

W. 12.a.

AGENDA COVER MEMO



Memorandum Date: April 18, 2011

Eleventh Reading/Public Hearing Date: May 4, 2011

TO: Board of County Commissioners
DEPARTMENT: Land Management Division, Public Works
PRESENTED BY: Sarah Wilkinson, Planner
AGENDA ITEM TITLE: ELEVENTH READING/ PUBLIC HEARING Ordinance No. PA 1260 In The Matter Of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Consistent With Policy G.3 In Chapter III, Section G, Public Facilities And Services Element; Amending Table 6, Table 18, Table 19, Map 3 And Map 8 Of The Public Facilities And Services Plan (PFSP); And Adopting Savings And Severability Clauses (Metro Plan Amendment) (Applicant; Springfield) (NBA & PM 7/8/09, 7/22/09, 8/5/09, 8/26/09, 10/20/09, 11/04/09, 2/3/10, 8/18/10, 9/1/10, 12/15/10)

Motion:

Move approval of Ordinance No. PA 1260.

Background/Previous Board Action

On October 20, 2009 the Board held a fifth reading on the concurrent Metro Plan and Public Facilities and Services Plan amendment to update the City of Springfield's project lists and tables of significant stormwater facilities. At the fifth reading some of the members of the Board expressed concerns that the addendum did not adequately address concerns for protecting downstream property owners and that specific citizens involved in previous discussions had not had the opportunity to review the adopted policy amendment.

On November 4, 2009, the Board held a sixth reading to allow review of packet material missing from the previous session and to hear input from County staff. At this meeting, County staff expressed some of the complexities of inserting "no net increase" language into Springfield's Stormwater Management Plan and the difficulties of implementing such policies at the County level.

On February 3, 2010, the Board held a seventh reading. Springfield Council had passed two revised City ordinances to adopt the stormwater projects within the City and leave off the projects shown on the Springfield PFSP maps in the Urban Growth Boundary areas. The City structured their ordinances to approve only the projects within the City limits unless the Board adopts County Ordinance PA 1260, in which case the City action would be superseded by the County ordinance. City staff expressed concern property owners outside the City limits may face an increased risk of flooding if the County chooses not to adopt the proposed PFSP

amendment, because the projects located outside the City limits, as listed in the current PFSP, are deemed inadequate.

Since the 7th reading, on July 19, 2010, Springfield Council held a public hearing and a revised Addendum 1 was adopted by the City Council following the conclusion of the hearing. The amendment was developed in consultation with several downstream property owners who have all expressed their support of the amendment to the City Council. The City of Springfield believes that it has addressed the concerns within its control that were raised by the Board of Commissioners during the prior readings on the proposed ordinance. As such, the City requested that the Board of Commissioners proceed with adopting Ordinance No. PA1260.

On August 18, 2010, the Board held an eighth reading. County staff has reviewed the Public Facilities and Service Plan amendment and are supportive of co-adoption by the Board. The amendment contains multiple flood control projects that would protect County residents from existing flooding risks. Likewise, the project list contains multiple water quality projects that would improve existing water quality deficiencies. Staff is also supportive of the City's recent addendum to their Stormwater Management Plan.

Although the Board has expressed desires to develop more stringent stormwater management policies throughout the County, staff feels that this is beyond the scope of Springfield's Public Facilities and Service Plan (PFSP) ordinance that is before you today. County staff returned to the Board on August 25, 2010 and conducted a work session on developing and funding stormwater objectives of the Board. Minutes of this meeting are attachment 2.

On September 1, 2010 the Board held a ninth reading and public hearing. No testimony was given, and the Board set a tenth reading for December 15, 2010.

On December 15, 2010, the Board held a tenth reading and public hearing, no testimony was given at this hearing, and the Board set the eleventh reading, continued the hearing to May 4, 2011. Minutes of this meeting are attachment 3.

Recommendation

Staff recommends approval of the Ordinance.

Attachments

Attachment 1 – Ordinance No. PA 1260

Attachment 2 – Minutes of the August 18, 2010 Board meeting

Attachment 3 – Minutes of the December 15, 2010 Board meeting

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

Ordinance No. PA 1260) In The Matter Of Amending The Eugene-Springfield
) Metropolitan Area General Plan (Metro Plan) Consistent With
) Policy G.3 In Chapter III, Section G, Public Facilities And
) Services Element; Amending Table 6, Table 18, Table 19, Map 3
) And Map 8 Of The Public Facilities And Services Plan (PFSP);
) And Adopting Savings And Severability Clauses (Metro Plan
) Amendment) (Applicant; Springfield)

WHEREAS, Chapter IV of the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* sets forth procedures for amendment of the Metro Plan, which for Lane County are implemented by provisions of Lane Code 12.200 through 12.245; and

WHEREAS, the *Metro Plan* identifies the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities and Services Plan)* as a refinement plan that forms the basis for the *Public Facilities and Services Element* of the *Metro Plan* and guides the provision of public facilities and services in the metropolitan area; and

WHEREAS, the *Public Facilities and Services Plan* serves the goals, objectives and policies of the *Metro Plan* by addressing the provision of public facilities and services within the urban growth boundary (UGB), services to areas outside the UGB, locating and managing public facilities outside the UGB, and financing public facilities; and

WHEREAS, the current *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, adopted in 2001 and amended in 2004, 2006 and 2008, is in need of modification to update the significant stormwater management projects that have been completed, eliminated, or re-configured as detailed in the City of Springfield's adopted *Stormwater Facility Master Plan*; and

WHEREAS, at the conclusion of a joint public hearing with the Springfield Planning Commission on June 30, 2009, both the Lane County and Springfield planning commissions recommended the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, Table 6, Table 18, Table 19, Map 3 and Map 8, be amended to reflect completed, eliminated and modified stormwater management projects, and that these same amendments be adopted into the *Eugene-Springfield Metropolitan Area General Plan* consistent with Policy G.3, Chapter III, Section G *Public Facilities and Services Element* of the *Metro Plan*; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing held in the matter of amending the *Public Facilities and Services Plan* and the *Metro Plan*.

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

Section 1. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) is modified and amended to insert the map (Maps 3 and 8) and table (Tables 6, 18 and 19) changes or additions as set forth in Exhibit A (maps) and B (tables) attached and incorporated herein, which amendments are hereby adopted.

Section 2. The *Public Facilities and Services Element* (Section III-G) of the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* is further modified and amended consistent with Policy G.3 to include the modifications and amendments to the PFSP Tables 6, 18 and 19, and Maps 3 and 8 as set forth in Exhibits A and B attached and incorporated herein, which amendments are hereby also adopted as part of the *Metro Plan*. Project timing and estimated costs are not adopted as policy.

FURTHER, although not part of the Ordinance, the Board of County Commissioners adopts the findings set forth in the attached Exhibit "C" in support of this action.

The prior designations and provisions repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ENACTED this ____ day of _____, 2009

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 7-1-2009 Lane County


OFFICE OF LEGAL COUNSEL

Map 3

Eugene-Springfield Public Facilities and Services Plan

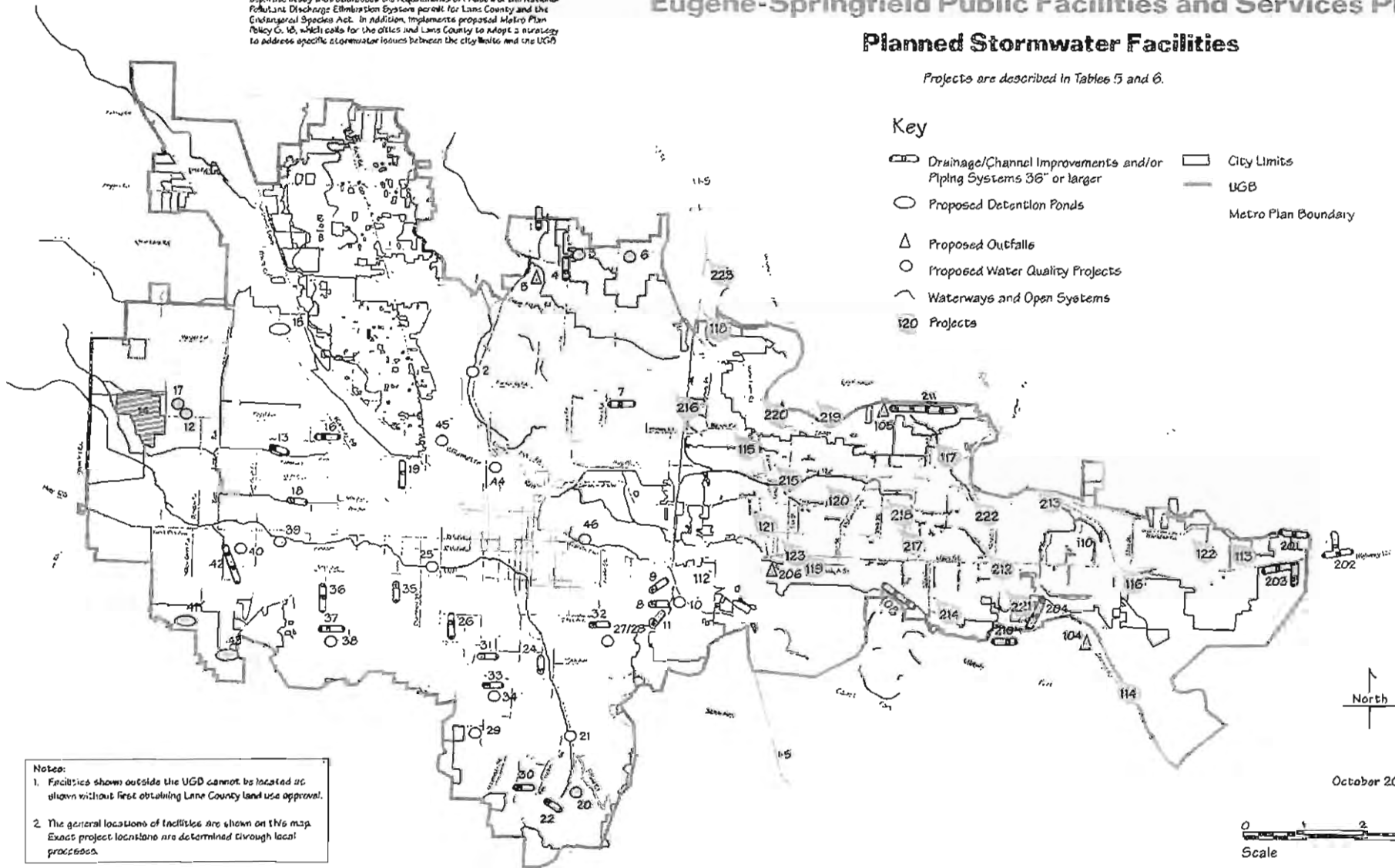
Planned Stormwater Facilities

Projects are described in Tables 5 and 6.

Stormwater projects for this area will be identified through a separate study that addresses the requirements of Phase II of the National Pollutant Discharge Elimination System permit for Lane County and the Endangered Species Act. In addition, implements proposed Metro Plan Policy G. 10, which calls for the cities and Lane County to adopt a strategy to address specific stormwater issues between the city limits and the UGB.

Key

- Drainage/Channel Improvements and/or Piping Systems 36" or larger
- Proposed Detention Ponds
- Proposed Outfalls
- Proposed Water Quality Projects
- Waterways and Open Systems
- Projects
- City Limits
- UGB
- Metro Plan Boundary



Notes:
 1. Facilities shown outside the UGB cannot be located as shown without first obtaining Lane County land use approval.
 2. The general locations of facilities are shown on this map. Exact project locations are determined through local processes.

October 2008

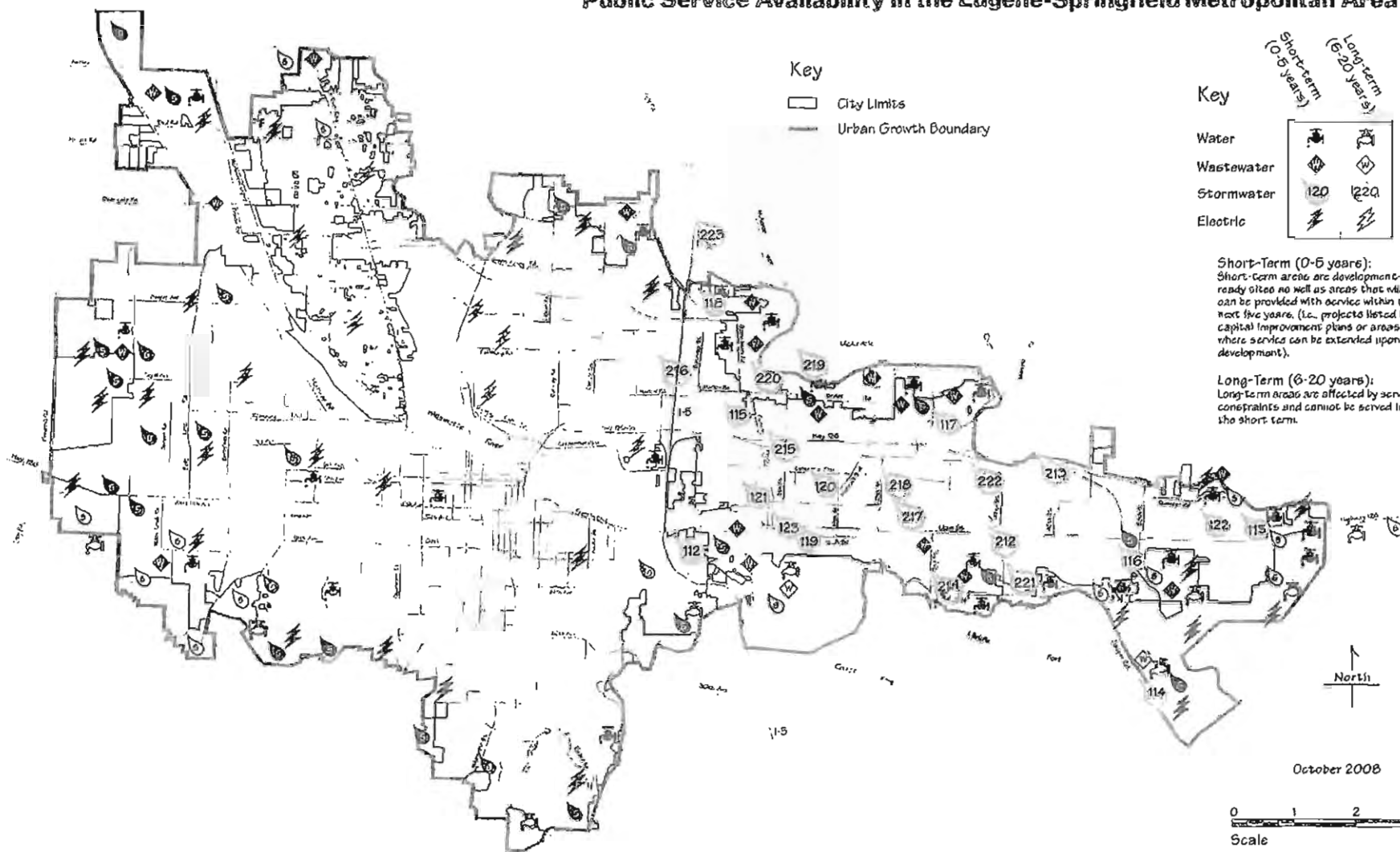


Map Produced by LCOG

Exhibit A

Map 8

Eugene-Springfield Public Facilities and Services Plan Public Service Availability in the Eugene-Springfield Metropolitan Area



Map Produced by LCOG

Exhibit A

Table 6
City of Springfield Stormwater System Improvement Projects

Project Number	Project Name/Description	Stormwater Facility Master Plan Project Number
	<i>Short-Term</i>	
100	Sports Way detention pond	
101	Maple Island Slough Outfall	
102	Deadmond Ferry Outfall	
103	Aster Street system	
104	Jasper Slough Outfall	n/a
105	20 th Street Outfall	n/a
106	T Street detention pond	
107	Pierce Industrial Park drainage	
108	Mill Race Enhancements, including new intake	n/a
109	Jasper/Natron outfalls and associated pipe systems	
110	Highway 126/I-105 drainage improvements	n/a
111-A	Cedar Creek: 69 th Street Channel improvements	
111-B	Cedar Creek: 72 nd Street Channel Improvements	
112	Glenwood Channel & Pipe Improvements	1
113	Gray Creek Channel & Pipe Improvements	2
114	Jasper Natron Channel & Pipe Improvements	3
115	Channel 6 Detention Pond, Channel & Pipe Improvements	4
116	59 th & Aster and Daisy Street Parallel Pipe	5
117	Irving Slough Channel Improvements	6
118	North Gateway – Sports Way Flood Control Water Quality Facility	10
119	McKenzie Forest Products Mill Pond Water Quality Facility	12
120	Central Over-Under Channel & Pipe Improvements	15
121	Island Park Water Quality Facility	16
122	69 th Street Open Channel	18
123	Lower Mill Race Water Quality & Riparian Enhancements	21
	<i>Long-Term</i>	
200-A	Cedar Creek: Outfall/Detention at Lively Park/McKenzie River	
200-B	Cedar Creek: Thurston Middle School Channel Improvements	
200-C	Cedar Creek: 66 th Street Outfall	
200-D	Cedar Creek: 75 th Street Outfall	
200-E	Cedar Creek: Gossler Bank control project	
200-F	Cedar Creek: Diversion System	
200-G	Cedar Creek: East Thurston Road/Hwy 126 Outfall and Associated Piping	

Table 6 Continued
City of Springfield Stormwater System Improvement Projects

Project Number	Project Name/Description	Stormwater Facility Master Plan Project Number
201	Thurston Road Interceptor	n/a
202	Highway 126 and 87 th Interceptor and Outfall	n/a
203	South 79 th Street System	n/a
204	Rocky Point Drive System and Outfall	n/a
205	Rosboro Detention Pond	
206	Borden Outfall Upgrade	n/a
207	Ash Street Outfall	
208	Manor Drive Outfall	
209	16th Street Outfall	
210	Jasper Slough Improvements	n/a
211	Hayden Bridge Road Interceptor	n/a
212	42 nd & McKenzie Hwy Pipe Improvements	24
213	I-105 Channel Improvements	26
214	Jasper Slough Culvert Crossing Improvements	27
215	Q Street Channel Riparian Enhancements	28
216	I-5 Open Channel Riparian Enhancements	29
217	Q Street Floodway East of 28 th Water Quality	31
218	28 th Street Main to North Water Quality Temperature TMDL	32
219	Open Channel Improvements North of Riverglen Subdivision	33
220	Chateau St Outfall	34
221	Clearwater Lane & Jasper Water Quality	37
222	42 nd Channel Improvements	42
223	Maple Island Slough Channel Enhancement & Water Quality Improvements	43

Table 18
City of Springfield
Stormwater System Improvements, Estimated Costs, and Timing

Project Number	Project Name/Description	Stormwater Facility Master Plan Project Number	Cost (\$000)	Estimated Completion Year
	<i>Short-Term</i>			
100	Sports Way Detention Pond		400	2008-2013
101	Maple Island Slough Outfall		1,500	2008-2013
102	Deadman Ferry Outfall		150	2008-2013
103	Aster Street System		500	2008-2013
104	Jasper Slough Outfall		210	2008-2013
105	20 th Street Outfall		350	2008-2013
106	T Street Detention Pond		150	2008-2013
107	Pierce Industrial Park Drainage		300	2008-2013
108	Mill Race Enhancements, including new intake	n/a	7,800	2008-2013
109	Jasper/Natron Outfalls and associated pipe systems		1,500	2008-2013
110	Hwy 126/I-105 Drainage Improvements	n/a	640	2008-2013
111-A	Gedar Creek - 69 th Street Channel improvements		500	2008-2013
111-B	Gedar Creek - 72 nd Street Channel Improvements		250	2008-2013
112	Glenwood Channel & Pipe Improvements	1	4,670	2008-2013
113	Gray Creek Channel & Pipe Improvements	2	4,650	2008-2013
114	Jasper Natron Channel & Pipe Improvements	3	2,800	2008-2013
115	Channel 6 Detention Pond, Channel & Pipe Improvements	4	1,250	2008-2013
116	59 th & Aster and Daisy St Parallel Pipe	5	2,100	2008-2013
117	Irving Slough Channel Improvements	6	2,150	2008-2013
118	North Gateway - Sportsway Flood Control Water Quality Facility	10	520	2008-2013
119	McKenzie Forest Products Mill Pond Water Quality Facility	12	60	2008-2013
120	Central Over-Under Channel & Pipe Improvements	15	2,500	2008-2013
121	Island Park Water Quality Facility	16	60	2008-2013
122	69 th St Open Channel	18	2,500	2008-2013
123	Lower Mill Race Water Quality & Riparian Enhancements	21	60	2008-2013

Table 18
City of Springfield
Stormwater System Improvements, Estimated Costs, and Timing (continued)

Project Number	Project Name/Description	Stormwater Facility Master Plan Project Number	Cost (\$000)	Estimated Completion Year
	<i>Long-Term</i>			
200-A	Cedar Creek: Outfall/Detention at Lively Park/McKenzie River		250	2005-2010
200-B	Cedar Creek: Thurston Middle School Channel Improvements		100	2005-2010
200-C	Cedar Creek: 66 th Street Outfall		450	2005-2010
200-D	Cedar Creek: 75 th Street Outfall		250	2005-2010
200-E	Cedar Creek: Gessler Bank control project		1,500	2005-2010
200-F	Cedar Creek: Diversion System	n/a	2,100	2010+
200-G	Cedar Creek: East Thurston Road/Hwy 126 Outfall and Associated Piping	n/a	350	2010+
201	Thurston Road Interceptor	n/a	570	2013-2018
202	Hwy 126 and 87 th Interceptor and Outfall	n/a	570	2010+
203	South 79 th Street System	n/a	1,425	2013-2018
204	Rocky Point Drive System and Outfall	n/a	420	2013-2018
205	Resboro Detention Pond		300	2013-2018
206	Borden Outfall Upgrade	n/a	140	2013-2018
207	Ash Street Outfall		150	2013-2018
208	Manor Drive Outfall		250	2013-2018
209	16 th Street Outfall		250	2013-2018
210	Jasper Slough Improvements	n/a	500	2013-2018
211	Hayden Bridge Road Interceptor	n/a	500	2013-2018
212	42 nd & McKenzie Hwy Pipe Improvements	24	300	2013-2018
213	I-105 Channel Improvements	26	1,610	2013-2018
214	Jasper Slough Culvert Crossing Improvements	27	200	2013-2018
215	Q St Channel Riparian Enhancements	28	500	2013-2018
216	I-5 Open Channel Riparian Enhancements	29	500	2013-2018
217	Q St Floodway East of 28 th Water Quality	31	200	2013-2018
218	28 th St Main to North Water Quality Temperature TMDL	32	60	2013-2018
219	Open Channel Improvements North of Riverglen Subdivision	33	30	2013-2018
220	Chateau St Outfall	34	240	2013-2018
221	Clearwater Lane & Jasper Water Quality	37	350	2013-2018
222	42 nd Channel Improvements	42	200	2013-2018
223	Maple Island Slough Channel Enhancement & Water Quality Improvements	43	250	2013-2018

Table 19
Existing Financing Sources

	User fees	Assessments	Development fees	Property tax	Grants/loans	Bonds	Short-term debt	Private finance
Water								
EWEB								
O&M	X							
Rehabilitation	X		X			X	X	
Expansion	X		X			X	X	X
SUB								
O&M	X							
Rehabilitation	X		X					
Expansion	X		X					X
Rainbow								
O&M	X							
Rehabilitation	X							
Expansion	X							X
Wastewater								
City of Eugene								
O&M	X							
Rehabilitation	X		X		X		X	
Expansion	X	X	X	X	X	X	X	X
City of Springfield								
O&M	X							
Rehabilitation	X		X				X	
Expansion	X	X	X	X	X	X	X	X
MWMC								
O&M	X							
Rehabilitation	X		X					
Expansion	X		X	X				
Stormwater								
City of Eugene								
O&M	X							
Rehabilitation	X		X				X	
Expansion	X		X					X
City of Springfield								
O&M	X							
Rehabilitation	X		X		X	X	X	
Expansion	X	X	X	X	X	X	X	X
Lane County								
O&M								
Rehabilitation					X			
Expansion					X			

Staff Report and Findings of Compliance with the Metro Plan and Statewide Goals and Administrative Rules

File LRP 2008-00016 Amendments to the *Metro Plan* and *Public Facilities and Services Plan*

Applicant

City of Springfield, Public Works Department

Nature of the Application

The applicant proposes to amend the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* and the *Public Facilities and Services Plan (PFSP)* to: (1) add 24 significant projects to Table 6 of the *Public Facilities and Services Plan* including those with stormwater lines 36-inches in diameter or larger, detention basins, water quality facilities, or new outfalls; (2) delete three projects from Table 6 that have been completed; (3) modify 15 projects on Table 6 that have been re-configured or eliminated; (4) modify 18 projects on Table 18 that have been re-configured or eliminated; (5) modify Table 19 to reflect the current available funding sources for the stormwater projects; and, (6) update Map 3 and Map 8 in the *Public Facilities and Services Plan* to indicate the general location of the projects added to or removed from Table 6. The proposed amendments are consistent with the City of Springfield's recently-adopted *Stormwater Facility Master Plan*, which updates and improves upon previous master plans for the city's stormwater management system.

Background

Metro Plan-PFSP-Local Facilities Plan Context

Oregon state land use law (Goal 11, OAR 660-011) requires all cities with a population over 2,500 to develop and adopt a public facilities plan for the area within the city's urban growth boundary. The public facilities plan is a support document or documents to a comprehensive plan. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan; these elements include a list of public facility project titles (excluding the descriptions or specifications of those projects if so desired by the jurisdiction); a map or written description of the public facility projects' locations or service areas; and the policies or urban growth management agreement designating the provider of each public facility system (OAR 660-011-0045).

In 2001, the governing bodies of Eugene, Springfield and Lane County repealed the 1987 *Public Facilities and Services Plan* and replaced it with the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, December 2001 (subtitled: *A Refinement Plan of the Eugene-Springfield Metropolitan Area General Plan*). One of the results of this action is described in the PFSP as follows: "Chapter II of this plan recommends text amendments to the *Metro Plan* which are adopted as part of, and are incorporated into, the *Metro Plan*. The project lists and maps in Chapter II are also adopted as part of the *Metro Plan* but are physically located

in this refinement plan. If there are any inconsistencies between this plan and the *Metro Plan*, the *Metro Plan* prevails” (Page 1, Introduction, PFSP).

This text confirms that the *Public Facilities and Services Plan* is a refinement plan of the *Metro Plan*; that both the PFSP and the *Metro Plan* “co-adopted” the project lists, maps and policies as required by OAR 660-011-0045; that the project lists and maps do not physically appear in the published *Metro Plan* but, instead, are to be found in the PFSP; and that amendment of the project list, maps or policies, require identical amendment to both documents if changes are made because they are co-adopted into both the *Metro Plan* and PFSP.

The City of Springfield adopted a new *Stormwater Facility Master Plan* in 2008. The *Stormwater Facility Master Plan* is intended to supplement - but not replace - the policies and provisions of the adopted *Public Facilities and Services Plan*. Therefore, all recommendations of the adopted *Stormwater Facility Master Plan* do not have to be incorporated into the PFSP. However, certain recommendations and 24 proposed and completed Capital Improvement Projects are considered significant by Oregon Administrative Rule 660-011-0045; these projects require amendments to the adopted PFSP.

On October 20, 2008, Springfield City Council initiated site-specific amendments to the adopted *Metro Plan* and PFSP to add, modify or remove various stormwater management system projects within Springfield’s urban growth boundary (UGB), consistent with the recommendations contained in the recently completed *Stormwater Facility Master Plan*. The adopted *Stormwater Facility Master Plan* improves upon the existing master plans and supplements the PFSP by implementing Policy G.3 of the *Metro Plan*: “Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation”.

The adopted *Stormwater Facility Master Plan* recommends the addition of 24 significant projects to the PFSP project list. These significant projects include those with pipes greater than 36-inches in diameter, detention basins, water quality facilities, or new outfalls. Three projects on the PFSP list have been completed, and 15 projects have been reconfigured or eliminated. The completed and eliminated projects should be removed from the PFSP tables and maps. All of these projects are part of the City’s stormwater management system, but may drain areas extending outside the UGB or discharge to waterways that pass outside the UGB. Notwithstanding the single jurisdiction service purpose of these new projects, the *Metro Plan* (Page V-4, Public facility projects: (c) Stormwater) requires *all* drainage/channel improvements and/or piping systems 36-inches or larger, proposed detention ponds, outfalls, water quality projects, and waterways and open systems to be identified in the project lists and maps. Because the *Metro Plan* “prevails” if there are any inconsistencies between the *Metro Plan* and the PFSP, the PFSP project lists and maps must show the significant projects.

Stormwater Facility Master Plan – 2008

The City’s *Stormwater Facility Master Plan* is a citywide public infrastructure plan that evaluates existing and future demand on the stormwater management system within the current urban growth boundary (UGB) including some contiguous drainage areas outside the UGB, and makes recommendations for system improvements (capacity, water quality protection, and

efficiency). The *Stormwater Facility Master Plan* was initiated by City Council to update and replace various stormwater master plans prepared nearly 30 years ago, and to assist in the implementation of recommendations prepared by URS Corp for updating and improving the City's stormwater management system.

The City's *Stormwater Facility Master Plan* is not a substitute for the stormwater systems planning that appears in Chapter III of the *Metro Plan* or throughout the PFSP; Oregon Administrative Rule 660-011-0010 identifies the constituent components of public facility plans including how these state requirements relate to other public facilities planning that may be prepared by cities and authorized service providers:

“(3) It is not the purpose of this division to cause duplication of or to supplant existing applicable facility plans and programs. Where all or part of an acknowledged comprehensive plan, facility master plan either of the local jurisdiction or appropriate special district, capital improvement program, regional functional plan, similar plan or any combination of such plans meets all or some of the requirements of this division, those plans, or programs may be incorporated by reference into the public facility plan required by this division. Only those referenced portions of such documents shall be considered to be a part of the public facility plan and shall be subject to the administrative procedures of this divisions and ORS Chapter 197.”

This rule provision is intended to allow cities to adopt existing public facilities documents, rather than prepare new ones, where those documents satisfy the standards of OAR 660-011. This rule provision does not invalidate other elements of these local planning efforts that do not address provisions of the rule; it simply qualifies those elements of local planning documents that can be used to meet this rule and, in so doing, obligates such elements to the requirements of ORS 197 (goals compliance; post-acknowledgment plan amendment procedures). The City is not proposing to reference any elements of the *Stormwater Facility Master Plan* as provided in OAR 660-011-0010, but does contend that the development and application of the *Stormwater Facility Master Plan* is consistent with the following *Metro Plan* policy:

“G.2 Use the planned facilities maps of the Public Facilities and Services Plan for water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation.” [Emphasis added]

The *Stormwater Facility Master Plan* recommends a variety of projects and programs to achieve the primary objective of the plan, which is “to provide a guiding document in order to plan for more comprehensive, efficient, and multi-objective management of the city's stormwater resources”. The adopted *Stormwater Facility Master Plan* also describes proposed capital improvement projects (CIPs) for flood control and water quality, and recommends changes to existing stormwater standards and codes that will support the implementation of Springfield's goals and policies related to stormwater management.

The following project recommendations need to be included in the lists and maps in the *Metro Plan* and PFSP:

For inclusion in Table 6:

- Project #112 – Glenwood Channel and Pipe Improvements
1,600 feet of pipe and 3,000 feet of open channel improvements for flood control in the Glenwood development and redevelopment areas. Water quality elements will be included with the new construction.
- Project #113 – Gray Creek Channel and Pipe Improvements
New construction to serve the development area in east Springfield.
Approximately 2,000 feet of pipe and 6,500 feet of open drainage ways.
- Project #114 – Jasper Natron Channel and Pipe Improvements
3,800 feet of conceptually located open channels to serve the Jasper Natron area.
- Project #115 – Channel 6 Detention Pond, Channel and Pipe Improvements
A combination of detention pond, channel improvements and piping to serve the area north of the Eugene-Springfield Highway from 18th Street westerly to I-5.
- Project #116 – 59th and Aster and Daisy Street Parallel Pipe
Pipe improvements along Daisy Street from 48th Street to 59th and Aster Streets for flood control.
- Project #117 – Irving Slough Channel Improvements
Open channel improvements along the Irving Slough from 42nd Street northwesterly to a discharge point along the McKenzie River.
- Project #118 – North Gateway – Sports Way Flood Control Water Quality Facility
Construct a combination flood control/water quality facility at the north end of Sports Way in and adjacent to the City owned Gateway Natural Resource Area.
- Project #119 – McKenzie Forest Products Mill Pond Water Quality Facility
Develop a water quality facility on a City owned parcel north of the Booth-Kelly mill pond to serve the south Springfield industrial area along the Northern Pacific Railroad corridor.
- Project #120 – Central Over-Under Channel and Pipe Improvements
Various pipe and channel improvements from Willamalane Park at 14th and G Streets to the confluence with the Q Street channel near Moffitt elementary school.
- Project #121 – Island Park Water Quality Facility
Green pipe improvements and an offline water quality facility at Island Park to serve the existing discharge from the downtown commercial area.

Project #122 – 69th Street Open Channel

Construct an over-under pipe system or green pipe open channel and an offline water quality treatment facility along 69th Street from D Street to Cedar Creek north of Thurston Road.

Project #123 – Lower Mill Race Water Quality and Riparian Enhancements

Construct a daylight or diversion pretreatment structure, an offline water quality treatment facility (pond or wetland), and green pipe open channel improvements from the Booth Kelly site to the Willamette River.

Project #212 – 42nd and McKenzie Highway Pipe Improvements

Pipe improvements near 42nd and McKenzie Highway to control observed localized flooding problems.

Project #213 – I-105 Channel Improvements

Channel improvements north of I-105 near of 52nd Street for flood control.

Project #214 – Jasper Slough Culvert Crossing Improvements

Road crossing improvements along Jasper Slough from 32nd Street to east of Clearwater Lane for flood control.

Project #215 – Q Street Channel Riparian Enhancements

Channel enhancements along the channel from 28th Street to I-5 for water quality and shading to address temperature issues identified in the Willamette River TMDL.

Project #216 – I-5 Open Channel Riparian Enhancements

Channel enhancements along the channel from Gateway Mall to the Eugene Springfield Highway for water quality, bank stability and shading.

Project #217 – Q Street Floodway East of 28th Water Quality

Channel improvements for flood control and water quality along 30th and 28th Streets from north of Main Street to near Olympic Street.

Project #218 – 28th Street Main to North Water Quality Temperature TMDL

Pipe and outfall improvements along 28th Street for flood control and temperature reduction prior to discharge into the Q Street Floodway.

Project #219 – Open Channel Improvements North of River Glen Subdivision

Channel improvements for large flood events and water quality improvements from 7th Street to Harvest Lane and vicinity.

Project #220 – Chateau Street Outfall

System improvements from Hayden Bridge Road to the existing Lane County outfall to the McKenzie River for flood control and water quality.

Project #221 – Clearwater Lane and Jasper Water Quality
Pipe improvements for flood control north of Jasper Road and construction of a water quality facility prior to discharge into the Middle Fork of the Willamette River.

Project #222 – 42nd Channel Improvements
Water quality improvements at the northerly end of the 42nd Street pipe system prior to discharge into the Kaiser Slough.

Project #223 – Maple Island Slough Channel Enhancement and Water Quality Improvements
Channel and riparian improvements for water quality along the Maple Island Slough from Corporate Way to the outfall near the McKenzie River.

For deletion from Table 6:

Project #100 – Sports Way Detention Pond
Project completed

Project #101 – Maple Island Slough Outfall
Reconfigured within Project #223

Project #102 – Deadmond Ferry Outfall
Reconfigured within Project #223

Project #103 – Aster Street System
Included in Project # 116

Project #106 – T Street Detention Pond
Included in Project #115

Project #107 – Pierce Industrial Park Drainage
To be constructed with the Marcola Meadows site development

Project #109 – Jasper/Natron Outfall and Associated Pipe Systems
Reconfigured within Project #114

Project #111A – Cedar Creek: 69th Street Channel Improvements
Reconfigured within Project #122

Project #111B – Cedar Creek: 72nd Street Channel Improvements
Reconfigured within Project #113

Project #200A – Cedar Creek: Outfall/Detention at Lively Park/McKenzie River
Lively Park project completed

Project #200B – Cedar Creek: Thurston Middle School Channel Improvements
Not identified as necessary in the Stormwater Facility Master Plan

Project #200C – Cedar Creek: 66th Street Outfall
Not identified as necessary in the Stormwater Facility Master Plan

Project #200D – Cedar Creek: 75th Street Outfall
Reconfigured within Project 113

Project #200E – Cedar Creek: Gossler Bank Control Project
Project completed

Project #205 – Rosboro Detention Pond
Project pipe reduced to 24" diameter which is below PFSP criteria.

Project #207 – Ash Street Outfall
The engineering study project does not meet PFSP criteria

Project #208 – Manor Drive Outfall
Reconfigured within Project #220

Project #209 – 16th Street Outfall
Project completed

NOTE: Table 18 contains the same projects found in Table 6 proposed for inclusion or deletion; in addition, Table 18 provides cost estimates and completion year estimates for each project.

Metropolitan Area General Plan Amendment Criteria

The proposed amendments are considered to be Type II *Metro Plan* amendments because they are site specific amendments to Plan project lists and maps. Type II *Metro Plan* amendments inside the city limits shall be approved by the Home City; Type II *Metro Plan* amendments between the city limits and the Plan Boundary shall be approved by the Home City and Lane County. Some of the projects are located partially or entirely outside the city limits (or manage stormwater originating from outside the city limits), and all discharge stormwater to watercourses that eventually flow outside of the city limits. Therefore, Lane County must co-adopt these amendments.

Springfield and Lane County adopted identical *Metro Plan* amendment criteria into their respective implementing ordinances and codes. Springfield Development Code (SDC) Chapter 5, Section 5.14-135.C.1&2 and Lane Code 12.225(2) (a & b) require that the amendment be consistent with relevant statewide planning goals and that the amendment not make the *Metro Plan* internally inconsistent. These criteria are addressed as follows:

- (a) *The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission;*

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The two cities and the county have acknowledged land use codes that are intended to serve as the principal implementing ordinances for the *Metro Plan*. Chapter 5 of the SDC, *Metro Plan Amendments - Public Hearings*, prescribes the manner in which a Type II *Metro Plan* amendment must be noticed. Citizen involvement for a Type II *Metro Plan* amendment not related to an urban growth boundary amendment requires: Notice to interested parties; notice to properties and property owners within 300 feet of the proposal; published notice in a newspaper of general circulation; and notice to the Department of Land Conservation and Development (DLCD) at least 45 days before the initial evidentiary hearing (Planning Commission).

Notice of the joint Planning Commission hearing was mailed on June 19, 2009; notice was published in the Register-Guard on June 13, 2009. Notice of the first evidentiary hearing was provided to DLCD on December 2, 2008. Lane County is participating in this matter; Eugene was sent a referral on April 20, 2009.

Requirements under Goal 1 are met by adherence to the citizen involvement processes required by the *Metro Plan* and implemented by the Springfield Development Code, Chapter 5 and Lane Code Sections 12.025 and 12.240.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Implementation Measures – are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

The current version of the *Metro Plan* was last adopted in 2004 (Springfield Ordinance No. 6087; Eugene Ordinance No. 20319; and Lane County Ordinance No. 1197) after numerous public meetings, public workshops and joint hearings of the Springfield, Eugene and Lane County Planning Commissions and Elected Officials.

Subsequent to these *Metro Plan* adoption proceedings, Eugene, Springfield and Lane County considered amendments to Chapter III-G Public Facilities and Services Element and Chapter V Glossary of the *Metro Plan*. These amendments were reviewed at public meetings, public workshops and joint hearings of the Springfield, Eugene and Lane County Planning Commissions and Elected Officials, and adopted by all three jurisdictions in 2004.

The currently proposed amendments to the PFSP arise from recommendations of the city's *Stormwater Facility Master Plan*, which was adopted by the Springfield Common Council on October 20, 2008 after opportunity for public review and comment, and a public hearing process.

The *Metro Plan* is the "land use" or comprehensive plan required by this goal; the Springfield Development Code and the Lane Code are the "implementation measures" required by this goal. Comprehensive plans, as defined by ORS 197.015(5), must be coordinated with affected governmental units. Coordination means that comments from affected governmental units are solicited and considered.

Goal 3 – Agricultural Lands

To preserve and maintain agricultural lands.

The changes do not affect *Metro Plan* or PFSP consistency with this goal and this goal does not apply within adopted, acknowledged urban growth boundaries. None of the proposed projects are intended to provide urban stormwater management service to properties outside the UGB (although management of drainage originating from and discharging to watercourses outside the UGB is considered). Instead, the projects were recommended in the *Stormwater Facility Master Plan* to meet the City of Springfield's projected population and employment growth through the (2025) planning year.

Goal 4 – Forest Lands

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.

The changes do not affect *Metro Plan* or PFSP consistency with this goal and this goal does not apply within adopted, acknowledged urban growth boundaries. None of the proposed projects are intended to extend urban stormwater management service to properties outside the UGB (although management of drainage originating from and discharging to watercourses outside the UGB is considered); the projects were recommended in the *Stormwater Facility Master Plan* to meet the city of Springfield's projected population and employment growth within the existing UGB.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

The City has finished all work required under Goal 5 during the most recent Periodic Review (completed in 2007). Sixteen of the proposed project additions and modifications are located within the City's protected Goal 5 resource sites: eight within or adjacent to riparian resource areas, and eight within or adjacent to delineated wetland resource areas. One proposed project overlaps both types of natural resource areas (Irving Slough Channel Improvements). The proposed projects affecting or within riparian resource areas include: #112 – Glenwood Channel and Pipe Improvements; #117 – Irving Slough Channel Improvements; #121 – Island Park Water Quality Facility; #123 – Lower Mill Race Water Quality and Riparian Enhancements; #213 – I-105 Open Channel Riparian Enhancements; #214 Jasper Slough Improvements; #219 – Open Channel Improvements North of River Glen Subdivision; #220 – Chateau Street Outfall; and #223 – Maple Island Slough Channel Enhancement and Water Quality Improvements. The proposed projects affecting or within wetland natural resource areas include: #113 – Gray Creek Channel and Pipe Improvements; #114 – Jasper Natron Channel and Pipe Improvements; #115 – Channel 6 Detention Pond, Channel and Pipe Improvements; #116 – 59th and Aster and Daisy Parallel Pipe; #117 – Irving Slough Channel Improvements; #119 – McKenzie Forest Products Mill Pond Water Quality Facility; #122 – 69th Street Open Channel; and #222 – 42nd Channel Improvements. The proposed project areas are depicted on a Capital Improvement Plan map, which is attached to this staff report. The map depicts the City's mapped natural resource areas and shows where significant stormwater projects are located with respect to these resources. These proposed projects include improvements to existing outfalls and riparian enhancements to meet state and federal regulatory requirements. The City will obtain any necessary permits for each project from appropriate jurisdictions as required. The proposed projects were not designed nor intended to allow urban development to occur within a protected resource site; the presence of urban services does not invalidate Goal 5 inventories or protection measures even if the new urban service becomes available to any of these sites; and, these Goal 5 sites were identified and protected because they qualified under city or state laws, not because of a lack of available services. The changes do not adversely affect the City's acknowledged Goal 5 inventories, so this proposal does not create an inconsistency with the goal.

Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

This goal is primarily concerned with compliance with federal and state environmental quality statutes, and how this compliance is achieved as development proceeds in relationship to air sheds, river basins and land resources.

The Federal Water Pollution Control Act, P.L. 92-500, as amended in 1977, became known as the Clean Water Act (33 U.S.C. 1251 et seq.). The goal of this Act was to eliminate the discharge of pollutants into the navigable waters. ORS 468B.035 requires the Oregon Environmental Quality Commission (EQC) to implement the Federal Water Pollution Control Act. The primary method of implementation of this Act is through the issuance of a National Pollutant Discharge Elimination System (NPDES) permit prior to

the discharge of any wastes into the waters of the state (ORS 468B.050). Among the “pollutants” regulated by the EQC are temperature (OAR 340-041-0028) and toxic substances (OAR 340-041-0033).

Previously, the Plan was amended to ensure that the *Metro Plan* and the PFSP accurately reflect stormwater management system needs as imposed by Federal and State regulation. Additionally, the PFSP notes that:

“Existing policies and plans in the Eugene-Springfield area support water quality and quantity improvements through site planning for new construction, public education, use of natural systems, preservation of natural drainageways, and reduction of street-related runoff problems. To summarize, stormwater management policies developed through local plans:

- Establish and support stormwater administration and management programs that include natural resource protection;
- Protect significant natural resources to serve multiple objectives, including stormwater storage and conveyance;
- Use constructed wetlands, wetland enhancement, and waterways for stormwater treatment, storage and conveyance;
- Create and protect a connected natural stormwater system;
- Use a comprehensive wetlands mitigation program to guide planning future stormwater systems;
- Create a comprehensive stormwater monitoring and maintenance program to serve multiple stormwater management objectives; and,
- Develop a plan for financing the stormwater management program.”

This amendment takes the next step in bringing the plan current by incorporating those significant facilities in Springfield which are required to adequately and efficiently convey stormwater to the receiving water bodies, while adhering to federal and state mandates for pre-treatment (wherever possible), temperature abatement, removal of sediment and suspended solids, and protection of water quality. The proposed amendment is intended to update the list of significant stormwater projects (Table 6 of the PFSP) to account for projects that have already been completed, and the recommendations for new or modified projects described in the City’s *Stormwater Facility Master Plan* adopted in October, 2008.

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

The *Metro Plan* and the City’s Development Code are acknowledged to be in compliance with all applicable statewide land use goals, including Goal 7. Some of the proposed projects are located within mapped floodplain areas, but their presence does not have any adverse effect on existing policies or procedures adopted by the City of Springfield for application in floodplain areas. In accordance with Section 4.3-117 of the City’s Development Code, the maintenance, expansion, restoration or rehabilitation of natural and constructed waterways is contemplated (if not encouraged), provided there is

mitigation of upstream flooding and original or improved design flow capacity is maintained. Furthermore, the proposed projects that are located in floodplain areas are intended to provide mitigation of flood events and, correspondingly, to protect life and property from damage due to flood impacts.

Goal 8 – Recreational Needs

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.

All of the proposed projects are intended to improve or expand current facilities, or to accommodate future growth in population and employment. What is meant, but not stated in this general concept of “future growth in population and employment” is that it includes ancillary activities as well. The *Metro Plan* anticipates up to 32% of residential designation will be occupied by these ancillary activities: “In the aggregate, non-residential land uses consume approximately 32 percent of buildable residential land. These non-residential uses include churches, day care centers, parks, streets, schools, and neighborhood commercial” (Page III-A-4, *Metro Plan*). Determination of pipe sizes and capacity, and implementation of water quality protection “best management practices”, contemplates the presence of these land uses. Additionally, the Willamalane Park and Recreation Master Plan includes future park sites needed to keep pace with residential growth.

Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The *Metro Plan* cites the provision of adequate public facilities and services as necessary for economic development. Objective 10, at page III-B-4 states: “Provide the necessary public facilities and services to allow economic development”. Policy B25, at Page III-B-6, states: “Pursue an aggressive annexation program and servicing of designated industrial lands in order to have a sufficient supply of ‘development ready’ land”. Policy B26, at page III-B-6, states: “In order to provide locational choice and to attract new campus industrial firms to the metropolitan area, Eugene and Springfield shall place as a high priority service extension, annexation, and proper zoning of all designated special light industrial sites”.

All of these policies are served by the proposed amendments to the *Metro Plan* and PFSP as these projects are intended to meet future demand generated by population and employment growth. Additionally, it is the provision of key urban services that typically determines suitability of land to be converted from rural to urban and to be annexed into the city limits: “Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that: a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner; b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the *Metro Plan*”

(Page II-C-4, *Metro Plan*). The proposed amendment will update the list of projects that, in part, facilitate urban stormwater system extension to these areas so that planned development may occur.

Goal 10 – Housing

To provide for the housing needs of citizens of the state. Goal 10 Planning Guideline 3 states that “[P]lans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.”

OAR 660–008–0010 requires that “[S]ufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” Goal 10 defines buildable lands as “...lands in urban and urbanizable areas that are suitable, available and necessary for residential use.” 660–008–0005(13), in part, defines land that is “suitable and available” as land “for which public facilities are planned or to which public facilities can be made available.”

Similar to Goal 9, adequate public facilities are necessary to accomplish the objectives of this goal and applicable administrative rules (OAR Chapter 660, Division 008). The purpose of the proposed amendments is to provide the capacity for future development of residential (population) and commercial and industrial (employment) use consistent with the comprehensive plan.

Goal 11 – Public Facilities and Services

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.

OAR Chapter 660, Division 011, implements Goal 11. OAR 660–011–0030(1) requires that the public facility plan list the proposed projects and identify the general location of the project on a map. The proposal will add 24 projects to Tables 6 and 18; delete 15 projects that have been reconfigured or eliminated from these same tables; delete three projects that have been completed from these same tables; modify Table 19 to identify existing funding sources for the proposed projects; and show the location of all proposed projects on Maps 3 and 8. These tables and maps are adopted as part of the *Metro Plan*, but are located in, and are a part of the PFSP.

OAR 660–011–0035(1) requires that the public facility plan include a rough cost estimate for sewer public facility projects identified in the facility plan. In conformity with this requirement, Table 18 includes rough cost estimates for all 38 proposed stormwater projects. These costs are derived from the work performed during the preparation of previous stormwater master plans, and further refined by the recently adopted *Stormwater Facility Master Plan*.

OAR 660–011–0045 requires certain elements of the public facility plan to be adopted as part of the comprehensive plan. These elements include the list of public facility project titles (Table 6); the map or written description of the public facility projects locations or

service areas (Maps 3 and 8); and policies or urban growth management agreements designating the provider of each public facility system. No policy amendments are proposed in this action. The notice of proposed amendment sent to DLCD, the notice of the hearing on these amendments, and the applicable criteria are consistent with the provisions for a land use decision and the post-acknowledgment procedures of ORS 197.610.

Goal 12 - Transportation

To provide and encourage a safe, convenient and economic transportation system.

The transportation system plan is not dependent upon, or influenced by the stormwater management system plan. Land development cannot occur in the absence of infrastructure and that includes stormwater management and transportation; but neither the goals nor the OARs require a corollary analysis of each of these services when the city is proposing one or both of these plans for post-acknowledgment amendment. All of the proposed amendments are needed to upgrade (expand the capacity or water quality enhancement provisions of) existing facilities. In each case, the planned transportation facilities are: 1) already in place; 2) under construction; 3) in design; or, 4) planned. The changes do not affect *Metro Plan* or PFSP consistency with this goal.

Goal 13 – Energy Conservation

To conserve energy.

3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.

All of the projects are upgrades, enhancements, or expand the capacity of existing systems. Such a strategy maximizes the efficiency of the existing system (sunk cost) and provides for infill and redevelopment opportunities that couldn't go forward without these improvements. The changes do not affect *Metro Plan* or PFSP consistency with this goal.

Goal 14 – Urbanization

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.

The amendments do not affect the existing UGB; they will allow capacity expansion of existing facilities to enable projected planned population and employment growth within the existing UGB. If these stormwater projects do not occur, projected population and employment growth will need to be accommodated beyond the existing UGB. The proposed amendments will potentially delay when UGB adjustments must be taken and may reduce the acreage necessary to accommodate projected growth. The changes do not affect *Metro Plan* or PFSP consistency with this goal.

Goal 15 – Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

There are four projects located in close proximity to the Willamette River: Glenwood Channel and Pipe Improvements, Borden Outfall Upgrade, Island Park Water Quality Facility, and Lower Mill Race Water Quality and Riparian Enhancements. The presence of these facilities, and the necessary upgrades, will allow planned development of these areas to occur, but not at the exclusion of any other rules or standards that may be applicable to even permitted development. For example, development within the Greenway Boundary is permitted, but is subject to SDC 3.3-300 regardless of the presence or absence of infrastructure. The changes do not affect *Metro Plan* or PFSP consistency with this goal.

Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, and Goal 19 Ocean Resources

These goals do not apply to the Eugene-Springfield Metropolitan Area.

(b) *Adoption of the amendment must not make the Metro Plan internally inconsistent.*

The project lists and maps contained in the PFSP were adopted as part of the *Metro Plan* in 2004, 2006 and 2008. The project lists in the PFSP, in the form of tables, include significant stormwater projects with pipes 36-inches or larger, detention basins, water quality facilities, or new outfalls; the maps show the general location or service area of the projects. The proposed amendments include detention basins, water quality facilities, new outfalls, project descriptions, and changes to the maps to show the general location of each project. These same amendments are applied to the same project lists (Tables 6 and 18) and maps (Maps 3 and 8) in the PFSP that are specifically adopted as part of the *Metro Plan*. This action constitutes the ideal test of consistency. Therefore, the proposed changes, as presented, will not create internal inconsistencies within the *Metro Plan*.

In addition to the foregoing, the proposed amendments are consistent with the following *Metro Plan* policies:

“Extend the minimum level and full range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II – C, relevant policies in this chapter, and other *Metro Plan* policies” (Page III-G-4, Policy G.1).

“Use the planned facilities maps of the *Public Facilities and Services Plan* to guide the general location of water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation” (Page III-G-4, Policy G.2). [Emphasis added]

“Modifications and additions to or deletions from the project lists in the *Public Facilities and Services Plan* for water, wastewater, and stormwater public facility projects or significant changes to project location, from that described in the *Public Facilities and Services Plan* planned facilities Maps 1, 2 and 3, requires amending the *Public Facilities and Services Plan* and the *Metro Plan...*” (Page III-G-4, Policy G.3). [Emphasis added]

“Use annexation, provision of adequate public facilities and services, rezoning, redevelopment and infill to meet the 20-year projected housing demand.” (Page III-A-5, Policy A.4)

“Endeavor to provide key urban services and facilities required to maintain a five-year supply of serviced, buildable residential land.” (Page III-A-6, Policy A.7)

“Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities” (Page III-A-7, Policy A.12).

“Coordinate local residential land use and housing planning with other elements of this plan, including public facilities and services, and other local plans, to ensure consistency among policies” (Page III-A-13, Policy A.35).

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

ATTACHMENT 2

August 18, 2010

1:30 p.m.

Harris Hall Main Floor

APPROVED 9-15-2010

Commissioner Bill Fleenor presided with Commissioners Bill Dwyer, Rob Handy, Pete Sorenson and Faye Stewart present. County Administrator Jeff Spartz, County Counsel Liane Richardson and Recording Secretary Melissa Zimmer were also present.

12. PUBLIC HEARINGS

a. **SECOND READING AND PUBLIC HEARING/Ordinance No. 6-10In the Matter of Amending Chapters 13, 14, and 16 Of Lane Code to Add and Revise Definitions and Other Provisions to Be Consistent with Oregon Revised Statutes and Oregon Administrative Rules and to Make Certain Correction and Clarification Revisions (LC 13.010, 14.015, 14.050, 14.170, 16.090, 16.210, 16.211, 16.212, 16.213, 16.214, 16.233, 16.238, 16.243, 16.246, 16.250, 16.252, 16.258, 16.264, 16.290, 16.292) (File No. Pa 10-5133 and PA 10-5259). (NBA & 8/3/10)**

Rafael Sebba, Land Management, explained that this ordinance consists of both legislative and housekeeping amendments to Lane Code Chapters 13, 14 and 16. He stated the legislative amendments will update Lane Code to be consistent with changes to the Oregon Revised Statutes and Administrative Rules enacted between 2003 and 2009. He reported that the Lane County Planning Commission held a Public Hearing on March 2, 2010 for the legislative amendments and recommended adoption. He indicated the housekeeping amendments involved clarification and updates that are minor and do not involve changes in County policy. He noted on May 18, 2010, the Planning Commission held a Public Hearing for the housekeeping amendments and recommended Board approval. He indicated staff thought it would be more efficient to combine the legislative and housekeeping amendments into one ordinance for Board consideration. He noted on July 29, 2010 notice was published in The Register Guard and notice was sent to interested agencies. He added that a Ballot Measure 56 notice was sent to owners of rural industrial properties within the Coast Fork and Middle Fork Willamette Watersheds to notify the property owners of the proposed legislative amendments that will no longer allow new wrecking yards in the Rural Industrial Zones. He noted the First Reading was on August 3, 2010. He added that one comment has been received regarding the wrecking yard issue.

Fleenor explained that the decision before the Board on the ordinance is subject to code amendments and criteria sited in the agenda cover memo and attachments. He said that evidence and testimony must be directed toward the approval criteria. He said this is an opportunity for those present to enter information into the record. Only persons who qualify as a party may appeal the Board's decision to LUBA. He asked if there were any ex parte contacts.

There were none.

Stephanie Schulz, Land Management, reported that the supplemental memo responding to commissioners' requests at the First Reading was distributed last Friday. She said in responding to Dwyer's request, they provided the new private use Airport Overlay Zone classification in Lane Code in which the Board adopted in 2008, LC 16.296. She noted that five private use airports in Lane County (including the airport northwest of Veneta) are recognized in this section of the code. She said additional information was also provided in a supplemental memo in response to Handy's request regarding the

issues listed by the Planning Commission for staff to highlight for the Board's consideration. She said the Planning Commissioners' concerns were the definition of biomass, lack of language clarity, the newly created Oregon statute and the new opportunities that allow for biofuel production by local farmers in both EFU Zones, Exclusive Farm Use, and Marginal Lands Zones in the County. She noted that no specific direction was given to staff on language for that item. She said in closing the discussion the Planning Commission felt the farm community had thoroughly vetted these issues at the state level. She added the Planning Commission also directed staff to provide specific source documentation for a new tax assessment that were not available when lot divisions include open space dedication. She said the ORS 308(a) source document was presented in the first packet.

Commissioner Fleenor opened the Public Hearing.

Annette Mayer, Creswell, stated she needed clarification. She wanted to make sure the changes don't affect existing wrecking yards.


Sebba stated this was only for new wrecking yards.

There being no one else signed up to speak, Commissioner Fleenor closed the Public Hearing.

MOTION: to adopt Ordinance No. 6-10.

Sorenson MOVED, Stewart SECONDED.

ROLL CALL VOTE: 5-0.

 b. EIGHTH READING/PUBLIC HEARING/Ordinance No. PA 1260/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Consistent With Policy G.3 In Chapter III, Section G, Public Facilities and Services Element; Amending Table 6, Table 18, Table 19, Map 3 and Map 8 of the Public Facilities and Services Plan (PFSP); and Adopting Savings and Severability Clauses (Metro Plan Amendment) (Applicant; Springfield) (NBA & PM 7/8/09;7/22/09, 8/5/09, 8/26/09, 10/20/09, 11/4/09, & 2/3/10).

Fleenor explained that any decision regarding this ordinance is subject to the code amendment criteria sited in the agenda cover memo and attachments. Any evidence and testimony must be directed toward the approval criteria. He said this is an opportunity for those present to enter information into the record. He said only persons who qualify as a party may appeal the Board's decision to LUBA. He asked if there were any ex parte contacts with the Board of Commissioners.

There were none.

Schulz recalled on October 20, 2009 the Board held a Fifth Reading on the concurrent Metro Plan and Public Facilities and Plan Amendment to update the city of Springfield's project list and tables of significant stormwater facilities. She recalled at the Fifth Reading some of the Board members expressed concerns that the recent addendum did not adequately address concerns for protecting downstream property owners and specific citizens involved in previous discussions had not had the opportunity to review the adopted policy amendment. She noted on November 4, 2009, the Board held a Sixth Reading to allow review of packet material missing from the previous session and to hear input from County staff. She noted at that meeting staff expressed some of the complexities of inserting "no net increase" language into Springfield's Stormwater Management Plan and the difficulties of implementing such policies at the County level. She said on February 3, 2010 the Board held a Seventh

Reading. She recalled the Springfield City Council had passed two revised ordinances to adopt the stormwater projects within the city and leave off projects shown on the Springfield PFSF maps in the UGB areas. She said the city structured their ordinances to approve only the projects within the city limits unless the Board adopts County Ordinance PA 1260, in which case the city action would be superseded by the County ordinance. She indicated that city staff expressed concern at that time that property owners outside of the city limits may face an increased risk of flooding if the County chooses not to adopt the proposed amendment because the projects located outside of the city limits as listed in the current Public Facilities and Services Plan are deemed inadequate. She said since the Seventh Reading on July 19, 2010, Springfield City Council held a Public Hearing and a revised Addendum 1 was adopted by the city council following the conclusion of the hearing. She said the amendment was developed in consultation of several downstream property owners who have all expressed their support of the amendment to the city council. She indicated a copy of the amendment entitled "Stormwater Management Plan Addendum 1" is enclosed in the packet. She reported the city of Springfield believes they have addressed the concerns within its control that were raised by the Board of Commissioners during the prior readings of the proposed ordinance. She said the city is requesting the Board proceed with Ordinance PA 1260. She stated the County staff has reviewed the Public Facilities and Plan Amendment and are supportive of co-adoption by the Board. She indicated the amendment contains multiple flood control projects that would protect County residents from existing flooding and risks. She said the project list contains multiple water quality projects that would improve existing water quality deficiencies. She added that staff is also supportive of the city's recent addendum to their recent stormwater management plan. She said although the Board has expressed to desire more stringent stormwater management policies throughout the County, staff feels this is beyond the scope of Springfield's Public Facilities and Services Plan ordinance before the Board today. She indicated that County staff will be returning to the Board on August 25 for a work session for developing and funding stormwater objectives of the Board. She said should the Board defer their decision on this ordinance until after the work session or further time is needed, the city has voiced that they would be amenable to rolling this matter forward to a Ninth Reading in February, 2011.

Commissioner Fleenor opened the Public Hearing. There being no one signed up to speak, he closed the Public Hearing.

Dwyer commented that the addendum goes a long way to allay his concerns about dumping water on someone's property. He said their concern was about people outside of the city. He was prepared to act on this.

MOTION: to approve an Eighth Reading and Setting a Ninth Reading, keeping the record open until September 1, 2010 at 1:30 p.m. for Ordinance PA 1260.

Handy MOVED, Sorenson SECONDED.

VOTE: 5-0.

c. PUBLIC HEARING AND ORDER 10-8-18-9/In the Matter of Legalizing a Portion of Hamm Road (County Road Number 715 1/2), Located in Sections 15 and 16, Township 19 South, Range 4 West of the Willamette Meridian and Adopting Findings of Fact (19-04-15 & 16) (NBA & PM 7/17/10).

Mike Jackson, Land Management, recalled the Board had a Public Hearing on July 14, 2010 for the proposed legalization of a portion of Hamm Road. He said the Board asked for them to report back with answers to questions they had. He said since the July 14 Public Hearing, they have contacted the five citizens that came to the Public Hearing. He indicated they have sent them maps of the legal alignment

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

ATTACHMENT 3

December 15, 2010
Following HACSA
Harris Hall Main Floor
APPROVED 3-15-2011

Commissioner Bill Fleenor presided with Commissioners Bill Dwyer, Rob Handy, Pete Sorenson and Rob Handy present. County Administrator Liane Richardson, County Counsel Stephen Vorhes and Recording Secretary Melissa Zimmer were also present.

1. ADJUSTMENTS TO THE AGENDA

Item 6.E.1) will be pulled off the Consent Calendar.

Handy publicly noticed Bill Dwyer's retirement party for tomorrow night.

Dwyer thanked everyone for his job and the constituents' kindness throughout the years.

Sorenson recounted the years he had worked with Dwyer.

2. PUBLIC COMMENTS

Roberta Kellis, Eugene, stated that she has a 19 year old son who lives on his own and befriended a Hispanic senior citizen and was told he couldn't stay at his home. He tried to help find funding for the gentlemen and no one would help him. She said that Centro Latino was the only one who would meet with him every day. She stated it gave him dignity and gave him a way to communicate with the community because of the language barrier. She didn't think cutting the funding with Centro Latino is a solution.

Minalee Saks, Eugene, Birth to Three, said they have had a long and productive relationship with Centro. She recalled in the past ten years private non-profits have done a great job of becoming more aware of working culturally with Latino families. She said what Centro has that no one else has is a place to go to help people find different types of resources they have. She understands the cuts are 40 percent of the budget. She said it is an organization that is symbolic in what it does. She stated that if they seriously weaken the organization, what would the message be that they are sending out to the community on how they value Latinos in the community. She strongly supports the work that is done at Centro Latino, as it is a gateway to other services.

Miki Singer, Birth to Three, said she underscored what the prior two speakers said. She said the families they serve go to Centro. She said if they don't have Centro, they don't know how they will be able to do the work they need to do for the families they see coming through their doors. She said Centro is a trusted organization.

Random Butler, Eugene, said his mom is a Centro Latino Board Member. He stated that he volunteers for the organization. He said Centro cares about the health of the community. He said they provide essential emergency services to the members of the Latino community network. He said it is a great investment.

Betsy Davis, Cottage Grove, said she is a scientist at Oregon Research Institute. She spoke in support of continued funding for Centro Latino. She indicated that Centro Latino has the ability to bring millions

VOTE: 5-0.

8. COUNTY COUNSEL

a. Announcements

9. EXECUTIVE SESSION as per ORS 192.660

Per ORS 192.660(2)(h) for discussing pending litigation.

10. PUBLIC HEARINGS



a. TENTH READING / PUBLIC HEARING/Ordinance No. PA 1260/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Consistent with Policy G.3 in Chapter III, Section G, Public Facilities and Services Element; Amending Table 6, Table 18, Table 19, Map 3 and Map 8 of the Public Facilities and Services Plan (PFSP); and Adopting Savings and Severability Clauses. (Metro Plan Amendment) (Applicant; Springfield) (NBA & PM 7/8/09, 7/22/09, 8/5/09, 8/26/09, 10/20/09, 11/04/09, 2/3/10, 8/18/10, 9/28/10)

Stephanie Schulz, Land Management, recalled on October 28 the Board continued the Public Hearing and scheduled a Tenth Reading on Ordinance No. PA 1260, updating Springfield's list of storm water projects designed to meet current population needs. She added as of last August, they have had no change in the list and they don't have new material to provide. She requested the Board to make a decision today or if not, to roll to a date in 2011.

Commissioner Fleenor opened the Public Hearing. There being no one signed up to speak, he closed the Public Hearing.

MOTION: to approve the Tenth Reading and Setting an Eleventh Reading and Public Hearing on Ordinance No. PA 1260 to May 4, 2011 at 1:30 p.m.

Handy MOVED, Sorenson SECONDED.

Stewart asked why this is set out so far. He asked Handy if he was waiting for more information to make a decision.

Handy responded there was no particular reason he wanted to continue this.

VOTE: 3-1 (Stewart dissenting, Dwyer out of room).

b. SECOND READING / PUBLIC HEARING / POSSIBLE DELIBERATIONS/Amendments to the Social Host Ordinance, Lane Code 6.900, Amending Sections 1(h), 3, 4, and Adding 5(c). (NBA & PM 11/23/10)

Richardson recalled the Board adopted the original Social Host Ordinance last year. She said they had a report back for recommended changes and the County started experiencing rave parties in outlying areas. She said they brought back an initial recommendation and the Board wanted to increase the amount of fees they proposed for events. She noted before the Board are the changes they discussed at the last Board meeting. She stated they didn't follow all of the procedural issues, rushing to get this on for today. She indicated that if the Board has changes, they will set up more readings and hearings. She didn't think the Board should deliberate today. She thought they needed to repost with an ordinance