

W. a. b.

AGENDA COVER MEMO

DATE: April 7, 2004 (Date of First Reading)
April 28, 2004 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Stephanie Schulz/Land Management Division

AGENDA ITEM TITLE: Ordinance No. PA 1200 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN AND THE COBURG COMPREHENSIVE PLAN TO ENLARGE THE COBURG URBAN GROWTH BOUNDARY; REDESIGNATE AFFECTED LANDS FROM A RURAL COMPREHENSIVE PLAN DESIGNATION OF COMMERCIAL AND PARK AND RECREATION TO A CITY PLAN DESIGNATION OF HIGHWAY COMMERCIAL; REZONE THESE AFFECTED LANDS FROM A LANE CODE CHAPTER 16 DISTRICT OF CR RURAL COMMERCIAL AND PR PARK AND RECREATION TO A LANE CODE CHAPTER 10 DISTRICT OF CT TOURIST COMMERCIAL; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 03-5883; City of Coburg)

I. MOTION

I Move to Approve Ordinance No. PA 1200 to Amend The Rural Comprehensive Plan and the Coburg Comprehensive Plan to Enlarge the Coburg Urban Growth Boundary and to Add Language to the Coburg Comprehensive Plan that Would Assure Future Provision of Municipal Water and Sewer Service to the Subject Property.

II. ISSUE OR PROBLEM

The city of Coburg proposes to expand the city's Urban Growth Boundary eastward to include the developed and committed exception area east of I-5 and south of Van Duyn Road, and to change Coburg Comprehensive Plan Policies to support extension of urban services to the subject property to improve groundwater quality. The proposal has been reviewed by the Lane County Planning Commission, which recommends approval by the Board of Commissioners. This Ordinance sets the matter before the Board for adoption, modification, or denial.

III. DISCUSSION

A. Background

The Groundwater Management Plan for the Southern Willamette Valley identifies Coburg as one of three municipalities with elevated nitrate levels. The city is addressing the problem by constructing a municipal sewage treatment facility and ensuring connection to the municipal water system. Providing an urban level of wastewater treatment is necessary to eliminate a major source of the groundwater pollution caused, in part, by numerous on-site sewage treatment systems in this city and its surrounding rural fringe. Coburg is the logical provider of the urban level of municipal services necessary to improve groundwater quality for human health. The subject properties use on-site septic treatment that is identified as one of the sources of the nitrate loading that may contribute to groundwater pollution. This proposal also includes text amendments to the Coburg Comprehensive Plan for new policies that commit the city to providing municipal sewerage and water service and eliminating previous text that supported on-site septic systems as the preferred method.

Expanding the Urban Growth Boundary is the first step to move the subject property into the city to facilitate the provision of municipal services to the developed lands east of the freeway. The city's financial commitment for water system improvements with the Oregon Economic and Community Development Department (OECDD) is for the first phase of the necessary improvements to the current water system. Additional funding will be necessary and most likely available from OECDD to serve whatever additional needs would be generated by including these properties on the system.

This proposal was presented to the Lane County Planning Commission for its evaluation in a public hearing on March 2, 2004. Following the public hearing the Commission voted unanimously to recommend approval of the Plan Amendment. Commission reasoning is set forth in the Minutes of the meetings, attached to this packet. The applicant is expected to be on hand at the Board hearing to present the proposal and respond to questions. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

B. Analysis

The relevant Statewide Land Use Goals and Lane County Comprehensive Plan Policies are discussed below.

Goal 2: Land Use Planning

This goal is intended to be instructive, directional and positive, not limiting local government to a single course of action when some other course of action would achieve the same result. Citizens in the area and the affected governmental unit have had opportunity to review and comment on this proposal through the city process. An exception for the subject property was taken upon adoption of the Lane County Rural Comprehensive Plan as shown by the commercial designation and zoning category applied to the developed portion of the subject property. The Parks and Recreation

category was also an appropriate designation for a commercial RV Park and sewage lagoons, due to the outdoor nature of these components of the commercial venture.

ORS 197.298(1)(b) lists the categories of land to be included in UGB's, and this property meets the second priority for land to be included within an urban growth boundary. This property is land adjacent to a UGB that is identified in an acknowledged comprehensive plan, the Lane County Rural Comprehensive Plan, as an exception area on non-resource land.

Goal 11: Public Facilities and Services

The planning guidelines under this goal address the rural and urban levels of public facilities, and the necessary coordination between jurisdictions when transitioning to urban uses. The city of Coburg, in addition to expanding the UGB to include this exception area, will revise their Comprehensive Plan Policies and findings to ensure Plan consistency with construction of a municipal sewage system, participation in the DEQ Southern Willamette Valley Groundwater Management Area Program, and elimination of on-site septic systems once the municipal system comes on-line. The city of Coburg has determined that expanding the UGB to include the subject property would be beneficial to the city, and would not have significant effect beyond the immediate area.

Goal 12: Transportation

The intersection of Interstate-5 and Van Duyn Road is heavily traveled at certain times of the day due to the large number of commuters employed in the RV industry in Coburg. The Oregon Department of Transportation is constructing an extra refuge lane on the northbound side of the freeway and is installing directional signals and traffic flow controls that will ease the morning and evening commuter traffic at this intersection. The interchange improvements are a significant upgrade to the transportation system at this intersection, and state and county transportation planners have expressed concerns about any new development on the subject property potentially increasing the traffic volume soon after this large capital outlay.

To address these concerns, Coburg will develop a Plan Amendment Review Process that will address any new traffic generated by new development on this site and the potential impact that would have on the transportation system. In the event the property owner requests to intensify development on the site, a Transportation System Plan Amendment would be required that would include a detailed traffic analysis at that time.

Goal 14: Urbanization

Goal 14 requires that the establishment and change of urban growth boundaries shall be based upon consideration of the following seven factors. Appropriate responses to these factors drive the need for the UGB to be expanded.

1. *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals. and*
2. *Need for housing, employment opportunities, and livability;*

The relevance to the proposal under these two factors would be the availability of employment opportunities because the property will remain committed to

commercial uses. The need for housing for long term population growth and livability do not apply.

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

The city of Coburg is constructing a municipal wastewater treatment and collection system, and is concurrently working to complete major upgrades to their municipal water system to meet current and future needs in the city. The subject property, in order to be included in the necessary calculations to determine capacity of the municipal systems, must be brought into the city in order to be part of those critical calculations used to develop the appropriate size of system. Therefore, expansion of the UGB to initiate the annexation meets the criteria for orderly and economic provision for public facilities and services.

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

The property is developed for commercial uses, it is located at the fringe of the existing urban area of Coburg, and due to human health concerns, needs urban levels of water and sewer service. Expanding the UGB to include this exception area is in keeping with efficient land use. The uses will remain the same.

5. *Environmental, energy, social and economic consequences (EASE);*

The environmental consequence of expanding the UGB is neutral. Eliminating groundwater pollution by moving from rural to urban type systems for sewage treatment is positive, and will be the eventual result of including the property in the city. The energy consequences of expanding the UGB are also neutral. Social consequences would be beneficial to public health, commercial activities on the site include those with a social nature, restaurants, etc. The economic consequence is probably positive due to the location and commercial nature of the property. An additional economic benefit will be to have the property participating in the revenue generation for the municipal water and wastewater system costs for upgrades and construction.

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

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

The proposal has no effect on agricultural land surrounding the subject property because only the developed and committed area and the sewage lagoons that serve the commercial activities on the site are included in the proposed expansion. Nearby agricultural activities are expected to remain the same. No comments to the contrary have been received by the city or the county.

Lane County Rural Comprehensive Plan Policies

The County seeks agreement with each city to commonly determine the location of UGB's, and each city is regarded as the logical and ultimate provider of urban services within its UGB, and the County does not encourage contrary activities. It is also the County's position that urban levels of density should occur only where all essential public facilities and services are or will be shortly available.

Goal 11: Public Facilities and Services Policy

1. Lane County shall provide an orderly and efficient arrangement for the provision of public facilities, services and utilities.

The commercial activities of the subject property will not change with an expansion of the UGB. Expanding the UGB allows the orderly and efficient arrangement for water service at this time and wastewater treatment in the future to this property.

5. Lane County shall participate in the coordination of planning and development for various public facilities and utility services. The primary means of affecting this policy shall be through a system whereby land use applications are referred and coordinated with the various providers of services.

The City of Coburg provides water service, and is the logical provider of water to the urbanized property. The City has adopted this proposed amendment to its Comprehensive Plan and is referring this request for Lane County to co-adopt the text and diagram amendments.

Goal 12, Transportation Policy

Lane County shall strive for a coordinated and balanced transportation system which complies with LCDC Goal 12 and is responsive to the economic, social and environmental considerations, and which will work toward the following objectives.

1.c. A transportation system responsive to changing needs and conditions. and

1.f. Coordination with the development of statewide comprehensive transportation plans.

The freeway interchange improvements underway are in response to the changing needs and conditions. County transportation concerns regarding additional impacts to the county road in this area are addressed in the proposal to expand the UGB by the establishment of a baseline trip analysis completed by the city planning staff and the commitment to conduct a transportation analysis at such time uses change on the property.

3.h. ...coordinate implementation of new highway facilities with land development needs to minimize stimulation of untimely land development.

The 'holding zone' policy language incorporated into Coburg's Comprehensive Plan should be adequate to address county transportation concerns. The coordination with state and city transportation planners is essential and has been proven successful at this location.

Goal 14: Urbanization Policy

2. The County shall provide for orderly and efficient transition from rural to urban land use while ensuring the supply of housing, employment, livability and other amenities, in order to accommodate the long-range growth of each city. The proposal supports and assists in the orderly transition from rural to urban land use.

3..The county shall provide for a cooperative UGB management process between the County and the cities in the County by...

a. establishing and periodically revising urban growth boundaries and the planning and implementation of common policies and procedures within the boundaries, and

b. coordinated establishment approaches are desired.

This proposal provides for orderly and efficient transition from a rural service level to an urban service level to address water quality issues of a regional magnitude that are directly impacted by the treatment methodology used on this property.

4. The county shall continue to comply with the planning coordination requirements and the urban growth management program requirements of LCDC.

This proposal is made through the provisions of Lane Code for co-adoption of an amendment consistent with Statewide Goals and Coburg's Comprehensive Plan.

5. The County will seek agreement with each city to commonly determine the location of UGB's and the interim and long-term land use designations and public improvement project designations within the UGB's.

The land use designation for the subject property will remain commercial, for the interim and for the long-term, due to location and existing improvements to the property.

6. Each city is regarded as the logical and ultimate provider of urban services within its UGB; Lane County will not approve any development nor encourage the establishment of urban services or facilities within the city's UGB that are contrary to city policy or agreement.

Coburg provides municipal water service at this time, and is developing a city wide wastewater treatment system that will be constructed in the near future. In order to comply with this section, Lane County supports the expansion of the Coburg UGB to include the developed and committed area east of the Interstate.

9. Any County approval of land activities within a UGB will be consistent with the applicable city plan. If necessary, the County may take one or more of the following actions to land outside the city's jurisdiction:

b. determining that the design and operation of an interim land use will allow for later conversion....will not otherwise pre-empt the subject property from the future orderly provision of urban services and facilities.

By not changing the plan designations from commercial, this policy remains consistent with the proposal and the property will not be pre-empted from urban levels of service in the future.

Lane County Rural Comprehensive Plan Amendment Process

Lane Code 12.050 (2) The Board may amend or supplement the comprehensive plan upon a finding of:

(b) changed circumstances affecting or pertaining to the plan;

The change in circumstances affecting the plan is the identification of Coburg as one of three municipalities that provide drinking water and the possibility of on-site sewage systems possibly contributing to the increasing nitrates in the groundwater. The policies and findings to be adopted by the city as part of this project will ensure application of improved practices throughout the city.

(d) change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005.

Policies and findings are now needed to address the groundwater management practices that are been reevaluated and possibly contributing to groundwater pollution in this area. In addition, adoption of the proposed change to the Coburg UGB will allow an intensely developed property currently outside their jurisdiction to be connected to the municipal systems. Adoption of this amendment will not impair the purpose of the Rural Comprehensive Plan.

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

(aa) requires that the adoption of amendments to the Rural Comprehensive Plan meet all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

See the Statewide Planning Goals discussion above. The Oregon Administrative Rules relating to Transportation and land use are included under the relevant goals.

(bb) (ii-ii) requires minor amendments to be necessary to fulfill an identified public or community need for the intended result of the component or amendment; Coburg has identified the need for providing urban levels of water and sewer service to the subject property due to increasing public health risk due to groundwater pollution. The county supports cities meeting their own needs, as discussed in the policies above. This proposal is consistent with the Statewide Goals, the Coburg Comprehensive Plan upon adoption of the text changes, the Lane County Rural Comprehensive Plan, and the provisions for Plan Amendments in Lane Code.

Lane County Zoning Criteria

Lane Code 10.315 states that rezoning shall be enacted to achieve the general purpose of Chapter 10 and shall not be contrary to the public interest. Zoning shall also be consistent with the specific purposes of the Zone District Classification proposed, applicable comprehensive plan elements and components, and statewide planning goals. The proposed zone district for the subject property is 10.166 Tourist Commercial District (CT). This district is intended to provide for accommodations and facilities serving tourists, the motoring public, and other travelers and to provide basic local services for permanent and seasonal residents. This zone is appropriately located at freeway interchanges. The current uses on the property meet either permitted or conditional uses allowed by Lane Code in this district. The city plans to eventually annex the subject property, and at that time the property would become Highway Commercial, a Coburg designation.

C. Alternatives/Options

1. Adopt the Ordinance as presented.
2. Do not adopt the Ordinance and deny the application.

3. Modify the Ordinance as directed by the Board and adopt a revised Ordinance at third reading.

D. Recommendations

Staff recommends that the Board adopt the Ordinance to amend the Rural Comprehensive Plan and the Coburg Comprehensive Plan. The proposal as presented extends the UGB to include a developed and committed exception area east of Interstate 5 and the portion of the freeway right of way that connects to the existing UGB on the west and adds text amendments to the city plan. There is a need to provide municipal sewage treatment and water service to this area due to the decline in groundwater quality that is reaching a critical level in the Southern Willamette Valley. These services are logically to be provided by the city of Coburg to the subject property. Expansion of the UGB to include these properties is the first step in annexation into the city and the subsequent provision of urban levels of these services.

E. Timing

The Board recently approved another Ordinance to add land to the Coburg Urban Growth Boundary to consolidate and complete land base for planning and final design of the municipal wastewater treatment plant, which is in the final design stages with an expected start date of 2004 for site construction. This Ordinance does not contain an emergency clause, however, the city expects to immediately adopt the Comprehensive Plan Amendments and will begin the annexation process once final adoption of the UGB expansion is approved.

IV. IMPLEMENTATION/FOLLOW-UP

Should the Board decide against the proposal, an Order with findings setting forth the Board's reasons for denying the Ordinance will need to be prepared and returned to the Board for adoption. Notice of Board action will be provided to DLCD and interested parties.

ATTACHMENTS

1. Ordinance PA 1200 with Exhibits "A" and "B"
2. Exhibit "C" –City Plan Designation Map
3. Exhibit "D" – Zoning Designation Map
4. Exhibit "E"–New Coburg Comprehensive Plan Policies
5. Exhibit "F" – Findings

MEMORANDUM

To: Lane County Board of Commissioners

From: Gary Darnielle, Lane Council of Governments

Re: PA 1200 – Proposed Coburg Comprehensive Plan Amendment and Changes to the Lane County Zoning Map

Date: March 25, 2004

Request Summary

The City of Coburg proposes the following:

1. Amend the Coburg Comprehensive Plan diagram to add approximately 36 acres to the urban growth boundary and to designate the property Highway Commercial.
2. Amend the Coburg Comprehensive Plan plan policy and findings changes regarding the following sections of the Plan: Statewide Planning Goal 6 “Air, Water and Land Resource Quality,” Statewide Planning Goal 11 “Public Facilities and Services, and ” Statewide Planning Goal 10 “Transportation.”
3. Amend the Lane County Rural Comprehensive Plan by removing the affected property.
4. Modify of the Lane County Zoning Map to change the zoning of the affected properties from CR Rural Commercial and PR Park & Recreation (Lane Code Chapter 16) to CT Tourist Commercial (Lane Code Chapter 10)

Property Location

Assessor’s map 16-03-33-00, tax lots 200, 201, 202, 203, 204, 207 and 211;
assessor’s map 16-03-33-00, tax lots 209 & 210; assessor’s map 16-03-33-00, tax lots 206 & 208; and assessor’s map 16-03-33-40, tax lots 100 & 200.

Background

The property subject to this proposal concerns Exception Area 381-3 (Vira Plat) located in the southeastern quadrant of the intersection of Interstate 5 and Van Duyn Road. The Vira Plan Exception Area is adjacent to the Coburg City Limits and Urban Growth Boundary and is intensely urbanized with a service station/convenience station; a 106-room motel with conference facility, restaurant and bar; a sit-down restaurant; a second restaurant/bar facility; a CB/radio repair store; and a 156-space recreational vehicle (RV) park. An application for an RV sales operation is also currently before the County. These uses share a community sewage lagoon system and a well.

The City of Coburg is concerned about the nitrate pollution of the groundwater from the sewage lagoon that serves the various urban-level uses. The *Southern Willamette Valley Groundwater Assessment 2000-2001 Nitrate Study*, Final Report February 2003, ODEQ has documented this pollution. The City of Coburg, and the Vira Plat Exception Area, are included in the Southern Willamette Valley Groundwater Management Area, designated by the Oregon Department of Environmental Quality in 2003. While the lagoon is operating within DEQ regulatory standards, it is not designed to remove nitrates from the effluent. The treated effluent is discharged into Little Muddy Creek and the nitrates seep into the groundwater and migrate under the freeway towards central Coburg, threatening existing and potential municipal well fields. By bringing the subject property into the Coburg Urban Growth Boundary, the city can annex the property and eliminate the discharge of nitrates into the groundwater by hooking up the existing uses to the proposed City sewer system. Construction on the first phase of this sewer system is scheduled for late summer of 2004.

The Coburg Planning Commission recommended approval of the proposed amendment to the Coburg City Council on February 4, 2004. The Coburg City Council approved the proposed changes on February 17, 2004. The Lane County Planning Commission recommended approval at their March 2, 2004 meeting.

Issues

1. **Goal 14.** Changes in an urban growth boundary require an analysis under Statewide Planning Goal 14. Normally such an analysis requires that at least one of the two "need" factors of Goal 14 be addressed as well as the five "locational" factors. However, because the property subject to the proposed urban growth boundary expansion is adjacent to the existing urban growth boundary and is urbanized, the Goal 14 analysis does not have to consider the "need" factors. *City of Salem v. Families for Responsible Government, Inc.*, 64 Or App 238 (1983) Therefore, the statewide planning goal analysis of the proposed plan diagram amendment will only consider the five locational factors of Goal 14. (See Exhibit 5 "Findings in Support of PA 1200")

2. Goal 12. Statewide Planning Goal 12 Transportation is implemented by the Department of Land Conservation and Development's (DLCD) Transportation Planning Rule (OAR 660-0120). OAR 660-0120-060 essentially requires that amendments to acknowledged comprehensive plans and land use regulations that significantly affect a transportation facility shall assure that land uses are consistent with the "identified function, capacity and performance standards" of that facility.

The intersection of Interstate 5 and Van Duyn Road currently is near capacity. The Oregon Department of Transportation and the Lane County Department of Public Works, Transportation Division, are concerned that the proposed comprehensive plan and zoning changes may allow an increase in intensity of traffic generating uses. In order to address this concern, the City of Coburg has proposed that a comprehensive plan "holding zone" be placed over the property.

The overlay zone will require a review of new traffic generated by new development on this site and the impact on the transportation system. The City has created an inventory of the existing uses on the site that will serve as a foundation for the establishment of the "holding" overlay zone. (See the Trip Generation Analysis in Exhibit 6) The inventory allows for the establishment of baseline trip generation on the site and will allow redevelopment of portions of the site if the trips generated do not exceed the established baseline. In the event a property owner requests a permit for new or expanded development on the site that would result in increased trip generation, a plan amendment would be required. During that plan amendment process, an analysis would be conducted to determine the traffic impact on the interchange. The Transportation Planning Rule would apply to proposals that increase the trip generation from the baseline established by this application. The baseline information is contained within a proposed comprehensive plan policy so that changes will require the applicant to address compliance with not only the city's comprehensive plan but also compliance with Oregon Planning Goal 12.

3. Textual Amendments to the Coburg Comprehensive Plan. The proposed expansion of the Coburg Urban Growth Boundary to include the Vira Plat Exception Area is not contemplated by current plan policies. Accordingly, the City of Coburg has proposed extensive findings and policies addressing Statewide Planning Goal 6 "Air, Water and Land Resource Quality," Statewide Planning Goal 11 "Public Facilities and Services, and " Statewide Planning Goal 10 "Transportation," The City also proposes the removal of some policies that are inconsistent with the proposed plan amendment.

Lane County

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1200 (IN THE MATTER OF AMENDING THE RURAL
(COMPREHENSIVE PLAN AND THE COBURG
(COMPREHENSIVE PLAN TO ENLARGE THE
(COBURG URBAN GROWTH BOUNDARY;
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(PLAN DESIGNATION OF HIGHWAY COMMERCIAL;
(REZONE THESE AFFECTED LANDS FROM A LANE CODE
(CHAPTER 16 DISTRICT OF CR RURAL COMMERCIAL
(AND PR PARK & RECREATION TO A LANE CODE
(CHAPTER 10 DISTRICT OF CT TOURIST COMMERCIAL;
(AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES;
(File PA 03-5883; City of Coburg)

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

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

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

WHEREAS, in February 17, 2004, the City of Coburg adopted text amendments to the City Comprehensive Plan and a diagram amendment that added land to the City Urban Growth Boundary; and

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

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on March 2, 2004, and recommended approval of the proposed amendments; and

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

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

IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN AND THE COBURG COMPREHENSIVE PLAN TO ENLARGE THE COBURG URBAN GROWTH BOUNDARY; REDESIGNATE AFFECTED LANDS FROM A RURAL COMPREHENSIVE PLAN DESIGNATION OF COMMERCIAL AND PARK AND RECREATION TO A CITY PLAN DESIGNATION OF HIGHWAY COMMERCIAL; REZONE THESE AFFECTED LANDS FROM A LANE CODE CHAPTER 16 DISTRICT OF CR RURAL COMMERCIAL AND PR PARK & RECREATION TO A LANE CODE CHAPTER 10 DISTRICT OF CT TOURIST COMMERCIAL; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES; (File PA 03-5883; City of Coburg)

Lane County

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

Section 1. The Lane County Rural Comprehensive Plan is amended by removal of territory from its planning jurisdiction, such territory being further identified on Plan Plot 381, identified as Exhibit "A" attached and incorporated herein, and Zoning Plot 381, identified as Exhibit "B" attached and incorporated herein.

Section 2. The Coburg Comprehensive Plan, as amended, is further amended by the addition of territory removed from the Rural Comprehensive Plan, placed within the Urban Growth Boundary of the City Plan, and redesignated with a City Plan designation of "Highway Commercial," as identified on attached Exhibit "C" attached and incorporated herein, and rezoned with a Lane County Code Chapter 10 zoning designation of "CT/ Tourist Commercial (LC 10.166), as identified on attached Exhibit "D" attached and incorporated herein.

Section 3. Air, Water and Land Resource Quality policies and findings, Public Facility and Services and Water Facilities policies, Sanitary Facilities policies and findings, and Transportation policies and findings of the Coburg Comprehensive Plan, as amended by Coburg Ordinance No. A-131-P on February 17, 2004, attached hereto as Exhibit "E" are hereby adopted.

Section 4. The prior designation and zone repealed by this Ordinance remain in full force and effect to authorized prosecution of persons in violation thereof prior to the effective date of this Ordinance.

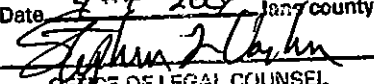
Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the remaining portions hereof.

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

ENACTED this 28th day of April, 2004

Chair, Lane County Board of County Commissioners

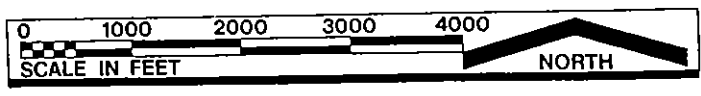
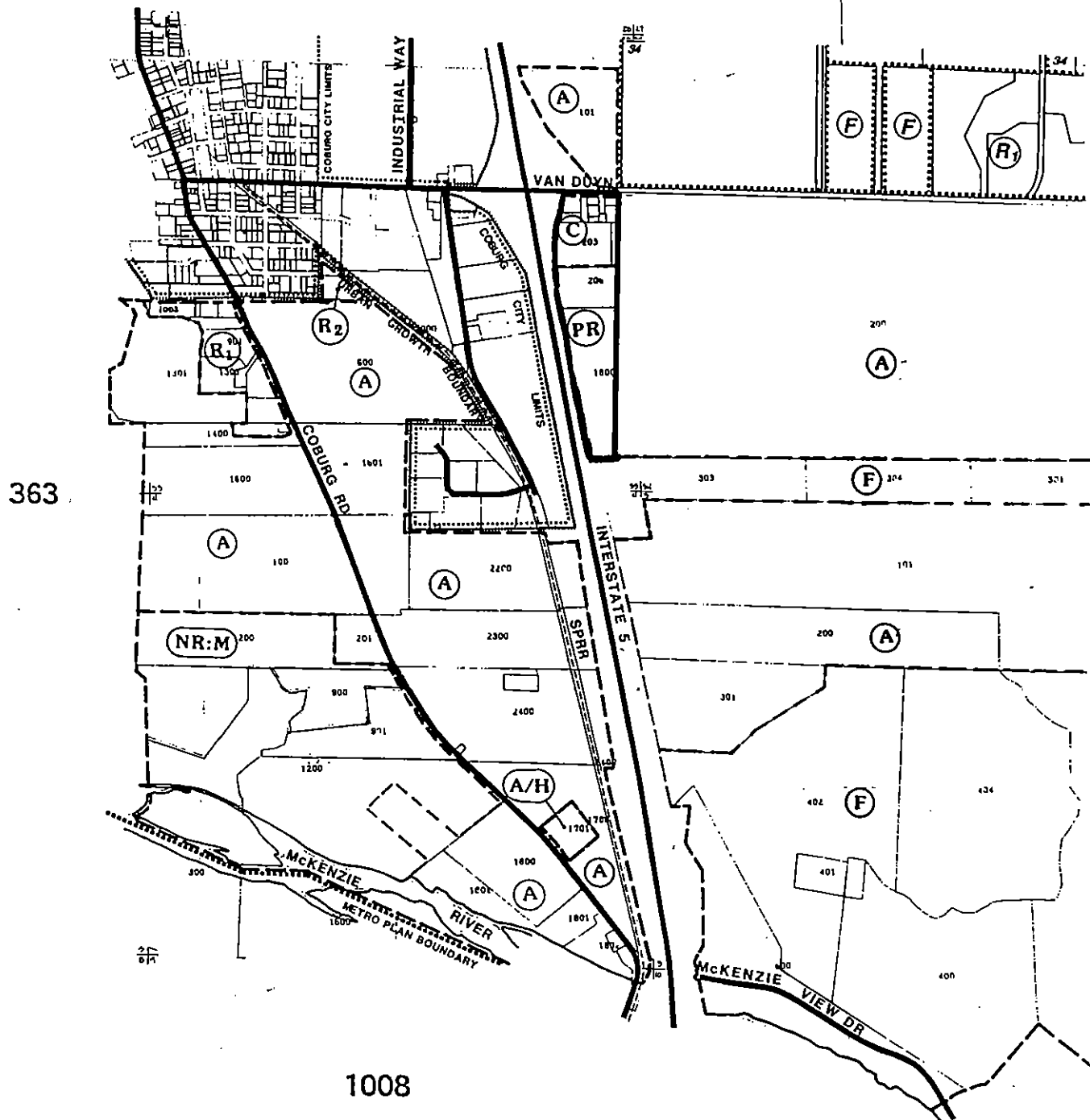
Recording Secretary for this Meeting of the Board


APPROVED AS TO FORM
Date 4-7-2004 Lane County

OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN AND THE COBURG COMPREHENSIVE PLAN TO ENLARGE THE COBURG URBAN GROWTH BOUNDARY; REDESIGNATE AFFECTED LANDS FROM A RURAL COMPREHENSIVE PLAN DESIGNATION OF COMMERCIAL AND PARK AND RECREATION TO A CITY PLAN DESIGNATION OF HIGHWAY COMMERCIAL; REZONE THESE AFFECTED LANDS FROM A LANE CODE CHAPTER 16 DISTRICT OF CR RURAL COMMERCIAL AND PR PARK & RECREATION TO A LANE CODE CHAPTER 10 DISTRICT OF CT TOURIST COMMERCIAL; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES; (File PA 03-5883; City of Coburg)

Existing Comprehensive Plan Diagram
(Lane County Rural Comprehensive Plan)

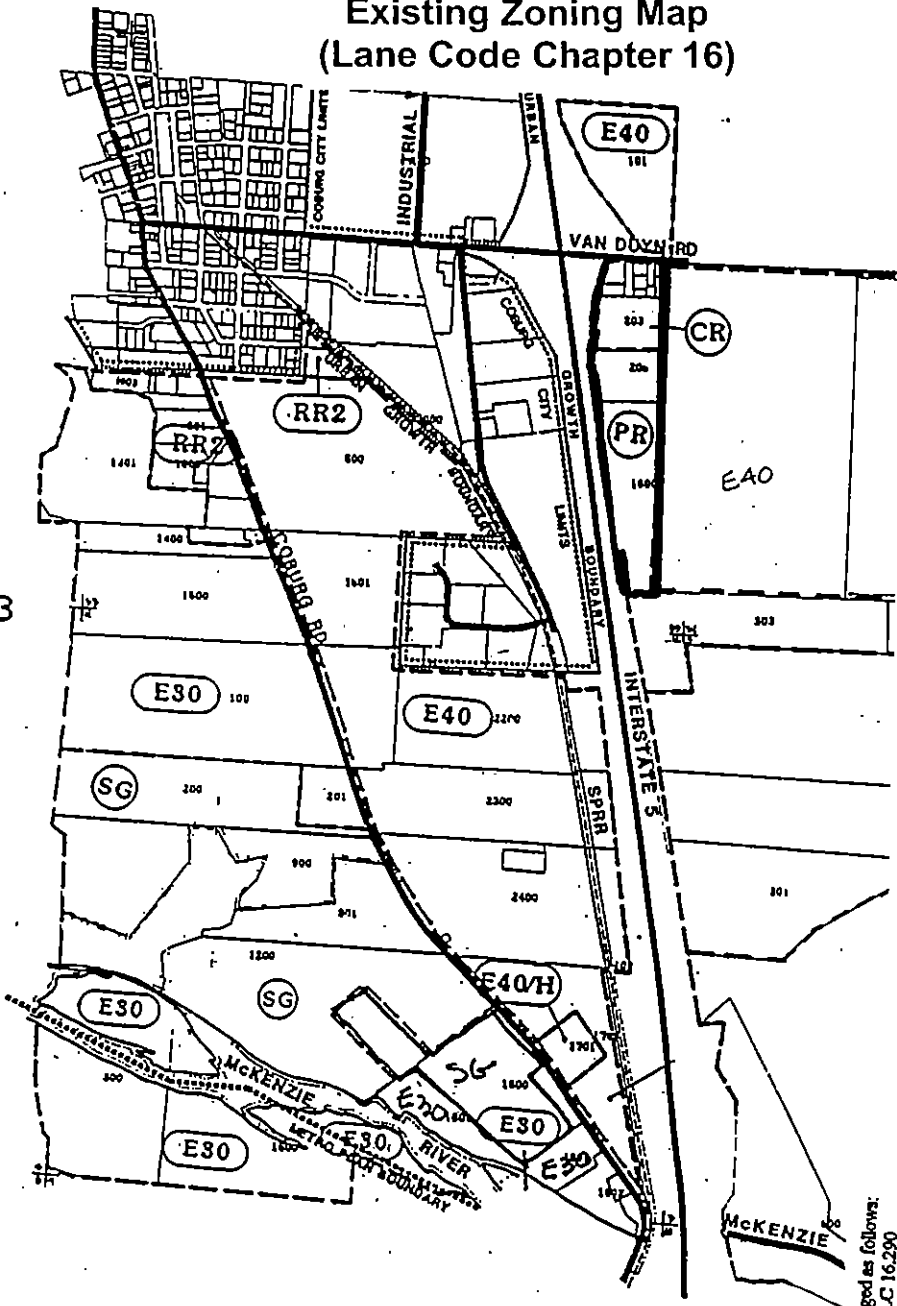
Exhibit "A"
PA 1200



	OFFICIAL PLAN MAP		PLOT # 381	
	Twntp Range Section 16 03 33		17 03 04	
ORIGINAL ORD. # <u>PA 884</u>	DATE <u>2/29/1984</u>	FILE # _____		
REVISION # <u>2</u>	ORD # <u>PA1065</u>	DATE <u>12 / 9 / 94</u>	FILE # <u>PA4001-93</u>	

Existing Zoning Map
(Lane Code Chapter 16)

Exhibit "B"
PA 1200



FLOODPLAIN

363

1008

The zones on this map are changed as follows:
 From: RG, RA To: RR2
 From: CR, C1, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation



The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.290
 The RR zone parcel size remains the same.



OFFICIAL ZONING MAP

PLOT# 381

Township Range Section

16 03 33

17 03 04




ORIGINAL ORD. # PA 884

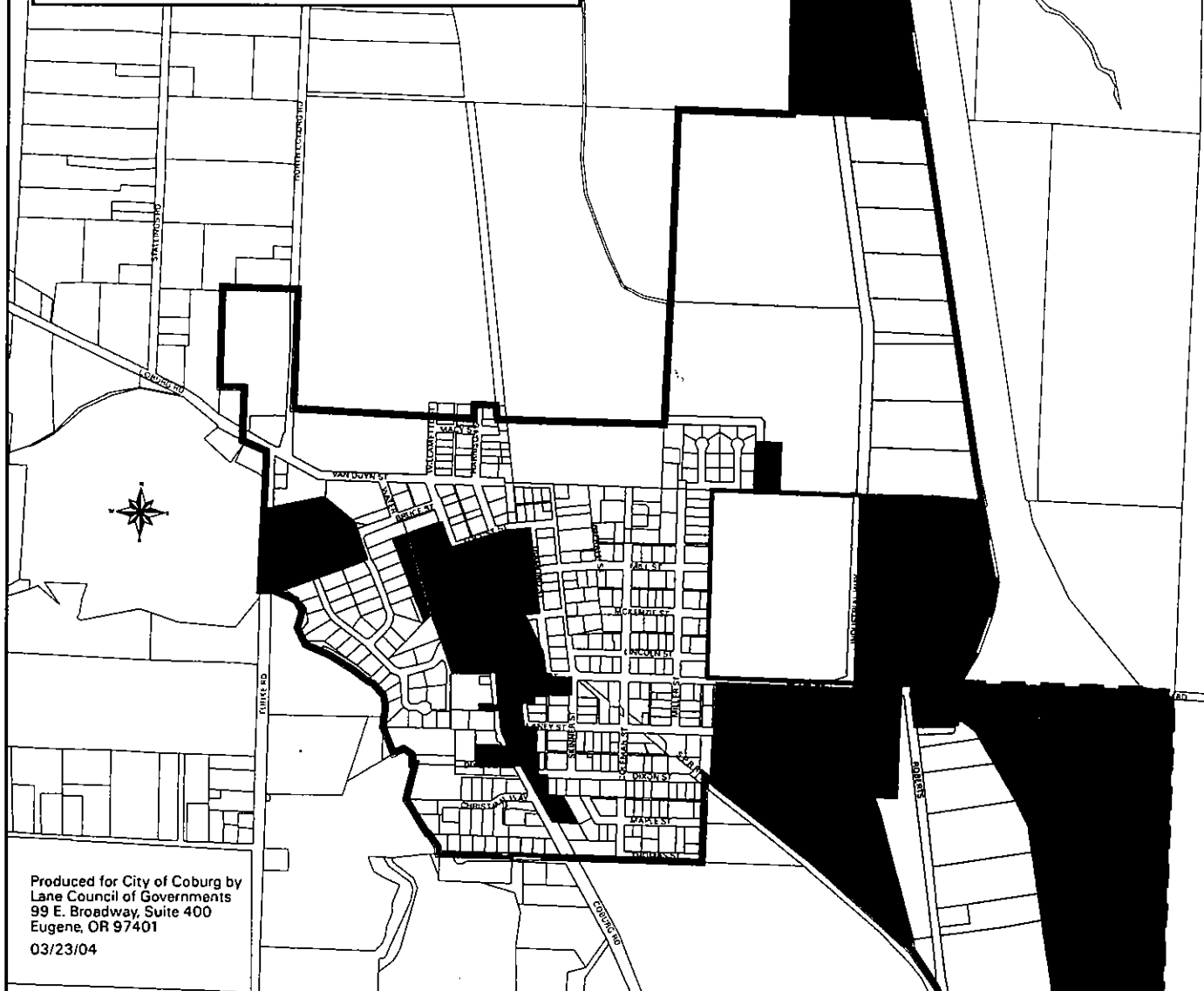
DATE 2/29/1984 FILE #

VISION # 2 ORD. # PA1065







DATE 12/9/94 FILE # PA4001-93

Proposed Coburg Comp Plan

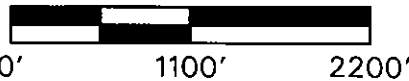
-  Taxlots
-  City Limits
-  Urban Growth Bndy



Produced for City of Coburg by
Lane Council of Governments
99 E. Broadway, Suite 400
Eugene, OR 97401
03/23/04

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

Scale: 1" = 1100'



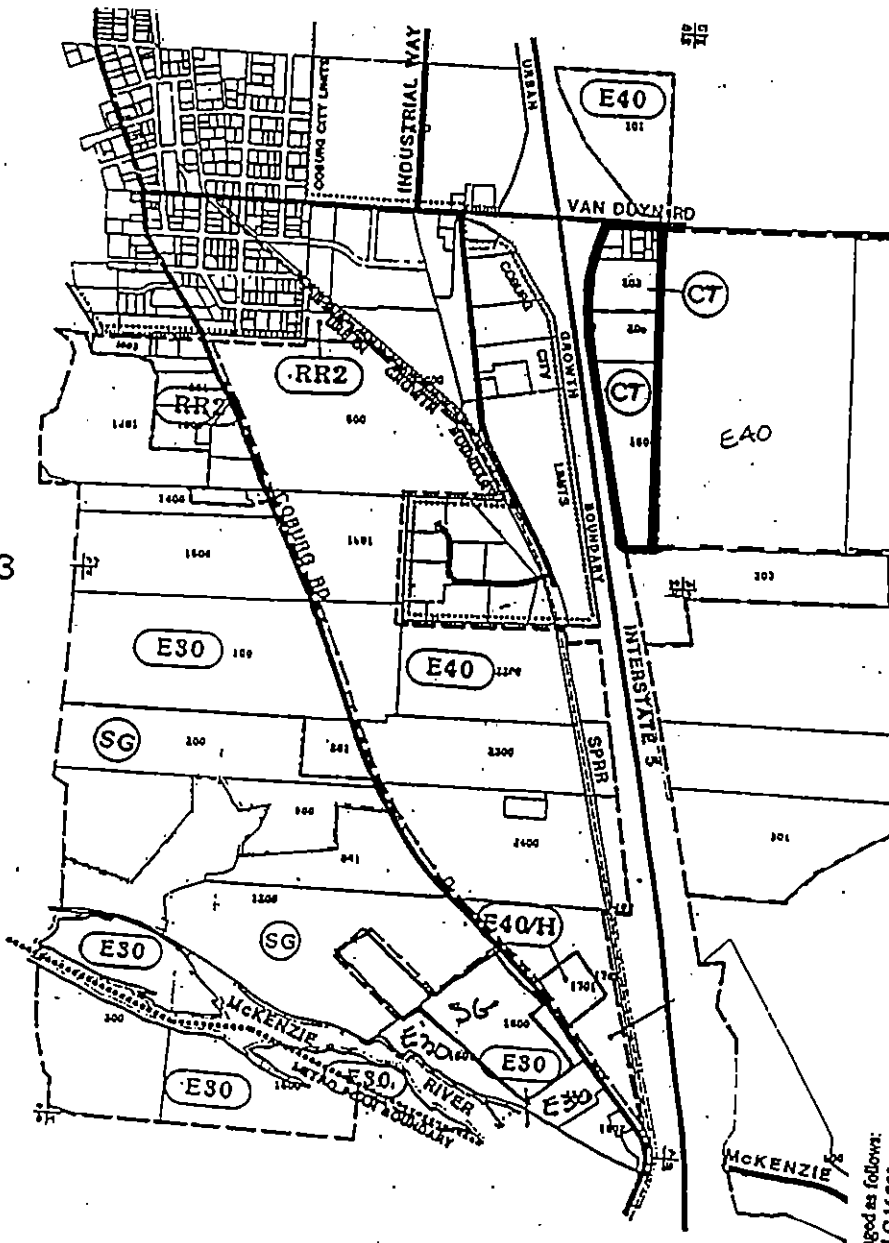
The information on this map was derived from digital databases on Lane Council of Governments' regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". LCOG cannot accept any responsibility for errors, omissions, or positional accuracy in the digital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

Proposed Zoning Map
(Lane Code Chapter 10)

Exhibit "D"
PA 1200

FLOODPLAIN

363



1008

The zones on this map are changed as follows:
 From: RG, RA To: RR2
 From: CR, CL, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation



The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.250
 The RR zone parcel size remains the same.



OFFICIAL ZONING MAP

PLOT# 381

Township Range Section
 16 03 33 17 03 04

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #
 RESOLUTION # 2 ORD # PA1065 DATE 12/9/84 FILE # PA4001-93

Air, Water and Land Resource Quality

Policies:

1. The city shall provide sanitary sewer and abandon existing septic systems as a way to lessen the impact on groundwater contamination within the city and exception areas outside the urban growth boundaries.
2. The city shall participate in the future Southern Willamette Valley Groundwater Management Area process with the Oregon Department of Environmental Quality to deal with ground water contamination issues in the area.
3. The City shall implement policies contained the Coburg's Drinking Water Protection Plan, adopted by Resolution 97-7.

Findings:

1. The City of Coburg will be included in the Southern Willamette Valley Groundwater Management Area, designated by the Oregon Department of Environmental Quality in 2003.
2. There is evidence of high levels of nitrates in the groundwater around the Coburg area, as reported in the Southern Willamette Valley Groundwater Assessment 2000-2001 Nitrate Study, Final Report February 2003, ODEQ.
3. Agriculture practices and on-site septic systems contribute to high nitrate levels in the Southern Willamette Valley and the Coburg area.
4. The USEPA sets a maximum contaminant level (MCL) for nitrates (as nitrogen) at 10 mg/L for the maximum concentration allowed in public water systems as regulated by the Safe Drinking Water Act.
5. Nitrate levels over 10 mg/L is considered a health hazard to infants below the age of six months. Nitrates can interfere with the ability of the blood to carry oxygen. The result is called hemoglobinemia or "blue baby syndrome".
6. The City's domestic water supply depends on good groundwater quantity and quality.
7. The City desires to participate in managing groundwater contamination.
8. Serving properties with sanitary sewers and abandoning on-site septic systems in and around the Coburg area will reduce nitrate contamination in the groundwater.

Public Facilities and services

Policies:

1. The city shall seek to expand the urban growth boundaries and annex the existing exception areas immediately east of Interstate 5 and provide city water and sewer, when available, to reduce the groundwater contamination caused by septic systems.

Water facilities

Policies:

1. The city shall construct water system improvements, in conformance with the Water Master Plan, Resolution 99-13.
2. The city shall expand the urban growth boundaries and city limits and provide city water service to existing exception areas east of Interstate 5, currently located outside the city limits.
3. The City shall implement the recommendations contained in Coburg's Drinking Water Protection Plan, Resolution 97-7.

Sanitary facilities

Policies:

1. The city shall construct a wastewater facility, in conformance with the Wastewater Facility Plan, 2003-2.

2. The city shall plan to provide sanitary sewer service to properties within the city and within the city's urban growth boundary.
3. The city shall plan to provide sanitary sewer service to all developments within the urban growth boundary.
4. The city shall expand the urban growth boundary and city limits and provide sanitary sewer service, when available, to existing exception areas and to accommodate these uses.
5. The city shall work with the county, state and property owners to properly abandon septic systems as they are connected to sanitary sewer service.

Findings:

1. The City desires to provide clean drinking water for its residents, as well as for community members in the surrounding area.
2. Construction of a wastewater facility and abandonment of existing on-site septic systems will reduce nitrate loading to the groundwater.
3. Coburg's Drinking Water Protection Plan, 1997 identifies the exception areas to the east of Interstate 5 as "Commercial/Industrial High and Moderate Risk" rating for potential contamination to the groundwater.
4. Coburg's Drinking Water Protection Plan identifies residential densities higher than two units per as a "moderate to high risk because of the potential for elevated nitrate levels".

Transportation

Policies:

1. The exception area immediately east of Interstate 5, when included within the urban growth boundary and city limits, shall have a process for transportation review criteria placed on the property to assure that any new development or redevelopment on the property that increases trip generation from the site is required to go through a plan amendment application with the city and will be required to address the requirements of Section 0060 of the TPR regarding impacts to state, county, and city transportation facilities. The property owner or applicant may be required to complete a traffic impact analysis, road dedications, and road improvements for affected County Roads, consistent with the Lane County Transportation System Plan goals and policies and with County requirements for roads in Lane Code 15.
2. The exception area immediately east of the Interstate 5 interchange shall have an established trip generation baseline upon annexation of the property. The trip generation baseline shall be for average daily trips (ADT), weekday AM peak and weekday PM peak trips, based on ITE Trip Generation Manual and inventory of uses is as shown in Exhibit 2 and is incorporated as policy by reference.
3. All new development proposals and/or redevelopment proposals in the exception area immediately east of Interstate 5 that exceed the baseline trip generation established upon annexation shall be required to apply for a city plan amendment application and meet Statewide Goal 12, Transportation Planning Rule, in particular Section 0060, and develop a transportation analysis to determine the impact on the interchange and on County Roads. The County may require a traffic impact analysis and road improvements consistent with the Lane County Transportation System Plan goals and policies and with County requirements for roads in Lane Code 15. The new site development or redevelopment shall be required to measure the following trip impacts for all three of the following:
 - Weekday PM peak hour trips between 4:00 pm and 6:00 pm
 - Weekday AM peak hour trips between 6:00 am and 9:00 am
 - Average Daily trips for the entire area in question.
4. In the event that Interchange Refinement Plan is completed and adopted in the Coburg TSP or Interchange Area Management Plan is developed and adopted, the exception areas immediately east of Interstate 5 shall be included in the plans and shall be governed by the results of that plan. Notwithstanding this provision, a traffic impact analysis, road dedications and road improvements may be required for new development affecting County roads in this area.

Findings:

1. The Coburg Interstate 5 interchange is identified in Coburg's Transportation System Plan, Coburg-Interstate 5 Interchange Refinement Plan as needing reconstruction.
2. The area immediately east of Interstate 5 was included in the refinement plan study.
3. Inclusion of the existing urban uses in exception areas immediately east of Interstate 5 into the Coburg urban growth boundary will not add any new traffic impacts to the Interstate 5/Van Duyn Road interchange.
4. Under Statewide Planning Goal 12, OAR 660-012-0060, the inclusion of the existing urbanized exception areas immediately east of Interstate 5 will have No Significant Impact on the transportation facilities of the state, county and city.
5. Proposals for new development within the exception area immediately to the east of Interstate 5 that would increase traffic in the area will be required to prepare a traffic analysis to determine if the proposal is consistent with Coburg's TSP and Statewide planning Goal 12, Transportation.

b. *Citizen review and comment.*

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

Property owners within 300 feet of the subject property were notified of the application before Lane County to ratify the amendment to the Coburg Comprehensive Plan and to rezone the subject property from CR Rural Commercial and PR Public Reserve to CT Tourist Commercial. A public hearing will be held by the Lane County Planning Commission and the Lane County Board of Commissioners on this proposal.

c. *Applicable Statewide Planning Goals.*

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

Goal 2: Land Use Planning: This goal requires that land use actions be consistent with comprehensive plans and that comprehensive plan changes be coordinated with affected governments. The requested urban growth boundary expansion is supported by proposed plan policy amendments that underwrite the city's commitment to addressing its groundwater contamination situation and the public safety needs.

As discussed elsewhere in this application, Coburg must develop a wastewater treatment system to address the contamination of the groundwater from subsurface disposal systems. The lagoon system that supports the commercial development at the southeast corner of the Van Duyn interchange also represents a substantial contributor of nitrates to the aquifer. Nitrates from this facility flow to the northwest toward the City.

Pursuant to ORS 197.298 the City of Coburg has reviewed all available options for expansion of the UGB. There are no designated urban reserve lands in the vicinity of Coburg. The property subject to this proposed plan amendment is an area acknowledged as a developed exception area that is adjacent to the existing urban growth boundary. There are no lands adjacent to the current UGB that are designated as marginal lands.

The City is proposing this urban growth boundary expansion in order to better acknowledge the urbanized nature of the subject property and the logic of including the land within city limits. Goal

14 requires that a proposed change in urban growth boundary shall follow the procedures and requirements as set forth in Goal 2 for goal exceptions.

Part II of Goal 2 states that [A] local government may adopt an exception to a goal when: (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.

The soils underlying the subject property are Bashaw and Bashaw urban land; both of which have a Class IVw agricultural capability and no rated forest productivity. Tax lots 201, 202, 203 and 210, assessor's map 16-03-33 are occupied by commercial uses and are completely paved. The remainder of the parcels in this cluster, tax lots 204, 206, 207, 208, 209, 211 are paved and serve as access to the aforementioned developed lots. These tax lots are also a part of an exception area (89-ACK-608) that was acknowledged by LCDC in 1989.

The following is an analysis of why the proposed urban growth boundary expansion is consistent with the

REASONS JUSTIFY WHY THE CURRENT RURAL DESIGNATIONS SHOULD NOT CONTINUE:

The property subject to the proposed plan amendment currently is developed at urban densities but has rural plan designations (Commercial and Public Reserve) and rural zoning (Rural Commercial and Public Reserve). It is developed with a hotel, a gas station, and a 126-unit recreational vehicle park (soon to be expanded to 160 units). These uses require an urban level of sewerage, currently provided by a sewage lagoon system, and are experiencing urban levels of criminal activity. Inclusion of the property within the Coburg Urban Growth Boundary, and ultimate annexation of the property to Coburg, will allow the city to provide the level of policing service required and reduce the threat of groundwater pollution to the city's well fields.

AREAS NOT REQUIRING AN EXCEPTION CANNOT ACCOMMODATE THE USE:

Technically, the proposed urban growth boundary expansion does not require an exception to the statewide planning goals. Rather, a Goal 14 analysis, which incorporates the "locational" factors of Goal 14, is required. The expansion only includes land that is already developed and has been subject to a "built upon" exception that has been acknowledged by LCDC. Further, the proposed urban growth boundary is necessarily site-specific since it comprises properties subject to problems that can be best addressed through the provision of an urban level of services.

THE LONG TERM ESESE CONSEQUENCES FAVOR THE PROPOSAL:

The proposed location represents the best alternative long term environmental, economic, social and energy consequences.

Environmental consequences: The environmental consequences of not approving the plan amendment will be to allow the continued nitrate loading of the groundwater supply from which the city draws its potable water. Negative environmental consequences of expanding an urban growth boundary usually include exposure to natural systems to new urban impacts or intensified urban impacts. This is not the case with the proposal as the property is already urbanized and proposed plan policies would effectively freeze development to its existing intensity.

Economic consequences: The economic consequences of not approving the plan amendment potentially include additional costs of water treatment and continued nonreimbursed costs to city government for policing the property. Negative economic consequences could include additional costs to the City's wastewater collection system although it is likely that the City will require new hookups to pay their own way.

Social consequences: The social consequences related to the proposed expansion of the urban growth boundary relate to the potentially detrimental affect of contamination of the City well fields. If this was to occur, the cost of water treatment would increase substantially; either through the need for expensive filtering equipment or the need to find a new water source. In either event, the cost of water service would increase dramatically for Coburg residents. This financial burden, in conjunction with user fees associated with the planned wastewater treatment system, could have large, negative social consequences for residents on fixed incomes and on the development of new residential units.

A second social consequence of approving the proposal is that this amendment will create a potential that the Coburg City Limits will lie on both sides of the freeway. Whether the City will expand beyond the developed properties considered in this Plan amendment will depend upon the conclusion of the current periodic review process of the City's Plan

Energy consequences: The energy consequences associated with approving the proposed plan amendment include avoiding the need to apply additional treatment methods to the cities drinking water. No negative energy consequences have been identified.

THE PROPOSED USE WILL BE COMPATIBLE WITH ADJACENT USES:

The property subject to the proposed plan amendment is already developed. Plan policies associated with this plan amendment will essentially freeze the scope and intensity of the existing uses until the Van Duyn Interchange is upgraded.

Adjacent uses include agricultural lands on the south and east, and across the Van Duyn to the north. Interstate 5 and the highway commercial section of the City of Coburg are adjacent to the west. The only documented adverse impact from the urbanized area on the adjacent agricultural activities concerned contamination of Little Muddy Creek by the RV Park's lagoon system that sickened cattle that drank from that creek. The lagoon system has been upgraded, is operating under a current NPDES permit, and has not further contaminated local surface waters.

Goal 3: Agriculture Lands: An exception has been taken to Goal 3, as described above.

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

Goal 5: Opens Space, Scenic and Historic Areas and Natural Resources. The subject property is committed to an urban-level of development.

Goal 6: Air, Water, and Land Resource Quality: This proposal will cause the elimination of a septic lagoon system polluting the regional groundwater and will therefore have a positive effect in compliance with Goal 6. The existing intensity of development will be frozen.

Goal 7–10: Areas Subject to Natural Disasters and Hazards, Goal 7;; Recreational Needs, Goal 8; Economic Development, Goal 9; and Housing, Goal 10; do not directly apply.

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

Goal 12: Transportation. This proposal will have no adverse effect on the transportation system. Proposed changes in use, scope or intensity of the uses on the property subject to the plan amendment will have to be consistent with Transportation Planning Rule and the adopted Coburg Transportation System Plan.

Conformance with OAR 660-0120-060

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc) of the facility. This shall be accomplished by either:*
- (a) *Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;*
 - (b) *amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
 - (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
 - (d) *Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.*
- (2) *A plan or land use regulation amendment significantly affects a Transportation facility if it:*
- (a) *Changes the functional classification of an existing or planned transportation facility;*
 - (b) *Changes standards implementing a functional classification system;*
 - (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
 - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

Finding: The proposal does not significantly affect the Interstate 5 or Van Duyn Road transportation facilities. Coburg’s TSP did not identify this area as significantly impacting the interchange. No new development or traffic will be generated by this urban growth boundary expansion. In order to allow for existing uses on the property to continue, an overlay “holding zone” will be placed on the property.

An overlay zone for the subject property will allow for review of any new traffic generated by new development on this site and the impact on the transportation system. Rather than completing a detailed analysis at this time, the City is proposing to inventory the existing uses on the site and establish a “holding” overlay zone. The overlay zone will allow for establishment of a baseline trip generation on the site and allow redevelopment of portions of the site if the trips generated do not exceed the established baseline. In the event the property owner requests to intensify development on the site, which would result in increased trip generation, a plan amendment would be required, which would then allow the review of a traffic analysis to determine the impact on the interchange. The Transportation Planning Rule, Goal 12 would apply to proposals that increase the trip generation from the baseline established by this application. The baseline information will be contained within a comprehensive plan policy, so that changes will require the applicant to address compliance with not only the city’s comprehensive plan, but compliance with Oregon Planning Goals, including Goal 12. The proposed trip generation baseline is outlined in Exhibit C.

The City is proposing to develop an overlay zone and defer the transportation analysis until a specific development is proposed for the property or a comprehensive update study on the interchange can be completed. Because the Interstate interchange is not under the jurisdiction of the City, project planning and coordination must be led by ODOT, and coordinated with Lane County and the City of Coburg.

Goal 13: The Energy Conservation Goal does not apply.

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

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

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

Because the subject property is adjacent to the existing Coburg City Limits and urban growth boundary, and is committed to an urban level of development, the “need” factors of Goal 14 do not have to be considered. See *City of Salem v. Families for Responsible Government, Inc.*, 64 Or App 238 (1983) However, the remaining five “locational” factors of Goal 14 must be addressed.

Conclusion: The proposed plan amendment is restricted to adjacent land that is already committed to urban use.

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

The area east of the freeway has been acknowledged by LCDC as an exception area. [Exception Area 381–3] This 35+ acre area is occupied by a 156-space RV park; a gasoline service station/convenience store; a CB/ radio repair store; a 106-room hotel with conference facility, restaurant/bar and a high turnover, sit-down restaurant; and a separate restaurant/bar facility. Collectively, these uses discharge their sewerage into a shared lagoon system and receive water for domestic and fire protection purposes from a single well. Currently, the well does not produce a sufficient quantity of water during the summer months.

The City of Coburg has made the determination to transition from sewerage provided through individual, subsurface disposal systems to a centralized, municipal lagoon system. The primary purpose of this decision was to protect the region’s groundwater resource from nitrate pollution from urban uses.

The area of the City that represents the most concentrated demand for sewerage services is the industrial/highway commercial area immediately west of Interstate 5. From an efficiency standpoint, it makes sense to hook up these properties and the urbanized properties on the east side of the freeway at the same time. This strategy will allow a substantial reduction in nitrate loading from urban sources within the shortest period of time.

Conclusion: The property subject to the plan amendment represents a location that can be as efficiently supplied with necessary urban services.

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

As mentioned above, the proposed urban growth boundary is necessarily site-specific. The problems addressed by the expansion are associated with the properties included in the expansion. Because these properties are immediately adjacent to the existing urban growth boundary and because they are already intensely developed, this will not be a situation where vacant or underdeveloped properties will be leapfrogged by the proposal. The proposed plan policies state that these areas are to be served by City water and sewer services when available after the urban growth boundary has been expanded and annexation occurs.

The City of Coburg recognizes that the Van Duyn interchange currently experiences traffic problems. This proposed plan amendment includes policies that address this issue by requiring “no significant impact” analysis be performed for any change or intensification of use of the properties after they are brought within the urban growth boundary. If a significant impact is present then the change may only occur through an amendment to the

Cities Transportation System Plan. The proposed amendment better safeguards the traffic situation at the intersection than current plan and zone regulations that may not have adequate provisions to address increases in traffic congestion.

Conclusion: The plan amendment will promote maximum efficiency of land uses by providing sewage treatment and police protection to adjacent, developed land.

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

Environmental: There will be positive environmental consequences by allowing this expansion of the urban growth boundary. The City's wastewater treatment facility will treat effluent that would otherwise be placed into the groundwater through the sewage lagoon on the east side of the freeway. This will eliminate the addition of nitrates to the groundwater from several uses on the east side of the freeway, thereby providing positive environmental consequences

Energy: There will be no significant energy consequences with this proposal.

Economic: There will be economic consequences with the proposed expansion of the urban growth boundary. One economic benefit will be that the City will be able to recoup some of its policing costs. A second economic benefit will be reduced expense of damage from criminal activity. Business owners on both sides of the freeway will share this benefit. Finally, servicing the developed properties on the east side of the freeway will result in greater economies of scale for the Coburg sewer and water delivery systems.

Social: The social consequences related to the proposed expansion of the urban growth boundary relate to the potentially detrimental affect of contamination of the City well fields. If this was to occur, the cost of water treatment would increase substantially; either through the need for expensive filtering equipment or the need to find a new water source. In either event, the cost of water service would increase dramatically for Coburg residents. This financial burden, in conjunction with user fees associated with the planned wastewater treatment system, could have large, negative social consequences for residents on fixed incomes and on the development of new residential units.

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

The property subject to the proposed amendment is already built upon and committed to urban uses. No agricultural land will be lost because of the proposed plan amendment.

Conclusion: Agricultural lands will not be affected.

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

The property subject to the proposed amendment is bordered on the east and south by EFU-zoned land that is subject to cattle grazing. The owner of this property has acknowledged that the only adverse impact on the cattle grazing from the urban uses in the exception area have been associated with the malfunction of the RV Park's lagoon system. The lagoon system had polluted the creek from which the cattle drank, sickening some of the livestock. The lagoon system has been repaired and no other adverse impacts to the agricultural activities on the adjacent property have been identified.

All of the land considered for the proposed urban growth boundary expansion is developed and the proposed plan amendment will not allow a significant change in use or increase of intensity. Therefore, it is unlikely that the inclusion of the property within the Coburg Urban Growth Boundary, and the provision of urban services, will adversely affect adjacent

agricultural activities or the retention of the agricultural land upon which those activities occur.

Conclusion: Agricultural lands will not be affected.

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

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

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

This proposal will have no short-term adverse impacts to the subject property, City of Coburg residents, or adjacent properties. This proposal will have positive long-term impacts to County residents by reducing a sewage lagoon nitrate contamination source from the groundwater. This proposal will also have a positive short- and long-term impact on policing on the Interstate 5 corridor, for the developed properties on the east side of the freeway and, in general, public safety for Coburg citizens.

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

The identified public need concerns the protection of the regional groundwater supply, in general, and specifically as that groundwater supplies potable water to the residents of Coburg. This proposal will have positive long-term impacts to County residents by reducing the nitrate contamination from a private sewage lagoon.

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

The proposal will best meet identified public needs for providing city water, which will provide safe drinking water, adequate fire flow protection for current structures, eventual provision for sanitary sewer service, which will provide protection of further degradation of the groundwater quality from nitrate loading.

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

Neither the Coburg Planning Commission nor the Coburg City Council required additional information.

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

This criterion is not applicable.

4. Statewide Planning Goals

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

ZONE CHANGE REQUEST

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

The County proposes to change the zoning of the subject property from Lane Code Chapter 16 zoning of CR Rural Commercial and PR Parks and Recreation to Lane Code Chapter 10 zoning of CT Tourist Commercial. Lane Code 10.166–10(10) allows motels, restaurants, bars, service stations and grocery stores as permitted uses. Overnight trailer and camper facilities are allowed conditionally.

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

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

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

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

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

It is presumed under the Statewide Planning Goals (10, 11, 14, etc.) that urban population densities should occur within urban growth boundaries so that resource land will be protected from premature urbanization. In this regard, the subject property is already urbanized. Further, a rural level of services has proven not to be sufficient for the property as water is limited in the summer months and subsurface sewage disposal contaminates the groundwater with nitrates. The proposed rezoning recognizes the tourist commercial activities that occur on the subject property.

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

The proposed rezoning recognizes the existing use and will be part of a strategy (expansion of the urban growth boundary followed by annexation) that will allow the City of Coburg to provide sewage treatment to the subject property that will result in a significant reduction of nitrate loading in the regional groundwater aquifer.

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

As stated above, the rezoning is triggered by the proposal to include the subject property within the Coburg Urban Growth Boundary. That is, the property must be transitioned from the jurisdiction of the Rural Comprehensive Plan, which is implemented through Chapter 16 of the Lane Code, to the jurisdiction of the Coburg Comprehensive Plan, which is subject to Chapter 10 of the Lane Code for properties located within an urban growth boundary but outside city limits.

The plan amendment necessitating the zone change is motivated by an intent to enhance the environment within and around Coburg, by reducing nitrate loading of the groundwater, and by providing an urban level of police protection to an urbanized area.

b. *Shall not be contrary to the public interest.*

The public interest has been addressed through the proposed amendments to the Coburg Comprehensive Plan, which include policies that recognize the need to reduce groundwater pollution through the provision of sewers and policies that ensure that the redesignation and rezoning of the subject property does not increase the traffic load on the Interstate 5/Van Duyn interchange.

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

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

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

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

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

The City of Coburg Wastewater Facilities Plan calls for the development of a wastewater treatment system. The approval of the proposed plan amendment will allow Coburg to serve the urban density of the subject property with sewerage service. The subject property is currently urbanized with uses that can be best described as being tourist commercial in nature.

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

The CT Tourist Commercial District (Lane Code 10.166–05) specifies that the Tourist Commercial District is intended to provide for accommodations and facilities serving tourists, the motoring public and to provide basic local services for permanent and seasonal residents. This description closely matches the current mix of existing uses on the subject property; which include restaurants, bars, a service station, motel and recreational vehicle park.

d. Consistent with applicable Comprehensive Plan Policies

See “b”, above.

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

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

ORDINANCE NO. A-131-P

AN ORDINANCE AMENDING ORDINANCE A-131 TO CHANGE THE COBURG COMPREHENSIVE PLAN DIAGRAM MAP TO ADD A 35.3 ACRE SITE TO THE URBAN GROWTH BOUNDARY AND TO CHANGE THE PLAN DESIGNATION FOR THIS SITE FROM RURAL COMMERCIAL AND PARK AND RECREATION (COUNTY PLAN DESIGNATION) TO HIGHWAY COMMERCIAL (CITY PLAN DESIGNATION) AND DECLARING AN EMERGENCY.

THE CITY OF COBURG ORDAINS AS FOLLOWS:

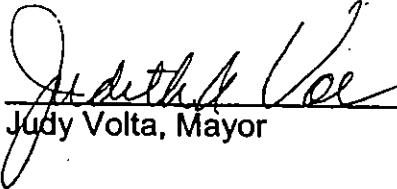
1. The attached Attachment A, Findings and Recommendation of the Coburg Planning Commission is incorporated herein by reference. It is adopted hereby and declared to satisfy all the criteria for an amendment of the Comprehensive Plan as required by the Coburg Zoning Ordinance No. A-133. Proper public notice, as required by the Coburg Zoning Ordinance No. A-133 and Oregon Revised Statutes 197.610, having been provided, it is ordered that this Comprehensive Plan Diagram Map amendment be granted.
2. The Comprehensive Plan Diagram Map adopted by Ordinance No A-131 is hereby amended to add the property described in the attached Exhibit 1, which is incorporated herein by this reference, the City's Urban Growth Boundary.
3. The plan designation for the property described in the attached Exhibit 1 on the Comprehensive Plan Diagram Map is hereby changed from the Lane County zoning designation of Parks and Recreation and Rural Commercial to Highway Commercial.
4. Whereas it is necessary and critical for the general welfare of the citizens of the City of Coburg that the comprehensive land use plan provide for the current land use needs of the City, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

This ordinance was read once in full and once by title at the February 17, 2004 regular meeting of the Coburg City Council, whereupon it was put to a final vote. The vote of the Council was:

YES: 5 NO: 0 ABSTENTION: 0

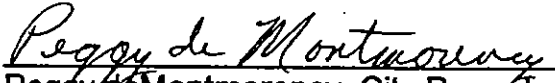
PASSED: ✓ REJECTED:

SIGNED AND APPROVED this 17th day of February, 2004.



Judy Volta, Mayor

ATTEST:



Peggy de Montmorency, City Recorder

FINDINGS AND RECOMMENDATION
of the
COBURG PLANNING COMMISSION

PA-2-03 /City of Coburg

- A. The Coburg Planning Commission finds the following:
1. The Coburg Planning Commission has reviewed all material relevant to the Plan Amendment that has been submitted by the applicant and staff regarding this matter for property shown in Exhibit 1, including the criteria, findings, and conclusions within the findings and recommendation and attached staff report.
 2. On February 4, 2004, the Coburg Planning Commission held a public hearing and reviewed the plan amendment application for City of Coburg after giving the required notice as per O.R.S. 197.195(3) and Coburg Zoning Ordinance No. A-133, Article X.B.
- B. The Coburg Planning Commission recommends approval to the Coburg City Council for a plan amendment for the above mentioned parcels based on the following findings of fact:

The following are findings of fact and state whether or not the proposed application satisfies the required criteria (in *italics*) found in the Coburg, Oregon Zoning Ordinance, Ordinance No. A-133, Article X, Section G, Comprehensive Plan Amendment Procedures and Criteria

Comprehensive Plan Amendment Procedures and Criteria

1. Procedures for Amending the Comprehensive Land Use Plan

A proposal to amend the Comprehensive Land Use Plan including text, policies, Urban Growth Boundary, or map designations may be initiated by the Planning Commission, City Council or by petition of owners. Such proposals shall be considered under Type II procedures as outlined in ARTICLE X.B.13 or by legislative action as provided for in ARTICLE XI.B.

Proposals for Comprehensive Plan Amendments may be considered only on a pre-scheduled semi-annual basis as determined by the Planning Commission and City Council. In determining that an emergency situation does exist, the Council must adopt findings that the public interest would be best served by initiating a Comprehensive Plan amendment request.

RESPONSE: the City deems the proposal an emergency situation. The provision for city water service is of immediate nature, due to the time limitation on the

funding sources to provide the water service to the subject property. The public interest would be best served by initiating this request to allow for the property owners and city to share in the cost of providing safe drinking water and adequate fire flows for fire protection to the buildings on the subject property.

2. **Plan Amendment Criteria**

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

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

Finding: The proposal is consistent with several policies and objectives of the Coburg Comprehensive Plan. The proposal also demonstrates there should be a change in several policies of the comprehensive plan, due to a demonstrated change in circumstances, described below.

The proposal is in conformance with the following objectives and policies in the Coburg Comprehensive Plan:

*Goal 6 Air, Water and Land Resource Quality
Coburg Objective: To insure the continued quality of air, water and land resources within the City and its area of influence.*

Policy 7: The City shall maintain water quality through cooperation with all appropriate federal and state agencies, including, but not limited to DEQ.

*Goal 12 Transportation:
Coburg Objective: To provide for the transportation needs of all Coburg residents compatible with county and state plans and promoting the greatest possible energy efficiency.*

- 2.1 *All development proposals plan amendments, or zone changes shall conform to the adopted Transportation System Plan.*
- 2.2 *Protect the function of existing and planned transportation systems as identified in the Transportation System Plan through application of appropriate land use regulations. When making a land use decision, the City shall consider the impact on the existing and planned transportation facilities.*

Policy 13: Improve the Coburg-Interstate 5 Interchange safety and transportation operations.

13.1 *The City shall adopt and coordinate with ODOT and Lane County to implement the ODOT Coburg-Interstate 5 Interchange Refinement Plan, which includes but is not limited to:*

- *A preferred interchange alternative,*
- *An interchange access management plan,*
- *A recommended TDM program that shall be fully implemented before and interchange reconstruction, and*
- *An assumption that current City and County comprehensive land use designations at and near the interchange are constant for the next 20 years.*

Finding: Air, Water and Land Resource Quality This proposal to include existing developed and committed land in the urban growth boundary is consistent with the above stated policies. The City desires to provide clean, safe drinking water to the city and the area of influence. The proposal will provide city water to these areas.

The City is working with closely with the DEQ on water quality issues in the area. As discussed further below, the city will be included within a Groundwater Management Area, to be declared by the DEQ, due to the elevated nitrates found in the groundwater.

Finding: Transportation The proposal is also consistent with the above stated transportation policies in the TSP. The proposal will be in compliance with the TSP and coordinate with ODOT for the land use designations on the subject property. The proposal will also protect the function of transportation system with land use designations. The proposal, described further below, will utilize a plan amendment process that is essentially a "holding zone" to assure that additional trips created by new development will address the impact on the interchange. Recent improvements along Pearl Street by Lane County, which are different than the plan that was adopted in Coburg's TSP and planned safety projects by ODOT for the northbound off ramp, require that additional studies and coordination be completed within this area. Therefore, the proposal is consistent with portions of the TSP; there have been changes in circumstances in transportation project designs and priorities that necessitate changes to the plan.

CHANGE IN CIRCUMSTANCES THAT NECESSITATES A CHANGE IN POLICIES

Air, Water and Land Resource Quality: The City of Coburg will soon be included within the Southern Willamette Valley Groundwater Management Area by the Oregon Department of Environmental Quality because Coburg's

groundwater, as well as other areas in the southern Willamette Valley have been found to have elevated levels of nitrates.

Nitrates result from septic tanks and agricultural practices. Elevated nitrates have been found to cause negative health effects, such as "blue baby syndrome", which results in the blood not being able to carry as much oxygen as needed, developing fetuses and children under the age of six months are at the most risk. Recently, there have been studies that show other health risks from elevated nitrates in drinking water for adults.

In order to meet the comprehensive plan objective to provide continued or better quality of water resources within the area of influence, the City desires to provide city water service to the subject property, which is within its area of influence.

In addition, Coburg's Comprehensive Plan does not reflect the recent changes to the City's plans for the construction of a wastewater treatment facility and domestic water system improvements. The city adopted a Wastewater Facility Master Plan, resolution 2003-2 and Water System Master Plan, resolution 99-13. Both of these facility master plans anticipate the city needing additional infrastructure to serve the community and future growth. The construction of a wastewater treatment facility will also allow the abandonment of existing on-site septic systems within the city. These issues are not addressed within the comprehensive plan.

Transportation

Recent improvements on Pearl Street completed in 2002 by Lane County and planned safety improvements by ODOT on the northbound off ramp are changes in circumstances that necessitate changes to the plan. The specific changes include the final design of Pearl Street is different than the design in the Coburg TSP, Appendix I. The lane configurations, driveway access points and median locations are different. In addition, ODOT's planned safety improvements for the northbound off-ramp of Interstate 5 was not included in the TSP as a planned project.

The subject property located on the east side of the Interstate 5 interchange. This application will be closely coordinated with Oregon Department of Transportation (ODOT) to assure that traffic impacts from the subject property does not significantly impact the interchange, as required by Goal 12 Transportation Planning Rule. Van Duyn Road is under Lane County jurisdiction. The Interstate 5 interchange is under the jurisdiction of ODOT. Coburg's Transportation System Plan (TSP) includes an Interstate 5 refinement plan, Appendix I, adopted in 1999. The refinement plan included the subject property in the study for future construction needs at this location. The TSP refinement plan also identified the interchange and needed projects

for the effective functioning of the interchange. This project will require intergovernmental coordination between ODOT, Lane County and City of Coburg because of the multi-jurisdictional roads within the project area.

An element of this application will be to develop a plan amendment review process that will address any new traffic generated by new development on this site and the impact on the transportation system. Rather than completing a detailed analysis at this time, the City is proposing to inventory the existing uses on the site and establish this criterion for review for any new development. The plan amendment review process will allow for establishment of a baseline trip generation on the site and allow redevelopment of portions of the site if the trips generated do not exceed the established baseline. In the event the property owners request to intensify development on the site, which would result in increased trip generation, a plan amendment would be required; this would then allow the review of a traffic analysis to determine the impact on the interchange. The Transportation Planning Rule, Goal 12 would apply to proposals that increase the trip generation from the baseline established by this application. The baseline information will be contained within a comprehensive plan policy, so that changes will require the applicant to address compliance with not only the city's comprehensive plan, but compliance with Oregon Planning Goals, including Goal 12.

The City is proposing to develop the plan amendment review process and defer the transportation analysis until a specific development is proposed for the property or a comprehensive update study on the interchange be completed. Because the Interstate interchange is not under the jurisdiction of the City, project coordination must occur between Lane County, Coburg and ODOT.

PROPOSED NEW PLAN POLICIES AND SUPPORTING FINDINGS

Due to changes in circumstances described above, this application also proposes to add the following policies and findings to the Coburg Comprehensive Plan text:

Air, Water and Land Resource Quality

- 1. The city shall provide sanitary sewer and abandon existing septic systems as a way to lessen the impact on groundwater contamination within the city and exception areas immediately east of the city, outside the urban growth boundaries.*
- 2. The city shall participate in the future Southern Willamette Valley Groundwater Management Area process with the Oregon Department of Environmental Quality to deal with ground water contamination issues in the area.*

3. *The City shall implement policies contained the Coburg's Drinking Water Protection Plan, adopted by Resolution 97-7.*

Findings:

1. *The City of Coburg will be included in the Southern Willamette Valley Groundwater Management Area, designated by the Oregon Department of Environmental Quality in 2003.*
2. *There is evidence of high levels of nitrates in the groundwater around the Coburg area, as reported in the Southern Willamette Valley Groundwater Assessment 2000-2001 Nitrate Study, Final Report February 2003, ODEQ.*
3. *Agriculture practices and on-site septic systems contribute to high nitrate levels in the Southern Willamette Valley and the Coburg area.*
4. *The USEPA sets a maximum contaminant level (MCL) for nitrates (as nitrogen) at 10 mg/L for the maximum concentration allowed in public water systems as regulated by the Safe Drinking Water Act.*
5. *Nitrate levels over 10 mg/L is considered a health hazard to infants below the age of six months. Nitrates can interfere with the ability of the blood to carry oxygen. The result is called hemoglobinemia or "blue baby syndrome".*
6. *The City's domestic water supply depends on good groundwater quantity and quality.*
7. *The City desires to participate in managing groundwater contamination.*
8. *Serving properties with sanitary sewers and abandoning on-site septic systems in and around the Coburg area will reduce nitrate contamination in the groundwater.*

Public Facilities and services

1. *The city shall seek to expand the urban growth boundaries and annex the existing exception areas immediately east of Interstate 5 and provide city water and sewer, when available, to reduce the groundwater contamination caused by septic systems.*

Water facilities

1. *The city shall construct water system improvements, in conformance with the Water Master Plan, Resolution 99-13.*
2. *The city shall expand the urban growth boundaries and city limits and provide city water service to existing exception areas immediately east of Interstate 5, currently located outside the city limits.*
3. *The City shall implement the recommendations contained in Coburg's Drinking Water Protection Plan, Resolution 97-7.*

Sanitary facilities

- 1. The city shall construct a wastewater facility, in conformance with the Wastewater Facility Plan, 2003-2.*
- 2. The city shall plan to provide sanitary sewer service to properties within the city and within the city's urban growth boundary.*
- 3. The city shall plan to provide sanitary sewer service to all developments within the urban growth boundary.*
- 4. The city shall expand the urban growth boundary and city limits and provide sanitary sewer service, when available, to existing exception areas, immediately east of the Interstate and other appropriate areas to accommodate these uses.*
- 5. The city shall work with the county, state and property owners to properly abandon septic systems as they are connected to sanitary sewer service.*

Findings:

- 1. The City desires to provide clean drinking water for its residents, as well as for community members in the surrounding area.*
- 2. Construction of a wastewater facility and abandonment of existing on-site septic systems will reduce nitrate loading to the groundwater.*
- 3. Coburg's Drinking Water Protection Plan, 1997 identifies the exception areas immediately east of Interstate 5 as "Commercial/Industrial High and Moderate Risk" rating for potential contamination to the groundwater.*
- 4. Coburg's Drinking Water Protection Plan identifies residential densities higher than two units per acre as a "moderate to high risk because of the potential for elevated nitrate levels".*

TRANSPORTATION

The proposal is also to add the following transportation policies and findings:

Transportation

- 1. The exception area immediately east of Interstate 5, when included within the urban growth boundary and city limits, shall have a process for transportation review criteria placed on the property to assure that any new development or redevelopment on the property that increases trip generation from the site is required to go through a plan amendment application with the city and will be required to address the requirements of Section 0060 of the TPR regarding impacts to state, county, and city transportation facilities. The property owner or applicant may be required to complete a traffic impact analysis, road dedications, and road improvements for affected County Roads, consistent with the Lane County*

Transportation System Plan goals and policies and with County requirements for roads in Lane Code 15.

2. The exception area immediately east of the Interstate 5 interchange shall have an established trip generation baseline upon annexation of the property. The trip generation baseline shall be for average daily trips (ADT), weekday AM peak and weekday PM peak trips, based on ITE Trip Generation Manual and inventory of uses is as shown in Exhibit 2 and is incorporated as policy by reference.
3. All new development proposals and/or redevelopment proposals in the exception area immediately east of Interstate 5 that exceed the baseline trip generation established upon annexation shall be required to apply for a city plan amendment application and meet Statewide Goal 12, Transportation Planning Rule, in particular Section 0060, and develop a transportation analysis to determine the impact on the interchange and on County Roads. The County may require a traffic impact analysis and road improvements consistent with the Lane County Transportation System Plan goals and policies and with County requirements for roads in Lane Code 15. The new site development or redevelopment shall be required to measure the following trip impacts for all three of the following:
 - Weekday PM peak hour trips between 4:00 pm and 6:00 pm
 - Weekday AM peak hour trips between 6:00 am and 9:00 am
 - Average Daily trips for the entire area in question.
4. In the event that Interchange Refinement Plan is completed and adopted in the Coburg TSP or Interchange Area Management Plan is developed and adopted, the exception areas immediately east of Interstate 5 shall be included in the plans and shall be governed by the results of that plan. Notwithstanding this provision, a traffic impact analysis, road dedications and road improvements may be required for new development affecting County roads in this area.

Findings:

1. The Coburg Interstate 5 interchange is identified in Coburg's Transportation System Plan, Coburg-Interstate 5 Interchange Refinement Plan as needing reconstruction.
2. The area immediately east of Interstate 5 was included in the refinement plan study.
3. Inclusion of the existing urban uses in exception areas immediately east of Interstate 5 into the Coburg urban growth boundary will not add any new traffic impacts to the Interstate 5/Van Duyn Road interchange.
4. Under Statewide Planning Goal 12, OAR 660-012-0060, the inclusion of the existing urbanized exception areas immediately east of Interstate 5 will have No Significant Impact on the transportation facilities of the state, county and city.
5. Proposals for new development within the exception area immediately to the east of Interstate 5 that would increase traffic in the area will be required to prepare a traffic analysis to determine if the proposal is

consistent with Coburg's TSP and Statewide Planning Goal 12, Transportation.

REMOVE POLICIES FROM PLAN DUE TO DEMONSTRATED CHANGE IN CIRCUMSTANCES

This application also proposes to delete the following policies because they are no longer applicable to the City due to demonstrated changes in circumstances. The adoption of the Wastewater Facility Plan, which provides a plan to eliminate septic systems for the community and the construction of a wastewater facility plan. The Water System Master Plan, which determined that the existing water system needed upgrading. The elimination of these policies also pertain to the studies conducted by the Department of Environmental Quality in the last 10 years that reveal that there are elevated levels of nitrates in the groundwater and drinking water of Coburg. The city's septic systems, as well other agricultural practices have contributed to contamination of the groundwater in the Southern Willamette Valley.

Water Facilities

Policy 3: The city has developed and maintains a water supply and distribution system which assures safe, potable supply of water which is adequate for future domestic, commercial, industrial, fire protection and emergency requirements.

Sanitary Facilities

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

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

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

b. Citizen review and comment.

The proposal will receive adequate citizen review and comment. The proposal will have two public hearings at the City of Coburg, one before the Planning Commission and one before the City Council. The proposal will also have a public hearing before the Lane County Planning Commission and one public hearing before the Lane County Board of Commissioners. In addition,

property owners within 250 and 500 feet of the proposal will receive mailed notice and notice of the public hearings will be published in the local newspaper.

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

Goal 1: Citizen Involvement: Numerous public hearings, public work sessions and public meetings have been held on the sewer project. The proposed Plan amendment have been reviewed public hearings before the Planning Commission and the City Council

Goal 2: Land Use Planning: This goal requires that land use actions be consistent with comprehensive plans and that comprehensive plan changes be coordinated with affected governments. The requested urban growth boundary expansion is supported by proposed plan policy amendments that underwrite the city's commitment to addressing its groundwater contamination situation and the

As discussed elsewhere in this application, Coburg must develop a wastewater treatment system to address the contamination of the groundwater from subsurface disposal systems. The lagoon system that supports the commercial development at the southeast corner of the Van Duyn interchange also represents a substantial contributor of nitrates to the aquifer. Nitrates from this facility flow to the northwest toward the City.

Pursuant to ORS 197.298 the City of Coburg has reviewed all available options for expansion of the UGB. There are no designated urban reserve lands in the vicinity of Coburg. The property subject to this proposed plan amendment is an area acknowledged as a developed exception area that is adjacent to the existing urban growth boundary. There are no lands adjacent to the current UGB that are designated as marginal lands.

Goal 3: Agriculture Lands: None of the land associated with this proposed plan amendment is designated as agricultural lands.

Goal 4: Forest Lands. No forest lands are associated with this proposed plan amendment.

Goal 5: Opens Space, Scenic and Historic Areas and Natural Resources. The property subject to this plan amendment is already developed for non-resource uses.

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

The Southern Willamette Valley is considered by DEQ to be a priority area for groundwater assessment and protection for several reasons including the severity and extent of nonpoint source groundwater contamination that has been documented through several studies, the vulnerability of shallow groundwater to land use impacts, the expectation of rapid population growth and the heavy reliance by residents on groundwater as a primary drinking source. ¹ The Coburg Drinking Water Protection Plan ² indicates that a proposed City well field located west of Industrial Way was a high risk within five to ten years of contamination from the sewage lagoon that services the Country Squire motel and the adjacent RV park. It is also possible that the lagoon poses a risk to City Well #2, which draws from the shallow aquifer.

Goal 7: Areas Subject to Natural Disasters and Hazards; Goal 8: Recreational Needs; Goal 9: Economic Development and Goal 10: Housing, do not directly apply. The eventual provision of urban services to the property subject to this plan amendment will eventually improve economic redevelopment potential of the property, and in that way comply with Goal 9. The other goals are not applicable.

Goal 11: Public Facilities and Services: The existing public facility plans do not address the provision of service across the freeway to the east. However, plan policies and findings that accompany this urban growth boundary expansion do address the facility and service needs that have created the need for the proposed expansion of the urban growth boundary.

Goal 12: Transportation. This proposal will have no adverse effect on the transportation system. Proposed changes in use, scope or intensity of the uses on the property subject to the plan amendment will have to be consistent with Transportation Planning Rule and the adopted Coburg Transportation System Plan.

Conformance with OAR 660-0120-060

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc) of the facility. This shall be accomplished by either:*
 - (a) *Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;*

¹ Ibid, page 1.

² Ibid, page 52.

- (b) *amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
 - (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
 - (d) *Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.*
- (2) *A plan or land use regulation amendment significantly affects a Transportation facility if it:*
- (a) *Changes the functional classification of an existing or planned transportation facility;*
 - (b) *Changes standards implementing a functional classification system;*
 - (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
 - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

Finding: The proposal does not significantly affect the Interstate 5 or Van Duyn Road transportation facilities. Coburg's TSP did not identify this area as significantly impacting the interchange. No new development or traffic will be generated by this urban growth boundary expansion. In order to allow for existing uses on the property to continue, a plan amendment process and review criteria for any new development will be placed on the property.

This plan amendment process for the subject property will allow for review of any new traffic generated by new development on this site and the impact on the transportation system. Rather than completing a detailed analysis at this time, the City is proposing to inventory the existing uses on the site and establish a plan amendment process. The plan amendment process will allow for establishment of a baseline trip generation on the site and allow redevelopment of portions of the site if the trips generated do not exceed the established baseline. In the event the property owner requests to intensify development on the site, which would result in increased trip generation, a plan amendment would be required; this would then allow the review of a traffic analysis to determine the impact on the interchange.

The Transportation Planning Rule, Goal 12 would apply to proposals that increase the trip generation from the baseline established by this application. The baseline information will be contained within a comprehensive plan

policy, so that changes will require the applicant to address compliance with not only the city's comprehensive plan, but compliance with Oregon Planning Goals, including Goal 12. The proposed trip generation baseline is outlined in Exhibit 2.

The City is proposing to develop a plan amendment review process for any new development on the property and defer the transportation analysis until a specific development is proposed for the property or a comprehensive update study on the interchange be completed. Because the Interstate interchange is not under the jurisdiction of the City, project planning and coordination must be led by ODOT, and coordinated with Lane County and the City of Coburg.

Goal 13: Energy Conservation. This goal is not applicable to this proposal.

Goal 14: Urbanization. Goal 14 requires that the establishment and change of urban growth boundaries shall be based upon consideration of two "need factors" and five "locational factors." However, in some situations a local government does not have to show a need for additional land to expand its urban growth boundary. *City of Salem v. Families for Responsible Government, Inc.*, 64 Or App 238 (1983) Thus, where adjacent land has been committed to urban use it may be included within an urban growth boundary if necessary to avoid illogical development or service patterns. In this regard, the following analysis of the "locational factors" of Goal 14 demonstrates that the property subject to this amendment is committed to urban use.

1. *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.*
2. *Need for housing, employment opportunities and livability;*

The first two factors do not apply to this application. The proposed expansion areas are already developed and will not accommodate long-range urban population growth. The area is already developed in commercial uses, so will not add any new housing or employment opportunities to the area.

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

The proposed expansion of the urban growth boundary is the precursor to annexation and the provision of an urban level of domestic water service and urban level of sewerage service to property currently served by a wastewater lagoon. The property subject to the proposed urban growth boundary expansion is located immediately adjacent to the existing urban growth boundary and services can be logically and efficiently extended to serve this area. For instance, the inclusion of the freeway right-of-way will allow the City to create a loop system for its water distribution lines on the east side of the freeway. This loop system will allow for the

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continuation of water service despite a line rupture and also provide for better fire flow protection for the subject property.

Conclusion: The property subject to the plan amendment also represents a location that can be as efficiently supplied with necessary urban services as any other alternative considered.

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

As mentioned above, the proposed urban growth boundary is necessarily site-specific. The problems addressed by the expansion are associated with the properties included in the expansion. Because these properties are immediately adjacent to the existing urban growth boundary and because they are already intensely developed, this will not be a situation where vacant or underdeveloped properties will be leapfrogged by the proposal. The proposed plan policies state that these areas are to be served by City water and sewer services when available after the urban growth boundary and annexation occur.

The City of Coburg recognizes that the Van Duyn interchange currently experiences traffic problems. This proposed plan amendment includes policies that address this issue by requiring "no significant impact" analysis be performed for any change or intensification of use of the properties after they are brought within the urban growth boundary. If a significant impact is present then the change may only occur through an amendment to the City's Transportation System Plan.

Conclusion: The plan amendment will promote maximum efficiency of land uses by providing sewage treatment and domestic water to adjacent, developed land.

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

Environmental: There will be positive environmental consequences by allowing this expansion of the urban growth boundary. The City's wastewater treatment facility will treat effluent that would otherwise be placed into the groundwater through the sewage lagoon on the east side of the freeway. This will eliminate the addition of nitrates to the groundwater from several uses on the east side of the freeway, thereby providing positive environmental consequences

Energy: There will be no significant energy consequences with this proposal.

Economic: There will be economic consequences with the proposed expansion of the urban growth boundary. One economic benefit will be providing urban services to the developed properties on the east side of the freeway which will result in greater economies of scale for the Coburg sewer and water delivery systems.

Social: The social consequences related to the proposed expansion of the urban growth boundary will be including the subject property owners into the City limits. These business owners, property owners and residents will benefit from becoming members of Coburg, which will allow for involvement in City decisions for the future. They will also be provided with City services, which include safe drinking water, adequate sewage disposal, safe and an efficient transportation system.

Conclusion: The proposed Plan amendment will not have any significant adverse environmental, energy, economic or social impacts on the City, the property subject to the proposed urban growth boundary expansion or activities adjacent to the latter.

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

All of the land considered for the proposed urban growth boundary expansion is developed and is not designated as agriculture lands.

Conclusion: Agricultural lands will not be affected.

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

Adjacent uses include agricultural lands on the south and east and across the Van Duyn to the north. Interstate 5 and the highway commercial section of the City of Coburg are adjacent to the west. The only documented adverse impact from the urbanized area on the adjacent agricultural activities concerned contamination of Little Muddy Creek by the RV Park's lagoon system that sickened cattle that drank from that creek. The lagoon system has been upgraded, is operating under a current NPDES permit, and has not further contaminated local surface waters.

To date, there have been no documented adverse impacts on the urbanized area proposed for the urban growth boundary expansion and the adjacent agricultural uses. The latter are of a low intensity, comprised primarily of cattle grazing, and produce no dust, noise or odor impacts that would be incompatible with commercial activities.

Conclusion: The proposed urban growth boundary expansion will not increase the intensity of commercial activities located on the subject property and these uses currently do not adversely impact the adjacent agricultural activities. The adjacent agricultural activities are not intense and do not adversely affect the commercial uses on the subject property.

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

Potentially affected governmental units, such as Lane County, and other agencies, are given input opportunities through notification procedures and hearing proceedings. City of Coburg and LCOG staff will send referrals and request input from appropriate governmental units and other pertinent agencies.

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

This proposal will have no short-term adverse impacts to the subject property, City of Coburg residents, or adjacent properties. This proposal will have positive long-term impacts to County residents by reducing a sewage lagoon nitrate contamination source from the groundwater.

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

The identified public need concerns the protection of the regional groundwater supply, in general, and specifically as that groundwater supplies potable water to the residents of Coburg. This proposal will have positive long-term impacts to County residents by reducing the nitrate contamination from a private sewage lagoon. Provision of City water to these areas will also provide for long term safety for fire protection, as well as domestic water supply.

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

The proposal will best meet identified public needs for providing city water, which will provide safe drinking water, adequate fire flow protection for current structures, eventual provision for sanitary sewer service, which will provide protection of further degradation of the groundwater quality from nitrate loading.

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

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

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

This criterion is not applicable.

4. **Statewide Planning Goals**

See the analysis under the examination of Article X.G.2 of the Coburg Zoning Ordinance

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

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

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

The Oregon Department of Transportation (ODOT) and the City of Coburg officials are both concerned that providing the developed property on the east side of the freeway with an urban level of sewer and water service will allow intensification or changes in use that will cause an increase of usage of the Van Duyn interchange. The capacity of the interchange is currently so overwhelmed at certain times of the day that Coburg police must facilitate traffic exiting the freeway.

In order to address subsection (1) of OAR 660-012-0060, the City has proposed comprehensive plan policies and review criteria that will require the applicant of any proposal change or intensify a use in the developed property on the east side of the freeway to demonstrate that no additional traffic will be generated. If any additional traffic is generated then the applicant must amend the Coburg Transportation System Plan.

With the proposed comprehensive plan policies, review criteria requiring a plan amendment and establishment of baseline trip generation, it can be concluded that this proposal is consistent with OAR 660-012-0060(1)-(2).

The proposal does not significantly affect the Interstate 5 or Van Duyn Road transportation facilities. Coburg's TSP did not identify this area as significantly

impacting the interchange. No new development or traffic will be generated by this urban growth boundary expansion. In order to allow for existing uses on the property to continue, a baseline trip generation and plan amendment process will be placed on the property.

An establishment of baseline trip generations, review criteria that require an amendment to the plan and addressing the Transportation Planning Rule for the subject property will allow for review of any new traffic generated by new development on this site and the impact on the transportation system. Rather than completing a detailed analysis at this time, the City is proposing to inventory the existing uses on the site and establish a process for review that functions as a "holding" overlay zone. The review criteria will allow for establishment of a baseline trip generation on the site and allow redevelopment of portions of the site if the trips generated do not exceed the established baseline.

In the event the property owner requests to intensify development on the site, which would result in increased trip generation, a plan amendment would be required, which would then allow the review of a traffic analysis to determine the impact on the interchange. The Transportation Planning Rule, Goal 12 would apply to proposals that increase the trip generation from the baseline established by this application. The baseline information will be contained within a comprehensive plan policy, so that changes will require the applicant to address compliance with not only the city's comprehensive plan, but compliance with Oregon Planning Goals, including Goal 12. The proposed trip generation baseline is outlined in Exhibit 2.

The City is proposing to the review criteria and baseline traffic generation and defer the transportation analysis until a specific development is proposed for the property or a comprehensive update study on the interchange be completed. Because the Interstate interchange is not under the jurisdiction of the City, project planning and coordination must be led by ODOT, and coordinated with Lane County and the City of Coburg.

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

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

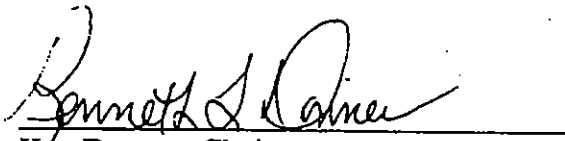
- a. Urban Reserve Land. There is no urban reserve land designated within the Coburg Urban Growth Boundary.
- b. Exception areas/Nonresource Land. The lands subject to this proposal lie within a developed and committed exception area.

C. CONCLUSIONS

Based on the findings stated above, the application meets all the criteria for an amendment to the Coburg Comprehensive Plan.

D. FINAL RECOMMENDATION TO COBURG CITY COUNCIL

Based on the findings stated above, the Coburg Planning Commission finds that the applicant meets the requirements for a plan amendment to expand the urban growth boundary for the property described in A.1, above. The Coburg Planning Commission recommends approval to the Coburg City Council. This recommendation of approval shall be forwarded to the Coburg City Council for public hearing and final decision.



Ken Donner, Chair
Coburg Planning Commission

02.10.04
Date

2/9/04

PROPOSED UGB EXPANSION AREA II

EXHIBIT 1

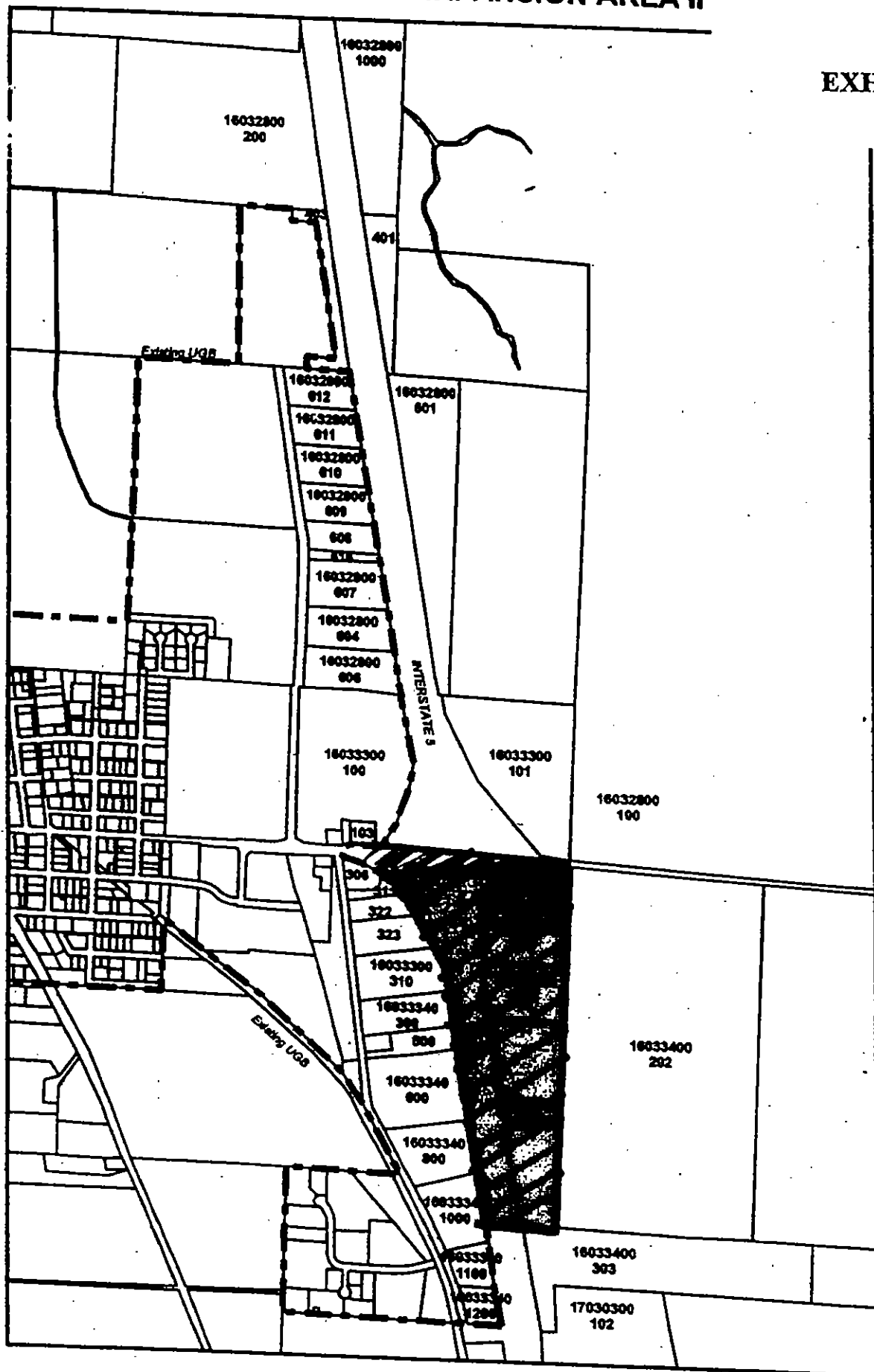


EXHIBIT 2

All trips are the estimated number occurring within the weekday, peak P.M. hour.

Tax lot 100/200:

i. 156 RV spaces 83 trips

Tax lot 201:

i. Gasoline service station/convenience store
13 pumps, no car wash 177 trips

Tax lot 202:

i. CB/radio repair store, retail, 1380 sq. ft gross leasable area 7 trips

Tax lot 203

i. Hotel/motel, 106 rooms, conference facility, restaurant/bar 65 trips

ii. High turnover, sit-down restaurant,
5535 sq ft. (est.) gross floor area 108 trips

iii. (Proposed) RV Sales, 1000 sq ft floor area/max 10 employees 6 trips

Taxlot 210

i. Restaurant/bar, 3344 sq ft. gross floor area 52 trips

Trip generation by Land Use for Taxlots in the Proposed UGB Expansion Area of Coburg

SUMMARY

Method:

- Taxlots within the region under consideration were examined using RLID, aerial photographs (circa 1994/95), and the Lane parcel data. (Section I)
- For all developed taxlots, existing land uses were determined through personal inspection by the City of Coburg planner, and building details were obtained from the Lane County Assessment and Taxation department. (Section I)
- The ITE manual, "Trip Generation" (6th edition), was consulted to determine the average number of trips generated by standardized land use categories that were the best match for the observed land uses. (Section II; Table 1). Only those formulae that used readily available data (gross area, number of pumps, number of rooms) were selected; other formulae requiring quantities that would need further and more detailed research such as number of *occupied* rooms, or number of employees, were not used.
- In some cases, an average was taken of trip estimates for two categories of land use when it seemed that neither category was a good match for the actual situation.
- Since the trip information was most complete only for weekday peak hours (Table 1), and since a peak traffic load seems most relevant to the capacity of the intersection, only weekday traffic estimates are provided below.

Results:

Estimated Average Trips					
Property-taxlots	Use by ITE category	Weekday, peak hour of adjacent street traffic, one hour between 7 and 9 am	Weekday, peak hour of adjacent street traffic, one hour between 4 and 6 pm	Weekday, A.M. peak hour of generator	Weekday, P.M. peak hour of generator
100, 200	RV park ¹	53	74.5	59	83
201	Gasoline/Service Station	131	174	138	177
202	Specialty Retail Center ²	2	5.5	8	7
203	Hotel ³	60	65	56	65
	High turnover restaurant ⁴	52	61	81	108
	RV Sales ⁵	2	3	4	6
210	Drinking Place	0	39	0	52
TOTAL		300	422	346	498

¹ An average of land uses characterized by "Trip Generation" categories "RV Park" and "Mobile Home Park," based on the type of use that this business appears to encompass.

² An average of land uses characterized by "Specialty Retail Center" and "Hardware/Paint Store." No category in "Trip Generation" adequately matched the characteristics of a small repair store.

³ "Hotel" was chosen over "Motel" as typical of the expected traffic due to the presence in "Hotel" of a convention center, restaurant/bar.

⁴ Trips related to a "High turnover (sit-down) restaurant" were included based on the observation that there were two restaurants associated with the business on taxlot 203.

⁵ An average of the estimated trips calculated by number of employees and by gross floor area.

Table 1. Summary of Average Trips for Specified Land Uses

Property - taxlots	Use	Weekday, peak hour of adjacent street traffic, one hour between 7 am and 9 am	Weekday, peak hour of adjacent street traffic, one hour between 4 and 6 pm	Weekday, A.M. peak hour of generator	Weekday, P.M. peak hour of generator	Saturday, peak hour of generator	Sunday, peak hour of generator	Week day	Saturday	Sunday
100, 200	RV Park Mobile Home Park	43 63	61 88	50 68	75 91	85	78	751	776	678
201	Gasoline/Service Station	131	174	138	177			2117		
202	Specialty/Retail Center Hardware/Paint Store	2	4 7	9 7	7 7	16	14	57 71	59 114	29 95
203	Motel Hotel High turnover restaurant RV Sales Office (by sq ft) RV Sales Office (by employees)	48 60 52 2	50 65 61 3	47 56 81 2	60 65 108 3		103	597 873 722 38	869 877 21 106	631 730 10 53
210	Drinking Place		39		52					

Numbers in italics indicate highest hourly rate

This table summarizes the data listed in Section II for the parcels described in Section I.

I. Property Description (see attached map)

(Note on map: aerial photograph is dated 1994/1995)

Map/taxlot 16-03-33-40-00100 and Map/taxlot 16-03-33-40-00200 – RV Park and extension

- Current uses shown are RV Park (taxlot 100) and vacant commercial land (taxlot 200).⁶
- Reported future use as RV Park with 156 RV spaces⁷.

Map/taxlot 16-03-333-00-00201 – GAS STATION/convenience store

This taxlot contains a building complex consisting of⁸:

- Under canopy: 2 above ground gas tanks: 10 gas pumps
- Side of property: 1 diesel tank: 1 gas pump
1 propane tank: 1 pump
1 gasoline tank: 2 pumps
- 4 modular buildings: 2 buildings which together compose a convenience store
1 restroom
1 storage building

Total number of gas pumps is 13.

Map/taxlot 16-03-333-00-00202 – CB/radio repair store

This taxlot contains a building consisting of⁹

- Retail store, with total floor area of 1380 sq. ft

Map/taxlot 16-03-33-40-00203 – MOTEL/Restaurants/Bar/Conference facility

This taxlot contains a building consisting of¹⁰

- 2 story motel with a total of 106 rooms for accommodation (53 per floor) and a total floor area of 47,844 sq. ft. (first floor: 23,404 sq. ft; second floor: 24440 sq. ft.)
- a conference facility located on the second floor, occupying 8,977 sq. ft.
- a coffee shop, restaurant and bar on the first floor, occupying 11,070 sq. ft.
Assume that half of this area is open at any one time, and qualifies as a "high-volume (sit down) restaurant," separate from the "hotel" facility.
- PROPOSED RV Sales, occupying 1000 sq ft of first floor (this is to occupy part of the area currently used as restaurant/bar, and employing a maximum of 10 employees.¹¹

Map/taxlot 16-03-333-00-00210 – BAR/restaurant

This taxlot contains a building consisting of¹²:

- Restaurant and bar with a total floor area of 3344 sq. ft.

⁶ RLID and report by City of Coburg planner, Anita Yap

⁷ Pers. Comm., Anita Yap, 7/23/03

⁸ Land use survey by Anita Yap, City of Coburg planner, 7/22/03

⁹ Lane County Tax/Assessor office, building inspector report, reviewed 7/22/03

¹⁰ Lane County Tax/Assessor office, building inspector report, reviewed 7/22/03

¹¹ Land Use Application PA03-6309, 1/29/04

¹² Lane County Tax/Assessor office, building inspector report, reviewed 7/22/03

II. Trip generation statistics for selected land uses¹³

Recreational RV Park

Land use 416: Campground/Recreational Vehicle Park

Description: "Campgrounds and recreational vehicle parks are recreational sites that accommodate campers, trailers, tents, and recreational vehicles on a transient basis. They are found in a variety of locations and provide a variety of facilities, often including rest rooms with showers, recreational facilities such as a swimming pool, a convenience store and a laundromat."

(Ref: ITE, 1997; pg. 630)

Average vehicle trip ends per occupied camp site
(2 studies; data sets covers 21 to 23 camp sites)

Definition	Average	Range	Std. Dev.	156 sites
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	0.27	0.19 - 0.35	--	43
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	0.39	0.33 - 0.43	--	61
Weekday, A.M. peak hour of generator	0.32	0.29 - 0.35	--	50
Weekday, P.M. peak hour of generator	0.48	0.38 - 0.57	--	75

Land use 240: Mobile Home Park

Description: "Mobile home parks generally consist of trailers that are sited and installed on permanent foundations and typically have community facilities such as recreation rooms, swimming pools, and laundry facilities."

(Ref: ITE, 1997; pg. 408)

Average vehicle trip ends per occupied dwelling unit
(19 - 37 studies; data sets covers 25 to 800 occupied units)

Definition	Average	Range	Std. Dev.	156 units
Weekday	4.81	2.29 - 10.42	2.60	751
Saturday	4.97	2.12 - 10.93	2.73	776
Sunday	4.34	1.86 - 8.98	2.47	678
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	0.40	0.16 - 1.00	0.66	63
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	0.56	0.33 - 1.04	0.76	88
Weekday, A.M. peak hour of generator	0.43	0.29 - 1.00	0.67	68
Weekday, P.M. peak hour of generator	0.58	0.35 - 1.07	0.77	91
Saturday, peak hour of generator	0.54	0.38 - 1.13	0.74	85
Sunday, peak hour of generator	0.50	0.29 - 1.47	0.72	78

¹³ (Reference : Institute of Transportation Engineers, 1997. Trip Generation. 6th Edition. Volumes. 1-3. Washington, D.C.)

Gasoline Service Station

Land use 845: Gasoline/Service with Convenience Market

Description: "...This land use includes service stations with convenience markets where the primary business is the fueling of motor vehicles, although they may have facilities for servicing and repairing motor vehicle. Some commonly sold convenience items are newspapers, coffee or other beverages, and snack items that are usually consumed in the car. This land use does not include stations with car washes."

(Ref: ITE, 1997; pg. 1464)

Average vehicle trip ends per vehicle fueling position
(11 - 37 studies with number of fueling positions from 4 to 20)

Definition	Average	Range	Std. Dev.	13 pumps
Weekday	162.78	90.67 - 299.50	68.16	2117
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	10.06	3.50 - 33.40	6.01	131
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	13.38	4.25 - 57.80	7.98	174
Weekday, A.M. peak hour of generator.	10.56	3.50 - 33.40	6.15	138
Weekday, P.M. peak hour of generator	13.57	4.25 - 57.80	7.94	177

CB/Radio Repair Shop

Land Use 814: Specialty Retail Center

Description: "Specialty retail centers are generally small strip shopping centers that contain a variety of retail shops and specialize in quality apparel; hard goods; and services such as real estate offices, dance studios, florists and small restaurants."

(Ref: ITE, 1997; pg. 1223)

Average vehicle trip ends per 1000 sq ft of gross leasable area
(2 - 3 studies; data set consists of stores with 15,000 to 45,000 sq ft)

Definition	Average	Range	Std. Dev.	1380 sq ft.
Weekday	40.67	21.30 - 50.94	13.70	57
Saturday	42.04	22.57 - 54.47	13.97	59
Sunday	20.43	6.96 - 32.82	10.27	29
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	2.59	2.03 - 5.16	1.74	4
Weekday, A.M. peak hour of generator.	6.41	5.40 - 8.85	--	9
Weekday, P.M. peak hour of generator	4.93	4.59 - 5.75	--	7

Land use 816, Hardware/Paint Store

Description: "Hardware and paint stores are generally free-standing buildings with off-street parking."
(Ref: ITE, 1997; pg. 1252)

Average vehicle trip ends per 1000 sq ft of gross floor area
(3 - 4 studies; data set consists of stores with 10,000 to 60,000 sq ft)

Definition	Average	Range	Std. Dev.	1380 sq. ft.
Weekday	51.29	43.58 - 74.09	14.43	71
Saturday	82.52	75.30 - 109.09	15.27	114
Sunday	68.65	64.00 - 87.45	11.63	95
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	1.08	0.42 - 3.50	1.53	2
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	4.42	1.52 - 7.36	2.70	7
Weekday, A.M. peak hour of generator.	4.91	4.45 - 7.17	2.37	7
Weekday, P.M. peak hour of generator	4.74	3.98 - 8.27	2.55	7
Saturday, peak hour of generator	11.18	10.33 - 14.45	3.61	16
Sunday, peak hour of generator	9.81	8.77 - 13.27	3.54	14

Motel/Restaurant/Bar/Conference Facility

Land use 320: Motel

Description: "Motels are places of lodging that provide sleeping accommodations and often a restaurant. Motels generally offer free-on site parking and provide little or no meeting space." (Ref: ITE, 1997; pg. 552)

Average trip ends per room
(10 - 27 studies; data set consists of motels with 20 - 550 rooms)

Definition	Average	Range	Std. Dev.	106 rooms
Weekday	5.63	3.47 - 10.04	3.31	597
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	0.45	0.15 - 0.97	0.70	48
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	0.47	0.20 - 1.69	0.72	50
Weekday, A.M. peak hour of generator.	0.44	0.18 - 1.33	0.69	47
Weekday, P.M. peak hour of generator	0.56	0.24 - 1.83	0.81	60

Land use 310: Hotel

Description: "Hotels are places of lodging that provide sleeping accommodations, restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and other retail and service shops. Some of the sites included in this land category are actually large motels providing the facilities of hotel noted above."

(Ref: ITE, 1997; pg. 502)

Average vehicle trip ends per room
(8 - 34 studies; data set consists of motels with 100-1900 rooms)

Definition	Average	Range	Std. Dev.	106 rooms
Weekday	8.23	3.47 - 9.58	3.38	873
Saturday	8.19	6.35 - 9.79	3.13	869
Sunday	5.95	4.01 - 8.48	2.89	631
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	0.56	0.20 - 1.03	0.78	60
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	0.61	0.21 - 1.03	0.81	65
Weekday, A.M. peak hour of generator.	0.52	0.16 - 1.42	0.75	56
Weekday, P.M. peak hour of generator	0.61	0.20 - 1.23	0.81	65

Land Use 832: High-Turnover (Sit-down) restaurant

Description: "This land use consists of sit-down eating establishments with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks."

(Ref: ITE, 1997; pg. 1375)

Average vehicle trip ends per 1000 sq. ft gross floor area
(3 - 34 studies; data set consists of sites with 3000 - 11500 sq ft gross floor area)

Definition	Average	Range	Std. Dev.	5535 sq. ft. ¹⁴
Weekday	130.34	73.51 - 246.00	43.77	722
Saturday	158.37	144.60 - 172.71	(small sample size)	877
Sunday	131.84	119.38 - 143.80	(small sample size)	730
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	9.27	0.53 - 25.60	7.46	52
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	10.86	2.80 - 62.00	9.83	61
Weekday, A.M. peak hour of generator.	14.62	3.00 - 54.09	10.49	81
Weekday, P.M. peak hour of generator	19.38	5.60 - 69.20	14.39	108
Saturday, peak hour of generator	20.00	10.80 - 50.40	16.54	111
Sunday, peak hour of generator	18.46	9.79 - 43.20	13.74	103

¹⁴ Half of the area indicated as café/restaurant/bar in the motel (see section I) (11,070 / 2 = 5535 sq. ft.)

Restaurant and Bar

Land Use 836: Drinking Place

Description: "A drinking place contains a bar where alcoholic beverages and snacks are served and possibly some type of entertainment such as music, television screens, video games, or pool tables."
(Ref: ITE, 1997; pg. 1423)

Average vehicle trip ends per 1000 sq. ft gross floor area
(8 - 11 studies; data set consists of sites with 1000 - 6500 sq ft gross floor area)

Definition	Average	Range	Std. Dev.	3344 sq. ft.
Weekday, peak hour of adj. street traffic, one hour between 4 - 6pm	11.54	3.73 - 29.98	8.30	39
Weekday, P.M. peak hour of generator	15.49	3.73 - 29.98	8.63	52

RV Sales

Land use 841: New Car Sales

Description: "...Automobile services, part sales and substantial used car sales may also be available. Some dealerships also include leasing options and truck sales and servicing."
(Ref: ITE, 1997; pg. 1436)

Average vehicle trip ends per 1000 sq. ft gross floor area
(3 - 28 studies; data set consists of sites with 590 - 79000 sq ft gross floor area)

Definition	Average	Range	Std. Dev.	1000 sq. ft
Weekday	37.5	15.64 - 79.66	24.92	38
Saturday	21	15.47 - 34.12	9.38	21
Sunday	10.48	7.82 - 17.90	5.23	10
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	2.21	0.75 - 6.17	1.92	2
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	2.80	1.49 - 5.81	2.02	3
Weekday, A.M. peak hour of generator	1.84	0.59 - 6.00	1.79	2
Weekday, P.M. peak hour of generator	2.50	0.89 - 5.41	1.98	3
Saturday, peak hour of generator	2.97	1.41 - 4.64	2.15	3

Average vehicle trip ends per employees
(3 - 7 studies; data set consists of sites with 42 - 62 employees)

Definition	Average	Range	Std. Dev.	10 employees
Weekday	21.14	10.82 - 38.55	10.91	211
Saturday	10.55	8.50 - 11.60	3.45	106
Sunday	5.26	2.66 - 8.95	3.37	53
Weekday, A.M. peak hour of generator	0.67	0.35 - 1.13	0.85	7
Weekday, P.M. peak hour of generator	0.96	0.48 - 1.93	1.06	10



Restaurant and Bar

Land Use 836: Drinking Place

Description: "A drinking place contains a bar where alcoholic beverages and snacks are served and possibly some type of entertainment such as music, television screens, video games, or pool tables."
(Ref: ITE, 1997; pg. 1423)

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Weekday	37.5	15.64 - 79.66	24.92	38
Saturday	21	15.47 - 34.12	9.38	21
Sunday	10.48	7.82 - 17.90	5.23	10
Weekday, peak hour of adj. Street traffic, one hour between 7 and 9 a.m.	2.21	0.75 - 6.17	1.92	2
Weekday, peak hour of adj. Street traffic, one hour between 4 and 6 p.m.	2.80	1.49 - 5.81	2.02	3
Weekday, A.M. peak hour of generator.	1.84	0.59 - 6.00	1.79	2
Weekday, P.M. peak hour of generator	2.50	0.89 - 5.41	1.98	3
Saturday, peak hour of generator	2.97	1.41 - 4.64	2.15	3

Average vehicle trip ends per employees
(3 - 7 studies; data set consists of sites with 42 - 62 employees)

Definition	Average	Range	Std. Dev.	10 employees
Weekday	21.14	10.82 - 38.55	10.91	211
Saturday	10.55	8.50 - 11.60	3.45	106
Sunday	5.26	2.66 - 8.95	3.37	53
Weekday, A.M. peak hour of generator.	0.67	0.35 - 1.13	0.85	7
Weekday, P.M. peak hour of generator	0.96	0.48 - 1.93	1.06	10

FINDINGS IN SUPPORT OF PA 1200

PLAN AMENDMENT

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

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

12.050 Method of Adoption and Amendment.

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

Subsequent to the adoption of the Coburg Comprehensive Plan, the City of Coburg has determined that its drinking supply, which relies upon groundwater, is threatened by nitrate pollution from septic tank contamination and agricultural wastes.. The City Council has concluded that it must develop a sewage treatment system to protect the groundwater in the City. In addition, the City and the Oregon Department of Environmental Quality has identified nitrate threats from the lagoon system serving the heavily urbanized exception area on the southeast quadrant of the Van Duyn/Interstate 5 intersection. Nitrates from this lagoon system migrate under the freeway towards central Coburg, threatening existing and potential municipal well fields. By bringing the property into the Coburg Urban Growth Boundary, the city can annex the property and eliminate the discharge of nitrates into the groundwater by hooking up the existing uses to the proposed City sewer system.

The statistics cited above represent a change in circumstance that has occurred since the adoption of the Coburg Comprehensive Plan. The change in circumstance, in turn, has created the need for a change in public policy that recognizes that the inclusion of the subject property into the Coburg Urban Growth Boundary is the only way that the urban problems associated with this developed area can be effectively and efficiently addressed. Therefore, the proposed plan amendment is based upon both a change in circumstance and a change in public policy.

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

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

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

The identified public or community need is in regard to water quality as it relates to public health. There is the need to reduce the pollution of the groundwater around the City of Coburg with nitrates and other substances associated with subsurface waste disposal. This need has been documented by the Oregon Department of Environmental Quality which is

currently in the process of considering the region around Coburg as a designated Groundwater Management Area. The City of Coburg is aggressively pursuing the development of a wastewater treatment facility that will eliminate the contamination of the groundwater with nitrates from the septic lagoon system.

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

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

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

There had been a change in circumstances and resulting change in public policy that necessitates a change in the plan. When the Comprehensive Plan was originally developed, a wastewater treatment facility was not contemplated and the magnitude of the nitrate contamination of the groundwater was not known. In addition, the need for committing public safety resources to the subject property has grown as the latter has urbanized and the nature of the activities conducted in that area have changed over time. Currently, the Comprehensive Plan does not address the provision of wastewater or community safety services to the subject property; demonstrating a change in circumstance that necessitates a change in the plan to allow for expansion of the Coburg Urban Growth Boundary. The following policies and findings have been developed to address the implications of expanding the urban growth boundary:

The following policies are to be deleted from the Coburg Comprehensive Plan:

Water Facilities

Policy 3

The city has developed and maintains a water supply and distribution system which assures safe, potable supply of water which is adequate for future domestic, commercial, industrial, fire protection and emergency requirements.

Sanitary Facilities

Policy 5

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

Policy 6

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

Policy 7

The city will encourage proper maintenance of subsurface sewage disposal systems by developing a citywide public information program and septic maintenance program.

The following policies are to be added to the Coburg Comprehensive Plan: