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SUPPLEMENTAL MATERIAL

SUPPLEMENTAL AGENDA COVER MEMO

DATE: January 23, 2006

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works Department, Land Management Division

PRESENTED BY: Kent Howe, Planning Director
Stephen Vorhes, Assistant County Counsel

TITLE: Ordinance No. PA 1230/In the Matter of Responding to the LUBA Remand of Provisions in Ordinance No. PA 1209 and Amending that Ordinance by Adoption of a New Exhibit "B" Showing Modifications to the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*; Adopting Savings and Severability Clauses; and Declaring an Emergency

Since the original packet and supplemental material were prepared, a signed copy of the Springfield ordinance enacted on January 17, 2006, has been provided and is attached. It amends the previous action on the *Metro Plan* and *PFSP* in the same way as the enacted Eugene ordinance and the proposed Ordinance No. PA 1230 set for hearing on Wednesday.

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ORDINANCE NO. ~~6153~~ 6152

AN ORDINANCE RESPONDING TO THE LUBA REMAND OF PROVISIONS IN ORDINANCE NOS. 6093 AND 6094 AND AMENDING THOSE ORDINANCES BY ADOPTION OF A NEW APPENDIX "B" SHOWING MODIFICATIONS TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA PUBLIC FACILITIES AND SERVICES PLAN; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

WHEREAS, the *PFSP* 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, in July of 2004, amendments to the *Metro Plan* and the *PFSP* were adopted at the request of the Metropolitan Wastewater Management Commission (MWMC) to reflect updated information on facilities and improvement projects needed to meet state and federal discharge requirements, specifically on July 19, 2004, the City Council adopted Ordinance Nos. 6093 and 6094 amending the *Metro Plan* and *PFSP*, respectively, as set forth in Appendix "B" to those Ordinances. The Council's action was identical to enactments of the Eugene City Council and Lane County Board of Commissioners; and

WHEREAS, those actions were appealed to the Oregon Land Use Board of Appeals (LUBA) and on September 2, 2005, LUBA issued its decision upholding the local government actions on most of the issues raised by the petitioners, but remanding the actions based on one issue as described in the Council Briefing Memorandum attached as Exhibit 1 and as set forth in the LUBA decision attached as Exhibit 2 incorporated herein; and directing solely that the three jurisdictions should describe Project 300 with greater specificity and consider describing Projects 301 and 302 with greater specificity in the *PFSP* to comply with Statewide Planning Goal 11 and the Goal 11 Administrative Rules; and

WHEREAS, in response to the LUBA remand, a new Appendix "B", which is attached hereto as Exhibit 3 and incorporated herein, has been prepared containing the additional detail and specificity for Project 300, 301 and 302 to comply with the Goal 11 Rule as directed or suggested by LUBA and as described more fully in the Council

Briefing Memorandum (Exhibit 1) and Staff Report and Findings (Exhibit 4) accompanying this ordinance; and Ordinance Nos. 6093 and 6094 should be amended by replacing the Appendix "B" attached to those ordinances with the Appendix "B" attached hereto, which is based on the same evidence and record that was before the City Council when it acted on Ordinance Nos. 6093 and 6094; and

WHEREAS, the MWMC will be unable to proceed with timely construction necessary to meet the new and more stringent discharge permit requirements imposed by the State Department of Environmental Quality (DEQ) if the revisions to the *PFSP* as effected by Ordinance Nos. 6093 and 6094 as amended herein do not become immediately effective, and

WHEREAS, the City Council has conducted a public hearing and is now ready to take action based upon the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing held in the matter amending Ordinance Nos. 6093 and 6094 and the *Public Facilities and Services Plan* to address the LUBA remand; and

WHEREAS, the consolidated record of these proceedings, including the evidence and testimony on this Ordinance amending Ordinance Nos. 6093 and 6094, meets the requirements of the Metro Plan, Springfield Development Code and applicable state and local law as described in the findings attached as Exhibit 4, and which are adopted in support of this Ordinance.

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

Section 1: Based on the above recitals, Ordinance Nos. 6093 and 6094 are hereby amended by replacing Appendix "B" attached to those ordinances with Appendix "B" attached hereto as Exhibit 3, which is hereby adopted as an amendment to the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* and to the *Metro Plan* as described in those ordinances.

Section 2: Except as amended herein, all other provisions of Ordinance Nos. 6093 and 6094 and the attachments thereto, remain in full force and effect.

Section 3: Although not part of this Ordinance, the City Council adopts the findings set forth in Exhibits 1 and 2 in support of the matter remanded by the Land Use Board of Appeals.

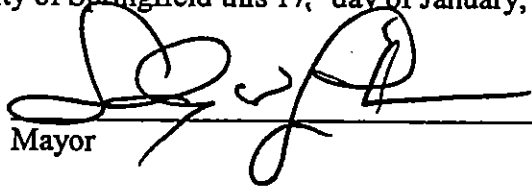
Section 4: The City Council specifically finds that in order for MWMC to proceed with timely construction necessary to comply with state and federal discharge permit requirements and to achieve mandatory compliance with certain regulatory requirements by the year 2010, an emergency exists affecting the public health, safety and welfare requiring an effective date upon passage by the City Council and approval by the Mayor of the City of Springfield.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6: It is hereby found and determined that the matters related to this Ordinance affect the public health, safety and welfare and that an emergency therefore exists, and this Ordinance shall therefore take effect immediately upon its passage by the Council and approval by the Mayor.

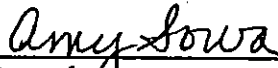
ADOPTED by the Common Council of the City of Springfield this 17th day of January, 2006, with a vote of 6 for and 0 against.

APPROVED by the Mayor of the City of Springfield this 17th day of January, 2006.




Mayor

ATTEST:



City Recorder

N:\CITY\MWMC\Metro Plan and PFSP - Remand\RemandOrd.010506.doc

REVIEWED & APPROVED
AS TO FORM

DATE: 1/15/06
OFFICE OF CITY ATTORNEY

MEMORANDUM

City of Springfield

To: Springfield Mayor and City Council

From: Meg Kieran, Office of the City Attorney
Greg Mott, Planning Manager
Susie Smith, Environmental Services Manager

Date: January 6, 2006

Subject: Land Use Board of Appeals (LUBA) Limited Remand of Amendments to the Public Facilities and Services Plan (PFSP) Incorporating Metropolitan Wastewater Management Commission (MWMC) Regional Wastewater Facilities Projects

COUNCIL
BRIEFING
MEMORANDUM

ISSUE AND PURPOSE:

In 2004, the City Councils of Springfield and Eugene and the Lane County Board of Commissioners adopted the 2004 MWMC Facilities Plan (MWMC Facilities Plan) and associated amendments to the Metro Plan text and the text, tables and maps of the PFSP. The Home Builders Association of Lane County (HBA) appealed all of these actions to LUBA. LUBA upheld all of the Council/Board's actions except for a portion of the project descriptions included in the PFSP, which LUBA remanded for reconsideration.

The purpose of this memo and the proposed ordinance (see Attachment B) is to fulfill the requirements of the limited LUBA remand by incorporating expanded project descriptions in the appropriate PFSP tables and maps, consistent with information that is already in the record of the public hearing. The proposed ordinance also eliminates the clause making the ordinance effective only after acknowledgement (by the Department of Land Conservation and Development) due to the urgent need to begin construction. For the same reason, it is requested that the Council consider approving the proposed ordinance, following the required public hearing, with an emergency clause. The amendments proposed to remedy the limited remand would then become effective immediately upon adoption of identical ordinances by Lane County and the City of Eugene.

BACKGROUND/DISCUSSION:

In May of 2002, the Department of Environmental Quality (DEQ) imposed new and more stringent discharge permit requirements on the regional wastewater treatment facilities. MWMC, which had begun the predesign process for new wet weather flow management facilities, recognized that a comprehensive evaluation of the existing system was needed to determine how to meet the new discharge permit requirements. The result of this evaluation is the MWMC Facilities Plan. The MWMC Facilities Plan determined that the existing regional wastewater system does not have sufficient capacity to meet state and federal discharge requirements and recommended \$144-\$160 million (in 2004 dollars) in capital improvement projects to provide adequate capacity for growth through 2025.

The acknowledged Metro Plan and 2001 PFSP (the Land Use Plans) did not include the capital improvement projects that would be needed to meet state and federal discharge requirements through the year 2025. The Land Use Plans needed to be updated to include all existing regional

wastewater facilities and planned regional wastewater projects, so that the MWMC Facilities Plan would be consistent with them. Therefore, in 2004, MWMC proposed several changes to the Metro Plan and PFSP. The proposed changes to the PFSP included adding three tables (4a, 4b and 16a) to describe the projects recommended by the MWMC Facilities Plan and their projected cost and timing, and modifying Map 2 to show the location of the planned projects¹. Table 4a listed three anticipated wastewater *treatment* system projects: Project 300, WPCF Treatment Project; Project 301, Residuals Treatment Project; and Project 302, Beneficial Reuse Project. Table 4b listed three anticipated *collection* system projects: Project 303, Willakenzie Pump Station; Project 304, Screw Pump Station; and Project 305, Glenwood Pump Station. Map 2 depicted the general physical locations of these projects and Table 16a provided an estimate of the cost of each project and its estimated completion date.²

The Springfield City Council adopted the proposed amendments (Adopted Amendments) to the Metro Plan and PFSP on July 19, 2004 by Ordinance Nos. 6093 and 6094 respectively. Eugene and Lane County adopted similar ordinances adopting identical amendments. HBA disagreed with the Adopted Amendments and filed appeals with LUBA against all ordinances in late July, 2004.

HBA APPEAL TO LUBA:

HBA appealed the Adopted Amendments to the Land Use Plans on numerous grounds (i.e. assignments of error). HBA's first assignment of error argued that the Ordinances violated Goal 11 land use requirements because: 1) the list of projects in Tables 4a and 4b were "categories" of projects; not projects; 2) the project descriptions were not sufficiently detailed; and 3) the cost estimates in Table 16a were deficient because they were based on "categories" of projects and not individual projects. Essentially, HBA wanted the Cities and Lane County to take the exact list of projects recommended in the MWMC Facilities Plan and incorporate it verbatim into the PFSP. HBA's other assignments of error were rejected by LUBA and will not be discussed.

LUBA'S DECISION:

LUBA's remand is limited to an instruction to the Cities and County that Project 300 (WPCF Treatment Project) should be described with greater specificity. LUBA suggested that the Cities and County also take a second look at the descriptions for Projects 301 (Residuals Treatment Project) and Project 302 (Beneficial Reuse Project) to see if greater specificity was warranted, but did not require that these project descriptions be revised. (See Attachment B (proposed Ordinance), Exhibit 2).

REMAND RESPONSE:

In response to LUBA's remand, legal counsel and staff recommend four modifications to the PFSP. A complete copy of the Adopted Amendments is attached, with the recommended remand revisions shown in redline format (Attachment C).

1) Table 4a. First, staff recommends the addition of Projects 300A to 300I to provide the greater specificity expressly required by LUBA as to Project 300. Although not expressly required, staff also recommends the addition of Projects 301A, 301B, 302A and 302B.

¹ A new Map 2a was inserted to show the location of the existing regional wastewater system.

² Other changes were recommended, but they were not part of the appeal to LUBA.

Staff believes these additions are advisable in light of LUBA's directive to re-evaluate Projects 301 and 302.

2) Maps 2 and 2a. Staff recommends that Map 2 be corrected to depict not only all of the wastewater projects and sub-projects, but also the projects shown on Map 2 of the 2001 PFSP. Map 2a, contained in the Adopted Amendments, was misprinted. Staff also recommends that Map 2a be replaced with the correct map from the Technical Background Report.

3) Table 16a. Because additional sub-projects were added to Table 4a, staff recommends that corresponding additions be made to Table 16a. The appropriate cost and timing estimates are set forth for each sub-project. The cost estimates for projects 300, 301 and 302 are lower than they were in the Adopted Amendments because several of the capital improvement projects recommended by the MWMC Facilities Plan are not "projects," as that term is defined in the Oregon Administrative Rules governing public facilities planning. Therefore, it is not appropriate for the cost of those capital improvement projects to be included in the PFSP.

4) Changes to the Text. Staff recommends the addition of text to the end of the "Treatment" discussion on page 4 of the remand revisions to summarize the three treatment projects. Staff also recommends adding a discussion of the regional wastewater system's capacity, following the "Conveyance" discussion on page 4 of the remand revisions. OAR 660-011-0020(2) requires that a public facility plan describe the capacity of each public facility. Although the data regarding capacity was contained in the record before the Council, the Adopted Amendments were not as clear as they could have been regarding this requirement. Therefore, an explicit description regarding capacity is recommended.

All of the evidence required to make the remand revisions is contained in the record that was before the Cities and County when they adopted the Adopted Amendments. Therefore, no additional analysis, documentation, or Planning Commission review is required.

CHANGES TO THE ORDINANCES:

Ordinances 6093 and 6094 each contained a clause stating that the Adopted Amendments to the Land Use Plans do not become effective until all three of the following have occurred: 1) the ordinance has been acknowledged; 2) at least 30 days have passed since the ordinance was approved; and 3) both Eugene and Lane County had adopted similar ordinances. Because the HBA appealed the Adopted Amendments, the first condition has not been met. Therefore, the Adopted Amendments to the Land Use Plans are not in effect.

Legal Counsel and staff recommend adopting a new ordinance that modifies the previous ordinances and makes the remand revisions immediately effective so that MWMC has the ability to obtain the needed approvals from DEQ and permits from the City of Eugene to commence needed construction projects over the next several months. Construction must begin promptly in order to achieve mandatory regulatory compliance by the year 2010. Any delay now would affect all future stages of construction, including funding, designing the projects, bidding the projects and, finally, constructing them. Unless the projects are completed on schedule, MWMC could violate its NPDES permit.

RECOMMENDATION AND REQUESTED ACTION:

Legal Counsel and staff recommend that the Council adopt an ordinance, amending Ordinance Nos. 6093 and 6094 by incorporating expanded MWMC facility projects descriptions in response to the limited LUBA remand, and by making the remand revisions effective upon adoption. Therefore, Council is requested to consider adoption of the Ordinance provided in Attachment B as proposed, following the public hearing on January 17, 2006.

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BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

HOME BUILDERS ASSOCIATION OF
LANE COUNTY and HOME BUILDERS
CONSTRUCTION COMPANY,
Petitioners,

vs.

CITY OF SPRINGFIELD,
CITY OF EUGENE and LANE COUNTY,
Respondents,

and

METROPOLITAN WASTEWATER
MANAGEMENT COMMISSION,
Intervenor-Respondent.

LUBA Nos. 2004-118, 2004-122,
2004-126, 2004-127 and 2004-142

FINAL OPINION
AND ORDER

Appeal from City of Springfield, City of Eugene and Lane County.

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Bill Kloos, Eugene, filed the petition for review and argued on behalf of petitioner. With him on the brief was the Law Office of Bill Kloos, PC.

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Meg E. Kieran, Springfield, filed a joint response brief and argued on behalf of respondent City of Springfield. With her on the brief was Harold, Leahy and Kieran.

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Emily N. Jerome, Eugene, filed a joint response brief and argued on behalf of respondent City of Eugene. With her on the brief were Jerome Lidz and Harrang Long Gary Rudnick, PC.

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Stephen L. Vorhes, Assistant County Counsel, Eugene, filed a joint response brief and argued on behalf of respondent Lane County.

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G. David Jewett, Springfield, filed a joint response brief and argued on behalf of intervenor-respondent. With him on the brief was Thorp Purdy Jewett Urness Wilkerson, PC.

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HOLSTUN, Board Member; DAVIES, Board Chair; BASSHAM, Board Member,

1 participated in the decision.

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REMANDED

09/02/2005

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You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

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2 **NATURE OF THE DECISION**

3 Petitioners appeal city and county decisions that adopt amendments to the Eugene-
4 Springfield Metropolitan Area General Plan (Metro Plan) and the Eugene-Springfield Public
5 Facilities and Services Plan (PFSP).¹ In this appeal we refer to these amendments as the PFSP
6 amendments.

7 **INTRODUCTION**

8 The Metropolitan Wastewater Management Commission (MWMC), which was
9 created by an intergovernmental agreement between the cities and county, adopted a MWMC
10 Facilities Plan for the Eugene-Springfield Wastewater Treatment Facilities (MWMC Facilities

¹ A list and explanation of the more important acronyms and abbreviated document titles that we use in this opinion is set out below in alphabetical order to provide a single point of reference to assist in keeping up with them.

Metro Plan. The Eugene-Springfield Metropolitan Area General Plan (Metro Plan), along with numerous refinement plans, is the comprehensive plan for the cities of Eugene and Springfield and the urban area of Lane County. Citations in this opinion to the Metro Plan are to the Metro Plan as amended through 2002. The Metro Plan defines refinement plan, as follows:

“Refinement plan: A detailed examination of the service needs and land use issues of a specific area, topic, or public facility. Refinement plans of the Metro Plan can include specific neighborhood plans, special area plans, or functional plans (such as TransPlan) that address a specific metro Plan element or sub-element on a city-wide or regional basis.” Metro Plan V-5.

MWMC. The Metropolitan Wastewater Management Commission. An entity that was created by an intergovernmental agreement between the cities of Eugene and Springfield and Lane County, to manage and operate a regional wastewater collection and treatment system.

MWMC Facilities Plan. The Metropolitan Wastewater Management Commission Facilities Plan for the Eugene-Springfield Regional Wastewater Treatment Facilities, which was adopted in 2004. The city and county decisions adopting the MWMC Facilities Plan are the subject of this appeal.

PFSP. The Eugene-Springfield Public Facilities and Services Plan (PFSP) is a Metro Plan refinement plan that was adopted to comply with the requirements of Statewide Planning Goal 11 (Public Facilities and Services). City and county decisions adopting amendments to the PFSP and Metro Plan, which are related to the MWMC Facilities Plan, are the subject of a different LUBA appeal, LUBA Nos. 2004-090, 2004-105, and 2004-114.

1 Plan) on May 6, 2005. Thereafter, the cities and county adopted that MWMC Facilities Plan.
2 Those decisions were appealed to LUBA. In a separate decision issued this date, we dismiss
3 that appeal and explain the relationship between that consolidated appeal and this consolidated
4 appeal. *HBA of Lane County v. City of Springfield, City of Eugene and Lane Co.*, ___ Or
5 LUBA ___ (LUBA Nos. 2004-090, 2004-105 and 2004-114). For the reasons explained in
6 that opinion, we conclude that the MWMC Facilities Plan was not adopted by the cities and
7 county to comply with Goal 11 (Public Facilities and Services) or the Goal 11 administrative
8 rule at OAR chapter 660, division 11. We agreed with the cities and county that the MWMC
9 Facilities Plan was adopted for other purposes and, therefore, the decisions adopting that
10 MWMC Facilities Plan are not land use decisions.

11 In reaching our conclusion that the decisions adopting the MWMC Facilities Plan are
12 not land use decisions, we explained that the related decisions that are before us in this appeal
13 are land use decisions. The land use decisions that are before us in this consolidated appeal
14 are the cities' and county's attempt to amend the Metro Plan and PFSP so that the public
15 facilities that are called for in the MWMC Facilities Plan can be constructed. The PFSP is the
16 cities' and county's Goal 11 public facility plan. The regional sewerage collection and
17 treatment facilities that are recommended in the MWMC Facilities Plan were not identified in
18 the PFSP when the MWMC Facilities Plan was adopted. In adopting the disputed PFSP and
19 Metro Plan amendments, we understand the cities and county to have been attempting to
20 amend their Goal 11 public facilities plan so that it will be consistent with the MWMC
21 Facilities Plan and the projects that are recommended in the MWMC Facilities Plan can be
22 constructed consistently with the amended PFSP and Metro Plan.

23 **FIRST ASSIGNMENT OF ERROR**

24 The question presented in the first assignment of error is whether the Metro Plan and
25 PFSP amendments that have been adopted by respondents are sufficient to comply with the
26 public facility planning requirements imposed by Goal 11 and the Land Conservation and

1 Development Commission's (LCDC's) Goal 11 administrative rule, OAR chapter 660,
2 division 11. The dispute under the first assignment of error concerns a number of new
3 regional wastewater collection and treatment system improvement projects that are included
4 for the first time in the Metro Plan and the PFSP by the challenged amendments.² Petitioners
5 contend that the identification and description of those improvement projects in the PFSP and
6 Metro Plan amendments is too general, and that far more specificity is required under the Goal
7 11 rule. All parties agree that the six improvement projects listed in the PFSP and Metro Plan
8 amendments were derived from a larger more detailed list of improvement projects in the
9 MWMC Facilities Plan. We illustrate below the manner in which those improvement projects
10 are listed and described in the MWMC Facilities Plan and PFSP and Metro Plan amendments,
11 before turning to the relevant provisions of the Goal 11 administrative rule and the parties'
12 arguments.

13 **A. MWMC Facilities Plan Improvement Projects**

14 Forty-six regional wastewater facility improvement projects, in 13 separate phases, are
15 listed in Table 7.7-2 of the MWMC Facilities Plan, along with the estimated cost of each
16 project. Table 7.7-2 is almost six pages long. We set out one of the six pages (Record 2073)
17 on the following page to illustrate the level of detail in the listing of facility improvement
18 projects, and their costs, in the MWMC Facilities Plan. The MWMC Facilities Plan actually
19 goes further and includes 24 "Project Fact Sheets" that provide more detailed descriptions of
20 each project. Record 2113-36. To illustrate, we have also included the project fact sheet
21 page that describes the "South Aeration Basin Improvements" and "Outfall Mixing Zone
22 Study" projects. Record 2114.

23

² The PFSP that respondents adopted in 2001, along with related provisions in the Metro Plan itself, proposed improvements to the local portions of the wastewater collection system, but proposed no regional wastewater system improvement projects.

TABLE 7.7-2
Recommended Project Phasing Plan with Capital Cost Estimates
MVMC Facilities Plan, Eugene-Springfield

Phase	Description	Cost Estimates (\$)
South aeration basin	Add step lead, anoxic selectors, and fine bubble diffusers. Remove hydraulic restrictions in both south and north basins (effluent gates). Includes future primary effluent flow control gates for both north and south basins.	\$8,900,000
Outfall mbding zone study	Update 1994 Mbding Zone Study to account for additional 100 mgd (approximate) bankside outfall capacity and for changes to the Willamette River morphology that may have occurred since the last study was conducted	\$150,000
Temporary construction management facilities	Modular space at WPCF for staff to manage construction of capital projects	\$100,000
Fiber Optic Wiring	Install wiring between BMF and WPCF	\$10,000
Digester Improvements	Digester mbding improvements for existing three digesters	\$2,000,000
	Phase 1 Subtotal	\$15,660,000
Phase 2 (2005/2006)		
Secondary Clarifier Enhancements - Part 2	Baffle, add inlet energy dissipation, change out flocculation well, construct outboard launder, and retrofit suction header for existing eight clarifiers; enhancement conducted in two parts, each part consisting of four clarifiers	Funded in FY2004/2005
River Avenue Improvements	From existing MVMC FY 03/04 Budget - Regional Wastewater Program; assessment to MVMC from Eugene revised from \$228K to \$330K in February 2004	\$330,000
Biocycle Farm - Part 2	130 acres - site preparation begins in B/05; planting in 3/08	\$300,000
GBT Building Expansion (Waste Activated Sludge Thickening)	Add a third gravity belt thickener (GBT) with associated at grade building. Assumes additional basement floor space is not required.	\$2,500,000
Odorous Air Treatment Expansion - Part 1	Two 14-foot diameter, 80 foot tall bioscrubber tower for air collected from two primary clarifier center wells and launders and new sludge building addition	\$2,300,000
Biocycle Farm Distribution Equipment	Four hose reels for Biocycle Farm	\$260,000
WWFMP Update	Evaluate recently collected collection system flow monitoring data, update and run collection system model, and confirm (or revise) convey and treat approach	\$250,000

Project Name: South Aeration Basin Improvements

Description: Add step feed, anoxic selectors, and fine bubble diffusers to south aeration basin. Remove hydraulic restrictions in both south and north aeration basins (effluent gates). Includes future primary effluent flow control gates for both north and south aeration basins.

Justification: Increase the dry weather aeration basin treatment capacity to 65 mgd with respect to ammonia (i.e., with nitrification) and increase the sustained (i.e., on a weekly basis) wet weather treatment capacity to 130 mgd.

Project Driver: NPDES permit includes ammonia limit requiring nitrification in dry weather and expansion of wet weather capacity to treat wet weather flows to meet NPDES monthly and weekly suspended solids limits.

Project Trigger: Maximum month dry weather flow of 25 mgd requiring nitrification. May flows and temperatures could require the use of the south aeration basins in conjunction with the north aeration basins. Peak wet weather flows above 103 mgd require hydraulic modifications.

Type of Project: 50% Capacity; 50% Performance

Estimated Project Cost (2004 Dollars): \$6,900,000

Phasing: Budgeted for FY2004/05

Project Name: Outfall Mixing Zone Study

Description: Update 1994 Mixing Zone Study to account for additional 100 mgd (approximate) bankside outfall capacity and for changes to the Willamette River morphology that may have occurred since the last study was conducted

Justification:

Project Driver:

Project Trigger:

Type of Project: 100% Performance

Estimated Project Cost (2004 Dollars): \$150,000

Phasing: Budgeted for FY2004/05

2114

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1 Read together, Table 7.7.2 and the individual "Project Fact Sheets" present a detailed
2 description of the recommended public facility projects in the MWMC Facilities Plan.

3 **B. The PFSP and Metro Plan Amendments**

4 The PFSP and Metro Plan Amendments list only six regional wastewater system
5 improvement projects. Those projects and their estimated costs and completion dates are set
6 out in Tables 4a, 4b and 16a which appear at Record 643 and 646 and are set out below.

7
8 **Table 4a**
9 **MWMC Wastewater Treatment System Improvement Projects**

10

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

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12 **Table 4b.**
13 **MWMC Primary Collection System Improvement Projects**

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

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

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

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6 **C. The Goal 11 Rule**

7 It is a tedious exercise, but we begin by reviewing the key sections of LCDC's Goal 11
8 rule. That exercise is necessary, because there is nothing in Goal 11 or the Goal 11 rule that
9 clearly and expressly supports either respondents' or petitioners' position concerning the
10 requisite level of specificity that must be included in a public facility plan project list.
11 However, there are provisions in the Goal 11 rule that suggest significantly more specificity is
12 required than the cities and county included in the Metro Plan and PFSP amendments that are
13 before us in this appeal.

14 We begin with the definitions of "public facility," "public facility project," and "public
15 facility systems."³ These definitions are not particularly helpful in answering the question that

³ OAR 660-011-0005 is the Goal 11 rule definition section, and it provides the following relevant definitions:

"Public Facility": A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-011-0005(5).

"Public Facility Project": A public facility project is the construction or reconstruction of a water, sewer, or transportation facility within a public facility system that is funded or utilized by members of the general public." OAR 660-011-0005(6).

1 must be answered under this assignment of error. The OAR 660-011-0005(6) definition of
2 public facility project gives no hint regarding the required level of specificity when local
3 governments "list" and "describe" public facility projects, as required by OAR 660-011-
4 0020(2). Similarly, the OAR 660-011-0005(5) definition of public facility provides no real
5 guidance regarding how to go about listing individual public facility projects, although it does
6 specify that incidental "buildings, structures, or equipment," are not included.⁴ Finally, the
7 definition of public facility systems is not particularly helpful either, but it does explain that a
8 sanitary sewer system is a collection of facilities and is made up of a treatment system and a
9 collection system.

10 We turn next to OAR 660-011-0010(1)(b) which requires that a Goal 11 public
11 facilities plan must include:

12 "A list of the *significant* public facility projects which are to support the land
13 uses designated in the acknowledged comprehensive plan [and p]ublic facility
14 project descriptions or specifications of these projects as necessary[.]"
15 (Emphasis added.)

16 OAR 660-011-0020(2) and (3) elaborate on the "list of * * * significant public facility
17 projects" that is required by OAR 660-011-010(1)(b) and 660-011-0045. Petitioners and
18 respondents draw opposite conclusions from these sections of the rule. OAR 660-011-0020

"Public Facility Systems": Public facility systems are those facilities of a particular type that
combine to provide water, sewer or transportation services.

"For purposes of this division, public facility systems are limited to the following:

* * * * *

"(b) Sanitary sewer:

"(A) Treatment facilities system;

"(B) Primary collection system." OAR 660-011-0005(7).

⁴ While a parking garage, a security guard structure, and lawn mowing equipment would seem to fit easily within the meaning of "incidental buildings, structures or equipment," the ultimate scope of this qualification on the definition of public facility is unclear.

1 specifically addresses the inventory and the list of public facility projects that must be included
2 in a Goal 11 public facility plan.⁵ OAR 660-011-0020(2) calls for identification of “significant
3 public facility projects” and requires that respondents “list the title of the project and describe
4 each project facility project in terms of the type of facility, service area, and facility capacity.”
5 OAR 660-011-0020(3) expressly recognizes that “project descriptions” may need to be
6 changed later during more detailed planning and construction phases. OAR 660-011-020(3)
7 goes on to require that Goal 11 public facility plans “anticipate * * * changes as specified in
8 OAR 660-011-0045.” As relevant here, OAR 660-011-0045 does two things.⁶ First, OAR

⁵ OAR 660-011-0020 provides, in part:

- “(2) The public facility plan shall identify *significant* public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The public facility plan shall list the title of the project and describe each public facility project in terms of the type of facility, service area, and facility capacity.
- “(3) Project descriptions within the facility plan may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or site availability. The public facility plan should anticipate these changes as specified in OAR 660-011-0045.” (Emphasis added.)

⁶ OAR 660-011-0045(2), (3) and (4) provide:

- “(2) 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. It is not the intent of this division to:
 - “(a) Either prohibit projects not included in the public facility plans for which unanticipated funding has been obtained;
 - “(b) Preclude project specification and location decisions made according to the National Environmental Policy Act; or
 - “(c) Subject administrative and technical changes to the facility plan to ORS 197.610(1) and (2) or 197.835(4).
- “(3) The public facility plan may allow for the following modifications to projects without amendment to the public facility plan:
 - “(a) Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project’s

1 660-011-0045(2) expressly recognizes that the OAR 660-011-0020(2) Goal 11 public facility
2 plan project list and description will likely have to be changed to accommodate (1) projects
3 that receive unanticipated funding in the future, (2) changes required by the National
4 Environmental Policy Act, and (3) administrative and technical changes. Second, OAR 660-
5 011-0045(3) explains when those future changes can occur without amending the Goal 11
6 public facilities plan, and OAR 660-011-0045(4) identifies when those future changes will
7 require a Goal 11 public facilities plan amendment.

8 The elements that must be included in a public facility plan are set out in OAR 660-
9 011-0010.⁷ There are a number of required elements. For purposes of petitioners' first

general description, location, sizing, capacity, or other general characteristic of the project;

"(b) Technical and environmental changes are those modifications to a public facility project which are made pursuant to 'final engineering' on a project or those that 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 (40 CFR Parts 1500-1508) or any federal or State of Oregon agency project development regulations consistent with that Act and its regulations.

"(c) Public facility project changes made pursuant to subsection (3)(b) of this rule are subject to the administrative procedures and review and appeal provisions of the regulations controlling the study (40 CFR Parts 1500-1508 or similar regulations) and are not subject to the administrative procedures or review or appeal provisions of ORS Chapter 197, or OAR Chapter 660 Division 18.

"(4) Land use amendments are those modifications or amendments to the list, location or provider of public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded 'land use decisions' in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18."

⁷ As relevant, OAR 660-011-010 provides:

"(1) The public facility plan shall contain the following items:

"(a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;

1 assignment of error, the key elements are the list of significant public facilities projects, and
2 rough cost estimates for those projects. OAR 660-011-0010(1)(b) and (c). OAR 660-011-
3 0010(3) is also potentially significant. That rule makes it clear that if there are existing
4 planning documents that meet "all or some of the requirements" of OAR chapter 660, division
5 11, those other existing planning documents may be "incorporated by reference into the public
6 facility plan" that is required by the rule. In that event, only the referenced and incorporated
7 parts of such existing plans become part of the Goal 11 public facility plan.

"(b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;

"(c) Rough cost estimates of each public facility project;

"(d) A map or written description of each public facility project's general location or service area;

"(e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;

"(f) An estimate of when each facility project will be needed; and

"(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

"(3) It is not the purpose of this division to cause duplication of or to supplant existing applicable facility plans and programs. Where all or part of an acknowledged comprehensive plan, facility master plan either of the local jurisdiction or appropriate special district, capital improvement program, regional functional plan, similar plan or any combination of such plans meets all or some of the requirements of this division, those plans, or programs may be incorporated by reference into the public facility plan required by this division. Only those referenced portions of such documents shall be considered to be a part of the public facility plan and shall be subject to the administrative procedures of this division and ORS Chapter 197."

1 Petitioners and respondents read the Goal 11 rule to permit very different levels of
2 specificity in the facility project list that is required under OAR 660-011-0020(2). Petitioners
3 argue:

4 “The six ‘projects’ added to the PFSP in Tables 4a and 4b are really categories
5 of multiple discrete construction projects. One can’t tell from the list of six,
6 because the PFSP amendments are so cryptic. The six ‘projects,” with their
7 total of only 18 words of project titles and descriptions are opaque, or nearly
8 so, in the PFSP. What is really going to happen over the 20-year period is
9 unclear from the PFSP. Instead, it is spelled out in Chapter 7 of the MWMC
10 2004 Facilities Plan, which is disclaimed as a land use plan.

11 “The list of six categories of projects in Tables 4a and 4b needs to be broken
12 down into the approximately four dozen construction projects that are
13 contained in the six categories. These are the ‘projects’ anticipated by the
14 Rule. The Rule requires an identification of ‘projects’ in the plan, not
15 categories of projects. The projects have been identified in the MWMC 2004
16 Facilities Plan, but that is not the land use plan, according to the Respondents.

17 “If LUBA would entertain finding that the six categories of projects are
18 ‘projects’ in the meaning of the [Goal 11] Rule, then LUBA should be just as
19 willing to find that a single project listing would be ok, too. It would be a very
20 small step to go from the list of 6 to a list of 1 project, described as ‘upgrades
21 to MWMC wastewater conveyance and treatment facilities.’ Neither the
22 current approach nor a single mega project description is what the rule
23 anticipates.” Petition for Review 17.

24 Respondents counter:

25 “Petitioners’ interpretation of the Goal 11 rules inserts words into the rules
26 that are not there. Petitioners construe the term ‘list of significant public
27 facility projects’ in OAR 660-011-0010(1)(b) to mean ‘detailed list’ of ‘each
28 and every’ public facility project. In addition, Petitioners insert the word
29 ‘discrete’ into the definition of public facility project, which is ‘the construction
30 and reconstruction of a water, sewer or transportation facility within a public
31 facility system.’ The rule does not include the word ‘discrete.’

32 “Looking at the plain meaning of the words, Websters II New College
33 Dictionary (Hough Mifflin Co; 2001) defines ‘significant’ in relevant part as:
34 ‘having or expressing a meaning; meaningful; momentous; important.’ The
35 term ‘facility’ is defined as something created to serve a particular function.
36 Thus, the requirement that the land use plan include a ‘list of significant public
37 facility projects,’ (where ‘projects’ is defined in the rule as the construction of
38 or reconstruction of a facility) requires local governments to identify important

1 or meaningful construction or reconstruction improvements to particular
2 facility systems in terms of their function.

3 "The six project titles named in the 2004 PFSP tables satisfy this requirement.
4 They are representative of particular meaningful functions and geographic
5 areas in the regional wastewater treatment and collection systems. Nothing
6 more is required by OAR 660-011-0010(1)(b)." Respondents' Brief 24.

7 We are unable to agree completely with either petitioners or respondents. Petitioners'
8 argument that the Goal 11 public facility plan project list and description that is required by
9 OAR 660-011-0010(1)(b) and 660-011-0020(2) must be exactly the same as the project list
10 that is included in the MWMC Facilities Plan finds no support in the text of the Goal 11 rule.
11 As respondents correctly note, both of those sections of the rule include the adjective
12 "significant," and petitioners make no attempt to argue that all of the public facility projects in
13 the MWMC Facilities plan are significant.⁸ Petitioners also make no attempt to differentiate
14 among the six projects that are listed in Tables 4a and 4b. With regard to Projects 303, 304
15 and 305, we note there are three projects listed in Table 7.7-2 that seem to correspond exactly
16 or very closely with both the description and costs listed in Tables 4a and 4b for those three
17 projects.⁹ Absent a more developed and focused argument from petitioners concerning
18 Projects 303, 304 and 305, we reject petitioners' challenge to the adequacy of the listing and
19 description of those projects.

⁸ That would probably be difficult to do. One of the public facility projects listed on the page from Table 7.7-2 included earlier in this opinion lists a \$10,000 "Fiber Optic Wiring" project. Without deciding the question here, that hardly seems like a "significant public facility project" that must be separately listed and described in a Goal 11 public facility plan. Other listings of public facility projects in Table 7.7-2 include listings for MWMC Facility Plan updates. Record 2073-77. It seems somewhat questionable that those are accurately classified as "significant public facility projects."

⁹ Phase 2 projects include a project entitled "Screw Pump Station Expansion," which is described as "Install 5th pump to increase capacity from 84 to 99 mgd," with an estimated cost of "\$1,700,000." Record 2074. Phase 2 also includes another project entitled "Willakenzie Pump Station Expansion," which is described as "install four additional 14-mgd pumps to increase capacity from 80 to 135 mgd," with an estimated cost of "\$6,000,000." *Id.* Finally, Phase 7 includes a project entitled "Glenwood Pump Station Upgrade," which is described as "from existing MWMC FY 03/04 Budget - Regional Wastewater Program," with an estimated cost of "\$500,000." Record 2075.

1 On the other hand, respondents make no attempt to explain why the concept of “public
2 facility projects” should be dramatically different in the MWMC Facilities Plan and the Goal
3 11 public facilities plan. Even if the Goal 11 public facilities plan operates at a more general
4 regional level, the cryptic reference to “WPCF Treatment Project” in Project 300 does not
5 suffice as an adequate description for a significant public facility project that in fact is made up
6 of a large number of individual projects in the MWMC Facilities Plan. Those individual
7 projects will be constructed in a number of different phases over a 15 year period at a total
8 cost of \$120 million. We agree with petitioners that, at a minimum, Project 300 must be
9 broken down into its significant public facility project components. While that breakdown
10 does not necessarily need to match the project detail and specificity that is provided in the
11 MWMC Facilities Plan, we agree with petitioners that the current Project 300 description is
12 either meaningless or describes a number of significant public facilities projects that are set out
13 in the MWMC Facilities Plan. We particularly agree with petitioners that the OAR 660-011-
14 0045(3) and (4) provisions that describe when and how future public facility project changes
15 must be reflected in Goal 11 public facility plan amendments are meaningless if such a broad
16 and general listing and description is permissible under OAR 660-011-0010(1)(b) and 660-
17 011-0020(2).

18 Because we must remand the challenged decisions so that respondents may more
19 specifically list and describe the significant public facility projects that are now grouped as
20 Project 300 in any event, we do not consider whether additional specificity is required for
21 Projects 301 and 302. The parties have not directed their arguments specifically at those
22 projects and we have some question about the particular projects in the MWMC Facilities
23 Plan that make up Projects 301 and 302. However, it appears as though further breakdowns
24 are possible and may be required under the Goal 11 rule for Projects 301 and 302 as well. On
25 remand respondents must consider that question.

1 The further detail that will be required on remand to separately list the significant
2 public facility projects in Project 300 and the further detail that may be required to separately
3 list any separate significant public facility projects in Project 301 and 301 will resolve one of
4 petitioners' objections concerning the cost estimates. Petitioners also object that the
5 estimated total cost of facilities in the MWMC Facilities Plan is \$144 million, whereas the
6 estimated total in PFSP Table 16a is approximately \$160 million. Respondents explain that
7 the \$160 million figure includes the cost of a possible DEQ required improvement that is not
8 included in the MWMC Facilities Plan total. We do not understand petitioners to dispute that
9 explanation. We do not consider petitioners' arguments concerning cost estimates further.

10 The first assignment of error is sustained with regard to Projects 300, 301 and 302 and
11 denied with regard to Project 303, 304 and 305.

12 **SECOND ASSIGNMENT OF ERROR**

13 In their second assignment of error, petitioners contend the challenged decisions
14 violate Goal 2 (Land Use Planning) because the 2025 planning period identified in the Metro
15 Plan and PFSP amendments for the recommended wastewater treatment facility improvements
16 is different from the planning period specified elsewhere in the Metro Plan for other planning
17 purposes. Petitioners cite nothing in the statewide planning goals that mandates that planning
18 periods for different planning considerations must in all cases be identical. Without further
19 argument from petitioners regarding why these different planning periods constitute a *conflict*
20 that amounts to a violation of Goal 2, we deny the second assignment of error.

21 **THIRD ASSIGNMENT OF ERROR**

22 Petitioners' argument under the third assignment of error relies in part on new Metro
23 Plan policy G.9, which provides:

24 "Wastewater conveyance and treatment shall be provided to meet the needs of
25 projected growth inside the urban growth boundary that are capable of
26 complying with regulatory requirements governing beneficial reuse or
27 discharge of effluent and beneficial reuse or disposal of residuals." Record 18.

1 Petitioners contend that while the disputed PFSP and Metro Plan amendments propose facility
2 improvements that will dramatically increase the MWMC regional wastewater treatment and
3 disposal capacity, respondents "have ignored * * * the need for collection capacity that will
4 allow development of undeveloped or underdeveloped areas in the [urban growth boundary]."
5 Petition for Review 25. According to petitioners, this failure means the challenged PFSP and
6 Metro Plan amendments lack the "adequate basis in fact" that is required by Goal 2 and are
7 inadequate to comply with Goal 11.

8 Respondents explain that the larger wastewater collection, treatment and reuse system
9 is made up of a primary collection system which begins with private laterals that convey
10 wastewater from private properties to the cities' collection systems which in turn convey that
11 wastewater to the MWMC system of collection pipes and pumping stations. The MWMC
12 collection pipes convey that wastewater to the regional water pollution control facility, a
13 biosolids facility and a beneficial reuse facility. Respondents go on to respond to petitioners'
14 argument as follows:

15 "Collection system improvement projects are included in Table 4b and 16a and
16 are pump station improvements. Tables 3 and 4 of the 2001 PFSP also
17 describe planned collection system projects. The Executive Summary of the
18 MWMC Facilities Plan describes the conveyance system; Chapter 3 also
19 describes the condition of the existing wastewater conveyance system; Section
20 5.41 describes the design capacity of the conveyance system; and Section 7.1.2
21 recommends conveyance system improvements. The recommended
22 conveyance system improvements are the Willakenzie Pump Station, the
23 Glenwood Pump Station and the Screw Pump Station, which are included in
24 the PFSP Tables 4b and 16a. There are no recommended projects related to
25 sewer pipes. Hence, no such projects are contained in Tables 4b and 16a. In
26 fact, Section 7.1.1 of the MWMC Facilities Plan expressly states that
27 additional conveyance system improvements are not necessary.

28 "Petitioners do not, and cannot explain how the above descriptions, findings
29 and explanations in the record and the list of pump station improvement
30 projects are not adequate to serve the existing and future collection needs of
31 the service area. As such, the Board should deny Petitioners' third assignment
32 of error." Respondents' Brief 37-38 (citations and footnote omitted).

1 We are not sure we understand petitioners' argument. They seem to be arguing that
2 more collection pipes or improved collection pipes will be needed to utilize the extra
3 treatment capacity that the disputed PFSP and Metro Plan amendments recommend. We
4 understand respondents to contend that with the wastewater treatment system improvements
5 that are recommended in the PFSP and Metro Plan amendments and the MWMC Facilities
6 Plan, no further improvements in the collection system are needed. Other than possibly
7 disagreeing with respondents' contention, petitioners offer no reason to question it. Without
8 a more developed argument from petitioners under their third assignment of error, we agree
9 with respondents that it does not present an additional basis for remand.

10 The third assignment of error is denied.

11 Respondents' decisions are remanded.

APPENDIX B 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 wastewater system improvement projects are listed in tables 3, 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

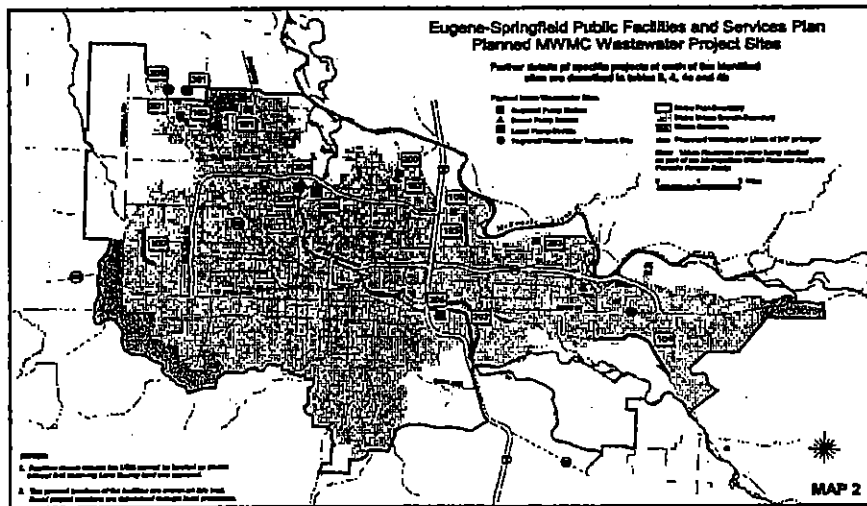
PROJECT #	PROJECT NAME	PROJECT DESCRIPTION
300	WPCF Treatment Project	Includes several construction packages designed to manage and treat wastewater at the WPCF to the year 2025.
300A	Preliminary Treatment	Increase preliminary treatment capacity of headworks to meet anticipated 2025 peak wet weather flows
300B	Primary Treatment	Enhance existing primary clarifiers and add primary sludge thickening facilities to increase primary treatment capacity to meet anticipated peak wet weather flows
300C	Secondary Treatment	Convert aeration basins, enhance existing secondary clarifiers, and add secondary clarifiers to increase secondary treatment capacity to meet anticipated peak wet weather flows
300D	Disinfection/Outfall	Convert disinfection system, and increase bankside outfall capacity
300E	Biosolids Treatment	Increase digestion capacity by enhancing existing digesters and sludge thickening capacity and/or adding a digester
300F	Filtration	Add filtration and build related infrastructure and support facilities
300G	Reuse Facilities	Expand effluent reuse capacity
300H	Odor Control	Expand and/or add odor control facilities

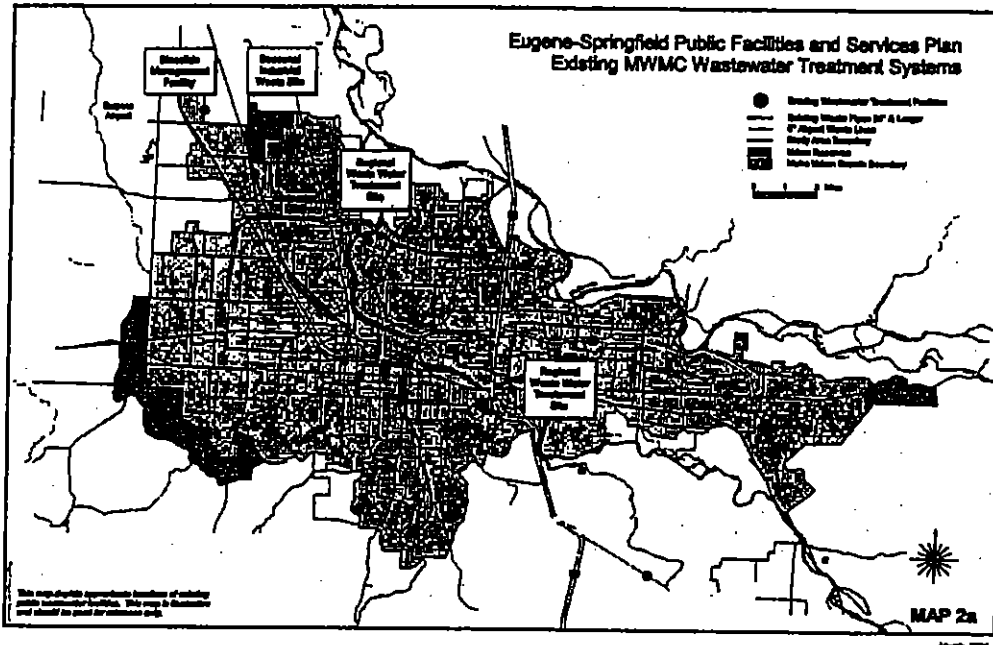
300I	Flow Management Facilities	Piping, pumping and related infrastructure improvements to allow parallel operation of primary and secondary treatment facilities
301	Residuals Treatment Project	Includes several construction packages designed to manage and treat residuals.
301A	Lagoon Rehabilitation	Rehabilitate lagoons at Biosolids Management Facility
301B	Composting Facility	Expand composting facility at Biosolids Management Facility
302	Beneficial Reuse Project	Includes several construction packages designed to expand reuse of effluent.
302A	Biocycle Farm	Expand biosolids land application area
302B	Effluent Reuse	Expand effluent reuse at Biocycle Farm (including former Seasonal Industrial Waste site)

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

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.

The Water Pollution Control Facility (WPCF), located on River Avenue in Eugene, replaced the separate plants previously owned and operated by Eugene and Springfield. Its function is to meet the region's needs for increased sewerage service and ensure compliance with the facility's NPDES discharge permit.

The Residuals Treatment Project is located at the Biosolids Management Facility (BMF) on Awbrey Lane in Lane County. The BMF's function is to store, further stabilize, and dry digested biosolids received from the WPCF.

The Beneficial Reuse Project is located at the Biocycle Farm along Highway 99 in Lane County. The Biocycle Farm's function is to apply biosolids from the adjacent BMF to poplar trees, which absorb the water and nutrients contained in the biosolids.

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.

Capacity:

The capacity of the wastewater system is expressed in four measures: average flow, peak flow, biochemical oxygen demand (BOD) and total suspended solids (TSS). The system's current capacities and projected 2025 needed capacities are:

Capacity Measure	Current	2025
Average flow	49 mgd	59.3 mgd
Peak flow	175 mgd	277 mgd
BOD	66,000 lbs/day	74,000 lbs/day
TSS	71,600 lbs/day	87,600 lbs/day

Projects 300 through 305, described in Tables 4a and 4b, are designed to work together to increase the overall system capacities to meet the projected 2025 need.

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.). 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.

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 (\$BDC/000)	Estimated Completion Year
300	WPCF Treatment Project	\$120.3	
300A	Preliminary Treatment (\$12.8)		2010
300B	Primary Treatment (\$4.8)		2012
300C	Secondary Treatment (\$24.7)		2017
300D	Disinfection/Outfall (\$5.6)		2010
300E	Biosolids Treatment (\$18.3)		2013
300F	Filtration (\$20.2)		2020
300G	Reuse Facilities (\$16.)		2018
300H	Odor Control (\$6.9)		2012
300I	Flow Management Facilities (\$11.)		2010
301	Residuals Treatment Project	\$5.2	
301A	Lagoon Rehabilitation (\$4.5)		2012
301B	Composting Facility (\$.7)		2017
302	Beneficial Reuse Project	\$4.6	
302A	Biocycle Farm (\$0.6)		2008
302B	Effluent Reuse (\$4.)		2017
303	Willakenzie Pump Station	\$6.	2010
304	Screw Pump Station	\$2.	2010
305	Glenwood Pump Station	\$0.5	2012
	TOTAL:	\$138.6	

**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 does 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 substantively 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 than 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 Aa, Ab, & B respectively.

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]
7. Adds new wastewater project lists and a new map and revises an existing map as described in the changes to the PFSP.

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.

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

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 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

³ Incorporated by reference into Goal 2.

units.⁴ Coordination means that comments from affected governmental units are 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

The changes do not affect Metro Plan or PFSP consistency with this goal and it does not apply within adopted, acknowledged urban growth boundaries.

Goal 4 – Forest Lands

The changes do not affect Metro Plan or PFSP consistency with this goal and it does not apply within adopted, acknowledged urban growth boundaries.

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

The changes do not affect acknowledged goal 5 inventories so 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).

⁴ See *DLCD v. Douglas County*, 33 Or LUBA 216, 221 (1997).

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)

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 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

The changes do not affect Metro Plan or PFSP consistency with this goal and it is not applicable to the proposed amendments.

Goal 8 – Recreational Needs

The changes do not affect Metro Plan or PFSP consistency with this goal and it 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 public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment."*

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

"suitable and available" as land "for which public facilities are planned or to which public facilities can be made available."

Similar to Goal 9, adequate public facilities are necessary to accomplish the objectives of this goal and applicable administrative rules (OAR Chapter 660, Division 008). The purpose of the proposed amendments is to provide the 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. The rough cost estimates in Table 16a are based on costs set forth in the MWMC 2004 Facilities Plan and Project list. This 2004 Plan was the result of an exhaustive study that examined alternatives ranging from \$144M to \$233M (See Attachment 3). The preferred alternative, found in Table 16a, was selected because, among other reasons, it provides the least expensive means to comply with federal requirements and maximizes MWMC's existing investments.

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

The changes do not affect Metro Plan or PFSP consistency with this goal and it is not applicable to the proposed amendments.

Goal 13 – Energy Conservation

The changes do not affect Metro Plan or PFSP consistency with this goal and it is not applicable to the proposed amendments.

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

The changes do not affect Metro Plan or PFSP consistency with this goal and it is not applicable to the proposed amendments, as they do not affect the existing urban growth boundary.

Goal 15 – Willamette River Greenway

The changes do not affect Metro Plan or PFSP consistency with this goal and it 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.