

SUPPLEMENTAL MATERIAL

W. 16. b.

SUPPLEMENTAL AGENDA COVER MEMO

DATE: January 18, 2006

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works Department, Land Management Division

PRESENTED BY: Kent Howe, Planning Director
Stephen Vorhes, Assistant County Counsel

TITLE: Ordinance No. PA 1230/In the Matter of Responding to the LUBA Remand of Provisions in Ordinance No. PA 1209 and Amending that Ordinance by Adoption of a New Exhibit "B" Showing Modifications to the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*; Adopting Savings and Severability Clauses; and Declaring an Emergency

Since the original packet was prepared, questions were raised about the costs listed on the proposed Exhibit "B" when compared to the costs in the previously adopted project list. The attached table describes the project cost allocations represented by the totals in the original table 16a adopted in 2004 and reconciles those costs with the proposed table 16a listing of projects and costs. Some of the differences were described in the briefing memo for the Springfield Council, a draft of which was part of the original packet and included in Ordinance No. PA 1230. The differences are described and summarized in the memorandum from G. David Jewett, legal counsel for MWMC, transmitting the attached reconciliation table.

At this point, Springfield and Eugene have taken action on the remand by unanimously approving ordinances that would replace the original project listing with an amended Exhibit/Appendix "B" reflecting Projects 300, 301 and 302 with greater specificity to address the LUBA remand. Copies of the Eugene ordinance and agenda materials are attached. A copy of the Springfield agenda material (without the LUBA decision and the 2004 staff report and findings that were attached to the ordinance) is also attached. A signed copy of the Springfield ordinance will be provided when available.

ATTACHMENTS

Memo from G. David Jewett, MWMC Legal Counsel, with attachment.
City of Eugene enacted Ordinance No. 20357, without attachments.
Eugene City Council Agenda Item Summary, with attachments.
Springfield City Council Agenda Item Summary, with most attachments.

G. David Jewett

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MARVIN O. SANDERS (1912-1977)
JACK B. LIVELY (1923-1979)
JILL E. GOLDEN (1951-1991)

TO: Lane County Board of Commissioners
FROM: G. David Jewett, MWMC Legal Counsel
DATE: January 18, 2006
SUBJECT: LUBA Remand Reconciliation of MWMC Costs and Subprojects

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Background

On January 11, 2006, the Board of Commissioners had a first reading of Ordinance No. PA1230 which responds to the LUBA Remand of Ordinance No. PA 1209. Ordinance No. PA1209 adopted amendments to the Metro Plan and PFSP to incorporate and provide for the improvements to the regional wastewater facilities that were recommended in the 2004 MWMC Facilities Plan. Among other things, Ordinance No. PA1230 includes a revised Table 16a which sets forth the six regional wastewater treatment projects with greater specificity as to their nature and cost as required by LUBA's remand order. At the time of the first reading, some questions were raised with respect to what appeared to be discrepancies between the original Table 16a and the revised Table 16a. This memorandum summarizes the differences between the two tables and provides a chart that reconciles the projects and costs included in the original Table 16a with those set forth in the revised Table 16a.

Reconciliation Summary

The MWMC Facilities Plan recommended \$144 million in improvements to the regional wastewater facilities. For purposes of the Metro Plan and the PFSP, the projects were summarized very briefly into six categories with a rough cost estimate for each category. LUBA's remand directed that the category described as Project 300 WPCF Treatment Project be described with greater specificity and suggested that that description of Project 301 Residuals Treatment and Project 302 Beneficial Reuse be reviewed to determine if greater specificity was warranted.

Providing greater specificity for Projects 300, 301, and 302 resulted in some realignment of subprojects and gives the appearance that the planned improvements and costs have changed from those originally proposed and adopted. This is not the case. The following concepts were adhered to in revising Table 16a.

1. There are no new projects planned or on the list.
2. All cost estimates are still in 2004 dollars.
3. The rough cost estimates have not changed.
4. All of the work called for in the MWMC Facilities Plan and the original Table 16a will be done.
5. The revised Table 16a excludes some items such as plan updates and future studies which do not fall within the land use definition of public facility project. Nevertheless, the plan updates and studies will still be conducted.
6. The original Table 16a and the revised Table 16a can be reconciled to the 20-year project list and specific project descriptions that are included in the MWMC Facilities Plan.
7. The attached reconciliation chart shows the items that were included in each of the six projects, along with the cost allocated to each in the original and revised Table 16a.
8. The items deleted from the revised Table 16a are set forth at the bottom of the chart. Among them is High Rate Clarification. High Rate Clarification was included as Alternate 4 in the MWMC Facilities Plan as a backup in case DEQ rejected utilization of the preferred Alternative 5 Parallel Primary Secondary. Recourse to High Rate Clarification would have raised the total estimated cost in 2004 dollars by \$13 million. Since it appears that High Rate Clarification will not be necessary, the cost for it was deleted from the revised Table 16a.

PFSP CONVERSION FROM ORIGINAL TABLE 16a TO REMAND TABLE 16a

Project	Original Table 16a Cost Allocation	Remand Table 16a Cost Allocation
300 WPCF Treatment Project		
Preliminary Treatment	\$12.8	\$12.8
Primary Treatment	\$4.8	\$4.8
Secondary Treatment	\$24.7	\$24.7
Disinfection/Outfall	\$5.6	\$5.6
Biosolids Treatment	\$14.3	\$18.3
Filtration	\$20.2	\$20.2
Reuse Facilities	\$0	\$16.0
Odor Control	\$6.9	\$6.9
Flow Management Facilities	\$11.0	\$11.0
Support Facilities	\$1.5	\$0
Other Projects (studies)	\$2.7	\$0
High Rate Clarification	\$13.0	\$0
Rounding	\$3.0	\$0
WPCF Total	\$120.5	\$120.3
301 Residuals Treatment Project		
Lagoon Rehabilitation	\$5.5	\$4.5
Composting Facility	\$0	\$0.7
Biosolids Treatment	\$0.5	\$0
Residuals Total	\$6.0	\$5.2
302 Beneficial Reuse Project		
Biocycle Farm	\$0.8	\$0.6
Effluent Reuse	\$20.0	\$4.0
Composting Facility	\$0.7	\$0
Biosolids Treatment	\$3.5	\$0
Beneficial Reuse Total	\$25.0	\$4.6
303 Willakenzie Pump Total	\$6.0	\$6.0
304 Screw Pump Total	\$2.0	\$2.0
305 Glenwood Pump Total	\$0.5	\$0.5
Grand Total	\$160.0	\$138.6
Reconciliation		
Other Projects (studies)	\$0	\$2.7
Biocycle Farm Hose Reels	\$0	\$0.2
Support Facilities	\$0	\$1.5
Replacement of Biosolids Forcemain	\$0	\$1.0
High Rate Clarification	\$0	\$13.0
Rounding	\$0	\$3.0
	\$160.0	\$160.0

ORDINANCE NO. 20357

AN ORDINANCE CONCERNING REMANDED PROVISIONS OF APPENDIX B TO ORDINANCE NOS. 20325 AND 20326; AMENDING ORDINANCE NOS. 20325 AND 20326 BY ADOPTION OF A NEW APPENDIX B; REPEALING SECTION 5 OF EACH ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. Ordinance Nos. 20325 and 20326 were passed by the City Council on July 26, 2004 and approved by the Mayor on July 31, 2004. Ordinance 20325 amended the Eugene-Springfield Metropolitan Area General Plan Text, Chapter III, Section G, Public Facilities and Services Element, and Chapter V, Glossary, as set forth in Appendix A and Appendix B to the Ordinance. Ordinance 20326 amended the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) by incorporating those same amendments, which were also attached to that ordinance as Appendix A and Appendix B.

B. Section 5 of both Ordinances provided that each would become effective upon the date that all of the following occurred: the Ordinances were acknowledged as provided by ORS 197.625; at least 30 days had passed since they were approved; and both the Lane County Board of Commissioners and the Springfield City Council adopted ordinances containing substantively identical provisions.

C. The City of Springfield and Lane County both adopted substantively identical ordinances in July 2004. In late July 2004 the adoption of Ordinance Nos. 20325 and 20326 (and the ordinances adopted by Springfield and Lane County) was appealed to the Land Use Board of Appeals (LUBA). On September 2, 2005 LUBA issued its decision rejecting all of the appellant's arguments except one and remanded the adoption of the PFSP amendments. The

remand was limited in that LUBA directed only that the three jurisdictions describe Project 300 with greater specificity and consider describing Projects 301 and 302 with greater specificity.

D. In response to LUBA's remand, a new Appendix B, which is attached hereto and incorporated herein, has been prepared containing the additional detail and specificity as directed by LUBA, and Ordinance Nos. 20325 and 20326 should be amended by replacing the Appendix B attached to each ordinance with the Appendix B attached hereto.

E. The new Appendix B, attached hereto, is based on the record that was before the City Council when it adopted Ordinances 20325 and 20326 in July, 2004.

F. The Metropolitan Wastewater Management Commission (MWMC) will be unable to proceed with timely construction necessary to meet the new and more stringent discharge permit requirements imposed by the state Department of Environmental Quality (DEQ) if the revisions to the Metro Plan and the PFSP as effected by Ordinance Nos. 20325 and 20326 and amended herein do not become immediately effective. Section 5 of each ordinance should therefore be repealed, and an effective date established as provided herein.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, which are hereby adopted, Ordinance Nos. 20325 and 20326 are hereby amended by replacing the Appendix B attached to each with the Appendix B attached hereto, which is hereby adopted.

Section 2. Section 5 of Ordinance No. 20325 and Section 5 of Ordinance 20326 are hereby repealed, and the unamended portions of those ordinances shall become effective as provided in Section 4 of this Ordinance.

Section 3. Except as amended herein, all other provisions of Ordinance No. 20325 and Ordinance No. 20326, and the attachments thereto, remain in full force and effect, and the City Recorder is requested to attach a copy of this ordinance to each.

Section 4. The Council specifically finds that in order for MWMC to proceed with timely construction necessary to comply with state and federal discharge permit requirements and achieve mandatory compliance with certain regulatory requirements by the year 2010, an immediate effective date is necessary for this Ordinance and Ordinance Nos. 20325 and 20326 as amended herein. Therefore, notwithstanding the effective date of ordinances as provided by the Eugene Charter of 2002, this Ordinance, and Ordinance Nos. 20325 and 20326 as amended herein, shall become effective immediately upon the passage and approval of this Ordinance, or the adoption of an ordinance containing substantively identical provisions to those contained herein by the Springfield City Council and Lane County Board of Commissioners, whichever date is the latest.

Passed by the City Council this

9th day of January, 2006



Deputy City Recorder

Approved by the Mayor this

12 day of January, 2006



Mayor

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Remanded Provisions of Appendix B to Ordinance Nos. 20325 and 20326; Amending Ordinance Nos. 20325 and 20326 by Adoption of a New Appendix B; Repealing Section 5 of Each Ordinance; and Providing an Immediate Effective Date

Meeting Date: January 9, 2006
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 5
Staff Contacts: Peter Ruffier, Jerry Lidz
Contact Telephone Number: 682-8606, 682-5880

ISSUE STATEMENT

In 2004, at the request of the Metropolitan Wastewater Management Commission (MWMC), the City Councils of Eugene and Springfield and the Lane County Board of Commissioners adopted the 2004 MWMC Facilities Plan and associated amendments to the Metro Plan text and the text, tables and maps of the Public Facilities and Services Plan (PFSP). The Home Builders Association of Lane County appealed all of those actions to the Land Use Board of Appeals (LUBA). LUBA upheld all of the City Council/Board's actions except for some of the project descriptions included in the PFSP, which LUBA remanded for reconsideration.

The proposed ordinance (Attachment A) will fulfill the requirements of LUBA's remand by incorporating expanded project descriptions in the appropriate PFSP tables and maps, consistent with information that is already in the record of the public hearing. The projects themselves are unchanged.

Due to the need to begin construction as soon as possible to assure compliance with pollution control laws and permits, the proposed ordinance also eliminates the clause making the ordinance effective only after acknowledgement by the Department of Land Conservation and Development. For the same reason, staff will request that the council consider approving the proposed ordinance with an immediate effective date at its January 23 meeting. The amendments proposed to address LUBA's remand would then become effective immediately upon adoption of identical ordinances by Lane County and the City of Springfield.

BACKGROUND

In May 2002, the Department of Environmental Quality (DEQ) imposed new and more stringent discharge permit requirements on the regional wastewater treatment facilities. MWMC conducted a comprehensive evaluation of the existing system to determine how to meet the new discharge permit requirements. The result of that evaluation was the MWMC Facilities Plan. It determined that the existing regional wastewater system does not have sufficient capacity to meet state and federal discharge requirements and recommended \$144--\$160 million (in 2004 dollars) in capital improvement projects to provide adequate treatment capability and capacity for growth through 2025.

The acknowledged Metro Plan and 2001 PFSP (the Land Use Plans) did not include the capital improvement projects described in the MWMC Facilities Plan. The Land Use Plans needed to be updated to include all existing regional wastewater facilities and planned regional wastewater projects, so that the MWMC Facilities Plan would be consistent with them. Therefore, in 2004, MWMC proposed several changes to the Metro Plan and PFSP. The proposed changes to the PFSP included adding three tables (4a, 4b and 16a) to describe the projects recommended by the MWMC Facilities Plan and their projected cost and timing, and modifying Map 2 to show the location of the planned projects^a. Table 4a listed three anticipated wastewater *treatment* system projects: Project 300, WPCF Treatment Project; Project 301, Residuals Treatment Project; and Project 302, Beneficial Reuse Project. Table 4b listed three anticipated *collection* system projects: Project 303, Willakenzie Pump Station; Project 304, Screw Pump Station; and Project 305, Glenwood Pump Station. Map 2 depicted the general physical locations of these projects and Table 16a provided an estimate of the cost of each project and its estimated completion date.^b

The Eugene City Council adopted the amendments to the Metro Plan and PFSP on July 26, 2004, by Ordinance Nos. 20325 and 20326 respectively. Springfield and Lane County adopted similar ordinances adopting identical amendments.

The Home Builders Association of Lane County appealed the amendments to the Land Use Plans on numerous grounds. Among other contentions, it argued that the ordinances violated Goal 11 land use requirements because: 1) the list of projects in Tables 4a and 4b were “categories” of projects; not projects; 2) the project descriptions were not sufficiently detailed; and 3) the cost estimates in Table 16a were deficient because they were based on “categories” of projects and not individual projects. Essentially, the Home Builders wanted the cities and Lane County to take the exact list of projects recommended in the MWMC Facilities Plan and incorporate it verbatim into the PFSP. LUBA rejected several other arguments that are not discussed here.

LUBA remanded the PFSP amendments on narrow grounds. The remand is limited to an instruction to the cities and County that Project 300 (WPCF Treatment Project) should be described with greater specificity. LUBA suggested that the cities and County also take a second look at the descriptions for Projects 301 (Residuals Treatment Project) and Project 302 (Beneficial Reuse Project) to see if greater specificity was warranted, but did not require that these project descriptions be revised.

In response to LUBA’s remand, legal counsel and staff recommend four modifications to the PFSP. A complete copy of the amendments is attached, with the recommended remand revisions shown in legislative format (Attachment B).

1) Table 4a. First, staff recommends the addition of Projects 300A to 300I to provide the greater specificity expressly required by LUBA as to Project 300. Although not expressly required, staff also recommends the addition of Projects 301A, 301B, 302A and 302B. Staff believes these additions are advisable in light of LUBA’s directive to re-evaluate Projects 301 and 302.

2) Maps 2 and 2a. Staff recommends that Map 2 be modified to depict all of the projects and sub-projects, including the projects shown on Map 2 of the 2001 PFSP. Map 2a was misprinted. Staff also recommends that Map 2a be replaced with the correct map (from the Technical Background

^a A new Map 2a has been inserted to show the location of the existing regional wastewater system.

^b Other changes were recommended, but they were not part of the appeal to LUBA.

Report). The maps shown in Attachment B to this memo are the "misprinted" maps and are included for comparison with the corrected maps depicted in Attachment A.

3) Table 16a. Because additional sub-projects were added to Table 4a, staff recommends that corresponding additions be made to Table 16a. The appropriate cost and timing estimates are set forth for each sub-project. The cost estimates for projects 300, 301 and 302 are lower than they were in the 2004 amendments because several of the capital improvement projects recommended by the MWMC Facilities Plan are not "projects," as that term is defined in the Oregon Administrative Rules governing public facilities planning. Therefore, it is not appropriate for the cost of those capital improvement projects to be included in the PFSP.

4) Changes to the Text. Staff recommends the addition of text to the end of the "Treatment" discussion on page 4 of the remand revisions to summarize the three treatment projects. Staff also recommends adding a discussion of the regional wastewater system's capacity, following the "Conveyance" discussion on page 4 of the remand revisions. OAR 660-011-0020(2) requires that a public facility plan describe the capacity of each public facility. Although the data regarding capacity was contained in the record before the council, the adopted amendments were not as clear as they could have been regarding this requirement. Therefore, an explicit description regarding capacity is recommended.

All of the evidence required to make the remand revisions is contained in the record that was before the cities and County when they adopted the 2004 amendments. Therefore, no additional analysis, documentation, or Planning Commission review is required. *no new items*

Ordinances 20325 and 20326 contained a clause stating that the amendments to the Land Use Plans do not become effective until all three of the following have occurred: 1) the ordinance has been acknowledged; 2) at least 30 days have passed since the ordinance was approved; and 3) both Springfield and Lane County had adopted similar ordinances. Because of the LUBA appeal, the first condition has not been met. Therefore, the 2004 amendments to the Land Use Plans are not yet in effect.

Legal counsel and staff recommend adopting a new ordinance that makes the remand revisions immediately effective^c so that MWMC has the ability to obtain the needed DEQ approvals and City permits to commence the capital improvement projects over the next several months. Construction must begin promptly in order to achieve regulatory compliance by the year 2010. A delay now would affect all future stages of construction. If the projects are not completed on schedule, MWMC could violate its NPDES permit.

RELATED CITY POLICIES

The recommendations included herein are consistent with the council's 2005-2006 goals of Effective, Accountable Municipal Government, and Sustainable Development. Amending the PFSP is responsive

^c The council should be aware that, even if the remand revisions are immediately *effective*, they will not be *acknowledged* until all appeal periods have again passed. Therefore, interim permit approvals will not be issued pursuant to an acknowledged Metro Plan or PFSP. However, staff believes that any risk created by the lack of an acknowledged plan is outweighed by the danger of MWMC not being able to meet its permit requirements.

to the remand from LUBA and will provide additional clarification about the projects necessary to provide for the future wastewater treatment needs of the community.

COUNCIL OPTIONS

Not applicable; this is a public hearing only. On January 23, 2006, the council will have options related to the substance of the ordinance to implement the LUBA remand and related to its effective date.

CITY MANAGER'S RECOMMENDATION

The city manager recommends that the Mayor and City Council convene the public hearing and schedule the ordinance for adoption on January 23, 2006

SUGGESTED MOTION

Not applicable; this is a public hearing only.

ATTACHMENTS

- A. Proposed ordinance, including the proposed amendments to Appendix B to Metro Plan and PFSP.
- B. Proposed amendments in red-lined format.

FOR MORE INFORMATION

Staff Contact: Peter Ruffier (for information about the MWMC projects)
Jerry Lidz (for information about action on remand from LUBA)
Telephone: Ruffier: 682 8606; Lidz: 682 5880
Staff E-Mail: peter.j.ruffier@ci.eugene.or.us; jerome.s.lidz@harrang.com.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING REMANDED PROVISIONS OF APPENDIX B TO ORDINANCE NOS. 20325 AND 20326; AMENDING ORDINANCE NOS. 20325 AND 20326 BY ADOPTION OF A NEW APPENDIX B; REPEALING SECTION 5 OF EACH ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. Ordinance Nos. 20325 and 20326 were passed by the City Council on July 26, 2004 and approved by the Mayor on July 31, 2004. Ordinance 20325 amended the Eugene-Springfield Metropolitan Area General Plan Text, Chapter III, Section G, Public Facilities and Services Element, and Chapter V, Glossary, as set forth in Appendix A and Appendix B to the Ordinance. Ordinance 20326 amended the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) by incorporating those same amendments, which were also attached to that ordinance as Appendix A and Appendix B.

B. Section 5 of both Ordinances provided that each would become effective upon the date that all of the following occurred: the Ordinances were acknowledged as provided by ORS 197.625; at least 30 days had passed since they were approved; and both the Lane County Board of Commissioners and the Springfield City Council adopted ordinances containing substantively identical provisions.

C. The City of Springfield and Lane County both adopted substantively identical ordinances in July 2004. In late July 2004 the adoption of Ordinance Nos. 20325 and 20326 (and the ordinances adopted by Springfield and Lane County) was appealed to the Land Use Board of Appeals (LUBA). On September 2, 2005 LUBA

issued its decision rejecting all of the appellant's arguments except one and remanded the adoption of the PFSP amendments. The remand was limited in that LUBA directed only that the three jurisdictions describe Project 300 with greater specificity and consider describing Projects 301 and 302 with greater specificity.

D. In response to LUBA's remand, a new Appendix B, which is attached hereto and incorporated herein, has been prepared containing the additional detail and specificity as directed by LUBA, and Ordinance Nos. 20325 and 20326 should be amended by replacing the Appendix B attached to each ordinance with the Appendix B attached hereto.

E. The new Appendix B, attached hereto, is based on the record that was before the City Council when it adopted Ordinances 20325 and 20326 in July, 2004.

F. The Metropolitan Wastewater Management Commission (MWWMC) will be unable to proceed with timely construction necessary to meet the new and more stringent discharge permit requirements imposed by the state Department of Environmental Quality (DEQ) if the revisions to the Metro Plan and the PFSP as effected by Ordinance Nos. 20325 and 20326 and amended herein do not become immediately effective. Section 5 of each ordinance should therefore be repealed, and an effective date established as provided herein.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, which are hereby adopted, Ordinance Nos. 20325 and 20326 are hereby amended by replacing the Appendix B attached to each with the Appendix B attached hereto, which is hereby adopted.

Section 2. Section 5 of Ordinance No. 20325 and Section 5 of Ordinance 20326 are hereby repealed, and the unamended portions of those ordinances shall become effective as provided in Section 4 of this Ordinance.

Section 3. Except as amended herein, all other provisions of Ordinance No. 20325 and Ordinance No. 20326, and the attachments thereto, remain in full force and effect, and the City Recorder is requested to attach a copy of this ordinance to each.

Section 4. The Council specifically finds that in order for MWMC to proceed with timely construction necessary to comply with state and federal discharge permit requirements and achieve mandatory compliance with certain regulatory requirements by the year 2010, an immediate effective date is necessary for this Ordinance and Ordinance Nos. 20325 and 20326 as amended herein. Therefore, notwithstanding the effective date of ordinances as provided by the Eugene Charter of 2002, this Ordinance, and Ordinance Nos. 20325 and 20326 as amended herein, shall become effective immediately upon the passage and approval of this Ordinance, or the adoption of an ordinance containing substantively identical provisions to those contained herein by the Springfield City Council and Lane County Board of Commissioners, whichever date is the latest.

Passed by the City Council this

____ day of _____, 2005
2005

Approved by the Mayor this

____ day of _____,

City Recorder

Mayor

APPENDIX B

CHANGES TO THE PUBLIC FACILITIES AND SERVICES PLAN (PFSP)

1. **Modify the text preceding existing Table 3 to read as follows:**

Planned Wastewater System Improvements

Planned wastewater system improvement projects are listed in tables 3, 4, 4a and 4b. The general location of these facilities is shown in Map 2: *Planned Wastewater Facilities*, and Map 2a: *Existing Wastewater Collection and Treatment Systems*. **[NOTE: This map presently exists as Map 6 in the Technical Background Report: Existing Conditions and Alternatives and should be incorporated without change.]**

2. **Insert, following Table 4, Tables 4a and 4b, as follows:**

Table 4a
MWMC Wastewater Treatment System Improvement Projects

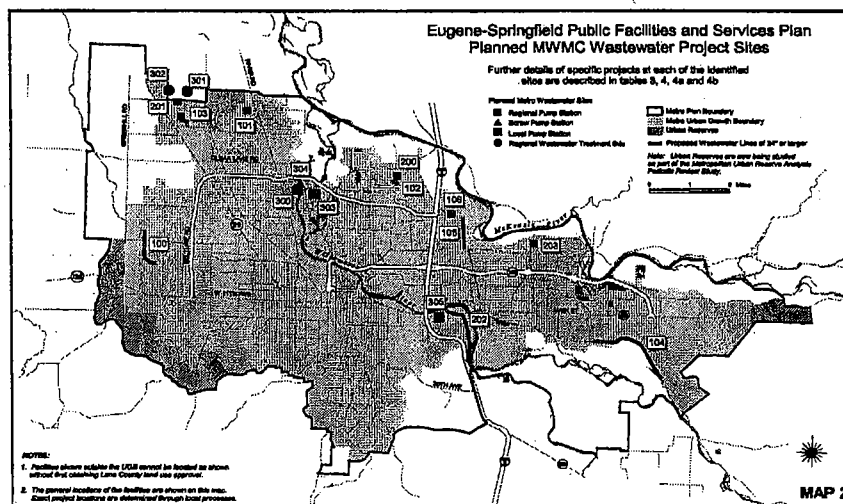
1. PROJECT #	PROJECT NAME	PROJECT DESCRIPTION
300	WPCF Treatment Project	Includes several construction packages designed to manage and treat wastewater at the WPCF to the year 2025.
300A	(a) Preliminary Treatment	Increase preliminary treatment capacity of headworks to meet anticipated 2025 peak wet weather flows
300B	Primary Treatment	Enhance existing primary clarifiers and add primary sludge thickening facilities to increase primary treatment capacity to meet anticipated peak wet weather flows
300C	Secondary Treatment	Convert aeration basins, enhance existing secondary clarifiers, and add secondary clarifiers to increase secondary treatment capacity to meet anticipated peak wet weather flows
300D	Disinfection/Outfall	Convert disinfection system, and increase bankside outfall capacity
300E	Biosolids Treatment	Increase digestion capacity by enhancing existing digesters and sludge thickening capacity and/or adding a digester
300F	Filtration	Add filtration and build related infrastructure and support facilities
300G	Reuse Facilities	Expand effluent reuse capacity

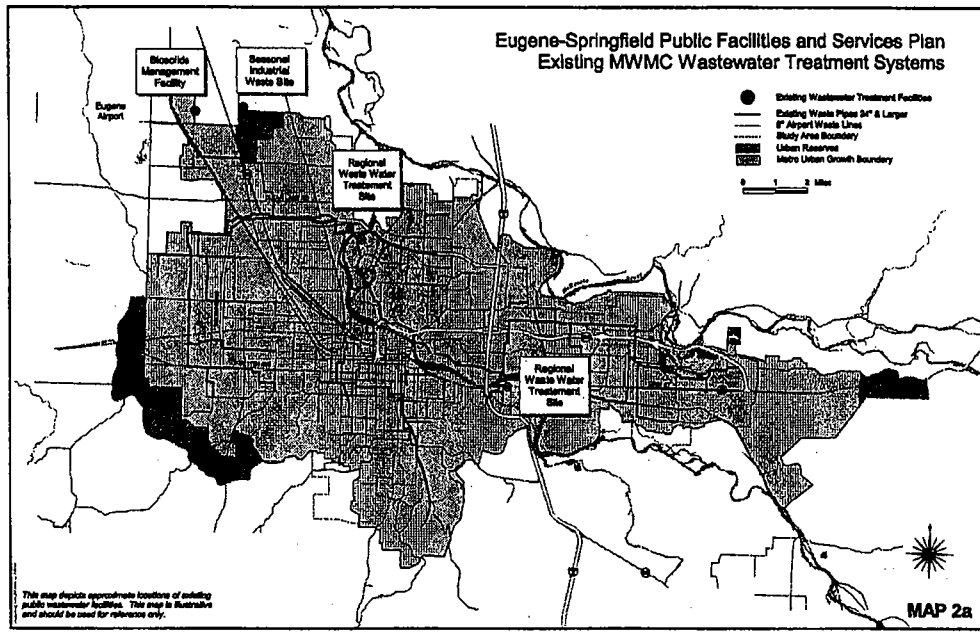
300H	Odor Control	Expand and/or add odor control facilities
300I	Flow Management Facilities	Piping, pumping and related infrastructure improvements to allow parallel operation of primary and secondary treatment facilities
301	Residuals Treatment Project	Includes several construction packages designed to manage and treat residuals.
301A	Lagoon Rehabilitation	Rehabilitate lagoons at Biosolids Management Facility
301B	Composting Facility	Expand composting facility at Biosolids Management Facility
302	Beneficial Reuse Project	Includes several construction packages designed to expand reuse of effluent.
302A	Biocycle Farm	Expand biosolids land application area
302B	Effluent Reuse	Expand effluent reuse at Biocycle Farm (including former Seasonal Industrial Waste site)

Table 4b
MWMC Primary Collection System Improvement Projects

Project Number	Project Name/Description
303	Willakenzie Pump Station
304	Screw Pump Station
305	Glenwood Pump Station

3. Modify Map 2 to show Projects 300 through 305, and insert Map 2a.





Modify Chapter IV. Of the Public Facilities and Services Plan, by modifying the subdivision entitled “Wastewater System condition Assessment” (presently on page 82) to read as follows:

Wastewater System Condition Assessment

Treatment: MWMC Wastewater Treatment System

MWMC existing infrastructure is monitored for problems that need to be addressed during operational and maintenance activities. MWMC has ongoing programs to help plan for and implement equipment replacement and major rehabilitation of existing systems. With these on going programs used to detect existing problems, the infrastructure can be maintained and preserved to help extend its useful life for future years.

In March of 2003, MWMC hired CH2M HILL to evaluate and plan for regional wastewater capital improvements that will serve the Eugene/Springfield urban growth boundary into year 2025. MWMC will need to implement the recommended improvements to meet regulatory requirements based on projected pollution loads and flows. CH2M HILL as part of its work to evaluate and plan for regional wastewater improvements has prepared a technical memo related to “Flow and Load Projections” dated April 12, 2004. This historical and projected information is being used to plan for needed MWMC capital improvements based on engineering evaluation methods and by comparing technology options. It is estimated that approximately \$160 million dollars (in 2004 dollars) are needed for MWMC projects to address regulatory requirements and growth through year 2025.

The Water Pollution Control Facility (WPCF), located on River Avenue in Eugene, replaced the separate plants previously owned and operated by Eugene and Springfield. Its function is to

meet the region's needs for increased sewerage service and ensure compliance with the facility's NPDES discharge permit.

The Residuals Treatment Project is located at the Biosolids Management Facility (BMF) on Awbrey Lane in Lane County. The BMF's function is to store, further stabilize, and dry digested biosolids received from the WPCF.

The Beneficial Reuse Project is located at the Biocycle Farm along Highway 99 in Lane County. The Biocycle Farm's function is to apply biosolids from the adjacent BMF to poplar trees, which absorb the water and nutrients contained in the biosolids.

Conveyance:

Conveyance capacity and inflow and infiltration (I/I) ratios are important criteria by which to assess the performance of a wastewater collection system. Conveyance capacity is a function of adequate pipe sizing and measures a system's ability to move effluent efficiently. Inflow and infiltration ratios express the amount of stormwater entering a sewer system through defective pipes and pipe joints, or through the cross connection of stormwater lines, combined sewers, catch basins, or manhole covers. Such extraneous stormwater entering the wastewater system unnecessarily burdens both conveyance and treatment facilities.

Capacity:

The capacity of the wastewater system is expressed in four measures: average flow, peak flow, biochemical oxygen demand (BOD) and total suspended solids (TSS). The system's current capacities and projected 2025 needed capacities are:

Capacity Measure	Current	2025
Average flow	49 mgd	59.3 mgd
Peak flow	175 mgd	277 mgd
BOD	66,000 lbs/day	74,000 lbs/day
TSS	71,600 lbs/day	87,600 lbs/day

Projects 300 through 305, described in Tables 4a and 4b, are designed to work together to increase the overall system capacities to meet the projected 2025 need.

5. Modify Chapter IV. Of the Public Facilities and Services Plan, by modifying the discussion of wastewater, in the subdivision entitled "Long-Term Service Availability Within Urbanizable Areas" (presently on page 97) to read as follows:

1. There are no areas within the metropolitan UGB that will be difficult to serve with wastewater facilities over the longterm (six to 20 years) assuming that public infrastructure specifications and requirements of the developing area can be addressed. Appropriate engineering design practices must be used during the development and expansion into sensitive areas that are approved for development (ex. - hillside construction, etc.). Expansion of the existing collection system will be necessary to meet demands of growth over this time period.
2. Based on 2003 analysis, the Eugene-Springfield metropolitan area treatment facilities will require facility improvements to address both dry and wet weather regulatory requirements relating to pollutant loads and wastewater flows. Regional and local wastewater improvements to the collection and treatment systems are being planned for and will be implemented to allow for growth within the UGB and for regulatory compliance.

6. Add Table 16a following Table 16, as follows:

Table 16a
MWMC Wastewater Treatment and Collection System Improvements, Rough Cost Estimate, and Timing Estimate

Project Number	Project Name/Description	Cost (\$000,000)	Estimated Completion Year
300	WPCF Treatment Project	\$120.3	
300A	Preliminary Treatment (\$12.8)		2010
300B	Primary Treatment (\$4.8)		2012
300C	Secondary Treatment (\$24.7)		2017
300D	Disinfection/Outfall (\$5.6)		2010
300E	Biosolids Treatment (\$18.3)		2013
300F	Filtration (\$20.2)		2020
300G	Reuse Facilities (\$16.)		2018
300H	Odor Control (\$6.9)		2012
300I	Flow Management Facilities (\$11.)		2010
301	Residuals Treatment Project	\$5.2	
301A	Lagoon Rehabilitation (\$4.5)		2012
301B	Composting Facility (\$.7)		2017
302	Beneficial Reuse Project	\$4.6	
302A	Biocycle Farm (\$0.6)		2008
302B	Effluent Reuse (\$4.)		2017
303	Willakenzie Pump Station	\$6.	2010
304	Screw Pump Station	\$2.	2010
305	Glenwood Pump Station	\$0.5	2012
	TOTAL:	\$138.6	

**Cost estimated in 2004 dollars*

7. Add a new chapter to the Public Facilities and Services Plan, to be Chapter VI., reading as follows:

2. VI. Amendments to the Plan

This chapter describes the method to be used in the event it becomes necessary or appropriate to modify the text, tables or the maps contained in the Public Facilities and Services Plan ("the Plan").

1. Flexibility of the Plan

Certain public facility project descriptions, location or service area designations will necessarily change as a result of subsequent design studies, capital improvement programs, environmental impact studies and changes in potential sources of funding. The Plan is not designed to either prohibit projects not included in the plan for which unanticipated funding has been obtained, preclude project specification and location decisions made according to the National Environmental Policy Act, or subject administrative and technical changes to the plan to post-acknowledgement review or review by the Land Use Board of Appeals.

For the purposes of this Plan, two types of modifications are identified.

A. Modifications requiring amendment of the Plan.

The following modifications require amendment of the Plan:

1. Amendments, which include those modifications or changes (as represented by Table 16a) to the location or provider of public facility projects which significantly impact a public facility project identified in the comprehensive plan, and which do not qualify as administrative or technical and environmental changes, as defined below. Amendments are subject to the administrative procedures and review and appeal procedures applicable to land use decisions.
2. Adoption of capital improvement program project lists by any service provider does not require modification of this Plan unless the requirements of subparagraph 1 above are met.

B. Modifications permitted without amendment of the Plan.

The following modifications do not require amendment of this Plan:

1. Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity or other general characteristic of the project.
 2. Technical and environmental changes are those modifications to a public facility project which are made pursuant to "final engineering" on a project or those which result from the findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 or any federal or state agency project development regulations consistent with that Act and its regulations.
2. Process for making Changes

A. Administrative and Technical or Environmental Changes. Any jurisdiction may make an administrative or technical and environmental change, as defined herein, by forwarding to each jurisdiction covered by this Plan, and to the Lane Council of Governments a copy of the resolution or other final action of the governing board of the jurisdiction authorizing the change.

B. Amendments

For purposes of processing amendments, as defined herein, such amendments are divided into two classes.

- a. Type I Amendments include amendments to the text of the Plan, or to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves more than one jurisdiction.
- b. Type II amendments include amendments to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves only the jurisdiction proposing the amendment.

C. Processing Amendments

Any of the adopting agencies (Lane County, Eugene, or Springfield) may initiate an amendment to this plan at any time on their own motion or on behalf of a citizen.

- a. Type I amendments shall be forwarded to the planning commissions of the respective agencies and, following their recommendation, shall be considered by the governing boards of all agencies. If a Type I amendment is not adopted by all agencies, the amendment shall be referred to MPC for conflict resolution. Subsequent failure by agencies to adopt an MPC-negotiated proposal shall defeat the proposed amendment. If an amendment is adopted, all agencies shall adopt substantively identical ordinances
- b. **Type II amendments shall be forwarded to the Planning Commission of the initiating agency and, following their recommendation, shall be considered by the governing board of the initiating agency.**

APPENDIX B

CHANGES TO THE PUBLIC FACILITIES AND SERVICES PLAN (PFSP)

1. Modify the text preceding existing Table 3 to read as follows:

Planned Wastewater System Improvements

Planned wastewater system improvement projects are listed in tables 3, 4, 4a and 4b. The general location of these facilities is shown in Map 2: *Planned Wastewater Facilities*, and Map 2a: *Existing Wastewater Collection and Treatment Systems*. [NOTE: This map presently exists as Map 6 in the *Technical Background Report: Existing Conditions and Alternatives* and should be incorporated without change.]

2. Insert, following Table 4, Tables 4a and 4b, as follows:

Table 4a
MWMC Wastewater Treatment System Improvement Projects

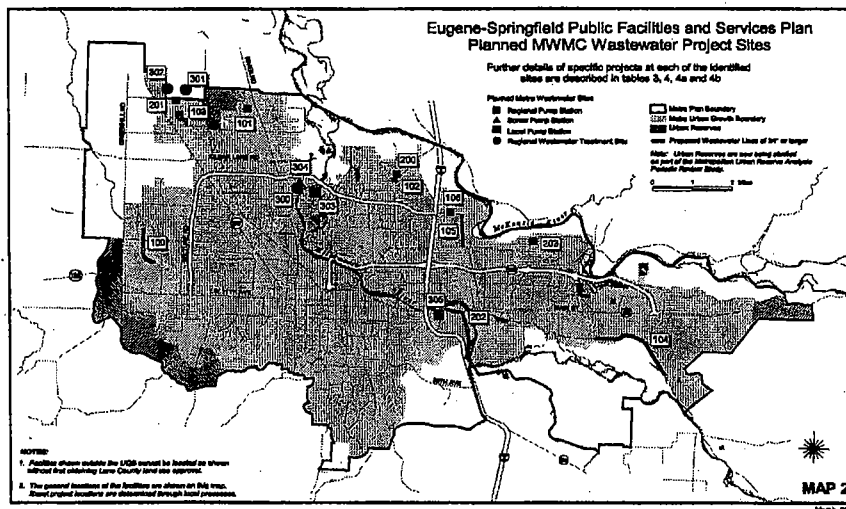
PROJECT #	PROJECT NAME	PROJECT DESCRIPTION
300	WPCF Treatment Project	<u>Includes several construction packages designed to manage and treat wastewater at the WPCF to the year 2025.</u>
300A	<u>Preliminary Treatment</u>	<u>Increase preliminary treatment capacity of headworks to meet anticipated 2025 peak wet weather flows</u>
300B	<u>Primary Treatment</u>	<u>Enhance existing primary clarifiers and add primary sludge thickening facilities to increase primary treatment capacity to meet anticipated peak wet weather flows</u>
300C	<u>Secondary Treatment</u>	<u>Convert aeration basins, enhance existing secondary clarifiers, and add secondary clarifiers to increase secondary treatment capacity to meet anticipated peak wet weather flows</u>
300D	<u>Disinfection/Outfall</u>	<u>Convert disinfection system, and increase bankside outfall capacity</u>
300E	<u>Biosolids Treatment</u>	<u>Increase digestion capacity by enhancing existing digesters and sludge thickening capacity and/or adding a digester</u>
300F	<u>Filtration</u>	<u>Add filtration and build related infrastructure and support facilities</u>
300G	<u>Reuse Facilities</u>	<u>Expand effluent reuse capacity</u>
300H	<u>Odor Control</u>	<u>Expand and/or add odor control facilities</u>
300I	<u>Flow Management Facilities</u>	<u>Piping, pumping and related infrastructure improvements to allow parallel operation</u>

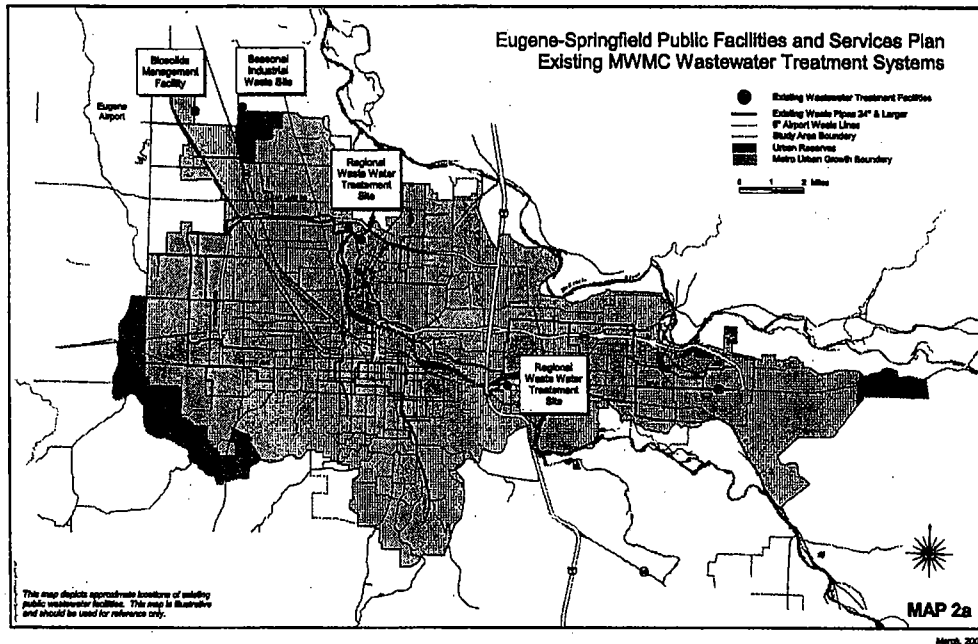
		<u>of primary and secondary treatment facilities</u>
301	Residuals Treatment Project	<u>Includes several construction packages designed to manage and treat residuals.</u>
<u>301A</u>	<u>Lagoon Rehabilitation</u>	<u>Rehabilitate lagoons at Biosolids Management Facility</u>
<u>301B</u>	<u>Composting Facility</u>	<u>Expand composting facility at Biosolids Management Facility</u>
302	Beneficial Reuse Project	<u>Includes several construction packages designed to expand reuse of effluent.</u>
<u>302A</u>	<u>Biocycle Farm</u>	<u>Expand biosolids land application area</u>
<u>302B</u>	<u>Effluent Reuse</u>	<u>Expand effluent reuse at Biocycle Farm (including former Seasonal Industrial Waste site)</u>

Table 4b
MWMC Primary Collection System Improvement Projects

Project Number	Project Name/Description
303	Willakenzie Pump Station
304	Screw Pump Station
305	Glenwood Pump Station

3. Modify Map 2 to show Projects 300 through 305, and insert Map 2a.





4. **Modify Chapter IV. Of the Public Facilities and Services Plan, by modifying the subdivision entitled “Wastewater System condition Assessment” (presently on page 82) to read as follows:**

Wastewater System Condition Assessment

Treatment: MWMC Wastewater Treatment System

MWMC existing infrastructure is monitored for problems that need to be addressed during operational and maintenance activities. MWMC has ongoing programs to help plan for and implement equipment replacement and major rehabilitation of existing systems. With these on going programs used to detect existing problems, the infrastructure can be maintained and preserved to help extend its useful life for future years.

In March of 2003, MWMC hired CH2M HILL to evaluate and plan for regional wastewater capital improvements that will serve the Eugene/Springfield urban growth boundary into year 2025. MWMC will need to implement the recommended improvements to meet regulatory requirements based on projected pollution loads and flows. CH2M HILL as part of its work to evaluate and plan for regional wastewater improvements has prepared a technical memo related to “Flow and Load Projections” dated April 12, 2004. This historical and projected information is being used to plan for needed MWMC capital improvements based on engineering evaluation methods and by comparing technology options. It is estimated that approximately \$160 million dollars (in 2004 dollars) are needed for MWMC projects to address regulatory requirements and growth through year 2025.

The Water Pollution Control Facility (WPCF), located on River Avenue in Eugene, replaced the separate plants previously owned and operated by Eugene and Springfield. Its function is to meet the region’s needs for increased sewerage service and ensure compliance with the facility’s NPDES discharge permit.

The Residuals Treatment Project is located at the Biosolids Management Facility (BMF) on Aubrey Lane in Lane County. The BMF’s function is to store, further stabilize, and dry digested biosolids received from the WPCF.

The Beneficial Reuse Project is located at the Biocycle Farm along Highway 99 in Lane County. The Biocycle Farm’s function is to apply biosolids from the adjacent BMF to poplar trees, which absorb the water and nutrients contained in the biosolids.

Conveyance:

Conveyance capacity and inflow and infiltration (I/I) ratios are important criteria by which to assess the performance of a wastewater collection system. Conveyance capacity is a function of adequate pipe sizing and measures a system’s ability to move effluent efficiently. Inflow and infiltration ratios express the amount of stormwater entering a sewer system through defective pipes and pipe joints, or through the cross connection of stormwater lines, combined sewers, catch basins, or manhole covers. Such extraneous stormwater entering the wastewater system unnecessarily burdens both conveyance and treatment facilities.

Capacity:

The capacity of the wastewater system is expressed in four measures: average flow, peak flow, biochemical oxygen demand (BOD) and total suspended solids (TSS). The system’s current capacities and projected 2025 needed capacities are:

<u>Capacity Measure</u>	<u>Current</u>	<u>2025</u>
<u>Average flow</u>	<u>49 mgd</u>	<u>59.3 mgd</u>
<u>Peak flow</u>	<u>175 mgd</u>	<u>277 mgd</u>
<u>BOD</u>	<u>66,000 lbs/day</u>	<u>74,000 lbs/day</u>
<u>TSS</u>	<u>71,600 lbs/day</u>	<u>87,600 lbs/day</u>

Projects 300 through 305, described in Tables 4a and 4b, are designed to work together to increase the overall system capacities to meet the projected 2025 need.

5. Modify Chapter IV. Of the Public Facilities and Services Plan, by modifying the discussion of wastewater, in the subdivision entitled “Long-Term Service Availability Within Urbanizable Areas” (presently on page 97) to read as follows:

1. There are no areas within the metropolitan UGB that will be difficult to serve with wastewater facilities over the long-term (six to 20 years) assuming that public infrastructure specifications and requirements of the developing area can be addressed. Appropriate engineering design practices must be used during the development and expansion into sensitive areas that are approved for development (ex. – hillside construction, etc.). Expansion of the existing

collection system will be necessary to meet demands of growth over this time period.

2. Based on 2003 analysis, the Eugene-Springfield metropolitan area treatment facilities will require facility improvements to address both dry and wet weather regulatory requirements relating to pollutant loads and wastewater flows. Regional and local wastewater improvements to the collection and treatment systems are being planned for and will be implemented to allow for growth within the UGB and for regulatory compliance.
6. Add Table 16a following Table 16, as follows:

Table 16a
MWMC Wastewater Treatment and Collection System Improvements, Rough Cost Estimate, and Timing Estimate

Project Number	Project Name/Description	Cost (\$000,000)	Estimated Completion Year
300	WPCF Treatment Project	\$120.3	
<u>300A</u>	<u>Preliminary Treatment</u>	<u>\$12.8</u>	<u>2010</u>
<u>300B</u>	<u>Primary Treatment</u>	<u>\$4.8</u>	<u>2012</u>
<u>300C</u>	<u>Secondary Treatment</u>	<u>\$24.7</u>	<u>2017</u>
<u>300D</u>	<u>Disinfection/Outfall</u>	<u>\$5.6</u>	<u>2010</u>
<u>300E</u>	<u>Biosolids Treatment</u>	<u>\$18.3</u>	<u>2013</u>
<u>300F</u>	<u>Filtration</u>	<u>\$20.2</u>	<u>2020</u>
<u>300G</u>	<u>Reuse Facilities</u>	<u>\$16.</u>	<u>2018</u>
<u>300H</u>	<u>Odor Control</u>	<u>\$6.9</u>	<u>2012</u>
<u>300I</u>	<u>Flow Management Facilities</u>	<u>\$11.</u>	<u>2010</u>
301	Residuals Treatment Project	\$5.2	
<u>301A</u>	<u>Lagoon Rehabilitation</u>	<u>\$4.5</u>	<u>2012</u>
<u>301B</u>	<u>Composting Facility</u>	<u>\$.7</u>	<u>2017</u>
302	Beneficial Reuse Project	\$4.6	
<u>302A</u>	<u>Biocycle Farm</u>	<u>\$0.6</u>	<u>2008</u>
<u>302B</u>	<u>Effluent Reuse</u>	<u>\$4.</u>	<u>2017</u>
303	Willakenzie Pump Station	\$6.	2010
304	Screw Pump Station	\$2.	2010
305	Glenwood Pump Station	\$0.5	2012

**Cost estimated in 2004 dollars*

7. Add a new chapter to the Public Facilities and Services Plan, to be Chapter VI., reading as follows:

VI. Amendments to the Plan

This chapter describes the method to be used in the event it becomes necessary or appropriate to modify the text, tables or the maps contained in the Public Facilities and Services Plan ("the Plan").

Flexibility of the Plan

Certain public facility project descriptions, location or service area designations will necessarily change as a result of subsequent design studies, capital improvement programs, environmental impact studies and changes in potential sources of funding. The Plan is not designed to either prohibit projects not included in the plan for which unanticipated funding has been obtained, preclude project specification and location decisions made according to the National Environmental Policy Act, or subject administrative and technical changes to the plan to post-acknowledgement review or review by the Land Use Board of Appeals.

For the purposes of this Plan, two types of modifications are identified.

A. **Modifications requiring amendment of the Plan.**

The following modifications require amendment of the Plan:

1. Amendments, which include those modifications or changes (as represented by Table 16a) to the location or provider of public facility projects which significantly impact a public facility project identified in the comprehensive plan, and which do not qualify as administrative or technical and environmental changes, as defined below. Amendments are subject to the administrative procedures and review and appeal procedures applicable to land use decisions.
2. Adoption of capital improvement program project lists by any service provider does not require modification of this Plan unless the requirements of subparagraph 1 above are met.

B. **Modifications permitted without amendment of the Plan.**

The following modifications do not require amendment of this Plan:

1. Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity or other general characteristic of the project.
2. Technical and environmental changes are those modifications to a public facility project which are made pursuant to "final engineering" on a project or those which result from the findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 or any federal or state agency project development regulations consistent with that Act and its regulations.

Process for making Changes

A. Administrative and Technical or Environmental Changes. Any jurisdiction may make an administrative or technical and environmental change, as defined herein, by forwarding to each jurisdiction covered by this Plan, and to the Lane Council of Governments a copy of the resolution or other final action of the governing board of the jurisdiction authorizing the change.

B. Amendments

For purposes of processing amendments, as defined herein, such amendments are divided into two classes.

- a. Type I Amendments include amendments to the text of the Plan, or to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves more than one jurisdiction.
- b. Type II amendments include amendments to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves only the jurisdiction proposing the amendment.

C. Processing Amendments

Any of the adopting agencies (Lane County, Eugene, or Springfield) may initiate an amendment to this plan at any time on their own motion or on behalf of a citizen.

- a. Type I amendments shall be forwarded to the planning commissions of the respective agencies and, following their recommendation, shall be considered by the governing boards of all agencies. If a Type I amendment is not adopted by all agencies, the amendment shall be referred to MPC for conflict resolution. Subsequent failure by agencies to adopt an MPC-negotiated proposal shall defeat the proposed amendment. If an amendment is adopted, all agencies shall adopt substantively identical ordinances
- b. Type II amendments shall be forwarded to the Planning Commission of the initiating agency and, following their recommendation, shall be considered by the governing board of the initiating agency.

AGENDA ITEM SUMMARY

Meeting Date: January 17, 2006
Meeting Type: Regular Session
Department: OCA, PW, and DSD
Staff Contact: Kieran, Smith, and Mott
Staff Phone No.: 746-9621, 726-3697, 726-3774
Estimated Time: 20 minutes

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: AMENDMENTS TO THE EUGENE-SPRINGFIELD METRO PLAN and PUBLIC FACILITIES AND SERVICES PLAN (PFSP) PROJECT DESCRIPTIONS AND MAPS TO ADDRESS A STATE LAND USE BOARD OF APPEALS (LUBA) REMAND.

ACTION REQUESTED: The City Council is requested to conduct a limited public hearing and approve or disapprove, by motion: AN ORDINANCE RESPONDING TO THE LUBA REMAND OF PROVISIONS IN ORDINANCE NOS. 6093 AND 6094 AND AMENDING THOSE ORDINANCES BY ADOPTION OF A NEW APPENDIX "B" SHOWING MODIFICATIONS TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA PUBLIC FACILITIES AND SERVICES PLAN; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

ISSUE STATEMENT: The Council is conducting a public hearing and considering adoption of the attached ordinance in response to a remand decision from LUBA in the matter of The Home Builders Association of Lane County v. the City of Springfield. In that decision, LUBA found that certain amendments to the PFSP's list of projects did not adequately describe the projects proposed to occur at several of the regional wastewater facility sites. The revised descriptions, which are the subject of this limited hearing, correct the deficiency cited in the remanded decision.

ATTACHMENTS:

Attachment A:	Council Briefing Memorandum
Attachment B:	Proposed Ordinance with Exhibits
Attachment C:	Proposed Amendments in Redline Format

DISCUSSION: In 2004, City Councils of Eugene and Springfield and the Lane County Board of Commissioners adopted the 2004 Metropolitan Wastewater Management Commission (MWMC) Facilities Plan and associated amendments to the Metro Plan text and the PFSP text, tables and maps. The Home Builders Association of Lane County (HBA) appealed those actions to LUBA. LUBA upheld all of the Councils'/Board's actions except for some of the project descriptions included in the PFSP, which LUBA remanded for reconsideration. The proposed ordinance will fulfill the requirements of LUBA's remand by incorporating more detailed project descriptions in the appropriate PFSP tables and maps, consistent with findings and evidence that is already in the record of the public hearing. The projects themselves are unchanged.

Construction of facilities included in the MWMC Facilities Plan cannot commence until the project descriptions in the PFSP are in effect. See Attachment A for additional discussion and analysis.

MEMORANDUM

City of Springfield

To: Springfield Mayor and City Council

From: Meg Kieran, Office of the City Attorney
Greg Mott, Planning Manager
Susie Smith, Environmental Services Manager

Date: January 6, 2006

Subject: Land Use Board of Appeals (LUBA) Limited Remand of Amendments to the Public Facilities and Services Plan (PFSP) Incorporating Metropolitan Wastewater Management Commission (MWMC) Regional Wastewater Facilities Projects

COUNCIL
BRIEFING
MEMORANDUM**ISSUE AND PURPOSE:**

In 2004, the City Councils of Springfield and Eugene and the Lane County Board of Commissioners adopted the 2004 MWMC Facilities Plan (MWMC Facilities Plan) and associated amendments to the Metro Plan text and the text, tables and maps of the PFSP. The Home Builders Association of Lane County (HBA) appealed all of these actions to LUBA. LUBA upheld all of the Council/Board's actions except for a portion of the project descriptions included in the PFSP, which LUBA remanded for reconsideration.

The purpose of this memo and the proposed ordinance (see Attachment B) is to fulfill the requirements of the limited LUBA remand by incorporating expanded project descriptions in the appropriate PFSP tables and maps, consistent with information that is already in the record of the public hearing. The proposed ordinance also eliminates the clause making the ordinance effective only after acknowledgement (by the Department of Land Conservation and Development) due to the urgent need to begin construction. For the same reason, it is requested that the Council consider approving the proposed ordinance, following the required public hearing, with an emergency clause. The amendments proposed to remedy the limited remand would then become effective immediately upon adoption of identical ordinances by Lane County and the City of Eugene.

BACKGROUND/DISCUSSION:

In May of 2002, the Department of Environmental Quality (DEQ) imposed new and more stringent discharge permit requirements on the regional wastewater treatment facilities. MWMC, which had begun the predesign process for new wet weather flow management facilities, recognized that a comprehensive evaluation of the existing system was needed to determine how to meet the new discharge permit requirements. The result of this evaluation is the MWMC Facilities Plan. The MWMC Facilities Plan determined that the existing regional wastewater system does not have sufficient capacity to meet state and federal discharge requirements and recommended \$144--\$160 million (in 2004 dollars) in capital improvement projects to provide adequate capacity for growth through 2025.

The acknowledged Metro Plan and 2001 PFSP (the Land Use Plans) did not include the capital improvement projects that would be needed to meet state and federal discharge requirements through the year 2025. The Land Use Plans needed to be updated to include all existing regional

ATTACHMENT A

Page 1 of 1

wastewater facilities and planned regional wastewater projects, so that the MWMC Facilities Plan would be consistent with them. Therefore, in 2004, MWMC proposed several changes to the Metro Plan and PFSP. The proposed changes to the PFSP included adding three tables (4a, 4b and 16a) to describe the projects recommended by the MWMC Facilities Plan and their projected cost and timing, and modifying Map 2 to show the location of the planned projects¹. Table 4a listed three anticipated wastewater *treatment* system projects: Project 300, WPCF Treatment Project; Project 301, Residuals Treatment Project; and Project 302, Beneficial Reuse Project. Table 4b listed three anticipated *collection* system projects: Project 303, Willakenzie Pump Station; Project 304, Screw Pump Station; and Project 305, Glenwood Pump Station. Map 2 depicted the general physical locations of these projects and Table 16a provided an estimate of the cost of each project and its estimated completion date.²

The Springfield City Council adopted the proposed amendments (Adopted Amendments) to the Metro Plan and PFSP on July 19, 2004 by Ordinance Nos. 6093 and 6094 respectively. Eugene and Lane County adopted similar ordinances adopting identical amendments. HBA disagreed with the Adopted Amendments and filed appeals with LUBA against all ordinances in late July, 2004.

HBA APPEAL TO LUBA:

HBA appealed the Adopted Amendments to the Land Use Plans on numerous grounds (i.e. assignments of error). HBA's first assignment of error argued that the Ordinances violated Goal 11 land use requirements because: 1) the list of projects in Tables 4a and 4b were "categories" of projects; not projects; 2) the project descriptions were not sufficiently detailed; and 3) the cost estimates in Table 16a were deficient because they were based on "categories" of projects and not individual projects. Essentially, HBA wanted the Cities and Lane County to take the exact list of projects recommended in the MWMC Facilities Plan and incorporate it verbatim into the PFSP. HBA's other assignments of error were rejected by LUBA and will not be discussed.

LUBA'S DECISION:

LUBA's remand is limited to an instruction to the Cities and County that Project 300 (WPCF Treatment Project) should be described with greater specificity. LUBA suggested that the Cities and County also take a second look at the descriptions for Projects 301 (Residuals Treatment Project) and Project 302 (Beneficial Reuse Project) to see if greater specificity was warranted, but did not require that these project descriptions be revised. (See Attachment B (proposed Ordinance), Exhibit 2).

REMAND RESPONSE:

In response to LUBA's remand, legal counsel and staff recommend four modifications to the PFSP. A complete copy of the Adopted Amendments is attached, with the recommended remand revisions shown in redline format (Attachment C).

1) Table 4a. First, staff recommends the addition of Projects 300A to 300I to provide the greater specificity expressly required by LUBA as to Project 300. Although not expressly required, staff also recommends the addition of Projects 301A, 301B, 302A and 302B.

¹ A new Map 2a was inserted to show the location of the existing regional wastewater system.

² Other changes were recommended, but they were not part of the appeal to LUBA.

Staff believes these additions are advisable in light of LUBA's directive to re-evaluate Projects 301 and 302.

2) Maps 2 and 2a. Staff recommends that Map 2 be corrected to depict not only all of the wastewater projects and sub-projects, but also the projects shown on Map 2 of the 2001 PFSP. Map 2a, contained in the Adopted Amendments, was misprinted. Staff also recommends that Map 2a be replaced with the correct map from the Technical Background Report.

3) Table 16a. Because additional sub-projects were added to Table 4a, staff recommends that corresponding additions be made to Table 16a. The appropriate cost and timing estimates are set forth for each sub-project. The cost estimates for projects 300, 301 and 302 are lower than they were in the Adopted Amendments because several of the capital improvement projects recommended by the MWMC Facilities Plan are not "projects," as that term is defined in the Oregon Administrative Rules governing public facilities planning. Therefore, it is not appropriate for the cost of those capital improvement projects to be included in the PFSP.

4) Changes to the Text. Staff recommends the addition of text to the end of the "Treatment" discussion on page 4 of the remand revisions to summarize the three treatment projects. Staff also recommends adding a discussion of the regional wastewater system's capacity, following the "Conveyance" discussion on page 4 of the remand revisions. OAR 660-011-0020(2) requires that a public facility plan describe the capacity of each public facility. Although the data regarding capacity was contained in the record before the Council, the Adopted Amendments were not as clear as they could have been regarding this requirement. Therefore, an explicit description regarding capacity is recommended.

All of the evidence required to make the remand revisions is contained in the record that was before the Cities and County when they adopted the Adopted Amendments. Therefore, no additional analysis, documentation, or Planning Commission review is required.

CHANGES TO THE ORDINANCES:

Ordinances 6093 and 6094 each contained a clause stating that the Adopted Amendments to the Land Use Plans do not become effective until all three of the following have occurred: 1) the ordinance has been acknowledged; 2) at least 30 days have passed since the ordinance was approved; and 3) both Eugene and Lane County had adopted similar ordinances. Because the HBA appealed the Adopted Amendments, the first condition has not been met. Therefore, the Adopted Amendments to the Land Use Plans are **not** in effect.

Legal Counsel and staff recommend adopting a new ordinance that modifies the previous ordinances and makes the remand revisions immediately effective so that MWMC has the ability to obtain the needed approvals from DEQ and permits from the City of Eugene to commence needed construction projects over the next several months. Construction must begin promptly in order to achieve mandatory regulatory compliance by the year 2010. Any delay now would affect all future stages of construction, including funding, designing the projects, bidding the projects and, finally, constructing them. Unless the projects are completed on schedule, MWMC could violate its NPDES permit.

RECOMMENDATION AND REQUESTED ACTION:

Legal Counsel and staff recommend that the Council adopt an ordinance, amending Ordinance Nos. 6093 and 6094 by incorporating expanded MWMC facility projects descriptions in response to the limited LUBA remand, and by making the remand revisions effective upon adoption. Therefore, Council is requested to consider adoption of the Ordinance provided in Attachment B as proposed, following the public hearing on January 17, 2006.

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ORDINANCE NO. _____

AN ORDINANCE RESPONDING TO THE LUBA REMAND OF PROVISIONS IN ORDINANCE NOS. 6093 AND 6094 AND AMENDING THAT ORDINANCE BY ADOPTION OF A NEW APPENDIX "B" SHOWING MODIFICATIONS TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA PUBLIC FACILITIES AND SERVICES PLAN; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* identifies the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP)* as a refinement plan which 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 *PFSP* 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, in July of 2004, amendments to the *Metro Plan* and the *PFSP* were adopted at the request of the Metropolitan Wastewater Management Commission (MWMC) to reflect updated information on facilities and improvement projects needed to meet state and federal discharge requirements, specifically on July 19, 2004, the City Council adopted Ordinance Nos. 6093 and 6094 amending the *Metro Plan* and *PFSP*, respectively, as set forth in Appendix "B" to those Ordinances, action that was identical to enactments of the Eugene City Council and Lane County Board of Commissioners; and

WHEREAS, those actions were appealed to the Oregon Land Use Board of Appeals (LUBA) and on September 2, 2005, LUBA issued its decision upholding the local government actions on most of the issues raised by the petitioners, but remanding the actions based on one issue as described in the staff report and LUBA decision attached as Exhibit "1" and incorporated herein, and directing only that the three jurisdictions describe Project 300 with greater specificity and consider describing Projects 301 and 302 with greater specificity in the *PFSP* to comply with Statewide Planning Goal 11 and the Goal 11 Rule; and

WHEREAS, in response to the LUBA remand, a new Appendix "B", which is attached hereto and incorporated herein, has been prepared containing the additional detail and specificity for Project 300, 301 and 302 to comply with the Goal 11 Rule as directed or suggested by LUBA and described more fully in the staff reports accompanying this ordinance, and Ordinance Nos. 6093 and 6094 should be amended by

replacing the Appendix “B” attached to that ordinance with the Appendix “B” attached hereto, which is based on the same evidence and record that was before the City Council when it acted on Ordinance Nos. 6093 and 6094; and

WHEREAS, the MWMC will be unable to proceed with timely construction necessary to meet the new and more stringent discharge permit requirements imposed by the State Department of Environmental Quality (DEQ) if the revisions to the *PFSP* as effected by Ordinance Nos. 6093 and 6094 and amended herein do not become immediately effective, and

WHEREAS, the City Council has conducted a public hearing and is now ready to take action based upon the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing held in the matter amending Ordinance Nos. 6093 and 6094 and the *Public Facilities and Services Plan* to address the LUBA remand; and

WHEREAS, the consolidated record of these proceedings, including the evidence and testimony on this Ordinance amending Ordinance Nos. 6093 and 6094, meets the requirements of the Metro Plan, Springfield Development Code and applicable state and local law as described in the findings attached as Exhibit 2, and which are adopted in support of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Springfield does ordain as follows:

Section 1: Based on the above recitals, Ordinance Nos. 6093 and 6094 are hereby amended by replacing Appendix “B” attached to these ordinances with Appendix “B” attached hereto, which is hereby adopted as an amendment to the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* and *Metro Plan* as described in those ordinances.

Section 2: Except as amended herein, all other provisions of Ordinance Nos. 6093 and 6094 and the attachments thereto, remain in full force and effect.

Section 3: Although not part of this Ordinance, the City Council adopts the findings set forth in Exhibit 2 in support of the matter remanded by the Land Use Board of Appeals (Exhibit 1).

Section 4: The City Council specifically finds that in order for MWMC to proceed with timely construction necessary to comply with state and federal discharge permit requirements and achieve mandatory compliance with certain regulatory requirements by the year 2010, an emergency exists affecting the public health, safety and welfare requiring an effective date upon passage by the City Council and approval by the Mayor of the City of Springfield.

Section 5: 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.

Section 6: 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.

Section 7: It is hereby found and determined that the matters related to this Ordinance affect the public health, safety and welfare and that an emergency therefore exists, and this Ordinance shall therefore take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this 17th day of January, 2006, with a vote of ____ for and ____ against.

APPROVED by the Mayor of the City of Springfield this 17th day of January, 2006.

Mayor

ATTEST:

City Recorder

APPENDIX B CHANGES TO THE PUBLIC FACILITIES AND SERVICES PLAN (PFSP)

1. Modify the text preceding existing Table 3 to read as follows:

Planned Wastewater System Improvements

Planned wastewater system improvement projects are listed in tables 3, 4, 4a and 4b. The general location of these facilities is shown in Map 2: *Planned Wastewater Facilities*, and Map 2a: Existing Wastewater Collection and Treatment Systems. **[NOTE: This map presently exists as Map 6 in the Technical Background Report: Existing Conditions and Alternatives and should be incorporated without change.]**

2. Insert, following Table 4, Tables 4a and 4b, as follows:

Table 4a
MWMC Wastewater Treatment System Improvement Projects

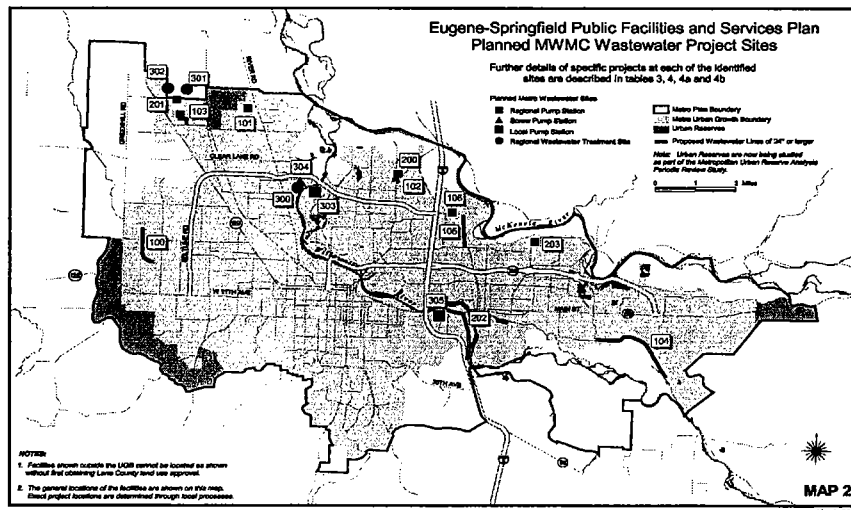
PROJECT #	PROJECT NAME	PROJECT DESCRIPTION
300	WPCF Treatment Project	Includes several construction packages designed to manage and treat wastewater at the WPCF to the year 2025.
300A	Preliminary Treatment	Increase preliminary treatment capacity of headworks to meet anticipated 2025 peak wet weather flows
300B	Primary Treatment	Enhance existing primary clarifiers and add primary sludge thickening facilities to increase primary treatment capacity to meet anticipated peak wet weather flows
300C	Secondary Treatment	Convert aeration basins, enhance existing secondary clarifiers, and add secondary clarifiers to increase secondary treatment capacity to meet anticipated peak wet weather flows
300D	Disinfection/Outfall	Convert disinfection system, and increase bankside outfall capacity
300E	Biosolids Treatment	Increase digestion capacity by enhancing existing digesters and sludge thickening capacity and/or adding a digester
300F	Filtration	Add filtration and build related infrastructure and support facilities
300G	Reuse Facilities	Expand effluent reuse capacity
300H	Odor Control	Expand and/or add odor control facilities

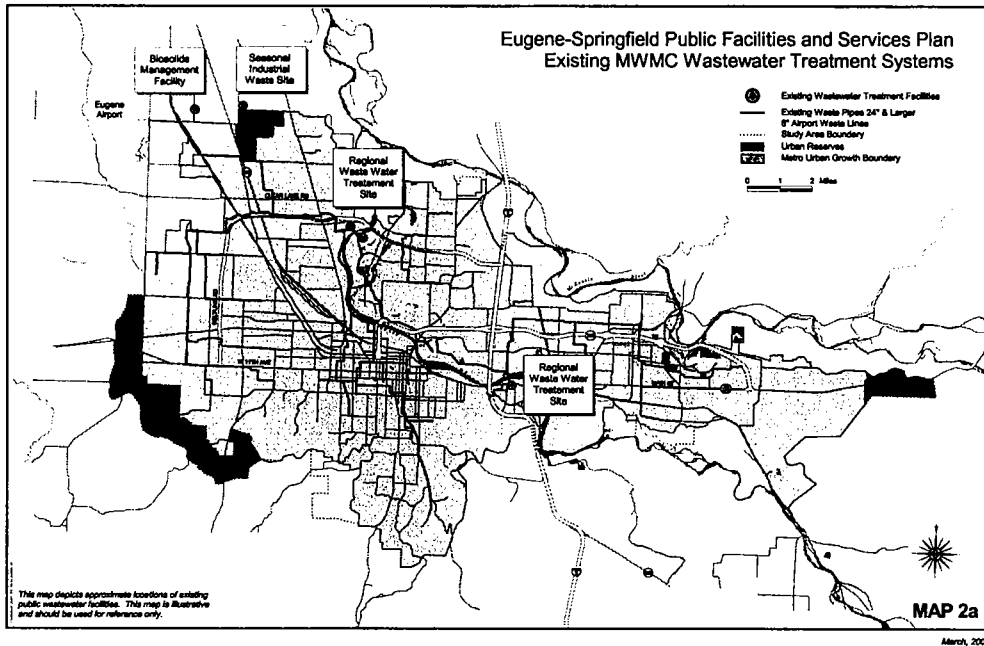
300I	Flow Management Facilities	Piping, pumping and related infrastructure improvements to allow parallel operation of primary and secondary treatment facilities
301	Residuals Treatment Project	Includes several construction packages designed to manage and treat residuals.
301A	Lagoon Rehabilitation	Rehabilitate lagoons at Biosolids Management Facility
301B	Composting Facility	Expand composting facility at Biosolids Management Facility
302	Beneficial Reuse Project	Includes several construction packages designed to expand reuse of effluent.
302A	Biocycle Farm	Expand biosolids land application area
302B	Effluent Reuse	Expand effluent reuse at Biocycle Farm (including former Seasonal Industrial Waste site)

Table 4b
MWMC Primary Collection System Improvement Projects

Project Number	Project Name/Description
303	Willakenzie Pump Station
304	Screw Pump Station
305	Glenwood Pump Station

3. **Modify Map 2 to show Projects 300 through 305, and insert Map 2a.**





4. **Modify Chapter IV. Of the Public Facilities and Services Plan, by modifying the subdivision entitled “Wastewater System condition Assessment” (presently on page 82) to read as follows:**

Wastewater System Condition Assessment

Treatment: *MWMC Wastewater Treatment System*

MWMC existing infrastructure is monitored for problems that need to be addressed during operational and maintenance activities. MWMC has ongoing programs to help plan for and implement equipment replacement and major rehabilitation of existing systems. With these on going programs used to detect existing problems, the infrastructure can be maintained and preserved to help extend its useful life for future years.

In March of 2003, MWMC hired CH2M HILL to evaluate and plan for regional wastewater capital improvements that will serve the Eugene/Springfield urban growth boundary into year 2025. MWMC will need to implement the recommended improvements to meet regulatory requirements based on projected pollution loads and flows. CH2M HILL as part of its work to evaluate and plan for regional wastewater improvements has prepared a technical memo related to “Flow and Load Projections” dated April 12, 2004. This historical and projected information is being used to plan for needed MWMC capital improvements based on engineering evaluation methods and by comparing technology options. It is estimated that approximately \$160 million dollars (in 2004 dollars) are needed for MWMC projects to address regulatory requirements and growth through year 2025.

The Water Pollution Control Facility (WPCF), located on River Avenue in Eugene, replaced the separate plants previously owned and operated by Eugene and Springfield. Its function is to meet the region’s needs for increased sewerage service and ensure compliance with the facility’s NPDES discharge permit.

The Residuals Treatment Project is located at the Biosolids Management Facility (BMF) on Awbrey Lane in Lane County. The BMF’s function is to store, further stabilize, and dry digested biosolids received from the WPCF.

The Beneficial Reuse Project is located at the Biocycle Farm along Highway 99 in Lane County. The Biocycle Farm’s function is to apply biosolids from the adjacent BMF to poplar trees, which absorb the water and nutrients contained in the biosolids.

Conveyance:

Conveyance capacity and inflow and infiltration (I/I) ratios are important criteria by which to assess the performance of a wastewater collection system. Conveyance capacity is a function of adequate pipe sizing and measures a system’s ability to move effluent efficiently. Inflow and infiltration ratios express the amount of stormwater entering a sewer system through defective pipes and pipe joints, or through the cross connection of stormwater lines, combined sewers, catch basins, or manhole covers. Such extraneous stormwater entering the wastewater system unnecessarily burdens both conveyance and treatment facilities.

Capacity:

The capacity of the wastewater system is expressed in four measures: average flow, peak flow, biochemical oxygen demand (BOD) and total suspended solids (TSS). The system’s current capacities and projected 2025 needed capacities are:

Capacity Measure	Current	2025
Average flow	49 mgd	59.3 mgd
Peak flow	175 mgd	277 mgd
BOD	66,000 lbs/day	74,000 lbs/day
TSS	71,600 lbs/day	87,600 lbs/day

Projects 300 through 305, described in Tables 4a and 4b, are designed to work together to increase the overall system capacities to meet the projected 2025 need.

5. **Modify Chapter IV. Of the Public Facilities and Services Plan, by modifying the discussion of wastewater, in the subdivision entitled “Long-Term Service Availability Within Urbanizable Areas” (presently on page 97) to read as follows:**
 1. There are no areas within the metropolitan UGB that will be difficult to serve with wastewater facilities over the long-term (six to 20 years) assuming that public infrastructure specifications and requirements of the developing area can be addressed. Appropriate engineering design practices must be used during the development and expansion into sensitive areas that are approved for development (ex. – hillside construction, etc.). Expansion of the existing

collection system will be necessary to meet demands of growth over this time period.

2. Based on 2003 analysis, the Eugene-Springfield metropolitan area treatment facilities will require facility improvements to address both dry and wet weather regulatory requirements relating to pollutant loads and wastewater flows. Regional and local wastewater improvements to the collection and treatment systems are being planned for and will be implemented to allow for growth within the UGB and for regulatory compliance.

6. **Add Table 16a following Table 16, as follows:**

Table 16a
MWMC Wastewater Treatment and Collection System Improvements, Rough Cost Estimate, and Timing Estimate

Project Number	Project Name/Description	Cost (\$000,000)	Estimated Completion Year
300	WPCF Treatment Project	\$120.3	
300A	Preliminary Treatment (\$12.8)		2010
300B	Primary Treatment (\$4.8)		2012
300C	Secondary Treatment (\$24.7)		2017
300D	Disinfection/Outfall (\$5.6)		2010
300E	Biosolids Treatment (\$18.3)		2013
300F	Filtration (\$20.2)		2020
300G	Reuse Facilities (\$16.)		2018
300H	Odor Control (\$6.9)		2012
300I	Flow Management Facilities (\$11.)		2010
301	Residuals Treatment Project	\$5.2	
301A	Lagoon Rehabilitation (\$4.5)		2012
301B	Composting Facility (\$.7)		2017
302	Beneficial Reuse Project	\$4.6	
302A	Biocycle Farm (\$0.6)		2008
302B	Effluent Reuse (\$4.)		2017
303	Willakenzie Pump Station	\$6.	2010
304	Screw Pump Station	\$2.	2010
305	Glenwood Pump Station	\$0.5	2012
	TOTAL:	\$138.6	

**Cost estimated in 2004 dollars*

7. **Add a new chapter to the Public Facilities and Services Plan, to be Chapter VI., reading as follows:**

VI. Amendments to the Plan

This chapter describes the method to be used in the event it becomes necessary or appropriate to modify the text, tables or the maps contained in the Public Facilities and Services Plan (“the Plan”).

Flexibility of the Plan

Certain public facility project descriptions, location or service area designations will necessarily change as a result of subsequent design studies, capital improvement programs, environmental impact studies and changes in potential sources of funding. The Plan is not designed to either prohibit projects not included in the plan for which unanticipated funding has been obtained, preclude project specification and location decisions made according to the National Environmental Policy Act, or subject administrative and technical changes to the plan to post-acknowledgement review or review by the Land Use Board of Appeals.

For the purposes of this Plan, two types of modifications are identified.

A. Modifications requiring amendment of the Plan.

The following modifications require amendment of the Plan:

1. Amendments, which include those modifications or changes (as represented by Table 16a) to the location or provider of public facility projects which significantly impact a public facility project identified in the comprehensive plan, and which do not qualify as administrative or technical and environmental changes, as defined below. Amendments are subject to the administrative procedures and review and appeal procedures applicable to land use decisions.
2. Adoption of capital improvement program project lists by any service provider does not require modification of this Plan unless the requirements of subparagraph 1 above are met.

B. Modifications permitted without amendment of the Plan.

The following modifications do not require amendment of this Plan:

1. Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project’s general description, location, sizing, capacity or other general characteristic of the project.
2. Technical and environmental changes are those modifications to a public facility project which are made pursuant to "final engineering" on a project or those which result from the findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 or any federal or state agency project development regulations consistent with that Act and its regulations.

Process for making Changes

A. Administrative and Technical or Environmental Changes. Any jurisdiction may make an administrative or technical and environmental change, as defined herein, by forwarding to each jurisdiction covered by this Plan, and to the Lane Council of Governments a copy of the resolution or other final action of the governing board of the jurisdiction authorizing the change.

B. Amendments

For purposes of processing amendments, as defined herein, such amendments are divided into two classes.

- a. Type I Amendments include amendments to the text of the Plan, or to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves more than one jurisdiction.
- b. Type II amendments include amendments to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves only the jurisdiction proposing the amendment.

C. Processing Amendments

Any of the adopting agencies (Lane County, Eugene, or Springfield) may initiate an amendment to this plan at any time on their own motion or on behalf of a citizen.

- a. Type I amendments shall be forwarded to the planning commissions of the respective agencies and, following their recommendation, shall be considered by the governing boards of all agencies. If a Type I amendment is not adopted by all agencies, the amendment shall be referred to MPC for conflict resolution. Subsequent failure by agencies to adopt an MPC-negotiated proposal shall defeat the proposed amendment. If an amendment is adopted, all agencies shall adopt substantively identical ordinances
- b. Type II amendments shall be forwarded to the Planning Commission of the initiating agency and, following their recommendation, shall be considered by the governing board of the initiating agency.