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AGENDA COVER MEMO



Memo Date: January 25, 2010
First Reading Date: February 10, 2010
Second Reading/Public Hearing Date: February 24, 2010

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Metro and Small City Planner
AGENDA ITEM TITLE: Ordinance No. PA 1267 / In The Matter Of Amending The Springfield Drinking Water Protection Plan Map, A Refinement Plan To The Metro Plan, By Updating The Delineation Of The Willamette Wellfield Time Of Travel Zones And Adopting Savings And Severability Clauses. (Applicant: City of Springfield) (File No. PA 09- 5109)

I. MOTION:

For February 10, 2010: Move approval of the first reading and setting the second reading and public hearing on Ordinance No. PA 1267 for February 24, 2010 at 1:30 p. m

For February 24, 2010: Move approval of Ordinance No. PA 1267.

II. AGENDA ITEM SUMMARY

The proposal is for adoption of an amendment to the Springfield Drinking Water Protection Area Map to include a new delineation of the "time of travel zones" (TOTZ) for certain properties within the Willamette Well field Protection Area in southwest Springfield. Changes in the TOTZ may impact the allowed uses of the affected properties by increasing regulatory controls on the use and storage of certain chemicals that could affect groundwater.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Willamette Wellfield is located south of the Springfield Millrace and east of the Springfield Quarry and Dorris Ranch. This proposal is to amend the internal TOTZ boundaries for the Willamette Wellfield zone of influence only. No other wellfield TOTZ boundaries are affected. The proposed map amendment is an update to the Springfield *Drinking Water Protection Plan*, which is a single purpose refinement plan to the Metro Plan. The Springfield *Drinking Water Protection Plan* presents the city of Springfield's strategy for providing a sufficient amount of healthy and safe water to city residents and businesses.

The federal *Safe Drinking Water Act* is the overarching law that regulates groundwater quality and provides the regulatory framework for local jurisdictions to follow. This law is administered by state agencies and implemented by local drinking water providers, cities and special water districts. The Springfield Utility Board (SUB) has primary responsibility and the jurisdictional authority to inform the public and implementation of the regulations under the mapped

protection zones, as the municipal water provider for city of Springfield. See Attachment 2 for maps that show the city-wide wellhead protection areas and the previous delineation of the Willamette Wellfield TOTZ that is proposed for amendment under this Ordinance update.

The Springfield Drinking Water Protection Plan is a *Metro Plan* refinement plan and the delineation of the TOTZ's surrounding each of the wellfields is shown on the Plan Overlay Map. This proposal is to amend the Willamette Wellfield Time of Travel Zone only, as the regulations apply within the Springfield UGB. The nature of the regulations and applicability to zoned and plan designated farmland is under authority of the Oregon Department of Agriculture. The lands under the Rural Comprehensive Plan area are not under SUB's authority, and there is negligible likelihood of the chemicals that need regulating existing on rural lands.

Ordinance Update

Ordinance No. PA 1267 will amend the Overlay Zone Map of the Willamette Wellfield TOTZ as shown on the attached Exhibit A to the Ordinance.

B. Policy Issues

The *Metro Plan* Chapter 3 Public Facilities and Services Element policy to provide and maintain public facilities and services in an efficient and environmentally responsible manner is supported by the Board adopting this amendment to the Time of Travel Zones of the Willamette Wellfield. Protection of drinking water sources from DNAPLS (Dense Non-aqueous Phase Liquids) and other chemicals is the primary purpose of the regulations and the Board retains jurisdictional responsibility for ensuring the application of the regulations under the drinking water overlay zones surrounding the municipal water wells that serve Springfield in the area outside city limits and within the Metro UGB.

The *Metro Plan* partners continue the policy of coordinating efforts and decisions on those plans and regulations that apply in the fringe area of the metro cities (Eugene and Springfield) as well as within the city's. This amendment is not applicable to the current work underway for developing specific plans for each city under the HB 3337 mandated law.

Referral Comments Received

Property owners to which this amendment will apply were mailed direct notice of both hearings, Comments received and testimony presented at the Planning Commission hearing is available in Land Management for review and responses to referral comments submitted for the upcoming hearing of the Board will be provided directly to the Board in a supplemental.

C. Board Goals

Adoption of this ordinance after conducting a public hearing supports the following Lane County Strategic Goals adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.

D. Financial and/or Resource Considerations

There are no direct financial or resource considerations for the Board in adopting this Time of Travel Zone Map Amendment.

E. Analysis

The *Springfield Drinking Water Protection Plan* is implemented through the addition of the Drinking Water Protection Overlay District to the Springfield Development Code (Section 3.3-200). The Overlay District describes the policies that apply to site development and operations of businesses and industry whose properties are hydrologically connected to wells supplying city water. The *Plan* and the wellhead delineations contained in it were initially certified by the Oregon Public Health Division Drinking Water Program in March 1999. Recertification was necessary soon after, due to facility upgrades at the treatment plant.

In 2002, Springfield Utility Board (SUB) began constructing the Willamette Slow Sand Filtration Plant and that project included developing a perimeter drain well with a production capacity of 1200 gallons per minute in the Willamette Wellfield. Hydrologic data showed that the added pumping capacity in the Willamette Wellfield created a significant change in the delineation for that wellfield. This change precipitated the need to update the Willamette Wellfield TOTZ Map as part of state re-certification of the *Plan*.

Springfield draws its water from several wellfields scattered throughout the city. Each wellfield has a zone of contribution; that is an area from which water is drawn to a particular wellhead. This zone of contribution is determined by hydrologic studies and modeling based on the hydrologic data. These same hydrologic studies are used to identify "time of travel zones" (TOTZ) or areas within the zone of contribution where water may take one year, two years, five years, 10 years or 20 years to reach a wellhead. Springfield's wellheads, zones of contribution, and time of travel zones (TOTZs) are graphically represented on the Drinking Water Protection Area Map (Attachment 2a). This action proposes to amend the zone of contribution and TOTZs on the Drinking Water Protection Area Map for the Willamette Wellfield only.

Policies found in the *Plan* and in the Springfield Development Code use the TOTZs to regulate protection of the wellheads. Properties that are distant from a wellhead in terms of the mapped time of travel have less regulation than properties that are close to wellheads in terms of the time of travel to the well head. For this reason, amending the TOTZ boundaries on the Drinking Water Protection Area Map can change the regulations that apply to a particular property. This potential change in regulation is what triggers the need to go through a public process with mailed notice to affected property owners and a public hearing, much like a change in zoning.

The regulatory provisions of the *Plan* and the Drinking Water Protection Overlay District apply to commercial and industrial land uses. For this reason, the primary impact of the proposed map amendments will fall on the small number of businesses and industrial developments within the Willamette well head zone of contribution.

Criteria

The applicable criteria to be met for refinement plan amendments are the same as for amendments to the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*, and are found in Lane Code Chapter 12. Lane Code 12.225 and 12.245 sets forth the approval criteria that must be met for the Board to approve the application.

LC 12.225 Metro Plan – Approval of a Plan Amendment.

12.225 (2) Criteria for Approval of Plan Amendment.

The following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application:

- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and*
- (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.*

See Exhibit B to the Ordinance, which provides detailed Findings of Fact showing the proposal is consistent with the relevant Statewide Planning Goals and Oregon Administrative Rules and the findings address relevant approval criteria applicable to the Lane County decision. Adoption of this amendment will not make the *Metro Plan* internally inconsistent.

LC 12.245 Plan Amendment Processes – General Provisions

(4) Relationship to Refinement Plan Amendments. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan diagram or map if no amendment of the refinement plan text is involved. When a Metro Plan diagram amendment requires a refinement plan diagram or map and text amendment for consistency, the Metro Plan and refinement plan amendments shall be processed concurrently.

The *Springfield Drinking Water Protection Plan* is a refinement plan to the *Metro Plan*, and as such this provision applies. The proposal is to amend the *Springfield Drinking Water Protection Plan* Willamette Wellfield TOTZ Overlay Zone Map, there are no text amendments proposed. Adoption of an Ordinance to amend the Overlay Zone map in the refinement plan will automatically amend the *Metro Plan* diagram under this provision.

F. Alternatives/Options

Option 1. Approve the Ordinance as presented.

Option 2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date certain set by the Board.

Option 3. Do not approve the Ordinance and deny the application.

IV. TIMING/IMPLEMENTATION

The city has adopted the map amendment and application outside the city limits depends upon adoption by the Board. When both jurisdictions have adopted, the entire time of travel zone will be covered for implementing the regulations to protect groundwater.

V. RECOMMENDATION

Staff recommends Option 1.

Planning Commission Recommendation

The Lane County Planning Commission held a public hearing to take testimony on this proposed amendment on April 21, 2009. The hearing was held open to May 19, 2009. Deliberations after testimony on May 19, 2009 resulted in a unanimous recommendation to approve the application. The Planning Commission requested that staff address the Statewide Planning Goal 9, Economic

Development, in the Findings attached in support of the Ordinance. Planning Commission reasoning is set forth in the meeting minutes. (See Attachment 4).

VI. FOLLOW-UP

Notice of Board action will be provided to DLCD and all interested parties upon adoption by the Board. If the Board revises the Ordinance as presented (option 2), a third reading would be scheduled for a date certain set at the close of the hearing. If the record is held open to solicit further testimony, that date certain will be announced and any material submitted would be provided to the Board prior to the third reading. Should the Board choose option 3, an Order with findings setting forth the Board's reasons for denying the Ordinance would be prepared and returned to the Board for a third reading and adoption on a date certain set by the Board upon close of the hearing.

VII. ATTACHMENTS

1. Ordinance No. PA 1267
Exhibit A – Willamette Wellfield TOTZ Map Amendment (February 2008)
Exhibit B – Findings of Fact
2. a. Current City Wide Springfield Drinking Water Protection Area Map
b. pre-2008 Willamette Wellfield Protection Area map
3. Application for Co-Adoption
4. Planning Commission Minutes
April 17, 2009
May 19, 2009
5. Notice and Referral Response Comments Received (supplemental)

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1267

IN THE MATTER OF ADOPTING AN AMENDMENT TO THE SPRINGFIELD DRINKING WATER PROTECTION PLAN MAP FOR THE WILLAMETTE WELLFIELD TIME OF TRAVEL ZONES AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File No. PA 09-5109)

WHEREAS, Lane County Ordinance No. PA 1206 co-adopted the Springfield Drinking Water Protection Plan (the Plan) and Map for application within the Springfield Urban Growth Area; and

WHEREAS, in March of 2007 the Springfield Utility Board and City of Springfield initiated re-certification of the Plan, including completion of a Slow Sand Filtration Plant to treat municipal drinking water at the Willamette Wellfield, and

WHEREAS, the groundwater hydrology of the Willamette Wellfield Time of Travel Zone for certain chemicals was modified by the upgrades at the water filtration plant which resulted in a change to the incremental time of travel zones that are within the Willamette Wellfield as shown on the Springfield Drinking Water Protection Area Map, and

WHEREAS, on February 18, 2009, the Springfield Planning Commission conducted a public hearing to accept testimony and hear comments on the proposal and took action to approve the amendment to the Willamette Wellfield Time of Travel Zone Springfield Drinking Water Protection Area Map and the map was amended to implement the Springfield Drinking Water Protection Plan update; and

WHEREAS, on April 21st and May 19th, 2009, the Lane County Planning Commission held a public hearing and recommended the Board of Commissioners amend the Willamette Wellfield Time of Travel Zone Map and further address Statewide Planning Goal 9, Economic Development, in the Findings to this Ordinance; and

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

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

Section 1. The Springfield Drinking Water Protection Plan and Maps previously adopted are further amended to revise the time of travel zone of the Willamette Wellfield by the adoption of the map attached as Exhibit "A" and incorporated here by this reference. This amendment and the revised map are adopted and incorporated herein by this reference for application only on the urbanizable lands within the Springfield Urban Growth Boundary as defined in LC 10.600-10 and the map shall not be codified into Lane Code.

Section 2. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

Section 3. 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" are adopted in support of this decision and action.

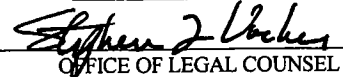
ENACTED this _____ day of _____, 2010.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 2-3-2010 Lane County



OFFICE OF LEGAL COUNSEL

Ordinance No. PA 1267
Willamette Wellfield Time Of Travel Zone (TOTZ) Map Amendment
Findings of Fact and Compliance with Statewide Planning Goals

Finding # 1. The *Safe Drinking Water Act* is the principal federal law regulating groundwater quality. Various parts of the act are managed by the following state and federal departments: the Oregon Health Division, Department of Environmental Quality, the Oregon Department of Land Conservation and Development (DLC) and the Water Quality division of the Environmental Protection Agency (EPA). Regulations implementing this act are aimed at protecting the quality of water provided by drinking water systems.

Finding # 2. In May 1999, the *Springfield Drinking Water Protection Plan (Plan)* was adopted by the City of Springfield. The Plan contains the city's strategy for protecting groundwater which is the principle source of Springfield's drinking water supply. Part of this strategy focuses on the management of hazardous chemicals and materials which can pollute the groundwater sources on which we depend. The *Plan* was implemented through the addition of the Drinking Water Protection Overlay District to the Springfield Development Code (Section 3.3-200) and the adoption of the applicable land use regulations (Lane Code 10.600-15) to be applied by Springfield on urbanizable land within the Springfield UGB under Lane Code Chapter 10. The Overlay District describes the policies that apply to site development and operations of commercial businesses and industry whose properties are hydrologically connected to wells supplying city water. The *Plan* and the wellhead delineations contained in it were certified by the Oregon Public Health Division Drinking Water Program in March 1999.

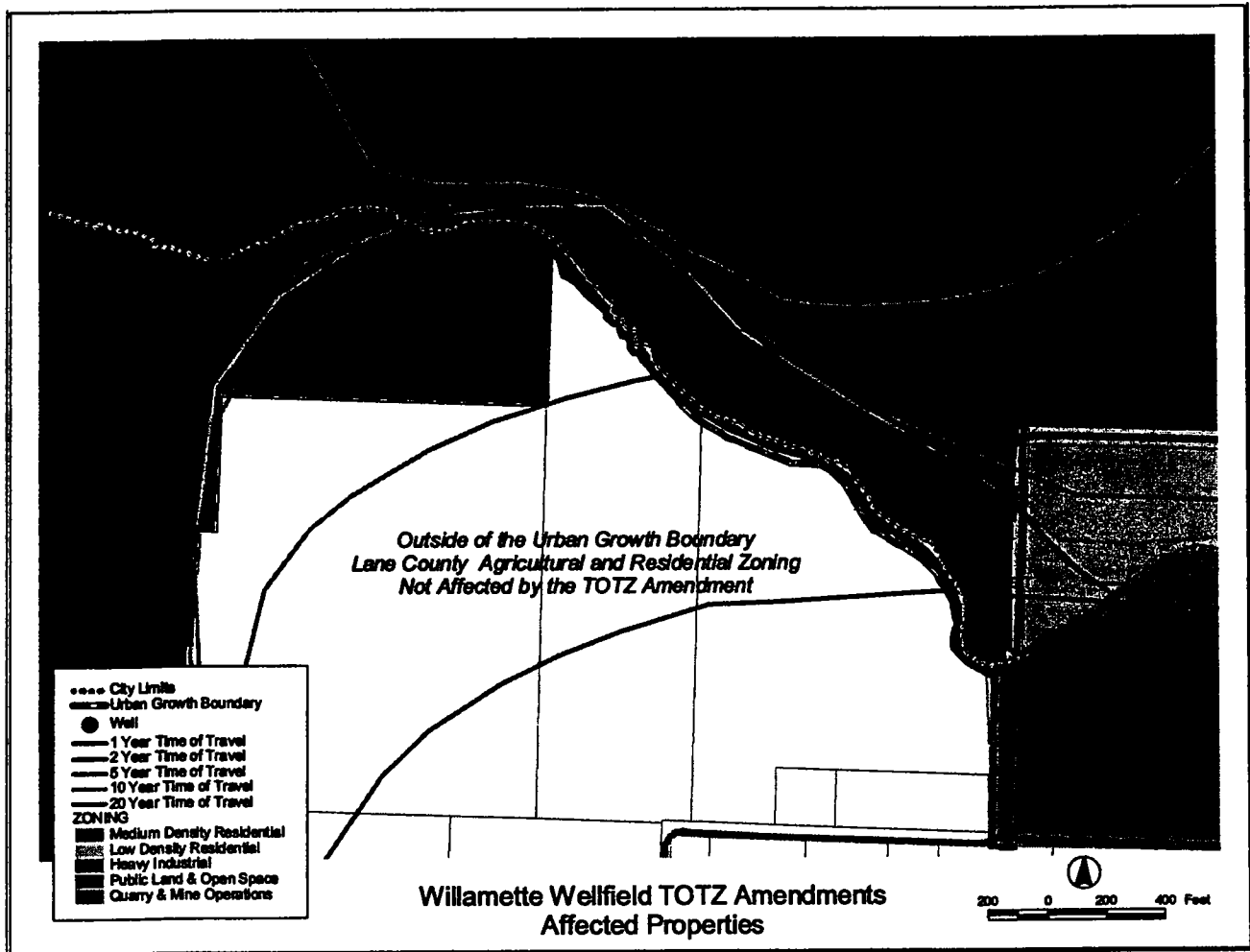
Finding # 3. In June, 2004, Lane County adopted the *Springfield Drinking Water Protection Plan (Plan)* by Ordinance No. PA 1206 for application on affected properties in the urbanizable area of Springfield. Lane County Ordinance No. 13-04 concurrently adopted and incorporated by reference into Lane Code Chapter 10 the development regulations in Section 3.3-200 of Springfield's Code to implement Ordinance No. PA 1206 on June 2, 2004.

Finding # 4 In March of 2007, the Springfield Utility Board (SUB) and the City began the re-certification process for *Springfield's Drinking Water Protection Plan (Plan)* at the request of the Oregon Department of Environmental Quality (DEQ). The DEQ and the Oregon Public Health Division Drinking Water Program (DWP) share responsibility for oversight of the drinking water protection programs in the state. As part of the re-certification process, SUB was required to provide information on "any conditions that could potentially modify the boundaries of the wellhead protection area." SUB determined those conditions existed in the Willamette Wellfield due to the development of a perimeter drain well with a production capacity of 1200 gallons per minute as a component of constructing the Willamette Slow Sand Filtration Plant in 2002. Hydrologic data showed that the added pumping capacity in the Willamette Wellfield created a significant change in the time of travel zone delineation internal to that specific wellfield. This change precipitated the need to update the Willamette Wellfield time of travel zones (TOTZs) as part of state re-certification of the *Plan*.

Finding # 5. The improvements to the Willamette Wellfield have caused many properties to fall within a new TOTZ. Changes in the Willamette Wellfield TOTZs could impact the allowed uses of affected properties by increasing regulatory controls on the use and storage of certain chemicals. The proposed map amendment is restricted to the Willamette Wellfield. No other wellfield delineations are affected or proposed for amendment. The regulatory provisions of the *Plan* and the Drinking Water

Protection Overlay District apply to commercial and industrial land uses. For this reason, the primary impact of the proposed map amendments will fall on the small number of businesses and industrial developments within the Willamette Wellfield well head zone of contribution. Figure 1 shows the zoning of properties affected by changes in regulation because of the new wellfield TOTZ delineations.

**Figure 1. Willamette Wellfield TOTZ Amendments
Affected Properties**



No commercially zoned properties are located within the area outside of the urban growth boundary affected by the new delineation. Residentially zoned and Exclusive Farm Use zoned properties outside the UGB are not affected by this action.

Finding # 6. The new TOTZ delineations affect a limited acreage of properties within the Willamette Wellfield, as summarized in Table 1 which shows that the combined acreage within the 1-year, 2-year and 5-year TOTZs has increased to 2440 acres. This compares to just 488 acres prior to 2002 when the wellfield improvements were completed. The land that is outside of the 5-year time of travel zone (within the 10-year, 20-year and 99-year TOTZs) has decreased from 2093 to just 43 acres. This is evidence that water now flows far more quickly across the wellfield to the wellhead than it did prior to the 2002 improvements. The regulatory change will affect about 22.7 total acres or less than 1% of the wellfield acreage as shown in Table 1.

Table 1. Change in "Time of Travel Zone" (TOTZ) Acreage

Time of Travel Zones (TOTZ)	Old Delineation TOTZ Acres	New Delineation TOTZ Acres	Change in Acres
1-year	228	658	430
2-year	61	341	280
5-year	199	1441	1242
10-year	350	30	-320
20-year/ 99-year Combined	1744	13	-1731
Total Acres	2582	2483	-99

Finding # 7. This proposal was processed as a quasi-judicial zoning map amendment by city of Springfield, following the public involvement process that includes notice to surrounding properties and interested parties. Quasi-judicial zoning map amendments are those which involve the application of existing policy to a specific factual setting, generally affecting a single or limited group of properties. The proposed amendments cover a large geographic area, but the regulatory impact of the map changes will fall on a relatively small group of commercial and industrially zoned properties within the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* Boundary.

Finding #8. Because the proposed map amendment affects lands outside the Springfield City limits and within the Springfield Urban Growth Boundary (UGB), the Lane County Board of Commissioners has jurisdictional decision responsibility under *Metro Plan* amendment procedures in Lane Code. Zoning map amendments that are outside of Springfield's city limits, but within the UGB must be referred to Lane County for their approval as well. Portions of the Willamette Wellfield are outside of the city limits but within the Springfield UGB. For this reason, Lane County must approve the proposed update to the Drinking Water Protection Area Map for these amendments to take affect outside of the Springfield city limits.

Decision Criteria and Findings

Applicable criteria to be met for amendment to the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* including concurrent refinement plan amendments are found in Lane Code Chapter 12. Lane Code 12.225 sets forth the approval criteria that must be met for the Board to approve the map amendment. The criteria states that in reaching a decision, findings must be adopted which demonstrate that the proposed amendment meets applicable laws and regulations, including the Statewide Planning Goals and does not make the *Metro Plan* internally inconsistent. Lane Code 12.245 refers to the relationship of refinement plans and their amendment to the *Metro Plan*.

LC 12.225 Metro Plan – Approval of a Plan Amendment.

12.225 (2) Criteria for Approval of Plan Amendment.

The following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application:

- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and*
- (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.*

LC 12.245 Plan Amendment Processes – General Provisions

12.245 (4) Relationship to Refinement Plan Amendments. *When a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan diagram or map if no amendment of the refinement plan text is involved. When a Metro Plan diagram amendment requires a refinement plan diagram or map and text amendment for consistency, the Metro Plan and refinement plan amendments shall be processed concurrently.*

Criterion #1 – LC 12.225 (2) (a): *“Consistency with relevant Statewide Planning Goals and associated Oregon Administrative Rules;”*

Goal 1 – Citizen Involvement. Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.”

Finding # 9. The proposed Drinking Water Protection Area Map amendment is property specific, affecting a limited number of commercial and industrial businesses and industrial developments. It is being processed as a quasi-judicial action. As such, mailed property owner and resident notifications have been made as required for quasi-judicial land use actions.

Finding # 10. A “DLCD Notice Proposed Amendment” was mailed to the Department of Land Conservation and Development on December 12, 2008, alerting the agency to the City and County’s intent to co-adopt an amendment to the Willamette Wellfield Time of Travel Zone on the Drinking Water Protection Area Map. The notice was mailed more than 45 days in advance of the first evidentiary hearing as required by ORS 197.610 and OAR 660-18-0020.

Finding # 11. Notice of the public hearing concerning this matter before the Lane County Planning Commission was published in the Register Guard on April 8, 2009. The contents of the notice followed the direction given by Lane Code Chapter 14.

Finding # 12 . Mailed notice and referral to affected agencies for opportunity to comment on the proposal and announcing the date and time of the second meeting date and open record and opportunity to testify at the continued public hearing before the Lane County Planning Commission was sent out on April 28, 2009 to affected property owners and residents. The mailing allowed more than 20 days notice before the Lane County Planning Commission hearing as required by Lane Code Chapter 14.

Finding # 13. The Springfield Utility Board and the Rainbow Water District, acting separately, passed resolutions requesting that the City of Springfield (and Lane County under *Metro Plan* amendment procedures) amend the Drinking Water Protection Area map by amending the Willamette Wellfield delineations to reflect the new TOTZ delineation that was certified by the state.

Finding # 14. A public hearing was conducted by the Springfield Planning Commission on February 18, 2008. A similar hearing was conducted before the Lane County Planning Commission on April 21, 2009 and continued through May 19, 2009 to consider the amendments.

Finding # 15. Notice of the public hearing concerning this matter before the Lane County Board of Commissioners was published in the Register Guard on February 3, 2010. The contents of the notice followed the direction given by Lane Code Chapter 14.

Finding # 16 . Mailed notice and referral to affected agencies for opportunity to comment on the proposal and announcing the date and time of the second meeting date and open record and opportunity to testify at the continued public hearing before the Lane County Planning Commission was sent out on February 3, 2010 to affected property owners and residents. The mailing allowed more than 20 days notice before the Lane County Planning Commission hearing as required by Lane Code Chapter 14.

Finding # 17. A public hearing was conducted by the Lane County Board of Commissioners on February 24, 2010 to consider the amendments.

Goal 2 – Land Use Planning. Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.

Finding # 18. The *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* is the acknowledged comprehensive plan that guides land use planning in Springfield and the urbanizable land outside city limits and extends to the *Metro Plan* boundary.

Finding # 19. In 1995, a periodic review work program for the *Metro Plan* was approved by the Land Conservation and Development Commission. The work program contained a task committing Springfield and Lane County to adopt a plan for groundwater protection.

Finding # 20. In May 1999, the *Springfield Drinking Water Protection Plan (The Plan)* was adopted by the City of Springfield and Lane County. The Plan contains the city's strategy for protecting groundwater which is the principle source of Springfield's drinking water supply. Part of this strategy focuses on the management of hazardous chemicals and materials which can pollute the groundwater sources on which the city depends for municipal water. The implementation ordinance in city code puts The Plan's policies into effect on the lands within the Springfield UGB.

Goal 3 – Agricultural Land. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

Finding # 21. By agreement with Lane County the City of Springfield exercises planning jurisdiction within the area outside of the city limits and the UGB. The City of Springfield does not have any agricultural zoning districts. All land in the City's urban transition area carries City zoning.

Finding # 22. Large areas of land within the Willamette Wellfield outside of the UGB are zoned for agricultural uses. Chemicals used for agricultural purposes are governed by the Oregon Department of Agriculture. The proposed amendment of the time of travel zones does not change the exemption of farm properties from the policies of the *Springfield Drinking Water Protection Plan*.

Goal 4 – Forest Land. This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Finding # 23. This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any forest zoning districts. All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged. No known land within the Willamette Wellfield has a forest use designation.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.

Finding # 24. Goal 5 (OAR 660-023-0140) requires cities with a population exceeding 10,000 people that rely on groundwater as the primary source of drinking water, to inventory and protect significant groundwater resources. In response to this mandate, and to fulfill the *Metro Plan* Periodic Review Work Program, the City prepared and adopted the *Springfield Drinking Water Protection Plan* in May 1999. The Plan was adopted by Lane County in 2004. The Plan was prepared in collaboration with the Springfield Utility Board which manages the Willamette Wellfield production and the distribution of clean water throughout the city.

Finding # 25. OAR 660-023-0140 defines groundwater resources that are “significant” and subject to the protection of Statewide Planning Goal 5. Springfield’s groundwater resources that are protected by the *Drinking Water Protection Plan* are “significant” under the rule. Application of Goal 5 requires that significant groundwater resources be protected. The Plan delineates Springfield’s wellfields and the time of travel zones within each wellfield. In addition, a program for protection of the City’s groundwater resources was prepared and adopted as part of the Plan.

Finding # 26. OAR 660-023-250(3)(a) states: “Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource...” The proposed amendment of the Drinking Water Protection Area Map includes changes to the time of travel zone delineations within the Willamette Wellfield. Under the provisions of OAR 660-023-250 (3) (a), Statewide Planning Goal 5 applies to this proposal and this recently evaluated Goal 5 resource requires the mapping update to appropriately delineate the new TOTZ for this wellfield.

Finding # 27. The proposed Willamette Wellfield time of travel zone map amendment does not change the protections found in the *Drinking Water Protection Plan* for groundwater resources. The amendment simply updates the map delineation of the Willamette Wellfield TOTZ and applies the appropriate groundwater protections adopted and found in the Plan. No groundwater resources are removed from the protection of the Plan.

Goal 6 – Air, Water and Land Resources Quality. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Finding # 28. In May 1999, the *Springfield Drinking Water Protection Plan (Plan)* was adopted by the City of Springfield. Lane County adopted the Plan in April 2004. The Plan contains the city’s strategy for protecting groundwater which is the principle source of Springfield’s municipal drinking water supply. Part of this strategy focuses on the management of hazardous chemicals and materials which can pollute the groundwater sources on which the city depends for municipal water.

Finding # 29 . The *Plan* is implemented through the addition of the Drinking Water Protection Overlay District to the Springfield Development Code (Section 3.3-200). The Overlay District describes the policies that apply to site development and operations of businesses and industry whose properties are hydrologically connected to wells supplying city water. The Overlay District is mapped as an Overlay Zone.

Finding # 30. The proposed map amendment to the Drinking Water Protection Area Map updates the *Springfield Drinking Water Protection Plan* to include new data regarding the hydrology of the Willamette Wellfield. No other wellfields are affected by this amendment. The proposed map update better implements the *Plan* by more accurately delineating the time of travel zones within the wellfield.

Finding # 31. The groundwater protections found in the *Springfield Drinking Water Protection Plan* support and enhance provisions of the Springfield Development Code that address the requirements of state and federal regulations including the Safe Drinking Water Act of 1986. The proposed Drinking Water Protection Map amendment does not change the code language nor the protection policies found in the *Plan*.

The Oregon Department of Health requires the delineation of time of travel zones as part of a state certified drinking water protection program (OAR 333-061-0157 (2)). In addition, the groundwater delineations which serve as a basis for the time of travel zones must be certified by the Oregon Department of Environmental Quality (OAR 340-040-0180).

Finding # 32. The *Springfield Drinking Water Protection Plan* and the wellhead delineations contained in it were certified by the Oregon Public Health Division Drinking Water Program in March 1999. As such, certification represents another criterion that could be considered when evaluating the proposed amendment to the Drinking Water Protection Area Map. OAR 333-061-0157 (2) requires the delineation of time of travel zones as part of a state certified drinking water protection program. In addition, the groundwater delineations which serve as a basis for the time of travel zones must be certified by the Oregon Public Health Division in order for the *Drinking Water Protection Plan* to be certified by the Oregon Department of Environmental Quality (OAR 340-040-0180).

Finding # 33. The proposed amendment to the *Drinking Water Protection Area Map* is an update of the delineations required under OAR 333-061-0157. The updated delineations which form the basis for the amendments to the map were certified by the state as evidenced in a letter sent to the Springfield Utility Board, dated July 25, 2008 from the Oregon Department of Human Services, Public Health Division, Drinking Water Program. The state certification number in the letter is #0002R, Version 2.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development.

Finding # 34. All sites within Springfield and the Springfield UGB that are subject to these hazards (floodplain, erosion, landslides, earthquakes, weak foundation soils) are inventoried through a variety of sources.

Finding # 35. The Willamette Wellfield lies in part within the floodplain and floodway of the Middle Fork of the Willamette River. The time of travel zone maps are delineations of underground hydrology which by their nature do not require protection from flood events or other natural hazards.

Finding # 36. The proposed map amendments to the time of travel zones within the Willamette Wellfield of the *Springfield Drinking Water Protection Plan* does not remove or exempt compliance with other Code standards that may apply to development within hazard zones.

Goal 8 – Recreational Needs. This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.

Finding # 37. Willamalane Park and Recreation District is the entity responsible for park planning, development and maintenance in the urban transition area as well as the city limits. In 2004, Willamalane completed the *Willamalane Parks and Recreation Comprehensive Plan* that was adopted by both the City of Springfield and Lane County as a refinement plan to the *Metro Plan*.

Finding # 38. Clearwater Park is a Willamalane Park facility that lies within the Willamette Wellfield.

Finding # 39. The proposed map amendment to the time of travel zones within the Willamette Wellfield does not affect the allowed use of the existing Clearwater Park facility.

Goal 9 – Economic Development. Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Finding # 40. Drinking water quality and safety contributes to the livability of the community. The proposed map amendments to the time of travel zones within the Willamette Wellfield of the *Springfield Drinking Water Protection Plan* in part ensure the continuing quality and safety of the city’s drinking water supply.

Finding # 41. The protection policies found in the *Springfield Drinking Water Protection Plan* have been applied within the Metro Plan Boundary since its adoption and implementation in 1999. The protection measures prohibit the new use of a narrow class of chemical agents (Dense Non-Aqueous Phase Liquids or DNAPLs) that are a particular threat to groundwater. The protection measures also govern the quantity, methods of storage and handling of others less harmful but still damaging chemicals.

Finding # 42. No known situation has been confirmed of a business or industry leaving Springfield because of the groundwater protections identified in the Plan.

Finding #43. Table 2 shows the affected commercial and industrial zoned properties and acreage changed under the updated time of travel zone delineation revision for those properties.

Table 2. “Time of Travel Zone” (TOTZ) Affected Properties and Acreage

Property Owner	Assessor’s Map No.	In City Limits?	Acres	Old Delineation Regulated Acreage	New Delineation Regulated Acreage (approximate)
Ann-Marr LLC	18-03-01-00 TL 206	Yes	1.07	None	1-yr TOZ: .6 acres 2-yr TOTZ: .4 acres
JDL Investment	18-03-01-00 TL 205	Yes	2.95	None	2-yr TOTZ: 2.2 acres 20-yr TOTZ: .5 acre
Charles Harral	18-03-01-00 TL 100	Yes	10.5	None	2-yr TOTZ: .5 acre
Hamilton	18-03-01-00 TL 300	Yes	18.21	None	2-yr TOTZ: 2 acres

Property Owner	Assessor's Map No.	In City Limits?	Acres	Old Delineation Regulated Acreage	New Delineation Regulated Acreage (approximate)
Construction					5-yr TOTZ: 4 acres
Knife River (Metro Rock)	18-03-01-00 TL 701	No	21.20	None	5-yr TOTZ: 13 acres
Jasper Junction LLC	19-02-05-23 TL 100	Yes	5.2	10-Yr. TOTZ	5-Yr TOTZ: .5 acre

Finding # 44 . Knife River Quarry is within the Willamette Wellfield and within that portion of Springfield's planning jurisdiction that is outside the city limits and within the UGB. Staffs from the Springfield Utility Board and the City of Springfield have worked with Knife River to examine the impact of the proposed amendment of the Drinking Water Protection Area Map on their operations and the future use of their property. Understanding the protection measures, the company has continued with its planning for expansion o f their operations.

Finding # 45. During the public review process, no objections were received from affected residents businesses or industry, to the proposed amendments of the Drinking Water Protection Area Map.

Finding # 46. The Federal Drinking Water Protection Act of 1986 is a national policy that is not specific to Springfield alone. The protection measures in the *Springfield Drinking Water Protection Plan* are consistent with recommended and required state and federal protections. As such, the amendment of the Drinking Water Protection Area Map will not place a burden on affected businesses and industry that they would not face in any other city which is compliant with state and federal drinking water protection requirements.

Goal 10 – Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Finding # 47. The proposed map amendments to the Drinking Water Protection Area Map will not affect current housing stock or the future supply of housing. Existing protection policies found in the *Springfield Drinking Water Protection Plan* largely exempt residential uses.

Goal 11 – Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

Finding # 48. The *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* (PFSP) is a refinement plan of the *Metro Plan* that was adopted by both the City and County in December 2001. The plan provides an assessment of Eugene and Springfield's infrastructure capacity and lists short term and long term projects that are needed to meet future service demands.

Finding # 49. The PFSP includes an analysis of Springfield's water supply and distribution system but does not contain policies or map information that is relevant to this proposed amendment that will update the internal zones of a single well field shown on the Drinking Water Protection Area Map.

Goal 12 – Transportation. This goal aims to provide "a safe, convenient and economic transportation system."

Finding # 50. *TransPlan* is the adopted comprehensive transportation planning policy for the Eugene-Springfield metropolitan area. *TransPlan* contains no policies that apply to the delineation of groundwater resources. The proposed amendments to the Drinking Water Protection Area Map have no impact on transportation planning policies or the development operation or maintenance of transportation facilities.

Goal 13 – Energy Conservation. Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Finding # 51. The proposed amendments to the Drinking Water Protection Area Map do not have an impact on the conservation of energy resources.

Goal 14 – Urbanization. This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.

Finding # 52. The proposed amendments to the *Drinking Water Protection Area Map* do not increase or decrease the land supply for future growth and do not increase or decrease the supply of drinking water to provide for that growth. The amendments do allow for the appropriate protection of groundwater resources which are available for city use now and in the future.

Goal 15 – Willamette River Greenway. Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Finding # 53. The proposed map amendments to the Drinking Water Protection Area Map adjusts the delineation of groundwater hydrology within the Willamette Wellfield and do not propose any new development within the Willamette River Greenway.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Finding # 54. There are no coastal, ocean, estuarine, or beach and dune resources within the Willamette Wellfield or the boundaries of the *Springfield Drinking Water Protection Plan*. These goals do not apply to this proposal.

Criterion # 2. – LC 12.225 (2) (b): "Consistency with applicable Metro Plan policies and the Metro Plan diagram;"

This criterion includes consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and

Finding # 55. Policy G.10 (pg. III-G-6) of the Metro Plan states "Continue to take positive steps to protect groundwater supplies. The cities, county and other service providers shall manage land use and public facilities for groundwater related benefits through the implementation of the *Springfield Drinking Water Protection Plan* and other wellhead protection plans. Management practices instituted to protect groundwater shall be coordinated among the City of Springfield, City of Eugene, and Lane County." The

plan was prepared in collaboration with the Springfield Utility Board which manages wellfield production and the distribution of clean water throughout the city.

Finding # 56. The *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP)* is a refinement plan of the *Metro Plan* that was adopted in December 2001. The PFSP provides an assessment of Eugene and Springfield's infrastructure capacity and lists short term and long term projects that are needed to meet future service demands. The PFSP includes an analysis of Springfield's water supply and distribution system but does not contain policies or map information that is relevant to the proposed amendment of the Drinking Water Protection Area Map. The proposed Drinking Water Protection Map amendment does not change the protection policies found in the *Plan*.

Finding # 57. The proposed amendment to the Drinking Water Protection Area Map supports the policy intent of the *Metro Plan* policies as they relate to groundwater protection and it therefore meets the stated criterion. The proposed amendment to the *Drinking Water Protection Area Map* is consistent with the general planning purposes of the *Eugene-Springfield Public Facilities and Services Plan*, and does not affect the facility analysis or the project lists shown in the plan. The proposed action meets the stated criterion.

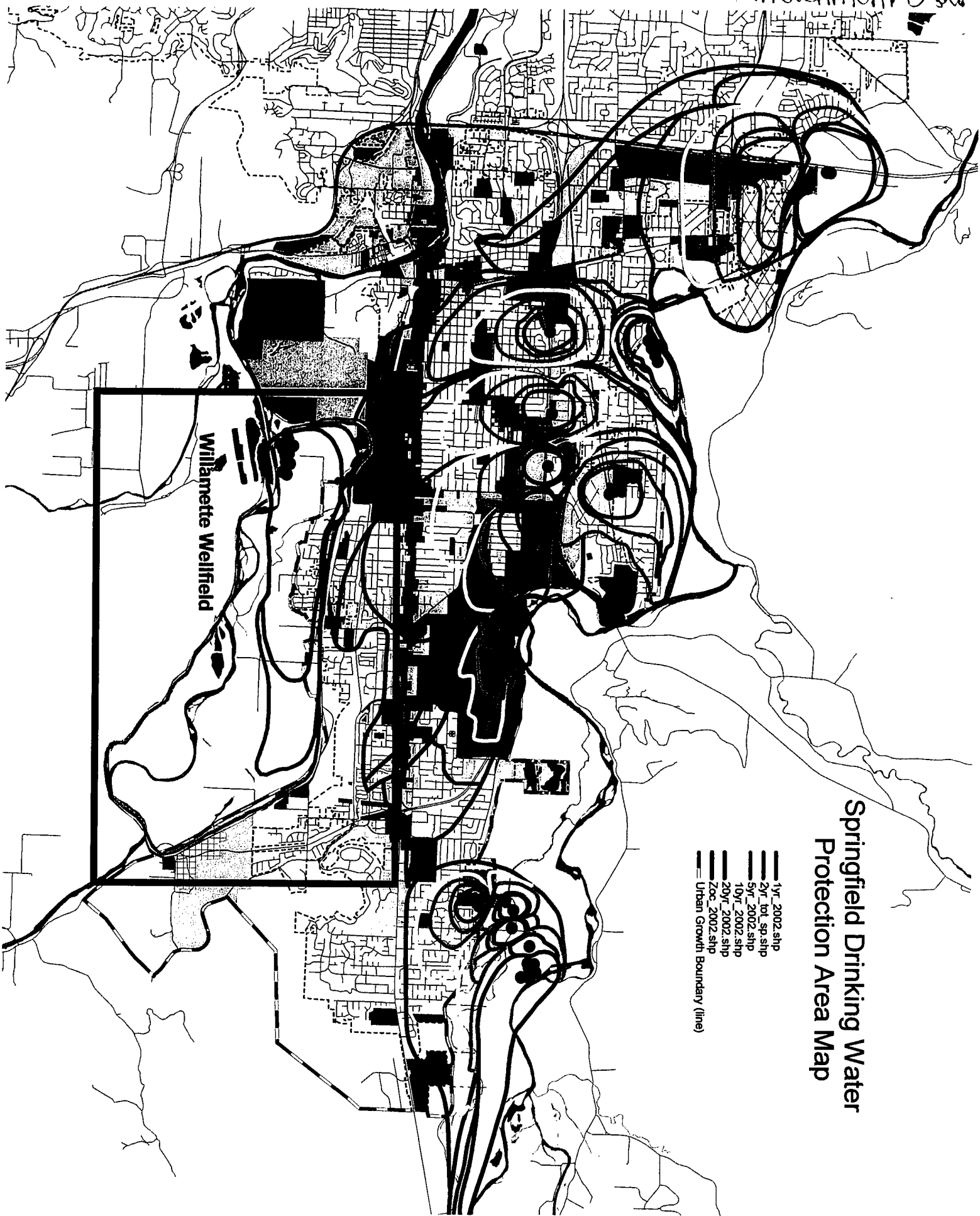
Criterion # 3. - LC 12.245 (4): "Relationship to Refinement Plan Diagram Amendments for Automatic and Concurrent Processing;"

Finding # 58. The *Springfield Drinking Water Protection Plan* is a refinement plan to the *Metro Plan*, and as such this provision applies. The proposal is to amend the *Springfield Drinking Water Protection Plan* Willamette Wellfield TOTZ Overlay Zone map, there are no text amendments proposed. Adoption of an Ordinance to amend the Overlay Zone map in the refinement plan will automatically amend the *Metro Plan* diagram under this provision.

Finding # 59. The proposed wellfield time of travel zone amendments do not change the protections found in the *Springfield Drinking Water Protection Plan* for groundwater resources. The amendments simply update and apply the appropriate groundwater protections already found in the Plan. No groundwater resources are removed from the protection of the Plan.

V. Conclusion of Consistency with Applicable Criteria and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Lane Code Chapter 12 for approving an amendment to the Willamette Wellfield delineation of the time of travel zones, staff finds that the proposed amendment to the Springfield Drinking Water Protection Area Map is consistent with the applicable criteria and recommends approval of the amendment. The wellhead delineations represented in the amendment have been reviewed and certified by the appropriate state agencies.



Willamette Wellfield

Springfield Drinking Water Protection Area Map

- 1Yr_2002.shp
- 2Yr_tot.sp.shp
- 5Yr_2002.shp
- 10Yr_2002.shp
- 20Yr_2002.shp
- Zoc_2002.shp
- Urban Growth Boundary (line)

Willamette Wellfield Protection Area
 Former Time of Travel Zones
 (pre-2008 delineations)

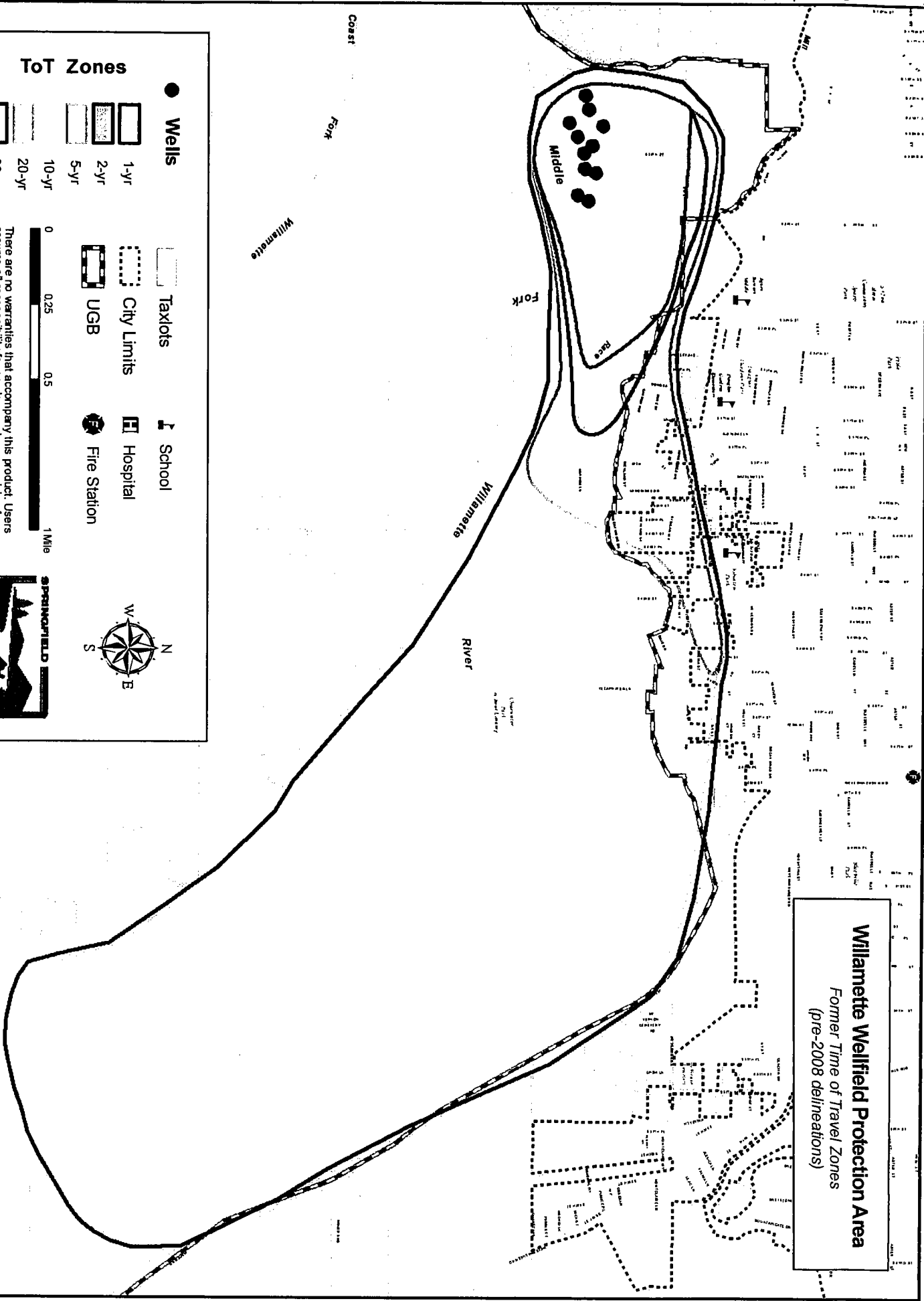
TOT Zones

	1-yr		School
	2-yr		Hospital
	5-yr		Fire Station
	10-yr		Taxlots
	20-yr		City Limits
	99-yr		UGB

● Wells

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City Of Springfield
Development Services Department
February 18, 2009

**Springfield Drinking Water Protection Area Map Amendment
Staff Report**

Applicant: City of Springfield and Springfield Utility Board	Journal No. ZON2009-0002
Request: To amend the Springfield Drinking Water Protection Area Map to include a new delineation of the Willamette Wellfield in southwest Springfield. This proposal changes the "time of travel zones" (TOTZ) for certain properties. Changes in the TOTZ may impact the allowed uses of the affected properties by increasing regulatory controls on the use and storage of certain chemicals.	ProcedureType: Type IV—Quasi-Judicial
Attachments: Attachment 1: Current Drinking Water Protection Area Map Attachment 2: Map of the Willamette Wellfield with current TOTZ Attachment 3: Map of the Willamette Wellfield with proposed amendments to the TOTZ	

I. Executive Summary

In March of 2007, the Springfield Utility Board (SUB) and the City began the re-certification process for *Springfield's Drinking Water Protection Plan (Plan)* at the request of the Oregon Department of Environmental Quality (DEQ). The DEQ and the Oregon Public Health Division Drinking Water Program (DWP) share responsibility for oversight of the drinking water protection programs in the state. As part of the re-certification process, SUB was required to provide information on "any conditions that could potentially modify the boundaries of the wellhead protection area."

In the process of constructing the Willamette Slow Sand Filtration Plant in 2002, SUB developed a perimeter drain well in the Willamette Wellfield with a production capacity of 1200 gallons per minute. This improvement to the production capacity has significantly changed the boundaries of the wellhead time of travel zones within the Willamette Wellfield. This change has precipitated the need to update the Willamette Wellfield time of travel zones (TOTZs) on the Drinking Water Protection Area Map as part of state re-certification of the *Plan*.

Amending the Drinking Water Protection Area Map is an overlay district amendment; similar to making a zone change. The City Attorney and officials from the Oregon Department of Land Conservation and Development (DLCD) have each indicated that processing the Drinking Water Protection Area Map as a zone change is the appropriate procedure to follow. The Willamette Wellfield is located south of the millrace and east of the Springfield Quarry and Dorris Ranch. This proposal is to amend the TOTZ boundaries for the Willamette Wellfield only. No other wellfield TOTZ boundaries are affected.

Based on the analysis that staff has completed in this report, the proposed amendments to the Willamette Wellfield TOTZ boundaries on the Drinking Water Protection Area Map are recommended for approval by the Planning Commission.

II. Background

Springfield Drinking Water Protection Plan

The *Safe Drinking Water Act* is the principal federal law regulating groundwater quality. Various parts of it are managed by the following state and federal departments: the Oregon Health Division, Department of Environmental Quality, the Oregon Department of Land Conservation and Development (DLCDD) and the Water Quality division of the Environmental Protection Agency (EPA). Regulations implementing this act are aimed at protecting the quality of water provided by drinking water systems.

In May 1999, the *Springfield Drinking Water Protection Plan (Plan)* was adopted by the City of Springfield. The Plan contains the city's strategy for protecting groundwater which is the principle source of Springfield's drinking water supply. Part of this strategy focuses on the management of hazardous chemicals and materials which can pollute the groundwater sources on which we depend. The *Plan* was implemented through the addition of the Drinking Water Protection Overlay District to the Springfield Development Code (Section 3.3-200). The Overlay District describes the policies that apply to site development and operations of businesses and industry whose properties are hydrologically connected to wells supplying city water. The *Plan* and the wellhead delineations contained in it were certified by the Oregon Public Health Division Drinking Water Program in March 1999.

In March of 2007, the Springfield Utility Board (SUB) and the City began the re-certification process for *Springfield's Drinking Water Protection Plan (Plan)* at the request of the Oregon Department of Environmental Quality (DEQ). The DEQ and the Oregon Public Health Division Drinking Water Program (DWP) share responsibility for oversight of the drinking water protection programs in the state. As part of the re-certification process, SUB was required to provide information on "any conditions that could potentially modify the boundaries of the wellhead protection area."

In the process of constructing the Willamette Slow Sand Filtration Plant in 2002, SUB developed a perimeter drain well with a production capacity of 1200 gallons per minute. Hydrologic data showed that the added pumping capacity in the Willamette Wellfield created a significant change in the delineation of the wellfield. This change precipitated the need to update the Willamette Wellfield time of travel zones as part of state re-certification of the *Plan*.

Springfield draws its water from several wellfields scattered throughout the city. Each wellfield has a zone of contribution; that is an area from which water is drawn to a particular wellhead. This zone of contribution is determined by hydrologic studies and modeling based on the hydrologic data. These same hydrologic studies are used to identify "time of travel zones" (TOTZ) or areas within the zone of contribution where water may take one year, two years, five years, 10 years or 20 years to reach a wellhead. Attachment 1 shows the location of the various wellfields and their TOTZs across the city.

Springfield's wellheads, zones of contribution, and time of travel zones (TOTZs) are graphically represented on the Drinking Water Protection Area Map. This action proposes to amend the zone of

contribution and TOTZs on the Drinking Water Protection Area Map for the Willamette Wellfield only. No other wellfield data are changed.

Policies found in the *Plan* and in the Springfield Development Code use the TOTZs to regulate protection of the wellheads. Properties that are distant from a wellhead in terms of the mapped time of travel have less regulation than properties that are close to wellheads in terms of the time of travel to the well head. For this reason, amending the TOTZ boundaries on the Drinking Water Protection Area Map can change the regulations that apply to a particular property. This potential change in regulation is what triggers the need to go through a public process with mailed notice to affected property owners and a public hearing, much like a change in zoning.

The regulatory provisions of the *Plan* and the Drinking Water Protection Overlay District apply to commercial and industrial land uses. For this reason, the primary impact of the proposed map amendments will fall on the small number of businesses and industrial developments within the Willamette well head zone of contribution.

III. Impacts of the Amendment to the Drinking Water Protection Area Map

This action is a map amendment. The proposal does not change the policies found in SDC Section 3.3-200—Drinking Water Protection Overlay District that regulate land uses for the protection of Springfield’s groundwater resources.

The proposed amendment to the Drinking Water Protection Area Map is restricted to the Willamette Wellfield. No other wellfield delineations are affected. The improvements to the Willamette Wellfield have caused many properties to fall within new a TOTZ. Table 1 summarizes the impact of the new TOTZ delineations on properties within the Willamette Wellfield.

Table 1 shows that the hydrology of the Willamette Wellfield has changed dramatically with the improved production capacity achieved by the 2002 improvements. The new TOTZ delineations show that the combined acreage within the 1-year, 2-year and 5-year TOTZs has increased to 2440 acres. This compares to just 488 acres prior to 2002. The land that is outside of a 5-year time of travel (within the 10-year, 20-year and 99-year TOTZs) has decreased from 2093 to just 43 acres. This is evidence that water now flows far more quickly across the wellfield to the wellhead than it did prior to the 2002 improvements.

Attachments 2 and 3 show the old and new delineations of the Willamette Wellfield. When comparing the two maps, note that the boundary lines for the 10-year, 20-year and 99-year TOTZs are almost one in the same on the new delineation. The wellfield TOTZs prior to the 2002 improvements are widely separated in some areas. The proposed amendment to the Drinking Water Protection Area Map reflects this change in hydrology within the Willamette Wellfield and the redistribution acreage within the TOTZs.

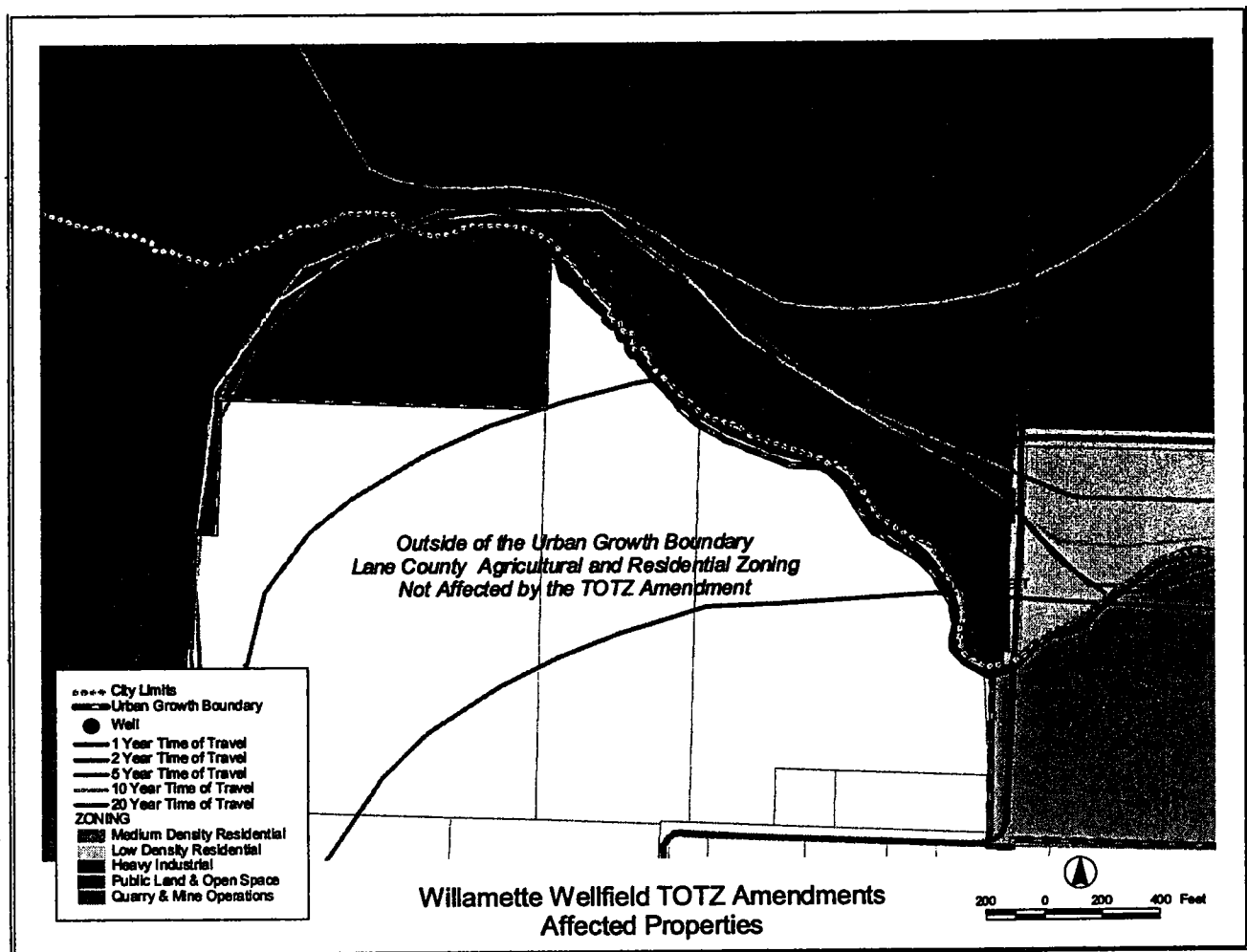
Table 1. Change in “Time of Travel Zone” (TOTZ) Acreage

Time of Travel Zones (TOTZ)	Old Delineation TOTZ Acres	New Delineation TOTZ Acres	Change in Acres
1-year	228	658	430
2-year	61	341	280

5-year	199	1441	1242
10-year	350	30	-320
20-year/ 99-year Combined	1744	13	-1731
Total Acres	2582	2483	-99

Since the TOTZ regulations found in SDC Section 3.3-200 affect commercial and industrial users, it is important to understand how many areas within these zoning districts have been impacted by the new delineation. Figure 1 shows the zoning of properties that will be affected by changes in regulation because of the new wellfield TOTZ delineations.

**Figure 1. Willamette Wellfield TOTZ Amendments
Affected Properties**



No commercially zoned properties are located within the area affected by the new delineation. Residentially zoned properties are not affected by this action.

Figure 1 above and Table 2 below both show that five industrially zoned properties will be affected by the proposed wellfield delineation amendments. These properties were not within the Willamette

Wellfield zone of contribution prior to the 2002 improvements and were not regulated as part of the Willamette Wellfield. The Hamilton Construction and Charles Harrell properties were already within 20-year TOTZ for the 16th and Q Street wellfield. The new delineation shows they are now within the Willamette Wellfield zone of contribution as well.

Table 2, below shows how the new delineation will impact the five affected properties. About 22.7 acres of land will be regulated by the Springfield Drinking Water Protection Plan policies that were not regulated prior to the new delineation. The new delineation shows that the Willamette Wellfield is about 2483 acres in size. The regulatory change will affect about 22.7 or less than 1% of the wellfield acreage.

**Table 2. Willamette Wellfield TOTZ Amendments
Affected Properties and Acreage**

Property Owner	Assessor's Map No.	In City Limits?	Acres	Old Delineation Regulated Acreage	New Delineation Regulated Acreage (approximate)
Ann-Marr LLC	18-03-01-00 TL 206	Yes	1.07	None	1-yr TOZ: .6 acres 2-yr TOTZ: .4 acres
JDL Investment	18-03-01-00 TL 205	Yes	2.95	None	2-yr TOTZ: 2.2 acres 20-yr TOTZ: .5 acre
Charles Harral	18-03-01-00 TL 100	Yes	10.5	None	2-yr TOTZ: .5 acre
Hamilton Construction	18-03-01-00 TL 300	Yes	18.21	None	2-yr TOTZ: 2 acres 5-yr TOTZ: 4 acres
Knife River (Metro Rock)	18-03-01-00 TL 701	No	21.20	None	5-yr TOTZ: 13 acres
Jasper Junction LLC	19-02-05-23 TL 100	Yes	5.2	10-Yr. TOTZ	5-Yr TOTZ: .5 acre

IV. Procedural Requirements for Zoning Map Amendments

The City of Springfield and the Springfield Utility Board are jointly initiating the proposed Drinking Water Protection Map amendment. SDC Section 3.3-220 (4) states that "a property owner may request that a TOTZ may be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ must be accompanied by certification of the TOTZ as proposed to be the modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program." While this section applies to property owners, the zone change process shall be followed by this city-initiated modification of the TOTZ for the Willamette Wellfield. No other process is specified for municipal agencies or for the City.

Staff consulted with Ed Moore, the local field representative of the Oregon Department of Land Development and Conservation (DLCD) about using the zone change process to amend the Drinking Water Protection Area Map. DLCD staff concurred with Springfield staff indicating that the zone change process is appropriate for amending the TOTZs on the map.

SDC Section 5.22-100—Zoning Map Amendments contains the policies and criteria for approving map amendments. Zoning map amendments involving broad public policy decisions and affect a large area or require a Metro Plan amendment are generally considered legislative zoning map amendments (See SDC Section 5.22-110 (A)).

This proposal is being processed as a quasi-judicial zoning map amendment. Section 5.22-110 (B) states that quasi-judicial zoning map amendments are those which involve the application of existing policy to a specific factual setting, generally affecting a single or limited group of properties. The proposed amendments cover a large geographic area, but the regulatory impact of the map changes will fall on a relatively small group of commercial and industrially zoned properties. For this reason this proposal is being processed as a quasi-judicial action.

SDC Section 5.22-115 (A) indicates that quasi-judicial map changes are to be processed as a Type III procedure. Type III procedures involve a hearing before the Planning Commission (or a Hearings Official for matters outside of the city limits but inside the Springfield UGB). The Planning Commission may approve, approve with conditions, or deny quasi-judicial decisions using the review criteria listed in Section 5.22-115 (C). These review criteria are analyzed later in this report.

Type III processing procedures require specific public notice requirements which are identified in SDC Section 5.1-135.

All zoning map amendments that are outside of the city limits, but within the Springfield Urban Growth Boundary must be referred to Lane County for their approval as well. Portions of the Willamette Wellfield are outside of the city limits but within the Springfield UGB. For this reason, Lane County must approve the proposed Drinking Water Protection Area Map for these amendments to take affect outside of the city limits.

Mailed notice of the proposed Drinking Water Protection Area Map amendment must be sent to the Department of Land Conservation and Development as specified in ORS 197.610 and OAR 660-18-0020. This notice must be filed no less than 45 days before the first evidentiary hearing.

Finding #1. The Planning Director initiated this amendment of the Drinking Water Protection Area Map to update the zone of contribution and time of travel zones shown for the Willamette Wellfield on December 12, 2008.

Finding #2. Public hearings were scheduled before the Planning Commission on February 18, 2008. Hearings before the Lane County Hearings Official concerning the amendments affecting properties outside of the city limits but inside of the Springfield UGB shall be scheduled at a later date.

Finding #3. OAR 660-023-0140 defines groundwater resources that are “significant” and subject to the protection of Statewide Planning Goal 5. Springfield’s groundwater resources that are protected by the Drinking Water Protection Plan are “significant” under the rule.

Finding #4. OAR 660-023-250(3)(a) states: “Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource...” The proposed amendment of the Drinking Water Protection Area Map includes changes to the time of travel zone delineations within the Willamette Wellfield. Under the provisions of OAR 660-023-250 (3) (a), Statewide Planning Goal 5 applies to this proposal.

Finding #5. Application of Goal 5 requires that significant groundwater resources be protected. The Springfield Drinking Water Protection Plan (Plan) was adopted in May 1999. The Plan delineated Springfield's wellfields and the time of travel zones within each wellfield. In addition, a program for protection of the City's groundwater resources was prepared and adopted as part of the Plan.

Finding #6. The proposed wellfield time of travel zone amendments do not change the protections found in the Drinking Water Protection Plan for groundwater resources. The amendments simply update and apply the appropriate groundwater protections already found in the Plan. No groundwater resources are removed from the protection of the Plan.

Finding #7. A "DLCD Notice Proposed Amendment" was mailed to the Department of Land Conservation and Development on December 12, 2008, alerting the agency to the City's intent to amend the Zoning Map. The notice was mailed more than 45 days in advance of the first evidentiary hearing as required by ORS 197.610.

Finding #8. The proposed Drinking Water Protection Area Map amendment is property specific, affecting a limited number of commercial and industrial businesses and industrial developments. It is being processed as a quasi-judicial action. As such, mailed property owner and resident notifications have been made as required for quasi-judicial land use actions.

Finding #9. Mailed notice of public hearings concerning the proposed Drinking Water Protection Area Amendments was sent out on January 23, 2009 to affected property owners and residents. The mailing allowed more than 20 days notice before the first public hearing as required by Section 5.2-115 A of the SDC. A second mailing was sent out on January 29, 2009 to provide additional information about the proposal and to provide a map that was inadvertently left out of the first mailing.

Finding #10. Notice of the public hearing concerning this matter was published on January 27, 2009 in the Register Guard, advertising the hearing before the Planning Commission on February 18, 2008. The content of the notice followed the direction given in Section 5.2-115 B of the SDC for quasi-judicial actions.

Conclusion:

Procedural requirements described in Sections 5.2-115 and 5.22-110 of the SDC have been followed. The notice to DLCD, as required by ORS 197.610 and OAR 660-18-0020 for amendments to the zoning map have been also been followed.

IV. Decision Criteria and Findings

Section 5.22-115 of the SDC describes the criteria to be used in approving a quasi-judicial zoning map amendment. It states that in reaching a decision, the Planning Commission must adopt findings which demonstrate that the proposed amendment show:

"1) Consistency with applicable Metro Plan policies and the Metro Plan diagram;

2) Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and

3) The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.”

Approval of the Springfield Drinking Water Protection Plan and the wellhead delineations that are part of the plan, are certified by the state. As such, certification represents another criterion that should be considered when evaluating the proposed amendment to the Drinking Water Protection Area Map. OAR 333-061-0157 (2) requires the delineation of time of travel zones as part of a state certified drinking water protection program. In addition, the groundwater delineations which serve as a basis for the time of travel zones must be certified by the Oregon Public Health Division in order for the Drinking Water Protection Plan to be certified by the Oregon Department of Environmental Quality (OAR 340-040-0180).

The section below analyzes the proposed Drinking Water Protection Area Map amendments against the applicable decision criteria.

Criterion #1: “Consistency with applicable Metro Plan policies and the Metro Plan diagram;”

Finding #11. Statewide Planning Goal 5 (OAR 660-023-0140) requires cities with a population exceeding 10,000 people that rely on groundwater as the primary source of drinking water, to inventory and protect significant groundwater resources. In response to this mandate, and to fulfill the Metro Plan Periodic Review Work Program, the City prepared and adopted the *Springfield Drinking Water Protection Plan* in May 1999. The plan was prepared in collaboration with the Springfield Utility Board which manages wellfield production and the distribution of clean water throughout the city.

Finding #12. Policy G.10 (pg. III-G-6) of the Metro Plan states “Continue to take positive steps to protect groundwater supplies. The cities, county and other service providers shall manage land use and public facilities for groundwater related benefits through the implementation of the *Springfield Drinking Water Protection Plan* and other wellhead protection plans. Management practices instituted to protect groundwater shall be coordinated among the City of Springfield, City of Eugene, and Lane County.”

Finding #13. The proposed map amendment to the Drinking Water Protection Area Map updates the *Springfield Drinking Water Protection Plan* to include new data regarding the hydrology of the Willamette Wellfield. The proposed map update better implements the Plan by more accurately delineating the time of travel zones within the wellfield.

Finding #14. The presentation of the proposed map amendment for approval by the Hearings Official and by Lane County will assure that the protections of the Springfield Drinking Water Protection Plan are evenly applied in a coordinated fashion both inside and outside of the Springfield’s regulatory jurisdiction.

Finding #15. The proposed Drinking Water Protection Map amendment does not change the protection policies found in the *Plan*.

Conclusion

The proposed amendment to the Drinking Water Protection Area Map supports the policy intent of the Metro Plan policies as they relate to groundwater protection and is therefore meets the stated criterion.

Criterion # 2: "Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and"

Finding #16. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) is a refinement plan of the Metro Plan that was adopted in December 2001. The plan provides an assessment of Eugene and Springfield's infrastructure capacity and lists short term and long term projects that are needed to meet future service demands. The PFSP includes an analysis of Springfield's water supply and distribution system but does not contain policies or map information that is relevant to the proposed amendment of the Drinking Water Protection Area Map.

Finding #17. The zone of contribution and the time of travel zones for the Willamette Wellfield are outside the boundaries of Springfield's adopted refinement plans.

Conclusion

The proposed amendment to the Drinking Water Protection Area Map is consistent with the general planning purposes of the Eugene-Springfield Public Facilities and Services Plan, and does not affect the facility analysis or the project lists shown in the plan. The proposed action meets the stated criterion.

Criterion #3: "The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property."

Finding #18. The proposed map amendments to the Drinking Water Protection Area Map will not affect the adequacy of public facilities serving the Willamette Wellfield.

Conclusion

This criterion does not apply to the proposed Drinking Water Protection Area Map amendment.

Criterion #4: The Oregon Department of Health requires the delineation of time of travel zones as part of a state certified drinking water protection program (OAR 333-061-0157 (2)). In addition, the groundwater delineations which serve as a basis for the time of travel zones must be certified by the Oregon Department of Environmental Quality (OAR 340-040-0180).

Finding #19. The proposed amendment to the Drinking Water Protection Area Map is an update of the delineations required under OAR 333-061-0157. The updated delineations which form the basis for the amendments to the map were certified by the state as evidenced in a letter sent to the Springfield Utility Board, dated July 25, 2008 from the Oregon Department of Human Services, Public Health Division, Drinking Water Program. The certification number referenced in the letter is #0002R, Version 2.

Finding #20. The Springfield Utility Board and the Rainbow Water District, acting separately, passed resolutions requesting that the City of Springfield amend the Drinking Water Protection Area map by amending the Willamette Wellfield delineations to reflect the new delineation that was certified by the state.

V. Conclusion and Recommendation of Staff

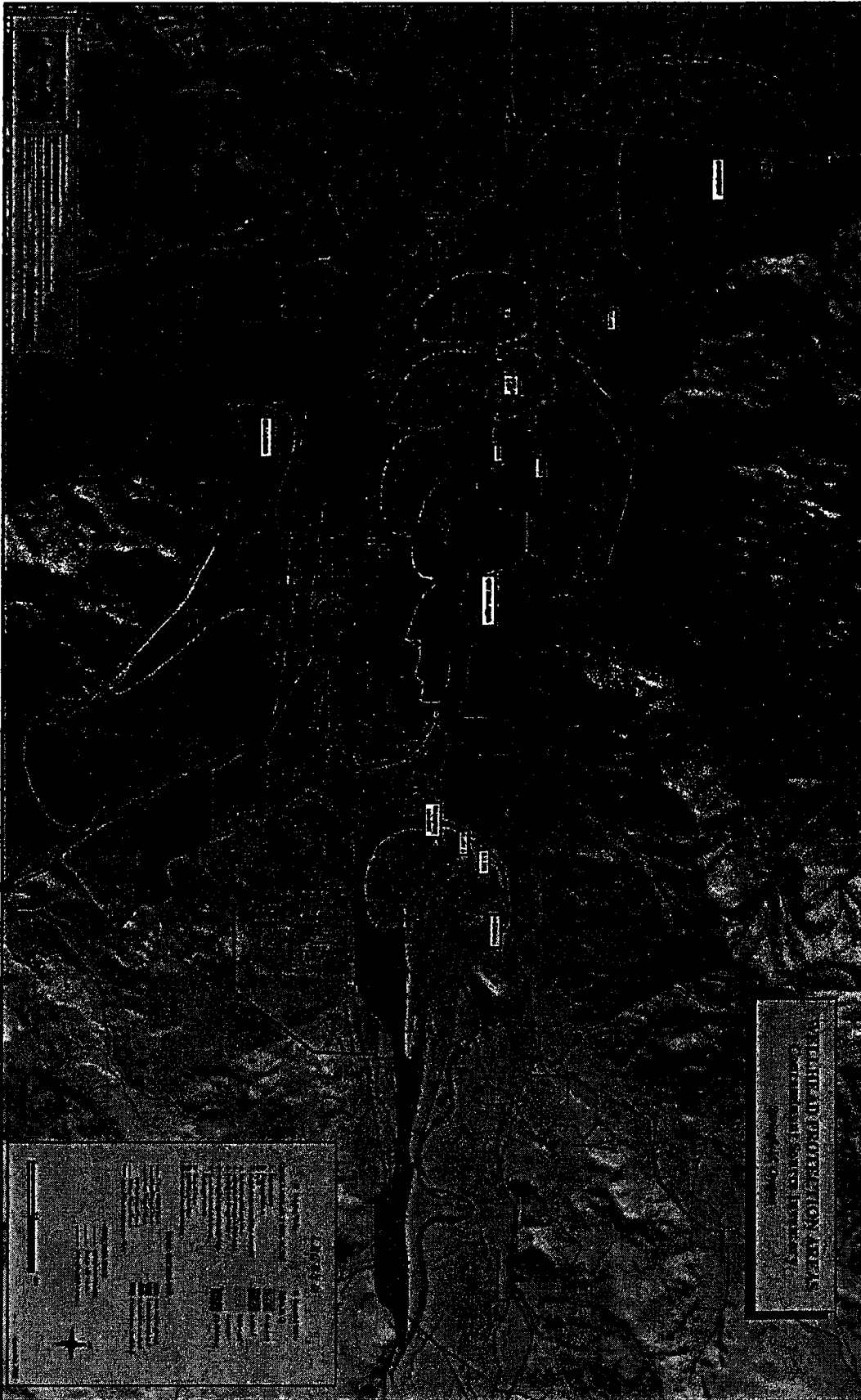
Based on the findings of staff with respect to the criteria defined in Section 5.22-115 of the Springfield Development Code for approving a quasi-judicial zoning map amendment, staff finds that the proposed amendment to the Drinking Water Protection Area Map is consistent with the applicable criteria and recommend approval of the amendment. The wellhead delineations represented in the amendment have been reviewed and certified by the appropriate state agencies.

VI. Attachments

Attachment 1: Current Drinking Water Protection Area Map

Attachment 2: Willamette Wellfield with current TOTZ

Attachment 3: Willamette Wellfield with proposed amendments to the TOTZ



Current Willamette Wellfield Delineation



Proposed Willamette Wellfield Delineation



Section 3.3-200 Drinking Water Protection Overlay District

3.3-205 Purpose

A. The Drinking Water Protection (DWP) Overlay District is established to protect aquifers used as potable water supply sources by the City from contamination. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:

- 1.** Protect the City's drinking water supply which is obtained from groundwater resources from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
- 2.** Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.

B. In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:

- 1.** Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;
- 2.** Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and
- 3.** Review new or expanded uses of hazardous or other materials that pose a risk to groundwater.

(6238)

3.3-210 Applicability

As of May 15, 2000, all areas within specified wellhead TOTZ automatically are rezoned to add the DWP Overlay District to the underlying zoning district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Area Maps on file in the Development Services Department and incorporated in this Section by reference.

3.3-215 Warning and Waiver of Liability

The degree of aquifer protection required by this Section in the areas designated in Section 3.3-220 is based on scientific and engineering considerations. The nature of these considerations is that the exact boundaries of Time of Travel Zones (TOTZ) have an associated uncertainty that renders conclusions based on them to be estimates. Under no conditions should this Section be construed to guarantee the purity of the ambient ground water or guarantee the prevention of ground water contamination. Therefore, this Section shall not create liability on the part of the City, or any City personnel, for any contamination that may result from reliance on this Section or any administrative decision made under this Section.

3.3-220 Time of Travel Zones

A. The DWP Overlay District includes 4 TOTZ: 0-1 year; 1-5 years; 5-10 years; and 10-20 years. The locations of the TOTZ for each wellhead are shown on Drinking Water Protection Area Maps on file with the City's Development Services, Public Works, and Fire and Life Safety Departments; and Springfield Utility Board (SUB) and Rainbow Water District (RWD).

B. The areas within specified wellhead TOTZ are those drinking water protection areas certified by the Oregon Health Division, under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Division Delineation Certification #0002R, March 18, 1999.

C. In determining the location of a property within a TOTZ, the following criteria apply:

1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.

2. That portion of a tax lot that lies within a TOTZ is governed by the restrictions applicable to that TOTZ.

3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

EXCEPTION: The Director may waive the requirement that the more restrictive standards apply when all of the following apply:

a. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and

b. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and

c. The tax lot is 20,000 square feet or larger.

4. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

(6238)

3.3-225 Review

A. A DWP Overlay District Development Application is required when the criteria of both Subsections A.1. and 2., below are met:

- 1.** A site is affected by one of the following:
 - a.** There is a change of land use, occupancy or tenancy of a property, including, but not limited to: a change from vacant to occupied; or
 - b.** During the Building Permit process; or
 - c.** In conjunction with any development application, including, but not limited to: Site Plan review and Minimum Development Standards.
- 2.** The action in Subsection A.1., above will:
 - a.** Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or
 - b.** Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.

B. Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 3.3-230B.1.

C. DWP Overlay District applications shall be reviewed under Type I procedures.

D. Prior to undertaking an activity covered by Section 3.3-225A., the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:

- 1.** A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 3.3-230. Hazardous material weights shall be converted to volume measurement for purposes of

determining amounts; 10 pounds shall be considered equal to one gallon as specified in Springfield Fire Code 2703.1.2.;

2. A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;
3. A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 3.3-235A.;
4. A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
5. A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
6. A description of the procedures for inspection and maintenance of containment devices and emergency equipment;
7. A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.

E. For those development proposals requiring Site Plan Review (Section 5.17-100) or Minimum Development Standards review (Section 5.15-100), applications may be submitted concurrently.

F. The Director shall review the application and make a decision based on the standards contained in Section 3.3-235, after consulting with the Building Official, Fire Marshall, Public Works Director, and the managers of SUB and RWD, as appropriate.

(6238)

3.3-230 Exemptions

This Section does not exempt any material or use from Fire Code regulations adopted by the City.

- A. Exemptions are as specified in this Section unless the Director, in consultation with SUB and Fire/Life Safety, determines that a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality. Then the Director may require compliance with the requirements of this Section related to that

hazardous material, activity or facility. This determination will be based upon site and/or chemical-specific data and are eligible for appeal to the Hearings Official as specified in Section 3.3-245.

B. Unless otherwise provided herein, the following materials are exempt from regulation hereunder:

- 1.** Use, storage and handling of specific hazardous materials that do not present a risk to the aquifer, as determined and listed by the Director in consultation with SUB, are exempt from all regulation under this Section with the exception of the potential requirement to list these hazardous materials on the Hazardous Material Inventory Statement as found in the most recent Fire Code regulations adopted by the City. A Hazardous Materials Exemption Request may be submitted to the Director for Hazardous Materials that can be demonstrated to pose no threat to the aquifer. These materials may be exempted from regulation and added to the list. The demonstration of no threat is the responsibility of the applicant seeking the exemption and will be subject to review by technical experts.
- 2.** Hazardous materials offered for sale in their original sealed containers of 5 gallons or less are exempt from the 500-gallon storage limit specified in Section 3.3-235A.1.
- 3.** Hazardous materials in fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the motoring operation of that vehicle, or machinery, including, but not limited to: fuel, engine oil and coolant.
- 4.** Fuel oil used in existing heating systems.
- 5.** Emergency use, storage, and handling of hazardous materials by governmental organizations in the public interest.
- 6.** Hazardous materials used and stored specifically for water treatment processes of public water systems and private systems for the same purposes when approved by the Director.
- 7.** Hazardous materials contained in properly operating sealed units (including, but not limited to: transformers, refrigeration units) that are not opened as part of routine use.
- 8.** Local natural gas distribution lines.

9. Fuel for emergency generators located at facilities that provide essential community services (including, but not limited to: hospitals, fire/life safety, police, public shelters, and telephone systems).
10. Any commonly used office supply—including, but not limited to: correcting fluid for typewriters, toner for computer printers or cleaners for windows and bathrooms—where the supplies are purchased off-site for use on-site.
11. Aggregate quantities equal to or less than 20 gallons of hazardous materials that do not contain DNAPLs.

3.3-235 Standards for Hazardous Materials within Time of Travel Zones

Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Springfield Fire Code, the following standards apply:

A. Zero to One Year TOTZ Standards.

1. Within the zero to one year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

* A waiver of the 5-gallon maximum size may be given by the Director if the applicant can demonstrate that a larger size container would pose less risk to the aquifer.

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code 2702.1 and 2704.2.2).

3. All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) are prohibited.

4. Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and prohibited.

5. The following certain types of new facilities or changes in use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:

- a. Underground hazardous material storage facilities;

b. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;

c. Injection wells;

EXCEPTION: Dry wells for roof drainage;

d. Solid waste landfills and transfer stations;

e. Fill materials containing hazardous materials;

f. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.

6. Requirements found in Springfield Fire Code 2704.2.2.5 for a monitoring program and monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous or other materials that pose a risk to groundwater unless exempted.

7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

8. Application of fertilizers containing nitrates are restricted to no more than the amount recommended by the Lane County, Oregon State University Extension Service for turf grass and are prohibited within 100 feet of a wellhead. In no event shall a single application exceed one half pound per 1,000 square feet of area per single application or a total yearly application of 5 pounds nitrogen fertilizer per 1,000 square feet.

B. One to Five Year TOTZ Standards.

1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code 2702.1 and 2704.2.2).

3. All new use of DNAPLs are prohibited.

4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following certain types of facilities or changes in chemical use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:

a. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;

b. Injection wells;

EXCEPTION: Dry wells for roof drainage;

c. Solid waste landfills and transfer stations;

d. Fill materials containing hazardous materials;

e. Land uses and new facilities that will use, store, treat handle, and/or produce DNAPLs.

6. Requirements found in Springfield Fire Code 2704.2.2.5 for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.

7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

C. Five to Ten Year TOTZ Standards.

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City
2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code 2702.1 and 2704.2.2).
3. All new use of DNAPLs are prohibited.
4. Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
5. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

D. Ten to Twenty Year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City. (6238)

3.3-240 Conditions

The Director may attach conditions of approval that will minimize negative impacts of regulated substances on groundwater and ensure that the facility or the proposed development can fully meet the standards specified in Section 3.3-235. These conditions may include, but are not limited

to: on-site monitoring wells, Wellhead Protection Area signs, special storm water facilities or other conditions to address specific risks associated with the proposed development.

3.3-245 Appeals

The only portions of this Section that are subject to appeal are Section 3.3-225F., the Director's decision on a DWP application, Section 3.3-230, Exemptions, and Section 3.3-235A.1., Waiver. The appeal of a decision of the Director may be appealed as specified in Section 5.3-115.

MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

April 21, 2009
5:30 p.m.

WORK SESSION

PRESENT: Lisa Arkin, Chair; Robert Noble, Vice Chair; Steve Dignam, Tony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Jerry Kendall, Stephanie Schulz, Lane County Land Management Division; Chuck Davis, Springfield Utility Board; Mark Metzger, City of Springfield; Kim O'Dea, Ravin Ventures LLC agent.

ABSENT: Todd Johnston, Lane County Planning Commissioner.

Ms. Arkin convened the work session of the Lane County Planning Commission (LCPC) at 5:35 p.m. Staff and Commissioners introduced themselves.

The Planning Commission took a five minute break at 6:15 p.m.

2. PA 09-5109—Map Amendment to Update the Delineation of the Time of Travel Zones (TOTZ) within the Springfield Utility Board's Willamette Wellfield on the Drinking Water Protection Plan Map.

Applicant(s): Springfield and SUB
Agent: Mark Metzger, Springfield Senior Planner

Ms. Schulz introduced Mark Metzger from the City of Springfield and Chuck Davis from the Springfield Utility Board (SUB).

Mr. Metzger offered the staff report which was included in the Staff Memo dated April 14 and 21, 2009, from Stephanie Schulz to the Lane County Planning Commission. He referred to several charts, copies of which were distributed to Planning Commissioners:

- Overview of the Proposed Action.
- Springfield Drinking Water Protection Area Map.
- Willamette Wellfield Protection Area—Former Time of Travel Zones (pre-2008 delineations).
- Willamette Wellfield Protection Area—Amended Time of Travel Zones (Feb 2008 delineations).

Mr. Metzger explained the City of Springfield used wells as the source of the city's drinking water. TOTZ zones are identified in the City's development code. Commercial and industrial developments are required to meet certain criteria regarding certain dangerous chemicals and substances that might pollute ground water. Precautions and restrictions were more stringent for developments closer to the wellfield, and become less stringent in the outer time of travel zones. TOTZ were developed by hydrologists who studied the groundwater. Improvements were made to the Willamette Wellfield in 2007/2008 which changed the hydrology of the wellfield and increased the distance from the well for the one year and five year time of travel zones. The outer boundary of the overlay zone does not change with this proposed amendment.

Mr. Metzger said the Lane County planning commission was reviewing the amendment to make a recommendation to the BCC whether to co-adopt the proposed map amendment to the Springfield Drinking Water Protection Plan by updating the delineation of the Willamette Wellfield in southwest Springfield. The proposal changed the TOTZ for certain properties as described in the Staff Memo. The proposed changes do not usually apply to residential users since they did not use large quantities of highly toxic materials and the proposed changes did not apply to agricultural uses, which by state law, were regulated by the Oregon Department of Agriculture. The Springfield Planning Commission had already taken action to approve the changes. The businesses affected by the changes were primarily within the city limits. Knife River was currently the only industrial user outside of the city limits that was affected by the proposal. The remainder of the land within the Urban Growth Boundary (UGB) was zoned for agricultural use by Lane County. Mr. Metzger said the proposed action was a map change that reflected reality underground regarding the hydrology. The change would affect a portion of the Knife River quarry. SUB had worked with Knife River regarding the impact of the change. There was no opposition offered at Springfield Planning Commission public hearings by Knife River or other entities. The city Planning Commission unanimously approved the proposal.

Mr. Siekiel-Zdzienicki asked if home businesses such as painting contractors, as an example of a business that stored 300 gallons of paint on property in a residential zone, was considered an issue. He asserted this was a practice of some contractors.

Mr. Metzger responded it would become an issue if the City was aware that was happening, but the City was assuming residents were residential dwellers. He added home occupations were allowed in some zones. The purpose of tonight's meeting was not to amend the policy but to amend the map to reflect the changes in hydrology.

Mr. Dignam could find nothing in the record that explained the impact of the proposed action and he could not support the plan unless staff were able to explain the real impact. Even with only one property, there was potential for Goal 9 Economic Development issues if the action precluded further industrial development on impacted properties.

Mr. Metzger asserted *Table 2—Willamette Wellfield TOTZ Amendments Affected Properties and Acreage* in the Staff Memo provided that information. He explained the overlay required that businesses advise the City on how much hazardous material they had and develop plans for containment, management, and disposal when it became hazardous waste. This did not restrict establishment of any businesses, but it did restrict how they managed their hazardous materials. He reviewed applicable fire code requirements for hazardous materials.

Mr. Dignam stated he would not be able to vote for the proposal until saw a complete list of the restrictions included in Article 17 of the City Code.

Responding to Ms. Nichols, Mr. Davis said existing businesses in the county and outside the city limits were on their own wells, and risked contaminating their own property as well as the City's if they disposed of hazardous materials down their septic tanks. When contamination occurred, it was the responsibility of the Department of Environmental Quality (DEQ) to follow up with the business on managing their clean ups. When the Springfield Planning Commission was developing recommendations for drinking water protections in 1999, they discussed what should be done with existing businesses, but that had not yet been adopted. The City's practices were preventative and focused on education for new and expanding businesses.

Responding to a question from Mr. Noble, Mr. Davis said when the City of Springfield purchased the Willamette Water Company the City acquired the water rights for two wells the company was abandoning. The City moved those water rights to the Willamette Wellfield for justification for use of the well drilled as part of the water treatment plant. By using water from that well, it caused the water to move more quickly in the aquifer. He concurred residential use was not causing any change in the movement of the water. Changes in ground water were caused by the amount pumped by the City for the water treatment plant.

Mr. Noble asked if the sand filtration system extracted any industrial or toxic materials.

Mr. Davis said the purpose of the sand filtration system was to treat the water from the wells.

Noting the Springfield Planning Commission had been involved in the process but the City Council had not been involved in the process, Mr. Sullivan asked what assurances the Lane County Planning Commission would have that the City Council concurred with the Springfield Planning Commission with their recommendation?

Mr. Davis explained there was one process with SUB and one with the Rainbow Water District Board, which included public hearings. The recommendations from those bodies were forwarded to the Springfield Planning Commission.

Mr. Metzger said Springfield ordinances and code gave the authority to make a decision of this type with the Planning Commission. The next higher authority would occur if the decision was appealed. He added there were enforcement provisions in the city code but the City relied heavily on education and the permit process with new development. DEQ became involved in the event of spills.

Mr. Metzger said Knife River wanted to do some new things such as an asphalt batch plant and a cement plant. They engaged SUB and the City early on in the planning process.

Noting the time, Ms. Arkin suspended the work session at 7:00 p.m.

PUBLIC HEARING

PRESENT: Lisa Arkin, Chair; Robert Noble, Vice Chair; Steve Dignam, Tony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Jerry Kendall, Stephanie Schulz, Lane County Land Management Division; Chuck Davis, Springfield Utility Board; Mark Metzger, City of Springfield.

ABSENT: Todd Johnston, Lane County Planning Commissioner.

Ms. Arkin opened the public hearing at 7:00 p.m.

1. PA 09-5109—Map Amendment to Update the Delineation of the Time of Travel Zones (TOTZ) within the Springfield Utility Board’s Willamette Wellfield on the Drinking Water Protection Plan Map.

Applicant(s): Springfield and SUB
Agent: Mark Metzger, Springfield Senior Planner

Ms. Schulz provided the staff report. The City of Springfield and Springfield Utility board (SUB) were requesting consideration of a map amendment to the Springfield Drinking Water Protection Plan which presented the City strategy for providing healthy and safe water to the residents and businesses of Springfield. The proposed map amendment was an update to the plan that revised the delineation of the Willamette Wellfield’s “time of travel zones” (TOTZ). The City of Springfield and Lane County had co-adopted the *Springfield Drinking Water Protection Plan (Plan)* in 2004 during the Eugene Springfield Metropolitan Area General Plan (Metro Plan) Periodic Review Process. The Springfield Drinking Water Protection Plan was a refinement plan to the Metro Plan and as such Metro Plan procedures applied. Because the TOTZ of the Wellfield extended beyond the urban growth boundary (UGB), the proposal fell under the two jurisdiction process which included both the City of Springfield and Lane County. She reviewed the notice process. On April 8, 2009, a legal ad was published in the Register Guard notifying interested parties of the upcoming hearing scheduled for this evening. However, notice was not mailed to affected property owners. Therefore, Ms. Schulz recommended that the Planning Commission continue the public hearing to the May 19, 2009 Planning Commission meeting. This would allow time for mailing notice to affected property owners and interested parties, and sending referral to other agencies within the required timeline to provide adequate opportunity for public comment on the proposal.

Mr. Dignam, seconded by Mr. McCown, moved to continue the public hearing to May 19, 2009. The motion passed unanimously, 8:0.

Ms. Arkin reconvened the Planning Commission work session.

Responding to a question from Ms. Arkin, Mr. Metzger said by agreement with Lane County the City of Springfield exercised some planning control and regulation outside of the city limits but within the UGB. Map amendments and policy changes were first adopted by the City for employment inside the city limits. When applying those same rules outside the city limits in the UGB, the issues were forwarded to the Lane County Planning Commission. Although the Lane County Planning Commission process was different than the City of Springfield’s, staff was

currently fully able to implement protection measures based on the new map inside the city limits. The permission of the Lane County Planning Commission and BCC was needed to apply those measures outside the city limits.

Ms. Arkin said home businesses were an issue that deserved consideration. She noted pesticide application businesses were allowed in residential areas, which could result in a substantial quantity of water soluble hazardous materials in the one and two year zones. This was an excellent opportunity to consider map amendments, to reassess who may be falling into the new boundary and what kinds of regulatory or educational actions the City of Springfield and SUB could take. She was distressed at the disconnect of the potential of those hazardous materials being put into the drinking water system.

Mr. Davis said those issues had not been ignored. The risk had been assessed when the slow sand filtration treatment process was selected. If a chemical spill got to the plant, SUB needed to be able to respond to that, and did so in several ways which he reviewed. Since there was currently no Lane County process to address the risks, the City was addressing them through education with the Lane County Pollution Prevention Coalition which included the DEQ and Lane County agencies, as well as the cities, the schools, and the watershed councils. The insurance companies worked closely with SUB since it was in everyone's best interests to not spill or leak chemicals which could cause damage to others.

Mr. Siekiel-Zdzienicki noted landscapers were well regulated but homeowners were not.

Ms. Arkin reviewed the Commission's calendar.

The meeting adjourned at 7:30 p.m.

(Recorded by Linda Henry)

MINUTES

Lane County Planning Commission
Public Hearing
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

May 19, 2009
7 p.m.

PRESENT: Robert Noble, Vice Chair; Steve Dignam, Nancy Nichols, Jozef Siekiel-Zdzienicki, John Sullivan, Todd Johnston, Tony McCown, members; Stephanie Schulz, Lane County Land Management Division; Mark Metzger, City of Springfield Planning Division; Chuck Davis, Springfield Utility Board.

ABSENT: Lisa Arkin, Chair; Howard Shapiro, members.

Mr. Noble convened the meeting of the Lane County Planning Commission (LCPC). Those present introduced themselves. He determined there was no one from the public who wished to speak.

PUBLIC HEARING

- 1. Continuation – PA09-5109 Metro Plan Map Amendment to Update the Delineation of the one year Time of Travel Zone (TOTZ) Within the Springfield Utility Board’s Willamette Wellfield on the Springfield Drinking Water Protection Plan Map**

Mr. Noble opened the public hearing and called for the staff report.

Stephanie Schulz, Lane County planner, stated that the hearing was a continuation of the discussion regarding PA09-5109. The additional documentation requested by the Planning Commission had been distributed to members electronically. Those documents included a report on the adoption process and approval documents from the City, maps of the potential contamination sites, the entire Springfield Drinking Water Protection Plan and appendices and relevant sections of the Springfield Development Code. She said the continuation of the hearing allowed time for notification to be sent to owners in the overlay zone where TOTZ modifications occurred.

Ms. Schulz said that restrictions applied primarily to industrial and commercial zoned properties and the base zoning for the area outside the Springfield urban growth boundary was primarily zoned farmland, with industrial zoning on the Wildish quarry site. She said the Wildish property was outside the city limits, but inside the TOTZ and owners were working closely with the City and SUB in planning for an asphalt batch plant to be located within the amended TOTZ. She reviewed the noticing procedures that were followed for this hearing and a hearing in 2004 when Lane County co-adopted the Springfield Drinking Water Protection Plan as a refinement plan to the Metro Plan and that would apply to a hearing before the Lane County Board of Commissioners.

She drew the commission's attention to the findings and criteria for consistency with the applicable Metro Plan polices and refinement plan.

Mark Metzger, City of Springfield planner, noted that the Wildish quarry was now known as the Knife River quarry and there was an inactive section of land still owned by the Wildish family that was within the TOTZ.

Mr. Dignam asked if there was a greater number of one- and two-year travel zone property on the new map. Mr. Metzger said with improvements to the wellhead a much larger area was within the one- and two-year travel zones.

Mr. Dignam asked if property in the one- and two-year zones had a higher regulatory burden than property in a ten-year TOTZ. Chuck Davis, Springfield Utility Board (SUB) water quality manager, said only the one-year TOTZ had a higher burden. Properties from two-year zones to the zone of contribution were regulated in the same way.

In response to a question from Mr. Siekiel-Zdzienicki, Mr. Metzger said staff had received half a dozen inquiries as a result of the notices. He said most property owners were unaware of the wellhead protection program and just wanted information about it. He said no one testified in opposition at the Springfield Planning Commission's hearing and Knife River, which was the most impacted, had no objections.

Mr. Noble determined there was no one wishing to testify in favor of nor in opposition to the proposal.

Mr. Dignam stated he was inclined to oppose the application because there was nothing in the record that spoke to the impact on Goal 9 Economic Development. He believed that the economic development issue should be addressed whenever an increased regulatory burden was placed on property owners.

Mr. Sullivan said he also was unable to find any references to Goal 9 impacts, but did not feel the proposal presented any conflict with that Goal.

Mr. Noble asked if staff wanted to add anything to the record with respect to Goal 9 impacts.

Mr. Metzger said the same protective measures applied throughout the City to untold numbers of businesses and industrial activities, which were able to conduct business in these overlay zones. He said the regulatory measures prohibited a very small class of chemicals and prescribed certain handling and containment procedures where chemicals that might be harmful to the aquifer were handled and stored. He said SUB staff worked with businesses on site to implement the protective measures and develop plans for handling and storage of these chemicals.

Mr. Davis commented that SUB had worked with hundreds of business, including the hospital project at RiverBend, and no one had indicated a reluctance to locate in Springfield because of the protective measures. He said businesses generally felt the protective measures benefited employees and prevented future costs from associated clean-ups.

Mr. Noble clarified that the protective measures applied to businesses within the Springfield city limits and UGB, not to properties outside the UGB in the County.

Mr. Siekiel-Zdzienicki asked if the issue of Goal 9 was raised when TOTZs were originated. Mr. Metzger said when the plan was originally developed and adopted there would have been Goal 9 findings. He said changing a map as part of an overlay district did not require making statewide planning goal findings under Springfield's planning rules.

In response to a question from Mr. Siekiel-Zdzienicki, Ms. Schulz said the commission would be using the same Metro Plan approval criteria used by Springfield and Eugene.

Mr. Metzger said the protective measures had not appeared to inhibit business or commerce where they had been in effect for the past nine years and no businesses that would be affected by the amendments had raised concerns or objected to the proposal.

Mr. Dignam indicated that he was supportive of clean drinking water and would consider the information provided by staff in his deliberations.

In response to a question from Mr. Siekiel-Zdzienicki, Mr. Davis clarified that Knife River had a current application to build an asphalt and concrete batch plant on a parcel of property that was inside the Springfield city limits; the remainder of the property, which was in the County, was being considered for aggregate development. He said Knife River would apply through the County for permission for the aggregate project. Mr. Metzger said with respect to the overlay zone there were no jurisdictional issues or complications because of the co-adoption of the overlay zone.

Mr. Johnston asked why the overlay zone amendments were not done when pumping capacity was increased in 2002, in 2004 when the plan was approved or during recertification in 2007. Mr. Davis explained that water rights for the wells were not acquired when they were drilled and the plant was built; the water right process was not approved until about two years ago around the time that the plan update process began. He said the overlay zone amendments represented one of many components of the plan update process.

Ms. Schulz said she would develop responses to the statewide goals based on the commission's discussion in order to have a thorough set of findings for the county commissioners.

Mr. Noble closed the public hearing.

Mr. Siekiel-Zdzienicki remarked that it appeared to be a straightforward adoption of an overlay zone. He said there was no opposition from the affected businesses and he would support the application without the Goal 9 findings.

Mr. Johnston agreed with Mr. Siekiel-Zdzienicki. He appreciated Mr. Dignam's concerns, but felt the record suggested that Goal 9 had been satisfied given the lack of opposition from businesses.

Mr. Sullivan said he also had some concerns about Goal 9, but the amendment application met the criteria in Lane Code 12.050 and 12.225. He said adoption would automatically amend the Metro Plan and there was no text involved. He felt the plan presented a strategy for providing sufficient

safe water and there was nothing in the record at the City or County level that indicated it was a bad strategy. He was comfortable supporting the application.

Mr. Noble, seconded by Mr. Siekiel-Zdzienicki, moved to approve the application and request that staff provide findings related to Goal 9 when the application was presented to the Board of County Commissioners.

Mr. Dignam stated he would support the motion and appreciated the addition of findings related to Goal 9. He said Goal 9 should be a factor in the commission's decisions related to increasing the regulatory burden, given the current economic climate.

The motion passed, 6:0. (Mr. McCown was out of the room.)

The meeting adjourned at 6:34 p.m.

(Recorded by Lynn Taylor)