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Memo Date: October 5, 2009  
First Reading Date: October 21, 2009  
Second Reading/Public Hearing Date: November 4, 2009

**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works, Land Management Division, Planning Department  
**PRESENTED BY:** Stephanie Schulz, Metro and Small City Planner  
**AGENDA ITEM TITLE:** Ordinance NO. PA 1265 / In The Matter Of Amending the Rural Comprehensive Plan And Adopting Text Amendments To The Junction City Comprehensive Plan Consistent With The Recommendations Of The Junction City Economic Opportunities Analysis (EOA), Adopted As Appendix III To The Junction City Comprehensive Plan; Adopting Map Amendments To The Junction City Urban Growth Boundary (UGB) Including 356 Acres Of Land Re-Designated For Industrial Use And 40 Acres Of Land Re-designated For Public Use, And Aligning The UGB With Existing Right-of-Way On Highway 99 To Be Collinear For Future Provision Of Key Urban Services. (Applicant: Junction City) (File No. PA09-5599)

**I. MOTION:**

For October 21, 2009: Move approval of the first reading and setting the second reading and public hearing on Ordinance No. PA1265 for November 4, 2009 at 1:30 p. m

For November 4, 2009: Move approval of Ordinance No. 1265.

**II. AGENDA ITEM SUMMARY**

Junction City has submitted an application for co-adoption of an Urban-Growth Boundary (UGB) expansion that addresses the land use and public facilities needs to serve proposed State Prison and Psychiatric Hospital facilities scheduled for construction on state owned land near the southern end of the current Junction City UGB. The application includes co-adoption of text and map amendments. Specifically, text amendments that adopt a revised Chapter 3, Land Use Policies and Chapter 4, Economic Element and adoption of the Economic Opportunities Analysis (EOA) as Appendix III to the Comp Plan. Map Amendments include UGB expansion and re-designation in two locations, 356 acres of land at the south end of the UGB re-designated Industrial, and 40 acres southwest and adjacent to the existing wastewater treatment plant located directly west of the city re-designated as Public for necessary wastewater treatment plant expansion to serve the new facilities that all require urban services, primarily municipal water and wastewater treatment services. In addition to the state facilities, the large UGB expansion area includes land owned by an industrial rail dependent food processing company that is included in the Industrial re-designation site.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

The City of Junction City is in the process of completing Phase I of a Department of Land Conservation and Development (DLCD) and City Council adopted Customized Periodic Review Work Program. The purpose of the CPR program stated in the work program is as follows:

“The purpose of this customized periodic review is to update the City's Comprehensive Plan land use policies and implementing ordinances to address emerging issues resulting from the siting of the state mental

health and prison facilities. These two State facilities will result in a "sub regional economic employment center" for Lane and Linn counties in the south part of Junction City. The customized periodic review process is a multi-year project, beginning in April 2008 and ending in September 2010."

The Governor's Willamette Valley Economic Revitalization Team (ERT) coordinated the local work session in August 2007 that initiated the CPR process as a logical tool to use to address the complex issues identified for the project. Upon securing funding and a final CPR work program from DLCD in July 2008, Junction City hired ECO Northwest to participate as consultant to the city through the planning process and analysis.

#### Referral Comments Received

Referral comments will be provided to the Board in a supplemental packet distribution.

#### **B. Analysis**

See the findings documents addressing the applicable criteria that are included as Exhibits to the City Ordinances and the City's Written Statement introducing the proposal to the County process which includes findings addressing the applicable Rural Comprehensive Plan Amendment Criteria. Consistency with the Goals is a required component for County co-adoption, and all findings will be adopted in support of the Ordinance developed for LC 12.050(1).

#### Criteria

Statewide Planning Goal 9 (economy) requires an estimate of the amount of commercial and industrial land that will be needed over the planning period. Demand for commercial and industrial land typically will be driven by the expansion and relocation of existing businesses and new businesses locating in Junction City. The level of this business expansion activity can be measured by employment growth in Junction City. See the Economic Opportunities Analysis for analysis and background responding to Goal 9.

Statewide Planning Goal 14 (urbanization), the Goal 14 Rule (OAR Chapter 660, Division 024), and ORS 197.298 priorities for UGB expansion collectively require analysis of alternative sites prior to final decisions on inclusion of additional properties in a UGB expansion. the provision of municipal services for urban level development is limited to a city serving land within it's own jurisdiction. The land and development to be served by Junction City for sewer and water must be brought into the UGB in order for the city to comply with the Goal 14 Goal.

See the specific large site analysis in the application, for supporting documentation to include the Grain Millers property within the UGB to accommodate this rail-dependent industrial bulk processing use in the UGB expansion proposal.

The applicable criteria to be met for Rural Comprehensive Plan Amendments are found in Lane Code Chapter 12. Junction City provides findings of compliance with all applicable criteria in the findings attached to the city ordinances and additional findings for the county action are attached to the county ordinance.

#### **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 LC12.005 below.*

**LC12.005 Purpose.**

*The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.*

Statewide Planning Goal 2 (Public Participation) requires the city to include public involvement in considering the future economic and community plan for any expansion proposals. To meet this goal, the city appointed a Citizen Comprehensive Planning Committee, and this committee met throughout the process and was an important component of the final alternative for adoption. The CCPC members are identified in the Economic Opportunities Analysis and minutes of the six CCPC meetings are attachment 3. A group of property owners on the west side of Highway 99 and South of Junction City which is a loosely affiliated group known as the "Westiders" first provided comment on their desires to be included within the city on May 13, 2009. The city has revised the outcome of Phase I and Phase II of the CPW Work Program as summarized in Attachment 2 – Options Analysis in response to the Westiders'

The Economic Opportunity Analysis reports extensively on the existing conditions, and presents the phased approach to completing the analysis of land need that was determined by DLCD under the customized periodic review work program to be the most appropriate in meeting timing needs for completing the required analysis to support decisions to be made by the local elected officials.

**C. Alternatives/Options**

Option 1. Approve the Ordinance as presented.

Option 2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date certain set by the Board.

Option 3. Do not approve the Ordinance and deny the application.

**IV. TIMING/IMPLEMENTATION**

Junction City Council adopted Ordinance's 1190 & 1191 on August 25, 2009.

On May 5, 2009, the city and consultants presented the Preliminary Employment Land Needs Report to the Lane County Planning Commission in a work session.

On August 31, 2009, the city submitted an application to Lane County for co-adoption of text and map amendments, including the proposed UGB Expansion.

On October 6, 2009, the Lane County Planning Commission conducted a public hearing, after providing the required notice to interested parties and agency referral. The LCPC recommendation will be provided to the Board.

City of Junction City, in response to the "Westsider's", submitted a modification of the CPR Work Program to DLCD for the Phase II inventory and analysis of commercial and residential land needs for Junction City that will complete the needs analysis process. The city will

continue the contract with ECO Northwest for completion of the residential land need analysis and a modified commercial small site analysis. November 2009 is the expected award date for the revised work program approval.

The Board is conducting a hearing on November 4, 2009.

## **V. RECOMMENDATION**

Staff recommends Option 1.

### **Planning Commission Recommendation**

Planning Commission is conducting a public hearing on October 6, 2009. Minutes and a recommendation will be provided to the Board prior to the second hearing, due to the timing of packet delivery to the Board agenda process.

## **VI. FOLLOW-UP**

Notice of Board action will be provided to DLCD and all interested parties. If the Board adopts the Ordinance as presented or modified, notice of that action will also be provided.

Should the Board choose option 2, an Order with findings setting forth the Board's reasons for denying the Ordinance would be prepared and returned to the Board for a third reading and adoption on a date certain set by the Board.

## **VII. ATTACHMENTS**

### **1. Ordinance No. PA 1265**

#### **Exhibit A –**

Attachment 1; Economic Opportunities Analysis (EOA), Appendix III, JC Comp Plan

Attachment 2; Chapter 3 (Land Use) and Chapter 4 (Economic Development), JC Comp Plan

Exhibit A.1 – 356 Acre Industrial Re-designation UGB Expansion Area

Exhibit A.2 – 40 Acre Public Re-designation UGB Expansion Area

Exhibits A.3, A.4, A.5 – GIS 'sliver' alignment of the UGB to be co-linear with rights-of-way as intended in the 1982 JC Comp Plan establishing the UGB.

Exhibit A.6 and A.7 – LCRCP maps

Exhibit B – Findings

2. Junction City Application For Co-Adoption; Written Statement; Junction City Comp Plan Amendments and UGB Expansion, including Council Agenda Item Summary – Option Analysis; Draft UGB Expansion Alternatives Analysis to Accommodate Large Rail-Dependent Industrial Bulk Processing Use

3. Citizen Comprehensive Planning Committee Minutes

4. Planning Commission Minutes

5-5-09 Work Session

10-6-09 Public Hearing (to be provided in a supplemental)

5. Notice and Referral Response Comments Received (to be provided in a supplemental)

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

**ORDINANCE NO. PA 1265 IN THE MATTER OF ADOPTING TEXT AMENDMENTS TO THE JUNCTION CITY COMPREHENSIVE PLAN CONSISTENT WITH THE RECOMMENDATIONS OF THE JUNCTION CITY ECONOMIC OPPORTUNITIES ANALYSIS (EOA), ADOPTED AS APPENDIX III TO THE JUNCTION CITY COMPREHENSIVE PLAN; ADOPTING MAP AMENDMENTS TO THE JUNCTION CITY URBAN GROWTH BOUNDARY (UGB) INCLUDING 356 ACRES OF LAND RE-DESIGNATED FOR INDUSTRIAL USE AND 40 ACRES OF LAND RE-DESIGNATED FOR PUBLIC USE, AND ALIGNING THE UGB WITH EXISTING RIGHT-OF-WAY ON HIGHWAY 99 TO BE CO-LINEAR FOR FUTURE PROVISION OF KEY URBAN SERVICES; MAKING CORRESPONDING CHANGES TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (APPLICANT: JUNCTION CITY)(FILE NO. PA 09-5599)**

**WHEREAS**, the Board of County Commissioners of Lane County, through enactment of Ordinance Nos. PA 866 and PA 1053, has adopted policies and provisions of the Junction City Comprehensive Plan as an element of the Comprehensive Plan for Lane County; and

**WHEREAS**, the location and expansion of the Junction City Urban Growth Boundary (UGB) is subject to County approval as its expansion removes area from the Lane County Rural Comprehensive Plan and places it within the Junction City Comprehensive Plan pursuant to ORS 195.025(1); and

**WHEREAS**, during its customized periodic review process, the City of Junction City adopted amendments to the Junction City Comprehensive Plan that added an Economic Opportunities Analysis (EOA), as Appendix III, amended Chapters 3 (Land Use) and 4 (Economic Development) and expanded the Urban Growth Boundary to incorporate and reflect the EOAs industrial and public use lands recommendations; and

**WHEREAS**, the City of Junction City has requested Lane County action to co-adopt these amendments to Junction City's Comprehensive Plan and make corresponding changes to the Lane County Rural Comprehensive Plan, in order to achieve city-county coordination of land use planning; and

**WHEREAS**, the Lane County Planning Commission conducted a public hearing on these proposed amendments on October 6, 2009, and provided a recommendation to the Lane County Commissioners on October 20, 2009; and

**WHEREAS**, evidence exists in the record indicating that the proposal meets the criteria of Lane Code Chapter 12 and the requirements of applicable state and local law; and

**WHEREAS**, the Board of County Commissioners had its first reading of this Ordinance on October 21, 2009, held a public hearing on this Ordinance on November 4, 2009, and is now ready to take action.

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

**Section 1.** The Economic Opportunities Analysis adopted by the City of Junction City in Ordinance No. 1190 and as shown in Exhibit A, Attachment 1 attached and incorporated here by this reference, is hereby co-adopted as Appendix III of the Junction City Comprehensive Plan.

**Section 2.** Chapters 3 (Land Use) and 4 (Economic Development) adopted by the City of Junction City in Ordinance No. 1190 and as shown in Exhibit A, Attachment 2 attached and incorporated here by this reference, are hereby co-adopted and replace, in their entirety, the previous Chapters 3 and 4 of the Junction City Comprehensive Plan.

**Section 3.** The Lane County Rural Comprehensive Plan is amended to remove territory from its planning jurisdiction and the amendments to the Junction City Comprehensive Plan adopted by the City of Junction City in Ordinance No. 1191 are co-adopted to modify the Junction City Urban Growth Boundary by adding 356 acres of land re-designated for industrial use, 40 acres of land re-designated for public use and an area encompassed by aligning the UGB with the existing right-of-way on Highway 99 and High Pass Road to be co-linear for future provision of key urban services, as more specifically shown on Exhibits A.1 through A.7 attached and incorporated here by this reference.

**Section 4.** The prior designations repealed by this Ordinance remain in full force and effect to authorize 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 affect the validity of the remaining portions hereof.

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

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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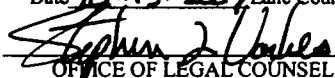
Chair, Lane County Board of County Commissioners

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Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10-15-2009 Lane County

  
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OFFICE OF LEGAL COUNSEL