



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 26, 2016  
Jurisdiction: City of Lafayette  
Local file no.: LA 2016-01  
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/22/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-16 {24217}

Received: 4/22/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Lafayette

Local file no.: **LA 2016-01**

Date of adoption: 4/14/16

Date sent: 4/22/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/13/16

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jim Jacks

Phone: 503 540-1619

E-mail: [jjacks@mwwcog.org](mailto:jjacks@mwwcog.org)

Street address: 100 High St. SE, Suite 200

City: Salem

Zip: 97301-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Public Facility Chapter. Goal 11, Public Facilities. Added updated capital improvement project list. Adopted the 2007 Lafayette Water Master Plan by ordinance with the updated CIP list (the Master Plan had previously been adopted in 2007 only by a Resolution).

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

|             |    |                                                       |
|-------------|----|-------------------------------------------------------|
| Change from | to | acres. A goal exception was required for this change. |
| Change from | to | acres. A goal exception was required for this change. |
| Change from | to | acres. A goal exception was required for this change. |
| Change from | to | acres. A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment**including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**If the comprehensive plan map change is an urban reserve**amendmentincluding less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: None.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

March 10, 2016 staff report to the City Council.

**BEFORE THE CITY COUNCIL FOR THE CITY OF  
LAFAYETTE, OREGON**

**An Ordinance Amending the Lafayette )  
Comprehensive Plan's Public Facility )  
Element and Adopting the 2007 Water )  
System Master Plan With an Updated )  
Water Capital Improvement Project List )**

**ORDINANCE NO. 630**

**THE CITY COUNCIL (the "Council") OF THE CITY OF LAFAYETTE, OREGON** (the "City") sat for the transaction of City business on Thursday, April 14, 2016 at 6:30 p.m. at the City Hall.

**WHEREAS**, on February 18, 2016, the Planning Commission met to consider the proposed action regarding Planning File Legislative Amendment 2016-01, an application by the City of Lafayette to amend the Lafayette Comprehensive Plan's Public Facility Element to adopt the 2007 Water System Master Plan and update the water capital improvement project list, conducted a public hearing at which time the public was given full opportunity to be present and heard on the matter, considered the information provided by City staff and the public, and upon deliberation, voted to recommend the City Council approve the proposed amendments; and

**WHEREAS**, on March 10, 2016 and March 31, 2016 the City Council met to consider the proposed action regarding Planning File Legislative Amendment 2016-01, an application by the City of Lafayette to amend the Lafayette Comprehensive Plan's Public Facility Element to adopt the 2007 Water System Master Plan and update the water capital improvement project list, conducted a public hearing at which time the public was given full opportunity to be present and heard on the matter, considered the information provided by City staff and the public, received and considered the recommendation of the Planning Commission and passed a motion adopting the March 31, 2016 staff report and approving the proposed amendments.

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

**Section 1.** The City Council of the City of Lafayette does hereby adopt the staff report to the City Council dated March 10, 2016 and March 31, 2016.

**Section 2.** The City Council of the City of Lafayette does hereby amend the Lafayette Comprehensive Plan's Public Facility Element, Policy 12-5, to read as follows:

**Policies**

- 12-5. The City shall consider the 2016 updated capital improvement project list in the 2007 Water System Master Plan as follows:

| No. | Project                                              | 2007<br>CIP<br>Priority | 2015<br>5 Yr<br>CIP | Original<br>Budget | 2015<br>Adjusted<br>Budget |
|-----|------------------------------------------------------|-------------------------|---------------------|--------------------|----------------------------|
| 1   | Bluebird Spring Waterline                            | 1                       | X                   | \$240,000          | \$150,000                  |
| 2   | Existing Watershed Reservoir Improvements            | 1                       | X                   | \$271,000          | \$350,000                  |
| 3   | Pringle Spring Line Replacement (4")                 | --                      | X                   | --                 | \$90,000                   |
| 4   | Park Well air stripping & well rehabilitation        | --                      | X                   | --                 | \$100,000                  |
| 5   | Regional System through YRWA                         | --                      | X**                 | --                 | \$2,340,000                |
| 6   | Regional System Intertie                             | --                      | X**                 | --                 | \$700,000                  |
| 7   | New 1.0 MG reservoir                                 | 1                       | --                  | --                 | \$2,000,000                |
| 8   | Reservoir to Duniway, Duniway to 11th                | 1                       | --                  | \$1,209,000        | \$1,560,000                |
| 9   | Duniway Road (11th Street to Stoller Road)           | 1                       | --                  | \$139,000          | \$180,000                  |
| 10  | 7th Street Extension (Grant to Monroe)               | 1                       | --                  | \$310,000          | \$270,000                  |
| 11  | 7th Street (Monroe to Madison)                       | 1                       | --                  | \$54,000           | \$70,000                   |
| 12  | Madison Street (7th to 3rd)                          | 1                       | --                  | \$168,000          | \$220,000                  |
| 13  | Market Street (Hwy 99W crossing)                     | 1                       | --                  | \$73,000           | \$60,000                   |
| 14  | Pioneer Drive (Hwy 99W to Pioneer Loop)              | 1                       | --                  | \$30,000           | \$40,000                   |
| 15  | Water Master Plan Update (2020)                      | 2                       | --                  | \$40,000           | \$50,000                   |
| 16  | Pioneer Drive to industrial area (99W & RR crossing) | 3                       | --                  | \$212,000          | \$270,000                  |
| 17  | Convert meters to radio read                         | --                      | --                  | --                 | \$350,000                  |

Total: 20-Year Plan

\$8,800,000

\*\*Partial funding commitment for projects 5 & 6 is expected during the first 5 years.

Based on the 2007 Water Master Plan, a 20-year CIP and Budget.

The 2015 Adjusted Budget column contains estimates, adjusted for inflation.

The 2007 plan costs are based on 2006 dollars with an ENR 20 Cities Index of 7763.

ENR 20 Cities Index for July 2015 is 10037; and the 2015 Inflation Index is 1.29293.

After the first 5 years, the projects are listed in non-priority order.

Project Number notes:

1 - MODIFIED: Remaining section to replace the line from Well 10 to Reservoir with an 8" main. The estimate is for a bid project, but the City Public Works crew may be involved in the installation.

2 - MODIFIED: Additional external improvements have been identified.

- 3 - New project replaces 1,880' of undersized & old pipe. The estimate is for a bid project, but the City Public Works crew may install.
- 4 - New project identified in 2014 as best value investment for increasing existing sources production.
- 5 - Provides access to 10M gallons per month (\$7/gallon x 333,334 gals/day) from YRWA system.
- 6 - Placeholder for future intertie with the YRWA system.
- 7 - MODIFIED: Water Master Plan & Tech. Memo, G. Munro, City Engr., show need for more reservoir capacity. Size reduced from 2.2 mg to 1.0 mg.
- 10 - MODIFIED: Approximately one-third of the project has been completed.
- 13 - MODIFIED: Only the Highway 99 crossing remains for this project.
- 17 - This new project is upgrading existing meters with autoread and system software.

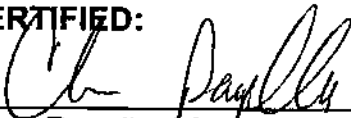
**Section 3.** The City Council of the City of Lafayette does hereby adopt the 2007 Water Master Plan prepared by Westech Engineering, Inc., Salem, OR, as amended in Section 2, above.

**Section 4.** The City Council of the City of Lafayette does here by adopt those certain findings of fact, conclusionary findings and supporting documentation in Exhibit "A" attached hereto and by this reference made a part hereof.

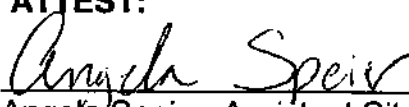
**ADOPTED** by the Lafayette City Council on the 14th day of April, 2016.

**VOTE:** Ayes: 4 Nays: 0 Abstentions: 0 Absent: 1

**CERTIFIED:**

  
Chris Pagella, Mayor

**ATTEST:**

  
Angela Speier, Assistant City Administrator

# City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503) 864-4501



TO: LAFAYETTE CITY COUNCIL

FROM: JIM JACKS, CITY PLANNER, MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

SUBJ: COMPREHENSIVE PLAN - UPDATE 2007 WATER MASTER PLAN PROJECTS  
ORDINANCE 630  
LEGISLATIVE AMENDMENT CASE # LA 2016-01

DATE: APRIL 14, 2016

## PURPOSE

The purpose of LA 2016-01 is to update the Public Facilities portion of the Lafayette Comprehensive Plan by updating Policy 12-5 and updating the capital improvement project (CIP) list set forth in the 2007 Lafayette Water Master Plan. The CIP list is proposed to be included in Policy 12-5 consistent with Oregon Administrative Rule 660-011-0045.

The 2007 Lafayette Water Master Plan was adopted by the City Council per Resolution 2007-03 on February 8, 2007. Legislative Amendment 2016-01 to the Lafayette Comprehensive Plan will adopt the 2007 Lafayette Water Master Plan by ordinance.

## BACKGROUND

On February 8, 2007 the City of Lafayette adopted the 2007 Lafayette Water System Master Plan prepared by Westech Engineering, Inc., Salem, OR, and by this reference it is entered into the record of the March 31, 2016 City Council public hearing.

Since 2007 several projects in the Master Plan's capital improvement project (CIP) list have been completed and the city has prepared an updated project list.

## REGULATORY FRAMEWORK

The regulatory framework includes the Statewide Planning Goals, Oregon Revised Statutes 197 and Oregon Administrative Rule 660-011.

### Statewide Planning Goals

The regulatory framework within which the 2007 Water System Master Plan is incorporated into the city's comprehensive plan is guided by the Statewide Planning Goals, especially Goal 11, Public Facilities and Services. The goal statement for Goal 11 follows (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.

For LA 2016-01 the public facility addressed is the city's municipal water system.

Goal 11 defines a public facility plan as follows (OAR 660-015-0000(11)):

Public Facilities Plan – A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plan or plans within an urban growth boundary containing a population greater than 2,500.

For LA 2016-01 the public facilities plan addressed is the 2007 Water System Master Plan with the 2016 list of updated capital improvement projects.

### Oregon Revised Statute 197, Comprehensive Land Use Planning

The regulatory framework includes Oregon Revised Statute (ORS) 197, especially 197.712 which follows-up Goal 11 with statutory language requiring cities to develop and adopt public facility plans. ORS 197.712 states in part:

**197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules.**

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

For LA 2016-01 the city has developed and will adopt as a support document the 2007 Water System Master Plan, and it will adopt the 2016 list of updated capital improvement projects into the Public Facilities portion of the Lafayette Comprehensive Plan.

The 2007 Water System Master Plan and the 2016 list of updated capital improvement projects includes rough cost estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the comprehensive plan and land use regulations.

ORS 197.712(2)(e) makes it clear that "Project timing and financing provisions of public facility plans shall not be considered land use decisions." The city's future decisions as to when to construct a project, how to fund it and its funding level are not subject to land use control. For example, even though the 2007 Water System Master Plan includes timeframes and rough cost estimates, the Plan does not commit the Budget Committee to recommend, nor the City Council to fund, a particular project for a specific fiscal year.

### Oregon Administrative Rule, Public Facilities Planning

The regulatory framework includes Oregon Administrative Rule (OAR) 660-011, Public Facilities Planning which follows-up Goal 11 and ORS 197 with language requiring cities to develop and adopt public facility plans.

OAR 660-011-0000, Purpose, states in part:

The purpose of this division is to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement ORS 197.712(2)(e), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11.

OAR 660-011-0005, Definitions, defines certain terms and defines Public Facility Plan as follows:

(1) "Public Facilities Plan": A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan, as specified in OAR 660-11-045. [Adoption and Amendment Procedures for Public Facility Plans -- see findings section below]

OAR 660-011-0005(8) also defines Land Use Decisions consistent with Goal 11 and ORS 197.712(2)(e) as follows:

(8) "Land Use Decisions": In accordance with ORS 197.712(2)(e), project timing and financing provisions of public facility plans shall not be considered land use decisions as specified under ORS .015(10).

As indicated above, the city's future decisions as to when to construct a project, how to fund it and its funding level are not subject to land use appeals.

## SUMMARY OF PROPOSED CHANGES

The proposed changes are to Policy 12-5 of the Lafayette Comprehensive Plan (#1 below) and to update the list of capital improvement projects in Chapter 7 of the 2007 Lafayette Water System Master Plan (#'s 2 and 3 below).

1. The Public Facilities portion of the Lafayette Comprehensive Plan, Policy 12-5, is proposed to be updated to include the 2016 capital improvement project list.

Proposed deletions are shown in ~~strikeout~~ and additions are shown in **bold underlining**.

### **Policies**

12-5. The City shall consider the **2016 updated** capital improvement plan **project list** in the 2007 Water System Master Plan, ~~Section 7.1.2, p. 7-3.~~ **as follows:**

*See next page.*

| <u>No.</u> | <u>Project</u>                                                  | <u>2007</u>     | <u>2015</u> |                     | <u>2015</u>         |
|------------|-----------------------------------------------------------------|-----------------|-------------|---------------------|---------------------|
|            |                                                                 | <u>CIP</u>      | <u>5 Yr</u> | <u>Original</u>     | <u>Adjusted</u>     |
|            |                                                                 | <u>Priority</u> | <u>CIP</u>  | <u>Budget</u>       | <u>Budget</u>       |
| -          |                                                                 |                 |             |                     |                     |
| <u>1</u>   | <u>Bluebird Spring Waterline</u>                                | <u>1</u>        | <u>X</u>    | <u>\$ 240,000</u>   | <u>\$ 150,000</u>   |
| <u>2</u>   | <u>Existing Watershed Reservoir Improvements</u>                | <u>1</u>        | <u>X</u>    | <u>\$ 271,000</u>   | <u>\$ 350,000</u>   |
| <u>3</u>   | <u>Pringle Spring Line Replacement (4")</u>                     | <u>--</u>       | <u>X</u>    | <u>--</u>           | <u>\$ 90,000</u>    |
| <u>4</u>   | <u>Park Well air stripping &amp; well rehabilitation</u>        | <u>--</u>       | <u>X</u>    | <u>--</u>           | <u>\$ 100,000</u>   |
| <u>5</u>   | <u>Regional System through YRWA</u>                             | <u>--</u>       | <u>X**</u>  | <u>--</u>           | <u>\$ 2,340,000</u> |
| <u>6</u>   | <u>Regional System Intertie</u>                                 | <u>--</u>       | <u>X**</u>  | <u>--</u>           | <u>\$ 700,000</u>   |
| <u>7</u>   | <u>New 1.0 MG reservoir</u>                                     | <u>1</u>        | <u>--</u>   | <u>--</u>           | <u>\$ 2,000,000</u> |
| <u>8</u>   | <u>Reservoir to Duniway, Duniway to 11th</u>                    | <u>1</u>        | <u>--</u>   | <u>\$ 1,209,000</u> | <u>\$ 1,560,000</u> |
| <u>9</u>   | <u>Duniway Road (11th Street to Stoller Road)</u>               | <u>1</u>        | <u>--</u>   | <u>\$ 139,000</u>   | <u>\$ 180,000</u>   |
| <u>10</u>  | <u>7th Street Extension (Grant to Monroe)</u>                   | <u>1</u>        | <u>--</u>   | <u>\$ 310,000</u>   | <u>\$ 270,000</u>   |
| <u>11</u>  | <u>7th Street (Monroe to Madison)</u>                           | <u>1</u>        | <u>--</u>   | <u>\$ 54,000</u>    | <u>\$ 70,000</u>    |
| <u>12</u>  | <u>Madison Street (7th to 3rd)</u>                              | <u>1</u>        | <u>--</u>   | <u>\$ 168,000</u>   | <u>\$ 220,000</u>   |
| <u>13</u>  | <u>Market Street (Hwy 99W crossing)</u>                         | <u>1</u>        | <u>--</u>   | <u>\$ 73,000</u>    | <u>\$ 60,000</u>    |
| <u>14</u>  | <u>Pioneer Drive (Hwy 99W to Pioneer Loop)</u>                  | <u>1</u>        | <u>--</u>   | <u>\$ 30,000</u>    | <u>\$ 40,000</u>    |
| <u>15</u>  | <u>Water Master Plan Update (2020)</u>                          | <u>2</u>        | <u>--</u>   | <u>\$ 40,000</u>    | <u>\$ 50,000</u>    |
| <u>16</u>  | <u>Pioneer Drive to industrial area (99W &amp; RR crossing)</u> | <u>3</u>        | <u>--</u>   | <u>\$ 212,000</u>   | <u>\$ 270,000</u>   |
| <u>17</u>  | <u>Convert meters to radio read</u>                             | <u>--</u>       | <u>--</u>   | <u>--</u>           | <u>\$ 350,000</u>   |

Total: 20-Year Plan

\$ 8,800,000

\*\*Partial funding commitment for projects 5 & 6 is expected during the first 5 years.

Based on the 2007 Water Master Plan, a 20-year CIP and Budget.

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Project Number notes:

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**4 - New project identified in 2014 as best value investment for increasing existing sources production.**

**5 - Provides access to 10M gallons per month (\$7/gallon x 333,334 gals/day) from YRWA system.**

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**7 - MODIFIED: Water Master Plan & Tech. Memo, G. Munro, City Engr., show need for more reservoir capacity. Size reduced from 2.2 mg to 1.0 mg.**

**10 - MODIFIED: Approximately one-third of the project has been completed.**

**13 - MODIFIED: Only the Highway 99 crossing remains for this project.**

**17 - This new project is upgrading existing meters with autoread and system software.**

2. Attachment 1 to this staff report is the old capital improvement project list from page 7-3 of the 2007 Water System Master Plan which will be replaced with the above. It shows Table 7-1 which is the recommended project priorities with estimated costs in two categories, i.e., Priority 1 and Priority 2.

3. Attachment 2 to this staff report is the December 24, 2015 Water System Capital Improvement Project list which is the basis for the above proposed project list.

## **FINDINGS**

1. Plan Amendment LA 2016-01 is a Legislative amendment to the Lafayette Comprehensive Plan.

2. The Lafayette Zoning and Development Ordinance (LZDO), Section 3.101.04, A, Type IV Actions, states a Type IV action must be initiated by City staff, the Planning Commission or the City Council. Case # LA 2016-01 was initiated by City staff. The proposed amendments comply with Section 3.101.04, A.

3. The LZDO, Section 3.207.01, Type IV Actions, states a Type IV action may be initiated by the City Administrator, the Planning Commission or the City Council. Case # LA 2016-01 was initiated by the City Administrator. The proposed amendments to the LZDO comply with Section 3.207.01.

4. Section 3.207.02, A, 1, Type IV Actions, is not applicable as it addresses amendments to the LZDO and the Zoning Map.

5. Section 3.207.02, B, calls for the Planning Commission to make a recommendation to the City Council. On February 8, 2016 the Planning Commission is scheduled to conduct a duly noticed public hearing. At the conclusion of the hearing the Commission is expected to pass a motion with a recommendation to the City Council. The Planning Commission recommendation will meet the requirement of Section 3.207.02, B.

6. Findings related to the Statewide Planning Goals.

Goal 1, Citizen Involvement: The Planning Commission held a work session on January 21, 2016 at the regularly scheduled public meeting. Public hearings on the proposed amendments will be held before the Planning Commission on February 8, 2016 and the City Council on March 31, 2016. The work session and the two public hearings will provide citizen involvement consistent with Statewide Planning Goal 1.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. The adoption action is consistent with the procedures set forth in the acknowledged Lafayette Zoning and Development Ordinance for Type IV actions that amend the text of the Lafayette Comprehensive Plan. The proposed amendment is based on analysis by the City Engineer which resulted in the 2016 updated capital improvement project list. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Not applicable because the proposal does not affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Not applicable because the proposal does not affect Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Not applicable because the proposal does not affect air, water, or land resource quality.

Goal 7, Natural Hazards: Not applicable because the proposal does not affect natural hazards.

Goal 8, Recreational Needs: Not applicable because the proposal does not affect recreation needs.

Goal 9, Economic Development: The proposal may have an indirect effect on economic development through ensuring the city's water system is sufficient to support economic development. Goal 9 is met.

Goal 10, Housing: The proposal may have an indirect effect on the provision of housing through ensuring the city's water system is sufficient to support housing development. Goal 10 is met.

Goal 11, Public Facilities and Services: The proposal has an effect on planning for the city's water system. The proposed amendments will update the 2007 Water System Master Plan's capital improvement project list which will help to ensure the city's water system is sufficient to support current and future uses.

A. Goal 11 is implemented by ORS 197.712(2)(e) which states in part:

**197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules.**

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

Finding: The July 1, 2015 estimated population within the Lafayette city limits by the Oregon Population Research Center is 3,905, thus the 2,500 population minimum of ORS 197.712(2)(e) applies. The 2007 Lafayette Water Master Plan was adopted by the City Council per Resolution 2007-03 on February 8, 2007. Legislative Amendment 2016-01 to the Lafayette Comprehensive Plan will adopt the 2007 Lafayette Water Master Plan by ordinance as a support document to the Lafayette Comprehensive Plan. LA 2016-01 will also amend the Public Facilities portion of the Lafayette Comprehensive Plan to add the 2016 updated list of capital improvement projects. ORS 197.712(2)(e) is met.

B. Goal 11 is implemented by OAR 660-011, Public Facilities Planning.

1. 660-011-0010, The Public Facility Plan, states in part:

(1) The public facility plan shall contain the following items:

(a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;

Finding: The 2007 Lafayette Water Master Plan (the Plan), Section 4, Existing System, and Section 6, Water System Evaluation and Recommendation, includes an inventory and general assessment of the condition of the significant water facilities which support the land uses designated in the acknowledged comprehensive plan. OAR 660-011-0010(1)(a) is met.

(b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes a list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The capital improvement project list is updated by this legislative amendment. OAR 660-011-0010(1)(b) is met.

(c) Rough cost estimates of each public facility project;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Appendix D include rough cost estimates of each public facility project. OAR 660-011-0010(1)(c) is met.

(d) A map or written description of each public facility project's general location or service area;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Figures 6-1, 6-2, 6-3, 7-1 and 7-2 include maps or a written description of each public facility project's general location or service area. OAR 660-011-0010(1)(d) is met.

(e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;

Finding: The May 16, 1979 Urban Area Management Agreement between the City of Lafayette and Yamhill County, Section V. 1, sets forth that "The City is recognized as the ultimate provider of urban services within the Urban Growth Boundary." For water services, there is not more than one provider; Lafayette is the only provider of water services. OAR 660-011-0010(1)(e) is met.

(f) An estimate of when each facility project will be needed; and

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes an estimate of when each facility project will be needed. OAR 660-011-0010(1)(f) is met.

(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes a discussion of the provider's existing funding mechanisms

and the ability of these and possible new mechanisms to fund the development of each public facility project or system. OAR 660-011-0010(1)(g) is met.

2. 660-011-0045, Adoption and Amendment Procedures for Public Facility Plans, states:

(1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:

(a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;

Finding: The City of Lafayette is responsible for development of the public facility plan and through LA 2016-01 proposes to adopt the Plan as a supporting document to the jurisdiction's comprehensive plan and also proposes to adopt the list of public facility project titles, excluding the descriptions or specifications of those projects. OAR 660-011-0045(1)(a) is met.

(b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and

Finding: A map or written description of the public facility projects' locations or service areas is in the Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Figures 6-1, 6-2, 6-3, 7-1 and 7-2. OAR 660-011-0045(1)(b) is met.

(c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.

Finding: The May 16, 1979 Urban Area Management Agreement between the City of Lafayette and Yamhill County, Section V. 1, sets forth that "The City is recognized as the ultimate provider of urban services within the Urban Growth Boundary." For water services, there is not more than one provider; Lafayette is the only provider of water services. OAR 660-011-0045(1)(c) is met.

(2) Not applicable as it does not set forth requirements for jurisdictions to comply with.

(3) Not applicable as it does not set forth requirements for jurisdictions to comply with.

(4) Land use amendments are those modifications or amendments to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18.

Finding: The proposed update of the capital improvement project list in the 2007 Lafayette Water Master Plan is considered to be a modification or amendment "...to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan." In accordance with (4), above, the proposed amendments are subject to the administrative procedures and review and appeal

provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18. OAR 660-011-0045(4) is met.

Overall OAR 660-011 Finding: The amendments comply with OAR 660-011.

Goal 12, Transportation: Not applicable because the proposal does not affect transportation.

Goal 13, Energy Conservation: Not applicable because the proposal does not affect energy.

Goal 14, Urbanization: Not applicable because the proposal does not affect the urban growth boundary.

### CONCLUSORY FINDING

The proposed amendments to the Comprehensive Plan are consistent with criteria for a Type IV amendment to the Lafayette Comprehensive Plan and Statewide Goals 1, 2, 9, 10 and 11, and OAR 660-011.

### STAFF RECOMMENDATION

Staff recommends the City Council pass a motion accepting the staff report, approve the proposed amendments and pass the Ordinance.

### CITY COUNCIL ACTION

The Planning Commission has the following options:

1. Pass a motion approving the proposed amendments as recommended in this staff report; or
2. Pass a motion approving the proposed amendments with changes as discussed by the City Council during its deliberation, including the Council's reasons for the changes; or
3. Pass a motion denying the proposed amendments for the reasons discussed by the Council during its deliberation.

Attachment 1. CIP list from the 2007 Water System Master Plan.

Attachment 2. December 24, 2015 Updated Water System CIP list.

## Ordinance 630

### Exhibit "A"

### FINDINGS

1. Plan Amendment LA 2016-01 is a Legislative amendment to the Lafayette Comprehensive Plan.

2. The Lafayette Zoning and Development Ordinance (LZDO), Section 3.101.04, A, Type IV Actions, states a Type IV action must be initiated by City staff, the Planning Commission or the City Council. Case # LA 2016-01 was initiated by City staff. The proposed amendments comply with Section 3.101.04, A.

3. The LZDO, Section 3.207.01, Type IV Actions, states a Type IV action may be initiated by the City Administrator, the Planning Commission or the City Council. Case # LA 2016-01 was initiated by the City Administrator. The proposed amendments to the LZDO comply with Section 3.207.01.

4. Section 3.207.02, A, 1, Type IV Actions, is not applicable as it addresses amendments to the LZDO and the Zoning Map.

5. Section 3.207.02, B, calls for the Planning Commission to make a recommendation to the City Council. On February 8, 2016 the Planning Commission is scheduled to conduct a duly noticed public hearing. At the conclusion of the hearing the Commission is expected to pass a motion with a recommendation to the City Council. The Planning Commission recommendation will meet the requirement of Section 3.207.02, B.

6. Findings related to the Statewide Planning Goals.

Goal 1, Citizen Involvement: The Planning Commission held a work session on January 21, 2016 at the regularly scheduled public meeting. Public hearings on the proposed amendments will be held before the Planning Commission on February 8, 2016 and the City Council on March 31, 2016. The work session and the two public hearings will provide citizen involvement consistent with Statewide Planning Goal 1.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. The adoption action is consistent with the procedures set forth in the acknowledged Lafayette Zoning and Development Ordinance for Type IV actions that amend the text of the Lafayette Comprehensive Plan. The proposed amendment is based on analysis by the City Engineer which resulted in the 2016 updated capital improvement project list. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Not applicable because the proposal does not affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Not applicable because the proposal does not affect Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Not applicable because the proposal does not affect air, water, or land resource quality.

Goal 7, Natural Hazards: Not applicable because the proposal does not affect natural hazards.

Goal 8, Recreational Needs: Not applicable because the proposal does not affect recreation needs.

Goal 9, Economic Development: The proposal may have an indirect effect on economic development through ensuring the city's water system is sufficient to support economic development. Goal 9 is met.

Goal 10, Housing: The proposal may have an indirect effect on the provision of housing through ensuring the city's water system is sufficient to support housing development. Goal 10 is met.

Goal 11, Public Facilities and Services: The proposal has an effect on planning for the city's water system. The proposed amendments will update the 2007 Water System Master Plan's capital improvement project list which will help to ensure the city's water system is sufficient to support current and future uses.

A. Goal 11 is implemented by ORS 197.712(2)(e) which states in part:

**197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules.**

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

Finding: The July 1, 2015 estimated population within the Lafayette city limits by the Oregon Population Research Center is 3,905, thus the 2,500 population minimum of ORS 197.712(2)(e) applies. The 2007 Lafayette Water Master Plan was adopted by the City Council per Resolution 2007-03 on February 8, 2007. Legislative Amendment 2016-01 to the Lafayette Comprehensive Plan will adopt the 2007 Lafayette Water Master Plan by ordinance as a support document to the Lafayette Comprehensive Plan. LA 2016-01 will also amend the Public Facilities portion of the Lafayette Comprehensive Plan to add the 2016 updated list of capital improvement projects. ORS 197.712(2)(e) is met.

B. Goal 11 is implemented by OAR 660-011, Public Facilities Planning.

**1. 660-011-0010, The Public Facility Plan, states in part:**

(1) The public facility plan shall contain the following items:

(a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;

Finding: The 2007 Lafayette Water Master Plan (the Plan), Section 4, Existing System, and Section 6, Water System Evaluation and Recommendation, includes an inventory and general assessment of the condition of the significant water facilities which support the land uses designated in the acknowledged comprehensive plan. OAR 660-011-0010(1)(a) is met.

(b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes a list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The capital improvement project list is updated by this legislative amendment. OAR 660-011-0010(1)(b) is met.

(c) Rough cost estimates of each public facility project;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Appendix D include rough cost estimates of each public facility project. OAR 660-011-0010(1)(c) is met.

(d) A map or written description of each public facility project's general location or service area;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Figures 6-1, 6-2, 6-3, 7-1 and 7-2 include maps or a written description of each public facility project's general location or service area. OAR 660-011-0010(1)(d) is met.

(e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;

Finding: The May 16, 1979 Urban Area Management Agreement between the City of Lafayette and Yamhill County, Section V. 1, sets forth that "The City is recognized as the ultimate provider of urban services within the Urban Growth Boundary." For water services, there is not more than one provider; Lafayette is the only provider of water services. OAR 660-011-0010(1)(e) is met.

(f) An estimate of when each facility project will be needed; and

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes an estimate of when each facility project will be needed. OAR 660-011-0010(1)(f) is met.

(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes a discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system. OAR 660-011-0010(1)(g) is met.

**2. 660-011-0045, Adoption and Amendment Procedures for Public Facility Plans, states:**

(1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:

(a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;

Finding: The City of Lafayette is responsible for development of the public facility plan and through LA 2016-01 proposes to adopt the Plan as a supporting document to the jurisdiction's comprehensive plan and also proposes to adopt the list of public facility project titles, excluding the descriptions or specifications of those projects. OAR 660-011-0045(1)(a) is met.

(b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and

Finding: A map or written description of the public facility projects' locations or service areas is in the Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Figures 6-1, 6-2, 6-3, 7-1 and 7-2. OAR 660-011-0045(1)(b) is met.

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(2) Not applicable as it does not set forth requirements for jurisdictions to comply with.

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(4) Land use amendments are those modifications or amendments to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18.

Finding: The proposed update of the capital improvement project list in the 2007 Lafayette Water Master Plan is considered to be a modification or amendment "...to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan." In accordance with (4), above, the proposed amendments are subject to the administrative procedures and review and appeal provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18. OAR 660-011-0045(4) is met.

Overall OAR 660-011 Finding: The amendments comply with OAR 660-011.

Goal 12, Transportation: Not applicable because the proposal does not affect transportation.

Goal 13, Energy Conservation: Not applicable because the proposal does not affect energy.

Goal 14, Urbanization: Not applicable because the proposal does not affect the urban growth boundary.

#### CONCLUSORY FINDING

The proposed amendments to the Comprehensive Plan are consistent with criteria for a Type IV amendment to the Lafayette Comprehensive Plan and Statewide Goals 1, 2, 9, 10 and 11, and OAR 660-011.

# City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503) 864-4501



TO: LAFAYETTE CITY COUNCIL

FROM: JIM JACKS, CITY PLANNER, MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

SUBJ: COMPREHENSIVE PLAN - UPDATE 2007 WATER MASTER PLAN PROJECTS  
ORDINANCE 630  
LEGISLATIVE AMENDMENT CASE # LA 2016-01

DATE: MARCH 10, 2016

## PURPOSE

The purpose of LA 2016-01 is to update the Public Facilities portion of the Lafayette Comprehensive Plan by updating Policy 12-5 and updating the capital improvement project (CIP) list set forth in the 2007 Lafayette Water Master Plan. The CIP list is proposed to be included in Policy 12-5 consistent with Oregon Administrative Rule 660-011-0045.

The 2007 Lafayette Water Master Plan was adopted by the City Council per Resolution 2007-03 on February 8, 2007. Legislative Amendment 2016-01 to the Lafayette Comprehensive Plan will adopt the 2007 Lafayette Water Master Plan by ordinance.

## BACKGROUND

On February 8, 2007 the City of Lafayette adopted the 2007 Lafayette Water System Master Plan prepared by Westech Engineering, Inc., Salem, OR, and by this reference it is entered into the record of the March 10, 2016 City Council public hearing.

Since 2007 several projects in the Master Plan's capital improvement project (CIP) list have been completed and the city has prepared an updated project list.

## REGULATORY FRAMEWORK

The regulatory framework includes the Statewide Planning Goals, Oregon Revised Statutes 197 and Oregon Administrative Rule 660-011.

### Statewide Planning Goals

The regulatory framework within which the 2007 Water System Master Plan is incorporated into the city's comprehensive plan is guided by the Statewide Planning Goals, especially Goal 11, Public Facilities and Services. The goal statement for Goal 11 follows (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.

For LA 2016-01 the public facility addressed is the city's municipal water system.

Goal 11 defines a public facility plan as follows (OAR 660-015-0000(11)):

Public Facilities Plan – A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plan or plans within an urban growth boundary containing a population greater than 2,500.

For LA 2016-01 the public facilities plan addressed is the 2007 Water System Master Plan with the 2016 list of updated capital improvement projects.

### Oregon Revised Statute 197, Comprehensive Land Use Planning

The regulatory framework includes Oregon Revised Statute (ORS) 197, especially 197.712 which follows-up Goal 11 with statutory language requiring cities to develop and adopt public facility plans. ORS 197.712 states in part:

**197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules.**

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

For LA 2016-01 the city has developed and will adopt as a support document the 2007 Water System Master Plan, and it will adopt the 2016 list of updated capital improvement projects into the Public Facilities portion of the Lafayette Comprehensive Plan.

The 2007 Water System Master Plan and the 2016 list of updated capital improvement projects includes rough cost estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the comprehensive plan and land use regulations.

ORS 197.712(2)(e) makes it clear that "Project timing and financing provisions of public facility plans shall not be considered land use decisions." The city's future decisions as to when to construct a project, how to fund it and its funding level are not subject to land use control. For example, even though the 2007 Water System Master Plan includes timeframes and rough cost estimates, the Plan does not commit the Budget Committee to recommend, nor the City Council to fund, a particular project for a specific fiscal year.

### Oregon Administrative Rule, Public Facilities Planning

The regulatory framework includes Oregon Administrative Rule (OAR) 660-011, Public Facilities Planning which follows-up Goal 11 and ORS 197 with language requiring cities to develop and adopt public facility plans.

OAR 660-011-0000, Purpose, states in part:

The purpose of this division is to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement ORS 197.712(2)(e), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11.

OAR 660-011-0005, Definitions, defines certain terms and defines Public Facility Plan as follows:

(1) "Public Facilities Plan": A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan, as specified in OAR 660-11-045. [Adoption and Amendment Procedures for Public Facility Plans -- see findings section below]

OAR 660-011-0005(8) also defines Land Use Decisions consistent with Goal 11 and ORS 197.712(2)(e) as follows:

(8) "Land Use Decisions": In accordance with ORS 197.712(2)(e), project timing and financing provisions of public facility plans shall not be considered land use decisions as specified under ORS .015(10).

As indicated above, the city's future decisions as to when to construct a project, how to fund it and its funding level are not subject to land use appeals.

## SUMMARY OF PROPOSED CHANGES

The proposed changes are to Policy 12-5 of the Lafayette Comprehensive Plan (#1 below) and to update the list of capital improvement projects in Chapter 7 of the 2007 Lafayette Water System Master Plan (#'s 2 and 3 below).

1. The Public Facilities portion of the Lafayette Comprehensive Plan, Policy 12-5, is proposed to be updated to include the 2016 capital improvement project list.

Proposed deletions are shown in ~~strikeout~~ and additions are shown in **bold underlining**.

### **Policies**

12-5. The City shall consider the **2016 updated** capital improvement plan **project list** in the 2007 Water System Master Plan, ~~Section 7.1.2, p. 7-3.~~ **as follows:**

*See next page.*

| <u>No.</u> | <u>Project</u>                                                  | <u>2007</u>     | <u>2015</u> |                     | <u>2015</u>         |
|------------|-----------------------------------------------------------------|-----------------|-------------|---------------------|---------------------|
|            |                                                                 | <u>CIP</u>      | <u>5 Yr</u> | <u>Original</u>     | <u>Adjusted</u>     |
|            |                                                                 | <u>Priority</u> | <u>CIP</u>  | <u>Budget</u>       | <u>Budget</u>       |
| -          |                                                                 |                 |             |                     |                     |
| <u>1</u>   | <u>Bluebird Spring Waterline</u>                                | <u>1</u>        | <u>X</u>    | <u>\$ 240,000</u>   | <u>\$ 150,000</u>   |
| <u>2</u>   | <u>Existing Watershed Reservoir Improvements</u>                | <u>1</u>        | <u>X</u>    | <u>\$ 271,000</u>   | <u>\$ 350,000</u>   |
| <u>3</u>   | <u>Pringle Spring Line Replacement (4")</u>                     | <u>--</u>       | <u>X</u>    | <u>--</u>           | <u>\$ 90,000</u>    |
| <u>4</u>   | <u>Park Well air stripping &amp; well rehabilitation</u>        | <u>--</u>       | <u>X</u>    | <u>--</u>           | <u>\$ 100,000</u>   |
| <u>5</u>   | <u>Regional System through YRWA</u>                             | <u>--</u>       | <u>X**</u>  | <u>--</u>           | <u>\$ 2,340,000</u> |
| <u>6</u>   | <u>Regional System Intertie</u>                                 | <u>--</u>       | <u>X**</u>  | <u>--</u>           | <u>\$ 700,000</u>   |
| <u>7</u>   | <u>New 1.0 MG reservoir</u>                                     | <u>1</u>        | <u>--</u>   | <u>--</u>           | <u>\$ 2,000,000</u> |
| <u>8</u>   | <u>Reservoir to Duniway, Duniway to 11th</u>                    | <u>1</u>        | <u>--</u>   | <u>\$ 1,209,000</u> | <u>\$ 1,560,000</u> |
| <u>9</u>   | <u>Duniway Road (11th Street to Stoller Road)</u>               | <u>1</u>        | <u>--</u>   | <u>\$ 139,000</u>   | <u>\$ 180,000</u>   |
| <u>10</u>  | <u>7th Street Extension (Grant to Monroe)</u>                   | <u>1</u>        | <u>--</u>   | <u>\$ 310,000</u>   | <u>\$ 270,000</u>   |
| <u>11</u>  | <u>7th Street (Monroe to Madison)</u>                           | <u>1</u>        | <u>--</u>   | <u>\$ 54,000</u>    | <u>\$ 70,000</u>    |
| <u>12</u>  | <u>Madison Street (7th to 3rd)</u>                              | <u>1</u>        | <u>--</u>   | <u>\$ 168,000</u>   | <u>\$ 220,000</u>   |
| <u>13</u>  | <u>Market Street (Hwy 99W crossing)</u>                         | <u>1</u>        | <u>--</u>   | <u>\$ 73,000</u>    | <u>\$ 60,000</u>    |
| <u>14</u>  | <u>Pioneer Drive (Hwy 99W to Pioneer Loop)</u>                  | <u>1</u>        | <u>--</u>   | <u>\$ 30,000</u>    | <u>\$ 40,000</u>    |
| <u>15</u>  | <u>Water Master Plan Update (2020)</u>                          | <u>2</u>        | <u>--</u>   | <u>\$ 40,000</u>    | <u>\$ 50,000</u>    |
| <u>16</u>  | <u>Pioneer Drive to industrial area (99W &amp; RR crossing)</u> | <u>3</u>        | <u>--</u>   | <u>\$ 212,000</u>   | <u>\$ 270,000</u>   |
| <u>17</u>  | <u>Convert meters to radio read</u>                             | <u>--</u>       | <u>--</u>   | <u>--</u>           | <u>\$ 350,000</u>   |

Total: 20-Year Plan

\$ 8,800,000

\*\*Partial funding commitment for projects 5 & 6 is expected during the first 5 years.

Based on the 2007 Water Master Plan, a 20-year CIP and Budget.

The 2015 Adjusted Budget column contains estimates, adjusted for inflation.

The 2007 plan costs are based on 2006 dollars with an ENR 20 Cities Index of 7763.

ENR 20 Cities Index for July 2015 is 10037; and the 2015 Inflation Index is 1.29293.

After the first 5 years, the projects are listed in non-priority order.

Project Number notes:

1 - MODIFIED: Remaining section to replace the line from Well 10 to Reservoir with an 8" main. The estimate is for a bid project, but the City Public Works crew may be involved in the installation.

2 - MODIFIED: Additional external improvements have been identified.

3 - New project replaces 1,880' of undersized & old pipe. The estimate is for a bid project, but the City

**Public Works crew may install.**

**4 - New project identified in 2014 as best value investment for increasing existing sources production.**

**5 - Provides access to 10M gallons per month (\$7/gallon x 333,334 gals/day) from YRWA system.**

**6 - Placeholder for future intertie with the YRWA system.**

**7 - MODIFIED: Water Master Plan & Tech. Memo, G. Munro, City Engr., show need for more reservoir capacity. Size reduced from 2.2 mg to 1.0 mg.**

**10 - MODIFIED: Approximately one-third of the project has been completed.**

**13 - MODIFIED: Only the Highway 99 crossing remains for this project.**

**17 - This new project is upgrading existing meters with autoread and system software.**

2. Attachment 1 to this staff report is the old capital improvement project list from page 7-3 of the 2007 Water System Master Plan which will be replaced with the above. It shows Table 7-1 which is the recommended project priorities with estimated costs in two categories, i.e., Priority 1 and Priority 2.

3. Attachment 2 to this staff report is the December 24, 2015 Water System Capital Improvement Project list which is the basis for the above proposed project list.

**FINDINGS**

1. Plan Amendment LA 2016-01 is a Legislative amendment to the Lafayette Comprehensive Plan.

2. The Lafayette Zoning and Development Ordinance (LZDO), Section 3.101.04, A, Type IV Actions, states a Type IV action must be initiated by City staff, the Planning Commission or the City Council. Case # LA 2016-01 was initiated by City staff. The proposed amendments comply with Section 3.101.04, A.

3. The LZDO, Section 3.207.01, Type IV Actions, states a Type IV action may be initiated by the City Administrator, the Planning Commission or the City Council. Case # LA 2016-01 was initiated by the City Administrator. The proposed amendments to the LZDO comply with Section 3.207.01.

4. Section 3.207.02, A, 1, Type IV Actions, is not applicable as it addresses amendments to the LZDO and the Zoning Map.

5. Section 3.207.02, B, calls for the Planning Commission to make a recommendation to the City Council. On February 8, 2016 the Planning Commission is scheduled to conduct a duly noticed public hearing. At the conclusion of the hearing the Commission is expected to pass a motion with a recommendation to the City Council. The Planning Commission recommendation will meet the requirement of Section 3.207.02, B.

7. Findings related to the Statewide Planning Goals.

Goal 1, Citizen Involvement: The Planning Commission held a work session on January 21, 2016 at the regularly scheduled public meeting. Public hearings on the proposed amendments will be held before the Planning Commission on February 8, 2016 and the City Council on March 10, 2016. The work session and the two public hearings will provide citizen involvement consistent with Statewide Planning Goal 1.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. The adoption action is consistent with the procedures set forth in the acknowledged Lafayette Zoning and Development Ordinance for Type IV actions that amend the text of the Lafayette Comprehensive Plan. The proposed amendment is based on analysis by the City Engineer which resulted in the 2016 updated capital improvement project list. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Not applicable because the proposal does not affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Not applicable because the proposal does not affect Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Not applicable because the proposal does not affect air, water, or land resource quality.

Goal 7, Natural Hazards: Not applicable because the proposal does not affect natural hazards.

Goal 8, Recreational Needs: Not applicable because the proposal does not affect recreation needs.

Goal 9, Economic Development: The proposal may have an indirect effect on economic development through ensuring the city's water system is sufficient to support economic development. Goal 9 is met.

Goal 10, Housing: The proposal may have an indirect effect on the provision of housing through ensuring the city's water system is sufficient to support housing development. Goal 10 is met.

Goal 11, Public Facilities and Services: The proposal has an effect on planning for the city's water system. The proposed amendments will update the 2007 Water System Master Plan's capital improvement project list which will help to ensure the city's water system is sufficient to support current and future uses.

A. Goal 11 is implemented by ORS 197.712(2)(e) which states in part:

**197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules.**

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

Finding: The July 1, 2015 estimated population within the Lafayette city limits by the Oregon Population Research Center is 3,905, thus the 2,500 population minimum of ORS 197.712(2)(e) applies. The 2007 Lafayette Water Master Plan was adopted by the City Council per Resolution 2007-03 on February 8, 2007. Legislative Amendment 2016-01 to the Lafayette Comprehensive Plan will adopt the 2007 Lafayette Water Master Plan by ordinance as a support document to the Lafayette Comprehensive Plan. LA 2016-01 will also amend the Public Facilities portion of the Lafayette Comprehensive Plan to add the 2016 updated list of capital improvement projects. ORS 197.712(2)(e) is met.

B. Goal 11 is implemented by OAR 660-011, Public Facilities Planning.

1. 660-011-0010, The Public Facility Plan, states in part:

(1) The public facility plan shall contain the following items:

(a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;

Finding: The 2007 Lafayette Water Master Plan (the Plan), Section 4, Existing System, and Section 6, Water System Evaluation and Recommendation, includes an inventory and general assessment of the condition of the significant water facilities which support the land uses designated in the acknowledged comprehensive plan. OAR 660-011-0010(1)(a) is met.

(b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes a list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The capital improvement project list is updated by this legislative amendment. OAR 660-011-0010(1)(b) is met.

(c) Rough cost estimates of each public facility project;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Appendix D include rough cost estimates of each public facility project. OAR 660-011-0010(1)(c) is met.

(d) A map or written description of each public facility project's general location or service area;

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Figures 6-1, 6-2, 6-3, 7-1 and 7-2 include maps or a written description of each public facility project's general location or service area. OAR 660-011-0010(1)(d) is met.

(e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;

Finding: The May 16, 1979 Urban Area Management Agreement between the City of Lafayette and Yamhill County, Section V. 1, sets forth that "The City is recognized as the ultimate provider of urban services within the Urban Growth Boundary." For water services, there is not more than one provider; Lafayette is the only provider of water services. OAR 660-011-0010(1)(e) is met.

(f) An estimate of when each facility project will be needed; and

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes an estimate of when each facility project will be needed. OAR 660-011-0010(1)(f) is met.

(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

Finding: The Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, includes a discussion of the provider's existing funding mechanisms

and the ability of these and possible new mechanisms to fund the development of each public facility project or system. OAR 660-011-0010(1)(g) is met.

2. 660-011-0045, Adoption and Amendment Procedures for Public Facility Plans, states:

(1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:

(a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;

Finding: The City of Lafayette is responsible for development of the public facility plan and through LA 2016-01 proposes to adopt the Plan as a supporting document to the jurisdiction's comprehensive plan and also proposes to adopt the list of public facility project titles, excluding the descriptions or specifications of those projects. OAR 660-011-0045(1)(a) is met.

(b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and

Finding: A map or written description of the public facility projects' locations or service areas is in the Plan, Section 7, Recommended Capital Improvement Priorities and Implementation Plan, and Figures 6-1, 6-2, 6-3, 7-1 and 7-2. OAR 660-011-0045(1)(b) is met.

(c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.

Finding: The May 16, 1979 Urban Area Management Agreement between the City of Lafayette and Yamhill County, Section V. 1, sets forth that "The City is recognized as the ultimate provider of urban services within the Urban Growth Boundary." For water services, there is not more than one provider; Lafayette is the only provider of water services. OAR 660-011-0045(1)(c) is met.

(2) Not applicable as it does not set forth requirements for jurisdictions to comply with.

(3) Not applicable as it does not set forth requirements for jurisdictions to comply with.

(4) Land use amendments are those modifications or amendments to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18.

Finding: The proposed update of the capital improvement project list in the 2007 Lafayette Water Master Plan is considered to be a modification or amendment "...to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan." In accordance with (4), above, the proposed amendments are subject to the administrative procedures and review and appeal

provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18. OAR 660-011-0045(4) is met.

Overall OAR 660-011 Finding: The amendments comply with OAR 660-011.

Goal 12, Transportation: Not applicable because the proposal does not affect transportation.

Goal 13, Energy Conservation: Not applicable because the proposal does not affect energy.

Goal 14, Urbanization: Not applicable because the proposal does not affect the urban growth boundary.

### CONCLUSORY FINDING

The proposed amendments to the Comprehensive Plan are consistent with criteria for a Type IV amendment to the Lafayette Comprehensive Plan and Statewide Goals 1, 2, 9, 10 and 11, and OAR 660-011.

### STAFF RECOMMENDATION

Staff recommends the City Council pass a motion accepting the staff report, approve the proposed amendments and pass the Ordinance.

### CITY COUNCIL ACTION

The Planning Commission has the following options:

1. Pass a motion approving the proposed amendments as recommended in this staff report; or
2. Pass a motion approving the proposed amendments with changes as discussed by the City Council during its deliberation, including the Council's reasons for the changes; or
3. Pass a motion denying the proposed amendments for the reasons discussed by the Council during its deliberation.

Attachment 1. CIP list from the 2007 Water System Master Plan.

Attachment 2. December 24, 2015 Updated Water System CIP list.