

JUN 15 1990 IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

COUNTY CLERK  
FOR LANE COUNTY OF  
BY *[Signature]*

ORDINANCE NO. PA 980

) IN THE MATTER OF AMENDING THE EUGENE-  
) SPRINGFIELD METROPOLITAN AREA GENERAL  
) PLAN TO ALLOW SEWER SERVICE TO DEVEL-  
) OPED PROPERTIES IN THE RIVER ROAD AND  
) SANTA CLARA AREA WITHOUT ALSO REQUIRING  
) ANNEXATION; MAKING HOUSE KEEPING  
) REVISIONS, INCLUDING MAKING ORS CHAPTER  
) 199 APPLICABLE TO INCORPORATION  
) PROCEEDINGS; ADOPTING A SEVERABILITY  
) CLAUSE; AND DECLARING AN EMERGENCY

NOW, THEREFORE, The Board of County Commissioners of Lane County ordains as follows:

Section 1. The subsection entitled River Road and Santa Clara in Chapter II of the Metropolitan Area General Plan is amended to revise Section D, Urban and Urbanizable Land, to read and provide as follows:

RIVER ROAD AND SANTA CLARA

The River Road and Santa Clara portions of the Eugene-Springfield metropolitan area are important components of the metropolitan community. Both River Road and Santa Clara have:

- Unique and distinctive neighborhood identities
- Experienced considerable private investment in the past years
- Experienced considerable public investments, e.g., transmission facilities by the Eugene Water and Electric Board and educational facilities by public school systems
- A sound housing stock

In Santa Clara, relatively large parcels of vacant land exist which, with adequate urban services, can be developed at increased densities; in River Road, relatively large developed lots exist which could be further developed by their owners.

The future of both the River Road and Santa Clara areas will play a critical role in the growth of the metropolitan area. For some years, officials of Lane County and Eugene have cooperatively discussed methods of delivering services to these neighborhoods. These discussions have continually focused on two sides of a single critical issue:

How can the short-range costs and benefits to the residents and other service providers be balanced against, and what are the long-range

- 1 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

costs and benefits to the residents and the entire metropolitan area of logical growth and increased densities?

Inflation has drastically increased the need to balance these two potentially divergent objectives. The effects of continued inflation can be mitigated by identifying and implementing a solution to the servicing issue. (For instance, since 1976, the average construction cost for sewer lines has risen by approximately 90 50 percent.)

A unique set of circumstances has occurred which lends direction to resolution of the service delivery questions for both River Road and Santa Clara.

1. As part of the acknowledgment process for the Eugene-Springfield Metropolitan Area General Plan, the Land Conservation and Development Commission has directed that a servicing plan be developed for both River Road and Santa Clara and that Eugene provide those services.
2. Discussions between Eugene officials and state and county representatives of the River Road and Santa Clara area have led to reconsideration of Eugene's policy to provide services to these neighborhoods only after annexation to the City of Eugene of both areas has occurred.
3. Preliminary review of Eugene's comprehensive capital improvement program suggested a full range of services could not be provided immediately even if the areas were annexed at one time.

Based on these three conditions, a scenario-evolves-which-can-lead situation evolved which led to a set of findings, objectives, and policies for inclusion in the Eugene-Springfield Metropolitan Plan and ultimately will lead to delivery of urban services to the River Road and Santa Clara areas in cooperation with the residents of these neighborhoods. That scenario-is situation was as follows.

The City of Eugene will constructed and owns the main sanitary sewage system necessary to that serves the River Road and Santa Clara neighborhoods. ~~Due to the geography of these areas, the main system may be constructed incrementally.~~ Eugene will has altered its policies pertaining to the service delivery of to both River Road and Santa Clara to allow incremental annexation. Annexation must, however, be consistent with state law and other applicable local policies, e.g., the ability of the City to deliver services in a timely manner. Eugene will pursue annexation only in accordance with applicable state laws and will not use these mechanisms to circumvent the process and ~~achieve annexation of the entire area.~~ In every case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and in accord with previous individual property annexation agreements. The City, in conjunction with Lane County and the citizens of both River Road and Santa Clara, will developed a servicing River Road-Santa Clara Urban Facilities pPlan which is responsive to the basic service infrastructure which is either in place or contemplated for these areas. An integral part of the implemen-tation phase of the River Road-Santa Clara Service Urban Facilities Plan will

- 2 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

be is a financing mechanism which takes into account the financial abilities of residents/property owners and the City of Eugene to pay for service delivery in that area.

The following findings, objectives, and policies reflect that-scenario the situation that evolved:

#### FINDINGS

1. Land supply in the River Road and Santa Clara areas is of metropolitan-wide significance.
  2. In order to achieve urban densities, urban services, including public sanitary sewers, must be provided.
  3. For a long period of time, officials of Lane County and Eugene have made great efforts to resolve the service delivery problems for both River Road and Santa Clara.
  4. The history and pattern of development in River Road-Santa Clara have resulted in the creation of two unique metropolitan neighborhoods.
  5. The most cost-effective method of service delivery is through annexation. ~~{Given-current-constraints,-these-annexations-must occur-incrementally-over-the-next-20-years-}~~
  6. An "servicing-plan" urban facilities plan is the best method of providing a framework for capital improvements programming in the River Road and Santa Clara areas.
  7. Because of the substantial public investments already made in both neighborhoods, it is most cost-efficient to achieve urban densities in River Road and Santa Clara prior to accommodating new development needs in totally undeveloped areas.
  8. The 1970 CH2M "Sewerage System Study, River Road-Santa Clara" publication demonstrates the feasibility of providing sanitary sewers to the River Road-Santa Clara area in a manner consistent with the "Eugene-Springfield Metropolitan Waste Treatment Alternatives Report" (208 "Facilities" Plan) and the Eugene-Springfield Metropolitan Area General Plan.
  9. The CH2M publication defined study boundaries and made population projections which are different than those contained in the Metropolitan Plan; modifications to these factors can is occurring as part of the required system design work prior to construction.
  10. The detailed design work which will occur as part of development of the system will allow discussion of various system concepts with
- 3 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

the residents and property owners of the River Road and Santa Clara areas.

11. The River Road-Santa Clara Urban Facilities Plan has been completed.
12. Based on the "River Road/Santa Clara Groundwater Study, Final Technical Report, February, 1980" by Sweet, Edwards, and Associates, Inc., the Oregon Environmental Quality Commission found on April 18, 1980, that:
  - a. The River Road/Santa Clara shallow aquifer is generally contaminated with fecal coliform organisms in excess of drinking water and body contact standards.
  - b. Existing nitrate-nitrogen concentrations within the area exceed the planning target on the average.
  - c. About 73 percent of the nitrate-nitrogen pollutants (and by analogy a similar share of the fecal coliform contaminations) results from septic tank effluent. Septic tank pollutants can migrate rapidly to the groundwater from drainfields via macropore travel.
13. The Environmental Quality Commission concluded that a public health hazard exists based on fecal coliform data for people using the aquifer for domestic (drinking) or irrigation and that a health hazard similarly exists in several areas based on nitrate-nitrogen levels.
14. To remedy the groundwater pollution problem, the Environmental Protection Agency awarded Eugene a grant to build a sewer system to replace the individual septic systems in use throughout River Road and Santa Clara according to a prescribed time frame.
15. Efforts toward incremental and voluntary annexation of River Road and Santa Clara properties to Eugene and connection to the sewer system according to the Environmental Protection Agency's time frame have not been successful.

#### OBJECTIVES

1. Ensure the availability of land in River Road and Santa Clara for urban levels of development.
  2. Capitalize on existing public expectations by providing further public services which will allow the River Road and Santa Clara areas to achieve urban densities.
- 4 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

3. Deliver a full range of urban services to the River Road and Santa Clara areas through {incremental} annexation{s-occurring-over-the next-20-years}.
4. Consider the unique situation of the residents of River Road and Santa Clara by providing financing mechanisms which will take into account the financial ability of the residents to pay for service delivery and the City of Eugene's ability to provide these services.
5. Guide capital improvements in the River Road and Santa Clara areas through a-"servicing-plan" the River Road-Santa Clara Urban Facilities Plan developed cooperatively by Lane County, the City of Eugene, and the residents and property owners of the two areas.
6. Eliminate ground water pollution from individual septic tank disposal systems in River Road and Santa Clara.

#### POLICIES

1. ~~Eugene and Lane County shall, through an active citizen involvement program, develop the River Road-Santa Clara Service Plan "for the entire River Road and Santa Clara area."~~
  21. Eugene shall develop methods of financing improvements in the River Road and Santa Clara areas which are responsive to the unique situation of residents and property owners, as well as the City of Eugene.
  32. Eugene will plan, design, construct, and maintain ownership of the entire sanitary sewer system which services the River Road and Santa Clara areas. This will involve extraterritorial extension which will be supported by Lane County before the Lane County Boundary Commission and all other applicable bodies.
  43. Annexation of the River Road and Santa Clara areas will occur only through strict application of State laws and local policies, e.g., ability to extend services in a timely manner. In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.
  54. The City of Eugene shall provide urban services to the River Road and Santa Clara neighborhoods upon annexation. In the meantime, to reduce the ground water pollution problem, Eugene will extend sewers to developed properties.
  65. Using the CH2M report as a foundation, efforts to prepare more detailed engineering studies which will provide the basis for a capital improvement program to sewer the River Road-Santa Clara
- 5 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

areas in a manner consistent with the above policy direction shall proceed. (Note: Change to correct typographical omission.)

76. No particular section of the Metropolitan Plan shall be interpreted as prohibiting the process of incorporation of a new city in River Road-Santa Clara in accordance with Oregon Revised Statutes, Chapters 199 and 221. This means that:
- a. As a comprehensive planning document, no particular section of the Metropolitan Plan shall be used in isolation to evaluate different courses of action.
  - b. The phrase "process of incorporation" refers to the specific steps of incorporation outlined in Oregon Revised Statutes, Chapters 199 and 221.
  - c. This policy does not negate the requirement for public sanitary sewers as a minimum level of key urban services. Any institutional solution to providing urban services in the River Road-Santa Clara area must provide public sanitary sewers to address Land Conservation and Development Commission (LCDC) requirements and to protect public health and safety in resolving groundwater pollution problems. Public sanitary sewers are also required to achieve higher than septic tank level of urban residential densities and to utilize efficiently valuable metropolitan-scale buildable land.

Section 2. The above Plan amendments control over any other inconsistent textual provision of the Metropolitan Area General plan, including, but not limited to, Policies 20 and 21 of the Growth Management and Urban Service Area element of the Metropolitan Plan, page II-B-7.

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

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

- 6 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

While not part of this Ordinance, findings in attached Exhibits "A," "B," and "C" are adopted in support of this decision.

ENACTED this 13<sup>th</sup> day of June, 1990.

*Bill Rogers*  
\_\_\_\_\_  
Chair, Lane County Board of  
Commissioners

*Judy Hardeman*  
\_\_\_\_\_  
Recording Secretary for this Meeting  
of the Board

APPROVED AS TO FORM  
DATE 6/14/90  
*David Williams*  
OFFICE OF LEGAL COUNSEL

- 7 - IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO ALLOW SEWER SERVICE TO DEVELOPED PROPERTIES IN THE RIVER ROAD AND SANTA CLARA AREAS WITHOUT ALSO REQUIRING AN ANNEXATION; MAKING HOUSE-KEEPING REVISIONS; INCLUDING MAKING ORS CHAPTER 199 APPLICABLE TO INCORPORATION PROCEDINGS; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

Findings for Background, Policy Considerations, Lane Code 12.235  
and Metropolitan Plan Amendment Criteria

1. The 1970 CH2M "Sewerage System Study, River Road-Santa Clara" publication demonstrates the feasibility of providing sanitary sewers to the River Road-Santa Clara area in a manner consistent with the "Eugene-Springfield Metropolitan Waste Treatment Alternatives Report" (208 "Facilities" Plan) and the Eugene-Springfield Metropolitan Area General Plan; and
2. Based on the "River Road/Santa Clara Groundwater Study, Final Technical Report, February, 1980" by Sweet, Edwards, and Associates, Inc., the Oregon Environmental Quality Commission found on April 18, 1980, that:
  - a. The River Road/Santa Clara shallow aquifer is generally contaminated with fecal coliform organisms in excess of drinking water and body contact standards.
  - b. Existing nitrate-nitrogen concentrations within the area exceed the planning target on the average.
  - c. About 73 percent of the nitrate-nitrogen pollutants (and by analogy a similar share of the fecal coliform contaminations) results from septic tank effluent. Septic tank pollutants can migrate rapidly to the groundwater from drainfields via macropore travel; and
3. The Environmental Quality Commission concluded that a public health hazard exists based on fecal coliform data for people using the aquifer for domestic (drinking) or irrigation and that a health hazard similarly exists in several areas based on nitrate-nitrogen levels; and
4. To remedy the groundwater pollution problem, the Environmental Protection Agency awarded Eugene a grant to build a sewer system to replace the individual septic systems in use throughout River Road and Santa Clara according to a prescribed time frame; and
5. Efforts toward incremental and voluntary annexation of River Road and Santa Clara properties to Eugene and connection to the sewer system according to the Environmental Protection Agency's time frame have not been successful; and
6. These proposed amendments are necessary to alleviate the ground water pollution problem in the River Road and Santa Clara areas as soon as possible; and
7. Adoption of these proposed amendments will allow extraterritorial extension of sewer service to developed properties in the River Road and Santa Clara areas without the necessity of an annexation, annexation consent, or annexation contract before such annexation; and
8. The Metropolitan Area General Plan requires that Eugene develop methods of financing improvements in the River Road and Santa Clara areas that

are responsive to the unique situation of residents and property owners. The City has complied with this requirement as it relates to sewer costs by

- a. designing the least cost sewer system,
  - b. acquiring a \$6 million Environmental Protection Agency grant to finance a portion of the system,
  - c. establishing low income and low income elderly assessment deferral programs,
  - d. supporting the enactment of a State pollution control tax credit,
  - e. sponsoring changes to federal law and State administrative rules to make the State Revolving Loan Funds available for collector sewers
  - f. offering long-term low interest financing, and
  - g. requesting that Lane County Road Funds be used to pay for road repair components of sewer installation; and
9. The proposed amendments are consistent with the decision criteria of Lane Code 12.235, for the reasons expressed in Exhibits "A" through "C" of Ordinance No. PA 980. Specifically, the proposed amendments are consistent with applicable Statewide Planning Goals and the fundamental principles and applicable policies of the Metropolitan Plan and they address a change in public policy; and
  10. In 1978, an advisory vote was held in the River Road/Santa Clara area regarding annexation to the City of Eugene. Eighty percent of the voters rejected annexation; and
  11. The City of Eugene was awarded a grant from the Environmental Protection Agency (EPA) on September 28, 1984, for the construction of interceptors and pump stations to serve the River Road/Santa Clara area. The amount which was approved was \$5,948,000.00. The City of Eugene assured the Oregon State Department of Environmental Quality and EPA that household, commercial, and other waste water sources existing at the time will be connected to the City of Eugene River Road/Santa Clara sewer system in accordance with the following schedule:
    - 12/31/88 - 15 percent of connections completed
    - 12/31/90 - 30 percent of connections completed
    - 12/31/95 - 75 percent of connections completed
    - Year 2000 - 100 percent of connections completed; and
  12. The City of Eugene recognized in that grant that if the connection of existing waste water sources is not accomplished in accordance with the schedule set forth in the preceding Finding, EPA will regard the grant funds awarded as having been used in part for unnecessary sewage capacity and will consider pursuing action to recover a proportion of the amount of the award grant; and
  13. Eugene has maintained a policy of requiring annexation as a condition of extending sewers to the River Road/Santa Clara area; and
  14. Eugene's policy of voluntary annexation to meet the time tables of the EPA grant has been unsuccessful. On December 19, 1988, the City of

Eugene requested EPA for an extension of that time table for the reason that it expected that by the end of 1988, between 3 and 4 percent of the connections will have been completed; and

15. In November, 1989, the Eugene City Council authorized the City of Eugene to extend sewer services into the River Road/Santa Clara area without the prerequisite that those areas annex to the City of Eugene; and
16. On or about November 27, 1989, the EPA extended the connection schedule for sewers in the River Road/Santa Clara area as follows:  

"Fifteen percent of the collection of sewers to be constructed each year from 1990, through 1994, and that 15 percent of the connections to the sewers would be completed each year from 1991, through 1995, with 100 percent connected by the year 2000;" and
17. Adoption of these proposed amendments has been the subject of a public hearing before the planning commissions and governing bodies of the three metropolitan jurisdictions. Notice was provided in accordance with applicable code requirements. All three planning commissions recommended adoption of the proposed amendments to their respective governing bodies; and
18. These proposed amendments are consistent with applicable Statewide Planning Goals as shown in the findings attached as Exhibit B and incorporated herein by reference; and
19. The proposed amendments are consistent with the fundamental principles and applicable policies of the Metropolitan Plan as shown in the findings attached as Exhibit C and incorporated herein by reference; and
20. The proposed amendments are necessary to reflect a change in public policy and because circumstances have changed in a substantial manner not anticipated at the time of initial adoption of the Metropolitan Plan. The shift in public policy comes from the City of Eugene's abandonment of its policy to not extend sewers extraterritorially. The timeframes imposed by the EPA grant were not anticipated at the time of Plan adoption in 1982; and
21. In addition to policy changes, the proposed amendments contain some housekeeping changes that make ORS Chapter 199 applicable to incorporation proceedings and recognize the River Road/Santa Clara Urban Facilities Plan as being adopted; and
22. By letter of April 18, 1990, attorney Robert L. Ackerman objects to the language of some of the Plan text findings. These findings are placed in the Plan text to provide background for the policies. There are not intended to be a complete justification or the only rationale for the adopted policies. See, Metro Plan, pp. I-3 - I-4 (discussion on meaning of finding, goal, objective and policy).

The significant Plan amendment here is the change to former Policy 5, allowing extraterritorial sewer service by the City of Eugene to developed properties in the River Road/Santa Clara area. This policy change satisfies the Plan amendment criteria without regard to whether Findings 12-14 in the Plan text are complete or even accurate. The justifi-

cation for this Plan policy change is found in the adopted findings to this ordinance, not in the Plan findings. That justification is that the policy change is needed in order to allow an increased rate of sewer connection in order to comply with the grant deadlines and to remedy existing or potential groundwater contamination in the area.

Each of the Plan amendments made by this ordinance is severable from the others. Any defect in the text changes is not grounds to invalidate the amendment to former Policy 5 on sewer service to developed properties in the River Road/Santa Clara area; and

23. Lane County has been designated as an area subject to the jurisdiction of a local government boundary commission by ORS 199.425(2). As a boundary commission county, Lane County is subject to the incorporation requirements of ORS Chapter 199.

## Exhibit B

Findings for Applicable Statewide Planning Goals  
In Support of Ordinance PA 980

The following findings of consistency with applicable Statewide Planning Goals are made in connection with rewording of the subsection entitled River Road and Santa Clara in Chapter II, Section D, of the Metropolitan Area General Plan. These amendments will allow extension of sewer service to individual, developed properties in the River Road and Santa Clara areas without first requiring that those properties annex to a city. These amendments are necessary to alleviate the ground water pollution problem in those areas as now served by individual septic tank disposal systems.

## Goal 1 (Citizen Involvement)

1. Goal 1 requires the adoption of a citizen involvement program to insure the opportunity for citizens to be involved in all phases of the planning process. It has little or no application to individual plan amendments which do not affect the citizen involvement program.
2. To the extent that Goal 1 applies, there has been significant opportunity for citizens to be involved in all phases of the River Road/Santa Clara sewerage program in general and in this plan amendment proceeding in particular. The River Road/Santa Clara portion of the 1982 Metro Plan was developed after considerable citizen involvement. The sewerage program is based in part on direction provided in the River Road-Santa Clara Urban Facilities Plan. A citizen involvement program was created specifically for that plan. A 15-member citizen advisory committee and a separate policy committee authored the plan and it was developed during 1983-1986.
3. This particular plan amendment was the subject of joint hearings before the planning commissions of Lane County, the City of Eugene and the City of Springfield and before the governing bodies of all three jurisdictions. The planning commission hearings occurred on January 18, 1990 and March 7, 1990 and the governing body hearing occurred on April 11, 1990. Notice was provided as required by local regulations in the Register-Guard as well as to affected public agencies and private groups prior to the hearings. There was considerable public testimony at these hearings which has been considered.

## Goal 2 (Land Use Planning)

1. Goal 2 requires that land use plans provide a policy framework for land use decisions and be based on an adequate factual base. It requires land use plans to evaluate alternative courses of action, provide the basis for specific implementation measures, and be adopted after hearing and opportunity for public involvement.
2. The basic policy choices for the sewerage of River Road and Santa Clara have already been made in past decisions (e.g., 1977-78 regional treatment plant financing and construction decisions, 1982 Metro Plan, 1986 grant application, 1987 refinement plan adoption, etc.). The policy

choice to provide sewer service to the area has already been made. The present plan amendment concerns the elimination of an annexation agreement precondition to the provision of sewers to developed properties in an area with groundwater contamination.

3. Considerable public testimony at the hearings was directed to the question of whether a declared health hazard exists for the area and whether there is a need for sewers. The rationale for this plan amendment does not depend upon whether a health hazard exists. Lane County and the cities have already decided that there is a need to sewer the area to remedy existing and potential groundwater pollution and to allow more intensive development in the area to occur. The only issue is whether to allow sewer connection prior to the time that property is annexed and provided the full range of urban services. The justification for that allowance is to meet deadlines imposed by the federal grant and to encourage a faster rate of sewer connections to help remedy existing or potential groundwater contamination by septic tanks. The factual base for the plan amendment rests on the text of the federal grant, as amended, previous studies and government decisions suggesting that a groundwater contamination problem exists, and other materials in this record and the records of past related land use decisions.

Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources).

1. This plan amendment is not one which is directed to the development of specific property. It sets no policy with respect to the resources covered by Goal 5. Goal 5 applies generally to plan formation processes, site specific plan amendments, and plan amendments on resource policies.
2. The effect of this plan amendment is to facilitate the provision of sewer service to developed property only. Thus, land needed for resource use is not affected by the plan amendment. Sewering will preserve the quality of groundwater resources in the area. Groundwater resources is a resource protected by Goal 6.

Goal 6 (Air, Water, and Land Resources Quality)

1. Goal 6 requires that plans provide for the maintenance and improvement of air, water and land resources. The effect of the plan amendment is to facilitate protection of groundwater in the River Road/Santa Clara area from excessive levels of fecal coliform organisms and nitrate-nitrogen pollutants. The sewerage of the area has been coordinated with the Department of Environmental Quality (DEQ), the Environmental Quality Commission (EQC) and the Environmental Protection Agency (EPA). The Department of Environmental Quality and the EQC have previously found that the ground water in the River Road and Santa Clara areas is polluted and that it is creating a public health hazard for people using the aquifer for domestic (drinking) water.
2. Eugene received a grant from the Environmental Protection Agency to install sewer facilities in the River Road and Santa Clara Areas based on an agreed upon schedule for individual property connections to that system.

3. These amendments are necessary to remedy at the earliest possible date the ground water pollution problem in the River Road and Santa Clara area attributable to reliance on individual septic tank disposal systems.

#### Goal 9 (Economy of the State)

1. Goal 9 concerns diversification and improvement of the economy. It has marginal relevance to this plan amendment. The goal does require that plans designate areas for increased growth and activity after taking into consideration a number of factors, including "pollution control requirements." The Metro Plan designates the River Road/Santa Clara area as the place where much of the new residential development in the region will occur. It is for this reason that the Metro Plan recognizes that the area will be sewered.

#### Goal 10 (Housing)

1. Goal 10 is also marginally relevant. The goal requires plans to inventory and protect buildable lands and encourage a variety of housing types. The plan amendment in question affects developed land and not property which is buildable. It will allow for continued residential use of properties which have failing septic tank systems. There will be less immediate costs to homeowners if sewers are not tied to annexation and the provision of other municipal services and payment of city taxes. Elimination of annexation as a precondition to sewer service may keep housing and rental costs at a lower level than would otherwise be the case.

#### Goal 11 (Public Facilities and Services)

1. Goal 11 requires plans to provide for a "timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." This goal is the one most relevant to the subject plan amendment.
2. Much of the River Road/Santa Clara area is developed to an urban level of density. The level of sewer service appropriate to this level of density is sanitary sewers.
3. It is appropriate to provide sewer service to developed property at the present time. The timing is a function of several variables. First, conditions imposed by the federal grant require imminent connections. Without this federal grant the provision of sewers to the area would be much more expensive. Second, there is a need to provide sewers to remedy an existing or potential groundwater contamination problem in the area. Finally, provision of this service allows for developed properties to realize their full urban development potential as planned for in the Metro Plan.
4. Efforts to meet sewerage deadlines and needs with the requirement of annexation as a precondition to sewer service, have been unsuccessful. If the annexation requirement is continued, the federal grant deadlines will not be attained and financial penalties may be imposed. Delay in

sewering the area will make the provision of sewers more expensive to the residents. Financial assistance for the sewer project that is presently being provided may not be available in the future.

5. Goal 11 supports the distinction between the provision of sewer services to property developed to urban density and undeveloped property. The provision of sewers to undeveloped property will allow for its development and increase the demand in the area for a variety of urban services. It is appropriate at this time to retain annexation or annexation consent as a precondition to sewer service to undeveloped land. This is why Goal 11 states that a public facility should not be provided in an urbanizable area "unless there is provision for the coordinated development of all other urban facilities and services appropriate to the area." In general, the planning for urban facilities and services to this area has occurred through the adopted Public Facilities Plan and the River Road-Santa Clara Urban Facilities Plan.

#### Goal 14 (Urbanization)

1. Goal 14 establishes standards for the setting and amendment of urban growth boundaries and the conversion of urbanizable land to urban uses. The area affected by this plan amendment is within the urban growth boundary. The property to which sewer service will be made available is developed "urban land." The properties are developed to urban densities, have supporting public facilities and services, and are populated by persons who generally reside and work in the area. The plan amendment does not effect by its terms a conversion of land from urbanizable to urban land, nor does it indirectly create urban land.
2. To the extent the urbanizable lands conversion factors of Goal 14 are relevant, the supporting rationale, findings and data are contained in the existing Metro Plan. The acknowledged Metro Plan selects the River Road/Santa Clara area as an area to develop to urban residential densities based on an evaluation of the provision of public services and facilities, the need to make sufficient land available for residential uses, statewide planning goals, and the need to maintain compact urban growth. This rationale is further justified in the adopted River Road-Santa Clara Urban Facilities Plan.

#### Goals That Do Not Apply

1. Goals 3, 4, 7, 8, 12, 13, 15, 16, 17, 18, and 19 do not apply to this plan amendment.
2. The area affected by the plan amendment is not resource or coastal land and is not subject to natural disasters and hazards. Sewering developed properties will not affect recreational needs, transportation demands or energy conservation. Some of the land may be within the Willamette River Greenway. The Greenway provisions of the Metro Plan and its implementing ordinances will apply to development in the Greenway whether or not sewers are available. Thus, Goal 15 will not be implicated because of this plan amendment.

## Exhibit C

Findings for Metropolitan Plan Consistency  
In Support of Ordinance No. PA 980

The following findings of consistency with the fundamental principles and applicable policies of the Metropolitan Area General Plan (Plan) are made in connection with amendments to the part of the Plan entitled, "River Road and Santa Clara" in Section D of Chapter II of the Plan.

1. The purpose of the Plan amendments is to allow sewer connections to developed land in the River Road/Santa Clara area without annexation of those tracts. Tying annexation and service connection has resulted in too slow of a connection rate to remedy the groundwater pollution problem and to conform to the timetable for connections imposed by the federal government. The Plan amendments are necessary in order to assure the timely provision of sewer services in the River Road/Santa Clara area. Thus, the Plan amendments are consistent with goals and policies of the Plan requiring provision of urban services in an orderly, efficient and timely manner. See, Public Utilities, Services and Facilities Goal, p. II-A-2.
2. There are no fundamental principles which preclude extraterritorial sewer connections which are limited to developed properties. Since only developed properties are affected, the principle of compact urban growth is not undercut (fundamental Principle 3, p. II-1). Provision of these services by the City of Eugene is consistent with Fundamental Principle 6.
3. The Plan amendments facilitate accomplishment of several of the Plan goals. Provision of sewer services to developed residential properties implements the Residential Land Use and Housing Goal to provide viable residential communities. Plan, p. II-A-1. Stopping groundwater pollution helps to provide a "healthy environment for the metropolitan population" under the Environmental Resources Goal. Plan, p. II-A-1. Amendment of the Plan to reflect changing conditions is consistent with the Plan Review, Amendment and Refinement Goal set out at Plan, p. II-A-2.
4. The Metro Plan recognizes that in those urbanizable areas where all of the basic urban services are not available, capital improvements are made pursuant to adopted capital improvement programs which allow for planning, programming and budgeting for service extensions in an orderly and efficient manner. (Public Utilities Element Policy 4.)
5. The Metro Plan lists major public facilities in Appendix A to the Plan (See page I-3 of the Metro Plan) and in the adopted Metropolitan Public Facilities Plan (PFP). The Metro Plan notes that, "Major public facilities from the Public Facilities Plan are incorporated as Plan policy in Appendix A." The River Road/Santa Clara sewer project is listed as a scheduled public improvement in the Public Facilities Plan (Table IV-3) and determined to be a facility "Necessary to serve the UGB population and associated land uses." The sewer project is shown as a major public facility in Appendix A of the Metro Plan. The PFP recommends that, "The Cities of Eugene and Springfield should expand their sanitary sewer systems to accommodate the anticipated level of development in their

respective portions of the UGB." Unamended policies in the River Road/Santa Clara section of the Metro Plan also recognize that the area will be sewerred.

6. The Metropolitan Public Facilities Plan required by the Metro Plan was adopted by Lane County, Eugene, and Springfield as a refinement of the Metro Plan. The River Road-Santa Clara Urban Facilities Plan was adopted in 1987. The Sanitary Sewer Service Element of this plan recognizes the need to sewer the River Road/Santa Clara area. Twenty-four alternatives to treating and transporting wastewater were examined as part of the Sanitary Sewer Element of the plan. After evaluation of these alternatives, the Element recommends that "sanitary sewer service be provided to the River Road-Santa Clara area."
7. Thus, the construction and connection of sewers implement Metro Plan principles relating to the provision of urban services to land within the urban growth boundary, Metro Plan policies related to sewer services and to the River Road/Santa Clara area, listings in the approved Public Facilities Plan, and a recommendation in the applicable refinement plan for the area. The subject plan amendment by making sewerage more practical also implements these same policies and directions.
8. The connections allowed by the Plan amendments are exceptions to the general rules set out in Growth Management Policies 20 and 21 at Plan, p. II-B-7. These policies generally require annexation or an annexation agreement or petition for an extraterritorial service extension. The Plan amendments create an exception to this general rule for sewer extensions to developed properties within a particular geographic area where there is groundwater contamination. The ordinance adopting these Plan amendments makes clear that the general rule stated in Policies 20 and 21 do not apply to the subject matter of the Plan amendments. The Plan amendments are otherwise consistent with Policies 1 and 15 of this part of the Plan relating to provision of services inside the urban service area. The Plan amendments are also consistent with Public Utilities Element Policy 2 which regulates service extensions outside the urban growth boundary. There are no other Plan policies which significantly affect the adoption of the Plan amendments.