



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/27/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 11, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Stephanie Schulz, Lane County
Jon Jinings, DLCD Community Services Specialist

Ed Moore, DLCD Regional Representative

<paa> Y



FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
MAY 24 2010

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: Lane County

Local file number: PA10-5054

Date of Adoption: May 12, 2010

Date Mailed: May 19, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/13/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: Goal 2 Reasons Exception to Goal 11

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

In The Matter Of Taking A Goal 2 Reasons Exception To Goal 11 (Public Facilities And Services) And Amending The Lane County Rural Comprehensive Plan Goal 11 Policies To Allow Extraterritorial Extension Of Wastewater Service Outside The Junction City Urban Growth Boundary (UGB) To Provide Wastewater Service To Lands Inside The Junction City UGB And To Allow Connection Of Wastewater Service To Specific Rural Properties Affected By Extension Of Wastewater Service To Serve Lands Inside The UGB.

Does the Adoption differ from proposal? No

Plan Map Changed from: n/a

to:

Zone Map Changed from: n/a

to:

Location: : Along the west side of Hwy 99 for approx. 2.5 miles south of Junction City. Properties affected by utility line placement that is designated to serve the State Prison and Hospital Site.

Acres Involved: n/a

Specify Density: Previous:

New: same

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
x	x	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...Yes

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 001-10 (18064) [16150]

DLCD file No. _____

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

DEQ, ODOT, DHS water, Junction City, Junction City Water District,

Local Contact: Stephanie Schulz, Associate Planner	Phone: 541-682-3958	Extension:
Address: 125 E. 8th Avenue	City: Eugene	Zip: 97401-2926
Fax Number: 541-682-3947	E-mail Address: stephanie.schulz@co.lane.or.us	

ADOPTION SUBMITTAL REQUIREMENTS

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp. (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1270 In The Matter Of Taking A Goal 2 Reasons Exception To Goal 11 (Public Facilities And Services) And Amending The Lane County Rural Comprehensive Plan Goal 11 Policies To Allow Extraterritorial Extension Of Wastewater Service Outside The Junction City Urban Growth Boundary (UGB) To Provide Wastewater Service To Lands Inside The Junction City UGB And To Allow Connection Of Wastewater Service To Specific Rural Properties Affected By Extension Of Wastewater Service To Serve Lands Inside The UGB And Adopting Savings And Severability Clauses. (Junction City) (File No. PA 10-5054)

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 1265, amended the Junction City Urban Growth Boundary by adding 257 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; and

WHEREAS, the expansion of the Junction City Wastewater System and extension of sanitary sewer lines is required to serve the property; and

WHEREAS, Junction City is authorized under a Department of Land Conservation and Development funded customized periodic review work program to complete the necessary planning to allow construction of a state prison and mental hospital on the expanded UGB land; and

WHEREAS, there are affected property owners identified as the 'Westiders' adjacent to the UGB that are participating in the customized periodic review process through an intergovernmental agreement with Junction City to complete a Phase II analysis to determine future needs for residential and commercial lands; and

WHEREAS, due to impacts from the urban services to the rural properties and timing constraints to complete construction of the expanded sanitary sewer lines it is necessary to provide wastewater service to specific rural properties; and

WHEREAS, the Lane County Planning Commission conducted a public hearing and provided a recommendation to the Lane County Board of Commissioners on these proposed amendments on February 16, 2010; and

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

WHEREAS, the Board of County Commissioners had its first reading of this Ordinance on March 17, 2010, then held a public hearing on this Ordinance on March 31, 2010, and is now ready to take action.

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

Section 1. The Goal 2 Reasons Exception to Goal 11 for the City of Junction City proposed sanitary sewer improvements to extend across rural lands from the Junction City Treatment Plant to serve urban lands of the City of Junction City as shown on maps in Exhibit A-1 through A-6 and listed on Exhibit A-7 attached and incorporated here by this reference is hereby adopted and made part of the Lane County Rural Comprehensive Plan based on the reasons and justifications in Exhibit C attached and incorporated here by this reference.

Section 2. The Goal 2 Reasons Exception to Goal 11 for the specific properties affected by the location of the Junction City proposed sanitary sewer improvements and eligible to connect as described and shown on Exhibit A-8 through A-11 and listed on Exhibit A-12 attached and incorporated here by this reference is hereby adopted and made part of the Lane County Rural Comprehensive Plan based on the reasons and justification in Exhibit C attached and incorporated here by this reference.

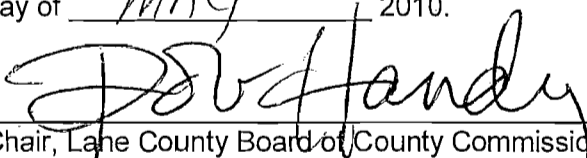
Section 3. The Lane County Rural Comprehensive Plan General Plan Policies in Part II are hereby amended to add a new Policy 6. to Goal Eleven: Public Facilities and Services as shown on Exhibit B attached and incorporated here by this reference.

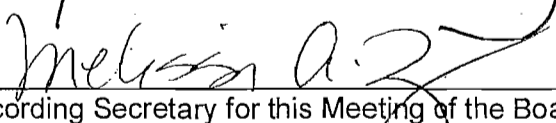
Section 4. The existing policies not affected by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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 adopt the Findings attached as Exhibit C in support of this action.

ENACTED this 12th day of MAY 2010.


Chair, Lane County Board of County Commissioners


Recording Secretary for this Meeting of the Board

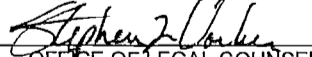
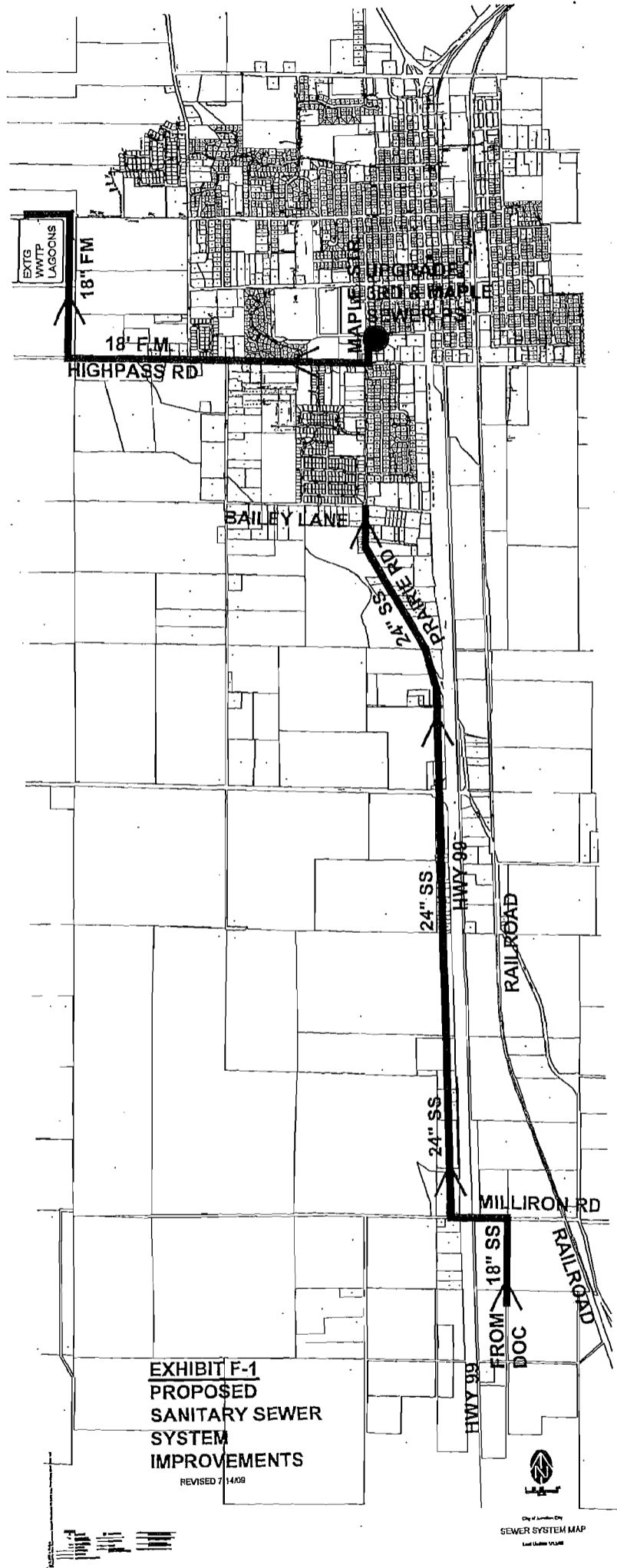
APPROVED AS TO FORM
Date 3-10-2010 Lane County

OFFICE OF LEGAL COUNSEL

Exhibit A-1



7
A

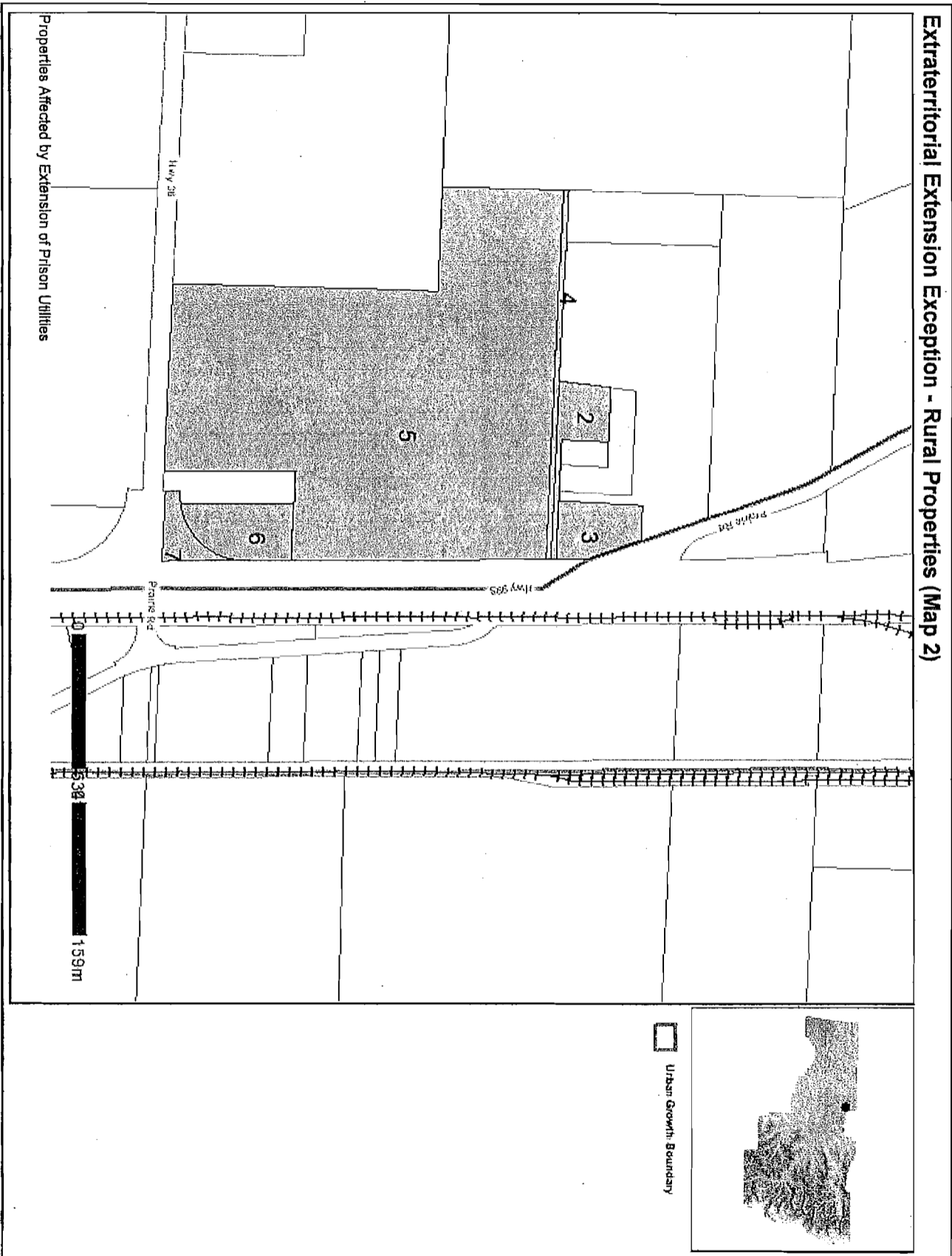
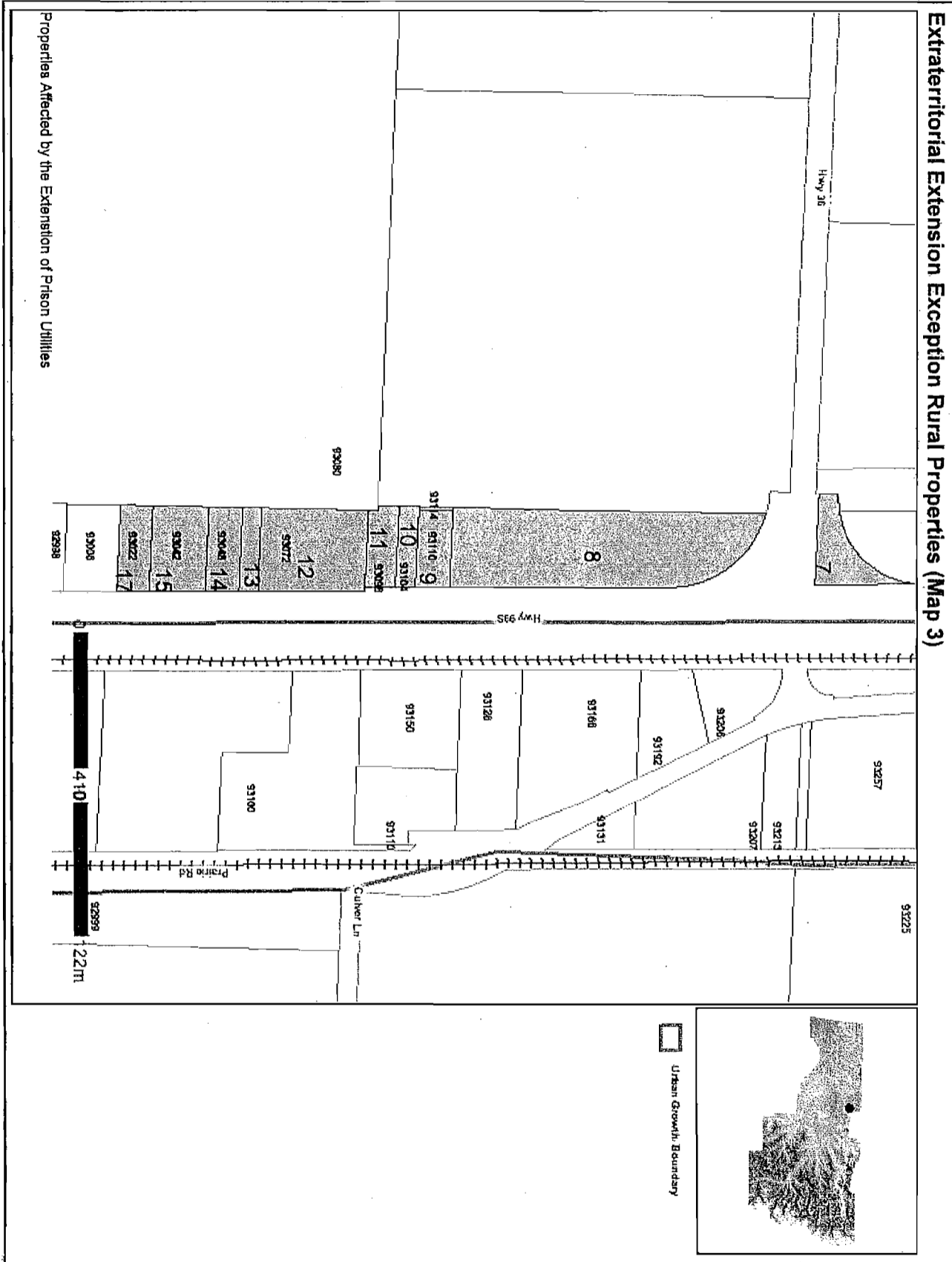


Exhibit A-3

A-4

Exhibit A-4



Properties Affected by the Extension of Pison Utilities

A-5

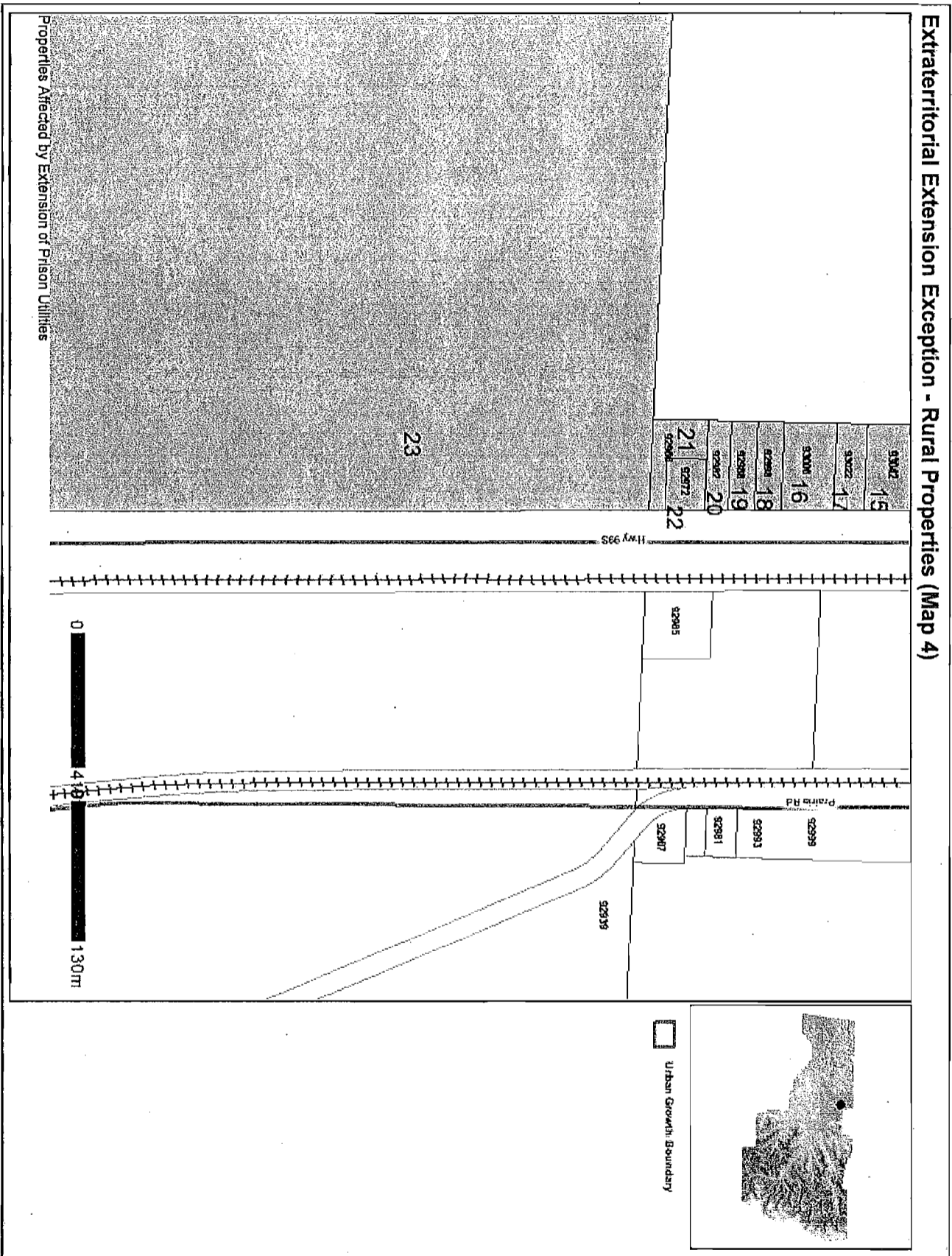


Exhibit A-5

A-6

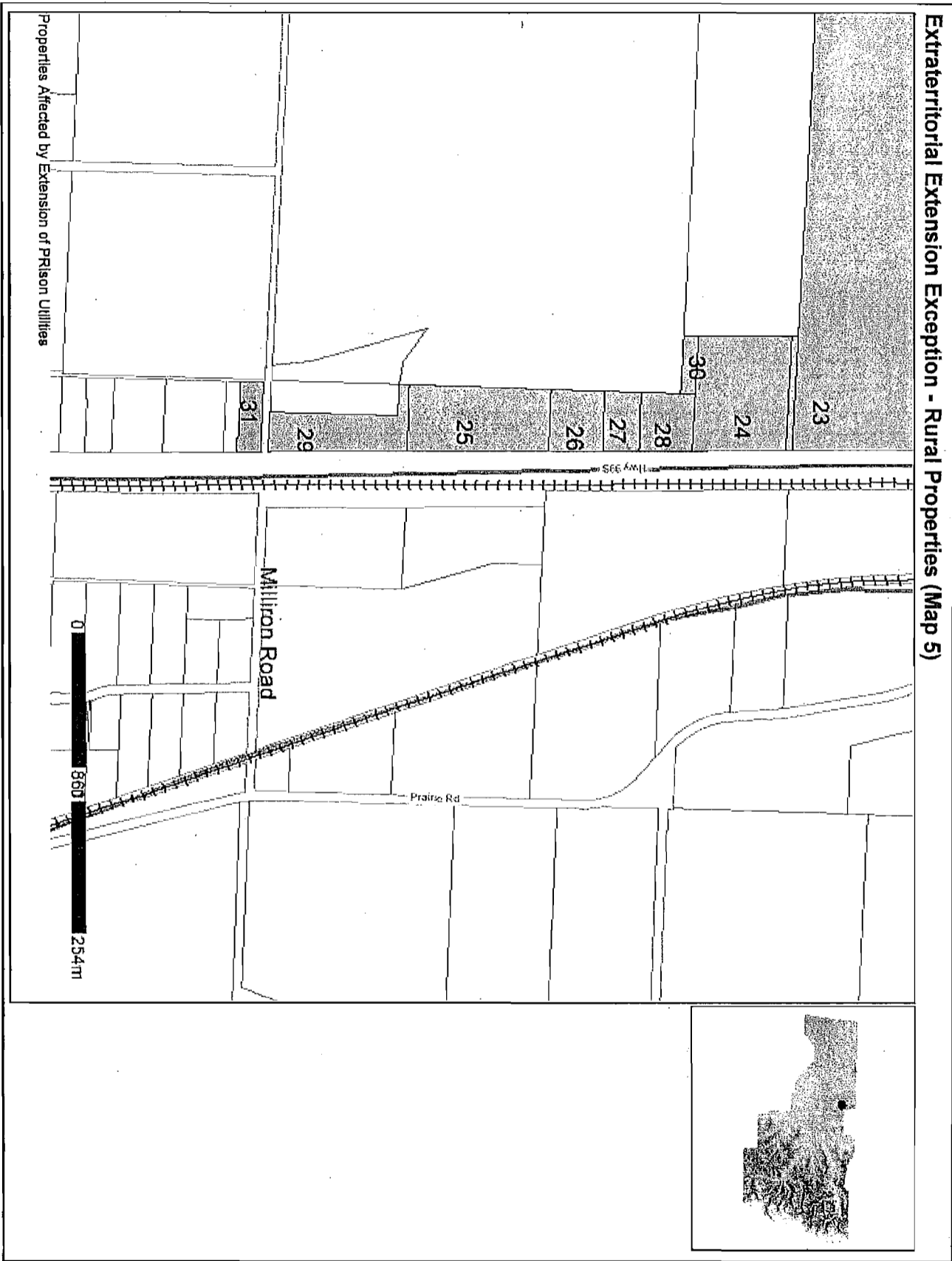
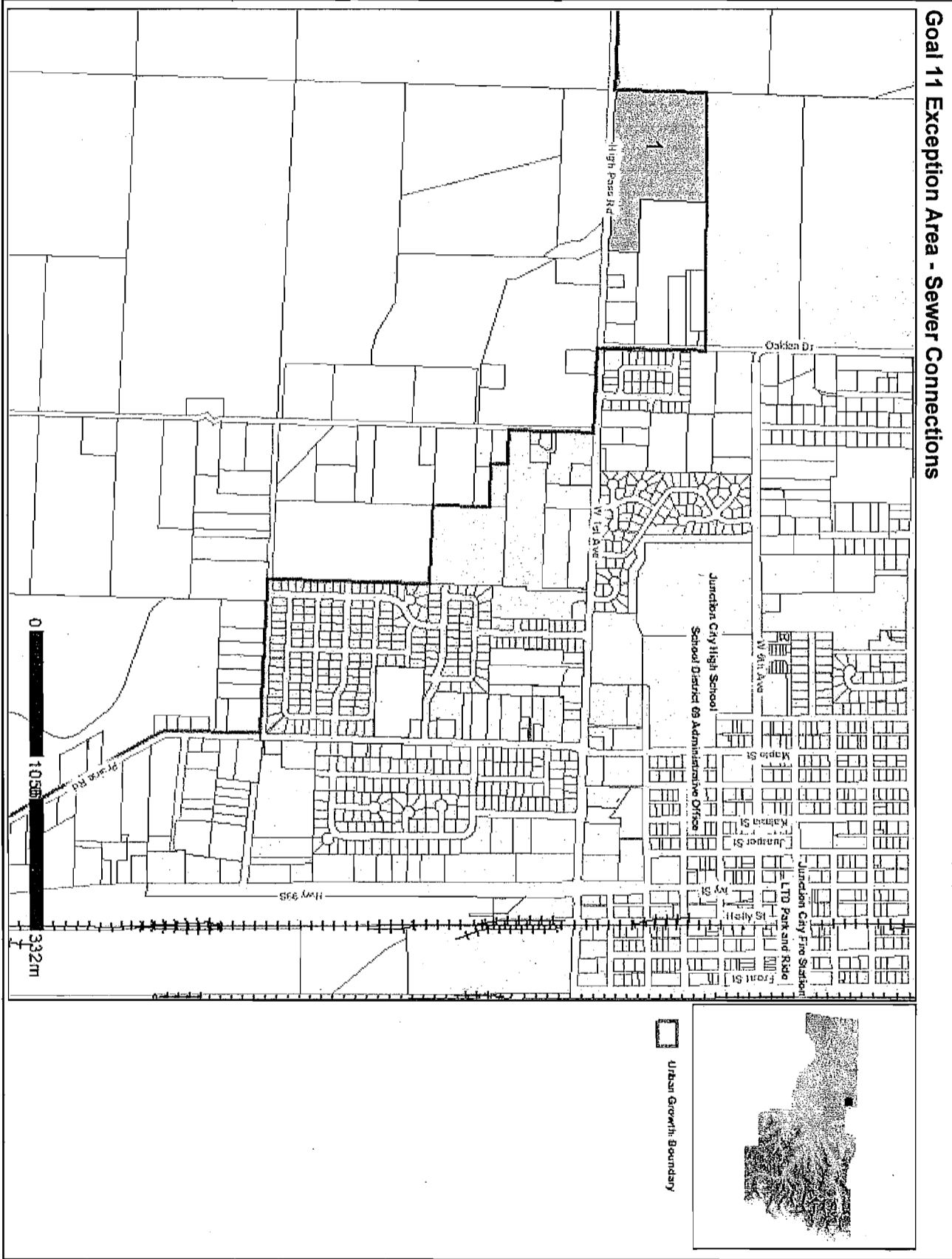


Exhibit A-6

Extraterritorial Extension Exception Properties
 Properties Impacted by the Extension of Prison Utilities
 "Key" Corresponds to Attached Maps

Key	Site Address	Mailing City	Mailing City State Zip	Owner Name
1	28591 HIGH PASS RD	JUNCTION CITY	JUNCTION CITY, OR 97448	KENDALL CLARK
2	93390 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	NEILSEN GEORGE I & HAZEL I
3	93410 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	AUSTIN BRYAN S & TERESA K
4				DEFOE RONALD MAJOR
5	93300 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	BERTELSEN NEIL R
6	93244 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	JERRY BROWN CO INC THE
7				JERRY BROWN CO INC THE
8				AIKON LLC
9	93110 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	INDAR & HEIDI L BHAN LIVING
10	93104 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	INDAR & HEIDI L BHAN LIVING
11	93094 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	INDAR & HEIDI L BHAN LIVING
12	93072 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	HAAG JEFFREY L & CHERI L
13	93048 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	LEACH JAMES M & KAREN A
14				SKILLER STEVE A & KASHA M
15	93042 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	RICHARDS SHARON L
16	93006 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	HINTON VINCENT E
17	93022 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	GITHENS CHRISTIE L
18	92998 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	JAMIESON KENNETH D & MAR
19	92988 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	JAMIESON ROBERT B & ANNE
20	92982 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	JAMIESON ROBERT & ANNE
21	92966 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	CLOUSTON JOHN L & DIANA N
22	92972 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	SWEARENGEN THOMAS W
23				KOKKELER KEITH D 1-3
24	92770 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	OR DEPT OF FISH & WILDLIFE
25	92592 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	LITTLE LAKE PROPERTIES INC
26	92638 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	HETLAND WILLIAM A & RENEE
27	92666 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	HENTZE EVELYN
28	92696 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	HINTZ PATRICIA D
29	29133 MILLIRON RD	JUNCTION CITY	JUNCTION CITY, OR 97448	NELSON EVELYN L
30				OR DEPT OF FISH & WILDLIFE
31	92424 HWY 99S	JUNCTION CITY	JUNCTION CITY, OR 97448	PRISCILLA PARKER

Source: Lane County Tax Assessor Records and Regional Land Information Database



8-9

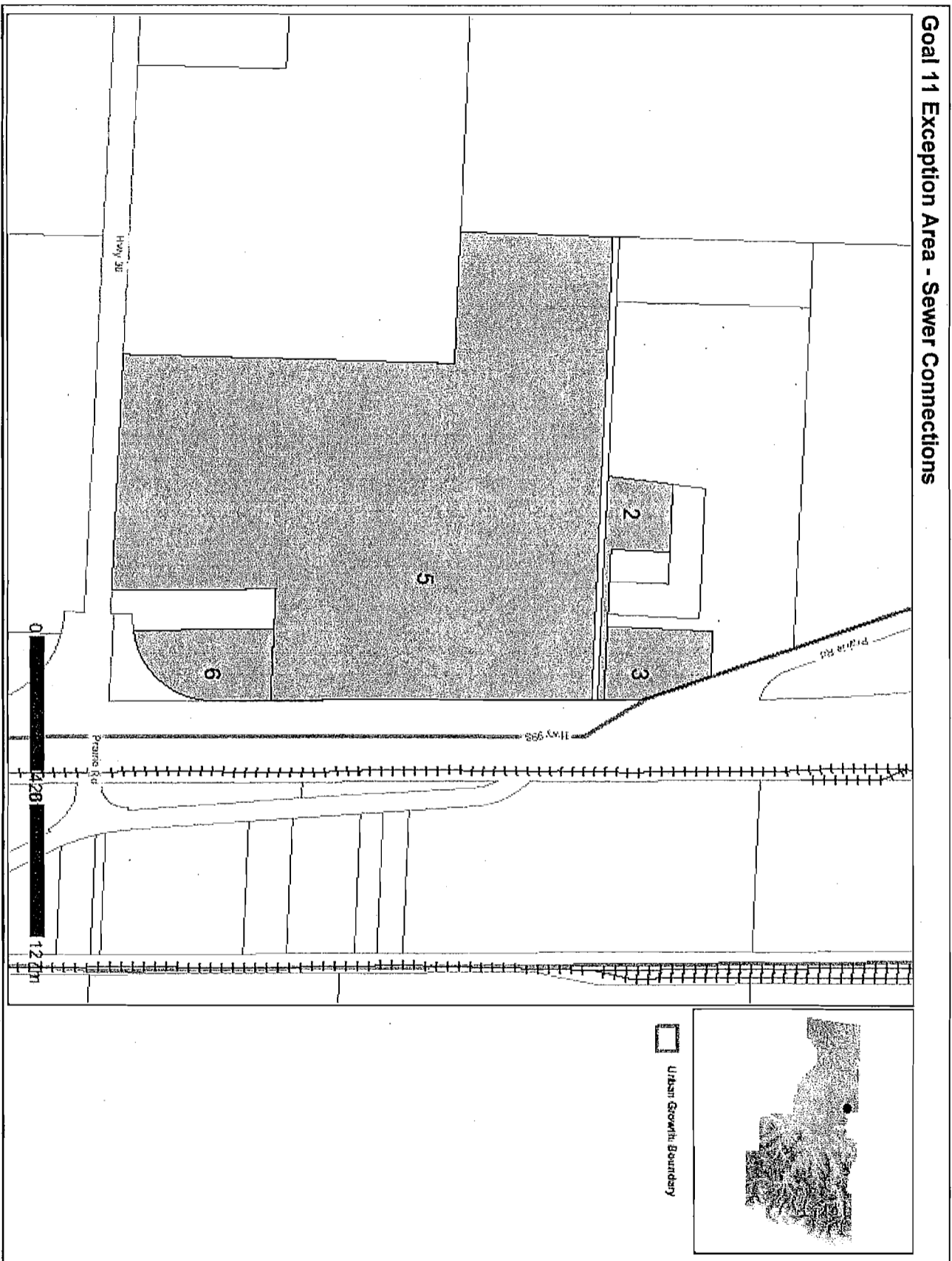


Exhibit A-9

A-10

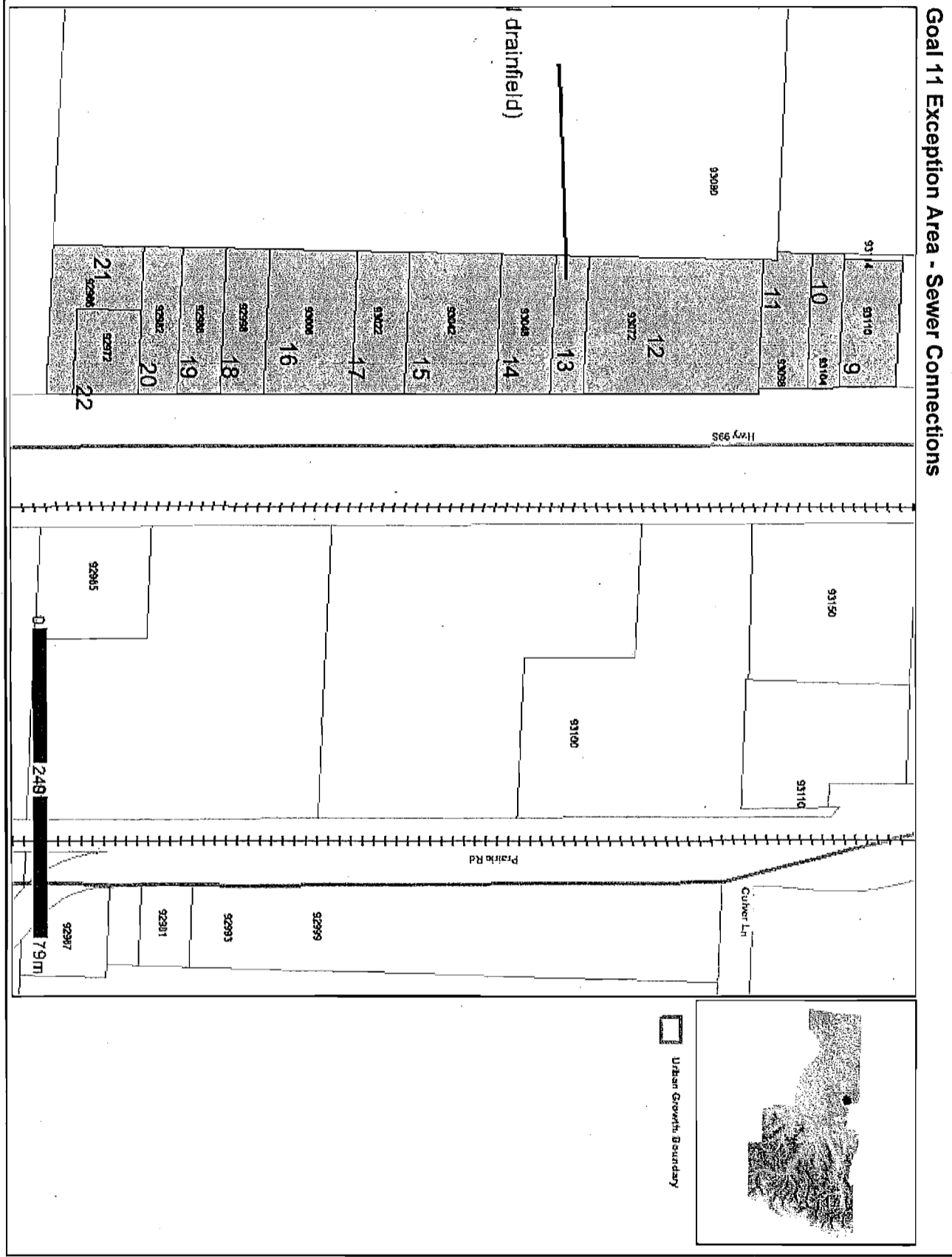


Exhibit A-10

A-11

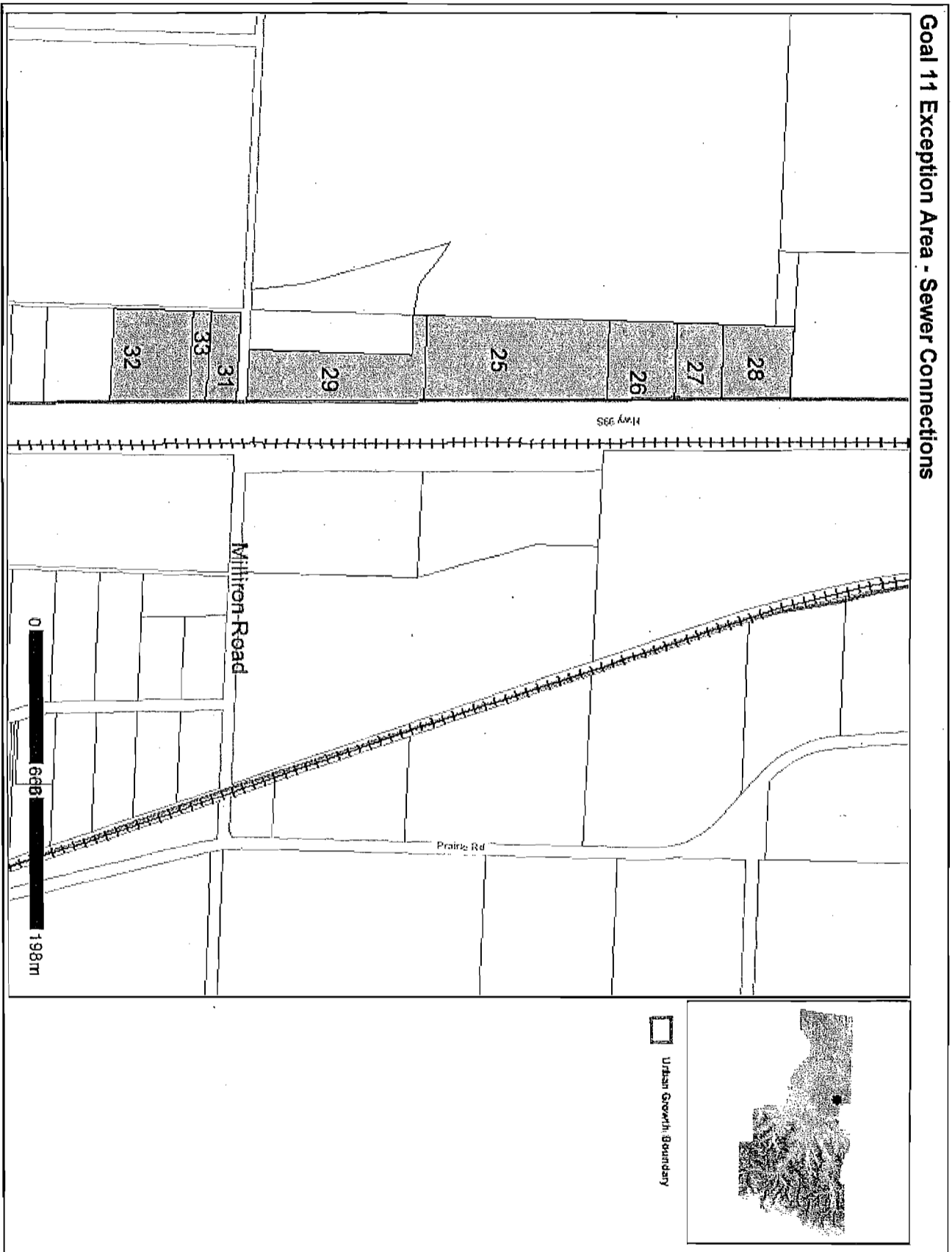


Exhibit A-11

Exhibit A - 12

GOAL 11 EXCEPTION AREA PROPERTIES IDENTIFIED FOR SEWER CONNECTION
 Goal 11 Exception Properties: already developed properties, directly impacted by prison utilities, or require hook up to utilities due to health hazard
 "Key" Corresponds to Attached Maps

Key	Site Address	Mailing City	Mailing City State Zip	Owner Name	Owner Mailing Address
1	28591 HIGH PASS RD	JUNCTION CITY	OR 97448	KENDALL CLARK	28591 HIGH PASS ROAD
2	93390 HWY 99S	JUNCTION CITY	OR 97448	NELSEN GEORGE I & HAZEL I	93390 HWY 99 S
3	93410 HWY 99S	JUNCTION CITY	OR 97448	AUSTIN BRYAN S & TERESA K	93410 HWY 99S
5	93300 HWY 99S	JUNCTION CITY	OR 97448	BERTENSEN NEIL R	93300 HWY 99 S
6	93244 HWY 99S	JUNCTION CITY	OR 97448	JERRY BROWN CO INC THE	PO BOX 41390
9	93110 HWY 99S	JUNCTION CITY	OR 97448	INDAR & HEIDI L BHAN LIVING TRUST	PO BOX 397
10	93104 HWY 99S	JUNCTION CITY	OR 97448	INDAR & HEIDI L BHAN LIVING TRUST	PO BOX 397
11	93094 HWY 99S	JUNCTION CITY	OR 97448	INDAR & HEIDI L BHAN LIVING TRUST	PO BOX 397
12	93072 HWY 99S	JUNCTION CITY	OR 97448	HAAG JEFFREY L & CHERI L	27430 8TH ST
13	93048 HWY 99S	JUNCTION CITY	OR 97448	LEACH JAMES M & KAREN A	385 TIMOTHY ST
15	93042 HWY 99S	JUNCTION CITY	OR 97448	RICHARDS SHARON L	93042 HWY 99S
16	93006 HWY 99S	JUNCTION CITY	OR 97448	HINTON VINCENT E	93036 HWY 99 S
17	93022 HWY 99S	JUNCTION CITY	OR 97448	GITHENS CHRISTIE L	93022 HWY 99 S
18	92998 HWY 99S	JUNCTION CITY	OR 97448	JAMIESON KENNETH D & MARY E	1250 KALMIA ST
19	92988 HWY 99S	JUNCTION CITY	OR 97448	JAMIESON ROBERT B & ANNE M	19492 KEMPLE DR
20	92982 HWY 99S	JUNCTION CITY	OR 97448	JAMIESON ROBERT & ANNE	19492 KEMPLE DR
21	92966 HWY 99S	JUNCTION CITY	OR 97448	CLOUSTON JOHN L & DIANA M	92966 HWY 99S
22	92972 HWY 99S	JUNCTION CITY	OR 97448	SWEARENGEN THOMAS W	92972 HWY 99S
25	92592 HWY 99S	JUNCTION CITY	OR 97448	LITTLE LAKE PROPERTIES INC	PO BOX 42
26	92638 HWY 99S	JUNCTION CITY	OR 97448	HETLAND WILLIAM A & RENEE	31285 SW WILLAMETTE
27	92666 HWY 99S	JUNCTION CITY	OR 97448	HENTZE EVELYN	88863 FOUNTAIN RD
28	92666 HWY 99S	JUNCTION CITY	OR 97448	HINTZ PATRICIA D	92666 HWY 99
29	29133 MILLIRON RD	JUNCTION CITY	OR 97448	NELSON EVELYN L	350 CHERRY ST
31	92424 HWY 99S	JUNCTION CITY	OR 97448	PRISCILLA PARKER	92424 HWY 99S
32	92380 HWY 99S	JUNCTION CITY	OR 97448	B-K LIVESTOCK AUCTION INC	94705 OAKLEA DR
33	92412 HWY 99S	JUNCTION CITY	OR 97448	BANTON GARY C	92410 HWY 99 S

Source: Lane County Tax Assessor Records and Regional Land Information Database

ZONING:

- CAS Commercial Airport Safety Overlay Zone
- E40 Exclusive Farm Use
- RC Rural Commercial
- RR5 Rural Residential 5 acre minimum



LANE COUNTY
RURAL COMPREHENSIVE PLAN
GENERAL PLAN POLICIES 1984
(as updated)

Add the following new policy to:

Part II: Lane County General Plan Policies
Goal Eleven: Public Facilities & Services

by inserting the following text as a new policy number 6. on page 45 and renumbering the existing policy number 6. as policy number 7.:

6. Lane County approved a Goal 2 Reason's Exception to Goal 11 for extraterritorial wastewater facility extensions in order to allow provision of wastewater service by the city of Junction City to serve the State Prison and Mental Hospital and other property inside the Junction City urban growth boundary (UGB), and to allow connection to the municipal wastewater system by certain affected rural properties crossed by the wastewater lines as identified on Exhibit A to Ordinance No. PA 1270, and further described in the ordinance incorporated here by this reference. Connection to the city services does not allow rural properties to further divide the land nor to justify future connection or expansion beyond existing uses on the property on the date of Board of County Commissioners final action on Ordinance No. PA 1270.

**Ordinance No. PA 1270
Rural Comprehensive Plan Amendment
Junction City Goal 2 Reasons Exception to Goal 11 to Allow Provision of Wastewater
Services to the UGB and Affected Rural Properties**

Findings of Fact

Introduction

Finding: On December 9, 2009, The Board of Commissioners adopted Ordinance No. PA 1265 that expanded the Junction City urban growth boundary (UGB) to include 257 acres of land and allow the siting of a State Hospital and Prison, and an industrial food processing facility at the extended southern edge of the UGB. The need for this expansion was based on conclusions reached through Phase I of a Customized Periodic Review work program under the Department of Land Conservation and Development approval.

Finding: Under the coordination of local decisions during the process leading to adoption of the above ordinance, the Board of Commissioners facilitated a stakeholder process during the Phase I co-adoption of the UGB expansion with the city of Junction City and a group of property owners along the west side of state Highway 99 that are impacted by the changes and need for public services to the newly expanded area within the UGB soon to be annexed into the city for urban development.

Finding: The 'Westiders' have signed an agreement with the city of Junction City to participate in the Phase II customized periodic review process and to consider connecting to the sewer pipe if the exception is granted to alleviate impacts to their property for existing uses.

Finding: The Junction City wastewater treatment plant is located west of town, and the expansion of the system and extension of sanitary sewer lines is necessary to serve the state facilities. The sewer lines that extend from the treatment plant to the southern end of the UGB are being constructed outside the Junction City UGB to serve the state prison and hospital site.

Finding: Several rural properties along the route of the pipe will be affected by the location of the sanitary sewer lines and desire to hook up to the sewer line located in an easement across their property.

Finding: One property owner adjacent to the sewer project is identified through Department of Environmental Quality documentation in the public record to need to alleviate a potential public health hazard because of a documented failing septic system.

Finding: Another property owner next to a property crossed by the city water and sewer project, together with other property owners in the area, have presented documentation and testimony of concerns with limitations to on-site septic system placement on the property, lack of capacity of existing septic services and potential contamination of adjacent drainage facilities sufficient to establish a need to alleviate potential health hazards by providing for the possibility of city sewer

service for the existing lawfully established uses on the property. That property, owned by Gary Banton and identified as Assessors Map 16-04-20, tax lot 300, is included in the exception for the following reasons;

1. The testimony and documentation demonstrate concerns about the size and area limitations that the current property has for the availability of an on-site septic system;
2. The potential contamination of the drainage ditches which border the property on two sides and between which any on-site septic system would be located;
3. The document in Attachment #2 to the Supplemental Memo presented prior to the April 28, 2010, continued hearing describes the property history and notes the statement "If not enough area is available for a sand filter, a holding tank will be required" which shows space concerns for on-site septic system installation on the property; and
4. The last document in the same Supplemental Memo attachments (BP 01-0603) states that in 2001 there was a concern of "disposal lines are failing" on the property adjacent to tax lot 300 that is currently providing both properties with on-site septic services.

All those reasons show the potential for imminent public health hazards when the city water and sewer project or road improvements affect the adjacent property given the limitations for on-site septic system installation on tax lot 300 and the potential contamination of adjacent properties and the adjacent drainage ditch facilities.

Finding: On February 16, 2010, the Lane County Planning Commission conducted a public hearing, and unanimously recommended the Board of Commissioners adopt the proposed RCP amendment.

Finding: On March 31, April 28 and May 12, 2010, the Board of Commissioners conducted public hearings and upon close of the final hearing, voted to adopt Ordinance No. PA 1270 amending the Rural Comprehensive Plan to take a Goal 2 reasons exception to Goal 11 for the wastewater pipe and to authorize connection to specific rural properties.

Criteria

The Lane County Rural Comprehensive Plan Amendment Process is found in Lane Code 12.050(2)(d) and 16.400(6)(h). The Board may amend or supplement the comprehensive plan upon a finding of: the amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules; changed circumstances or necessary to fulfill an identified public or community need; 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; or otherwise deemed by the Board to be desirable, appropriate or proper.

Finding: The need to provide urban services across rural lands and to affected rural property owners requires a text amendment to the Rural Comprehensive Plan for a situational specific exception to Statewide Planning Goal 11 and the addition to those policies in the RCP. The proposed amendment is in conformance with Statewide Planning Goals as discussed in the City findings attached to this written statement, attached and incorporated into this report by

reference in support of the reasons exception. The proposed text amendment differs from the text included in the City findings and reads:

6. Lane County approved a Goal 2 Reason's Exception to Goal 11 for extraterritorial wastewater facility extensions in order to allow provision of wastewater service by the city of Junction City to serve the State Prison and Mental Hospital and other property inside the Junction City urban growth boundary (UGB), and to allow connection to the municipal wastewater system by certain affected rural properties crossed by the wastewater lines as identified on Exhibit A to Ordinance No. PA 1270, and further described in the ordinance incorporated here by this reference. Connection to the city services does not allow rural properties to further divide the land nor to justify future connection or expansion beyond existing uses on the property on the date of Board of County Commissioners final action on Ordinance No. PA 1270.

Addition of this policy and adoption of the exception does not affect compliance of the RCP with the other Statewide Planning Goals and policies in the plan. The amendment complies with all applicable local and state laws, as well.

LC 12.050 and 16.400(6)(h) Method of Adoption and Amendment:

(1) The adoption of the Comprehensive Plan or an amendment to such Plan shall be by an ordinance. (LC 12.050(1) and 16.400(6)(h)(i))

Finding: The Board adopts Ordinance No. PA 1270 to allow for provision of wastewater service under a Goal 2 Reasons Exception to Goal 11 for certain affected properties and to provide service to the southern end of the city upon annexation as approved by the Board under Ordinance No. PA 1265. Adoption of the Ordinance will satisfy this amendment criteria.

(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.

Finding: (2)(b) is applicable due to the changed circumstances resulting from the removal of property from rural jurisdiction of Lane County into the Junction City UGB to allow construction of a state prison and mental hospital, and industrial food processing, all urban levels of development appropriately located within city's as it pertains to the Plan. These changed circumstances affect needs to serve the future development and affected rural properties. In addition, the amendment is necessary to fulfill an identified public or community need.

Finding: (2)(c) is applicable due to the change in public need based on reevaluation of the need for services, and the findings support the need for Junction City to provide municipal wastewater treatment service to the expanded southern UGB lands and to affected properties crossed by the pipeline easements or otherwise appropriate for inclusion in the exception. In addition, the Board finds the amendment otherwise deemed to be desirable, appropriate and proper for the reasons included here and in the City findings.

Conclusion

The Goal 2 Reasons Exception and Rural Comprehensive Plan text amendment to Goal Eleven, Public Facilities and Services are necessary to address issues of equity for affected property owners that have participated with the city of Junction City through the customized periodic review process under the DLCD approved work program. The exception provides opportunity for affected property owners to receive urban services that otherwise would not be available, due to impacts from the installation of wastewater services for the Junction City UGB. The Findings identify changes in public need, conditions to ensure only affected property owners and allowable existing uses are connected while under rural zoning, and compliance with applicable Rural Comprehensive Plan policies and applicable Statewide Planning Goals, OARs, and ORSs as illustrated above and in the attached written statement from City of Junction City. The text amendment to take the exception, therefore, does not impair the purpose of the County's Rural Comprehensive Plan, as established by LC 12.050 and 16.400 and as further addressed in the attached findings from the City of Junction City incorporated here.

**Written Statement
Major Amendment to Lane County Rural Comprehensive Plan
and Goal 11 Reasons Exception**

Proposal

The City of Junction City requests an amendment of the Lane County Rural Comprehensive Plan Goal 11 Policies to allow an Extraterritorial Extension of wastewater service outside the Junction City Urban Growth Boundary (UGB) to provide wastewater service to lands inside the Junction City UGB and to allow connection of wastewater service to specific rural properties affected by extension of wastewater service to serve lands within the UGB and taking a Goal 2 Reasons Exception to Statewide Planning Goal 11 (Public Facilities And Services)

Executive Summary

As part of the construction of the State Prison facility in Junction City, sanitary sewer lines are being constructed outside the Junction City Urban Growth Boundary to serve the Department of Corrections State Prison site located inside the Junction City Urban Growth Boundary. Several properties in rural Lane County, outside Junction City's Urban Growth Boundary, will be affected by the sanitary sewer lines and desire to hook up to the sewer line locating in an easement across their property. In addition, one property adjacent to the sewer project desires hook up to alleviate a potential health hazard because of a documented failing septic system. See Exhibit A, Lane County Sanitarium Records, record #31, and Exhibit B, DEQ letter of support.

To allow the extension of sanitary service with connection to specific rural properties outside the UGB an amendment to the Lane County Rural Comprehensive Plan, Chapter 11 and a Reasons Exception to Statewide Planning Goal 11 is necessary.

This proposed policy amendment to Lane County's Rural Comprehensive Plan implements the Settlement Agreement (Exhibit C), proposed and facilitated by the Lane County Board of Commissioners between the City and property owners desiring to connect, referred to collectively as the "Westiders." The amendment also furthers City policy set forth within Resolution No. 1006, which was adopted in performance of the Settlement Agreement terms (Exhibit D)

FINDINGS DEMONSTRATING COMPLIANCE WITH APPLICABLE CRITERIA

A "reasons" exception to Goal 11, Public Facilities and Services, requires an amendment to the Lane County Rural Comprehensive Plan and a demonstration of compliance with the following criteria. Because this goal exception is a reasons exception, it applies only to specific properties as depicted in Exhibit E, Exception Area Map and, Exhibit F, Exception Area Property List, and does not establish a planning or zoning policy of general applicability in Lane County pursuant to ORS 197.732.

- A. Applicable Statewide Planning Goals 1, 2, 3, 4, 5, 6, 11, and 14

- B. Statewide Planning Goals 2, Part II (Exceptions)
- C. ORS 197.732 (Exceptions)
- D. OAR 660-004-0018 (Planning & Zoning for Exception Area)
- E. OAR 660-004-0020 (Goal 2, Part II(c), Exception Requirements)
- F. OAR-660-004-0022 (Reasons Necessary to Justify an Exception Under Goal 2, Part II(c))
- G. Applicable provisions of the Lane County Rural Comprehensive Plan
- H. Applicable provisions of the Lane County Code LC 16.400(6)(h) Rural Comprehensive Plan Amendments

A. Applicable Statewide Planning Goals

1. Goal 1 - Citizen Involvement

OAR 660-015-0000(1) develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process

FINDING: Lane County will follow the prescribed procedures for public hearings before the Planning Commission and Lane County Board of Commissioners as required by Lane Code Chapter 14.

2. Goal 2 – Land Use Planning

OAR 660-015-0000(2) (PART I – PLANNING): To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: The Lane County Rural Comprehensive Plan currently serves as the controlling land use document for the County.

3. Goal 3 - Agricultural Lands

OAR 660-015-0000(3): To preserve and maintain agricultural lands.

FINDING: This proposal will not affect the amount of agricultural land in Lane County nor will it establish uses on agricultural land that are in conflict with provisions of Goal 3. The resource land considered in this proposal is vacant according the Lane County tax assessor records. Also, a condition of approval will require property owners to sign a restrictive covenant(s) that specifies that the public sewer connection is available only for existing uses on developed property, , and cannot be used to justify further land division or up-zoning while the subject property is located outside an urban growth boundary.

4. Goal 6 - Air, Water, and Land Resources Quality

OAR 660-015-0000(6): To maintain and improve the quality of the air, water, and land resources of the state.

FINDING: Evidence is presented below as to why the Goal 11 exception for some properties will result in the improvement of water quality in Lane County. In summary the sewer connections will alleviate potential health hazards for some properties in the exception area. Connection of these properties to sanitary sewer will eliminate sources of water pollution and will thereby improve the quality of water resources in the state.

5. Goal 11 - Public Facilities

OAR 660-015-0000(11): To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposal seeks an exception to Goal 11. The exception requirements are addressed in the criteria set forth in OAR 660-004, discussed below.

6. Goal 14 - Urbanization

OAR 660-015-0000(14): To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

FINDING: Most of the properties within the area proposed for this Goal 11 exception are developed and zoned rural commercial and rural residential. No increase in density or up-zoning of lands within the exception area will be allowed or justified on the basis of a sewer connection approved through this proposal per the condition of approval described in Section E of this document.

B. Oregon Revised Statutes:

1. ORS 197.732 Goal Exceptions

FINDING: By addressing the criteria of OAR Chapter 660, Division 004 (see below), the implementing rule for Goal 2 and ORS 197.732, both Goal 2 and ORS 197.732 have been satisfied.

C. Oregon Administrative Rules:

1. OAR 660-004-0018(4) Planning and Zoning for Exception Areas, "Reasons" Exceptions:

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses; density, public facilities and services, and activities to only those that are justified in the exception;

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;

FINDING: Regarding OAR 660-004-0018(4), restrictions imposed by the existing Lane County Comprehensive Plan Designation and Code will limit the uses, density, public facilities, and services and activities to only those that are justified by the "reasons" exception, in accordance with OAR 660-004-0018(4)(a) and (b) cited above. Each of the parcels subject to this review are part of the Goal 11 reason Exception Area (Exhibits E & F).

This exception would authorize, but not require, specific properties to connect to City public sewer. This exception would not propose any change of use to the properties included within the exception area and would restrict uses to those existing uses, per the condition of approval described in Section E of this document. Any change in the use inconsistent with this goal exception would require a new goal exception.

2. OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines that there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than

would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices "compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

FINDING: The findings and reasons addressing compliance with OAR 660-004-0022 (see below) also address and satisfy compliance with 660-004-0020(1) and OAR 660-004-0020(2)(a). The Lane County Rural Comprehensive Plan is being proposed to be amended to add a specific policy, under Goal 11, to allow an exception for a connection of specific rural properties to City sewer.

Regarding OAR 660-004-0020(2)(b)(A) and (B), each of the questions outlined in the rule are based on an assumption that new non-resource land uses are being proposed for existing resource land. The sewer extension is meant to serve the prison site, which is inside the existing UGB and soon will be annexed into Junction City limits. In this case, the proposed "uses" are existing and permitted developments outside the City's UGB. The sewer connections will serve existing development on non-resource land, and would not be available to increase densities or add uses beyond those already existing or permitted by zoning. This proposal to

allow sewer connections is intended to serve existing uses allowed by the acknowledged county zoning which, due to the extension of services outside the UGB to serve a use within the UGB, would otherwise be eliminated.

The prison facility cannot be operated without the provision of water and sewer services and three alternative locations for water and sewer line placement were explored to serve the prison site: 1) within the Oregon Department of Transportation Highway 99 right of way, 2) inside the existing Junction City UGB on non-resource land, east side of Hwy 99, and 3) outside the Junction City UGB to the west of Hwy 99 on primarily rural commercial and rural residential land, including some parcels of resource land. (Exhibit G, Sewer Utility Project Map and Exhibit H: Junction City Comp Plan Map prior to approved expansion (GIS map not available)).

The main criteria considered for locating the future sewer and water lines was construction cost, and both practicalities and cost of operation and maintenance. It is in the State's best interest to construct a sewer system in the most cost effective manner. The most important aspect of the design of the sewer system for the City is to be able to operate and maintain the system effectively and efficiently in order to minimize costs.

The first alternative location explored was within the existing ODOT right-of-way. This option was rejected because any permit approved by ODOT includes language that requires removal/relocation of the lines if and when ODOT determines the lines need to be relocated in ODOT's discretion. The City could not enter into an agreement that would obligate City dollars to remove/relocate the utility lines if required by ODOT. The possible future financial burden and uncertainty left the City with the other two alternatives. Following are reasons why the City chose to locate the facility on private property outside the Junction City UGB rather than on private property on the east side of HWY 99.

- To Provide for Efficient Operations of the Infrastructure - The most important aspect of the design is to be able to operate and maintain the system. This means we must have 24 hour a day, 7 days a week and 365 days a year access. In reviewing alternative alignments, the City quickly discarded an alignment east of the railroad tracks which is currently inside the UGB because there was no way to provide continuous access without building an access road over the sewer and water mains. The construction cost and environmental impacts of a new access road east of the railroad is significant.
- To Meet the Needs for Continuous and Secure Services to Critical State Facilities – A State Mental Hospital and State Prison Facilities require 24/7 water and sewer services or an emergency situation could quickly ensue. By having continuous unobstructed access to City infrastructure facilities through adjacent ODOT facilities, we could assure such continuous and secure services. Locating infrastructure on private properties between the Union Pacific and BNSF rail corridors, with access across limited rail crossings on both the east and west of the infrastructure locations would make meeting such levels of service standards impossible to assure.

- Wetland Impacts - Finally, there is a significant wetland at Swanson Superior Forest Products that would have been impacted with the construction of the sewer, water and access road east of the rail road. The first course of action when faced with wetland impacts is avoidance. By choosing a westerly alignment, we succeed at that option.
- Economic Impacts – While it is difficult to estimate the full cost of an eastside infrastructure location, it would have been a magnitude higher. Not only would there have been a significant premium due to the challenge of staging equipment and materials within rail alignments, but there would have been a much larger cost impact due to the need to construct a permanent access road over the infrastructure. The City estimates the construction cost of the access road to be \$1,000,000. This would increase the cost by at least 20% and yet provide no additional benefit to the project.
- Environmental – Due to past agricultural practices in the area and possible highway runoff, many of the wells (typically relatively shallow in this area) face significant contamination issues; particularly from the presence of ubiquitous nitrates. Adding to the actual and pending contamination issues are the numerous underperforming and failing individual sewage disposal systems located along the corridor. Availability of municipal water and sewer services would go a long way towards mitigating these issues.
- Equity – Finally, there is a significant question of justice related to the unique circumstances of requiring the dedication (or condemnation) of easements for the provision of water and sewer services to a facility some three miles south of the City; particularly when such services are not made available to the properties upon which they are being built. In several instances, it may not even be possible to restore services to the affected properties which would then result in requiring a full condemnation of the properties in question.

FINDING. OAR 660-004-0020(2)(c). The construction of the sewer line will eliminate the existing drainfield for property at 93048 Hwy 99, Junction City, Maplot # 16-04-08-34-00800 and according to Lane County septic standards, a new drainfield cannot be constructed on site due to size constraints. Allowing the property owner to connect to the sewer line will eliminate a potential health hazard if the property owner tries to operate the system without the proper drainfield.

A second site, will benefit from sanitary sewer connection because the water project will locate in an area too close to the existing septic system. To avoid locating the water lines within the ODOT right of way and risk having to relocate these lines in the future, hooking that property up to the sanitary sewer line will eliminate potential health hazards.

A third site, known as the Eugene Livestock Auction, Maplot #16-04-20-00-00500 and 00600, has a documented failing septic system as shown in Exhibit A. Although this site is not directly impacted by the sewer construction project, the proximity of the lines, (approximately 250 feet away) provides an opportunity to alleviate a serious health hazard.

FINDING: Regarding OAR 660-004-0020(2)(b)(C), a site by site analysis is not required for the connecting uses, as they are existing and permitted by the applicable county zoning. The exception will simply allow them to continue. An alternatives analysis for the line placement is, however, set forth above. If, during the proceedings, evidence is introduced showing that other sites are more reasonable for the lines, a site analysis will be provided per OAR 660-004-0020(2)(C).

FINDING: Regarding OAR 660-004-0020(2)(d), sewer lines generally are placed within existing public road right-of-way. In this case the sewer lines are proposed to be located within a city easement on private property. Allowing connection ensures that line placement within the designated exception properties is compatible with those uses. In some cases the line crosses resource land. Crossing resource land is compatible with resource uses. Only installation will be a temporary disruption of the resource use, which is limited to a linear area on the resource land. Further land division would be limited by the existing county zoning and a restrictive covenant(s) will be required as a condition of approval as proposed in Section E of this document.

3. OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the

proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

FINDING: OAR 660-004-0022(1) requires reasons, "including, but not limited to the following". The reasons for the goal exception are addressed in OAR 660-004-0020 Goal 2, Part II(c), above, which are incorporated by this reference, as those findings also address OAR 660-004-0022(1).

In addition, the proposed sewer connections in the exception area are not proposed on resource lands. The properties requesting connections are zoned rural residential and rural commercial and any connection granted could not be used as justification for further development, as specified in the proposed condition of approval shown in Section E.

D. Lane County Comprehensive Plan

1. LC 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.

FINDING: Applicant notes that the Lane County Board of Commissioners must co-adopt these amendments to Junction City's Comprehensive Plan (and by extension amend the County's Rural Comprehensive Plan) by ordinance. Such action will satisfy this amendment criterion.

(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.

FINDING: This amendment criterion is set in the alternative. Only one criterion need be satisfied to support a Rural Comprehensive Plan amendment. That said, Junction City's request is justified and is supported by the above criteria.

FINDING: LC 12.050(2)(b) is met as circumstances with Lane County and Junction City changed with the 2007 announcement by the State of the siting of two State facilities in or near Junction City. The State correctional facility and state mental hospital will ultimately employ 1,800 workers. Grain Millers is also proposing to construct a major industrial bulk processing

facility that takes advantage of the region's agricultural economy and the availability of flat land with urban services, rail, and highway access. The State prison and Grain Millers were proposed to be located on property originally outside the City's UGB. Amendment of the Junction City Comprehensive Plan and Map and Lane County Rural Comprehensive Plan was required to accommodate needed land for these major employment opportunities and to provide the facilities with urban services. Now, an exception is required to avoid harming property owners whose properties are crossed by City utilities required to serve these State facilities. The County Rural Comprehensive Plan must be amended to accommodate this change in circumstances caused by the State's announcement.

2. LC 16.400(6)(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

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

(aa) For Major and Minor Amendments as defined in LC16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and 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 or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

FINDING: Regarding LC 16.400(6)(i) has been addressed above.

FINDING: LC 16.400(6)(h)(ii). The proposed amendment includes the addition of a policy to the General Plan Policies of the Rural Comprehensive Plan Goal 11, as follows:

“Policy 6. In the rural area crossed by sewer lines needed to serve the State facilities, the County granted an exception to allow certain rural properties identified on Exhibit ____ to hook up to Junction City’s sanitary sewer, pursuant to Ordinance ____, adopted May ____ 2010.”

FINDING: Regarding (iii)(aa): The proposed amendment to the Rural Comprehensive Plan and Exception to Statewide Planning Goal 11 meets all applicable requirements of State and local law, including the Statewide Planning Goals, Oregon Administrative Rules for the Goal 11 Reasons exception, as addressed above.

FINDING: Regarding (iii)(bb)(ii-ii), the proposal is necessary to fulfill a community need. City water and sewer are necessary to serve the state prison facility locating in Junction City. The City and DOC have signed an IGA which establishes city and DOC obligations to provide this service. The reasons why the sewer and water lines are located in public easements on private property on the west side of HWY 99 have been addressed in the earlier findings.

Allowing the properties with imminent health hazards to connect to the sewer system avoids both surface and groundwater contamination for the individual properties and all those properties affected by subsurface contamination. In addition all properties desiring to hook up to the sanitary sewer lines within the easement on their property would alleviate potential health hazards from the on-site septic systems.

As discussed above, one property will lose their entire septic drainfield as a result of the easement and placement of utility lines. Another property adjacent to the prison project (Eugene Livestock) has a documented failing septic system, but does not meet the DEQ threshold for a health hazard extraterritorial extension. Allowing this property to hook up to sanitary sewer will alleviate a potential health hazard for the property as well as all properties that could be affected by subsurface contamination. A third property requires sewer hookup given that the intended location of the water line will be too close to the existing septic system. Abandoning and decommissioning the existing septic system is preferable to placing the City waterline in the ODOT right-of-way to avoid the septic system. Connection to City sewer is therefore required to

provide sewer service to the property.

Allowing properties to hook up to the sewer lines also addresses an issue of fairness. Properties in the exception area are required to give up land for an easement in order to serve the State prison facility. By allowing the properties in the exception area to hook up to City sewer, Lane County will alleviate potential damage or loss of existing uses and businesses, while maximizing state and local investment by allowing full utilization of this resource.

FINDING: Satisfying (bb)(v-v), the proposal implements Settlement Agreement (Exhibit C) between several properties in the exception area and the City of Junction City and City Resolution No. 1066 (Exhibit D). This Settlement Agreement is the result of negotiations initiated and facilitated by the Lane County Board of Commissioners during the co-adoption of the Junction City Comprehensive Plan amendments and Urban Growth Boundary expansion hearings. The resolution was adopted in performance of one of the City's obligations under the Settlement Agreement.

2. Lane County Comprehensive Plan Policies

GOAL SIX: AIR, WATER AND LAND RESOURCES

Water Quality

Policy 4. Lane County shall promote watershed practices which protect and enhance water quality and quantity through land use planning, Public Works projects and management of County facilities.

Policy 5. 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.

FINDING: The proposal will reduce imminent health hazards for three properties within the exception area. As discussed earlier, one property has a documented failing septic system, another property will lose their existing drainfield and cannot relocate another drainfield on the property due to size constraints and another could potentially contaminate system water due to the proximity of the water line to the existing drain field. The known properties would benefit from sanitary sewer hook up to avoid both surface and groundwater contamination.

GOAL ELEVEN: GOAL ELEVEN: PUBLIC FACILITIES AND SERVICES

Policy 1. Lane County shall provide an orderly and efficient arrangement for the provision of public facilities, services and utilities. Designation of land into any given use category either initially or by subsequent plan amendment, shall be consistent with the minimum level of services established for that category.

FINDING: Allowing the extension and connection of the properties in the exception area will

facilitate the efficient arrangement and use of the sewer system and will help maximize the use of available capacity to offset the investment in these new public facilities. Allowing the sewer connections will not change the land use designation and further development would be limited by the existing county zoning and a restrictive covenant(s) proposed as a condition of approval as described in Section E of this document.

E. RECOMMEDATION AND CONDITION OF APPROVAL

Staff recommends that the Lane County Planning Commission approve this “reasons” goal exception to Statewide Planning Goal 11, to allow the extension of and connection of specific rural properties to the sewer services provided by Junction City; and an amendment to the Lane County Rural Comprehensive Plan, Goal 11, consistent with the above proposal.

Staff further recommends that, as a condition of approval and prior to connection to sewer service as allowed pursuant to this proposal, if granted, the following restrictive covenant(s) to be signed by owners of the properties included within this exception area:

An exception to statewide planning goal 11, Public facilities and Services, has been approved for the subject property to allow extension of sewer service outside of an urban growth boundary. Public sewer connection is available only for allowable existing uses in the existing underlying zoning district and cannot be used to justify further land division or up-zoning while the subject property is located outside the urban growth boundary.

JUNCTION CITY SEPTIC RESEARCH REQUEST
EXHIBIT A
2/1/2010

OWA ID	Property Owner	Tax ID	Address	Mailing Address (if different)	Septic Information from IRS file	Lot Size
1	Bryan & Teresa Austin	16-04-08-20-00206	93410 Hwy 99S, Junction City, OR 97448		No septic records. 1912 SFD	1.53
2	Neil Bertelsen	16-04-08-20-00400	93300 Hwy 99S, Junction City, OR 97448		Septic Repair 2004 - Standard system serving remodeled 1900 SFD	38.08
3	Jerry Brown Co	16-04-08-20-00700 & 01600	93244 Hwy 99S, Junction City, OR 97448	PO Box 41390, Eugene, OR 97404	Sand filter system installed 1991 to serve business.	1.97, 0.75
4	Aikon Llc	16-04-08-31-00400	No Site Address	PO Box 2703, Eugene, OR 97402	Vacant	4.72
5	Indar & Heidi L Bhan Living Trust	16-04-08-31-00501, 00600 & 00700	93110 & 93104 Hwy 99S, Junction City OR 97448	PO Box 397, Junction City OR 97448	Septic install 1973 standard system serving remodeled 1930 SFD. Auto repair business.	0.34, 0.56
6	Jeffrey & Cheri Haag	16-04-08-34-00700	93072 Hwy 99S, Junction City OR 97448	27430 8th St, Junction City OR 97448	No septic records. In 1995 a MH replaced original SFD	1.86
7	Steve & Kasha Skiller	16-04-08-34-00801	No Site Address	1273 Rose St, Junction City OR 97448	No septic records. Vacant.	0.2
8	James and Karen Leach	16-04-08-34-00800	93048 Hwy 99S, Junction City OR 97448	385 Timothy St, Junction City OR 97448	No septic records. 1947 SFD	0.6
9	Sharon Richards	16-04-08-34-00900	93042 Hwy 99S, Junction City OR 97448		No septic records. 1942 SFD	1.02
10	Christie Githens	16-04-08-34-01001	93022 Hwy 99S, Junction City OR 97448		No Septic records. 1945 SFD	0.58
11	Vincent Hinton	16-04-08-34-01000	93006 Hwy 99S, Junction City OR 97448	93036 Hwy 99S, Junction City OR 97448	1982 Septic install - Standard w/ capping fill DF. Seving SFD and home occupation bus.	0.99
12	Kenneth & Mary Jamieson	16-04-08-34-01100	92998 Hwy 99S, Junction City OR 97448	1250 Kaimia St, Junction City OR 97448	Septic Repair 1983 - Standard system, serves 1949 SFD	0.49
13	Robert and Anne Jamieson	16-04-08-34-01200 & 01300	92982 & 92988 Hwy 99S, Junction City OR 97448	19492 Kemple Dr, Bend OR 97702	Septic Repair 1980 - Standard system, serves 1949 SFD	0.46
14	Thomas Swearingen	16-04-08-34-01500	92972 Hwy 99S, Junction City OR 97448		No septic records. 1950 SFD	0.44
15	John and Diana Clouston	16-04-08-34-01400	92966 Hwy 99S, Junction City OR 97448		No septic records. 1952 SFD	0.63
16	Dean Kokkeler	16-04-17-00-00300	No Site Address	28780 Jager Ln, Junction City OR 97448	Vacant	129
18	OR Dept of Fish & Wildlife	16-04-17-00-00400 & 02100	92770 Hwy 99S, Junction City OR 97448	3406 Cherry Ave, Salem OR 97303-6422	Vault toilet installed yr 2001 for ODFW	10.04
19	Patricia Hintz	16-04-17-00-01300	92696 Hwy 99S, Junction City OR 97448		No septic records. 1952 SFD	2.9'
20	Frances Coleman	16-04-17-00-01200	92666 Hwy 99S, Junction City OR 97448	435 Cedar St., Junction City, OR 97448	Septic Repair 1981 - Standard System, serves 1948 SFD	2.01

JUNCTION CITY SEPTIC RESEARCH REQUEST

2/1/2010

ROW#	Property Owner	Tax ID	Address	Mailing Address (if different)	Septic information from TRS file	Lot Size
21	William & Renee Hetland	16-04-17-00-01100	92638 Hwy 99S, Junction City OR 97448	31285 SW Willamette Way, Wilsonville, OR 97070	Septic Repair 2002 - Standard system serves 1948 SFD.	2.99
22	Little Lake Property Mgmt	16-04-17-00-01000	92592 Hwy 99S, Junction City OR 97448	18859 Little Lake Rd, Blachly, OR 97412	Sand filter w/ capping fill installed 2006 to serve MH.	8.5
23	Evelyn Neilson	16-04-17-00-01601	29133 Milliron Rd, Junction City OR 97448	5729 Main St. Pmb 256, Springfield, OR 97478	No septic records found. 1937 SFD	5.17
24	Priscilla Parker	16-04-20-00-00400	92424 Hwy 99S, Junction City OR 97448	30371 Lassen Ln, Junction City Or 97448	No septic installation records. Septic tank was replaced in 1974. Seven-unit apt. and one MH. A MH placement permit (BP01-0603 application was denied because septic system capacity judged to be maxed out).	1.53
29	Ronald Defoe	16-04-08-20-00300		90751 Prairie Rd, Eugene OR 97402	No septic records found. 1925 SFD	2.1
30	George & Hazel Neilson	16-04-08-20-00202	93390 Hwy 99S, Junction City OR 97448		No septic records. 1992 SFD?	1.25
31	Bruce Anderson	16-04-20-00-00500600	92380 Hwy 99S, Junction City		Eugene Livestock Auction. Documented failure around 2007. Site visit August 2009 showed no evidence of failure.	4.09/3.55

SFD = Single Family Dwelling
MH = Manufactured Home

NOTE: Information in this table regarding tax lot information (owner, address, etc.) provided by Kay Bork of Junction City. Comments regarding septic systems and lot sizes (highlighted fields) are from Lane County's property files and are provided by the Lane County Subsurface Sanitation Program.



Oregon

Theodore R. Kulongoski, Governor

EXHIBIT B

Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

OTRS 1-800-735-2900

January 28, 2010

Kay Bork
Planning Director
City of Junction City
PO Box 250
Junction City, OR 97448

Dear Ms. Bork:

I am writing this letter to support Junction City's recent proposal to pursue an exception to Statewide Planning Goal 11 within the area south of the city limits and west of Highway 99 in conjunction with the sewer main extension for the new State Correctional Facility and Hospital.

We understand that the proposed exception area includes several existing parcels that are located on soils with high water tables that are not conducive to the successful operation of onsite septic systems. The Eugene Livestock Auction is located in the proposed exception area and this facility has been experiencing problems with their septic system since at least 2003. Failing septic systems are considered public health hazards and the connection to Junction City's sewer system would eliminate this problem and provide a permanent solution.

Several of the existing parcels are located in the Southern Willamette Valley Groundwater Management Area. One of the sources of nitrogen contamination in the Management Area is from septic systems. Connecting these homes and businesses to Junction City's sewer system would eliminate their septic systems as a source of nitrogen contamination and take us one step closer to protecting the groundwater in the area.

I look forward to the success of Junction City's proposal. If you have any questions regarding this letter please feel free to call me at (541) 687-7331 or toll free in Oregon at (800) 844-8467 extension 7331.

Sincerely,

Michael E. Kucinski
Manager, Water Quality/Onsite

cc: Mary Camarata, DEQ - Eugene
Jon Jinnings, DLCD - Bend

EXHIBIT C

SETTLEMENT AGREEMENT

This Settlement Agreement (this "Agreement") is made and entered into as of December 8, 2009 by and among the following parties to this Agreement (the "Parties"): BRUCE ANDERSON, KATE GARVEY, EUGENE LIVESTOCK AUCTION, INDAR BHAN, HEIDI BHAN, ISLAND FENCE & WINDOW GUARD, INC., JEFF HAAG, JAMES LEACH, KAREN LEACH, GEORGE NIELSEN, HAZEL NIELSEN, BRYAN AUSTIN, TERESA AUSTIN, LANE TRUCK BODY, INC., KENNETH D. JAMIESON, MARY E. JAMIESON, ROBERT JAMIESON, ANNE JAMIESON, DAVE THEOPHANES and SHARON RICHARDS (the "Westiders"), and CITY OF JUNCTION CITY (the "City").

RECITALS

- A.** In July 2008, the City received a grant from the Department of Land Conservation and Development (the "DLCD") for a new process known as customized periodic review ("Customized Periodic Review"). In October 2008, the City initiated "Phase I" of Customized Periodic Review to evaluate Employment Lands (which includes industrial and commercial lands), create an economic development strategy, and produce an Economic Opportunities Analysis ("EOA") for a 20-year planning period. The City anticipated evaluating Residential Land and creating a local wetlands inventory for a 20-year planning period as part of a second phase, "Phase II" of Customized Periodic Review in the fall of 2009.
- B.** The Westiders are a group of owners of certain real property located along the west side of Highway 99 South, near the corporate limits of Junction City, Oregon. The Westiders own the property described on the attached Exhibit A (the "Westider Property"), which the Westiders desire to have brought into the City's urban growth boundary (the "UGB").
- C.** City staff provided the Planning Commission and the City Council with two options for completing Phase I. The first option ("Option 1") was to adopt the EOA that included assumptions that would likely foreclose the possibility of the Westider Property being brought into the UGB in the near future. The Westiders strongly opposed the adoption of Option 1. City staff recommended the adoption of an alternative option ("Option 2"), which bifurcated the Employment Land EOA to include analysis generally of only industrial land (i.e., State property and the Grain Millers property on the east side of Highway 99 South), and moved adoption of assumptions for commercial land (to which the Westiders objected) to Phase II.
- D.** In the proceedings with the Planning Commission and the City Council, the Westiders advocated the adoption of a third option ("Option 3") which would have required the City to re-evaluate the objected to assumptions regarding commercial land and complete the commercial land analysis for the EOA as part of Phase I, prior to submitting an application for a UGB expansion to Lane County.
- E.** Ultimately, the City Council approved "Option 2" and applied to Lane County for co-adoption of its Comprehensive Plan amendments and UGB expansion, pursuant to "Option 2".

The City's Phase I application included only industrial lands (i.e., State property and the Grain Millers property on the east side of Highway 99 South).

F. The Westsiders have publically opposed "Option 2" since the City's adoption of "Option 2." However, to date, the Westsiders have not filed formal objections to the DLCD.

G. The parties desire to fully and finally resolve and settle their differences regarding the City's decision to move forward with "Option 2" with Lane County and the State of Oregon. Therefore, the parties enter into this Agreement subject to the terms and conditions set forth herein.

H. It is contemplated that in order to resolve and settle their differences, the City will initiate and complete Phase II of Customized Periodic Review. As part of Phase II, the City will re-evaluate the commercial land needs and associated assumptions regarding infill and redevelopment based on local and regional trends and will reevaluate the EOA for commercial land needs based on those newly evaluated assumptions (i.e. the "Commercial Lands Portion" of Phase II).

I. The parties acknowledge that, currently the surest way for a property to connect to water and sewer urban services is to be located within an acknowledged UGB or a special district. Extraterritorial extensions require either a health hazard declaration from DEQ or an exception to Goal 11. The parties understand the Westsiders' primary desire is to connect to the City's sewer and water systems through inclusion within the City's UGB, rather than through inclusion within a special district, a health hazard declaration, or Goal 11 exception.

AGREEMENT

NOW, THEREFORE, based upon the foregoing Recitals which are hereby incorporated into this Agreement and other good and valuable consideration, the parties agree as follows:

1. **City's Option 2.** The Westsiders hereby agree not to further oppose or to encourage third parties to oppose Lane County's co-adoption of "Option 2." The Westsiders agree not to appeal or encourage third parties to appeal any approval of "Option 2" to the Land Conservation and Development Commission ("LCDC") or the Oregon Court of Appeals. The parties understand that the parties cannot control third parties and that third parties may, on their own initiative, oppose the co-adoption of "Option 2."

2. **Timely Completion of Phase II.**

(a) The City agrees that, subject to the DLCD approval, it will initiate Phase II by February 15, 2010, and shall use reasonable efforts to complete Phase II by March 15, 2011.

(b) The City agrees to initiate data collection for the Commercial Lands Portion of Phase II by January 15, 2010. The City will complete the Commercial Lands Portion of Phase II at the City's expense should the DLCD not fund any or all of Phase II. Should the City not

2 - SETTLEMENT AGREEMENT

H:\J\David Clynne\Planning\CPR\FINAL Settlement Agreement - CHC - 120909.doc

initiate or complete the other portions of Phase II (i.e. Residential lands, wetlands, etc.), the City shall complete the Commercial Lands Portion and prepare findings, conduct public hearings, and submit an application for co-adoption to Lane County for the UGB expansion for commercial lands, if an expansion is needed.

(c) The City agrees to separate the Urban Reserves analysis from the Phase II Urban Growth Boundary Alternatives Analysis and will identify expansion areas and submit an application to Lane County for co-adoption of amended Comprehensive Plan provisions and any associated UGB expansion prior to designating areas for Urban Reserves.

3. Phase II Process.

(a) The parties know and understand that the City legally cannot guarantee that all or any portion of the Westsider Property will ultimately be brought into the UGB following the completion of Phase II.

(b) The parties know and understand that the Westsiders retain the right to use any and all legal efforts to influence the outcome of Phase II, subject to the statewide planning goals, statutes and regulations that govern UGB expansions, to bring the Westsider Property into the UGB. The Westsiders further retain the right collectively or individually to challenge and appeal the assumptions, conclusions, background documents, processes and ordinances that ultimately result from the Phase II process.

(c) The City agrees to adopt a resolution prior to Lane County's co-adoption of "Option 2," that states in substance that the City wishes to recapture the expenditure of City funds for the construction of new water and wastewater facilities that are planned to be constructed as part of the location of the State Prison and Hospital ("New Infrastructure") by adding connections to maximize the capacity of the New Infrastructure. Such connections shall be to properties naturally capable of being served by the New Infrastructure, in accordance with applicable state laws and within the New Infrastructure capacity. Furthermore, the City wishes to remedy any documented groundwater contamination or septic failure problems located at the southwest corner of the intersection of Highway 99 South and Milliron Road, specifically on the property currently owned and operated by the Eugene Livestock Auction.

(d) The City agrees to hire an independent facilitator to organize, lead and facilitate the Phase II process under the direction of the City Council.

4. State Property Land Use. The City agrees that the State owned property that is currently planned to be used for a state mental hospital and a state prison (the "State Property") will be designated as "Public Land" under the City's comprehensive plan and zoned "Public Land" under the City's zoning ordinance either prior to concurrent with the Prison property being annexed to the City. The parties understand that the Westsiders desire is to have the Lane County Board of Commissioners' to condition approval of "Option 2" upon this redesignation and rezone of the State Property.

5. **Construction.** The parties acknowledge that the form of this Agreement is the result of negotiation between the parties and that this Agreement shall not be construed against any of the parties as the drafter.

6. **Amendments.** This Agreement may be amended only by an instrument in writing executed by all parties.

7. **Headings.** The headings used in this Agreement are solely for convenience of reference, are not a part of this Agreement, and are not to be considered and construed in interpreting this Agreement.

8. **Waiver.** Any provision of this Agreement may be waived only by a written instrument executed by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision.

9. **Binding Effect.** This Agreement shall be binding on and inure to the benefit of the parties, and their respective successors, personal representatives, successors and assigns.

10. **Notices.** Any notice or communication required or permitted to be given under the terms of this Agreement, or by law, shall be in writing and shall be given by personal delivery or certified mail, directed to the parties at the following addresses, or such other address as any party may designate in writing prior to the time of giving such notice:

If to the Westsiders: Jeff Haag
27430 8th Street
Junction City, Oregon 97448

With a copy to: Arnold Gallagher Percell Roberts & Potter, P.C.
ATTENTION: Micheal M. Reeder
800 Willamette Street, Suite 800
Eugene, Oregon 97401

If to the City: Local Government Law Group P.C.
A Member of Speer Hoyt LLC
ATTENTION: Carolyn H. Connelly
975 Oak Street, Suite 700
Eugene, Oregon 97401

11. **Exhibits.** The exhibits referenced in this Agreement are part of this Agreement as if fully set forth herein.

12. **Entire Agreement.** This Agreement (including the exhibits) sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes

any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter.

13. **No Admission.** It is understood and agreed between the parties that this is a settlement by compromise of disputed claims. It is understood and agreed that nothing contained in this Agreement shall be construed as an admission of liability.

THE WESTSIDERS:

<u>Bruce Anderson</u> 12/14/09 Bruce Anderson	Eugene Livestock Auction
<u>Kate Garvey</u> Kate Garvey	By: <u>Bruce Anderson</u> Name: <u>Bruce Anderson</u> Title: <u>President</u>
<u>Indar Bhan</u> Indar Bhan	Island Fence & Window Guard, Inc.
<u>Heidi Bhan</u> Heidi Bhan	By: <u>Indar Bhan</u> Name: <u>INDAR BHAN</u> Title: <u>President</u>
<u>Jeff Mang</u> 12/12/09 Jeff Mang	Lane Truck Body, Inc.
<u>James Leach</u> 12-14-09 James Leach	By: <u>Nancy E. Jamieson</u> Name: <u>Lane Truck body</u> Title: <u>pres</u>
<u>Karen Leach</u> 12-14-09 Karen Leach	<u>Kenneth D. Jamieson</u> Kenneth D. Jamieson
<u>George Neilsen</u> 12-14-09 George Neilsen	<u>Mary E. Jamieson</u> Mary E. Jamieson
<u>Hazel Nielsen</u> 12-14-09 Hazel Nielsen	<u>Robert Jamieson</u> Robert Jamieson

Bryan Aust 12/14/09
Bryan Austin

Anne Jamieson

Teresa Austin 12/14/09
Teresa Austin

Dave Theophanes 12/14/09
Dave Theophanes

Sharon Richards 12/14/09
Sharon Richards

CITY:
City of Junction City

By: [Signature]
Name: DAVID CLYNE
Title: CITY ADMINISTRATOR

any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter.

13. **No Admission.** It is understood and agreed between the parties that this is a settlement by compromise of disputed claims. It is understood and agreed that nothing contained in this Agreement shall be construed as an admission of liability.

THE WESTSIDERS:

Bruce Anderson

Kate Garvey

Indar Bhan

Heidi Bhan

Jeff Haag

James Leach

Karen Leach

George Neilsen

Hazel Nielsen

Eugene Livestock Auction

By: _____
Name: _____
Title: _____

Island Fence & Window Guard, Inc.

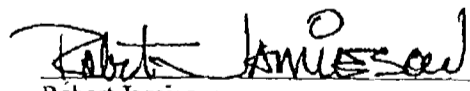
By: _____
Name: _____
Title: _____

Lane Truck Body, Inc.

By: _____
Name: _____
Title: _____

Kenneth D. Jamieson

Mary E. Jamieson



Robert Jamieson

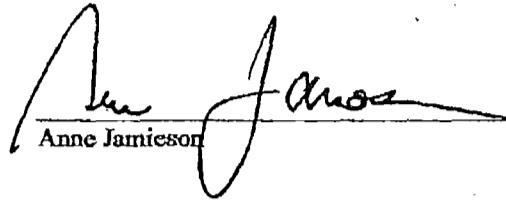
5 - SETTLEMENT AGREEMENT

HD 1:U:\civ:\robertjamieson\Desktop\FINAL Settlement Agreement - CHC - 120909.doc

Bryan Austin

Teresa Austin

Sharon Richards



Anne Jamieson

Dave Theophanes

CITY:
City of Junction City

By: _____
Name: _____
Title: _____

EXHIBIT A
Westsider Property

NAME & ADDRESS	MAP & TAX LOT	SIZE ACRES	CURRENT USE	ZONING
Bruce Anderson & Kate Garvey 92380 Hwy. 99S Junction City, OR 97488	16-04-20 TL 500	4.09	Eugene Livestock Auction	RC/CAS
	16-04-20 TL 600	3.55	Eugene Livestock Auction	RC/CAS
Indar & Heidi Bhan 93114 Hwy. 99S Junction City, OR 97448	16-04-08-31 TL 501	.56	Island Fence & Window Guard, Inc. (IF&WG, Inc.)	RC/CAS
	16-04-08-31 TL 600	.34	IF&WG, Inc.	RR5/CAS
	16-04-08-31 TL 700	.51	IF&WG, Inc.	RR5/CAS
	16-04-08-31 TL 500	.03	IF&WG, Inc.	RC/CAS
Jeff Haag 93072 Hwy. 99S Junction City, OR 97448	16-04-08-34 TL 700	1.86	Single Family Housing and Aircraft Storage	RR5/CAS
James & Karen Leach 93048 Hwy. 99S Junction City, OR 97448	16-04-34 TL 800	.6	Single Family Housing and Shop	RR5/CAS
George I. & Hazel I. Nielsen 93390 Hwy. 99S Junction City, OR 97448	16-04-08-20 TL 200	11.96	Vacant & Agriculture	E40/CAS
	16-04-08-20 TL 202	1.25	Single Family Housing	E40/CAS
	16-04-08-20 TL 203	.42	Vacant	RI/CAS
	16-04-08-20 TL 204	1.40	Vacant	E40/CAS
Bryan & Teresa Austin 93410 Hwy 99S Junction City, OR 97448	16-04-08-20 TL 208	1.53	Single Family Housing	E40/CAS
Gary C. Banton 92410 Hwy. 99S Junction City, OR 97448	16-04-20 TL 300	.92	Lane Truck Body, Inc.	RC/CAS

1 - EXHIBIT A to SETTLEMENT AGREEMENT

N:\F - J\Haag, Jeff 16892\UGB Expansion 16892-1\Settlement Agreement\FINAL Settlement Agreement - CHC - 120909 + Exhibit A.doc

NAME & ADDRESS	MAP & TAX LOT	SIZE ACRES	CURRENT USE	ZONING
Kenneth D. & Mary E. Jamieson 1250 Kalmia St. Junction City, OR 97448	16-04-08-34 TL 1100	.50	Single Family Housing 92998 Hwy 99S	RC/CAS
Robert & Anne Jamieson 19492 Kemple Dr. Bend, OR 97702	16-04-08-34 TL 1200	.50	Single Family Housing 92982 Hwy 99S	RC/CAS
	16-04-08-34 TL 1300	.50	Single Family Housing 92982 Hwy 99S	RC/CAS
Dave Theophanes & Sharon Richards 93042 Hwy. 99S 97448	16-04-08-34 TL 900	1.01	Single Family Housing	RR5/CAS

2 - EXHIBIT A to SETTLEMENT AGREEMENT

N:\F - JHaag, Jeff 16892\UGB Expansion 16892-1\Settlement Agreement\FINAL Settlement Agreement - CHC - 120909 + Exhibit A.doc

EXHIBIT D

RESOLUTION NO. 1006

A RESOLUTION ADDRESSING BUDGETARY AND ENVIRONMENTAL CONCERNS.

WHEREAS, the City of Junction City is expending significant resources towards the construction of new water and wastewater facilities needed to serve the new State Mental Hospital and Correctional Facilities to be sited in Junction City; and

WHEREAS, the City desires to recover as much of this City investment as possible by maximizing the capacity of this new City infrastructure; and

WHEREAS, the City also desires to stem groundwater contamination caused by substandard individual septic sewage disposal systems; now, therefore

THE CITY OF JUNCTION CITY COUNCIL DOES RESOLVE AS FOLLOWS:

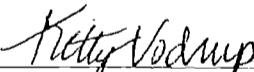
Section 1. The City will encourage new connections of properties that can naturally be served by the City's water and wastewater systems to those systems, in accordance with all applicable law and within those system capacities.

Section 2. The primary goal of encouraging new connections is to maximize the water and wastewater system capacity and collect new connection fees and operating revenues to offset the City's expenditures on those systems. New connections will also promote the City's secondary goal of protecting groundwater from contamination caused by substandard septic sewer systems, as documented by the Department of Environmental Quality (DEQ) or Lane County.

Passed by the Council this 8th day of December 2009.

Approved by the Mayor this 8th day of December 2009.

ATTEST:


Kitty Vodrup, City Recorder

APPROVED:

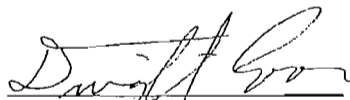
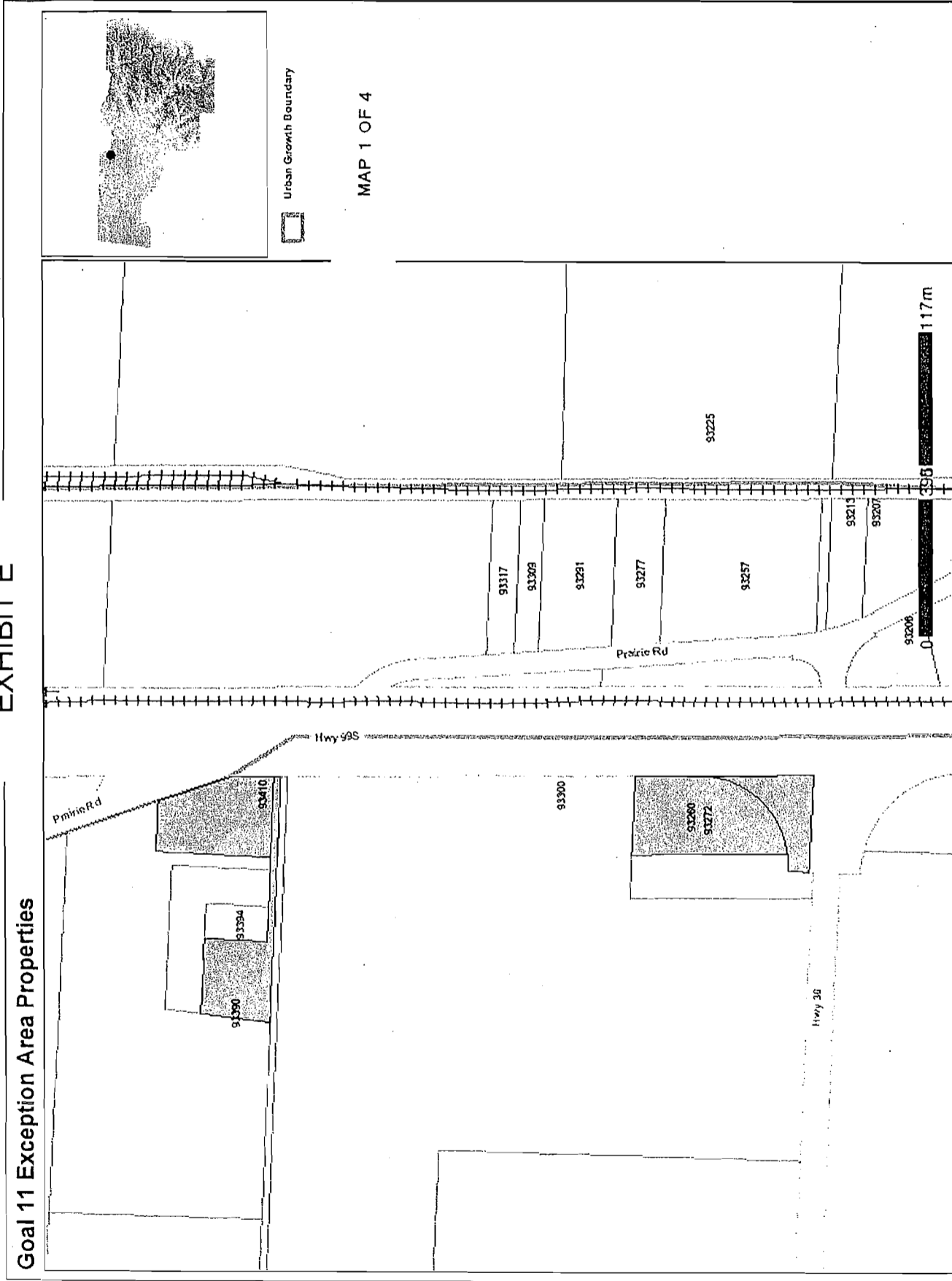
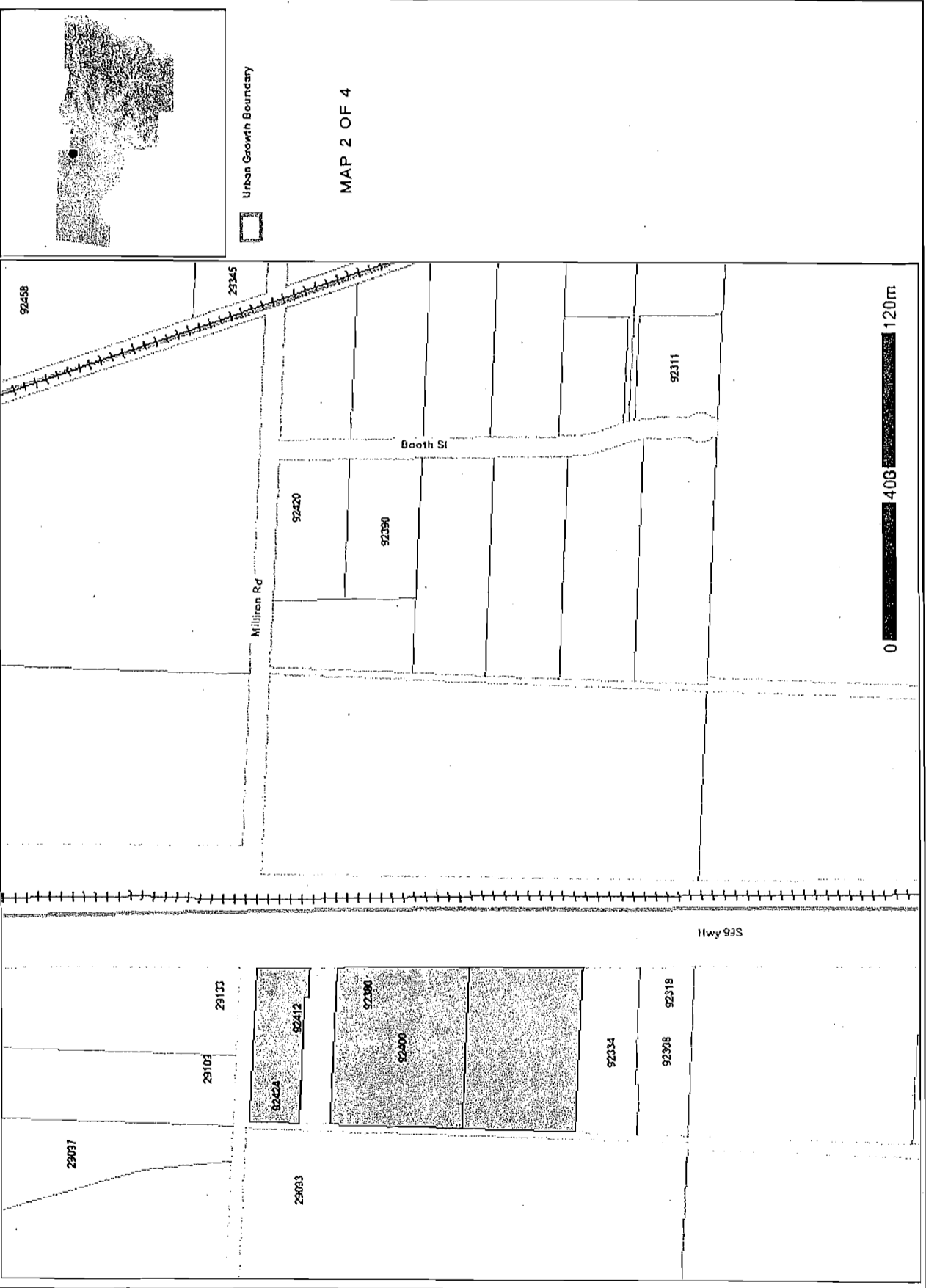

Dwight Coon, Mayor

EXHIBIT E

Goal 11 Exception Area Properties



Goal 11 Exception Area Properties

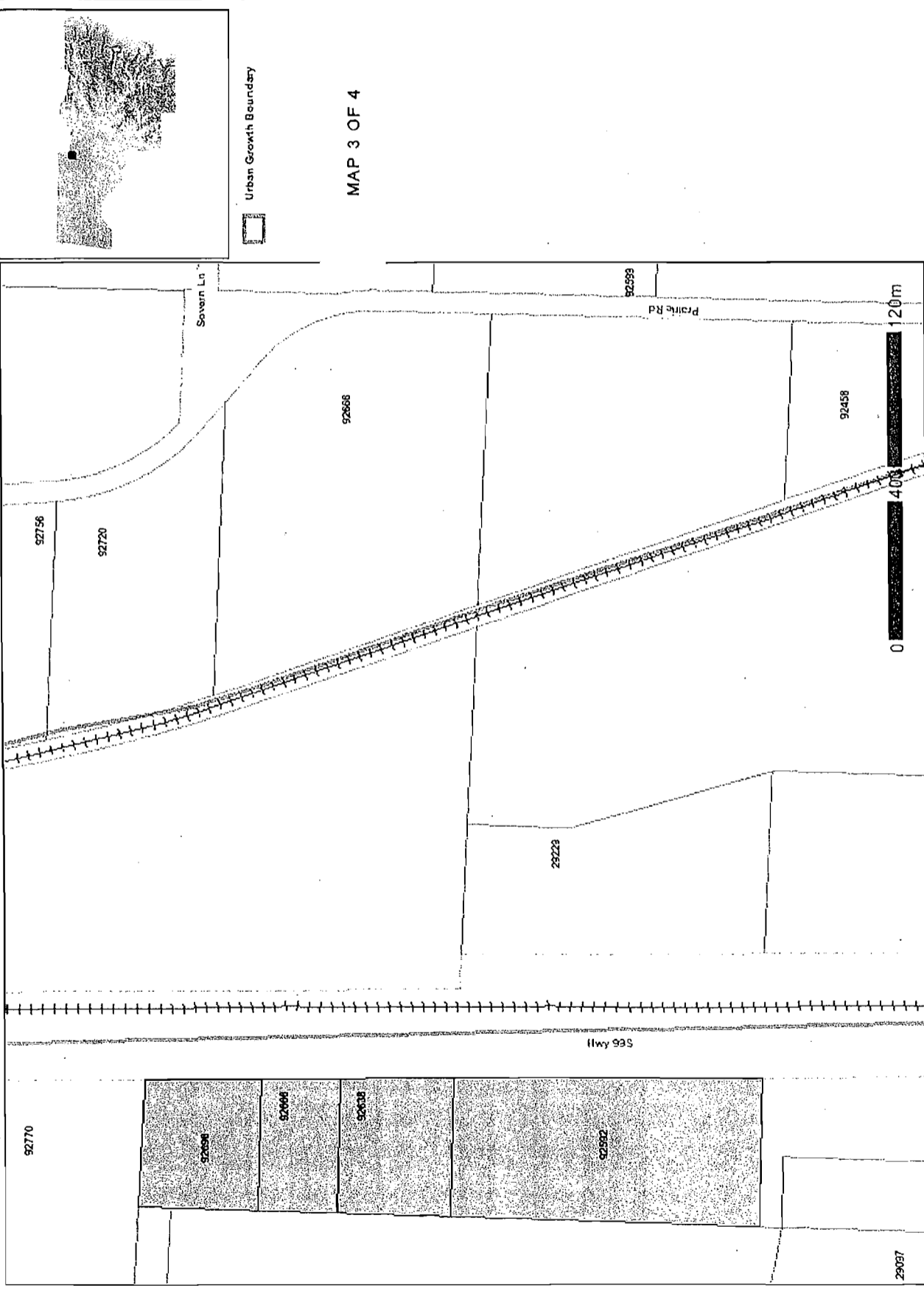


MAP 2 OF 4

Urban Growth Boundary

0 400 120m

Goal 11 Exception Area Properties



Goal 11 Exception Area Properties

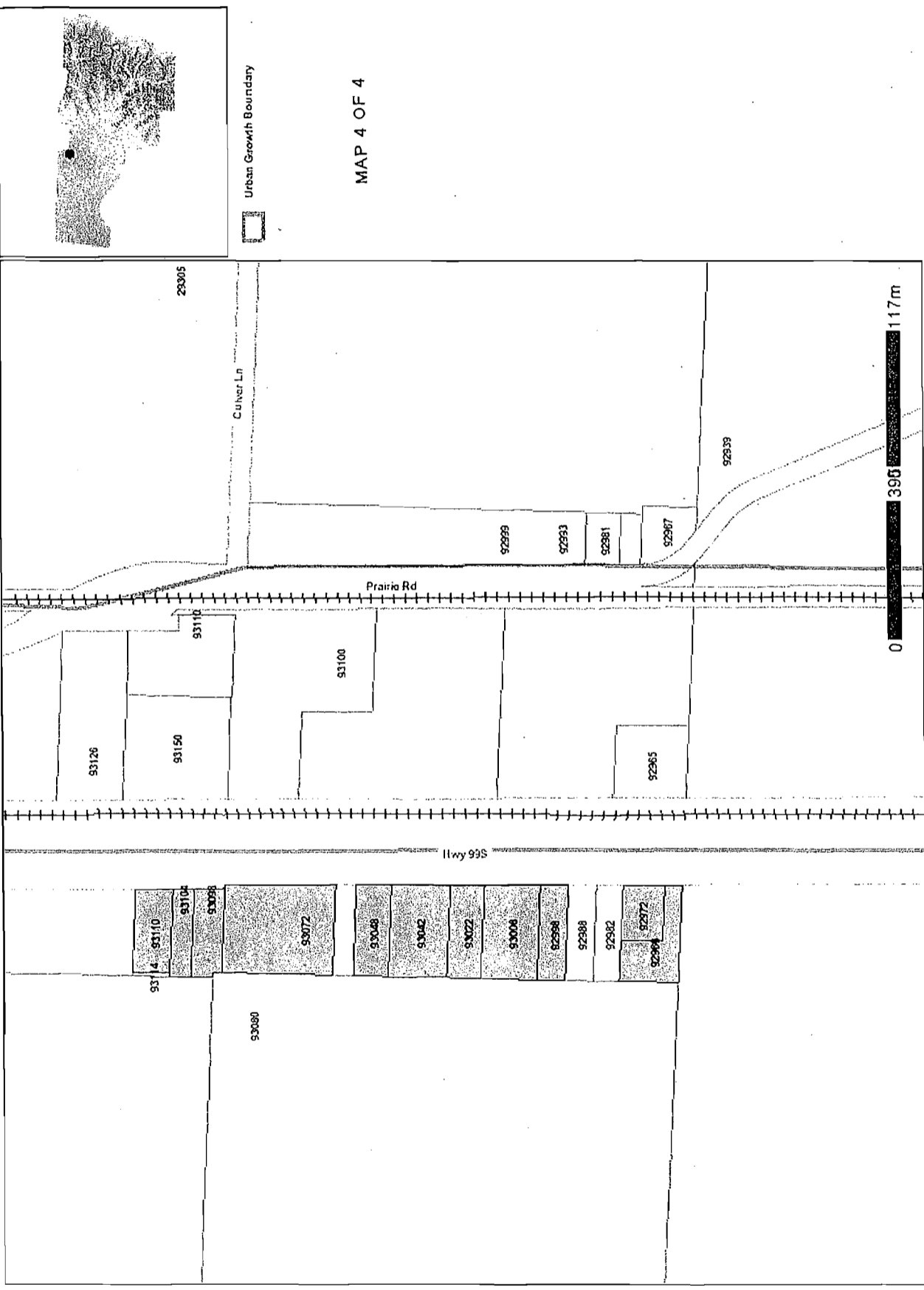


EXHIBIT F

PROPERTIES INCLUDED IN PROPOSED EXCEPTION AREA						
Property Owner	Tax ID	Current Use	County Zoning	Acres	Address	Mailing Address (if different)
1 Bryan & Teresa Austin	16-04-08-20-00206	Single Family Dwelling	EFU	1.53	93410 Hwy 99S, Junction City, OR 97448	
2 Jerry Brown Co	16-04-08-20-00700	Auto Service Station	Rural Commercial	1.97	93244 Hwy 99S, Junction City, OR 97448	PO Box 41390, Eugene, OR 97404
3 Jerry Brown Co	16-04-08-20-01600	Auto Service Station	Rural Commercial	0.75	93244 Hwy 99S, Junction City, OR 97448	PO Box 41390, Eugene, OR 97404
4 Indar & Heidi L Bhan Living Trust	16-04-08-31-00501	Single Family Dwelling	Rural Commercial	0.56	93110 & 93104 Hwy 99S, Junction City, OR 97448	PO Box 397, Junction City, OR 97448
5 Indar & Heidi L Bhan Living Trust	16-04-08-31-00600	Single Family Dwelling	Rural Residential 5	0.34	93110 & 93104 Hwy 99S, Junction City, OR 97449	PO Box 397, Junction City, OR 97449
6 Indar & Heidi L Bhan Living Trust	16-04-08-31-00700	Single Family Dwelling	Rural Residential 5	0.51	93110 & 93104 Hwy 99S, Junction City, OR 97450	PO Box 397, Junction City, OR 97450
7 Jeffrey & Cheri Haag	16-04-08-34-00700	Single Family Dwelling/Aircraft Storage	Rural Residential 5	1.86	93072 Hwy 99S, Junction City, OR 97448	27430 8th St, Junction City, OR 97448
8 James and Karen Leach	16-04-08-34-00800	Single Family Dwelling/Shop	Rural Residential 5	0.6	93048 Hwy 99S, Junction City, OR 97448	385 Timothy St, Junction City, OR 97448
9 Sharon Richards	16-04-08-34-00900	Single Family Dwelling	Rural Residential 5	1.02	93042 Hwy 99S, Junction City, OR 97448	
10 Christie Githens	16-04-08-34-01001	Single Family Dwelling	Rural Residential 5	0.58	93022 Hwy 99S, Junction City, OR 97448	
11 Vincent Hinton	16-04-08-34-01000	American Pride Glass	Rural Commercial	0.99	93006 Hwy 99S, Junction City, OR 97448	93036 Hwy 99S, Junction City, OR 97448
12 Kenneth & Mary Jamieson	16-04-08-34-01100	Single Family Dwelling	Rural Commercial	0.49	92998 Hwy 99S, Junction City, OR 97448	1250 Kalmia St, Junction City, OR 97448
13 Robert and Anne Jamieson	16-04-08-34-01200	Single Family Dwelling	Rural Commercial	0.5	92982 & 92988 Hwy 99S, Junction City, OR 97448	19492 Kemple Dr, Bend, OR 97702
14 Robert and Anne Jamieson	16-04-08-34-01300	Single Family Dwelling	Rural Commercial	0.46	92982 & 92988 Hwy 99S, Junction City, OR 97448	19492 Kemple Dr, Bend, OR 97702
15 Thomas Swearingen	16-04-08-34-01500	Single Family Dwelling	Rural Residential 5	0.44	92972 Hwy 99S, Junction City, OR 97448	
16 John and Diana Clouston	16-04-08-34-01400	Single Family Dwelling	Rural Residential 5	0.63	92966 Hwy 99S, Junction City, OR 97448	
17 Patricia Hintz	16-04-17-00-01300	Single Family Dwelling	Rural Residential 5	2.91	92698 Hwy 99S, Junction City, OR 97448	
18 Frances Coleman	16-04-17-00-01200	Single Family Dwelling	Rural Residential 5	2.01	92666 Hwy 99S, Junction City, OR 97448	435 Cedar St, Junction City, OR 97448
19 William & Renee Heiland	16-04-17-00-01100	Single Family Dwelling	Rural Residential 5	2.99	92638 Hwy 99S, Junction City, OR 97448	31285 SW Willamette Way, Wilsonville, OR 97070
20 Little Lake Property Mgmt	16-04-17-00-01000	Mobile Home not in Park	Rural Industrial	8.55	92592 Hwy 99S, Junction City, OR 97448	18859 Little Lake Rd, Blachly, OR 97412
21 Priscilla Parker	16-04-20-00-00400	Mobile Home not in Park	Rural Commercial	1.53	92424 Hwy 99S, Junction City, OR 97448	30371 Lassen Ln, Junction City, OR 97448
22 George & Hazel Neilson	16-04-08-20-00202	Single Family Dwelling	EFU/40	1.25	93390 Hwy 99S, Junction City, OR 97448	
23 Bruce Anderson	16-04-20-00-00500	Wholesale	Rural Commercial	4.09	92380 Hwy 99S, Junction City	
24 Bruce Anderson	16-04-20-00-00600	Livestock Wholesale	Rural Commercial	3.55	92380 Hwy 99S, Junction City	

40.11

Source: Current Use/Zoning: Regional Land Information Database. All Parcels inside Commercial Airport Safety Overlay Zone

EXHIBIT F

PROPERTIES INCLUDED IN PROPOSED EXCEPTION AREA						
Property Owner	Tax ID	Current Use	County Zoning	Acres	Address	Mailing Address (if different)
1 Bryan & Teresa Austin	16-04-08-20-00206	Single Family Dwelling	EFU	1.53	93410 Hwy 99S, Junction City, OR 97448	
2 Jerry Brown Co	16-04-08-20-00700	Auto Service Station	Rural Commercial	1.97	93244 Hwy 99S, Junction City, OR 97448	PO Box 41390, Eugene, OR 97404
3 Jerry Brown Co	16-04-08-20-01600	Auto Service Station	Rural Commercial	0.75	92244 Hwy 99S, Junction City, OR 97448	PO Box 41390, Eugene, OR 97404
4 Indar & Heidi L. Bhan Living Trust	16-04-08-31-00501	Single Family Dwelling	Rural Commercial	0.56	93110 & 93104 Hwy 99S, Junction City OR 97448	PO Box 397, Junction City OR 97448
5 Indar & Heidi L. Bhan Living Trust	16-04-08-31-00600	Single Family Dwelling	Rural Residential 5	0.34	93110 & 93104 Hwy 99S, Junction City OR 97449	PO Box 397, Junction City OR 97449
6 Indar & Heidi L. Bhan Living Trust	16-04-08-31-00700	Single Family Dwelling	Rural Residential 5	0.51	93110 & 93104 Hwy 99S, Junction City OR 97450	PO Box 397, Junction City OR 97450
7 Jeffrey & Cheri Haag	16-04-08-34-00700	Dwelling/Aircraft Storage	Rural Residential 5	1.86	93072 Hwy 99S, Junction City OR 97448	27430 8th St, Junction City OR 97448
8 James and Karen Leach	16-04-08-34-00800	Single Family Dwelling/Shop	Rural Residential 5	0.6	93048 Hwy 99S, Junction City OR 97448	385 Timothy St, Junction City OR 97448
9 Sharon Richards	16-04-08-34-00900	Single Family Dwelling	Rural Residential 5	1.02	93042 Hwy 99S, Junction City OR 97448	
10 Christie Githens	16-04-08-34-01001	Single Family Dwelling	Rural Residential 5	0.58	93022 Hwy 99S, Junction City OR 97448	
11 Vincent Hinton	16-04-08-34-01000	American Pride Glass	Rural Commercial	0.99	93006 Hwy 99S, Junction City OR 97448	93036 Hwy 99S, Junction City OR 97448
12 Kenneth & Mary Jamieson	16-04-08-34-01100	Single Family	Rural Commercial	0.49	92998 Hwy 99S, Junction City OR 97448	1250 Kalmia St, Junction City OR 97448
13 Robert and Anne Jamieson	16-04-08-34-01200	Single Family Dwelling	Rural Commercial	0.5	92982 & 92988 Hwy 99S, Junction City OR 97448	19492 Kemple Dr, Bend OR 97702
14 Robert and Anne Jamieson	16-04-08-34-01300	Single Family Dwelling	Rural Commercial	0.46	92982 & 92988 Hwy 99S, Junction City OR 97448	19492 Kemple Dr, Bend OR 97702
15 Thomas Sweatengen	16-04-08-34-01500	Single Family Dwelling	Rural Residential 5	0.44	92972 Hwy 99S, Junction City OR 97448	
16 John and Diana Clouston	16-04-08-34-01400	Single Family Dwelling	Rural Residential 5	0.63	92966 Hwy 99S, Junction City OR 97448	
17 Patricia Hintz	16-04-17-00-01300	Single Family Dwelling	Rural Residential 5	2.91	92696 Hwy 99S, Junction City OR 97448	
18 Frances Coleman	16-04-17-00-01200	Single Family Dwelling	Rural Residential 5	2.01	92666 Hwy 99S, Junction City OR 97448	435 Cedar St., Junction City, OR 97448 31285 SW Willamette Way, Wilsonville, OR 97070
19 William & Renee Heiland	16-04-17-00-01100	Single Family Dwelling	Rural Residential 5	2.99	92638 Hwy 99S, Junction City OR 97448	
20 Little Lake Property Mgmt	16-04-17-00-01000	Mobile Home not in Park	Rural Industrial	8.55	92592 Hwy 99S, Junction City OR 97448	18559 Little Lake Rd, Blachly, OR 97412
21 Priscilla Parker	16-04-20-00-00400	Mobile Home not in Park	Rural Commercial	1.53	92424 Hwy 99S, Junction City OR 97448	30371 Lassen Ln, Junction City Or 97448
22 George & Hazel Neilson	16-04-08-20-00202	Single Family Dwelling	EFU/J40	1.25	93390 Hwy 99S, Junction City OR 97448	
23 Bruce Anderson	16-04-20-00-00500	Single Family/Livestock Wholesale	Rural Commercial	4.09	92380 Hwy 99S, Junction City	
24 Bruce Anderson	16-04-20-00-00600	Livestock Wholesale	Rural Commercial	3.55	92380 Hwy 99S, Junction City	

Source: Current Use/Zoning; Regional Land Information Database. All Parcels inside Commercial Airport Safety Overlay Zone 40.11

EXHIBIT G

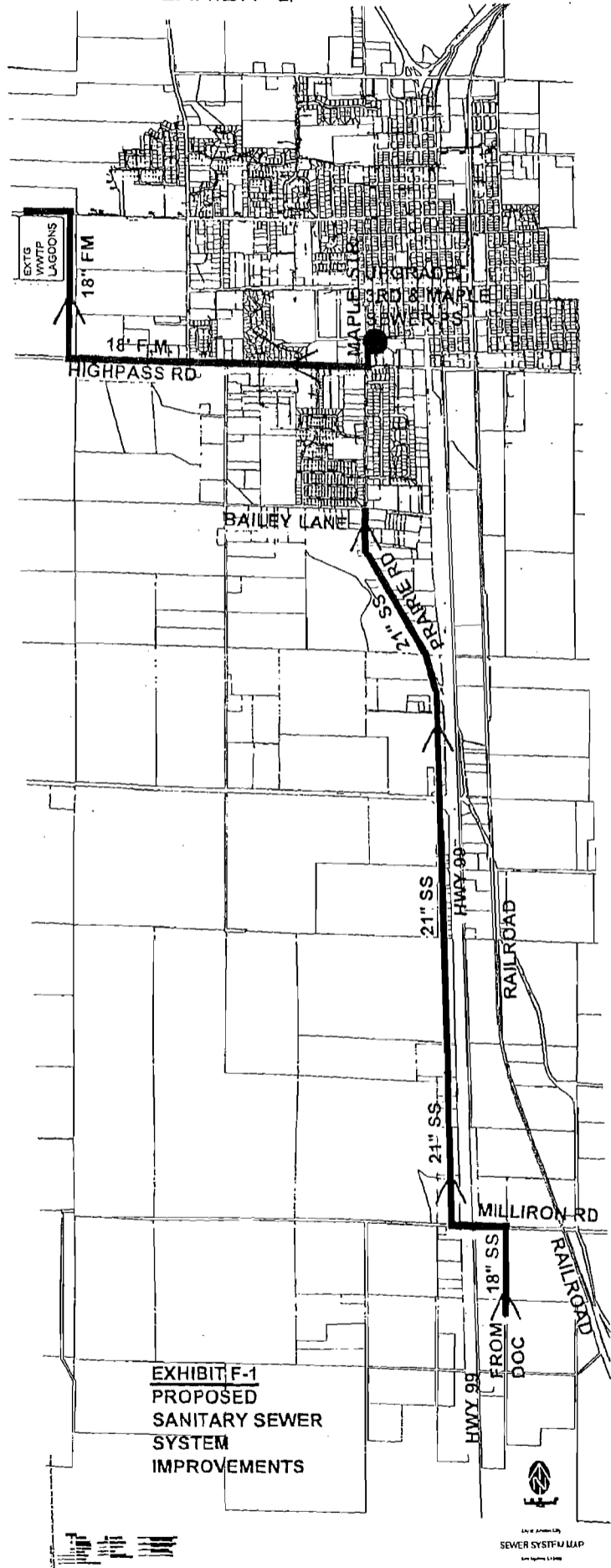
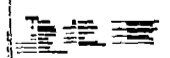
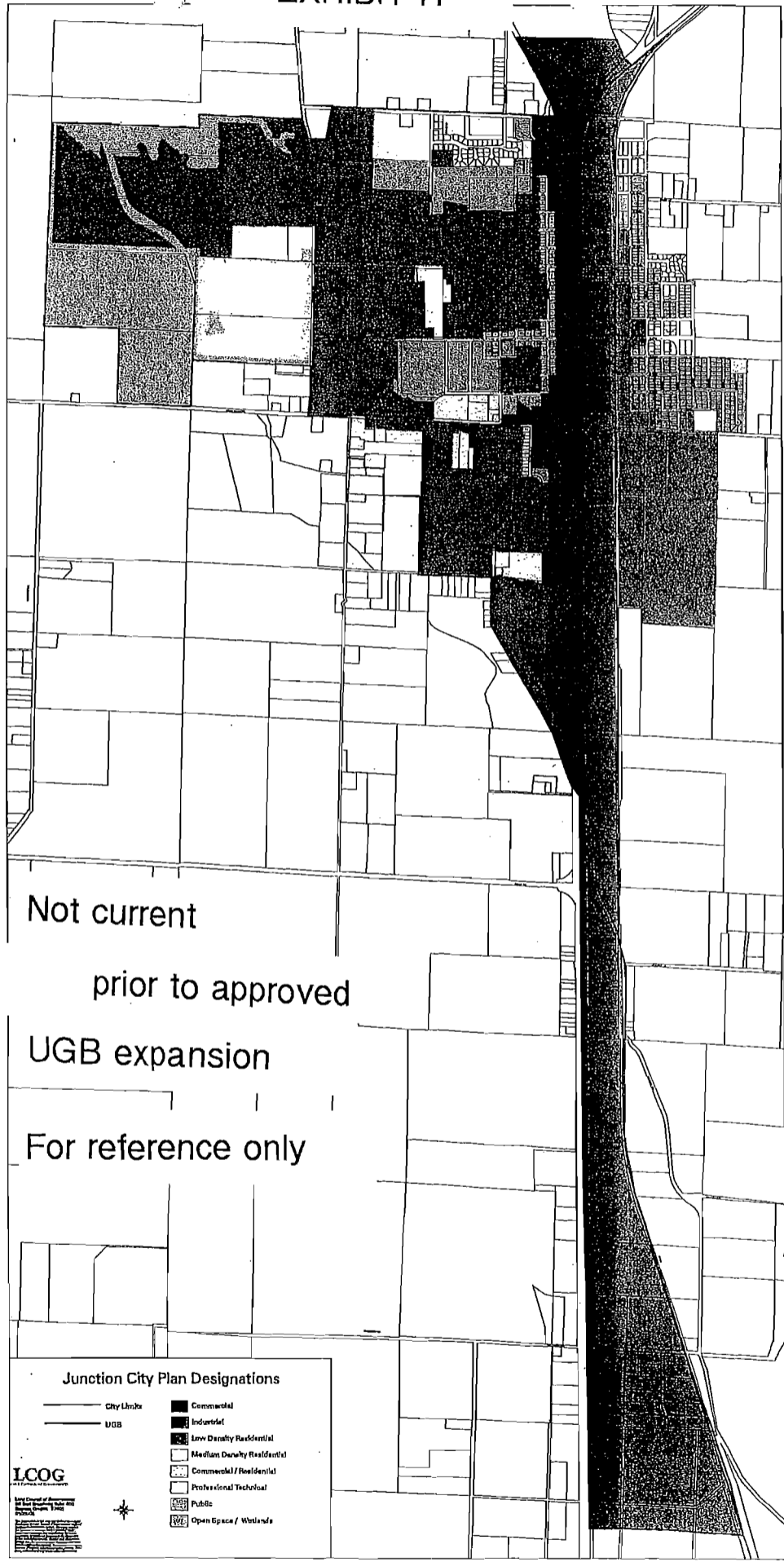


EXHIBIT F-1
PROPOSED
SANITARY SEWER
SYSTEM
IMPROVEMENTS




City of Portland
SEWER SYSTEM MAP
Last Update: 11/2006

EXHIBIT H



PUBLIC WORKS DEPARTMENT
AND MANAGEMENT DIVISION
15 EAST 8TH AVENUE
JEGENE, OREGON 97401



PLCD
Attention: Plan Amendment Specialist
635 Capital St. NE Ste. 150
Salem, OR 97301-2540



PRESORTED
FIRST CLASS

