

W. J. K.  
ORDN 13-04

## AGENDA COVER MEMO

**DATE:** First Reading: May 19, 2004  
Second Reading/Public Hearing: June 2, 2004

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**DEPT.:** Public Works/Land Management Division

**PRESENTED BY:** Stephanie Schulz, Planner  
Sarah Summers and Greg Mott, City of Springfield Planning

**AGENDA ITEM TITLE:** ORDINANCE 13-04 - IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Metro Plan Periodic Review Work Task 5)

### I. MOTION

I move approval of Ordinance No. 13-04 to amend Chapter 10 of Lane Code to adopt amendments to the Springfield Development Regulations for application within the Springfield Urban Growth Area and adopting savings and severability clauses.

### II. ISSUE OR PROBLEM

The City of Springfield has adopted Article 17 of the Springfield Development Code (SDC) that establishes the Drinking Water Protection (DWP) Overlay District. The purpose of the DWP Overlay District is to protect aquifers used as potable water supply sources by the City from contamination. The Eugene-Springfield Metro Plan Amendment process requires co-adoption by Lane County in order for the SDC Article 17 Overlay District to be effective in the urbanizable area between the city and the UGB.

### III. DISCUSSION

The Springfield Drinking Water Protection Plan sets City policies for protection of its drinking water. Springfield Development Code Article 17 was adopted by the City Council in 2000 after public hearings and citizen input. The regulations in the overlay district are implementation measures for the Plan and, along with educational efforts throughout the city, are designed

to bring understanding and clarity to the future development and use of potential contaminants for the citizens of Springfield.

Notice of this action was sent to surrounding property owners and interested parties in May 2004. In addition, the city followed required notification procedures for all properties within the city limits and urban growth boundary during the city adoption process.

The adoption of Article 17 created drinking water protection zones which follow the time of travel zones certified by the Oregon Department of Human Services Drinking Water Program. The regulations within the DWP Overlay District supplement the regulations of the underlying zoning districts. Article 17 establishes procedures and standards for new uses of materials that are hazardous to groundwater within the time of travel zones. Article 17 has been approved by the Oregon Department of Human Services Drinking Water Program, Oregon Department of Environmental Quality and the Department of Land Conservation and Development.

#### **IV. RECOMMENDATION**

The Article 17 implementation measures provide a framework for protecting the city drinking water resources from potential contaminants. Staff recommends approval and co-adoption of Ordinance No. 13-04 to implement Article 17 of the Springfield Development Code in the urbanizable area of Springfield as part of the city's Drinking Water Protection Plan.

Co-adoption by the Board of County Commissioners will complete Work Task No. 5 of the Metro Plan Periodic Review Process. .

#### **V. ATTACHMENTS**

1. Ordinance No.13-04 with attachments
2. Lane County Planning Commission Minutes

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 13-04

IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

**WHEREAS**, the Land Conservation and Development Commission Periodic Review Work Program for the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) includes the development of Wellhead Protection Plan for the city of Springfield as a specific work task; and

**WHEREAS**, Lane County Ordinance No. PA1206 co-adopts the Springfield Drinking Water Protection Plan for application within the Springfield Urban Growth Area; and

**WHEREAS**, the Springfield Development Code Article 17 Drinking Water Protection Overlay District and proposed zone changes were developed through a citizen involvement process to implement the Springfield Drinking Water Protection Plan; and

**WHEREAS**, on December 17, 1999, the Springfield Planning Commission held a public hearing and recommended approval of Springfield Development Code Article 17 and the proposed zone changes, and the Springfield Common Council held public hearings on March 6, April 3, and May 1, 2000, and on May 15, 2000, adopted Springfield Development Code Article 17 and the proposed zone changes to implement the Drinking Water Protection Plan in Springfield; and

**WHEREAS**, on March 15, 2004, the Lane County Planning Commission held a public hearing and forwarded a recommendation to the Board of County Commissioners to adopt the Springfield Development Code Article 17 and the proposed zone changes for the urbanizable lands within the Springfield Urban Growth Area; and

**WHEREAS**, the Board of County Commissioners has conducted a public hearing, reviewed the record, and is ready to take action.

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

Section 1. The provisions of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Lane County Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, and 10-00, are hereby further amended as specified by the City of Springfield Ordinance No. 5962 attached as Exhibit "A." The areas rezoned to add the drinking water overlay classification shall be determined by use of the map attached as Exhibit "B." These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Area and shall not be codified into Lane Code.

Section 2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

**REMOVE THIS SECTION**

10.600-15  
i.e. 10-459  
(a total of 1 page)

**INSERT THIS SECTION**

10.600-15  
i.e. 10-459  
(a total of 1 page)

Said section is attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include specific reference to this Board of County Commissioners action adopting amendments to the City of Springfield land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Area.

Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 hereof.

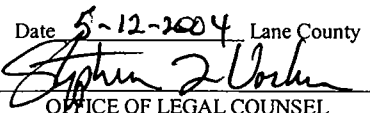
While not part of this Ordinance, the findings attached as Exhibit "A" and "B" of the City of Springfield Ordinance No. 5962 and incorporated herein by this reference are adopted in support of this decision.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 5-12-2004, Lane County  
  
OFFICE OF LEGAL COUNSEL