



Oregon

Theodore R. Kubangski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/03/2009

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 010-08

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: Wednesday, March 18, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Mark Metzger, City of Springfield
Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Regional Representative
Ed Moore, DLCD Regional Representative

<paa> YA/ph

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



Jurisdiction: **City of Springfield**

Local file number: **ZON2009-00002**

Date of Adoption: **2/18/2009**

Date Mailed: **2/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/11/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Drinking Water Protection Map**

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

The approved action amended the Drinkingwater Protection Area Map Time of Travel Zones to reflect new hydrology data since improvement to the Springfield Utility Board's Willamette Wellfield were completed. This is a map amendment only. The Planning Commission Order and maps are enclosed.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Willamette Wellfield, SW Springfield**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 file No. 010-08 (17275)

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

Local Contact: **Mark Metzger**

Phone: (541) 726-3775 Extension:

Address: **225 Fifth Street**

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

City: **Springfield**

Zip: **97477-**

E-mail Address:

mrmetzger@ci.springfield.or.us

ADOPTION SUBMITTAL REQUIREMENTS

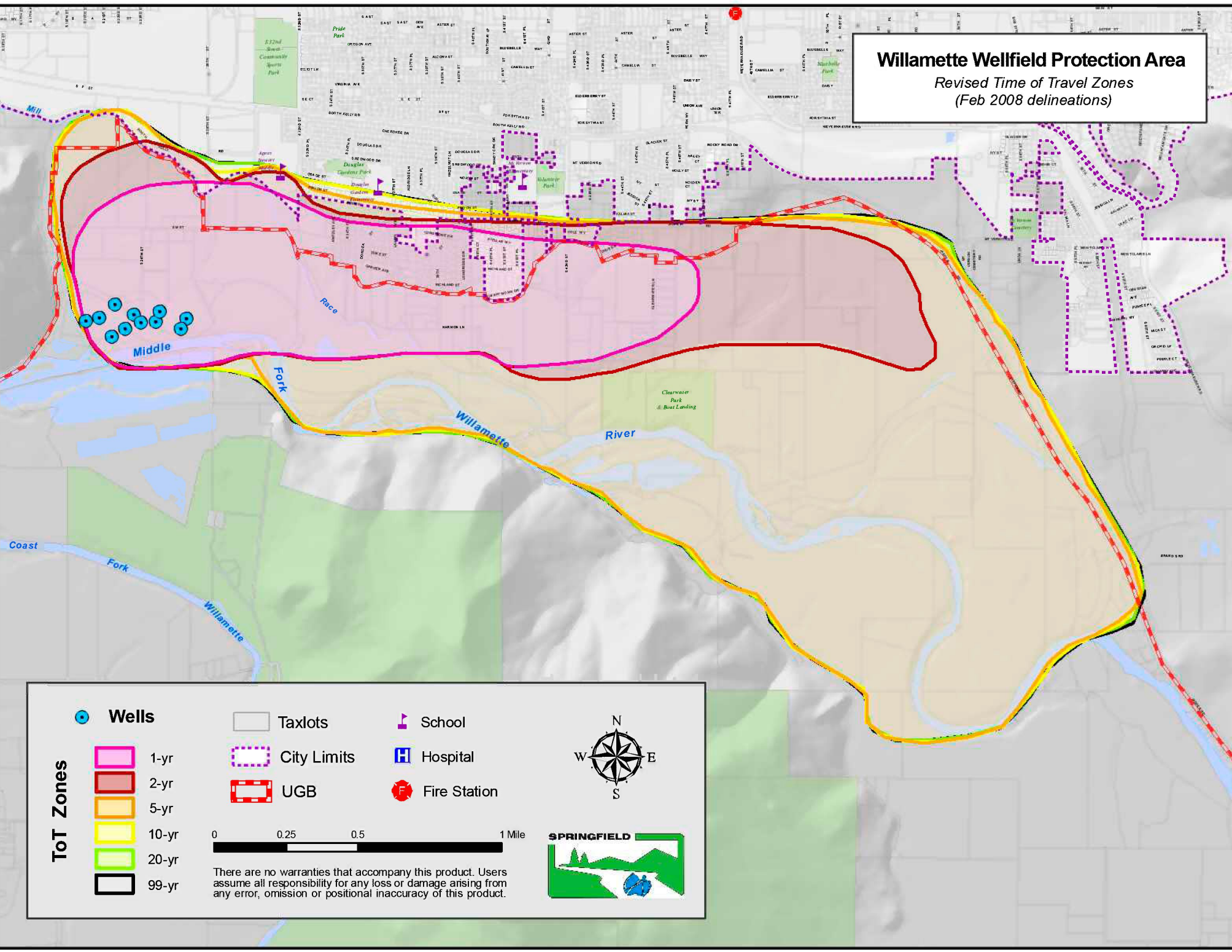
This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

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: webservice.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.

Willamette Wellfield Protection Area

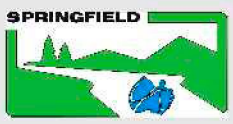
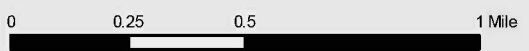
Revised Time of Travel Zones
(Feb 2008 delineations)



Wells

- 1-yr
- 2-yr
- 5-yr
- 10-yr
- 20-yr
- 99-yr

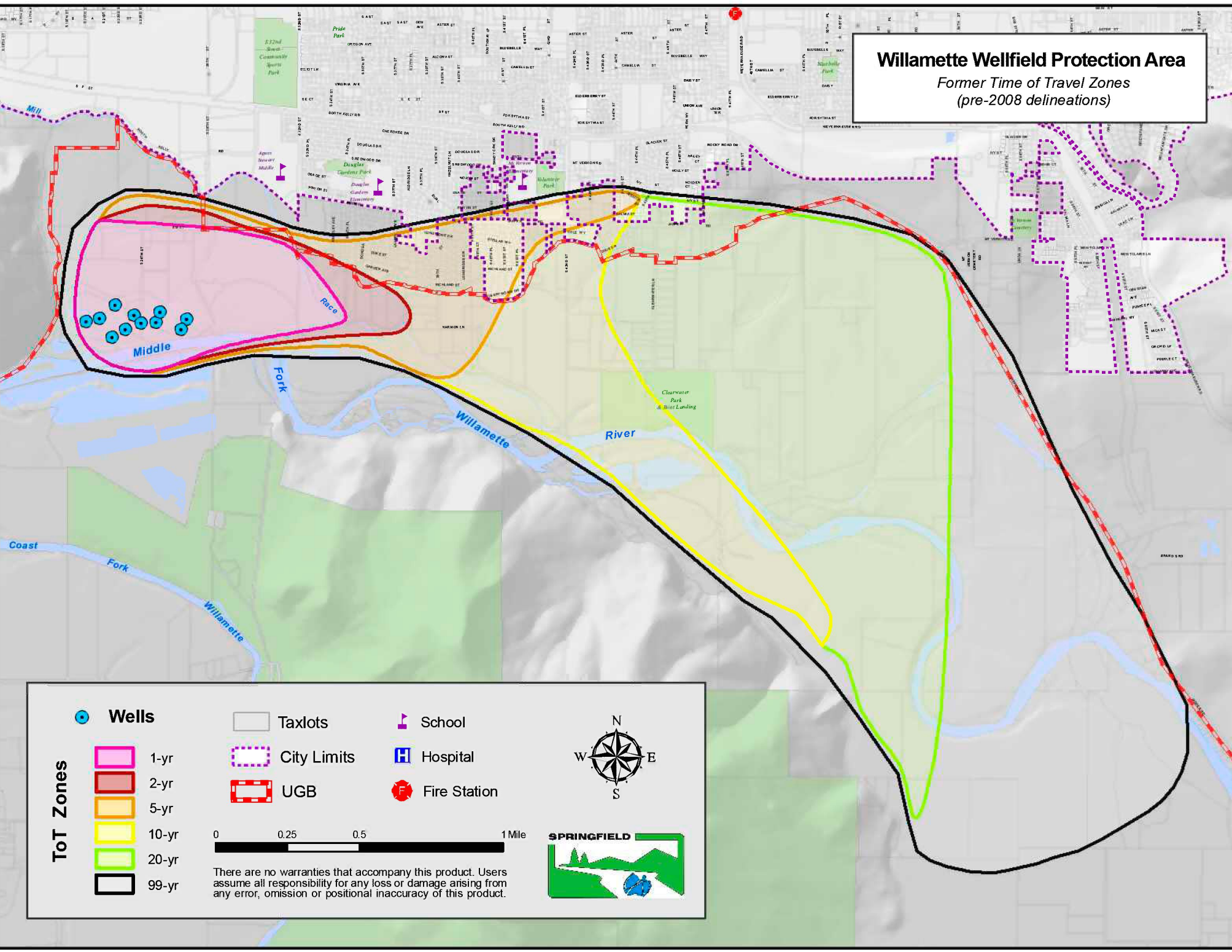
- Taxlots
- City Limits
- UGB
- School
- Hospital
- Fire Station



There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission or positional inaccuracy of this product.

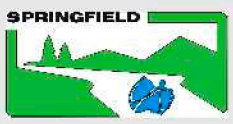
Willamette Wellfield Protection Area

Former Time of Travel Zones
(pre-2008 delineations)



- Wells**
- Wells
- ToT Zones**
- 1-yr
 - 2-yr
 - 5-yr
 - 10-yr
 - 20-yr
 - 99-yr

- Taxlots
 - City Limits
 - UGB
 - School
 - Hospital
 - Fire Station
- 0 0.25 0.5 1 Mile



There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission or positional inaccuracy of this product.

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF SPRINGFIELD**

AN AMENDMENT TO THE SPRINGFIELD (
DRINKING WATER PROTECTION AREA MAP (
Case Number: ZON2009-00002 (
FINDINGS, CONCLUSION AND ORDER (

NATURE OF THE APPLICATION

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.

CONCLUSION

The proposed amendment to the Springfield Drinking Water Protection Area Map is presented for approval under SDC Section 5.22-115 of the SDC describes the criteria to be used in approving a quasi-judicial zoning map amendment.

On the basis of this record, the requested amendment to the Springfield Drinking water Protection Area Map is found by staff to be consistent with the criteria of approval found in Section 5.22-115 the Springfield Development Code and is recommended to the Planning Commission for approval. This general finding is supported by the specific findings of fact and conclusion in the Staff Report that is attached hereto.

DECISION OF THE PLANNING COMMISSION

On February 18, 2008, the Springfield Planning Commission conducted a public hearing to accept testimony and hear comments on this proposal. The Planning Commission is now ready to take action on this proposal based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of amending the Springfield Drinking Water Protection Area Map.

It is the DECISION of the Planning Commission of Springfield that Journal Number ZON2009-00002, (be approved) (be approved with conditions) (be denied) (no action be taken at this time).

This **DECISION** was presented to and approved by the Planning Commission on February 18, 2009.



Planning Commission Chairperson

ATTEST:
AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

**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.

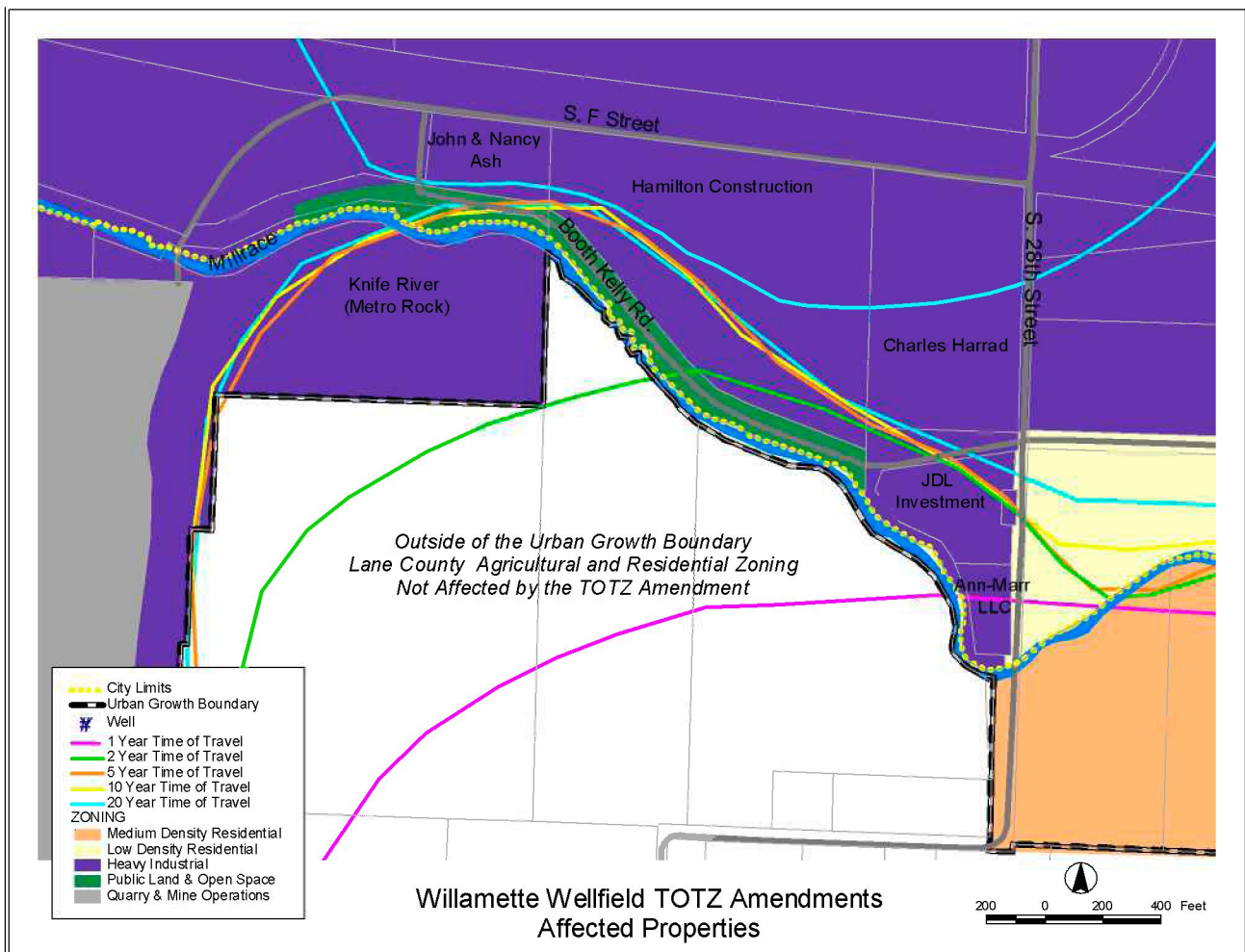
Table 1. Change in “Time of Travel Zone” (TOTZ) Acreage

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 Dinking 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

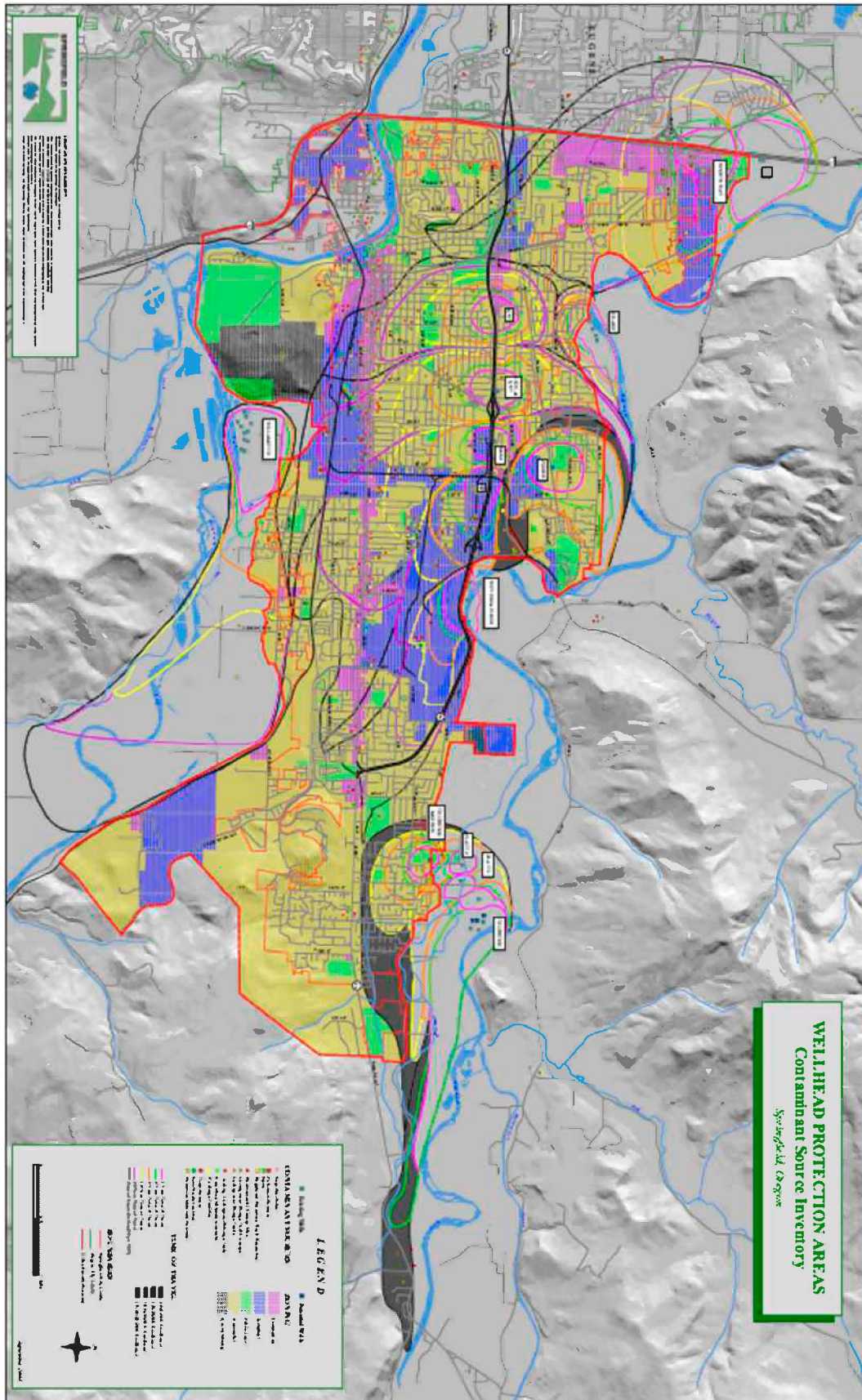
Based on the findings of staff with respect to the criteria defined in Section 5.22-115 of the Springfield Development Code for approving a quasi-judicial zoning map amendment, staff finds that the proposed amendment to the Drinking Water Protection Area Map is consistent with the applicable criteria 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

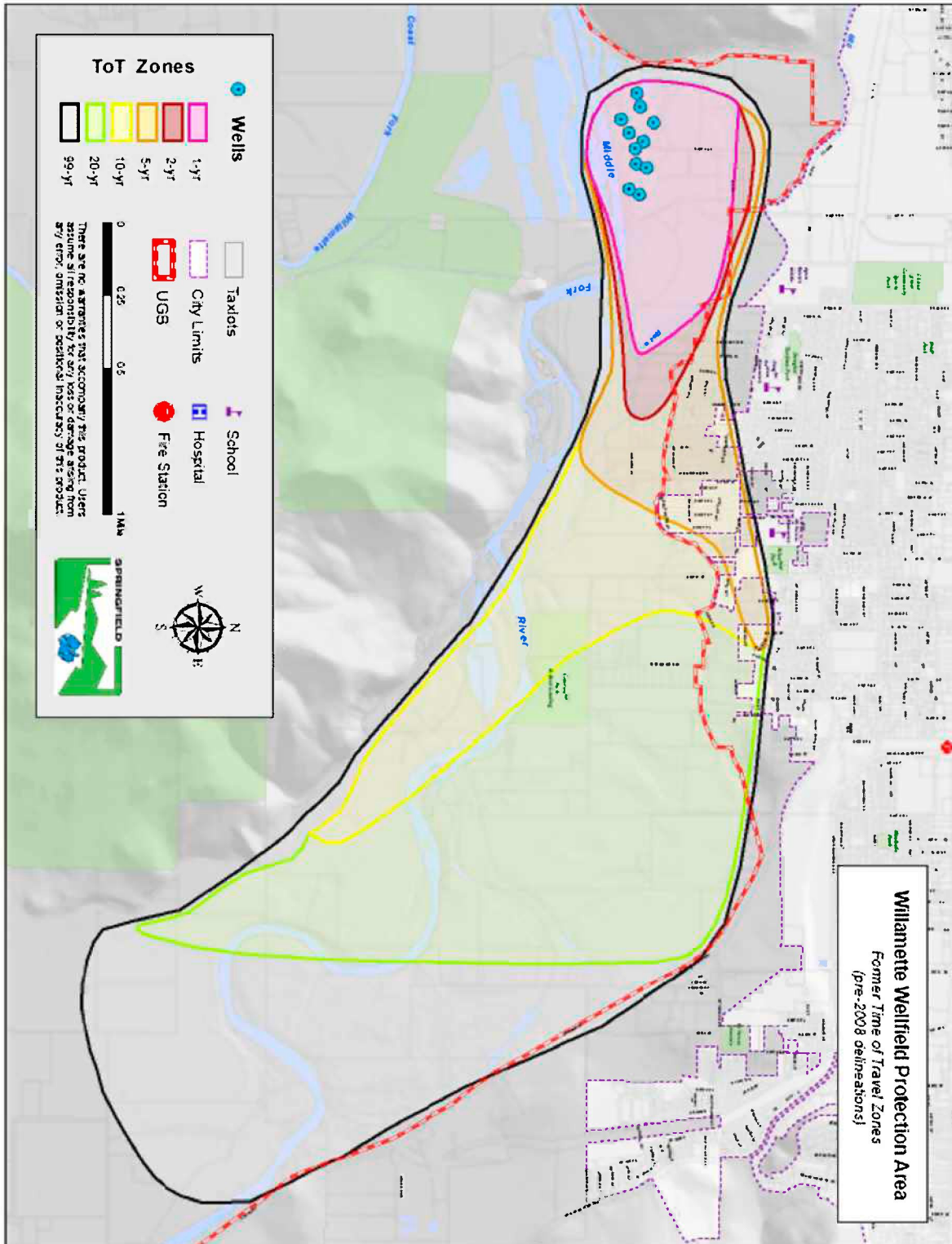
Attachment 1: Current Drinking Water Protection Area Map

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

