



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 15, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 29, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Greg Mott, City of Springfield

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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

OCT 09 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Springfield**

Local file number: **LRP2008-00007**

Date of Adoption: **10/6/2008**

Date Mailed: **10/8/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/4/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A signed ordinance 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 4, Table 16 and Map 2 of the Public Facilities and Services Plan (PFSP) to update the project lists and mapped location of these facilities, and adopting a severability clause.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 001-08 (16760)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: **Greg Mott**

Phone: **(541) 726-3774** Extension: _____

Address: **225 Fifth Street**

Fax Number: **541-726-3689**

City: **Springfield**

Zip: **97477-**

E-mail Address: **gmott@ci.springfield.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 6231

AN ORDINANCE 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 4, TABLE 16 AND MAP 2 OF THE PUBLIC FACILITIES AND SERVICES PLAN (PFSP) TO UPDATE THE PROJECT LISTS AND MAPPED LOCATION OF THESE FACILITIES; AND ADOPTING A SEVERABILITY CLAUSE.

WHEREAS, Chapter IV of the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* sets forth procedures for amendment of the *Metro Plan*, and by extension, amendment of refinement and functional plans that supplement the *Metro Plan*, which for Springfield are implemented by the provisions of Chapter 5, Section 5.14-100 through 5.14-155 of the Springfield Development Code; and

WHEREAS, the *Metro Plan* identifies the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities and Services Plan)* as a refinement plan which forms the basis for the *Public Facilities and Services Element* of the *Metro Plan* and guides the provision of public facilities and services in the metropolitan area; and

WHEREAS, the *Public Facilities and Services Plan* serves the goals, objectives and policies of the *Metro Plan* by addressing the provision of public facilities and services within the urban growth boundary (UGB), services to areas outside the UGB, locating and managing public facilities outside the UGB, and financing public facilities; and

WHEREAS, the current *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, adopted in 2001 and amended in 2004 and in 2006, is in need of modification to reflect necessary upgrades to the wastewater collection system including several lines and pump stations in Springfield; and

WHEREAS, at the conclusion of a joint public hearing with the Lane County Planning Commission on May 6, 2008, the Springfield Planning Commission recommended the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, Table 4, Table 16 and Map 2, be amended to reflect necessary upgrades to certain wastewater lines and pump stations in Springfield, and that these same amendments be adopted into the *Eugene-Springfield Metropolitan Area General Plan* consistent with Policy G.3, Chapter III, Section G *Public Facilities and Services Element* of the *Metro Plan*; and

WHEREAS, the City Council conducted a joint public hearing on this amendment on September 172008, with the Lane County Board of Commissioners, and is now ready to take action based upon the above recommendations and evidence and testimony already in the record as well as the evidence and testimony presented at the joint elected officials public hearing; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the *Metro Plan*, Springfield Development Code, and applicable state and local law as described in findings attached as Exhibit C, and which are adopted in support of this Ordinance.

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

Section 1: The *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP)* is modified and amended to insert the map and table changes or additions as set forth in Exhibit A, Exhibit B, and Exhibit C attached and incorporated herein which amendments are hereby adopted.

Section 2: The *Public Facilities and Services Element* (Section III-G) of the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* is modified and amended consistent with Policy G.3 and as set forth in Exhibit A, Exhibit B, and Exhibit C attached and incorporated herein, which amendments are hereby adopted.

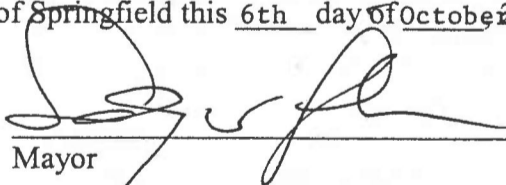
Section 3: The findings set forth in attached Exhibit D are adopted as findings in support of this Ordinance.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

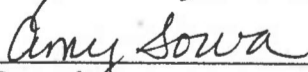
Section 5: Notwithstanding the effective date of ordinances as provided by Section 2.110 of the Springfield Municipal Code 1997, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgement as provided by ORS 197.625, whichever date is later, provided that by that date the Lane County Board of Commissioners has adopted an ordinance containing identical provisions to those described in Sections 1 and 2 of this Ordinance.

Adopted by the Common Council of the City of Springfield this 6th day of October, 2008 by a vote of 4 in favor and 0 against. (2 absent)

Approved by the Mayor of the City of Springfield this 6th day of October 2008.



Mayor



City Recorder

ATTEST:

REVIEWED & APPROVED
AS TO FORM
JOSEPH J. LEAHY
DATE: 9/3/08
OFFICE OF CITY ATTORNEY

ORDINANCE NO. 6231

Eugene-Springfield Public Facilities and Services Plan Planned MWMC Wastewater Project Sites

Further details of specific projects at each of the identified sites are described in tables 3, 4, 4a and 4b

- Planned Metro Wastewater Sites**
- Regional Pump Station
 - ▲ Screw Pump Station
 - Local Pump Station
 - Regional Wastewater Treatment Site
- Metro Plan Boundary
 - ▭ Metro Urban Growth Boundary
 - Urban Reserves
 - ▬ Proposed Wastewater Lines of 24" or larger

Note: Urban Reserves are now being studied as part of the Metropolitan Urban Reserve Analysis Periodic Review Study.

0 0.5 1 2 Miles



NOTES:

1. Facilities shown outside the UGB cannot be located as shown without first obtaining Lane County land use approval.
2. The general locations of the facilities are shown on this map. Exact project locations are determined through local processes

MAP 2

April, 2008

EXHIBIT A

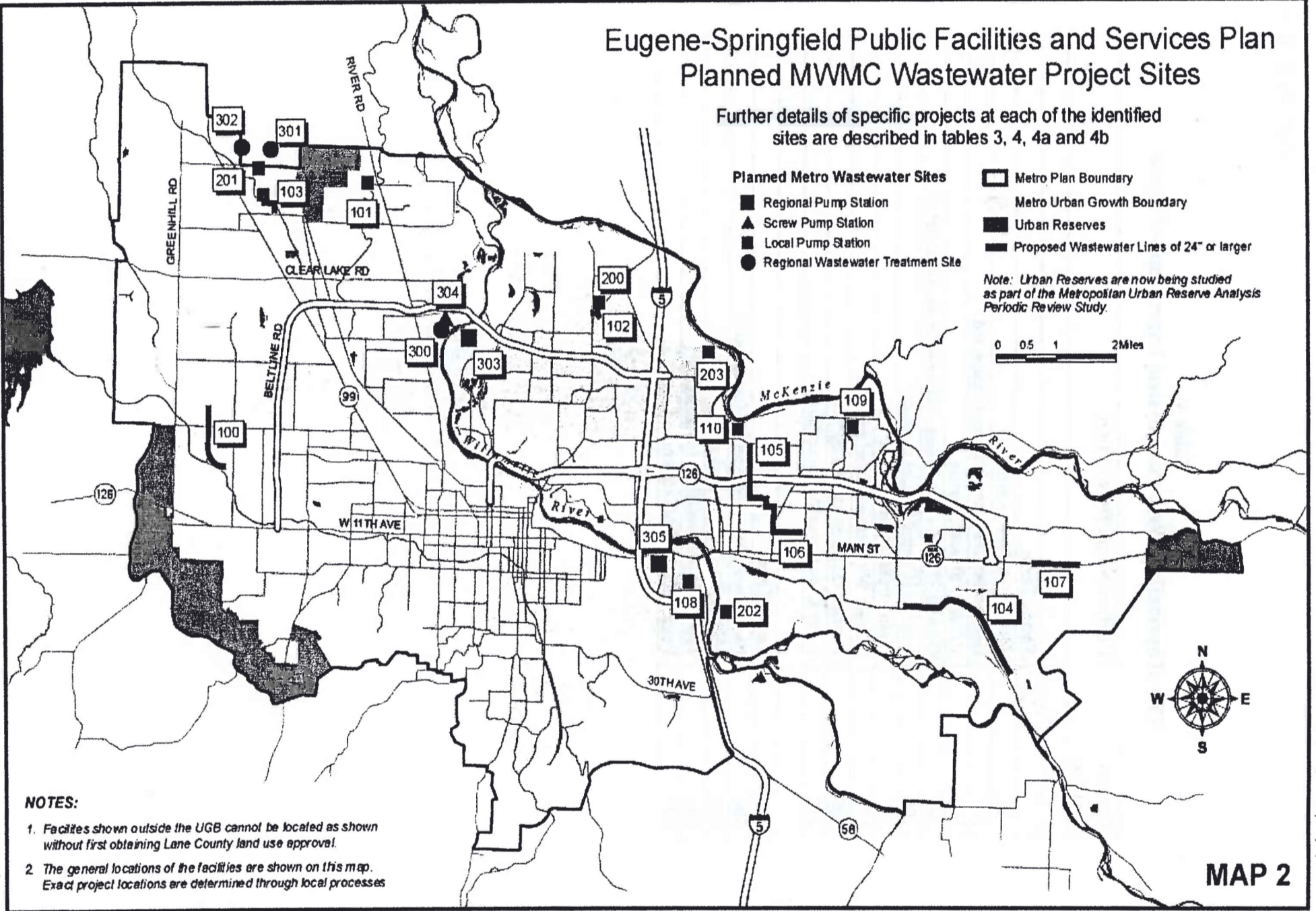


Table 4
City of Springfield Wastewater System Improvement Projects

Project Number	Project Name/Description
	<i>Short-Term</i>
104	<i>Jasper Road sewer extension</i>
105	Game Farm Road trunk sewer (completed)
105	10 th & N Street Upgrade
106	Gateway/Harlow Road pump station upgrade (completed)
106	E Street (Central Trunk) upgrade
107	Main Street Sewer upgrade # 1
108	Nugget Way pump station upgrade
109	Hayden Lo pump station upgrade
110	River Glen pump station upgrade
	<i>Long-Term</i>
202	East Glenwood gravity sewer (completed)
202	Harbor Drive pump station
203	19^a Street pump station (completed)
203	Peace Health pump station

Table 16
City of Springfield
Wastewater System Improvements, Estimated Costs, and Timing

Project Number	Project Name/Description	Cost (\$000)	Estimated Completion Year
	Short Term		
104	Jasper Road sewer extension	3,500	1999-2004
104	Jasper Road sewer extension	11,600	2010-2012
105	Game Farm Road trunk sewer	1,500	1999-2004
105	10 th & N Street Upgrade	3,950	2010
106	Gateway/Harlow Road pump station upgrade	1,500	1999-2004
106	E Street (Central Trunk) upgrade	2,500	2010-2013
107	Main Street Sewer upgrade # 1	2,100	2010-2013
108	Nugget Way pump station upgrade	1,400	2010
109	Hayden Lo pump station upgrade	1,050	2010-2013
110	River Glen pump station upgrade	1,200	2010-2013
	Long Term		
202	East Glenwood gravity sewer	1,100	2005-2006
202	Harbor Drive pump station	3,340	2015-2020
203	19th Street pump station	500	2005-2006
203	Peace Health pump station	3,190	2012-2017

Staff Report and Findings of Compliance with the Metro Plan and Statewide Goals and Administrative Rules

File LRP 2000-0007 Amendments to the *Metro Plan* and *Public Facilities and Services Plan*

Applicant:

City of Springfield, Public Works Department

Nature of the Application:

The applicant proposes to amend the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* and the *Public Facilities and Services Plan (PFSP)* to: (1) add or modify nine projects to Table 4 of the *PFSP* including five pump stations and four wastewater lines 24 inches in diameter or larger; (2) delete four projects from Table 4 and five projects from Table 16 of the *PFSP* which have been constructed or deemed unnecessary; and, (3) update Map 2 in the *PFSP* to indicate the general location of these new projects added to Table 4.

Background:

Metro Plan-PFSP-Local Facilities Plan Context

Oregon state land use law (Goal 11, OAR 660-011) requires all cities with a population over 2,500 to develop and adopt a public facilities plan for the area within the city's urban growth boundary. The public facilities plan is a support document or documents to a comprehensive plan. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan; these elements include a list of public facility project titles, (excluding the descriptions or specifications of those projects if so desired by the jurisdiction); a map or written description of the public facility projects' locations or service areas; and the policies or urban growth management agreement designating the provider of each public facility system. (OAR 660-011-0045)

In 2001 the governing bodies of Eugene, Springfield and Lane County repealed the 1987 Public Facilities and Services Plan and replaced it with the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan, December 2001 (subtitled: A Refinement Plan of the Eugene-Springfield Metropolitan Area General Plan). One of the results of this action is described in the *PFSP* as follows: "Chapter II of this plan recommends text amendments to the *Metro Plan* which are adopted as part of, and are incorporated into, the *Metro Plan*. The project lists and maps in Chapter II are also adopted as part of the *Metro Plan* but are physically located in this refinement plan. If there are any inconsistencies between this plan and the *Metro Plan*, the *Metro Plan* prevails." (Page 1, Introduction, *PFSP*)

This text confirms that the *PFSP* is a refinement plan of the *Metro Plan*; that both the *PFSP* and the *Metro Plan* "co-adopted" the project lists, maps and policies as required by

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OAR 660-011-0045; that the project lists and maps do not physically appear in the published *Metro Plan* but instead are to be found in the *PFSP*; and that amendment of the project list, maps or policies, because they are co-adopted into both the *Metro Plan* and *PFSP*, require identical amendment to both those documents if changes are made.

In February 2004 the City of Springfield, on behalf of the Metropolitan Wastewater Management Commission, initiated amendments to the *Metro Plan* and *PFSP* project lists, maps and policies. These amendments were adopted by the governing bodies in July 2004, but were appealed to the state Land Use Board of Appeals (LUBA). LUBA remanded some of these amendments (project lists) which were subsequently changed accordingly by the elected officials of Eugene, Springfield and Lane County and again adopted as amendments to the *Metro Plan* and the *PFSP* in November and December, 2006.

On April 21, 2008 the Springfield City Council, on behalf of the Public Works Department of the City of Springfield, initiated amendments to the *Metro Plan* and *PFSP* to incorporate specific recommendations found in the City of Springfield's draft Wastewater Master Plan – February 2008. (Attachment #2) This plan recommends the addition or modification of 9 projects and the removal of 4 projects that have been completed or are no longer necessary. All of these projects are part of the City's collection system (not MWMC projects) and serve only the residents and businesses of the City of Springfield. Notwithstanding the single jurisdiction service purpose of these new projects, the *Metro Plan* (Page V-4, Public facility projects: (b) Wastewater) requires *all* pump stations, and all wastewater lines 24 inches or larger, to be identified in the project lists and maps. Because the *Metro Plan* "prevails" if there are any inconsistencies between the *Metro Plan* and the *PFSP*, the *PFSP* project lists and maps also must show all pump stations and wastewater lines 24 inches or larger.

Wastewater Master Plan – 2008

The City's Wastewater Master Plan (WWMP) is a citywide public infrastructure plan that evaluates existing and future demand on the wastewater collection system (based on projected population and employment growth through the year 2025) and makes recommendations for system improvements (capacity and efficiency). The WWMP was initiated by Council to update the 1980 Sanitary Sewer Master Plan, and to assist in the implementation of the Metropolitan Wet Weather Flow Management plan, adopted by the Metropolitan Wastewater Management Commission.

The City's WWMP is not a substitute for the wastewater systems planning that appears in Chapter III of the *Metro Plan* or throughout the *PFSP*; Oregon Administrative Rule 660-011-0010 identifies the constituent components of public facility plans including how these state requirements relate to other public facilities planning that may be prepared by cities and authorized service providers:

"(3) It is not the purpose of this division to cause duplication of or to supplant existing applicable facility plans and programs. Where all or part of an acknowledged

comprehensive plan, facility master plan either of the local jurisdiction or appropriate special district, capital improvement program, regional functional plan, similar plan or any combination of such plans meets all or some of the requirements of this division, those plans, or programs may be incorporated by reference into the public facility plan required by this division. Only those referenced portions of such documents shall be considered to be a part of the public facility plan and shall be subject to the administrative procedures of this divisions and ORS Chapter 197.”

Taken in its entirety, this rule provision is intended to allow cities to adopt existing public facilities documents, rather than prepare new ones, where those documents satisfy the standards of OAR 660-011. This rule provision does not invalidate other elements of these local planning efforts that do not address provisions of the rule; it simply qualifies those elements of local planning documents that can be used to meet this rule and in so doing, obligates such elements to the requirements of ORS 197 (goals compliance; post-acknowledgment plan amendment procedures). The City is not proposing to reference any elements of the WWMP as provided in OAR 660-011-0010, but does contend that the development and application of the WWMP is consistent with the following *Metro Plan* policy:

“G.2 Use the planned facilities maps of the Public Facilities and Services Plan for water, wastewater, stormwater, and electrical projects in the metropolitan area. *Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation.*” [Emphasis added]

The WWMP recommends a variety of projects and programs to achieve the stated goal of the plan: “Identify existing and future capacity constraints, determine capacity requirements and identify system improvements necessary to meet the city of Springfield’s projected population and employment growth through the (2025) planning year.” The following project recommendations need to be included in the lists and maps in the *Metro Plan* and *PFSP*:

For inclusion in Table 4:

Project #104 - Jasper Road sewer extension

System extension in the general vicinity of Jasper Road to collect flow from future development I the Jasper-Natron area

Project #105 – 10th and N Street Upgrade

Construct parallel 24 inch pipe to increase capacity of existing system to accommodate wet weather flows

Project #106 – E Street (Central Trunk) upgrade

Construct 24 inch pipe to increase capacity of existing system to accommodate wet weather flows

Project #107 – Main Street sewer upgrade #1

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Construct 24 inch pipe to increase capacity of existing system to accommodate wet weather flows

Project #108 – Nugget Way pump station upgrade

Increase pump station capacity to accommodate wet weather flows with the largest pump out of service

Project #109 – Hayden Lo pump station upgrade

Increase pump station capacity to accommodate wet weather flows with the largest pump out of service

Project #110 – River Glen pump station upgrade

Increase pump station capacity to accommodate wet weather flows with the largest pump out of service

Project #202 – Harbor Drive pump station

New pump station to collect flow from future development in the vicinity of the South 2nd Street area

Project #203 – PeaceHealth pump station

New pump station to collect flow from future development in the vicinity of Deadmond Ferry Road and Baldy View Drive

For deletion from Table 4:

Project #105 – Game Farm Road trunk sewer

Project #106 – Gateway/Harlow Road pump station upgrade

Project #202 – East Glenwood gravity sewer

Project #203 – 19th Street pump station

NOTE: Table 16 contains the same projects found in Table 4 proposed for inclusion or deletion; in addition Table 16 provides cost estimates and completion year estimates for each project. Please refer to Attachments #4, #5, and #6.

Metropolitan Area General Plan Amendment Criteria

The proposed amendments are considered to be Type II *Metro Plan* amendments because they are site specific amendments to Plan project lists and maps. Type II *Metro Plan* amendments inside the city limits shall be approved by the Home City; Type II *Metro Plan* amendments between the city limits and the Plan Boundary shall be approved by the Home City and Lane County. At least three of the pump stations are outside the city limits therefore Lane County must co-adopt these amendments.

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Springfield and Lane County adopted identical *Metro Plan* amendment criteria into their respective implementing ordinances and codes. Springfield Development Code (SDC) Chapter 5, Section 5.14-135(C) (1 & 2) and Lane Code 12.225(2) (a & b) require that the amendment be consistent with relevant statewide planning goals and that the amendment not make the *Metro Plan* internally inconsistent. These criteria are addressed as follows:

- (a) ***The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission;***

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The two cities and the county have acknowledged land use codes that are intended to serve as the *principal implementing ordinances for the Metro Plan. Chapter 5 of the SDC, Metro Plan Amendments; Public Hearings*, prescribe the manner in which a Type II *Metro Plan* amendment must be noticed. Citizen involvement for a Type II *Metro Plan* amendment not related to an urban growth boundary amendment requires: Notice to interested parties; notice to properties and property owners within 300 feet of the proposal; published notice in a newspaper of general circulation; and notice to the Department of Land Conservation and Development (DLCD) at least 45 days before the initial evidentiary hearing (planning commission).

Notice of the joint planning commission hearing was mailed on April 18, 2008; notice was published in the Register-Guard on April 24, 2008. Neighborhood Associations, if any, were mailed notice on April 18, 2008. Notice of the first evidentiary hearing was provided to DLCD on March 4, 2008. Lane County is participating in this matter; Eugene was sent a referral on February 20, 2008.

Springfield's Committee for Citizen Involvement (CCI) met on March 4, 2008 to discuss citizen involvement opportunities. A public workshop, website posting, two public hearings (Planning Commission, City Council) and mailed notice to neighborhood associations, local engineering firms, developers and other stakeholders were approved by the CCI.

Requirements under Goal 1 are met by adherence to the citizen involvement processes required by the *Metro Plan* and implemented by the Springfield Development Code, Chapter 5 and Lane Code Sections 12.025 and 12.240.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Implementation Measures – are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

The current version of the *Metro Plan* was last adopted in 2004 (Springfield (Ordinance No. 6087; Eugene Ordinance No. 20319; and Lane County Ordinance No. 1197) after numerous public meetings, public workshops and joint hearings of the Springfield, Eugene and Lane County Planning Commissions and Elected Officials.

Subsequent to these *Metro Plan* adoption proceedings, Eugene, Springfield and Lane County considered amendments to Chapter III-G Public Facilities and Services Element and Chapter V Glossary of the *Metro Plan*; and amendments to the Public Facilities and Services Plan by adding new tables (4a; 4b; 16a) and a new map (2a) identifying wastewater treatment facilities and conveyance systems in Chapter II; amended Chapter IV wastewater system condition assessment; and added a new Chapter VI Amendments. These amendments were also reviewed at public meetings, public workshops and joint hearings of the Springfield, Eugene and Lane County Planning Commissions and Elected Officials. These amendments were appealed to LUBA and subsequently some (project list) were remanded to the elected officials for additional clarification and description of projects associated with the wastewater treatment facility expansion. The elected officials adopted these remanded amendments in 2006.

The *Metro Plan* is the “land use” or comprehensive plan required by this goal; the Springfield Development Code and the Lane Code are the “implementation measures” required by this goal. Comprehensive plans, as defined by ORS 197.015(5), must be coordinated with affected governmental units. Coordination means that comments from affected governmental units are solicited and considered.

Goal 3 – Agricultural Lands

To preserve and maintain agricultural lands.

The changes do not affect *Metro Plan* or *PFSP* consistency with this goal and it does not apply within adopted, acknowledged urban growth boundaries. None of the proposed projects are intended to provide wastewater service outside the UGB; the projects were recommended in the Wastewater Master Plan to “meet the city of Springfield’s projected population and employment growth through the (2025) planning year.”

Goal 4 – Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The changes do not affect *Metro Plan* or *PFSP* consistency with this goal and it does not apply within adopted, acknowledged urban growth boundaries. None of the proposed projects are intended to provide wastewater service outside the UGB; the projects were recommended in the Wastewater Master Plan to “meet the city of Springfield’s projected population and employment growth through the (2025) planning year.”

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

The City has finished all work required under Goal 5 during the most recent Periodic Review (completed in 2007). None of the proposed project additions are located within any of the City’s protected Goal 5 resource sites; none of the proposed projects were designed or intended to allow development to occur within a protected resource site; the presence of urban services does not invalidate Goal 5 inventories or protection measures even if the new urban service becomes available to any of these sites; these Goal 5 sites were identified and protected because they qualified under city or state laws, not because of a lack of available services. The changes do not affect acknowledged Goal 5 inventories so this proposal does not create an inconsistency with the goal.

Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

This goal is primarily concerned with compliance with federal and state environmental quality statutes, and how this compliance is achieved as development proceeds in relationship to air sheds, river basins and land resources.

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The Federal Water Pollution Control Act, P.L. 92-500, as amended in 1977, became known as the Clean Water Act (33 U.S.C. 1251 et seq.). The goal of this Act was to eliminate the discharge of pollutants into the navigable waters. ORS 468B.035 requires the Oregon Environmental Quality Commission (EQC) to implement the Federal Water Pollution Control Act. The primary method of implementation of this Act is through the issuance of a National Pollutant Discharge Elimination System (NPDES) permit prior to the discharge of any wastes into the waters of the state. (ORS 468B.050) Among the "pollutants" regulated by the EQC are temperature (OAR 340-041-0028) and toxic substances (OAR 340-041-0033).

Previously, the Plan was amended to ensure that the *Metro Plan* and the *PFSP* accurately reflect regional wastewater system needs as imposed by Federal and State regulation. Currently, the *PFSP* states that "... the Regional Wastewater Treatment Plant has sufficient design capacity to accommodate population increases and serve all new development at buildout." This amendment takes the next step in bringing the plan current by incorporating those local facilities in Springfield which are required to adequately and efficiently convey sewage to the Regional Wastewater Treatment Plan for treatment. The proposed amendment is based on the most current draft of a Sanitary Sewer Master Plan now under preparation for the City. That Plan is anticipated to be adopted by the City of Springfield in mid-2008. Until that time, it is possible that the list of projects may be amended and, accordingly that the current drafts of the proposed map and table amendments will be further modified to conform to the provisions of the adopted Master Plan

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

The *Metro Plan* and the City's development code are acknowledged to be in compliance with all applicable statewide land use goals, including Goal 7. The proposed projects are not located within hazard areas nor does their presence have any affect on existing policies or procedures adopted by the City of Springfield and applicable in hazard areas. This Goal is unaffected by the presence or absence of urban services to natural hazard areas.

Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

All of the proposed projects are intended to accommodate future growth in population and employment. What is meant, but not stated in this general concept of "future growth in population and employment" is that it includes ancillary activities as well. The *Metro Plan* anticipates up to 32% of residential

designation will be occupied by these ancillary activities: "In the aggregate, non-residential land uses consume approximately 32 percent of buildable residential land. These non-residential uses include churches, day care centers, parks, streets, schools, and neighborhood commercial." (Page III-A-4, *Metro Plan*)

Determination of pipe sizes and pump capacity includes the presence of these land uses and in any case, the Willamalane Park and Recreation Master Plan includes future park sites needed to keep pace with residential growth.

Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The *Metro Plan* cites the provision of adequate public facilities and services as necessary for economic development. Objective 10, at page III-B-4 states: Provide the necessary public facilities and services to allow economic development. Policy B25, at Page III-B-6, states: Pursue an aggressive annexation program and servicing of designated industrial lands in order to have a sufficient supply of "development ready" land. Policy B26, at page III-B-6, states: In order to provide locational choice and to attract new campus industrial firms to the metropolitan area, Eugene and Springfield shall place as a high priority service extension, annexation, and proper zoning of all designated special light industrial sites. All of these policies are served by the proposed amendments to the *Metro Plan* and *PFSP* as these projects are intended to meet future demand generated by population and employment growth. Additionally, it is the provision of key urban services that typically determines suitability of land to be converted from rural to urban and to be annexed into the city limits: "Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that: a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner; b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the *Metro Plan*." (Page II-C-4, *Metro Plan*) Each of the pump stations is located in or near areas not yet annexed or developed with planned urban uses. These pump stations will allow wastewater extension to these lands so that planned development may occur. The Nugget Way and PeaceHealth pump stations in particular will facilitate commercial and industrial development by making available this mandatory urban service.

Goal 10 – Housing

To provide for the housing needs of citizens of the state. Goal 10 Planning Guideline 3 states that "[P]lans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment."

OAR 660-008-0010 requires that “[S]ufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” Goal 10 defines buildable lands as “...lands in urban and urbanizable areas that are suitable, available and necessary for residential use.” 660-008-0005(13), in part, defines land that is “suitable and available” as land “for which public facilities are planned or to which public facilities can be made available.”

Similar to Goal 9, adequate public facilities are necessary to accomplish the objectives of this goal and applicable administrative rules (OAR Chapter 660, Division 008). The purpose of the proposed amendments is to provide the capacity for future development (year 2025) of residential (population) and commercial and industrial (employment) use consistent with the comprehensive plan.

Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

OAR Chapter 660, Division 011, implements goal 11. OAR 660-011-0030(1) requires that the public facility plan list the proposed projects and identify the general location of the project on a map. The proposal will add nine projects to Tables 4 and 16; delete four projects from these same tables in recognition of their completion or supplanted need; and show the location of all proposed projects on Map 2. These tables and map are adopted as part of the *Metro Plan*, but are located in, and are a part of the *PFSP*.

OAR 660-011-0035(1) requires that the public facility plan include a rough cost estimate for sewer public facility projects identified in the facility plan. In conformity with this requirement, Table 16 includes rough cost estimates for all nine proposed projects. These costs are derived from the work performed during the preparation of the Wastewater Master Plan.

OAR 660-011-0045 requires certain elements of the public facility plan to be adopted as part of the comprehensive plan. These elements include the list of public facility project titles (Table 4); the map or written description of the public facility projects locations or service areas (Map 2); and policies or urban growth management agreements designating the provider of each public facility system. No policy amendments are proposed in this action. The notice of proposed amendment sent to DLCD, the notice of the hearing on these amendments, and the applicable criteria are consistent with the provisions for a land use decision and the post-acknowledgment procedures of ORS 197.610.

Goal 12 - Transportation

To provide and encourage a safe, convenient and economic transportation system.

The transportation system plan is not dependent upon, or influenced by the wastewater system plan. Land development cannot occur in the absence of infrastructure and that includes wastewater and transportation; but neither the goals nor the OARs require a corollary analysis of each of these services when the city is proposing one or both of these plans for post-acknowledgement amendment. All of the proposed amendments are needed to upgrade (expand the capacity of) existing facilities. In each case, the planned transportation facilities are: 1 already in place; 2 under construction; 3 in design; or, 4 planned. The changes do not affect *Metro Plan* or *PFSP* consistency with this goal.

Goal 13 – Energy Conservation

To conserve energy.

3. *Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.*

All of the projects are upgrades or expand the capacity of existing systems. Such a strategy maximizes the efficiency of the existing system (sunk cost) and provides for infill and redevelopment opportunities that couldn't go forward without these improvements. The changes do not affect *Metro Plan* or *PFSP* consistency with this goal.

Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The amendments do not affect the existing UGB; they will allow capacity expansion of existing facilities to enable projected planned population and employment growth through the (2025) planning year. If these upgrades do not occur, projected population and employment growth will need to be accommodated beyond the existing UGB. The proposed amendments will potentially delay when UGB adjustments must be taken and may reduce the acreage necessary to accommodate projected growth. The changes do not affect *Metro Plan* or *PFSP* consistency with this goal.

Goal 15 – Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

There are two projects in proximity to the Willamette River: Nugget Way and Harbor Drive pump stations. The presence of these facilities, and the necessary upgrades, will allow planned development of these areas to occur, but not at the exclusion of any other rules or standards that may be applicable to even permitted

development. For example, development within the Greenway Boundary is permitted but is subject to SDC 3.3-300 regardless of the presence or absence of infrastructure. The changes do not affect *Metro Plan* or *PFSP* consistency with this goal.

Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, and Goal 19 Ocean Resources

These goals do not apply to the Eugene-Springfield Metropolitan Area.

(b) *Adoption of the amendment must not make the Metro Plan internally inconsistent.*

The project lists and maps contained in the *PFSP* were adopted as part of the *Metro Plan* in 2004 and 2006. The project lists in the *PFSP*, in the form of tables, include pump stations and any pipes 24 inches or larger; the maps show the general location or service area of the projects. The proposed amendments include pump stations and pipes 24 inches or large, project descriptions, and changes to the map to show the general location of each project. These same amendments are applied to the same project lists (Tables 4 and 16) and maps (Map 2) in the *PFSP* that are specifically adopted as part of the *Metro Plan*. This action constitutes the quintessential test of consistency. The proposed changes, as presented, will not create internal inconsistencies within the *Metro Plan*.

In addition to the foregoing, the proposed amendments are consistent with the following *Metro Plan* policies:

“Extend the minimum level and full range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II – C, relevant policies in this chapter, and other *Metro Plan* policies.” (Page III-G-4, policy G.1)

“Use the planned facilities maps of the *Public Facilities and Services Plan* to guide the general location of water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation.” (Page III-G-4, policy G.2)

“Modifications and additions to or deletions from the project lists in the *Public Facilities and Services Plan* for water, wastewater, and stormwater public facility projects or significant changes to project location, from that described in the *Public Facilities and Services Plan* planned facilities Maps 1, 2 and 3, requires amending the *Public Facilities and Services Plan* and the *Metro Plan*...” (Page III-G-4, policy G.3)

“Use annexation, provision of adequate public facilities and services, rezoning, redevelopment and infill to meet the 20-year projected housing demand.” (Page III-A-5, policy A.4)

“Endeavor to provide key urban services and facilities required to maintain a five-year supply of serviced, buildable residential land.” (Page III-A-6, policy A.7)

“Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.” (Page III-A-7, policy A.12)

“Coordinate local residential land use and housing planning with other elements of this plan, including public facilities and services, and other local plans, to ensure consistency among policies.” (Page III-A-13, policy A.35)

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