

W-7-5
PA 1206

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 Department/ Land Management Division

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

AGENDA ITEM TITLE: ORDINANCE No. PA 1206 – IN THE MATTER OF
ADOPTING THE SPRINGFIELD DRINKING WATER
PROTECTION PLAN AS A FUNCTIONAL PLAN OF
THE EUGENE-SPRINGFIELD METROPOLITAN AREA
GENERAL PLAN FOR APPLICATION WITHIN THE
SPRINGFIELD URBAN GROWTH AREA AND
ADOPTING A SEVERABILITY CLAUSE (Metro Plan
Periodic Review Work Task 5)

I. MOTION

I Move approval of Ordinance No. PA 1206 to Adopt the Springfield Drinking Water Protection Plan as a Functional Plan of the Eugene-Springfield Metropolitan Area General Plan for Application Within the Springfield Urban Growth Area and Adopting a Severability Clause.

II. ISSUE OR PROBLEM

The City of Springfield's municipal water supply comes primarily from groundwater. Springfield has adopted comprehensive plan provisions and land use regulations, consistent with all applicable state-wide goals, that reduce the risk of contamination to the groundwater, following the standards and requirements of OAR Chapter 340-40-180. The Drinking Water Protection Plan is a resource specific functional plan of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

Metro Plan amendments that affect the area between the city limits of the Home City (Springfield) and the UGB require approval by the Home City and Lane County. Co-adoption of the Drinking Water Protection Plan by Lane County will make it effective within the Springfield Urban Growth Boundary. Approval of the co-adoption by DLCD would complete Work Task No. 5 of the Metro Plan Periodic Work Program.

III. DISCUSSION

Background

Since most of Springfield's drinking water is drawn from the aquifers lying underneath the City, and the population exceeds 10,000 people, methods must be in place to protect the water from potential contamination. The Springfield Drinking Water Protection Plan is the product of many years' efforts to develop those methods to keep Springfield's water supply pure and is based on recommendations by a Citizen Task Force representing diverse community interests. The Plan is the policy document for Springfield to protect its water and was adopted by the Springfield City Council in 1999.

The US Environmental Protection Agency has certified Oregon's Wellhead Protection Program that applies statewide and prescribes the contents of a local protection plan. Springfield's Plan has been adopted by the two local utilities responsible for providing water, the Springfield Utility Board and Rainbow Water District. The delineation of the Springfield drinking water time of travel zones has also been certified by the Oregon Department of Human services Drinking Water Program, formerly know as the Oregon Health Division.

Analysis

Criteria to be met for Lane County co-adoption of this Plan are found in Lane Code Chapter 12 and the Metro Plan. LC 12.225(2)(a) states that the amendment must be consistent with the relevant statewide planning goals adopted by LCD, and (b) states that adoption of the amendment must not make the Metro Plan internally consistent.

The Springfield Drinking Water Protection Plan was adopted by the city as a functional refinement plan intended to carry out policies of the Metro Plan and is consistent with it. Metro Plan Policy III-C-10-21 states positive steps shall be taken to protect the Springfield municipal groundwater supplies along the McKenzie River and the middle fork of the Willamette River.

IV. RECOMMENDATION

Springfield has completed the required process to develop, review, and adopt this refinement plan to protect drinking water resources for their city. Staff recommends co-adoption of the Plan by the Board of County Commissioners. 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 PA 1206
2. Exhibit A – The Springfield Drinking Water Protection Plan
3. Exhibit B – Findings to support the Plan

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

**ORDINANCE No. PA 1206 (IN THE MATTER OF ADOPTING THE SPRINGFIELD
(DRINKING WATER PROTECTION PLAN AS A
(FUNCTIONAL PLAN OF THE EUGENE-SPRINGFIELD
(METROPOLITAN AREA GENERAL PLAN FOR
(APPLICATION WITHIN THE SPRINGFIELD URBAN
(GROWTH AREA AND ADOPTING A
(SEVERABILITY CLAUSE (Metro Plan Periodic Review
(Work Task 5)**

WHEREAS, the City of Springfield relies almost entirely on groundwater aquifers for municipal water supply, making this a significant natural resource that serves approximately 60,000 residents and therefore is subject to protection under Statewide Planning Goal 5 (OAR 660-23-140(6)); and

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

WHEREAS, Chapter III-C-9 Policy 20 of the Metro Plan requires positive steps to be taken to protect the Springfield groundwater supplies and Policy 21 calls for local governments to continue to monitor, plan for and enforce applicable water quality standards and cooperate in meeting applicable federal, state and local water quality standards; and

WHEREAS, pursuant to the provisions of OAR Chapter 340-40-180 the delineation of the Springfield aquifers and wellhead protection areas has been certified by the Oregon Department of Human Services Drinking Water Program and adopted in the Springfield Drinking Water Protection Plan ("Plan"); and

WHEREAS, the Springfield Drinking Water Protection Plan is consistent with the Department of Environmental Quality and Oregon Department of Human Services Drinking Water Program Administrative Rules which provide the framework for such a drinking water protection plan; and

WHEREAS, the Springfield Committee for Citizen Involvement appointed a Citizen Task Force and Technical Advisory Committee to oversee the development of the Plan which included public workshops throughout the city, and the Springfield Planning Commission conducted a public hearing on April 20, 1999 and forwarded a recommendation to adopt the Plan to the Springfield City Council; who adopted the Plan on May 17, 1999; and

WHEREAS, the Lane County Planning Commission conducted a public hearing on March 16, 2004 and forwarded a recommendation to the Board of Commissioners to adopt the Plan for application on the urbanizable lands outside the city limits and within the Springfield Urban Growth Boundary; and

**IN THE MATTER OF ADOPTING THE SPRINGFIELD DRINKING WATER PROTECTION PLAN AS A
FUNCTIONAL PLAN OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN FOR
APPLICATION WITHIN THE SPRINGFIELD URBAN GROWTH AREA AND ADOPTING A SEVERABILITY
CLAUSE (Metro Plan Periodic Review Work Task 5)**

WHEREAS, LC 12.215 requires Lane County participation in the hearing and decision on all Metro Plan amendments outside the city limits and LC 12.225 (2) requires finding the amendment is consistent with the relevant statewide planning goals adopted by LCDC and assurance that the amendment does not make the Metro Plan internally inconsistent;

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

Section 1. The Springfield Drinking Water Protection Plan, as more particularly described and set forth in Exhibit "A" attached and incorporated here by this reference, is adopted as a functional plan of the Eugene-Springfield Metropolitan Area General Plan for application within the City of Springfield Urban Growth Area to serve as the Statewide Planning Goal 5 protection program to preserve the drinking water quality of the City of Springfield.

Section 2. 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 "B" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this ____ day of _____ 2004.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 5-12-2004 Lane County

Stephen J. Doehner
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF ADOPTING THE SPRINGFIELD DRINKING WATER PROTECTION PLAN AS A FUNCTIONAL PLAN OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN FOR APPLICATION WITHIN THE SPRINGFIELD URBAN GROWTH AREA AND ADOPTING A SEVERABILITY CLAUSE (Metro Plan Periodic Review Work Task 5)