

STAFF NOTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

(99 East Broadway, Suite 400, Eugene, OR 97401-3111)

Eugene City Hall Council Chamber
777 Pearl Street, Eugene

April 7, 2005
7:00 p.m.

Water System Expansion (McKenzie Ridge Community Water System)

IV.C. BC File EX W 05 – 11

Petition by Poage Engineering on behalf of the property owner, Verdi Vineyards, Inc.
Action under ORS 199.464 of the boundary commission law
Received March 8, 2005
Public hearing requests by June 6, 2005

Description

Located north of Camp Creek Road, east of Marcola Road, north of the McKenzie River
Property owner: Verdi Vineyards, Inc.
Tax lot: part of 101, T17S R02W S21
Area to be served: ± 20.00 acres
Existing land use: Vacant
Existing zoning: RR-5, rural residential with five-acre minimum lot size
Applicable comprehensive plan: Lane County Rural Comprehensive Plan
(acknowledged by LCDC in September 1984 and as amended)
Existing public services: Police (Oregon State Police, Lane County Sheriff), electricity
(Emerald Peoples Utility District), roads (Lane County), school (Springfield
School District 19), fire (McKenzie Fire & Rescue)

Reason for System Expansion

Expansion of the existing community water system is needed to serve an additional phase of residential development for the McKenzie Ridge subdivision.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register-Guard on March 17, 2005.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. “Affected territory” as defined by ORS 199.415(3) means the territory described in the petition. The “petition” includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (John Green for Verdi Vineyards, Inc., owner of the community water system and the*

area to be served) and Poage Engineering on March 25, 2005. The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. In this case, notice of the public hearing was posted in the area of the water system expansion and at the Lane County courthouse on March 23, 2005.

In conformance with OAR 191-005-0065(3), these staff notes are incorporated as part of the record of the boundary commission public hearing of April 7, 2005.

This request to expand a private water system was filed with the boundary commission on March 8, 2005, by Poage Engineering on behalf of the property owner—Verdi Vineyards, Inc., in accordance with ORS 199.464 (expand privately owned community water system).

A “community system” is either a publicly or privately owned system which serves four or more residences or other users where water is provided for public consumption; the system includes both the water source of water and the distribution system. [ORS 199.464(7)(c)]

The boundary commission was granted authority to review and act on community water systems for several reasons including the following:

- a. Provision of common water systems is a key step in the land use development process.
- b. Community systems are not always as cost effective as larger public or private systems and fragmentation of water and wastewater service complicates logical boundary decisions.
- c. When smaller scale community systems fail, larger, nearby water or wastewater providers often must respond to emergency health situations by extending services and boundaries. Responding to emergency health situations is not always the most logical or cost efficient manner to meet growth needs or to provide low cost service to a broader area.

The proposal area consists of a portion of one tax lot totaling approximately 20 acres (T17S R02W S21 part of tax lot 101; refer to Maps No. IV-C-1 and IV-C-2) and is the area of the proposed next phase (phase 2) of an existing residential subdivision known as McKenzie Ridge and the expansion area for the community water system, known as the McKenzie Ridge Community Water System. The area of phase 2 is zoned RR-5, rural residential with five-acre minimum lot size, in Lane County. The proposal area is designated rural residential in the Lane County Rural Comprehensive Plan. Tax lot 101, owned by Verdi Vineyards, is approximately 283 acres in size. The property is designated and zoned for rural residential development and is envisioned to be developed with subsequent phases of the McKenzie Ridge subdivision. The now platted phase 1 of the McKenzie Ridge subdivision was out of tax lot 101.

The future residential development plans for the McKenzie Ridge subdivision include not only tax lot 101, but also tax lot 600, T17S R02W S16, owned by Verdi Vineyards, Inc. The future

development area is designated and zoned for rural residential (RR-5) and non-impacted forest lands (F-1). The exact location of the boundary between the two zoning districts will be determined by Lane County through future subdivision processes. No part of the subdivision will occur within the F-1 zoned portion of the property.

The McKenzie Ridge Community Water System is located outside of any acknowledged comprehensive plan urban growth boundary. The Lane County Rural Comprehensive Plan (RCP) governs lands outside urban growth boundaries.

The first phase of the McKenzie Ridge subdivision (13 lots) was tentatively approved by Lane County in 1993. When final platting occurred in 1998, only 10 lots were created in the plat for the subdivision. The proposed next phase of the subdivision will add 5 lots and reconfigure an existing lot that was created in the final subdivision plat. Tentative approval for phase 2 of the McKenzie Ridge subdivision was given by Lane County on March 26, 2003 (PA 02-5624). One of the conditions in the county's tentative approval of phase 2 was to ensure that water service to the new lots is provided by the community water system. The final subdivision plat for phase 2 was to be filed with Lane County by March 26, 2005. The property owner had not yet met the conditions of the tentative approval and the property owner's representative filed a request for an extension with Lane County on March 26, 2005. It is not yet known if the county has granted an extension. The applicant's representative contacted county staff, but was not able to provide written evidence of the extension approval by the time this staff report was prepared. Information on the status of the extension request will be provided at the April 7, 2005, public hearing.

Boundary commission approval for the establishment of the McKenzie Ridge Community Water System to serve the first phase of the subdivision (13 lots) was granted December 5, 1996 (BC File X W 96 – 20). Expansion of the water system to serve the new lots in the next phase of the McKenzie Ridge subdivision is required and is the subject of this application.

Map IV-C-3 shows the area to be served by the water system approved by the boundary commission in 1996. Map IV-C-4 shows the area of phase 2 overlaid on Map IV-C-3. The original approval for the McKenzie Ridge Community Water System included an area that could have created 13 lots located on both sides of Oakshire Drive. As noted above, the final plat of the subdivision included only 10 lots located southwest of Oakshire Drive. Even though the number of lots and final platted area is less than what was included in and approved by the boundary commission, the approval area for the community water system remains the same. This results in an overlap between the tentative plans of phase 1 and the tentative plans of phase 2. Lot 15 of phase 2 and lot 11 of phase 1 are generally the same area and is part of the prior action by the boundary commission establishing the water system.

As a result, this request to expand the existing water system includes the area generally encompassing lots 11 through 14 of phase 2 as an expanded service area for the community water system. The final configuration of phase 2 of the subdivision will not be known until the final platting is done. The total lots that would be served by the community water system based on the final plat of phase 1 (10 lots) and the 5 lots in phase 2 will total 15 lots served by the water system. If all lots within the area approved by the boundary commission for the

community water system were platted and slated for development, the total number of services for the water system is 17. It is not known if the area included in the prior boundary commission action establishing the water system will be platted. Lane County approval to plat the area will be required prior to development.

The existing community water system is shown on Map No. IV-C-5. The system includes a 4-inch distribution lines located in Oakshire Drive and Ellington Drive; 2 5,000 gallon reservoirs located on lot 5; and 2 wells located on lot 5. The proposed expansion area can be served from the current infrastructure now in place.

The applicant's engineer indicated that the two wells were tested in January 2000 to assess the aquifer. The test was performed using a rate of 10 gallons per minute (gpm). Static water at the start of the test was 43.5 feet below the well head. Water depth after pumping was 92 feet. The pump is placed at a depth of approximately 220 feet. Well ID# 31833 was pumped and the other well, ID# 31832, was monitored only. Both wells were observed during the test for drawdown of the water surface.

A summary of the testing results indicated the transmissivity of the pumping well was calculated at 236 gallons per day (gpd) per foot, a total of 17,400 gallons were pumped, and complete recovery was projected to take approximately 21 hours. At a conservative usage rate of 500 gallons per residence per day, 15 homes would total 7,500 gpd. This relates to a constant pumping rate of 5.2 gpm. The pump can supply 29 gpm to the reservoir. A rate of 10 gpm resulted in the pump operating 12.5 hours per day. The applicant's engineers concluded that this will allow sufficient recovery time during the pump "off" periods. The transmissivity and specific capacity also support that the well will provide the expected demand. The two 5,000 reservoirs will also provide storage of water during high use periods. The engineer concluded that the existing wells will provide an adequate water supply to the proposed 15 lots of phases 1 and 2 of the McKenzie Ridge subdivision.

The subdivision is not located within a limited water quantity area. Wastewater service will be provided by onsite individual subsurface sewage disposal systems consistent with the conditions of Lane County's tentative approval of phase 2 of the McKenzie Ridge subdivision.

The water system is owned by Verdi Vineyards, Inc. Verdi Vineyards and Poage Engineering and Surveying, Inc., will maintain and/or operate the system until it is transferred to the ownership of the McKenzie Ridge Association (a homeowner's association planned for the subdivision). The covenants, conditions and restrictions (CCRs) proposed for the subdivision outline when the transfer of ownership would occur. Bylaws governing the homeowner's association are planned and will outline the operation of the association.

BOUNDARY COMMISSION REFERRALS

Boundary commission referrals were sent to the Lane County Land Management Division, Lane County Board of Commissioners, Lane County Environmental Health Division, and McKenzie Fire & Rescue.

No referral responses were received as of March 30, 2005.

BOUNDARY COMMISSION STANDARDS – STAFF ANALYSIS

In this section of the staff notes, each applicable boundary commission standard is addressed. These standards are derived from ORS 199 and the boundary commission's policy administrative rule (OAR 191, Division 30).

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of governments. ORS 199.410(1)(b) and 199.410(3)(c)

This request to expand an existing private community water system was filed in accordance with provisions in ORS 199 and was determined to be a valid filing in accordance with OAR 191-006 (adopted administrative rule on boundary commission filing requirements). The item was placed on the boundary commission's agenda for April 7, 2005. Notice of the boundary commission's public hearing has been published in accordance with Oregon law. Any person may attend and will be given a reasonable opportunity to be heard.

The area to be served is within the McKenzie Fire & Rescue fire district. Lane County's tentative approval for phase 2 of the McKenzie Ridge subdivision included a condition that the water system facilities be accessible and usable by the fire district for local fire fighting work.

During the county's processing of phase 2, the Oregon Department of Human Services indicated that final approval of the water system had not yet been given although review of the system was ongoing. As a condition of final approval by Lane County, final approval for the water system by the state is required.

Onsite individual subsurface sewage disposal systems are planned to serve the residential development in phase 2. Lane County's tentative approval for phase 2 includes a condition that subsurface sewage approvals are required prior to final approval by Lane County.

This is consistent with this boundary commission standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

The proposed water system is located within an RR-5 zoned area and has received tentative approval by Lane County for phase 2 of the McKenzie Ridge subdivision. The existing community water system is capable of providing water service to the 5 lots planned for phase 2. Lane County's tentative approval of phase 2 indicates that water service will be provided by the McKenzie Ridge Community Water System. There are no other water systems nearby available to serve the new development.

The water system expansion was coordinated with the Oregon Department of Human Resources during Lane County's review of phase 2 of the McKenzie Ridge subdivision. Final approval from this state agency is required prior to final platting of phase 2.

The proposed water system expansion is consistent with this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b) and (d)

The proposal is within the jurisdiction of the Lane County Rural Comprehensive Plan, which was acknowledged by the Land Conservation and Development Commission in September 1984 and subsequently amended.

Lane County tentatively approved phase 2 of the McKenzie Ridge subdivision, which includes 5 lots in a RR-5, rural residential with five-acre minimum lot size, zone in Lane County. The area is designated rural residential in the comprehensive plan and is in a developed and committed area supporting the rural residential designation for exception area 458-1.

The water system to serve phase 2 of the McKenzie Ridge subdivision consists of two wells, two 5,000-gallon reservoirs, and 4-inch distribution lines. The applicant's engineer indicated that the two wells were tested in January 2000 to assess the aquifer. A summary of the testing results indicated the transmissivity of the pumping well was calculated at 236 gpd per foot, a total of 17,400 gallons were pumped, and complete recovery was projected to take approximately 21 hours. At a conservative rate of 500 gallons per residence per day, 15 homes would total 7,500 gpd. This relates to a constant pumping rate of 5.2 gallons per minutes (gpm). The pump can supply 29 gpm to the reservoir. A rate of 10 gpm resulted in the pump operating 12.5 hours per day. This will allow sufficient recovery time during the pump "off" periods. The transmissivity and specific capacity also support that the well will provide the expected demand. The two 5,000 reservoirs will also provide storage of water during high use periods. The engineer concluded that the existing wells will provide an adequate water supply to the proposed 15 lots of phases 1 and 2 of the McKenzie Ridge subdivision.

The costs of expanding the water system will be borne by the owner of the system—Verdi Vineyards, Inc. The water system has been constructed and is available to serve phase 2 of the McKenzie Ridge subdivision.

Individual onsite sewage disposal systems are planned for each of the lots within the subdivision. Prior to final platting of phase 2 approvals for the systems will be required.

The water system expansion request is consistent with this boundary commission standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

The community water system proposal is consistent with the Lane County Rural Comprehensive Plan. The proposed water system is needed to serve the next phase of the McKenzie Ridge subdivision, which has been given tentative approval by Lane County and found to be consistent with the comprehensive plan. The proposal is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission staff recommends that the proposed water system expansion for the McKenzie Ridge Community Water System (BC File X W 05 – 11) be approved as submitted based on the following findings and reasons.

Findings:

1. This proposal was initiated with the boundary commission on March 8, 2005, by the Poage Engineering & Surveying, Inc., on behalf of the property owner, Verdi Vineyards, Inc., in accordance with ORS 199.464. The proposal was found to be a valid filing under OAR 191-006.
2. The existing McKenzie Ridge Community Water System was approved by the boundary commission in 1996 to serve the first phase of the McKenzie Ridge subdivision planned on property owned by Verdi Vineyards (tax lot 101, T17S R02W S21 and tax lot 600, T17S R02W S16). Final plat of the first phase of the subdivision included 10 residential lots. The existing water system was in place and serving the subdivision lots.
3. The proposed expansion area for the water system was generally identified as phase 2 for the McKenzie Ridge subdivision, which was tentatively approved by Lane County in March 2002 (PA 02-5624). Four of the five lots of phase 2 are outside the area approved by the boundary commission establishing the McKenzie Ridge Community Water System. The expansion area for the water system included generally the area identified as lots 11, 12, 13, and 14 of the tentatively approved phase 2. Final platting of phase 2 will occur at some future time when other conditions of the county's approval are met.
4. The McKenzie Ridge Community Water System was located outside of any acknowledged comprehensive plan urban growth boundary. The Lane County Rural Comprehensive Plan (RCP) governs lands outside urban growth boundaries. The

expansion area for the water system was located in an area zoned RR-5, rural residential with five-acre minimum lot size, in Lane County.

5. The McKenzie Ridge Community Water System consisted of two wells, two 5,000-gallon reservoirs, and 4-inch distribution lines. The existing water system was in place and available to provide water service to the proposed expansion area.

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

6. The boundary commission held a public hearing on April 7, 2005. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
7. The expansion area to be served by the water system was in the McKenzie Fire & Rescue fire district. Access to the water system was included as a condition of tentative approval of phase 2 of the McKenzie Ridge subdivision by Lane County.
8. This request was consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

9. Evidence submitted concluded that the existing water system was adequate to serve phase 2 of the McKenzie Ridge Subdivision. One of the lots in phase 2 (lot 15) was within the area approved by the boundary commission during the prior process establishing the water system. The water system expansion area was located within a Lane County RR-5 zoning district.
10. The McKenzie Ridge Community Water System must be reviewed and approved by the Oregon Department of Human Services, Drinking Water Program. Lane County's tentative approval of phase 2 of the McKenzie Ridge subdivision required evidence of final state approval before final plat approval.
11. The expansion area was located outside of any acknowledged urban growth boundary. Urban water service to this rural area was not allowed or requested.
12. Expansion of the existing McKenzie Ridge Community Water System was a more efficient and economical method of providing water. A series of individual wells results in less control over the amount of water drawn from the aquifer and regulation of the quality of water provided.

13. This request was consistent with this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

14. The Lane County Rural Comprehensive Plan (RCP) was acknowledged by LCDC in September 1984 and was subsequently amended. The RCP is the applicable comprehensive plan. Phase 2 of the McKenzie Ridge subdivision had received tentative approval from Lane County. Phase 2 lies within a developed and committed area and is zoned RR-5.

15. The water system expansion area was located within the RR-5, rural residential with five-acre minimum lot size, zone in Lane County. Future expansion of the water system to serve other phases of the subdivision will require boundary commission review and approval.

16. Individual septic systems will provide wastewater service to the lots within phase 2. Prior to final subdivision approval from the county, evidence will be needed that site approvals for each lot had been given.

17. This request was consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

18. The request to expand an existing water system was consistent with the applicable plan and projections in that plan.

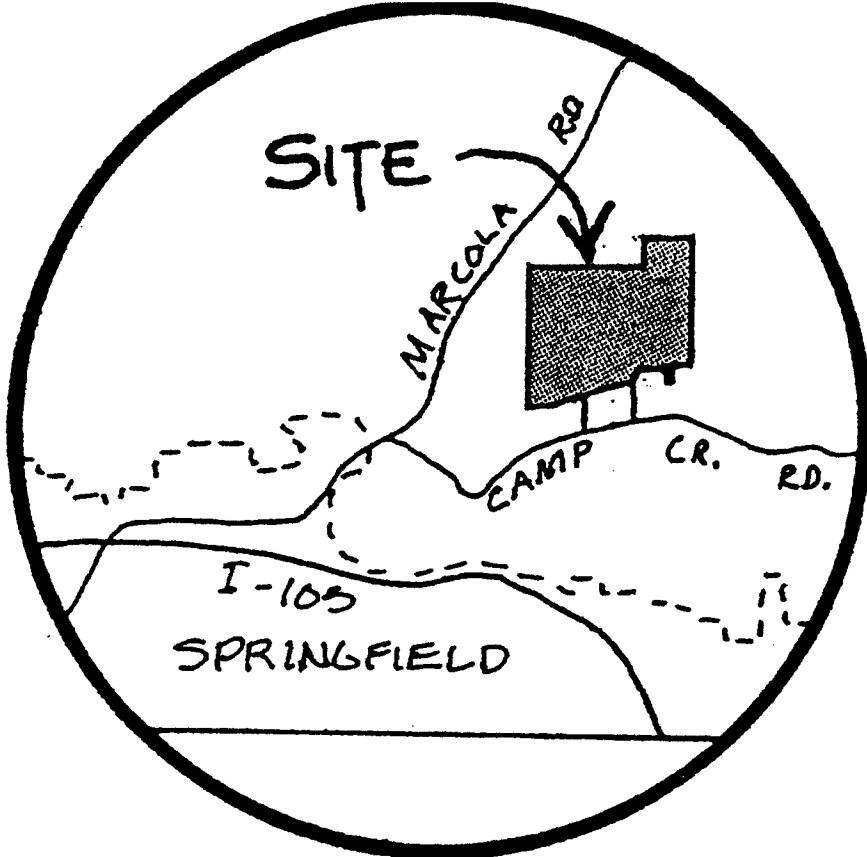
19. Residential development was consistent with the RR-5 zone applied to this area by Lane County. This zone was consistent with the rural residential designation in the Lane County RCP. The community water system was the best method of providing water service to the next phase of the McKenzie Ridge subdivision.

20. This request was consistent with this standard.

Reasons:

1. The proposal allows for additional residential development (5 lots) on RR-5 zoned lands in Lane County, which was supported by the property owner.
2. The proposal was consistent with the LCDC acknowledged Lane County Rural Comprehensive Plan.
3. The proposal was consistent with past boundary commission actions supporting the creation and expansion of community water systems to support rural residential development.

*pt: LCBC: \\CLSRV100\PLANNERS\BC\EXP\1996\EXW9626.SN.DOC
Last Saved: April 8, 1996*

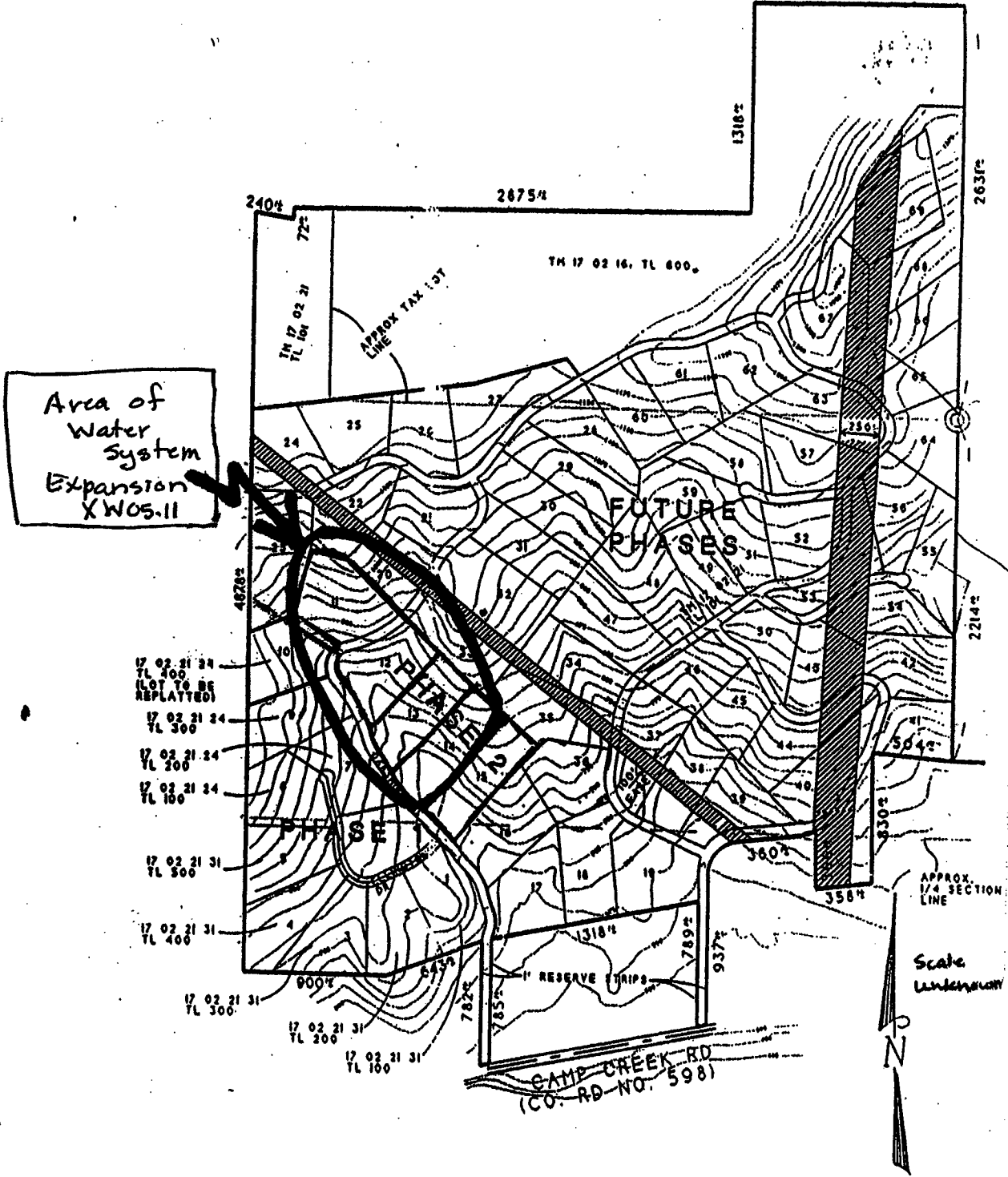


VICINITY MAP

NO SCALE



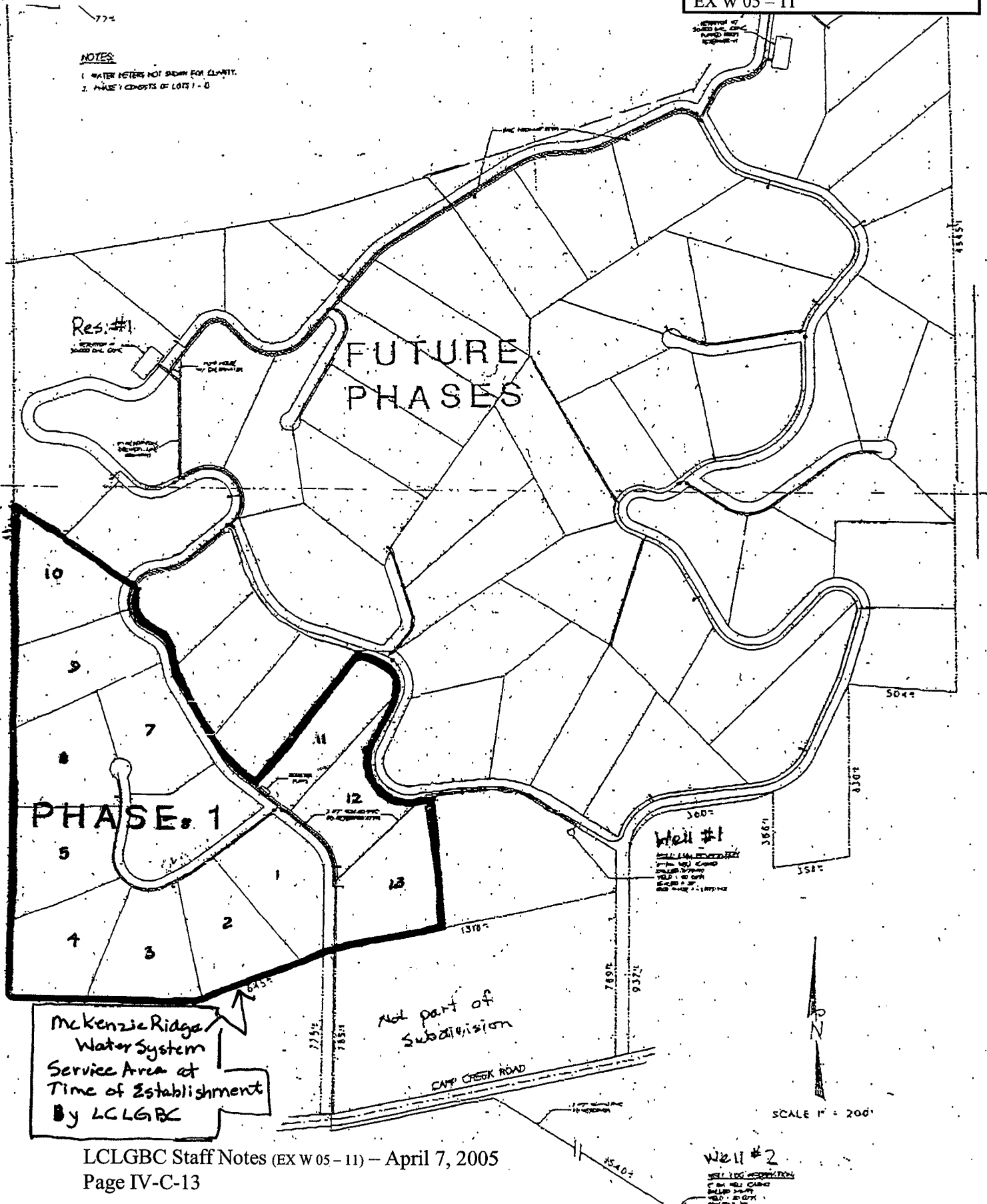
MAP No. IV-C-2 SITE MAP
 Water System Expansion
 (McKenzie Ridge Water System)
 EX W 05 - 11



MAP No. IV-C-3
 Water System Expansion
 (McKenzie Ridge Water System)
 EX W 05 - 11

NOTES

1. WATER METERS NOT SHOWN FOR CLARITY.
2. MAKE Y CORRECTS OF LOTS 1 - 8



McKenzie Ridge
 Water System
 Service Area at
 Time of Establishment
 By LCLGBC

Not part of
 Subdivision

SCALE 1" = 200'

Well #2
 WELL 1100' DEEP
 1" IN WELL Casing
 2" IN WELL Casing
 4" IN WELL Casing
 6" IN WELL Casing
 8" IN WELL Casing
 10" IN WELL Casing

MAP No. IV-C-4
 Water System Expansion
 (McKenzie Ridge Water System)
 EX W 05 - 11

TM 17 02 16. TL 600

R SYSTEM.
 LOPMENT.
 QUIRE

17 02 21
 TL 1100

17 02 21 24
 TL 400
 (LOT TO BE
 REPLATTED)

17 02 21 24
 TL 300

17 02 21 24
 TL 200

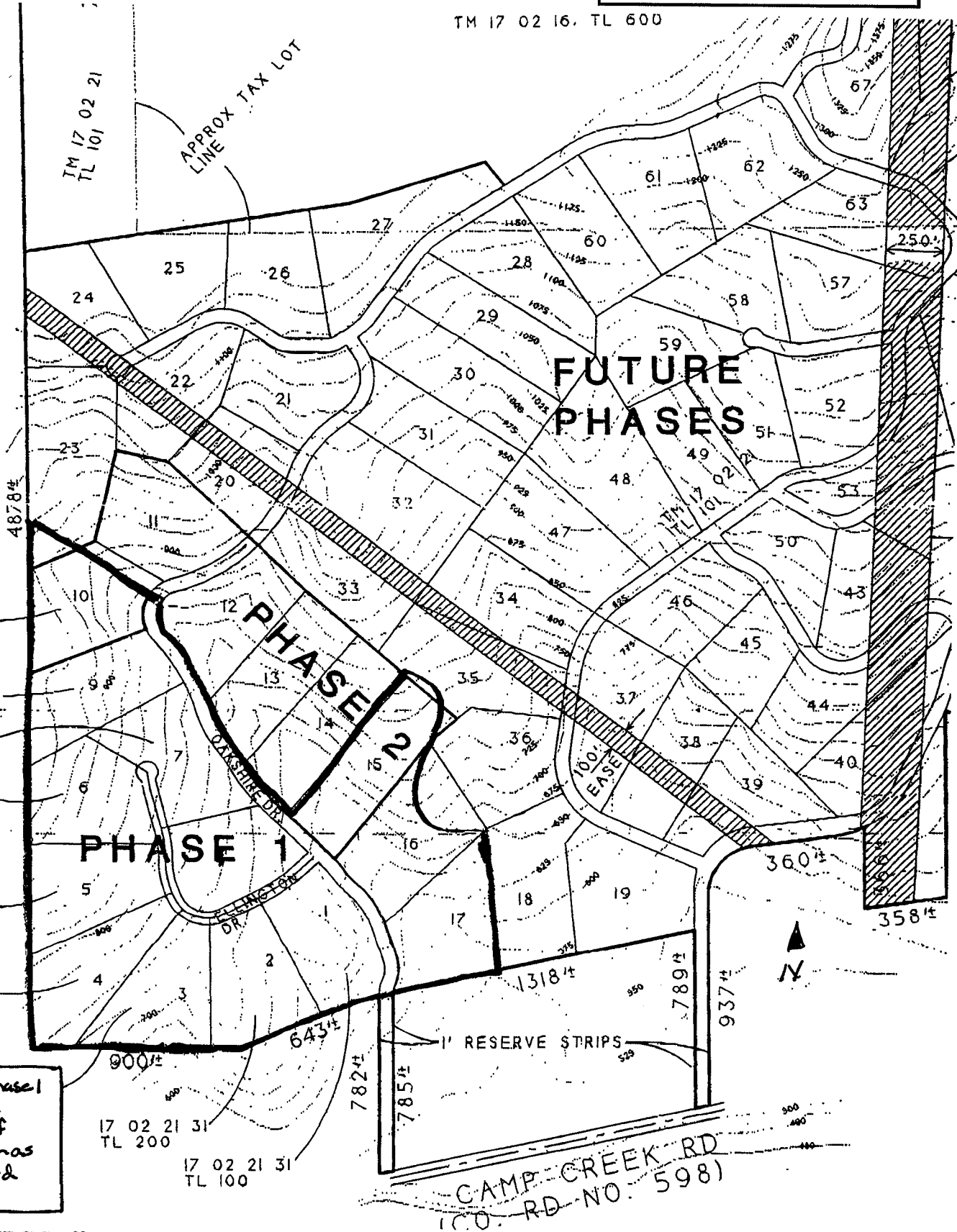
17 02 21 24
 TL 100

17 02 21 31
 TL 500

17 02 21 31
 TL 400

TM 17 02 21
 TL 101

APPROX TAX LOT
 LINE



Map of Phase 1
 and Phase 2
 and Area of
 water systems
 Established

MAP No. IV-C-5
Water System Expansion
(McKenzie Ridge Water System)
EX W 05 - 11

