

PASSED

BOOK 161 PAGE 1104

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1123

PASSED

(IN THE MATTER OF ADOPTING A TEXT AMENDMENT TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO MODIFY SECTIONS II-C-1 AND IV-2 AND TO TRANSFER JURISDICTION FOR GLENWOOD FROM EUGENE TO SPRINGFIELD; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES)

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 L.C. 12.245; and

WHEREAS, Chapter IV (4)(a) of the Metro Plan allows any one of the three governing bodies to initiate a Type I amendment to the Metro Plan; and

WHEREAS, the Springfield City Council voted to initiate a Type I text amendment to the Metro Plan, transferring jurisdiction for Glenwood from Eugene to Springfield, at a meeting of the Joint Elected Officials on September 16, 1998; and

WHEREAS, the Eugene City Council voted to support initiation of a Type I text amendment to the Metro Plan transferring jurisdiction of Glenwood from Eugene to Springfield at its regular session on September 21, 1998; and

WHEREAS, at a joint public hearing on October 13, 1998 with the Planning Commissions of Springfield and Eugene, the Lane County Planning Commission reviewed the proposal; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 12, and the requirements of the applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing at a joint meeting with the City Councils of Eugene and Springfield on November 16, 1998 and is now ready to take action;

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

FILED

Section 1.

NOV 24 REC'D

Metro Plan Section II-C, page II-C-1 is amended to read as follows:

COUNTY CLERK
BY *M. Baldwin*

"C. Eugene and Springfield Jurisdictional Responsibility

The division of responsibility between the two cities is the Interstate 5 Highway. However, state law (1981) provides a mechanism for creation of a new city in the River Road-Santa Clara area."

Section 2.

Metro Plan Policy 5.b., Page IV-2, is amended to read as follows:

"5.b. A site specific Type I Metropolitan Plan amendment that involves a UGB expansion or Plan Boundary change and a Type II Metropolitan Plan amendment between the city limits and

IN THE MATTER OF ADOPTING A TEXT AMENDMENT TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO MODIFY SECTIONS II-C-1 AND IV-2 AND TO TRANSFER JURISDICTION FOR GLENWOOD FROM EUGENE TO SPRINGFIELD; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

Plan Boundary, must be approved by the home city and Lane County (Springfield is the home city for amendments east of I-5, and Eugene is the home city for amendments west of I-5). The non-home city will be sent a referral of the proposed amendment and, based upon a determination that the proposal will have Regional Impact, may participate in the decision. Unless the non-home city makes affirmative findings of Regional Impact, the non-home city will not participate in the decision."

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "A" attached, in support of this action.

Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation 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 any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity to the remaining portions hereof.

ENACTED this 16th day of NOVEMBER, 1998.

Steve Campbell
Chair, Lane County Board of County Commissioners

Melissa A. Zimmer
Recording Secretary for this Meeting of the Board

APPROVED AND FORWARDED
Date 10-20-98 Lane County
Stephen J. Underwood
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF ADOPTING A TEXT AMENDMENT TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO MODIFY SECTIONS H-C-1 AND IV-2 AND TO TRANSFER JURISDICTION FOR GLENWOOD FROM EUGENE TO SPRINGFIELD; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

FINDINGS AND CONCLUSIONS IN SUPPORT OF ADOPTION OF THE ORDINANCE**Findings Concerning the Metro Plan Amendment Process**

This proposal is for a government-initiated Type I amendment to the Metro Plan text. All three governing bodies must approve the amendments for them to be effective.

This Metro Plan amendment was initiated by the Springfield City Council on September 16, 1998 during a joint meeting with the Eugene City Council and Lane County Board of Commissioners. A joint public hearing before the three metropolitan planning commissions was held on the proposal on October 13, 1998., following which the respective Planning Commissions made recommendations to their elected officials.

Twenty days prior to the joint public hearing, the Springfield Planning Division provided mailed notice of the Metro Plan amendment public hearing to Glenwood residents and property owners, those submitting comments at the September 16, 1998 joint elected official meeting, and persons who requested notice. Notice of the Metro Plan amendment joint public hearing will be published in the Register-Guard and the Springfield News at least twenty days prior to the public hearing. A legal notice of the hearing was also published by Lane County in the County's official newspaper, the Register-Guard.

On November 16, 1998, the Eugene and Springfield City Councils and Lane County Board of Commissioners held a duly noticed, on the record, joint public hearing to consider approval, modification, or denial of the amendments. The procedure requires that if all three jurisdictions adopt identical Metro Plan amendments, the amendments will be adopted. If there is no consensus on the amendments, they will be referred to MPC for conflict resolution and recommendation back to the governing bodies.

The decision of the elected officials is final on the date the last governing body takes action. This action is a land use decision, consistent with the definition in ORS 197.015(10) which defines a land use decision to include final decision on a comprehensive plan amendment. A party may appeal the decision to the Oregon Land Use Board of Appeals within 21 days of the decision of the elected officials. Appeals to the Oregon Land Use Board of Appeals are governed by ORS 197.830 to 197.845.

Criteria for Evaluating the Proposed Metro Plan Amendments

The following criteria from Springfield Development Code 7.070(3), Eugene Code 9.128(3), and Lane Code 12.225(2) shall be applied by the Planning Commissions and elected officials in approving or denying a Metro Plan Amendment application:

- (a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and
- (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

The Board makes the following findings with respect to the criteria set forth in Lane Code 12.225(2):

LC 12.225(2)(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.*

Significant informal public input has occurred with respect to jurisdictional issues dating back to 1993, including a petition signed by 450 residents, a Springfield Summit, Springfield Chamber of Commerce Futures Committee events, a design project by students from the University of Oregon School of Architecture, newsletters, surveys, and an open house sponsored by the City of Springfield.

On August 27, 1998 notice of a September 16 joint public meeting where the elected officials of Eugene, Springfield and Lane County considered initiation of the Metro Plan amendment was mailed to the interested parties list in the Glenwood area. Additional notice of the meeting was accomplished through display ads published in the Register Guard and Springfield News on September 5, 12, 14, and 16. A news release was provided to the media on September 8 together with public service announcements. Flyers providing notice of the September 16 initiation meeting were also posted on community bulletin boards in the Glenwood area. About 65 people attended the September 16 meeting and many people provided oral or written comment at that meeting (see Attachment C for meeting minutes and written comments).

This Metro Plan amendment proposal is subject to the public notification and hearing processes adopted by the City of Springfield in SDC 7.100, City of Eugene in EC 9.118 to 9.136, and Lane County in LC 12.240. The amendments were considered at a joint public hearing before the Springfield, Eugene, and Lane County Planning Commissions on October 13, 1998. Notice of the Planning Commissions public hearing was published in the Register-Guard and the Springfield News. Written notice of the Joint Planning Commissions public hearing was mailed to residents and property owners in Glenwood, those submitting comments at the September 16, 1998 joint elected official meeting, and persons who have requested notice. Minutes and public comments from the September 16, 1998 joint elected official meeting were included as part of the record of the October 13, 1998 joint planning commission public hearing.

Following a recommendation from the planning commissions, the Springfield and Eugene City Councils and Lane County Board of Commissioners held a duly noticed, on the record, joint public hearing on November 16, 1998 to consider approval, modification, or denial of the amendments. Notice of the proposed amendments was sent to the Oregon Department of Land Conservation and Development (DLCD) on September 23, 1998, at least 45 days prior to the November 16, 1998 hearing on the amendments.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with statewide planning Goal 1.

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.*

This application to amend the Metro Plan text is consistent with Plan amendment provisions found in the Metro Plan, as codified in the Eugene Code, Springfield Development Code and Lane County Code. The Metro Plan is an acknowledged comprehensive plan, pursuant to provisions specified by the Land Conservation and Development Commission.

On September 16, 1998, the Springfield City Council initiated this Type I Metro Plan text amendment. Provisions in the Springfield Development Code (SDC 77.010 to 7.110), Eugene Code (EC 9.118 to 9.136), and Lane Code (LC 12.240) specify the means by which the Metro Plan may be amended. This proposal, and the process for reviewing the requested amendments, follow the procedures outlined in the Springfield, Eugene, and Lane County Codes, thus conforming with the established land use planning process consistent with Goal 2.

Goal 3—Agricultural Land: *To preserve and maintain agricultural lands.*

There are no lands designated for agricultural use in Glenwood. According to the 1990 Glenwood Refinement Plan, there are about 38 acres zoned for agriculture in the southern end of Glenwood along Interstate 5. This zoning is interim, *i.e.*, the plan designation governs ultimate use of the land. The Metro Plan diagram designates this area Parks and Open Space. This designation is not affected by the transfer of jurisdiction.

No plan designations are changed by the proposed amendments. Therefore, the amendments do not affect Metro Plan compliance with Goal 3.

Goal 4—Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

There are no forest lands related to this proposal and no plan designations are changed by the proposed amendments. Therefore, the amendments do not affect Metro Plan compliance with Goal 4.

Goal 5—Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

Two areas in Glenwood are designated Parks and Open Space in the Metro Plan diagram: the Laurel Hill cemetery on Judkins Road and the area between I-5 and the railroad tracks in southeast Glenwood, described above in the discussion of compliance with Goal 3. These designations are not affected by the transfer of jurisdiction.

According to the 1990 Glenwood Refinement Plan, an inventory of potentially regulated wetlands in Glenwood indicates that the major wetland areas are in and around the slough north of the railroad tracks on both sides of Glenwood Boulevard. Both of these areas act as natural drainageways in Glenwood. Their function in relation to storm drainage is addressed in the *Eugene Comprehensive Stormwater Management Plan*, November, 1993 and Eugene basin planning efforts, now underway.

The adopted Glenwood Refinement Plan contains the following policy related to wetlands:

- "2. Significant wetland areas in Glenwood shall be protected from encroachment and degradation in order to retain their important functions and values related to fish and wildlife habitat, flood control, sediment and erosion control, water quality control, and groundwater pollution control." (Environmental Design Policy #2, page 92)

The 1992 Draft *Metropolitan Natural Resources Functional Plan* identifies two natural resource sites in Glenwood. A riparian area about 22 acres in size and the riparian area along the Willamette River. The inventory is in the process of being updated; and updated or new study recommendations will be proposed as part of periodic review.

The amendments do not change Goal 5 inventoried resources in Glenwood. Therefore, the amendments do not affect compliance with Goal 5.

Goal 6—Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

The proposal for Metro Plan text amendments to transfer jurisdiction of Glenwood does not concern waste and process discharges that would impact the quality of air, water, and land resources. Any and all future development in the area will comply with all local, state, and federal standards and guidelines and will be consistent with the Metro Plan diagram which is not proposed for change as part of this proposal. Goal 6 considerations will be addressed by the City of Springfield, following the transition, through the site planning process as future development occurs in the area. The proposal for a Metro Plan text amendment does not affect Metro Plan compliance with Goal 6.

Goal 7—Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters and hazards.*

According to the Glenwood Refinement Plan, a significant portion of Glenwood's river frontage, especially south of the Springfield Bridge, is within the 100-year flood zone; some of this property is also within the floodway. The floodway includes the actual channel of the river and the part of the adjacent floodplain that must be served for the flow of floodwaters. In both Eugene and Springfield, new construction can occur in the flood hazard area outside the floodway if the floor elevation is constructed one foot above the base flood elevation.

As part of a development request, any future construction in these areas would have to comply with Springfield Development Code regulations concerning construction within the floodplain. This would also be the case if the area remained in Eugene. Therefore, the amendments are consistent with Goal 7 and continued compliance will occur through protections established by the City of Springfield's floodplain development regulations. The amendments will not affect Metro Plan compliance with Goal 7.

Goal 8—Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Willamalane Park and Recreation District has continued to make its facilities and services available to residents in Glenwood without requiring out-of-district fees. Following transition to Springfield, Willamalane Park and Recreation District will provide park services to the area. Therefore, the amendments comply with Goal 8.

Goal 9—Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The proposed Metro Plan text amendments do not change Metro Plan diagram designations or economic development policies. Therefore, the amendments will not affect Metro Plan compliance with Goal 9.

Goal 10—Housing: *To provide for the housing needs of citizens of the state.*

The adopted Metro Plan was acknowledged by LCDC to be in compliance with Goal 10. The proposed Metro Plan amendments do not change Metro Plan diagram designations or housing policies. Thus, the amendments will not affect Metro Plan compliance with Goal 10.

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.*

Glenwood properties now within Eugene city limits are provided services by the City of Eugene for sanitary sewers, stormwater management, parks and recreation, land use planning and building, roads, police, and fire and emergency medical; by EWEB for water and electric; and Eugene 4J School District for schools. There is a mutual aid agreement for fire by which Springfield Fire and Life Safety responds to Glenwood properties inside Eugene.

Solid waste collection is provided by individuals or by private haulers with regional transfer and disposal managed by Lane County.

The Metro Plan provides for land in the UGB to be converted to urban land following annexation when a minimum level of key urban facilities and services can be provided in an orderly and efficient manner; that a full range of services be provided based on need and budgetary priorities; and that Eugene and EWEB and Springfield and SUB shall be the water and electric service providers within the UGB, as stated in the following Metro Plan policies.

- "7. Land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city when it is found that:
 - a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner. They consist of sanitary sewers, solid waste management, water service, fire and emergency medical services, police protection, parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (in other words, not necessarily within walking distance of all students served). Paved streets with adequate provision for stormwater runoff and pedestrian travel, meeting applicable local policies, are important, particularly in new developments and along existing streets heavily used by pedestrians." (Metro Plan Policy #7, page II-B-4)
- "8. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities. They include, in addition to the minimum level of key urban facilities and services, urban public transit, natural gas, storm drainage facilities, street lighting, libraries, local parks, local recreation facilities and services, and health services." (Metro Plan Policy #8, page II-B-4)
- "16. Eugene and Springfield and their respective utility branches, Eugene Water and Electric Board and Springfield Utility Board, shall be the water and electrical service providers within the urban growth boundary." (Metro Plan Policy #16, page II-B-6)

Following adoption of the proposed Metro Plan text amendments, Springfield and Eugene and their respective utilities, EWEB and SUB, will engage in a process to transition service provision in Glenwood from Eugene to Springfield. This transition process will need to address servicing issues related to the incorporated portions of Glenwood because these areas are now receiving municipal services from Eugene. Intergovernmental agreements will be revised or developed to ensure service levels are maintained in incorporated areas during the transition.

The proposed Metro Plan amendments will transfer from Eugene to Springfield ultimate responsibility for providing services to Glenwood. The City of Eugene has made a major investment in Glenwood in expenditures for sanitary sewers and development of the Glenwood Refinement Plan. An intergovernmental agreement between Eugene and Springfield to reimburse Eugene for these costs will accompany the ordinance to amend the Metro Plan text; and the Cities of Springfield and Eugene will coordinate with Lane County to amend the separate Urban Transition Agreements On Streets and Roads to reflect the transfer of jurisdiction.

The May 4, 1998 *Glenwood Jurisdictional Study* identifies a number of issues related to the provision of services to Glenwood. The ordinance adopting these Metro Plan text amendments and the accompanying intergovernmental agreement will include actions to be taken to resolve issues associated with the transfer. These actions will ensure a timely, orderly and efficient arrangement of public facilities and services to serve Glenwood.

This proposal does not change project lists in the Eugene-Springfield Public Facilities Plan (PFP).

Following a transfer of jurisdiction, key urban facilities and services will continue to be provided to incorporated areas in Glenwood consistent with the Metro Plan. Project lists in the PFP will not be affected by this proposal. Therefore, this proposal is in compliance with Goal 11.

Goal 12—Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The proposal will change service providers in the incorporated area of Glenwood from the City of Eugene to the City of Springfield. Springfield will maintain the same level of service in incorporated areas and will provide service to newly annexing areas. All of the road projects in Glenwood in the Metropolitan Area Transportation Plan (TransPlan) are on the state system.

Section 660-012-0060 of the Transportation Planning Rule requires evaluation of a comprehensive plan amendment to determine if the amendment significantly affects a transportation facility. The proposed Metro Plan text amendments do not: change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or reduce the level of service of a facility below the minimum acceptable level identified in the Metropolitan Area Transportation Plan (TransPlan).

The proposed amendments will not significantly affect a transportation facility and will not affect compliance with policies or projects contained in TransPlan, a functional refinement to the Metro Plan, acknowledged as complying with the requirements of Goal 12. Therefore, the amendments will not affect Metro Plan compliance with Goal 12.

Goal 13—Energy Conservation: *To conserve energy.*

This Goal is not relevant because the amendments do not involve any additional development that would consider energy conservation systems, or the recycling and reuse of vacant land per the guidelines associated with Goal 13. The amendments will not affect Metro Plan compliance with Goal 13.

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

Glenwood is within the metropolitan Urban Growth Boundary and has been or can be provided all necessary urban services. The amendments do not convert land from rural to urban use. Therefore, this Goal is not relevant and the amendments will not affect Metro Plan compliance with Goal 14.

Goal 15—Willamette River Greenway: *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

Policy 6 in the Metro Plan Willamette River Greenway Element states that "New industrial development that locates along the Willamette and McKenzie Rivers shall enhance natural, scenic, and environmental qualities" (page III-D-4). Metro Plan policy applies to the Glenwood area regardless of whether the area is within Eugene's or Springfield's jurisdiction. Therefore, the amendments will not affect Metro Plan compliance with Goal 15.

Goals 16 through 19 (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):

There are no coastal, ocean, estuarine, or beach and dune resources involved in the amendments. Therefore, these Goals are not relevant and the amendments will not affect Metro Plan compliance with Goals 16 through 19.

Lane Code 12.225(2)(b): *Adoption of the amendment must not make the Metro Plan internally inconsistent.*

The Metro Plan text amendments will not create any internal inconsistencies in the Metro Plan. Metro Plan policy calls for the City of Springfield and SUB and the City of Eugene and EWEB to be the water and electrical service providers within the urban growth boundary (Metro Plan Growth Management and Urban Service Area Policy # 16, page II-B-6). This amendment transfers jurisdiction of Glenwood from one city to the other. Services will continue to be provided to the area by the current providers until the transfer is complete, consistent with this policy. Thus, the proposed Metro Plan text amendments will not make the Metro Plan internally inconsistent.

Conclusion

Based on the findings set forth herein, the Board concludes that the proposed amendments to the Metro Plan text are consistent with relevant statewide planning goals adopted by the Land Conservation and Development Commission; and adoption of the amendments will not make the Metro Plan internally inconsistent.