TO: Board of County Commissioners

DEPARTMENT: Land Management Division, Public Works

PRESENTED BY: Bill Morgan, County Engineer

AGENDA ITEM TITLE: EIGHTH READING/ PUBLIC HEARING Ordinance No. PA 1260 In The Matter Of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Consistent With Policy G.3 In Chapter III, Section G, Public Facilities And Services Element; Amending Table 6, Table 18, Table 19, Map 3 And Map 8 Of The Public Facilities And Services Plan (PFSP); And Adopting Savings And Severability Clauses (Metro Plan Amendment) (Applicant; Springfield) (NBA & PM 7/8/09, 7/22/09, 8/5/09, 8/26/09, 10/20/09, 11/04/09, 2/3/10)

On October 20, 2009 the board held a fifth reading on the concurrent Metro Plan and Public Facilities and Services Plan amendment to update the City of Springfield’s project lists and tables of significant stormwater facilities. City studies concluded that there is a need for system upgrades to address flood control and water quality issues both for the existing stormwater conveyance system and for areas within the UGB. Springfield reported that their City Council had approved an addendum to the Stormwater Management Plan addressing the Board’s previous concerns regarding the management of flows and volumes from new development and that City Council would be adopting a clarifying ordinance to explicitly state that the stormwater management plan would be followed in all development applications. At the fifth reading some of the members of the Board expressed concerns that the recent addendum did not adequately address their concerns for protecting downstream property owners and that specific citizens involved in previous discussions had not had the opportunity to review the adopted policy amendment. The board requested Springfield return after the City Council had the opportunity to address those continuing concerns and after the City conversed with each of the citizens involved on the issue.

On November 4, 2009, the Board held a sixth reading to allow the Board to review packet material missing from the previous session and to hear input from County staff. At this meeting, County staff expressed some of the complexities of inserting “no net increase” language into Springfield’s Stormwater Management Plan and the difficulties of implementing such policy at the County level. A seventh reading was scheduled to follow a work session with the Board on the topic of “no net increase” stormwater policy.

On February 3, 2010, the Board held a seventh reading. County and City staff updated the Board on actions taken by the Springfield City Council. Springfield Council passed two revised
City ordinances to adopt the stormwater projects within the City and leave off the projects shown on the Springfield PFSP maps in the UGB areas. The City structured their ordinances to approve only the projects within the City limits unless the Board adopts the County ordinance PA 1260, in which case the City action would be superseded by the County ordinance. Some members of the Board again expressed concerns that the addendum to the City’s Stormwater Management Plan did not adequately address their concerns for protecting downstream property owners from impacts of increased runoff from development. City informed the Board that property owners had requested additional changes to the addendum and that the City was continuing the conversation on the addendum with the property owners voicing concerns. City also expressed concern property owners outside the City limits may face an increased risk of flooding if the County chooses not to adopt the proposed PFSP amendment, because the projects located outside the City limits, as listed in the current PFSP, are deemed inadequate.

Since the 7th reading, in response to concerns expressed by Lane County residents about conveyance and discharge of stormwater beyond the City’s UGB, the City held a public hearing on July 19, 2010 for proposed amendments to Addendum 1 of the City’s adopted Stormwater Management Plan. Based on staff recommendations and the submitted testimony, the revised Addendum 1 was adopted by the City Council following the conclusion of the public hearing. The amendment was developed in consultation with several downstream property owners who have all expressed their support of the amendment to the City Council. A copy of the amendment, titled “Stormwater Management Plan Addendum 1” is enclosed in your board materials.

The City of Springfield believes that it has addressed the concerns within its control that were raised by the Board of Commissioners during their prior readings on the proposed ordinance. As such, the City is requesting that the Board of Commissioners proceed with adopting the proposed ordinance.

County staff has reviewed the PFSP amendment and are supportive of co-adoption by the Board. The amendment contains multiple flood control projects that would protect County residents from existing flooding risks. Likewise, the project list contains multiple water quality projects that would improve existing water quality deficiencies. Staff is also supportive of the City’s recent addendum to their Stormwater Management Plan. Although the language does not specifically state the term “no net increase”, as requested by the Board, the policy does state that the city will “...to the maximum extent practicable, manage changes in stormwater characteristics by mimicking the flows and volumes to match the predevelopment hydrologic regime.” The term “Maximum extent practicable,” or MEP, is the basic performance standard in numerous state and federal regulations, including the Federal Endangered Species Act and Section 404 of the Federal Clean Water Act. Section 402(p) of the Clean Water Act, for example, specifies that NPDES permits for municipal storm sewer discharges “shall require controls to reduce the discharge of pollutants to the maximum extent practicable...” The MEP standard does not necessarily involve the same criteria in each application. Rather, it is intended to address projects or actions on an individual basis considering each of their specific circumstances and purpose.

RECOMMENDATION

Although the Board has expressed desires to develop more stringent stormwater management policies throughout the County, staff feels that this is beyond the scope of Springfield’s Public Facilities and Service Plan (PFSP) ordinance that is before you today. County staff will be returning to the Board on August 25th for a work session on developing and funding stormwater
objectives of the Board. However, should the Board of Commissioners prefer to defer their decision on the proposed PFSP ordinance until after this work session or further time is needed, the City has voiced that they would be amenable to rolling this item forward to a ninth reading in February, 2011.

ATTACHMENTS

Attachment 1: Memo from Andy Limbird, Urban Planner, City of Springfield dated 8-18-10
Attachment 2: Revised Springfield Stormwater Management Plan Addendum 1
To: Lane County Board of Commissioners
From: Andy Limbird, Urban Planner, City of Springfield
Date: August 18, 2010
Subject: Amendments to the Public Facilities and Services Element of the Metro Plan and to the Public Facilities and Services Plan

Issue
The Public Facilities Element of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the Public Facilities and Services Plan (PFSP), a functional plan of the Metro Plan, are proposed for amendment as follows:

1. Identify new projects for inclusion or modification, and completed projects for exclusion, in Table 6 City of Springfield Stormwater System Improvement Projects of the PFSP;
2. Add cost and construction horizon for all new stormwater projects, and delete completed stormwater projects, in Table 18 City of Springfield Stormwater System Improvements, Estimated Costs, and Timing of the PFSP;
3. Modify financing source information for new or modified stormwater projects, in Table 19 Existing Financing Sources of the PFSP;
4. Identify the location of all new projects from Table 6 onto Map 3 Eugene-Springfield Public Facilities and Services Plan Planned Stormwater Facilities of the PFSP;
5. Identify the location of all new projects from Table 6 onto Map 8 Public Service Availability in the Eugene-Springfield Metropolitan Area of the PFSP; and
6. Amend the Metro Plan pursuant to Oregon Administrative Rule 660-011-0045(1): “The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction’s comprehensive plan and shall also adopt as part of the comprehensive plan: (a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specification of those projects; (b) A map or written description of the public facility projects’ locations or service areas as specified in sections (2) and (3) of this rule.”

Background
The City of Springfield adopted an updated Stormwater Facility Master Plan in October, 2008. The purpose of the Plan is to, among other things, evaluate existing and future demand on the stormwater management system within the current urban growth boundary (UGB) including some contiguous drainage areas outside the UGB, and make recommendations for system improvements (capacity, water quality protection, and efficiency). The adopted Stormwater Facility Master Plan updates and replaces various stormwater master plans prepared nearly 30 years ago, and assists in the implementation of recommendations for updating and improving the City's stormwater management system.

Also in October, 2008, Springfield City Council initiated amendments to the Metro Plan and Public Facilities and Services Plan to implement the recommendations of the adopted Stormwater Facility Master Plan. Because some of the projects are located outside the City limits and UGB and/or manage stormwater that is conveyed outside the City limits and UGB, Lane County must participate as a decision-maker. Amendments to the Metro Plan and PFSP are subject to the post-acknowledgment plan amendment (PAPA) requirements of ORS 197; the Metro Plan amendment procedures in Chapter IV of
the Metro Plan; the PFSP amendment procedures in Chapter VI of the PFSP; additional procedure and the criteria of approval for Metro Plan amendments is found in Springfield Development Code Chapter 5, Section 5.14-100 through 5.14-155; and Lane Code 12.200 through 12.245.

The proposed plan amendments for stormwater system upgrades and modifications must be processed as amendments to the PFSP and Metro Plan. The City initiated the plan amendment process in November, 2008, and the amendments were presented to the joint Lane County and City of Springfield Planning Commissions at public hearings on June 30, 2009. The joint Commissions adopted motions of support for the proposed amendments. On July 22, 2009, the joint Lane County Board of Commissioners and Springfield City Council opened public hearings on the proposed plan amendments.

To address issues raised at the public hearings, Springfield staff met directly with interested rural property owners, and prepared amendments to the City's adopted Stormwater Management Plan and the Springfield Development Code. The Stormwater Management Plan amendments were adopted by Springfield City Council following a public hearing meeting on September 21, 2009. Text amendments to the City's Development Code were introduced at a public hearing meeting before the Springfield Planning Commission on October 6, 2009. The Springfield Planning Commission unanimously adopted a recommendation of support for the proposed text amendments. The amending Ordinance for Development Code text amendments was adopted by the City Council on November 16, 2009.

The Board of Commissioners gave first reading to the adopting Ordinance on July 8, 2009, and additional readings were given on July 22, August 5, August 26, October 20, and November 4, 2009 and on February 3, 2010. Springfield staff conducted a work session with the Board of Commissioners on August 26, 2009 to explain Springfield's stormwater management policies and practices. The Springfield public hearing for the PFSP amendments was reconvened and concluded at the September 21, 2009 City Council meeting. The Springfield City Council adopted the amending ordinance (Ordinance 6245) on September 21, 2009.

As a single jurisdiction, on February 1, 2010, Springfield City Council adopted a modified list of PFSP stormwater projects that are entirely inside the current City limits. Subsequently, on June 16, 2010, Lane County entered into an Intergovernmental Agreement (IGA) with the City of Springfield for stormwater management services to satisfy the County's National Pollutant Discharge Elimination System (NPDES) regulatory requirements. In response to concerns expressed by Lane County residents about conveyance and discharge of stormwater beyond the City's UGB, the City held a public hearing on July 19, 2010 for proposed amendments to Addendum 1 of the City's adopted Stormwater Management Plan. Based on staff recommendations and the submitted testimony, the revised Addendum 1 was adopted by the City Council following the conclusion of the public hearing.

Previously received were the staff report and findings; proposed plan amendments to Tables 6, 18 and 19, and to Maps 3 and 8 of the PFSP; submitted testimony; and a supplementary memo from the Springfield Public Works Department. The Board of Commissioners is requested to reconvene the public hearing at the August 18, 2010 meeting and consider conducting deliberations on the matter. Thank you for your consideration of the proposed plan amendments, and please contact the undersigned if there are any questions or information requirements.

Sincerely,

Andy Limbird
City of Springfield
STORMWATER MANAGEMENT PLAN ADDENDUM 1

Urban development activities increase impervious surfaces, alter the hydrologic response of local watersheds, and without mitigation may increase stormwater runoff rates, volumes and pollutant loads. Stormwater discharged from Springfield urban facilities will be governed by and meet the requirements of all applicable federal, state, county and local regulations current at the time of development.

Landowners are entitled to have the normal course of natural drainage maintained on their properties. Downstream landowners must accept water that naturally comes to their land from upstream, but they are entitled to not have the changes in the drainage unreasonably impact their property.

The City will, through its development and permitting processes, strive to assure that the normal course of drainage is maintained, and to the maximum extent practicable, manage changes in stormwater characteristics by mimicking the flows and volumes to match the predevelopment hydrologic regime. Additionally, the City will require stormwater treatment Best Management Practices be employed upon development, consistent with applicable codes and standards, such that pollutant loads resulting from the development do not have a detrimental impact on receiving waters. If attainment of these objectives is not practicable, the City will involve affected property owners to develop measures to address their concerns. Mitigation may be required. An analysis of drainage impacts of the development upon affected downstream owners, including the contribution of the development to the cumulative impact based upon current planning assumptions, will be conducted and appropriate mitigation, if needed, will be determined by the City Engineer.

When the drainage design for a development requires downstream mitigation, performance standards will be determined at the time of development design, and either drainage easements shall be obtained from the affected property owners or other means shall be provided to maintain the function and character of the drainage way.