

**ORDINANCE NO. 1047**

**AN ORDINANCE ADOPTING AN UPDATED WASTEWATER FACILITIES PLANNING STUDY AND AMENDING THE STAYTON COMPREHENSIVE PLAN**

WHEREAS, Oregon statutes and administrative rules require every municipality to enact a Comprehensive Plan in conformance with Statewide Planning Goals and Guidelines, and coordinated with other affected units of government;

WHEREAS, Statewide Planning Goal 11 requires local governments “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.” This is accomplished through development of public facility plans that describe the water, sewer, and transportation facilities which are to support the land uses designated in the acknowledged comprehensive plan. Goal 11 is implemented through OAR 660, Division 11, also known as the Public Facilities Planning Rule. Section 660-011-0010 of the rule contains numerous requirements governing facility planning;

WHEREAS, Section 660-011-0045 of the Rule requires the governing body to adopt the public facility plan as a supporting document to the Comprehensive Plan;

WHEREAS, the City of Stayton last adopted a Wastewater Master Plan in 2006 and that Plan is in need of being updated;

WHEREAS, upon setting out to update the Wastewater Facilities Planning Study, the City of Stayton formed a Technical Advisory Committee (TAC) composed of City staff and representatives of the Oregon Department of Environmental Quality, and the City of Sublimity, and a Citizens Advisory Committee (CAC) made up of elected and appointed City officials, and a representative from the City of Sublimity. The TAC and the CAC each met on five occasions to review the technical memoranda, the policy alternatives, and the draft Wastewater Facilities Planning Study;

WHEREAS, the City’s staff has recommended text amendments to Chapters 1 and 5 of the Comprehensive Plan to reference the updated Wastewater Facilities Planning Study and to update the description of the wastewater collection and treatment systems;

WHEREAS, the notice of the first public hearing on the draft Wastewater Facilities Planning Study and Comprehensive Plan amendments was sent to the Oregon Department of Land Conservation and Development on October 23, 2020;

WHEREAS, the Stayton Planning Commission held a public hearing on November 30, 2020 and following the public hearing recommended adoption of the Wastewater Facilities Planning Study and the Comprehensive Plan amendments;

WHEREAS, the Stayton City Council held a public hearing on January 4, 2020;

WHEREAS, based on the record before it, the Stayton City Council makes the following findings:

1. In accordance with ORS 197.225 local governments are required to adopt comprehensive plans and land use regulations in accordance with Statewide Planning Goals and Guidelines established by the Land Conservation and Development Commission. The following is an analysis of the compliance with each of the Statewide Planning Goals and Guidelines that are applicable.

*Statewide Planning Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.*

Finding: A number of stakeholders and community members shaped the Draft 2021 Stayton WWFPS. The project was guided by a Technical Advisory Committee (TAC) and a Citizens Advisory Committee (CAC). The TAC consisted of representatives from Stayton, Sublimity, and Oregon Department of Environmental Quality (ODEQ). The CAC consisted of members of the Stayton Planning Commission and City Council and the Mayor of Sublimity. The CAC served as the voice of the community and helped ensure that the goals and objectives of the WWFPS update reflected Stayton's needs. Members of the advisory groups reviewed and commented on draft chapters and participated in committee meetings, and City Council/Planning Commission sessions. The project team met with the project advisory committees five times at key points during the WWFPS update process.

Title 17 implements Goal 1 by providing for a community participation process for land use decisions. The Stayton Land Use and Development Code requires Comprehensive Plan and Code amendments to be reviewed first through a public hearing process by the Planning Commission, followed by a public hearing before the City Council. The City Council makes the final decision through this legislative amendment process. Both reviews require public notice and public hearings with the opportunity for written and oral testimony.

*Statewide Planning Goal 2: is 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. This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.*

Finding: The City has an established land use planning process and a policy framework that is the basis for the decision on this request. The policy framework is found in the City's acknowledged Comprehensive Plan, which includes policies and goals relevant to the decision on this request. Amendments to the City's Comprehensive Plan become part of the policy framework that serves as the basis for decisions and actions related to the use of land. The proposal is to replace the currently adopted 2006 Wastewater Master Plan with the Draft 2021 Wastewater Facilities Planning Study, to be adopted and incorporated by reference as an element of the City's Comprehensive Plan.

Coordination between state, regional, and local agencies was accomplished through both the project management team, which included key City staff members, and the TAC. Members of the TAC that provided guidance on the development of the WWFPS included representatives from multiple agencies, including, ODEQ and the City of Sublimity.

The proposal is to adopt the 2021 WWFPS, and to amend the Comprehensive Plan consistent with the City's regulations regarding legislative land use decisions. The Planning Commission and City Council hearings are open to the public. The Planning Commission hearing was held on November 30, 2020, and the City Council a hearing was held on January 4, 2021, prior to consideration of this Ordinance.

*Statewide Planning Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This goal requires that local comprehensive plans and policies contribute to a stable and healthy economy in all regions of the state.*

Findings: The provision of adequate public facilities is of utmost importance for the continued industrial, commercial, and residential growth of the community. The draft WWFPS was developed consistent with the objectives under this goal. The draft WWFPS identifies and prioritizes multiple projects - including improvements to the wastewater collection system and treatment plant - that will support employment areas. This proactive planning will help Stayton support new business.

*Statewide Planning Goal 11 is 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. Goal 11 requires cities and counties 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. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."*

Findings: The WWFPS provides guidance for managing, operating, and improving the wastewater collection and treatment systems. Wastewater facilities are a primary type of public facility managed by the City. The WWFPS documents existing conditions and future needs for the City's wastewater systems based on planned land uses; proposed improvements and implementation measures are intended to meet the community's needs and improve the level of service provided to the businesses and residents of the community and while providing an adequate level of treatment to protect water quality and the North Santiam River.

The WWFPS was guided by and developed to be consistent with relevant public facilities goals and polices found in the Comprehensive Plan. In addition, Chapter 5 of the Comprehensive Plan is propose to be revised to update its description of the wastewater system.

2. OAR 660 Division 11 has been adopted by the Land Conservation and Development Commission to implement Statewide Planning Goal 11. A major purpose of the Rule is to help assure that urban development within 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. The Rule contain requirements for preparing and implementing a public facility plan.

*Section 660-011-0010 contains requirements for preparing and implementing a public facility plan.*

**Findings:** The 2021 WWFPS recommendations are based on an inventory of the existing conditions for Stayton's wastewater system and a future conditions analyses identifying gaps and deficiencies to accommodate projected community growth over the 20-year planning period. It includes recommended projects to improve the wastewater system, rough cost estimates of each project, maps and written descriptions of each project and an estimate of the timing of need for projects.

WHEREAS, based on the above findings, the Stayton City Council concludes that

1. The draft Wastewater Facilities Planning Study and the proposed Comprehensive Plan amendments are consistent with and in compliance with Statewide Planning Goals 1, 2, 9, and 11. The City Council further concludes that Statewide Planning Goals 3 through 8 and 12 through 19 are not directly applicable to these proposals.
2. The draft Wastewater Facilities Planning Study is consistent with OAR 660 Division 11.
3. The proposed Comprehensive Plan amendments meet the requirements of SMC Section 17.12.170.6.a.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

**Section 1. Wastewater Facilities Planning Study Adopted.** The City of Stayton Draft Wastewater Facilities Planning Study, consisting of Volume I, Wastewater Facilities Planning Study and Volume II, Appendices, both dated October 2020, are hereby adopted.

**Section 2. Comprehensive Plan Amended.** Chapters 1 and 5 of the City of Stayton Comprehensive Plan, is hereby amended as shown on Exhibit A attached hereto and incorporated herein.

**Section 3. Effective Date.** This Ordinance shall not become effective until the 30<sup>th</sup> day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

**Section 4. Notification to State.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development, as required by OAR 660-018-0040.

ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of January, 2021.

CITY OF STAYTON

Signed: 1/11, 2021

BY:

Henry A. Porter  
Henry A. Porter, Mayor

Signed: 1/11, 2021

ATTEST:

Keith D. Campbell  
Keith D. Campbell,  
City Manager

## EXHIBIT A

### Amendments to Chapter 1. Introduction of the Stayton Comprehensive Plan

On Page 5, amend the section regarding Associated Documents as follows:

#### **Associated Documents**

This document contains the overall inventory and analysis of the City as well as a statement of City goals, policies and implementation steps to carry out those policies. However, this Comprehensive Plan also includes a number of other documents that provide more particular information, policies and implementation actions for either a particular subject matter or area within the City or urban growth area. These other documents have been adopted by the City as part of the comprehensive planning process and include:

Local Wetland and Riparian Inventory (1999)

Park and Recreation Master Plan (2005)

Sublimity Interchange Area Management Plan (2006)

Water Master Plan (2006)

~~Wastewater Master Plan (2006)~~

Downtown Transportation and Revitalization Plan (2007, amended 2010)

Storm Water Master Plan (2009)

Transportation System Plan (2019)

Wastewater Facilities Planning Study (2021)

### Amendments to Chapter 5. Public Facilities and Services of the Stayton Comprehensive Plan

On Page 48, amend the section describing the Stayton Sanitary Sewer System as follows:

#### **Stayton Sanitary Sewer System**

The City's wastewater collection system consists of approximately ~~33-36~~ miles of gravity flow pipelines, three miles of force main, and five-four lift stations. Additional flow is conveyed to Stayton's collection system from the neighboring City of Sublimity.

The City operates a wastewater treatment plant located along the North Santiam River in the southwest corner of the urban growth boundary. The treatment process includes headworks with screening and grit removal, two sequencing batch reactors for biological treatment, tertiary filtration, and UV disinfection. Solids handling processes include aeration, dewatering, and lime stabilization/sludge drying. The treated biosolids are stored and moved by the general public or land applied.

The City's original sewage collection system was built in 1963 and has a fairly significant infiltration/inflow problem. Organized efforts to correct this have made some progress in reducing the wet weather flows.

Capacity and operational improvements for all components of the wastewater system have been identified in the City's Wastewater Facilities Planning Study ~~Master Plan~~ that has been adopted as an addendum to this plan in ~~2006~~2021.