T. 7.a.

AGENDA COVER MEMO

DATE: June 1, 2004 (Date of Memo)
June 8, 2004 (Date of First Reading)
June 22, 2004 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Stephanie Schulz/Land Management Division

AGENDA ITEM TITLE: Ordinance No. PA 1209 -- IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) CHAPTER III, SECTION G. PUBLIC FACILITIES AND SERVICES ELEMENT AND CHAPTER V GLOSSARY; AMENDING THE EUGENE-SPRINGFIELD PUBLIC FACILITIES AND SERVICES PLAN (PFSP), AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Metro Periodic Review; Greg Mott & Susie Smith, City of Springfield)

I. MOTION

MOVE ADOPTION OF ORDINANCE NO. PA 1209 TO AMEND THE METRO PLAN AND THE EUGENE-SPRINGFIELD PUBLIC FACILTIIES AND SERVICES PLAN TO INCLUDE REVISIONS REGARDING THE METROPOLITAN WASTEWATER SYSTEM

II. ISSUE OR PROBLEM

The applicant proposes to amend the Metro Plan and the Public Facilities and Services Plan (PFSP) based on these three factors:

1. to more adequately reflect the impact that new discharge permit restrictions will have on the capacity of the regional wastewater treatment system;
2. to clarify the relationship between the PFSP project list and locally adopted capital improvement plans;
3. to modify and streamline the administrative and legislative processes that govern the implementation and amendment of the PFSP project list.

III. DISCUSSION

A. Background

The PFSP is a refinement plan to the Metro Plan and it shall identify significant public facility projects which are to support the land uses designated in the acknowledged

comprehensive plan. The governing bodies are responsible for development of the public facility plan and shall adopt the plan as a supporting docuement to the comp plan.

The existing Eugene-Springfield PFSP only identifies some parts of the wastewater collection system and makes no reference to the wastewater treatment facilities or their location. Definitions and the addition of tables and maps is intended to correct this omission in the PFSP as required by law.

Amendments to Chapter III, Section G are included in this proposal and are intended to meet the internal consistency criteria required of Metro Plan amendments.

B. Analysis

See the attached staff report from the City of Springfield.

Lane County Planning Commission (LCPC) Action

The issues were presented to the Planning Commissions of all three jurisdictions on April 20, 2004. Subsequent deliberation and recommendations were made by the individual Planning Commissions for their respective decision bodies following the joint hearing. The Lane County Planning Commission is scheduled for final deliberation and recommendation on June 1, 2004. Minutes will be provided to the BCC at the earliest opportunity.

The applicant is expected to be on hand at the Board hearing to present the proposal and respond to questions. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

C. Alternatives/Options

1. Adopt the Ordinance as presented.

2. Do not adopt the Ordinance and provide staff direction to revise and return for another reading.

D. Recommendations

Option 1.

E. Timing

IV. IMPLEMENTATION/FOLLOW-UP

ATTACHMENTS

1. Ordinance No. PA 1209 with Exhibits "Aa" and "Ab" (to choose)
2. Attachment B PFSP Amendments
3. Minutes of joint LCPC Hearing

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

	) **IN THE MATTER OF AMENDING THE EUGENE–**
	) **SPRINGFIELD METROPOLITAN AREA GENERAL PLAN**
	) **(METRO PLAN) CHAPTER III, SECTION G. PUBLIC**
	) **FACILITIES AND SERVICES ELEMENT AND CHAPTER V**
	) **GLOSSARY; AMENDING THE EUGENE-SPRINGFIELD**
ORDINANCE No. PA 1209	) **PUBLIC FACILITIES AND SERVICES PLAN (PFSP) AND**
	) **ADOPTING SAVINGS AND SEVERABILITY CLAUSES**
	) **(Metro Plan Amendment).**

WHEREAS, Chapter IV of the Eugene–Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which for Lane County are implemented by the provisions of Lane Code 12.200 through 12.245; and

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

WHEREAS, the Public Facilities 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 Plan, adopted in 1987 and amended in 1992 and 2000, is in need of modification to reflect changes in State regulations and local public facilities and services needs; and

WHEREAS, following a joint public hearing with the Eugene and Springfield Planning Commissions on April 20, 2004, the Lane County Planning Commission recommended the Eugene-Springfield Metropolitan Area General Plan amendments to Chapter III, Section G. Public Facilities and Services Element, and Chapter V Glossary and the Public Facilities Plan amendments to the Lane County Board of Commissioners by action taken at a public meeting held by the Planning Commission on June 1, 2004; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing held in the matter of amending the Public Facilities and Services Plan and amending the Metro Plan.

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

Section 1. The *Public Utilities, Services, and Facilities Element* (Section III-G) of the *Metropolitan Area General Plan (Metro Plan)* is removed, superseded and replaced by a new *Public Facilities and Services Element* (Section III-G), as set forth in Exhibit Ab (or Aa) attached and incorporated herein which is hereby adopted.

Section 2. The *Public Facilities and Services Plan (PFSP)* tis modified to insert the text, maps and tables as set forth in Exhibit B attached and incorporated herein which are hereby adopted.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in the attached Exhibit "C,"

The prior designations and provisions repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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 hereof.

ENACTED this _____ day of _____, 2004.

_____
Chair, Lane County Board of Commissioners

_____
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 6-2-2004 Lane County
OFFICE OF LEGAL COUNSEL

EXHIBIT Aa

PROPOSED CHANGES TO THE METRO PLAN

(Current version of the Metro Plan)

G. Public Facilities and Services Element

This Public Facilities and Services Element provides direction for the future provision of urban facilities and services to planned land uses within the *Metro Plan* Plan Boundary (Plan Boundary).

The availability of public facilities and services is a key factor influencing the location and density of future development. The public's investment in, and scheduling of, public facilities and services are a major means of implementing the *Metro Plan*. As the population of the Eugene-Springfield area increases and land development patterns change over time, the demand for urban services also increases and changes. These changes require that service providers, both public and private, plan for the provision of services in a coordinated manner, using consistent assumptions and projections for population and land use.

The policies in this element complement *Metro Plan* Chapter II-A, Fundamental Principles, and Chapter II-C, Growth Management. Consistent with the principle of compact urban growth prescribed in Chapter II, the policies in this element call for future urban water and wastewater services to be provided exclusively within the urban growth boundary. This policy direction is consistent with Statewide Planning 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." On urban lands, new development must be served by at least the minimum level of key urban services and facilities at the time development is completed and, ultimately, by a full range of key urban services and facilities. On rural lands within the Plan Boundary, development must be served by rural levels of service. Users of facilities and services in rural areas are spread out geographically, resulting in a higher per-user cost for some services and, often, in an inadequate revenue base to support a higher level of service in the future. Some urban facilities may be located or managed outside the urban growth boundary, as allowed by state law, but only to serve development within the urban growth boundary.

Urban facilities and services within the urban growth boundary are provided by the City of Eugene, the City of Springfield, Lane County, Eugene Water & Electric Board (EWEB), the Springfield Utility Board (SUB), the Metropolitan Wastewater Management Commission (MWMC), electric cooperatives, and special service districts. Special service districts provide schools and bus service, and, in some areas outside the cities, they provide water, electric, fire service or parks and recreation service. This element provides guidelines for special service districts in line with the compact urban development fundamental principle of the *Metro Plan*.

This element incorporates the findings and policies in the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities and Services Plan)*, adopted as a refinement to the *Metro Plan*. The *Public Facilities and Services Plan* provides guidance for public facilities and services, including planned water, wastewater, stormwater, and electrical facilities. As required by Goal 11, the *Public Facilities and Services Plan* identifies and shows the general location[1] of the water, wastewater, and stormwater projects needed to serve land within the urban growth boundary.[2] The *Public Facilities and Services Plan* also contains this information for electrical facilities, although not required to by law.

The project lists and maps in the *Public Facilities and Services Plan* are adopted as part of the *Metro Plan*. Information in the *Public Facilities and Services Plan* on project phasing and costs, and decisions on timing and financing of projects are not part of the *Metro Plan* and are controlled solely by the capital improvement programming and budget processes of individual service providers.

This element of the *Metro Plan* is organized by the following topics related to the provision of urban facilities and services. Policy direction for the full range of services, ~~including wastewater service,~~ may be found under any of these topics, although the first topic, *Services to Development Within the Urban Growth Boundary*, is further broken down into sub-categories.

Services to Development Within the Urban Growth Boundary
- Planning and Coordination
- Water
- Wastewater
- Stormwater
- Electricity
- Schools
- Solid Waste

- Services to Areas Outside the Urban Growth Boundary
- Locating and Managing Public Facilities Outside the Urban Growth Boundary
- Financing

The applicable findings and policies are contained under each of these topic headings, below.

The policies listed provide direction for public and private developmental and program decision-making regarding urban facilities and services. Development should be coordinated with the planning, financing, and construction of key urban facilities and services to ensure the efficient use and expansion of these facilities.

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[1] The exact location of the projects shown on the *Public Facilities and Services Plan* planned facilities maps is determined through local processes.

[2] Goal 11 also requires transportation facilities to be included in public facilities plans. In this metropolitan area, transportation facilities are addressed in Metro Plan Chapter III-F and in the *Eugene-Springfield Transportation System Plan (Trans Plan)*.

Goals

1. Provide and maintain public facilities and services in an efficient and environmentally responsible manner.

2. Provide public facilities and services in a manner that encourages orderly and sequential growth.

Findings and Policies

Services to Development Within the Urban Growth Boundary: Planning and Coordination

Findings

1. Urban expansion within the urban growth boundary is accomplished through in-fill, redevelopment, and annexation of territory which can be served with a minimum level of key urban services and facilities. This permits new development to use existing facilities and services, or those which can be easily extended, minimizing the public cost of extending urban facilities and services.

2. In accordance with Statewide Planning Goal 11 and OAR 660, the *Public Facilities and Services Plan* identifies jurisdictional responsibility for the provision of water, wastewater and stormwater, describes respective service areas and existing and planned water, wastewater, and stormwater facilities, and contains planned facilities maps for these services. Electric system information and improvements are included in the *Public Facilities and Services Plan*, although not required by state law. Local facility master plans and refinement plans provide more specific project information.

3. Urban services within the metropolitan urban growth boundary are provided by the City of Eugene, the City of Springfield, Lane County, EWEB, SUB, the MWMC, electric cooperatives, and special service districts.

4. The *Public Facilities and Services Plan* finds that almost all areas within the city limits of Eugene and Springfield are served or can be served in the short-term (0-5 years) with water, wastewater, stormwater, and electric service. Exceptions to this are stormwater service to portions of the Willow Creek area and southeast Springfield and full water service at some higher elevations in Eugene's South Hills. Service to these areas will be available in the long-term. Service to all areas within city limits are either in a capital improvement plan or can be extended with development.

5. With the improvements specified in the *Public Facilities and Services Plan* project lists, all urbanizable areas within the Eugene-Springfield urban growth

boundary can be served with water, wastewater, stormwater, and electric service at the time those areas are developed. In general, areas outside city limits serviceable in the long-term are located near the urban growth boundary and in urban reserves, primarily in River Road, Santa Clara, west Eugene's Willow Creek area, south Springfield, and the Thurston and Jasper-Natron areas in east Springfield.

6. OAR 660-011-0005 defines projects that must be included in public facility plan project lists for water, wastewater, and stormwater. These definitions are shown in the keys of planned facilities Maps 1, 2, 2a, and 3 in the *Public Facilities and Services Plan.*

7. In accordance with ORS 195.020 to 080, Eugene, Springfield, Lane County and special service districts are required to enter into coordination agreements that define how planning coordination and urban services (water, wastewater, fire, parks, open space and recreation, and streets, roads and mass transit) will be provided within the urban growth boundary.

8. Large institutional uses, such as universities and hospitals, present complex planning problems for the metropolitan area due to their location, facility expansion plans, and continuing housing and parking needs.

9. Duplication of services prevents the most economical distribution of public facilities and services.

10. As discussed in the *Public Facilities and Services Plan*, a majority of nodal development areas proposed in *TransPlan* are serviceable now or in the short-term. The City of Eugene's adopted Growth Management Policy #15 states, "Target publicly-financed infrastructure extensions to support development for higher densities, in-fill, mixed uses, and nodal development."

Policies

G.1 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.

G.2 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, capital improvement plans, and ordinances as the guide for detailed planning and project implementation.

G.3 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, 2a, and 3, requires amending the *Pubic Facilities and Services Plan* and the *Metro Plan*, except for the following:

a. Modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project; or

b. Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or

c. Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the national Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations

G.4 The cities and Lane County shall coordinate with EWEB, SUB, and special service districts operating in the metropolitan area, to provide the opportunity to review and comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect one another's area of responsibility.

G.5 The cities shall continue joint planning coordination with major institutions, such as universities and hospitals, due to their relatively large impact on local facilities and services.

G.6 Efforts shall be made to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of service. When possible, these efforts shall be pursued in cooperation with the affected jurisdictions.

G.7 Service providers shall coordinate the provision of facilities and services to areas targeted by the cities for higher densities, infill, mixed uses, and nodal development.

G.8 The cities and county shall coordinate with cities surrounding the metropolitan area to develop a growth management strategy. This strategy will address regional public facility needs.

Services to Development Within the Urban Growth Boundary: Wastewater

Findings

11. Springfield and Eugene rely on a combination of regional and local services for the provision of wastewater services. Within each City, the local jurisdiction provides collection of wastewater through a system of sanitary sewers and pumping systems. These collection facilities connect to a regional system of similar sewer collection facilities owned and operated by the Metropolitan Wastewater Management Commission ("MWMC"), an entity formed under an intergovernmental agreement created pursuant to ORS 190. Together, these collection facilities (which exclude private laterals which convey wastewater from individual residential or commercial/industrial connections) constitute the primary collection system.

12. The primary collection system conveys wastewater to a treatment facilities system owned and operated by MWMC. This system consists of an interconnected Water Pollution Control Facility ("WPCF"), a biosolids facility, and a beneficial reuse facility.

Policies

G.9 Wastewater conveyance and treatment shall be provided to meet the needs of projected growth inside the urban growth boundary that are capable of complying with regulatory requirements governing beneficial reuse of effluent and beneficial reuse or disposal of residuals.

Services to Development Within the Urban Growth Boundary: Water

Findings

~~13~~. Springfield relies on groundwater for its sole source of water. EWEB water source is the McKenzie River and EWEB is developing groundwater sources. The identification of projects on the *Public Facilities and Services Plan* planned facilities map does not confer rights to a groundwater source.

Policies

G.~~9~~10 Eugene and Springfield and their respective utility branches, EWEB and Springfield Utility Board (SUB), shall ultimately be the water service providers within the urban growth boundary.

G.~~10~~1 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.

G.142 Ensure that water main extensions within the urban growth boundary include adequate consideration of fire flows.

G.123 SUB, EWEB, and Rainbow Water District, the water providers that currently control a water source, shall examine the need for a metropolitan-wide water master program, recognizing that a metropolitan-wide system will require establishing standards, as well as coordinated source and delivery systems.

Services to Development Within the Urban Growth Boundary: Stormwater

Findings

124. Historically, stormwater systems in Eugene and Springfield were designed primarily to control floods. The 1987 re-authorization of the federal Clean Water Act required, for the first time, local communities to reduce stormwater pollution within their municipal storm drainage systems. These requirements applied initially to the City of Eugene and subsequent amendments to the Act extended these requirements to Springfield and Lane County.

135. Administration and enforcement of the Clean Water Act stormwater provisions occur at the state level, through National Pollutant Discharge Elimination System (NPDES) permitting requirements. Applicable jurisdictions are required to obtain an NPDES stormwater permit from the Oregon Department of Environmental Quality (DEQ), and prepare a water quality plan outlining the Best Management Practices (BMPs) to be taken over a five-year permit period for reducing stormwater pollutants to "the maximum extent practicable."

146. Stormwater quality improvement facilities are most efficient and effective at intercepting and removing pollutants when they are close to the source of the pollutants and treat relatively small volumes of runoff.

157. The Clean Water Act requires states to assess the quality of their surface waters every three years, and to list those waters which do not meet adopted water quality standards. The Willamette River and other water bodies have been listed as not meeting the standards for temperature and bacteria. This will require the development of Total Maximum Daily Loads (TMDLs) for these pollutants, and an allocation to point and non-point sources.

168. The listing of Spring Chinook Salmon as a threatened species in the Upper Willamette River requires the application of Endangered Species Act (ESA) provisions to the salmon's habitat in the McKenzie and Willamette Rivers. The decline in the Chinook Salmon has been attributed to such factors as destruction of habitat through channelization and revetment of river banks, non-point source pollution, alterations of natural hydrograph by increased impervious surfaces in the basin, and degradation of natural functions of riparian lands due to removal or alteration of indigenous vegetation.

~~17~~9. There are many advantages to keeping channels open, including, at a minimum, natural biofiltration of stormwater pollutants; greater ability to attenuate effects of peak stormwater flows; retention of wetland, habitat, and open space functions; and reduced capital costs for stormwater facilities.

~~18~~20. An increase in impervious surfaces, without mitigation, results in higher flows during peak storm events, less opportunity for recharging of the aquifer, and a decrease in water quality.

~~19~~21. Stormwater systems tend to be gravity-based systems that follow the slope of the land rather than political boundaries. In many cases, the natural drainageways such as streams serve as an integral part of the stormwater conveyance system.

20~~2~~. In general, there are no programs for stormwater maintenance outside the Eugene and Springfield city limits, except for the Lane County roads program. State law limits county road funds for stormwater projects to those located within the public right-of-way.

21~~3~~. Filling in designated floodplain areas can increase flood elevations above the elevations predicted by Federal Emergency Management Agency (FEMA) models, because the FEMA models are typically based only on the extent of development at the time the modeling was conducted and do not take into account the ultimate buildout of the drainage area. This poses risks to other properties in or adjacent to floodplains and can change the hydrograph of the river.-

Policies

G.13~~4~~ Improve surface and ground water quality and quantity in the metropolitan area by developing regulations or instituting programs for stormwater to:

a. Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;

b. Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;

c. Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage;

d. Increase storage and retention and natural filtration of storm runoff to lower and delay peak storm flows and to settle out pollutants prior to discharge into regulated waterways;

e. Require on-site controls and development standards, as practical, to reduce off-site impacts from stormwater runoff;

f. Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters;

g. Reduce street-related water quality and quantity problems;

h. Regulate use and require containment and/or pretreatment of toxic substances;

i. Include containment measures in site review standards to minimize the effects of chemical and petroleum spills; and

j. Consider impacts to ground water quality in the design and location of dry wells.

G.145 Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the Endangered Species Act.

G.156 Consider wellhead protection areas and surface water supplies when planning stormwater facilities.

G.167 Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.

G.178 Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative affects from increases in runoff, and is compatible with *Metro Plan* policies.

G.189 The cities and Lane County shall adopt a strategy for the unincorporated area of the urban growth boundary to: reduce the negative effects of filling in floodplains and prevent the filling of natural drainage channels except as necessary to ensure public operations and maintenance of these channels in a manner that preserves and/or enhances floodwater conveyance capacity and biological function.

G.1920 Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.

Services to Development Within the Urban Growth Boundary: Electricity

Findings

224. According to local municipal utilities, efficient electrical service is often accomplished through mutual back-up agreements and inter-connected systems are more efficient than isolated systems.

Policies

G.201 The electric service providers will agree which provider will serve areas about to be annexed and inform the cities who the service provider will be and how the transition of services, if any, will occur.

Services to Development Within the Urban Growth Boundary: Schools

Findings

235. ORS 195.110 requires cities and counties to include, as an element of their comprehensive plan, a school facility plan for high growth districts prepared by the district in cooperation with the city or county; and for the city or county to initiate the planning activity. The law defines high growth districts as those that have an enrollment of over 5,000 students and an increase in enrollment of six percent or more during the three most recent school years. At present, there are no high growth school districts in the urban growth boundary.

246. ORS 197.296(4)(a) states that when the urban growth boundary is amended to provide needed housing, "As part of this process, the amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary."

257. Enrollment projections for the five public school districts in the metropolitan area and the University of Oregon and Lane Community College (LCC) are not consistent. Bethel School District and the University of Oregon expect increases while Springfield and Eugene School Districts and LCC are experiencing nearly flat or declining enrollments. Enrollment is increasing fastest in the elementary and high school attendance areas near new development.

268. Short-term fluctuations in school attendance are addressed through the use of adjusted attendance area boundaries, double shifting, use of portable classrooms, and busing. School funding from the state is based on student enrollment for school districts in the State of Oregon. This funding pattern affects the willingness of districts to allow out-of-district transfers and to adjust district boundaries. Adjustments in district boundaries may be feasible where there is no net loss or gain in student enrollments between districts.

279. Creating or retaining small, neighborhood schools reduces the need for busing and provides more opportunity for students to walk or bike to school. Quality smaller

schools may allow more parents to stay in established neighborhoods and to avoid moving out to new subdivisions on the urban fringe or to bedroom communities. However, growth patterns do not always respect school district boundaries. For example, natural cycles of growth and neighborhood maturation result in uneven geographic growth patterns in the metropolitan area, causing a disparity between the location of some schools and school children. This results in some fringe area schools exceeding capacity, while some central city schools are under capacity.

~~28~~30. Long-range enrollment forecasts determine the need to either build new schools, expand existing facilities, or close existing schools. Funding restrictions imposed by state law and some provisions in local codes may discourage the retention and redevelopment of neighborhood schools. Limits imposed by state law on the use of bond funds for operations and maintenance make the construction of new, lower maintenance buildings preferable to remodeling existing school buildings. In addition, if existing schools were expanded, some school sites may not meet current local parking and other code requirements.

~~29~~31. Combining educational facilities with local park and recreation facilities provides financial benefits to the schools while enhancing benefits to the community. The Meadow View School and adjacent City of Eugene community park is an example of shared facilities.

Policies

G.2~~1~~2 The cities shall initiate a process with school districts within the urban growth boundary for coordinating land use and school planning activities. The cities and school districts shall examine the following in their coordination efforts:

a. The need for new public school facilities and sufficient land to site them;

b. How open enrollment policies affect school location;

c. The impact of school building height and site size on the buildable land supply;

d. The use of school facilities for non-school activities and appropriate reimbursement for this use;

e. The impact of building and land use codes on the development and redevelopment of school facilities;

f. Systems development charge adjustments related to neighborhood schools; and,

g. The possibility of adjusting boundaries, when practical and when total enrollment will not be affected, where a single, otherwise internally cohesive area is divided into more than one school district.

G.223 Support financial and other efforts to keep neighborhood schools open and to retain schools sites in public ownership following school closure.

G.234 Support the retention of University of Oregon and LCC facilities in central city areas to increase opportunities for public transit and housing and to retain these schools' attractiveness to students and faculty.

Services to Development Within the Urban Growth Boundary: Solid Waste

Findings

302. Statewide Planning Goal 11 requires that, "To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan."

Policies

G.245 The Lane County *Solid Waste Management Plan*, as updated, shall serve as the guide for the location of solid waste sites, including sites for inert waste, to serve the metropolitan area. Industries that make significant use of the resources recovered from the Glenwood solid waste transfer facility should be encouraged to locate in that vicinity.

Services to Areas Outside the Urban Growth Boundary

Findings

313. Providing key urban services, such as water, to areas outside the urban growth boundary increases pressure for urban development in rural areas. This can encourage premature development outside the urban growth boundary at rural densities, increasing the cost of public facilities and services to all users of the systems.

324. Land application of biosolids, treated wastewater, or cannery waste on agricultural sites outside the urban growth boundary for beneficial reuse of treated wastewater byproducts generated within the urban growth boundary is more efficient and environmentally beneficial than land filling or other means of disposal.

335. Lane County land use data show that, outside the urban growth boundary, land uses consist of:

1) Those which are primarily intended for resource management; and

2) Those where development has occurred and are committed to rural development as established through the exceptions process specified in Statewide Planning Goal 2.

Policies

G.256 Wastewater and water service shall not be provided outside the urban growth boundary except to the following areas, and the cities may require consent to annex agreements as a prerequisite to providing these services in any instance:

a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.

b. An existing development outside the urban growth boundary when it has been determined that it poses an immediate threat of public health or safety to the citizens within the Eugene-Springfield urban growth boundary that can only be remedied by extension of the service.

In addition, under prior obligations, water service shall be provided to land within the dissolved water districts of Hillcrest, College Crest, Bethel, and Oakway.

G.267 The Eugene Airport shall be served with the necessary urban services required to operate the airport as an urban facility. Development outside the urban growth boundary in the vicinity of the airport, outside the portion of the airport boundary designated Government and Education in the Metro Plan diagram, shall not be provided with urban services.

G.278 Plan for the following levels of service for rural designations outside the urban growth boundary within the Plan Boundary:

a. Agriculture, Forest Land, Sand and Gravel, and Parks and Open Space. No minimum level of service is established.

b. Rural Residential, Rural Commercial, Rural Industrial, and Government and Education. On-site sewage disposal, individual water systems, rural level of fire and police protection, electric and communication service, schools, and reasonable access to solid waste disposal facility.

Locating and Managing Public Facilities Outside the Urban Growth Boundary

Findings

346. In accordance with statewide planning goals and administrative rules, urban water, wastewater, and stormwater facilities may be located on agricultural land and urban water and wastewater facilities may be located on forest land outside the urban growth boundary when the facilities exclusively serve land within the urban growth boundary, pursuant to OAR 660-006 and 660-033.

357. In accordance with statewide planning goals and administrative rules, water, and wastewater facilities are allowed in the public right-of-way of public roads and highways.

368. The *Public Facilities and Services Plan* planned facilities maps show the location of some planned public facilities outside the urban growth boundary and Plan Boundary, exclusively to serve land within the urban growth boundary. The ultimate construction of these facilities will require close coordination with and permitting by Lane County and possible *Lane County Rural Comprehensive Plan* amendments.

379. Statewide Planning Goal 5 and OAR 660-023-0090 require state and local jurisdictions to identify and protect riparian corridors.

3840. In accordance with OAR 660-033-0090, 660-033-0130(2), and 660-033-0120, building schools on high value farm land outside the urban growth boundary is prohibited. Statewide planning goals prohibit locating school buildings on farm or forest land within three miles outside the urban growth boundary.

Policies

G.289 Consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the urban growth boundary only when the facilities exclusively serve land inside the urban growth boundary and there is no reasonable alternative.

G.2930 Locate urban water and wastewater facilities in the public right-of-way of public roads and highways outside the urban growth boundary, as needed to serve land within the urban growth boundary.

G.301 Facility providers shall coordinate with Lane County and other local jurisdictions and obtain the necessary county land use approvals to amend the *Lane County Rural Comprehensive Plan*, or the *Metro Plan*, as needed and consistent with state law, to appropriately designate land for urban facilities located outside the urban growth boundary or the Plan Boundary.

G.~~31~~2 The cities shall coordinate with Lane County on responsibility and authority to address stormwater-related issues outside the Plan Boundary, including outfalls outside the Springfield portion of the urban growth boundary.

G.~~32~~3 Measures to protect, enhance, or alter Class F Streams outside the urban growth boundary, within the Plan Boundary shall, at a minimum, be consistent with Lane County's riparian standards.

G.~~33~~4 New schools within the Plan Boundary shall be built inside the urban growth boundary.

Financing

Findings

~~39~~41. ORS 197.712(2)(e) states that the project timing and financing provisions of public facility plans shall not be considered land use decisions.

~~40~~2. ORS 223.297 and ORS 223.229(1) do not permit the collection of local systems development charges (SDCs) for fire and emergency medical service facilities and schools, limiting revenue options for these services. Past attempts to change this law have been unsuccessful.

~~41~~3. Service providers in the metropolitan area use SDCs to help fund the following facilities:

- Springfield: stormwater, wastewater, and transportation;
- Willamalane Park and Recreation District: parks;
- SUB, Rainbow Water District: water;
- Eugene: stormwater, wastewater, parks, and transportation; and,
- EWEB: water.

~~42~~4. Oregon and California timber receipt revenues, a federally-funded source of county road funds, have declined over the years and their continued decline is expected.

~~43~~5. Regular maintenance reduces long term infrastructure costs by preventing the need for frequent replacement and rehabilitation. ORS 223.297 to 223.314 do not allow use of SDCs to fund operations and maintenance.

~~44~~6. The assessment rates of Eugene, Springfield, and Lane County are each different, creating inequitable financing of some infrastructure improvements in the metropolitan area.

Policies

G.345 Changes to *Public Facilities and Services Plan* project phasing schedules or anticipated costs and financing shall be made in accordance with budgeting and capital improvement program procedures of the affected jurisdiction(s).

G.356 Service providers will update capital improvement programming (planning, programming, and budgeting for service extension) regularly for those portions of the urban growth boundary where the full range of key urban services and facilities is not available.

G.367 Require development to pay the cost, as determined by the local jurisdiction, of extending urban services and facilities. This does not preclude subsidy, where a development will fulfill goals and recommendations of the *Metro Plan* and other applicable plans determined by the local jurisdiction to be of particular importance or concern.

G.378 Continue to implement a system of user charges, SDCs, and other public financing tools, where appropriate, to fund operations, maintenance, and improvement or replacement of obsolete facilities or system expansion.

G.389 Explore other funding mechanisms at the local level to finance operations and maintenance of public facilities.

G.3940 Set wastewater and stormwater fees at a level commensurate with the level of impact on, or use of, the wastewater or stormwater service.

G.3940 The cities and Lane County will continue to cooperate in developing assessment practices for inter-jurisdictional projects that provide for equitable treatment of properties, regardless of jurisdiction.

Chapter V Glossary

36. Public facility projects: Public facility project lists and maps adopted as part of the *Metro Plan* are defined as follows:

    a. Water: Source, reservoirs, pump stations, and primary distribution systems. Primary distribution systems are transmission lines 12 inches or larger for SUB and 24 inches or larger for EWEB.

    b. Wastewater: Primary Collection System: Pump stations and wastewater lines 24 inches or larger.

    Treatment Facilities System: Water Pollution Control Facility (WPCF) project, beneficial reuse project and residuals project necessary to meet wastewater treatment facilities system design capacities for average flow, peak flow, biochemical oxygen demand and total suspended

solids so as to provide service within the urban growth boundary (UGB) for a projected population in 2025 consistent with the population assumed in this Plan, in compliance with MWMC's discharge permit. MWMC's Capital Improvements Plan, as amended from time to time, shall be used as the guide for detailed planning and implementation of the WPCF project, the beneficial reuse project and the residuals project.

c. Stormwater: Drainage/channel improvements and/or piping systems 36 inches or larger; proposed detention ponds; outfalls; water quality projects; and waterways and open systems.

d. Specific projects adopted as part of the *Metro Plan* are described in the project lists and their general location is identified in the planned facilities maps in Chapter II of the *Eugene-Springfield Metropolitan Public Facilities and Services Plan (Public Facilities and Services Plan).*

EXHIBIT Ab
PROPOSED CHANGES TO THE METRO PLAN
(Version currently before the elected officials as a part of Periodic Review)

G. Public Facilities and Services Element

This Public Facilities and Services Element provides direction for the future provision of urban facilities and services to planned land uses within the *Metro Plan* Plan Boundary (Plan Boundary).

The availability of public facilities and services is a key factor influencing the location and density of future development. The public's investment in, and scheduling of, public facilities and services are a major means of implementing the *Metro Plan*. As the population of the Eugene-Springfield area increases and land development patterns change over time, the demand for urban services also increases and changes. These changes require that service providers, both public and private, plan for the provision of services in a coordinated manner, using consistent assumptions and projections for population and land use.

The policies in this element complement *Metro Plan* Chapter II-A, Fundamental Principles, and Chapter II-C, Growth Management. Consistent with the principle of compact urban growth prescribed in Chapter II, the policies in this element call for future urban water and wastewater services to be provided exclusively within the urban growth boundary (UGB). This policy direction is consistent with Statewide Planning 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." On urban lands, new development must be served by at least the minimum level of key urban services and facilities at the time development is completed and, ultimately, by a full range of key urban services and facilities. On rural lands within the Plan Boundary, development must be served by rural levels of service. Users of facilities and services in rural areas are spread out geographically, resulting in a higher per-user cost for some services and, often, in an inadequate revenue base to support a higher level of service in the future. Some urban facilities may be located or managed outside the urban growth boundary, as allowed by state law, but only to serve development within the UGB.

Urban facilities and services within the UGB are provided by the City of Eugene, the City of Springfield, Lane County, Eugene Water & Electric Board (EWEB), the Springfield Utility Board (SUB), the Metropolitan Wastewater Management Commission (MWMC), electric cooperatives, and special service districts. Special service districts provide schools and bus service, and, in some areas outside the cities, they provide water, electric, fire service or parks and recreation service. This element provides guidelines for special service districts in line with the compact urban development fundamental principle of the *Metro Plan*.

This element incorporates the findings and policies in the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities and Services Plan)*, adopted as a refinement to the *Metro Plan*. The *Public Facilities and Services Plan* provides guidance for public facilities and services, including planned water, wastewater, stormwater, and electrical facilities. As required by Goal 11, the *Public Facilities and Services Plan* identifies and shows the general location[1] of the water, wastewater, and stormwater projects needed to serve land within the UGB.[2] The *Public Facilities and Services Plan* also contains this information for electrical facilities, although not required to by law.

The project lists and maps in the *Public Facilities and Services Plan* are adopted as part of the *Metro Plan*. Information in the *Public Facilities and Services Plan* on project phasing and costs, and decisions on timing and financing of projects are not part of the *Metro Plan* and are controlled solely by the capital improvement programming and budget processes of individual service providers.

The policies listed provide direction for public and private developmental and program decision-making regarding urban facilities and services. Development should be coordinated with the planning, financing, and construction of key urban facilities and services to ensure the efficient use and expansion of these facilities.

Goals

1. Provide and maintain public facilities and services in an efficient and environmentally responsible manner.

2. Provide public facilities and services in a manner that encourages orderly and sequential growth.

Findings and Policies

The findings and policies in this element are organized by the following four topics related to the provision of urban facilities and services. Policy direction for the full range of urban facilities and services, ~~including wastewater service,~~ may be found under any of these topics, although the first topic, Services to Development Within the Urban Growth Boundary, is further broken down into sub-categories.

- Services to Development Within the Urban Growth Boundary
    - Planning and Coordination
    - Water

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[1] The exact location of the projects shown on the *Public Facilities and Services Plan* planned facilities maps is determined through local processes.

[2] Goal 11 also requires transportation facilities to be included in public facilities plans. In this metropolitan area, transportation facilities are addressed in Metro Plan Chapter III-F and in the *Eugene-Springfield Transportation System Plan (Trans Plan)*.

- Wastewater Treatment
- Stormwater
- Electricity
- Schools
- Solid Waste Treatment

- Services to Areas Outside the Urban Growth Boundary
- Locating and Managing Public Facilities Outside the Urban Growth Boundary
- Financing

Services to Development Within the Urban Growth Boundary: Planning and Coordination

Findings

1. Urban expansion within the UGB is accomplished through in-fill, redevelopment, and annexation of territory which can be served with a minimum level of key urban services and facilities. This permits new development to use existing facilities and services, or those which can be easily extended, minimizing the public cost of extending urban facilities and services.

2. In accordance with Statewide Planning Goal 11 and OAR 660, the *Public Facilities and Services Plan* identifies jurisdictional responsibility for the provision of water, wastewater and stormwater, describes respective service areas and existing and planned water, wastewater, and stormwater facilities, and contains planned facilities maps for these services. Electric system information and improvements are included in the *Public Facilities and Services Plan*, although not required by state law. Local facility master plans and refinement plans provide more specific project information.

3. Urban services within the metropolitan UGB are provided by the City of Eugene, the City of Springfield, Lane County, EWEB, SUB, the MWMC, electric cooperatives, and special service districts.

4. The *Public Facilities and Services Plan* finds that almost all areas within the city limits of Eugene and Springfield are served or can be served in the short-term (0-5 years) with water, wastewater, stormwater, and electric service. Exceptions to this are stormwater service to portions of the Willow Creek area and southeast Springfield and full water service at some higher elevations in Eugene's South Hills. Service to these areas will be available in the long-term. Service to all areas within city limits are either in a capital improvement plan or can be extended with development.

5. With the improvements specified in the *Public Facilities and Services Plan* project lists, all urbanizable areas within the Eugene-Springfield UGB can be served with water, wastewater, stormwater, and electric service at the time those areas are developed. In general, areas outside city limits serviceable in the long-

term are located near the UGB and in urban reserves, primarily in River Road, Santa Clara, west Eugene's Willow Creek area, south Springfield, and the Thurston and Jasper-Natron areas in east Springfield.

6. OAR 660-011-0005 defines projects that must be included in public facility plan project lists for water, wastewater, and stormwater. These definitions are shown in the keys of planned facilities Maps 1, 2, 2a, and 3 in the *Public Facilities and Services Plan.*

7. In accordance with ORS 195.020 to 080, Eugene, Springfield, Lane County and special service districts are required to enter into coordination agreements that define how planning coordination and urban services (water, wastewater, fire, parks, open space and recreation, and streets, roads and mass transit) will be provided within the UGB.

8. Large institutional uses, such as universities and hospitals, present complex planning problems for the metropolitan area due to their location, facility expansion plans, and continuing housing and parking needs.

9. Duplication of services prevents the most economical distribution of public facilities and services.

10. As discussed in the *Public Facilities and Services Plan*, a majority of nodal development areas proposed in *TransPlan* are serviceable now or in the short-term. The City of Eugene's adopted Growth Management Policy #15 states, "Target publicly-financed infrastructure extensions to support development for higher densities, in-fill, mixed uses, and nodal development."

Policies

G.1 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.

G.2 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, capital improvement plans, and ordinances as the guide for detailed planning and project implementation.

G.3 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, 2a, and 3, requires amending the *Pubic Facilities and Services Plan* and the *Metro Plan*, except for the following:

a. Modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project; or

b. Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or

c. Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the national Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations; or

d. Public facility projects included in the PFSP to serve land designated Urban Reserve prior to the removal of the Urban Reserve designation, which projects shall be removed from the PFSP at the time of the next Periodic Review of the *Metro Plan.*

G.4 The cities and Lane County shall coordinate with EWEB, SUB, and special service districts operating in the metropolitan area, to provide the opportunity to review and comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect one another's area of responsibility.

G.5 The cities shall continue joint planning coordination with major institutions, such as universities and hospitals, due to their relatively large impact on local facilities and services.

G.6 Efforts shall be made to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of service. When possible, these efforts shall be pursued in cooperation with the affected jurisdictions.

G.7 Service providers shall coordinate the provision of facilities and services to areas targeted by the cities for higher densities, infill, mixed uses, and nodal development.

G.8 The cities and county shall coordinate with cities surrounding the metropolitan area to develop a growth management strategy. This strategy will address regional public facility needs.

Services to Development Within the Urban Growth Boundary: Wastewater

Findings

11. Springfield and Eugene rely on a combination of regional and local services for the provision of wastewater services. Within each City, the local jurisdiction provides collection of wastewater through a system of sanitary sewers and pumping systems. These collection facilities connect to a regional system of similar sewer collection facilities owned and operated by the Metropolitan Wastewater Management Commission ("MWMC"), an entity formed under an intergovernmental agreement created pursuant to ORS 190. Together, these collection facilities (which exclude private laterals which convey wastewater from individual residential or commercial/industrial connections) constitute the primary collection system.

12. The primary collection system conveys wastewater to a treatment facilities system owned and operated by MWMC. This system consists of an interconnected Water Pollution Control Facility ("WPCF"), a biosolids facility, and a beneficial reuse facility.

Policies

G.9 Wastewater conveyance and treatment shall be provided to meet the needs of projected growth inside the UGB that are capable of complying with regulatory requirements governing beneficial reuse of effluent and beneficial reuse or disposal of residuals.

SUBSEQUENT FINDINGS AND POLICIES SHALL BE RENUMBERED ACCORDINGLY WITHIN THIS CHAPTER

Chapter V Glossary

37. Public facility projects: Public facility project lists and maps adopted as part of the *Metro Plan* are defined as follows:

    a. Water: Source, reservoirs, pump stations, and primary distribution systems. Primary distribution systems are transmission lines 12 inches or larger for Springfield Utility Board (SUB) and 24 inches or larger for Eugene Water & Electric Board (EWEB).

    b. Wastewater: Primary Collection System: Pump stations and wastewater lines 24 inches or larger.

    Treatment Facilities System: Water Pollution Control Facility (WPCF) project, beneficial reuse project and residuals project necessary to meet wastewater treatment facilities system design capacities for average flow, peak flow, biochemical oxygen demand and total suspended solids so as to provide service within the urban growth

boundary (UGB) for a projected population in 2025 consistent with the population assumed in this Plan, in compliance with MWMC's discharge permit. MWMC's Capital Improvements Plan, as amended from time to time, shall be used as the guide for detailed planning and implementation of the WPCF project, the beneficial reuse project and the residuals project.

c. Stormwater: Drainage/channel improvements and/or piping systems 36 inches or larger; proposed detention ponds; outfalls; water quality projects; and waterways and open systems.

d. Specific projects adopted as part of the *Metro Plan* are described in the project lists and their general location is identified in the planned facilities maps in Chapter II of the *Eugene-Springfield Metropolitan Public Facilities and Services Plan (Public Facilities and Services Plan).*

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

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

Planned Wastewater System Improvements

Planned ~~short-and long-term~~ wastewater system improvement projects are listed in tables3~~, and~~ 4, ***4a and 4b.*** The general location of these facilities is shown in Map 2: *Planned Wastewater Facilities*, ***and Map 2a: Existing Wastewater Collection and Treatment Systems.*** **[NOTE: This map presently exists as Map 6 in the Technical Background Report: Existing Conditions and Alternatives and should be incorporated without change.]**

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

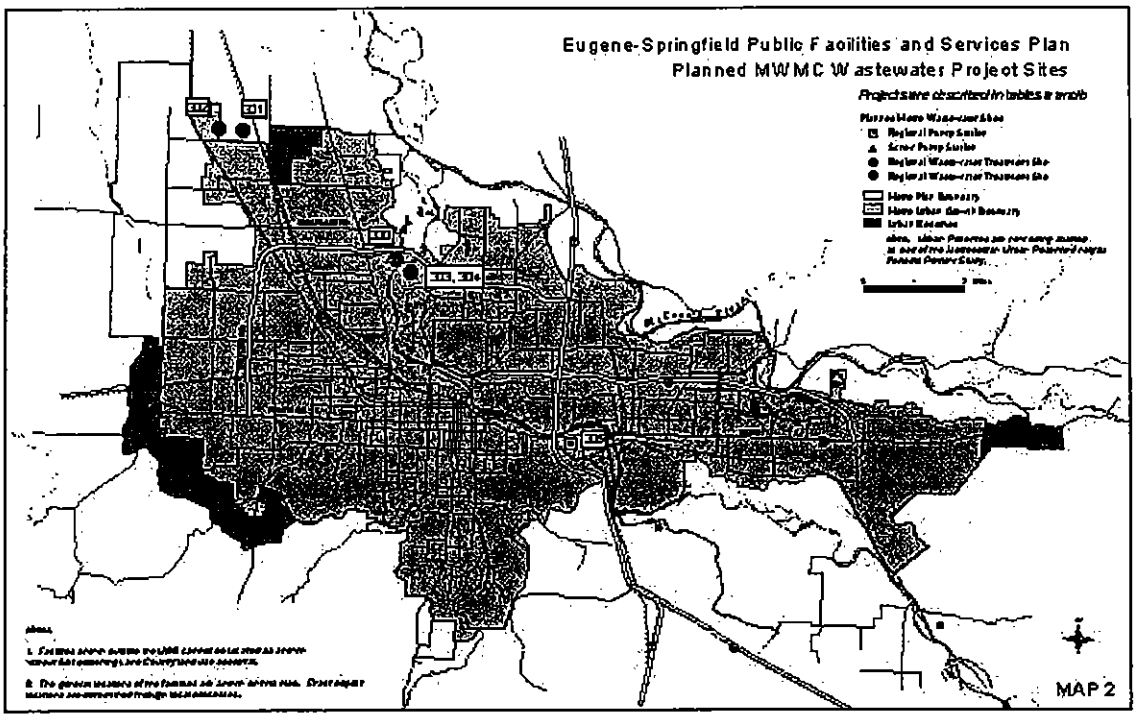
Table 4a
MWMC Wastewater Treatment System Improvement Projects

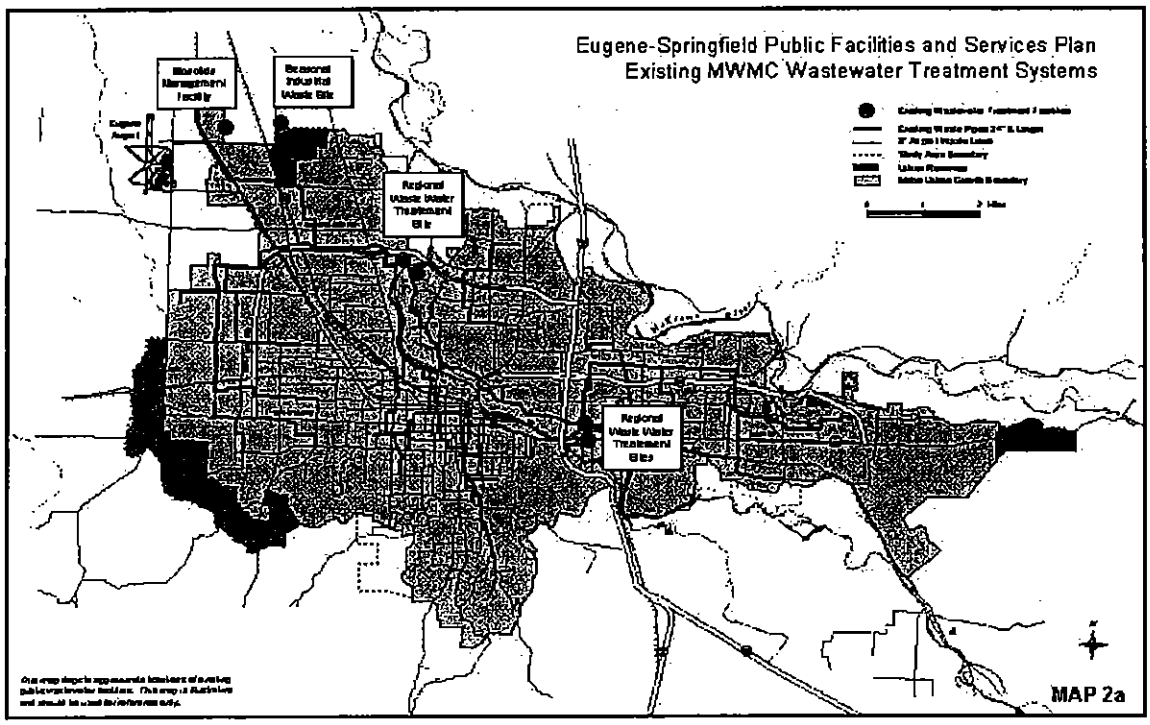
Project Number	Project Name/Description
300	WPCF Treatment Project
301	Residuals Treatment Project
302	Beneficial Reuse Project

Table 4b
MWMC Primary Collection System Improvement Projects

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

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





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

Wastewater System Condition Assessment

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

Treatment: MWMC Wastewater Treatment System

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

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

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

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

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

2. Based on 2003 analysis, the Eugene-Springfield metropolitan area treatment facilities will require facility improvements to address both dry and wet weather regulatory requirements relating to pollutant loads and wastewater flows. Regional and local wastewater improvements to the collection and treatment systems are being planned for and will be implemented to allow for growth within the UGB and for regulatory compliance. ~~The Eugene-Springfield metropolitan area Regional Wastewater Treatment Plant has sufficient design capacity to accommodate population increases and serve all new development at buildout. However, peak wet weather conditions limit the treatment plant from achieving its designed capacity. Wet, weather-related improvements are needed at the plant and within the regional collection system to extend the plant's wet-weather capacity beyond the year 2007.~~

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

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

Project Number	Project Name/Description	Cost* ($)	Estimated Completion Year
300	WPCF Treatment Project	$120,500,000	2025
301	Residuals Treatment Project	$6,000,000	2018
302	Beneficial Reuse Project	$25,000,000	2018
303	Willakenzie Pump Station	$6,000,000	2010
304	Screw Pump Station	$2,000,000	2010
305	Glenwood Pump Station	$500,000	2012

**Cost estimated in 2004 dollars*

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

VI. Amendments to the Plan

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

Flexibility of the Plan

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

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

A. Modifications requiring amendment of the Plan.
The following modifications require amendment of the Plan:

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

B. Modifications permitted without amendment of the Plan.
The following modifications do not require amendment of this Plan:

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

Process for making Changes

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

B. Amendments

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

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

b. Type II amendments include amendments to a list, location or provider of public facility projects which significantly impact a public facility project identified herein, which project serves only the jurisdiction proposing the amendment.

C. Processing Amendments

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

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

b. Type II amendments shall be forwarded to the Planning Commission of the initiating agency and, following their recommendation, shall be considered by the governing board of the initiating agency.

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

File LRP 2004-0001 Amendments to the Metro Plan and Public Facilities and Services Plan

Applicant:
City of Springfield on behalf of the Metropolitan Wastewater Management Commission (MWMC)

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)[1] to (1) more adequately reflect the impact that new discharge permit restrictions will have had on the capacity of the regional wastewater treatment system, (2) to clarify the relationship between the PFSP project list and locally adopted capital improvement plans, and (3) to modify (streamline) the administrative and legislative processes that govern the implementation and amendment of the PFSP projects list.

Background:
MWMC's regional wastewater treatment facilities were designed and constructed in the late 1970's with a 20-year life expectancy. Slower that expected population growth in the 1980's extended this life expectancy. In 1996–97 MWMC developed a Master Plan to evaluate the performance of its facilities, to ascertain areas of constraints within the existing permit conditions, to identify short–term improvements (e.g. how to address seismic hazards), and to address other major issues that needed to be studied further.

In May of 2002 the Oregon Department of Environmental Quality (DEQ) imposed new and more stringent discharge permit standards on the regional wastewater treatment facilities, particularly in regard to the treatment of ammonia and thermal loading. As MWMC staff began to evaluate design needs for its wastewater facilities, it became apparent to them that the existing facilities could not meet the demands imposed by the new discharge permit restrictions.

Recognizing that a thorough assessment of wastewater collection, treatment and disposal/reuse needs for the next 20 years was essential, the MWMC began work on the 2004 Wastewater Facilities Plan, a comprehensive facilities plan update. The objectives of the 2004 Wastewater Facilities Plan are twofold. First, it is intended to provide for adequate community growth capacity through 2025, considering policies in the Metro Plan and current planning assessments for population and development. Second, the 2004 Wastewater Facilities Plan is intended to protect community health and safety by addressing sanitary sewer overflows, river safety, permit compliance and the cost–effective use of existing facilities and the efficient design of new facilities.

[1] See appendices A & B, respectfully.

The 2004 Wastewater Facilities Plan recognizes and addresses the fact that the regional wastewater system for the Eugene–Springfield metropolitan area does not have the capacity to meet all of the discharge standards imposed by state and federal law. Neither the Metro Plan nor the PFSP currently reflect this situation. Statewide Planning Goal 2 requires that the city, county and special district plans be consistent. In large part, the amendments proposed by this application address the issue of consistency between the Metro Plan and the PFSP and consistency of the 2004 Wastewater Facilities Plan with the former documents. The proposed amendments provide information that should have been included in the PFSP when it was adopted and present a more accurate description of wastewater services that will be available after certain capital improvement projects are completed.

Phasing objectives of the 2004 Wastewater Facilities Plan necessitate that construction of several key facility components begin by June of 2005 in order to meet federal standards that require that peak wet weather events be managed by 2010. In order to meet this rigorous construction schedule, MWMC must have released Requests for Proposals (RFPs) for engineering design for by October of 2004. Prior to this date, the 2004 Wastewater Facilities Plan must be adopted by the three metropolitan jurisdictions and the Metro Plan and the PFSP should be updated to reflect current information.

In summary, the application proposes the following changes:

Metro Plan

1. Specifically recognizes "wastewater" as a subcategory of service within the Urban Growth Boundary. [Chapter III–G]

2. Amends Finding #6 and Policy #3 to recognize the addition of Map 2a "Existing Wastewater Collection and Treatment Systems" to the PFSP. [Chapter III–G]

3. Amends Policy #2 to include local capital improvement plans as a means to implement policy in the PFSP. [Chapter III–G]

4. Inserts two findings regarding local and regional wastewater services to development within the urban growth boundary. [Chapter III–G]

5. Adds a new policy G.9 that makes a commitment to providing the conveyance and treatment of wastewater to meet the needs of projected growth within the urban growth boundary and that meets regulatory requirements. [Chapter III–G]

6. Modifies definition 37. Wastewater: Public Facilities Projects. [Chapter V Glossary]

PFSP

1. Modifies the text on page 28, preceding Table 3, and adds Tables 4a and 4b that identify MWMC Wastewater Treatment and Primary Collection System improvements, respectively.

2. Modifies Map 2, which shows Planned Wastewater Facilities, and adds Map 2a that concerns Existing Wastewater Facilities.

3. Modifies the existing narrative on "Wastewater System Condition Assessment" in Chapter IV. (Page 82)

4. Modifies existing paragraphs #1 and #2 under the discussion of "Wastewater" in the subdivision entitled "Long–Term Service Availability Within Urbanizable Areas" in Chapter IV. (Page 97).

5. Adds new Table 16a (following Table 16) entitled "MWMC Wastewater Treatment and Collection System Improvements, Rough Cost Estimate, and Timing Estimate." (Page 101)

6. Adds new Chapter VI regarding amendments to the PFSP.

Metropolitan Area General Plan Amendment Criteria
The proposed amendments are considered to be Type I Metro Plan amendments because they are non–site specific amendments to the Plan text. Amendments to the Plan text, which include changes to functional plans such as TransPlan and the PFSP, and that are non–site specific require approval by all three governing bodies to become effective.[2]

Springfield, Eugene and Lane County each adopted identical Metro Plan amendment criteria into their respective implementing ordinances and codes. Springfield Code Section 7.070(3) (a & b), Eugene Code 9.128(3) (a & b), and Lane Code 12.225(2) (a & b) require that the amendment be consistent with relevant statewide planning goals and that the amendment will 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. SDC Article 7 METRO PLAN AMENDMENTS and SDC Article 14 PUBLIC HEARINGS prescribe the manner in which a Type I Metro Plan amendment must be noticed. Citizen involvement for a Type I Metro Plan amendment not related to an urban growth boundary amendment requires: 1) Notice to interested parties; 2) Notice

[2] See SDC 7.070(1)(a), EC 9.7730(1)(a), and LC 12.225(1)(a)(i).

shall be published in a newspaper of general circulation; 3) Notice shall be provided 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 published in the Springfield News and in the Register-Guard on March 31, 2004. Notice to interested parties was mailed on April 1, 2004. Notice of the first evidentiary hearing was provided to DLCD on March 4, 2004. The notice to DLCD identified the City of Eugene, Lane County, DEQ and EPA as affected agencies.

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, Articles 7 and 14; the Eugene Code, Sections 9.7735 and 9.7520; 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 most recent version of the Metro Plan is being considered on May 17, 2004 for final adoption by Springfield (Ordinance No. ____), by Eugene (Council Bill No. 4860) and by 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.

The Metro Plan is the "land use" or comprehensive plan required by this goal; the Springfield Development Code, the Eugene Code and the Lane Code are the "implementation measures" required by this goal. Comprehensive plans, as defined by ORS 197.015(5)[3], must be coordinated with affected governmental units.[4] Coordination means that comments from affected governmental units are

[3] Incorporated by reference into Goal 2.
[4] See *DLCD v. Douglas County*, 33 Or LUBA 216, 221 (1997).

solicited and considered. In this regard, DLCD's Notice of Proposed Amendment form was sent to the City of Eugene, Lane County, DEQ and EPA.

One aspect of the Goal 2 coordination requirement concerns population projections. In this respect, the proposed amendment to the PFSP Glossary concerning Wastewater incorporates a projected year 2025 population for the Eugene–Springfield Urban Growth Boundary of 297,585.[5] This projection is consistent with the most recent (1997) final forecasts provided to Lane County by the Oregon Office of Economic Analysis and the Year 2000 Census. The adoption of this modification to the PFSP will effectively "coordinate" this population assumption.

Goal 3 – Agricultural Lands
This goal does not apply within adopted, acknowledged urban growth boundaries.

Goal 4 – Forest Lands
This goal does not apply within adopted, acknowledged urban growth boundaries.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources
This goal is not applicable to the proposed amendments.

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.

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).

One purpose of the proposed amendments is 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

[5] Table 3 of technical memorandum entitled "Metropolitan Wastewater Management Commission – Population Projections for Wastewater Facilities Plan," prepared by Matt Noesen, CH2M Hill, *et al* (April 9, 2004)

increases and serve all new development at buildout." Recent analyses have determined that facility improvements are now required to address both dry and wet weather requirements relating to pollutant loads and wastewater flows. The section in Chapter IV of the PFSP entitled "Long–Term Service Availability Within Urbanizable Areas" is proposed to be modified to reflect the need for facility improvements necessary to address dry and wet weather regulatory requirements.

Goal 7 – Areas Subject to Natural Disasters and Hazards

This goal is not applicable to the proposed amendments.

Goal 8 – Recreational Needs

This goal is not applicable to the proposed amendments.

Goal 9 – Economic Development – Goal 9 provides, in part, that it is intended to: *"Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."* The proposed amendments are consistent with this objective in that the Metro Plan, the PFSP and the 2004 Wastewater Facilities Plan must be consistent in order to comply with State discharge permit conditions that will determine the improvements to the Regional Wastewater System that are necessary to address new regulatory standards. The improvements are necessary to allow adequate service and conveyance, treatment, reuse and disposal capacity to serve new and existing industrial and commercial uses.

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 pubic 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 comprehensive planning framework to allow for the improvements to the regional

wastewater system that support the housing needs of the Eugene–Springfield metropolitan area.

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 identify the general location of public facilities projects. In regard to the Metro Plan, the reference to Public Facilities and Services Plan Map 2a in Finding 6 and Policy G.3 in the proposed amendments addresses this requirement. In regard to the PFSP, the modification of the introductory narrative under "Planned Wastewater System Improvements (Page 28)," the insertion of new Tables 4a and 4b (Page 28), and the modification of Map 2 and the insertion of new Map 2a, also address this requirement.

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, it is proposed that the PFSP be amended by the insertion of Table 16a (Inserted following Page 101), which addresses rough cost estimates and a timing estimate for MWMC Wastewater Treatment and Collection System Improvements.

OAR 660–011–0045(3) provides that modifications to projects listed within a public facility plan may be made without amendment to the public facility plan. This application proposes to add a new chapter to the PFSP regarding amendments to that plan. Proposed Chapter VI incorporates the standards for amending a public facility plan allowed by OAR 660–011–0045(3) and adopts an amendment process.

Goal 12 - Transportation

This goal is not applicable to the proposed amendments.

Goal 13 – Energy Conservation

This goal is not applicable to the proposed amendments.

Goal 14 – Urbanization – *To provide for an orderly and efficient transition from rural to urban land use.*

This goal is not applicable to the proposed amendments, as they do not affect the existing urban growth boundary.

Goal 15 – Willamette River Greenway

This goal is not applicable to the proposed amendments.

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 proposed changes to the Metro Plan are essentially of a "housekeeping" nature. They essentially recognize the role of wastewater service provision within the urban growth boundary by the addition or modification of applicable findings and add or modify policy language to clarify the relationship between the Metro Plan and the PFSP in regard to capital improvement plans and the commitment to comply with regulatory requirements. The proposed changes, as presented, will not create internal inconsistencies within the Metro Plan.

The proposed changes also amend the PFSP to more accurately reflect MWMC's planned improvement projects for its wastewater treatment system and primary collection system, to provide rough cost and timing estimates for those improvements, update narrative information regarding necessary improvements to the wastewater treatment system and primary collection system, and more clearly implement the plan modification standards contained in OAR 660–011–0045(3). The proposed changes to the PFSP do not create any inconsistencies within the PFSP nor do they create any inconsistencies between the PFSP and the Metro Plan.