

**STAFF REPORT
TO THE HUBBARD PLANNING COMMISSION**

REPORT DATE: May 11, 2020

HEARING DATE: May 18, 2020

FILE NO.: Legislative Amendment #LA 2020-01

APPLICANT: City of Hubbard

SUMMARY: Adoption of the 2020 Hubbard Water System Master Plan

CRITERIA:

1. Hubbard Development Code 3.102
2. Hubbard Comprehensive Plan
3. Oregon Statewide Planning Goals

I. PROCEDURE

An amendment to the Hubbard Comprehensive Plan and its supporting plan documents is a Type IV Legislative Action. A Type IV Action is a recommendation from the Planning Commission to a final decision by the City Council, with public notice and public hearings before both the Planning Commission and City Council. Appeals are to the Land Use Board of Appeals (LUBA).

II. BACKGROUND

“The 1996 City of Hubbard Water Master Plan originally guided the governing body in the development of the water system. In April 2007, the City adopted a Water Management and Conservation Plan (WCMP). Hubbard’s Drinking Water Protection Plan was adopted in 1998, and revised in 2003. Additional assessment of the system occurred during the process of adopting a Water and Wastewater Rate Study adopted in 2012. In 2013, the City prepared a Public Facilities Finance Plan (PFFP) to address facility improvements and requirements to serve properties added to the City following several Urban Growth Boundary amendments approved in 2008 (19 acres of commercial and industrial) and 2010 (112 acres of residential land).” Quote taken from the Hubbard Comprehensive Plan.

The purpose of the 2020 Water Master Plan (WMP) is to “provide the City with the information needed to inform long-term water supply and distribution infrastructure decisions.” While no amendments are proposed to the actual text of the Hubbard Comprehensive Plan at this time, adopting a supporting plan document is considered a “Comprehensive Plan Amendment.” Staff intends to revise the language of the Comprehensive Plan document to correspond with the 2020 WMP at a later date. The WMP was compiled by consultant Murraysmith.

“The planning period for this Water System Master Plan (WSMP) is 20 years, through the year 2038, consistent with Oregon Administrative Rule (OAR) requirements for Water System Master Plans (OAR 333-061). It is anticipated that future expansion of the City’s water service area will include continued residential, commercial, and industrial infill developments, and one new major subdivision on

the southwestern side of the City. Existing and future populations are estimated using the population forecasts by Portland State University, Population Research Center.”

The WMP was reviewed by Business Oregon, for compliance with the Water/Wastewater Financing Program. In a letter dated April 14, 2020 Business Oregon staff stated “The review indicates that the project is being administered in compliance with the contract, will be completed in a timely fashion, and will fulfill the objectives stated in the contract.”

The WMP was also reviewed by the Oregon Health Authority (OHA) Drinking Water Services. The Oregon Health Authority – Drinking Water Program (DWP) establishes the minimum water system standards which are set forth in administrative rules. In a letter dated May 5, 2020, OHA staff stated “The Master Plan represents a 20-year planning horizon out to the year 2039. The plan includes system goals and description, future demand estimates, engineering evaluation, evaluations of options to meet future demand, financing, and list of recommended projects and cost estimates. A seismic risk assessment and mitigation plan is required and was included. Upon review of the Master Plan, it appears the elements required in Oregon Administrative Rule (OAR) 333-061-0060(5) have been addressed.”

III. ANALYSIS OF APPLICABLE CRITERIA:

1. HUBBARD DEVELOPMENT CODE

3.102 COMPREHENSIVE PLAN AND DEVELOPMENT CODE TEXT AMENDMENTS, COMPREHENSIVE PLAN MAP AMENDMENTS, AND ZONE CHANGES

3.102.04 Criteria for Approval

A. Comprehensive Plan text and map amendments may be approved if the applicant provides evidence substantiating the following:

- 1. Conformance with the applicable Statewide Planning Goals,*
- 2. Conformance with the goals and policies of the Plan or demonstration of a change in circumstances that would necessitate a change in the goal and/or policy,*
- 3. A demonstration of public need for change, and*
- 4. A demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.*

STAFF FINDINGS: The pertinent Hubbard Comprehensive Plan goals and policies are addressed below, as are the Statewide Planning Goals. The City’s current adopted water system plan is outdated. The 2020 WMP will address the planning horizon of the next 20 years, meeting the requirements of the Oregon Administrative Rules (OAR) 333, with updated population forecasts, and including new seismic requirements. The WMP provides best practices in several areas. The plan has been reviewed by the lender Business Oregon’s Water/Wastewater Financing Program, as well as by the Oregon Health Authority (OHA)’s Drinking Water Services. It has been approved as compliant with both of the agencies’ guidelines. Staff finds these Development Code criteria are met.

2. CITY OF HUBBARD COMPREHENSIVE PLAN, 2013

SECTION V: PUBLIC FACILITIES & SERVICES

Goal: To provide for an orderly, efficient and economical system of delivery of City services. To conserve and manage efficiently the available water resources, and to extend and secure long-range water supplies to meet the needs of the people of Hubbard. To seek and maintain cooperation and coordination of public services with other governmental agencies.

Objectives:

- 1. Maintain and enhance the quality of public facilities and services and provide them in a timely cost-effective manner.*
- 2. Direct new development to locations where facilities and services exist, or to buildable areas adjacent to the existing service area.*
- 3. To maximize on existing investment, consider service line extension policies that encourage infill development within the existing city.*

Policies:

- 1. The sizing and location of sewer, water and storm drainage lines is to reflect the requirements of desired land use arrangements and densities of the service area.*
- 2. Utilize the provision of community facilities and services as a guide to urban development by phasing and directing growth based on facility and service capability and capacity.*
- 3. Encourage development of vacant land within the city prior to urbanization of rural land within the urban growth boundary so as to achieve maximum utilization of public investment.*
- 4. The installation, repair or resizing of municipal service lines should be done prior to, or concurrent with, street improvements.*

PUBLIC FACILITIES – CITY OF HUBBARD WATER SYSTEM GOALS AND POLICIES

The City adopts the following goals, objectives, and policies regarding the provision and development of water service:

Goals:

- 1. To maintain and enhance the quality of water service to all customers.*
- 2. To conserve water and encourage its wise use.*

Objectives:

- 1. Implement the Water Management and Conservation Plan completed by the City 2007 that is under review by the State of Oregon.*
- 2. Increase monthly water rates commensurate with the need to conserve water, and increase coverage beyond base rates for residential and commercial users, to pay for future needed improvements.*
- 3. Secure additional well sites as needed to ensure adequate water supply.*

Policies:

- 1. Require all land use developments to install distribution lines that will provide at least, minimum water pressure and flow for the proposed land use and future land uses.*

2. *To maintain adequate water flow and pressure, strive continually to loop the system and require a standard pipe size based upon the level of development*
3. *Discourage the development of land uses that require high water consumption.*
4. *Develop supply, storage and distribution facilities that are able to satisfy insurance fire flow requirements and provide a given reserve for maximum daily use and emergency needs.*
5. *Continue the policy of paying the cost of maintaining and improving the existing water system with funds derived from user fees.*
6. *Require installation and connection to City mains at developer's expense including waterlines and fire hydrants serving a subdivision or new development. The installation shall take into account provisions for extension beyond the subdivision or development to adequately grid the City system.*
7. *Support implementation of the Hubbard Drinking Water Protection Plan adopted by the City in 2003.*
8. *Encourage water conservation and the development of a water conservation education program.*
9. *Actively participate in efforts to develop regional or shared water system facilities.*

STAFF FINDINGS: The purpose statement of the 2020 WMP is found on page 1-1 of the document. Staff finds that the intended purpose of the WMP supports, informs, and advances the City's adopted Goals and Policies of Section V – Public Facilities and Services, as well as the subsection Water System Goals and Policies of the Hubbard Comprehensive Plan. Generally stated as *“To provide for an orderly, efficient and economical system of delivery of City services. To conserve and manage efficiently the available water resources, and to extend and secure long-range water supplies to meet the needs of the people of Hubbard. To seek and maintain cooperation and coordination of public services with other governmental agencies.”* Staff found no portions of the 2020 WMP to be inconsistent with the adopted HCP Public Facilities Goals and Policies.

3. OREGON'S STATEWIDE PLANNING GOALS & GUIDELINES

GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1) “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

STAFF FINDINGS:

A public notice which included the dates for both the Planning Commission and City Council public hearings was published in the Woodburn Independent newspaper, a regional newspaper with weekly circulation, on April 8, 2020, which was 13 days before the notice date of a Planning Commission public hearing on April 21st and 34 days prior to the City Council public hearing on May 12th. The Planning Commission opened the public hearing on the evening of April 21st, and at staff's recommendation, continued the agenda item to their next regularly scheduled meeting of May 19, 2020. Staff requested a continuation because the Public Works Department was awaiting the final plan review approval from both the funder Business Oregon, as well as the OHA. On May 12th, the City Council will also open the noticed public hearing and continue it to the next regular City Council meeting date of June 9, 2020, in order to allow time for the Planning Commission to first review and make a recommendation to the City Council. It was necessary to open the public hearing and continue it before both bodies because both dates had been published, and if members of the public were in attendance to participate in the public hearings, they would have immediately been notified of the new time and date. The Hubbard Public Works Department received the necessary approval letters in the interim, and is now ready to proceed

with the public hearings on the WMP. The continued hearing dates also provided the public additional time to review the draft WMP, which was advertised as available for public review on the City's website. The City has received no written testimony on the draft plan in advance of the public hearings.

A minimum 35-day advance notice is required to be filed with the Oregon Department of Land Conservation and Development (DLCD). This was submitted on March 31, 2020, which was less than 35-days, but the DLCD Regional Representative Angela Carnahan was consulted on the adoption procedures prior to the official notice date. Again, the continued public hearing dates would have provided an additional month of review time for any interested party to review the draft WMP. Staff finds that Goal 1 is met.

GOAL 2: LAND USE PLANNING OAR 660-015-0000(2) "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."

STAFF FINDINGS: The proposal does not involve exceptions to the Statewide Goals. Goal 2 supports clear and thorough local procedures. The City has followed the local land use procedures for a Type IV Legislative Action detailed in the Hubbard Development Code by initiating the Type IV Action by the City Council and providing duly noticed public hearings before both the Planning Commission and the City Council prior to adoption by ordinance. Staff finds that Goal 2 is met.

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

GOAL 4: FOREST LANDS OAR 660-015-0000(4) "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

STAFF FINDINGS: Staff finds that Goals 3 and 4 do not apply to the WMP because the WMP only plans for properties and populations within the Hubbard Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660- 0150000(5) "To protect natural resources and conserve scenic and historic areas and open spaces."

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6) "To maintain and improve the quality of the air, water and land resources of the state."

STAFF FINDINGS: "In 2001, the City of Hubbard adopted an Inventory of Natural Resources, Scenic and Historic Areas, and Open Spaces, that identifies Hubbard's well-head protection area as a significant ground water resource. The City has adopted a *Drinking Water Protection Plan*. The Plan includes a delineation of the protection area, management proposals for potential contamination sources by agricultural, commercial/industrial, and residential users, and contingency plans in the event that a groundwater contamination event should occur. A major component of the plan is educating individuals regarding the need and methods to protect the City's groundwater sources."

Additionally, “Water conservation must be practiced and emphasized not only within the City of Hubbard Water System, but throughout the region as the limited natural resources are drawn upon to supply even greater amounts of water. The Hubbard Public Works Department has a section on its website that has several suggestions for ways water customers can conserve water. During a drought or other source shortage, a Water Curtailment Plan becomes effective until the shortage or drought is no longer considered a danger.” (HCP).

The 2020 WMP includes an Operations & Maintenance (O&M) analysis which identified areas the City can implement best practice recommendations to address efficiency of the system (pipe replacement and leak identification), and therefore also of the groundwater resource it draws from. Staff finds the WMP is supportive of Goals 5 and 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS “To protect people and property from natural hazards.”

STAFF FINDINGS: The WMP states “Following recent seismic research which presented persuasive evidence on the imminent threat and extreme risk of a Cascadia Subduction Zone (CSZ) earthquake, the State of Oregon developed the Oregon Resilience Plan (ORP). The ORP established target timelines for water utilities to provide service following a seismic event. The ORP also recognized that currently, water providers and existing water infrastructure are unable to meet these recovery goals. To improve existing water systems’ seismic resilience, one of the ORP’s key recommendations was for water utilities to complete a seismic risk assessment and mitigation plan as part of their periodic Water Master Plan (WMP) update. As part of this WMP, the City of Hubbard (City) has chosen to complete a general seismic assessment of their existing water system... Recommended improvements to mitigate specific facility risks are to be assessed by the City as follow-on work to this WMP.” Staff finds that Goal 7 is analyzed and supported by the WMP.

GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8) “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9) “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

STAFF FINDINGS: The WMP anticipates that future expansion of the City’s water service area will include continued residential, commercial, and industrial infill developments. Documenting existing infrastructure capacity and planning for future growth and upgrades of Hubbard’s water system for commercial and industrial users is vital to Hubbard’s economic development potential. Staff finds the WMP is supportive of Goal 9.

GOAL 10: HOUSING OAR 660-015-0000(10) “To provide for the housing needs of citizens of the state.”

STAFF FINDINGS: The WMP anticipates that future expansion of the City’s water service area will include continued residential, commercial, and industrial infill developments, and one new major subdivision on the southwestern side of the City. Existing and future populations are estimated using the

population forecasts by Portland State University, Population Research Center. Documenting existing infrastructure capacity and planning for future growth and upgrades of Hubbard's water system for residential users is vital to Hubbard's ability to service incorporated properties, supporting a range of housing options required by a growing community. Staff finds the WMP is supportive of Goal 10.

GOAL 11: PUBLIC FACILITIES AND SERVICES 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."

STAFF FINDINGS: The adoption of the 2019 Hubbard Water Master Plan supports Goal 11 Public Facilities and Services by planning for the provision of water utilities for the incorporated city limits as well as a handful of connections outside of city limits. The plan assumes infill development of residential, commercial, and industrial land uses, in addition to some outward growth in the southwest portion of the city, recently annexed into City Limits. As discussed above, the Hubbard Comprehensive Plan public facilities element is consistent with Goal 11. The WMP is proposed to be adopted as an addendum to this chapter. Staff finds the WMP is supportive of Goal 11.

GOAL 12: TRANSPORTATION OAR 660-015-0000(12) "To provide and encourage a safe, convenient and economic transportation system."

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13) "To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

STAFF FINDINGS: Staff finds that this criterion does not apply.

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

STAFF FINDINGS: The City of Hubbard has an adopted policy that public utilities will not be extended outside of City Limits. The City has adopted standards in place for the urbanization of properties, requiring the developer to connect to city utilities. The WMP envisions the future in-fill development of land currently within the City's City Limits, as well as land recently annexed into the City Limits. The WMP supports Goal 14 Urbanization.

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005; GOAL 16: ESTUARINE RESOURCES OAR 660-015-0010(1); GOAL 17: COASTAL SHORELANDS OAR 660-015-0010(2); GOAL 18: BEACHES AND DUNES OAR 660-015-0010(3); GOAL 19: OCEAN RESOURCES OAR 660-015-0010(4) STAFF

STAFF FINDINGS: The proposed legislative amendment does not involve land within the Willamette Greenway, identified estuarine, coastal shorelands, beach, or ocean areas. Staff finds that Statewide Goals 15 through 19 do not apply.

IV. CONCLUSIONS & RECOMMENDATION:

Staff finds that the 2020 Water Master Plan as presented in legislative amendment file # LA 2020-01 meets the pertinent review criteria included within the 1) Hubbard Development Code, 2) the Hubbard Comprehensive Plan, and the 3) Oregon Statewide Planning Goals, as presented.

V. PLANNING COMMISSION ACTION:

The Planning Commission may take one of the following actions:

- A. Motion to recommend the City Council adopt the findings outlined in the staff report and APPROVE the 2019 Water Master Plan by adopting it as an addendum to the Hubbard Comprehensive Plan, AS PRESENTED.
- B. Motion to recommend the City Council adopt the findings outlined in the staff report and APPROVE the Water Master Plan by adopting it as an addendum to the Hubbard Comprehensive Plan, AS REVISED by the Planning Commission.
- C. Motion to CONTINUE the public hearing to a date and time certain, and state the additional information that is needed to allow for a future decision.
- D. Motion to recommend the City Council DENY the proposed Legislative Amendment by not adopting the 2020 Water Master Plan as presented.