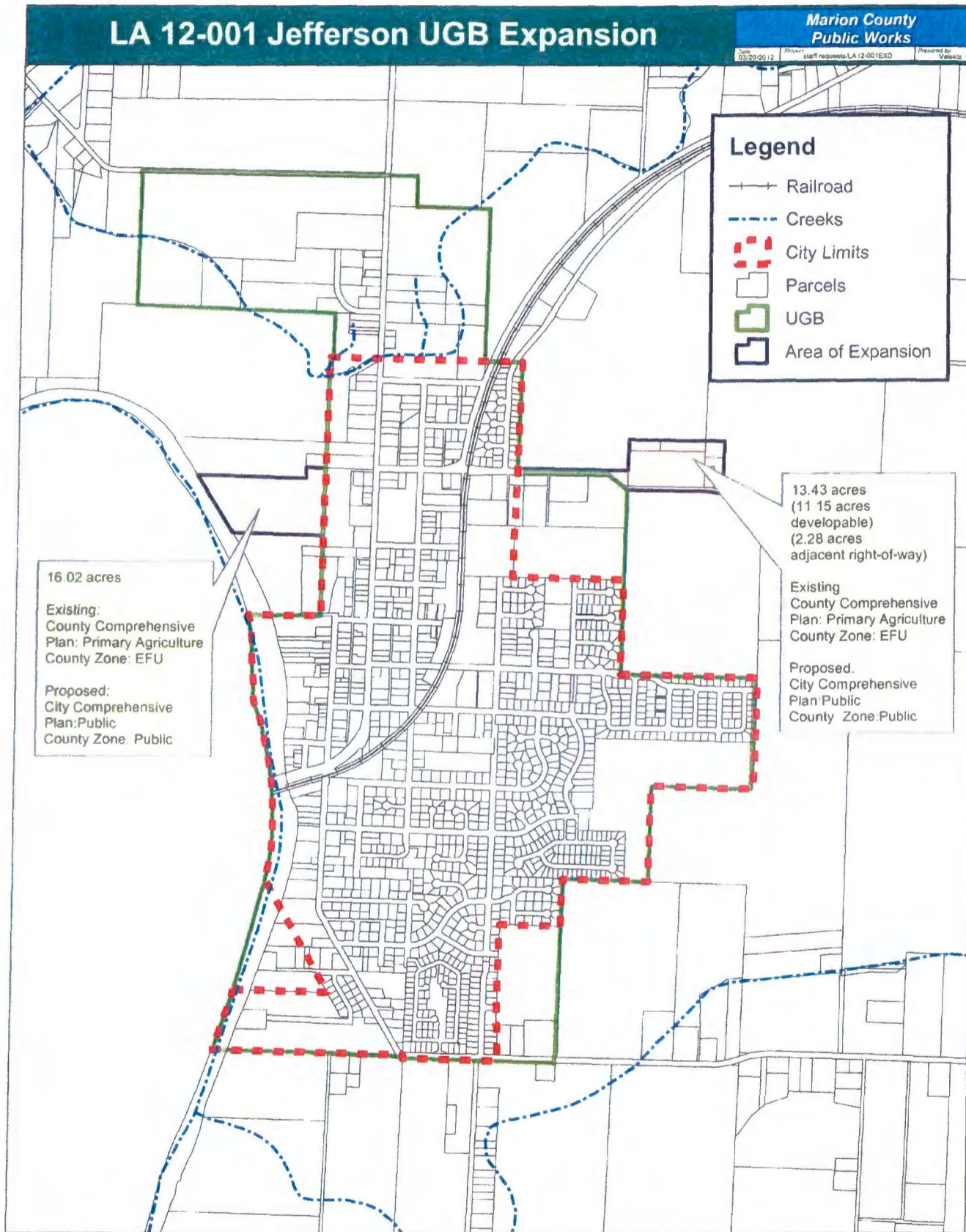
**URB:** ———  
**CITY LIMITS:** ———  
**EAST SIDE SITE:** ———  
**DONATION AREA:** .....

**11.84 ac. TO BE ADDED TO URB.**

**CHANGE EAST SIDE SITE FROM MARION COUNTY  
 PRIMARY AC DESIGNATION TO JEFFERSON  
 PUBLIC DESIGNATION. ONCE ANNEXED  
 CHANGE FROM EFU TO PUBLIC FACILITY.**

**10 3W 01**





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MWVCOG  
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KAREN ODENTHAL

MHP LT  
ABP Fam Tr  
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Hamby Family LP  
c/o Ellis Hamby  
111 S 2<sup>nd</sup>  
Jefferson OR 97352

Harold & Cynthia Human  
PO Box 108  
Jefferson OR 97352

Jefferson Evangelical Church  
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Jacob & Megan Sanders  
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Jefferson OR 97352

Oregon Appraisal Group  
473 E Vine  
Lebanon OR 97355

Joel & Coquette Erickson  
634 N 2<sup>nd</sup>  
Jefferson OR 97352

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Wendell & Karen Kreder  
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Jefferson OR 97352

Freres Building Supply  
101 First St  
Stayton OR 97383

Willard & Kathleen Wetherford  
43395 Rodgers Mt. Lp.  
Scio OR 97374

Star Mini Storage  
478 N 2<sup>nd</sup>  
Jefferson OR 97352

Juan & Marcie Ceja  
10695 Brick Rd SE  
Turner OR 97392

James & Karen Wusstig  
656 Cemetery Hill Rd  
Jefferson OR 97352

Karl & Roger Warner  
3376 Cemetery Hill Rd  
Jefferson OR 97352

Vernon & Helen Spencer  
790 Cemetery Hill Rd  
Jefferson OR 97352

William & Eleanor Macy  
3365 Cemetery Hill Rd  
Jefferson OR 97352

William & Gwin Stam  
3375 Cemetery Hill Rd  
Jefferson OR 97352

Garry & Vicki Garland  
3385 Cemetery Hill Rd  
Jefferson OR 97352

EXHIBIT B

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TURNER OR 97392

**AAC 3**

None

**AAC 4**

None

**AAC 5**

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ST PAUL OR 97137

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