



JOINT LANE COUNTY, CITY OF EUGENE & CITY OF SPRINGFIELD PLANNING COMMISSION AGENDA

DATE: Tuesday, April 4th, 2023

TIME: 6 PM Work Session; 7 PM Public Hearing

LOCATION: Virtually via ZOOM & In-Person at:

***RSVP REQUIRED** Goodpasture Room, Lane County Customer Service Center 3050 N Delta HWY, Eugene, OR 97408.

***NO RSVP REQUIRED** Jesse Maine Room, Springfield City Hall, 225 5th St, Springfield, OR 97477.

The commissioners will meet using virtual meeting technology. There will be limited capacity in the Goodpasture Room (see above location information) for those without internet access or in need of special accommodations who wish to attend in-person. To attend in person, please RSVP by calling David Ruiz-Maya at 541-682-6768. Lane County complies with state and federal laws and regulations relating to discrimination, including the Americans with Disabilities Act of 1990 (ADA). No RSVP is required to attend in person at the Jesse Main Room, Springfield City Hall (see above location information).

6:00 PM JOINT WORK SESSION

Work Session

Ordinance No. PA 1389/ In the matter of amending the Eugene-Springfield Metropolitan Area Plan (Metro Plan) to allow for wastewater service to be extended to the rural unincorporated community of Goshen and for transport of Leachate for Lane County's Short Mountain Landfill.

LCOG Staff: Anne Davies
Lane County Staff: Jared Bauder

Eugene Staff: Elena Domingo
Springfield Staff: Haley Campbell

7:00 PM JOINT PUBLIC HEARING

Joint Public Hearing

Ordinance No. PA 1389/ In the matter of amending the Eugene-Springfield Metropolitan Area Plan (Metro Plan) to allow for wastewater service to be extended to the rural unincorporated community of Goshen and for transport of Leachate for Lane County's Short Mountain Landfill.

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Virtual Meeting Details

Join from a PC, Mac, iPad, iPhone or Android device via ZOOM:

Please click this URL to join:

<https://us06web.zoom.us/j/86831645090?pwd=OEYV1MzQjQxbStxcTFOSEc4bDNQUT09>

Passcode:

879137

Join by Phone

Dial (US):

+1 206 337 9723

+1 253 215 8782

Webinar ID:

868 3164 5090

Lane County Planning Commission Members: Chair: Eliza Kashinsky, Vice Chair: Jeff Choate, Stephen Dignam, Charlcie Kaylor, Christian Wihtol, Bruce Hadley, Jonnie Peacock, and Stephen Snider

City of Eugene Planning Commission Members: Chair: Dan Isaacson, Vice Chair: Lisa Fragala, Ken Beeson, Diane Behling, Tiffany Edwards, Jason Lear, Chris Ramey

City of Springfield Planning Commission Members: Chair: Matt Salazar, Vice Chair: Grace Bergen, Steven Schmunk, Andrew W. Buck, Seth Thompson, Alan Stout, Isaac Rhoads-Dey

Public Hearing Order of Presentation

- 1 – Explanation of procedural requirements
- 2 – Open the hearing
- 3 – Staff report
- 4 – Testimony from interested parties
- 5 – Clarifying questions from Commissioners
- 6 – Close or continue the hearing
- 7 – If the hearing is closed, close or hold open the Planning Commission record
- 8 – Deliberations by the Springfield Planning Commission have been tentatively scheduled for May 2

Note: Any public comments submitted after the Planning Commissions close the record will be provided to the elected officials as part of their joint public hearing later this year.

Lane County Planning Commission Members: Chair: Eliza Kashinsky, Vice Chair: Jeff Choate, Stephen Dignam, Charlcie Kaylor, Christian Wihtol, Bruce Hadley, Jonnie Peacock, and Stephen Snider

City of Eugene Planning Commission Members: Chair: Dan Isaacson, Vice Chair: Lisa Fragala, Ken Beeson, Diane Behling, Tiffany Edwards, Jason Lear, Chris Ramey

City of Springfield Planning Commission Members: Chair: Matt Salazar, Vice Chair: Grace Bergen, Steven Schmunk, Andrew W. Buck, Seth Thompson, Alan Stout, Isaac Rhoads-Dey

AGENDA ITEM SUMMARY

Meeting Date: 4/4/2023
Meeting Type: Work Session/Reg. Mtg
Staff Contact/Dept.: Haley Campbell, DPW
Staff Phone No: 541-726-3647
Estimated Time: 2 hours
Council Goals: Encourage Economic Development and Revitalization through Community Partnerships

**SPRINGFIELD
PLANNING COMMISSION**

ITEM TITLE: REQUEST FOR METRO PLAN AMENDMENT TO ALLOW FOR WASTEWATER SERVICE TO BE EXTENDED TO THE RURAL UNINCORPORATED COMMUNITY OF GOSHEN AND LANE COUNTY'S SHORT MOUNTAIN LANDFILL

ACTION REQUESTED: Conduct a joint work session and joint public hearing with the City of Eugene, City of Springfield, and Lane County Planning Commission.

ISSUE STATEMENT: The Eugene, Springfield, and Lane County Planning Commissions will hold a joint public hearing to consider a proposal to adopt amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan) that will enable future actions to extend Metropolitan Wastewater Management Commission (MWMC) wastewater infrastructure to serve the needs of the rural unincorporated community of Goshen and Lane County's Short Mountain Landfill.

The Lane County Board of Commissioners initiated this Metro Plan amendment to revise jointly adopted policies in the Metro Plan to allow for the extension of wastewater to Goshen and the Short Mountain Landfill. The Metro Plan generally prohibits extension of urban-level public facilities outside the urban growth boundary consistent with Statewide Planning Goals 11 (Public Facilities and Services) and 14 (Urbanization). Exceptions to the Oregon Administrative Rule (OAR) can be found in OAR 660-011-0060 for extending wastewater service for the transport of leachate and to serve an unincorporated community. The proposed amendments would allow the County to move forward to extend the wastewater system.

ATTACHMENTS: ATT1 – Lane County Staff Report
Exhibit A – Proposed Metro Plan Policy Amendments
Exhibit B – Findings
Exhibit C – Vicinity Map of Goshen and Short Mountain Landfill
Exhibit D – Map of the Goshen Rural Unincorporated Community
Exhibit E – Ordinance No. PA 1282, Pages 36-37

ATT2 – Springfield Staff Report and Findings

DISCUSSION: The proposed amendments are a Type III Legislative Amendment to the Metro Plan, which includes public notice and a public hearing before the Eugene, Springfield, and Lane County Planning Commissions.

The County is currently working to address gaps in the findings for Goal 11 and 14. If there are revisions to the County's proposed findings prior to the public hearing, they will be added to the Planning Commission packet and posted at Springfield Oregon Speaks.

The Commissions may choose to close the public hearing and public record or close the public hearing but leave the record open for additional public comment through their respective deliberations. The Eugene Planning Commission deliberation is scheduled for April 25, 2023, the Lane County Planning Commission deliberation is scheduled for April 18, 2023, and the Springfield Planning Commission deliberation is scheduled for May 2, 2023. Following the deliberations, the three commissions will forward a separate recommendation to the Eugene City Council, Lane County Board of Commissioners, and Springfield City Council, respectively.



**STAFF REPORT
MARCH 15, 2023**

To: Eugene, Springfield, and Lane County Planning Commissions

From: Jared Bauder, Staff (Lane County)
Anne Davies, Consultant (Lane Council of Governments)

Subject: Joint Public Hearing: Eugene-Springfield Metropolitan Area Plan (Metro Plan), Amendment to allow for wastewater service to be extended to the rural unincorporated community of Goshen and Lane County's Short Mountain Landfill

ISSUE STATEMENT

At this meeting, the Eugene, Springfield, and Lane County Planning Commissions will hold a joint public hearing to consider a proposal to adopt amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan) that will enable future actions to extend Metropolitan Wastewater Management Commission (MWMC) wastewater infrastructure to serve the needs of the rural unincorporated community of Goshen and Lane County's Short Mountain Landfill.

Lane County has long been working toward the goal of creating high-paying jobs and promoting industrial development in the unincorporated community of Goshen, which is approximately 3.5 miles south of Eugene at the junction of Interstate 5, Highway 99, and Highway 58. In 2013, the County adopted the Goshen Region Employment and Transition (GREAT) Plan, which zoned industrial properties located within Goshen for urban levels of development. However, inadequate public facilities, specifically the lack of wastewater infrastructure, has posed a significant barrier to the desired industrial development. The Goshen wastewater service area includes approximately 444 acres of industrial, commercial, and residential zones. The MWMC provides wastewater services to the Eugene-Springfield metropolitan area in partnership with the cities of Eugene and Springfield, but its internal policies as well as existing policies in the Metro Plan prohibit extending wastewater services to areas outside the urban growth boundaries (UGBs) of Eugene and Springfield.

The Short Mountain Landfill, which sits approximately 5.5 miles south of Eugene along Interstate 5, is also located outside the UGBs of Eugene and Springfield. Landfills produce leachate, a liquid that percolates down through the waste mass. At Short Mountain, the leachate is collected via a collection of pipes and pump stations and transported to an on-site covered storage lagoon. From there it is transported via tanker trucks to the County-owned Glenwood receiving station. At the receiving station the leachate is discharged into the sanitary sewer system where it goes to the MWMC wastewater treatment facility. The Short Mountain Landfill is the only permitted municipal landfill in Lane County and accepts solid waste from the surrounding area. Approximately 25-million gallons of leachate are transported annually with an average of 10 to 12 trucks per day. An extension of wastewater infrastructure to Goshen would

facilitate extending that infrastructure to the landfill as well, thereby eliminating the need for leachate to be transported via truck to be processed.

The Lane County Board of Commissioners initiated this Metro Plan amendment to revise jointly adopted policies in the plan to allow for the extension of wastewater to Goshen and the Short Mountain Landfill. The proposed amendments would allow the County to move forward to extend the wastewater system.

BACKGROUND

More than a decade ago, the Lane County Board of Commissioners identified economic and industrial development in Goshen as a strategic goal. Specifically, the County adopted the following goal: “[B]y 2017, Lane County will transform the existing industrial land in Goshen to support increased levels of development resulting in jobs that pay no less than 150% of the median wage. Lack of buildable land is a barrier for traded-sector companies that want to locate in Lane County, particularly those companies that require a larger footprint.” At the time, the County projected that 2,000 to 3,000 industrial manufacturing jobs could be created on the existing industrial land. To move toward the strategic goal of industrial development in Goshen the County adopted the Goshen Regional Employment and Transition (GREAT) Plan.

In September 2012 the Goshen area was designated by the State of Oregon as a Regionally Significant Industrial Area (RSIA). There were only nine RSIA's designated in the state. These regionally significant sites are areas that are planned and zoned for industrial use that have competitive advantages that make them difficult or impossible to replicate in the region. The RSIA designation was important for Goshen because it protected the designated lands from being used for non-industrial purposes for a period of ten years. The governing body that approved RSIA¹ designations dissolved in 2018 and at this point the ten years has passed, however, Goshen retains the RSIA distinction. The criteria for an area to be designated a RSIA included superior access to transportation and freight infrastructure, sites for new or expanding industrial uses that would provide significant additional employment, and located in close proximity to major labor markets. Goshen met these criteria.

County staff undertook an exception to Oregon Statewide Land Use Planning Goal 14 (Urbanization) and associated comprehensive plan and zoning changes. Oregon's land use planning system allows for local governments to take an exception to a goal when it finds that certain land should be excluded from the requirements of an applicable statewide goal in accordance with the process specified in Goal 2, Part II, Exceptions. The purpose of the Goal 14 exception was to allow urban levels of development on the existing rural industrial zoned lands of the unincorporated community of Goshen. These changes, referred to as the Goshen Region Employment and Transition (GREAT) Plan, were approved by the County in June 2013. LandWatch Lane County subsequently appealed the adoption of the Plan to the Land Use Board of Appeals (LUBA).

¹ Business Oregon now has the Regionally Significant Industrial Sites (RSIS) program, which is a profit sharing economic development tool that offers state income tax reimbursements for approved industrial site readiness activities. A local government may apply for RSIS designation if it owns the industrially zoned site or act as a sponsor for a privately owned industrial zoned site. At this time land in Goshen has not gone through the RSIS process.

LUBA remanded the decision, with direction to address the issue of addressing adequacy and presence of sewer service to support the exception. In July 2014, the County contracted with the consulting firm Kennedy Jenks for wastewater feasibility work in response to LUBA's remand decision. Kennedy Jenks identified three feasible alternatives to providing wastewater service to Goshen. The study recommended connection to the Metropolitan Wastewater Management Commission (MWMC) regional system as it had the lowest cost of all alternatives considered. The County then re-adopted the GREAT Plan in 2015, and no further appeals were filed.

With financial assistance from Business Oregon and the Department of Land Conservation and Development, the County completed the Goshen Financial and Administration Study, which estimated connection charges for the MWMC connection and identified system administrative functions that would be required for the operation of the Goshen wastewater system. The study also reviewed several alternatives for system governance, ultimately recommending the Goshen facilities be incorporated into the MWMC regional system.

With additional funding from Business Oregon, Kennedy Jenks, on behalf of the County, completed the draft Project Definition Report in November 2019. The report included the extension of a pipeline to the Short Mountain Landfill to convey leachate from the landfill to the proposed wastewater collection system for Goshen. In February 2022, Lane County finalized a Project Definition Report (PDR), that refines the conceptual planning and financial estimates from the 2015 and 2017 studies. The PDR includes route evaluations for gravity sewers and pressure force mains as well as capital cost estimates, connection charge estimates, and a Permitting Plan with anticipated timelines.

There is no expectation that this project will require money from the cities of Eugene and Springfield. Various funding mechanisms have been discussed and will be finalized after the Metro Plan amendments are approved. There will likely be a combination of funding sources, including grants and collection fees. Potentially project funding for design and construction can be obtained from Business Oregon and the State of Oregon Clean Water State Revolving Fund (CWSRF) program administered by the Department of Environmental Quality (DEQ). Lane County may also allocate solid waste management funds for portions of the project that convey leachate from Short Mountain Landfill. Funding connection charges will be determined through additional financial evaluation to be performed by the County in ordination with the MWMC as part of the ongoing intergovernmental policy discussions.

PROPOSED METRO PLAN AMENDMENTS

Implementation of the Kennedy Jenks report to extend wastewater service to Goshen depends upon the adoption of several Metro Plan policy amendments.

Consistent with Statewide Planning Goals 11 (Public Facilities and Services) and 14 (Urbanization), Oregon administrative rules, and state statute, the Metro Plan generally prohibits extension of urban-level public facilities outside the UGBs. There are exceptions to these rules, for example there is a specific provision of OAR 660-011-0060 for extending wastewater service for the transport of leachate. The Metro Plan already includes exceptions to the general rule of extending wastewater service outside the UGB. Policy G.26 of the Metro Plan provides several exceptions to that general rule, as follows:

“Wastewater and water service shall not be provided outside the UGB except to the following areas, and the cities may require consent to annex agreement as a prerequisite to providing these services in any instance:

- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.
- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety of the citizens within the UGB that can only be remedied by extension of the service.

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

Policy G.26 is proposed to be amended to include the Short Mountain Landfill site and the Goshen area to the list of areas outside the UGBs to which wastewater services will be allowed. See proposed Metro Plan amendments, attached **Exhibit A**. Several other policies would also be amended to ensure consistency with the amendments to Policy G.26.

PROCEDURAL SUMMARY AND PLANNING COMMISSION ROLE

The process being followed for the formal consideration of the legislative adoption package meets or exceeds all the Cities and County procedural requirements for adoption of Type III amendment to the Metro Plan. The legislative process includes public notice and a hearing before the Eugene, Springfield, and Lane County Planning Commissions. At this stage, the commissions’ roles are to participate in a joint public hearing and subsequently make separate recommendations on the adoption package to their respective elected bodies. The recommendations of the planning commissions must be based on the applicable approval criteria for the proposed amendments. Those criteria and findings addressing the approval criteria are provided in **Exhibit B**.

NEXT STEPS

After the public hearing, each Planning Commission will hold separate deliberation meetings and form separate recommendations to their respective elected bodies. The Eugene Planning Commission deliberations and potential recommendation to the Eugene City Council is scheduled for April 25, 2023. The Lane County Planning Commission deliberations and potential recommendation to the Lane County Board of Commissioners is scheduled for April 18, 2023. The Springfield Planning Commission deliberations and potential recommendation to the Springfield City Council is scheduled for May 2, 2023.

Following the planning commission recommendations, the Eugene City Council, Springfield City Council, and Lane County Board of Commissioners will hold a joint public hearing to consider the Planning Commissions’ recommendations and adoption of the proposed Metro Plan amendments. After the public hearing, each jurisdiction will hold separate deliberations.

EXHIBITS

- A. Proposed Metro Plan policy amendments
- B. Findings
- C. Vicinity Map of Goshen and Short Mountain Landfill
- D. Map of Goshen Rural Unincorporated Community
- E. Ordinance No. PA 1282, Pages 36-37

FOR MORE INFORMATION

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Proposed Metro Plan Amendments

Metro Plan Chapter II-C (Growth Management Goals, Findings, and Policies), Policy 21:

Cities shall not extend water or wastewater service **to lands that are** outside city limits **and within a UGB** to serve a residence or business without first obtaining a valid annexation petition[,] **or** a consent to annex agreement, or [*when*] **unless** a health hazard annexation is required.

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.26:

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

- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.
- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety of the citizens within [*the*] a UGB that can only be remedied by extension of the service.
- c. **Lane County's Short Mountain Landfill for the transport of leachate only.**
- d. **The rural unincorporated community of Goshen for wastewater only.**

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

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.28:

Except as otherwise allowed under Policy G.26, [*C*]consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the UGB only when the facilities exclusively serve land inside the UGB and there is no reasonable alternative.

NOTE: Matter in **boldface** type is proposed to be added; matter in [*italic and bracketed*] is existing language to be omitted.

Findings for Metro Plan Amendment to Extend Wastewater Services to the Rural Unincorporated Community of Goshen and Lane County's Short Mountain Landfill

The findings, below, present local government criteria first, then State criteria. The State criteria are presented in order of the Statewide Planning Goals. State statutes and administrative rules are addressed under the Statewide Planning Goal to which they relate.

INTRODUCTION

In 2013, the Lane County Board of Commissioners adopted a countywide strategic plan with a key goal of increasing industrial development and high-paying jobs within the unincorporated community of Goshen. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the County in June of 2013 to promote development for employment uses in Goshen. The County's goal was to foster industrial development in the Goshen community, which would bring with it high-paying jobs. This in turn would promote economic development throughout the region.

Goshen has significant advantages for industrial development including: existing industrial/non-resource designations; large parcels; proximity of supporting smaller parcels to the larger parcels; close proximity and direct access to the State Highway system, including I-5, Highway 58, and Highway 99; adjacency and access to rail; proximity to the urban population centers of Eugene and Springfield for providing an educated and/or skilled workforce; access to natural resources; proximity and access to utility infrastructure including natural gas, electrical power, and water; limited natural resource conflicts, and relatively level topography.

This area is a regional asset with its advantages for industrial growth and economic development, which would benefit the entire county economy by creating an environment to stimulate job growth. Additionally, there would be no loss to productive resource lands due to the land already having a non-resource designation.

Internal Consistency Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Lane Code 12.300.030 provides:

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals; and
- B. The proposed amendment does not make the Metro Plan internally inconsistent.

The following are findings addressing LC 12.300.030.B.

Chapter II-C Growth Management Goals, Findings, and Policies

Policy 4: Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.

Finding 1: The County took an Exception to Statewide Planning Goal 14 in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the municipal landfill to the proposed wastewater collection system in Eugene/Springfield. The residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station, as is the current practice.

The intent of the proposed Metro Plan amendment is to develop safe, efficient solutions to wastewater infrastructure for the existing Short Mountain Landfill and for urban levels of industrial development that is already planned for the Goshen area. The proposal is consistent with Policy 4.

Chapter III-B Economic Element

Policy B.27: Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.

Finding 2: On October 12, 2021, the Lane County Board of Commissioners directed staff to coordinate with the Metropolitan Wastewater Management Commission (MWMC), the City of Eugene, and the City of Springfield to pursue amendments to the Metro Plan to facilitate extending wastewater services to the rural unincorporated community of Goshen as well as a pipeline extension connection to service Short Mountain Landfill for conveyance of leachate. Although the economic element no longer applies to Eugene or Springfield, both cities and the County must jointly adopt any amendments to the Metro Plan.

The industrial development in the unincorporated community of Goshen has been a topic of significant conversation and action by the Board of Commissioners for more than 10 years. In 2013, the Board adopted the GREAT Plan, which designated lands within Goshen for urban levels of industrial development. The major remaining barrier to development of that area is the lack of adequate wastewater infrastructure. The adoption of the proposed Metro Plan amendment would enable extension of wastewater services by MWMC, which in turn, would enable the industrial development that has long been planned for this area.

Likewise, the ability of the Short Mountain Landfill to connect to a piped wastewater system remains a strong desire of the Lane County Public Works Department. This wastewater is already truck delivered to the regional wastewater facility at the Glenwood Transfer Station. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate annually by tanker trucks.

Chapter IV Metro Plan Review, Amendments, and Refinements

Policy 6.b.iii: Type III Text Amendments include: Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

Policy 7.c: A Type III amendment may be initiated by any one of the three governing bodies at any time.

Policy 8.a: The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.

Policy 8.b: When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.

Finding 3: The proposal is a request to amend Chapter II.C, Policy 21; and Chapter III.G, Policy G.26 and Policy G.28 of the Metro Plan via this Type III Metro Plan Amendment. The amendment was initiated by Lane County, and Lane County has notified the other jurisdictions. The jurisdictions agree that the proposal is a Type III amendment. The procedures are consistent with Chapter IV of the Metro Plan.

Statewide Planning Goal Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Statewide Planning Goal 1 – Citizen Involvement

Statewide Planning Goal 1 -- *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

Goal 1 is a process goal. The amendment complies with Goal 1 because it will be processed as a legislative action through the jurisdictions’ acknowledged public procedures for Metro Plan amendments. This process includes joint public hearings before the City of Eugene, the City of Springfield, and Lane County’s planning commissions, and joint hearings before the governing bodies of all three jurisdictions.

The joint planning commission hearing is scheduled to be held April 4, 2023. Notices will be sent to interested parties and the public hearing notice was also published in The Register-Guard newspaper on March 15, 2023.

The joint hearings before the governing bodies of Lane County, the City of Eugene, and the City of Springfield is scheduled to be held at a future date yet to be determined.

Statewide Planning Goal 2 – Land Use Planning

Statewide Planning Goal 2 -- *“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.”*

The land use codes of both cities and Lane County specify the procedures and criteria that were used in considering this amendment. The findings documents show the record includes an adequate factual base for the amendment. The record of the original Lane County Rural Comprehensive Plan amendment and Reasons Exception that was adopted to enable the urban levels of industrial uses in Goshen shows that the County studied the need for certain employment lands that have access to rail transport. The Goshen property included in the GREAT plan was determined, through thorough study, to meet the demands for that type of development. The proposed amendment will enable the development that has been stymied by lack of infrastructure that this proposal will provide.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, among the cities, Lane County and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. The County and cities coordinated and jointly adopted the Metro Plan amendment. For the ordinance adopting this Metro Plan amendment, intergovernmental coordination included the following:

- **The Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action and regular contact with the area’s regional representative.
- **City of Eugene, City of Springfield, and Lane County**, which will jointly consider adoption of the Metro Plan amendment, were engaged during the process with staff from the three entities participating in meetings and providing feedback on the proposed amendment language and documents. County staff collaborated with City staff to provide informational updates and work sessions to the elected officials.
- **Community of Goshen** was engaged through notice of the proposed action published in The Register-Guard and opportunity to comment.
- **Metropolitan Wastewater Management Commission has been included in meetings and invited to provide feedback on the proposed action. County staff has coordinated with MWMC throughout this process.**

Statewide Planning Goal 3 – Agricultural Lands

Statewide Planning Goal 3 -- *“To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.”*

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for farm use, those impacts will be addressed in anticipated code changes or development permit. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 3 analysis.

Statewide Planning Goal 4 – Forest Lands

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

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for forest uses, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 4 analysis.

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

Statewide Planning Goal 5 -- *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

Goal 5 requires the County to inventory the locations, quality, and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Both cities and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5. The administrative rule that implements Statewide Planning Goal 5 requires application of Goal 5 in limited circumstances for post-acknowledgment plan amendments (PAPA).

OAR 660-023-0250(3) - Applicability

Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The proposed Metro Plan amendment does not change existing Goal 5 lists or site protections, as described in OAR 660-023- 0250(3)(a) and (b).

Statewide Planning Goal 6 – Air, Water and Land Resources Quality

Statewide Planning Goal 6 -- *“To maintain and improve the quality of the air, water and land resources of the state.”*

“All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

The State has not adopted specific requirements for complying with Statewide Planning Goal 6. The County and cities are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions’ future compliance with those laws.

Further, this amendment will develop solutions to wastewater infrastructure for the community of Goshen and the Short Mountain Landfill. Connecting the landfill to a piped wastewater system is an important goal for the Lane County Public Works Department. The wastewater from the landfill is currently transported by tanker truck to the regional wastewater facility. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate (liquid that percolates through the waste mass at the landfill) annually.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Statewide Planning Goal 7 -- *“To protect people and property from natural hazards.”*

The State has not adopted specific requirements for complying with Statewide Planning Goal 7.

Natural hazards for the purposes of Goal 7 are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Portions of the pipeline leading from Goshen to the Metropolitan Wastewater Management Commission (MWMC) connection location may pass through the 100-year flood zone and Willamette Floodway. Lane Code (LC) 16.244 establishes the requirements for work performed in a floodplain, in addition to other applicable local, State, and Federal regulations. For development activities within a mapped flood hazard area, a Floodplain Development Permit, Fill/Removal Permit, or a Floodway Development Permit would be required before construction commences. A Floodplain Development Permit or a Fill/Removal Permit apply to all development within the mapped A and AE flood zones; a Floodway Development Permit is required for all development within the mapped floodway AE zone. These permit reviews can be completed concurrently with the Willamette Greenway Development permit process (see findings addressing Statewide Planning Goal 15 below).

In Lane County, outside of urban growth boundaries, a Floodplain Development Permit is a Type I review process, and the Floodway Development Permit is a Type II process. A primary requirement of a Floodway Development Permit is that an engineer must certify the project will not reduce flood storage capacity nor create a rise in the base flood elevation. Because this project involves buried pipelines, a reduction in flood storage capacity is not expected.

Statewide Planning Goal 8 – Recreation Needs

Statewide Planning Goal 8 -- *“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.”*

Goal 8 pertains to the recreation needs of citizens and visitors to the state. The actions taken by this amendment do not impact the city or county’s recreation needs. Therefore Goal 8 does not apply.

Statewide Planning Goal 9 – Economic Development

Statewide Planning Goal 9 -- *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

As discussed in previous findings, the proposed Metro Plan amendment is intended to pave the way to provide adequate infrastructure to an area that is already planned and zoned to accommodate an urban level of industrial development. That development will provide adequate opportunities for a variety of economic activities in the Goshen community as well as in the larger Lane County region and beyond, which is vital to the health, welfare, and prosperity of Oregon’s citizens.

As the County and cities continue to grow and flourish it will be necessary for the landfill to accommodate this growth. Connecting the landfill to a piped wastewater system will be an important part of that economic development.

The Metro Plan amendment is consistent with Goal 9.

Statewide Planning Goal 10– Housing

Statewide Planning Goal 10 -- *“To provide for the housing needs of citizens of the state.”*

Goal 10 generally imposes planning obligations on local governments only for urban and urbanizable lands within urban growth boundaries. The actions taken by this ordinance do not impact the either Eugene’s or Springfield’s supply/demand for residential land. Therefore, OAR 660, Division 8 and Goal 10 do not apply.

Statewide Planning Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- *“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.”*

Statewide Planning Goal 11 is implemented by Oregon Administrative Rule Chapter 660, Division 11. Under Goal 11 and its implementing regulations, extension of sewer services outside the urban growth boundary (UGB) is heavily discouraged. Urban level sewer services are meant to be limited to serving areas inside the UGBs as a way of limiting urban levels of development in rural areas. OAR 660-011-0060, however, provides some allowances and exceptions to that general rule, articulating when and where sewer services may be placed on or extended to serve rural lands. For instance, OAR 660-011-0060(3)(a)(E) allows components of sewer systems that serve land outside a UGB where necessary to transport leachate from a landfill on rural land to a sewer system inside a UGB. Further, OAR 660-011-0060(3)(a)(B) allows placing components of a sewer system on rural lands where necessary to serve lands inside an unincorporated community.

Goal 11 directs local governments to “not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.”

The action taken by this amendment would extend the wastewater system to the rural unincorporated community of Goshen and provide for transport of leachate from the Short Mountain Landfill to a sewer system inside a UGB. This is compatible with Goal 11. Wastewater services would not be provided along the route. As specified by the proposed G.26 policy amendment, the extension of the wastewater system will serve only the rural unincorporated community of Goshen and the landfill for the transport of leachate.

The Short Mountain Landfill serves the communities inside the UGBs of Eugene and Springfield as it accepts solid waste from the surrounding area. It is also the only permitted municipal landfill in Lane County. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the Glenwood transfer station located within the Metropolitan Wastewater Management Commission (MWMC) service area. Currently the leachate travels 5.5 miles from the storage lagoons at the landfill to the discharge point.

The leachate is already handled by the regional wastewater system after being trucked in. By connecting the landfill to the system through a piped connection, it provides a safe, cost effective, and efficient way to transport the leachate. This benefits community members within the Metro Plan area inside the UGB, who are being served by the Short Mountain Landfill.

The County has long been working toward the goal of increasing industrial development and creating high-paying jobs in the Goshen community. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the commissioners in June of 2013 to promote development in Goshen under urban industrial zoning. At the time of the GREAT Plan’s adoption, extending wastewater service to the area was not part of the adopted Ordinance, but the need for extending service was anticipated. With this Metro Plan amendment the County could realize its goal of industrial development in the area and promoting economic development throughout the region.

The County anticipated the need for the extension of wastewater services in its adoption of Ordinance No. PA 1282 in 2013. The findings of the Ordinance stated:

“A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.”

See pages 36-37 of Findings and Reasons in Support of Goshen Plan Amendment, Goal 14 Exception, and Zone Change, attached as Exhibit C to Ordinance No. PA 1282, and included as **Exhibit E** to this staff report.

OAR 660-011-0060(3)

Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

- (A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;**
- (B) Serve lands inside a nearby UGB or unincorporated community;**
- (C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;**
- (D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or**
- (E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;**

(b) The local government:

- (A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and**
- (B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.”**

The extension of the wastewater line that would be allowed by the proposed Metro Plan amendment satisfies subsections (a)(B) and (a)(E) above. The adoption of the GREAT plan in 2013 approved a Goal 14 Exception for the Goshen area, which is a rural unincorporated community. The extension would serve Goshen, pursuant to subsection (a)(B).. And the rule specifically allows for extension of components of a sewer system outside the UGB for the transport of leachate from a landfill on rural land to a sewer system inside the UGB, pursuant to subsection (a)(E). For the purpose of this Metro Plan amendment, subsection (b) is arguably met at the time of adoption, given that extension of wastewater service will only be allowed by the proposed language to Goshen and Short Mountain. Additionally, prior to construction, the County intends to adopt land use regulations prohibiting cross connection in other areas outside of the Metro Plan boundary.

Goal 11 is satisfied.

Statewide Planning Goal 12 – Transportation

Statewide Planning Goal 12 -- *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 pertains to the transportation system.

OAR 660-012-0060 -- Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned

transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The actions taken by this amendment do not impact the county's transportation system and would not significantly affect an existing or planned transportation facility. The main impact likely to result from the amendment is a reduction in truck travel on I-5 from the transport of leachate. Therefore, Goal 12 is satisfied.

Statewide Planning Goal 13 – Energy Conservation Statewide

Statewide Planning Goal 13 -- *“To conserve energy.”*

The State has not adopted specific rules for complying with Statewide Planning Goal 13. The proposed Metro Plan amendment satisfies Goal 13 as it will eliminate the need to truck leachate from the landfill to the MWMC treatment plant. Reducing those truck trips provides a net gain with regard to energy conservation.

Statewide Planning Goal 14 – Urbanization

Statewide Planning Goal 14 -- *“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal 14 generally seeks to limit the level of development in rural areas to the levels of uses consistent with rural lands. As discussed in previous findings, the County took a Goal 14 Exception in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

The Goshen community is ideally situated to accommodate the County's goals. It already has existing industrial and non-resource designations, which ensures an efficient use of already available land. Goshen has direct access to major highways and rail, and proximity and access to utility infrastructure including natural gas, electrical power, and water. It is close in proximity to the urban population centers of Eugene and Springfield, which provides an educated and/or skilled workforce and provides jobs for livable communities.

The extension of the wastewater system to the rural unincorporated community of Goshen will facilitate the County's goal of attracting industry and industrial development in the area. Goshen has been an important area of action for the Lane County Board of Commissioners for more than 10 years. This amendment will remove the remaining barrier to economic development there.

Further, the residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station as is the current practice.

The Metro Plan amendment complies with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway

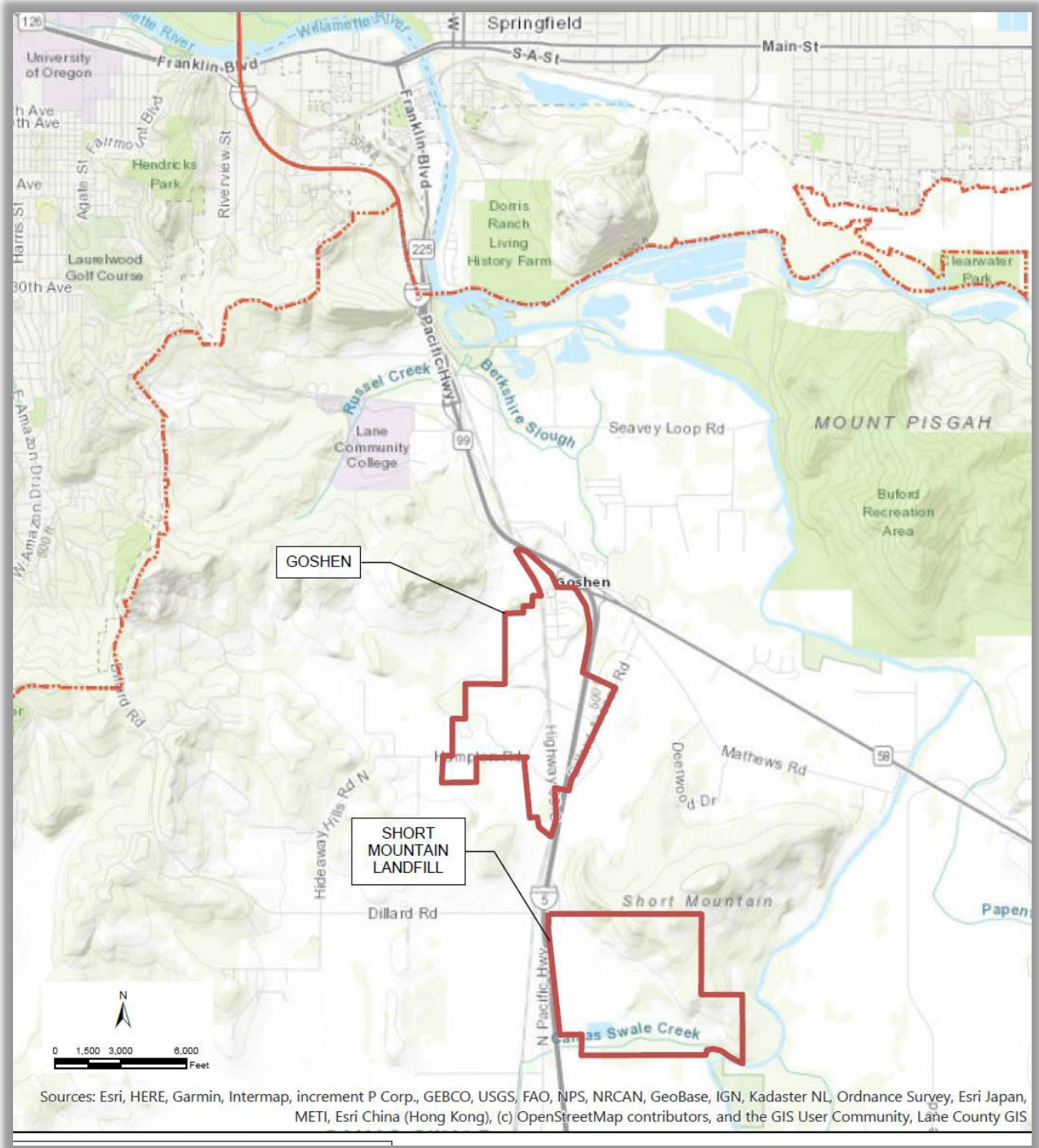
Statewide Planning Goal 15 -- *“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”*

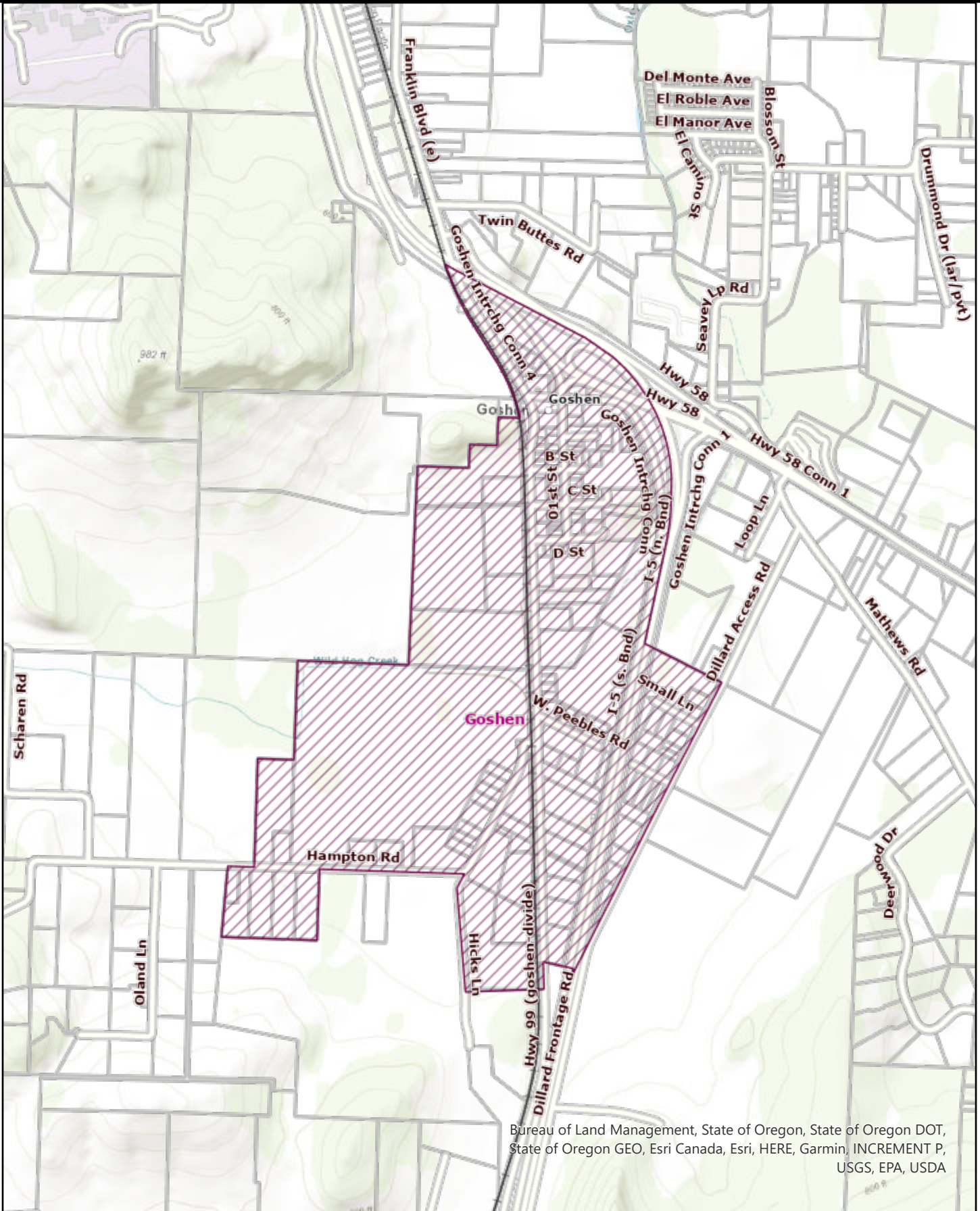
The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land within the Willamette River Greenway, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment is consistent with Goal 15.

Statewide Planning Goals 16 to 19 – Coastal Goals

These four goals are not applicable as they address resources that are not present in this portion of Lane County.

Vicinity Map of Goshen & Short Mountain Landfill





Bureau of Land Management, State of Oregon, State of Oregon DOT,
 State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,
 USGS, EPA, USDA

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

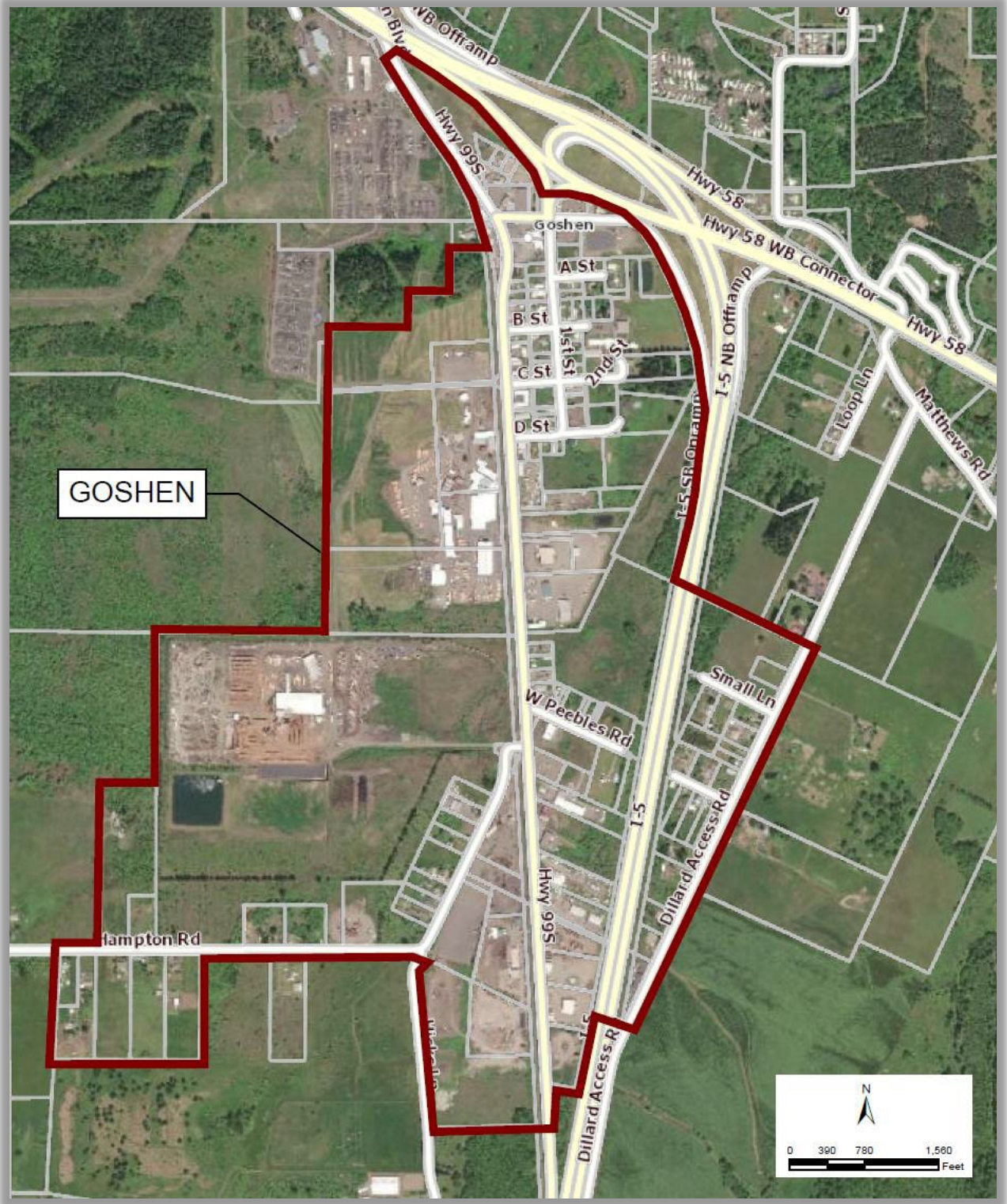


0 370 740 1,480 Feet



Goshen Rural
 Unincorporated Community

Lane County, Oregon



community create an inconvenience or adverse impacts so significant that it warrants the location in the community?" Still other uses do not require a location within the community and should instead be located inside an urban growth boundary or on other rural industrial land.

Providing land for related industrial businesses will help attract companies that can complement the rail dependent uses. Uses of this nature may not be feasible until the larger rail dependent uses are successfully operating. It would benefit the larger region, community and the uses by locating in close proximity to the rail dependent uses by reducing trips and shipping cost, as well as other efficiencies.

Proximity to competitors, a skilled workforce, specialized suppliers, and a shared base of sophisticated knowledge about their industry are reasons that are critical for allowing the supportive rail related uses.

If the above reasons for either or both categories of use are not satisfactory, the County finds that the proposed urban levels of industrial development on undeveloped rural land is necessary to support an economic activity that is greatly dependent on the "natural resource" of the existing industrial land for the reasons discussed above including the strategic logistical characteristics. However implausible some may feel the inclusion of the existing industrial land being considered as a natural resource is, or strained the credibility of the rule becomes, the County finds that the existing industrial land fits the definition of natural resource as contemplated in this rule provision and therefore qualifies for this "reason" under this standard.

The County finds that the term "natural resource" is defined in the back of the "Oregon's Statewide Planning Goals & Guidelines" booklet as found on the DLCD website. The provided definition states: "*NATURAL RESOURCES. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man.*"³³ Based on this definition, the County finds that the existing industrial designated property in Goshen fits the definition of a natural resource of land. This land is useful to man (within the Community of Goshen, the larger Region-Eugene/Springfield Metro area, Lane County as a whole, and the broader State of Oregon) and further has an increased potential usefulness by allowing an increased level of industrial development to create jobs. The industrial land is valued for its unique characteristics giving it an existing and potential usefulness to man in creating increased economic activity including providing new jobs to citizens living in the area.

A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the

³³ The term "natural resource" is also defined in OAR 635-410-0010(6). Here it states: "*Natural resources" means land, fish, wildlife, biota, air or water.*"

Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.

The County finds that a new Goal 3 or 4 reasons exception is also not required due to the original developed and committed exception to Goals 3 or 4 which was applied to the land on the basis of its preexisting industrial development.

(3) To approve an exception under section (2) of this rule, a county must also show:

- (a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;**

FINDINGS: The proposed urban levels of industrial development is being sought to allow intensification of development on existing industrially zoned and designated land within a rural community in conformance with this criterion. The proposed urban levels of industrial development cannot be reasonably accommodated in an existing UGB in the region (Eugene or Springfield) as evidenced by the results of the ECLA and CIBL reports. These reports find that neither of the City jurisdictions have adequate industrial land capacity within their existing UGB's to meet their or the regions employment needs. Specifically identified is a need for large lot industrial sites. Additionally, the County finds that there is a need for large lot industrial sites that are strategically located in close proximity to the Interstate freeway system as well as near to and/or served by a rail line. Together with the need for large sites as discussed in the findings above, siting supportive urban levels of industrial development in close proximity to the large rail served sites is a significant competitive advantage that cannot be provided on sites inside a UGB.

Due to the significant comparative advantages of the Goshen area, specifically the superior access to highway and rail, the proposed urban level of industrial development cannot be reasonably accommodated in or through expansion of an existing urban growth boundary.

The County finds that it is not reasonable to accommodate the proposed urban industrial development through an expansion of an existing UGB in the region. There are no sites that have been identified by either city jurisdiction that could provide for superior highway and rail access. These findings are further supported when considering the significant comparative advantages of the Goshen community as discussed above.

Proposed Metro Plan Amendments

Metro Plan Chapter II-C (Growth Management Goals, Findings, and Policies), Policy 21:

Cities shall not extend water or wastewater service **to lands that are** outside city limits **and within a UGB** to serve a residence or business without first obtaining a valid annexation petition[,] **or** a consent to annex agreement, or [*when*] **unless** a health hazard annexation is required.

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.26:

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

- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.
- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety of the citizens within [*the*] a UGB that can only be remedied by extension of the service.
- c. **Lane County's Short Mountain Landfill for the transport of leachate only.**
- d. **The rural unincorporated community of Goshen for wastewater only.**

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

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.28:

Except as otherwise allowed under Policy G.26, [*C*]consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the UGB only when the facilities exclusively serve land inside the UGB and there is no reasonable alternative.

NOTE: Matter in **boldface** type is proposed to be added; matter in [*italic and bracketed*] is existing language to be omitted.

Findings for Metro Plan Amendment to Extend Wastewater Services to the Rural Unincorporated Community of Goshen and Lane County's Short Mountain Landfill

The findings, below, present local government criteria first, then State criteria. The State criteria are presented in order of the Statewide Planning Goals. State statutes and administrative rules are addressed under the Statewide Planning Goal to which they relate.

INTRODUCTION

In 2013, the Lane County Board of Commissioners adopted a countywide strategic plan with a key goal of increasing industrial development and high-paying jobs within the unincorporated community of Goshen. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the County in June of 2013 to promote development for employment uses in Goshen. The County's goal was to foster industrial development in the Goshen community, which would bring with it high-paying jobs. This in turn would promote economic development throughout the region.

Goshen has significant advantages for industrial development including: existing industrial/non-resource designations; large parcels; proximity of supporting smaller parcels to the larger parcels; close proximity and direct access to the State Highway system, including I-5, Highway 58, and Highway 99; adjacency and access to rail; proximity to the urban population centers of Eugene and Springfield for providing an educated and/or skilled workforce; access to natural resources; proximity and access to utility infrastructure including natural gas, electrical power, and water; limited natural resource conflicts, and relatively level topography.

This area is a regional asset with its advantages for industrial growth and economic development, which would benefit the entire county economy by creating an environment to stimulate job growth. Additionally, there would be no loss to productive resource lands due to the land already having a non-resource designation.

Internal Consistency Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Lane Code 12.300.030 provides:

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals; and
- B. The proposed amendment does not make the Metro Plan internally inconsistent.

The following are findings addressing LC 12.300.030.B.

Chapter II-C Growth Management Goals, Findings, and Policies

Policy 4: Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.

Finding 1: The County took an Exception to Statewide Planning Goal 14 in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the municipal landfill to the proposed wastewater collection system in Eugene/Springfield. The residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station, as is the current practice.

The intent of the proposed Metro Plan amendment is to develop safe, efficient solutions to wastewater infrastructure for the existing Short Mountain Landfill and for urban levels of industrial development that is already planned for the Goshen area. The proposal is consistent with Policy 4.

Chapter III-B Economic Element

Policy B.27: Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.

Finding 2: On October 12, 2021, the Lane County Board of Commissioners directed staff to coordinate with the Metropolitan Wastewater Management Commission (MWMC), the City of Eugene, and the City of Springfield to pursue amendments to the Metro Plan to facilitate extending wastewater services to the rural unincorporated community of Goshen as well as a pipeline extension connection to service Short Mountain Landfill for conveyance of leachate. Although the economic element no longer applies to Eugene or Springfield, both cities and the County must jointly adopt any amendments to the Metro Plan.

The industrial development in the unincorporated community of Goshen has been a topic of significant conversation and action by the Board of Commissioners for more than 10 years. In 2013, the Board adopted the GREAT Plan, which designated lands within Goshen for urban levels of industrial development. The major remaining barrier to development of that area is the lack of adequate wastewater infrastructure. The adoption of the proposed Metro Plan amendment would enable extension of wastewater services by MWMC, which in turn, would enable the industrial development that has long been planned for this area.

Likewise, the ability of the Short Mountain Landfill to connect to a piped wastewater system remains a strong desire of the Lane County Public Works Department. This wastewater is already truck delivered to the regional wastewater facility at the Glenwood Transfer Station. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate annually by tanker trucks.

Chapter IV Metro Plan Review, Amendments, and Refinements

Policy 6.b.iii: Type III Text Amendments include: Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

Policy 7.c: A Type III amendment may be initiated by any one of the three governing bodies at any time.

Policy 8.a: The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.

Policy 8.b: When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.

Finding 3: The proposal is a request to amend Chapter II.C, Policy 21; and Chapter III.G, Policy G.26 and Policy G.28 of the Metro Plan via this Type III Metro Plan Amendment. The amendment was initiated by Lane County, and Lane County has notified the other jurisdictions. The jurisdictions agree that the proposal is a Type III amendment. The procedures are consistent with Chapter IV of the Metro Plan.

Statewide Planning Goal Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Statewide Planning Goal 1 – Citizen Involvement

Statewide Planning Goal 1 -- *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

Goal 1 is a process goal. The amendment complies with Goal 1 because it will be processed as a legislative action through the jurisdictions’ acknowledged public procedures for Metro Plan amendments. This process includes joint public hearings before the City of Eugene, the City of Springfield, and Lane County’s planning commissions, and joint hearings before the governing bodies of all three jurisdictions.

The joint planning commission hearing is scheduled to be held April 4, 2023. Notices will be sent to interested parties and the public hearing notice was also published in The Register-Guard newspaper on March 15, 2023.

The joint hearings before the governing bodies of Lane County, the City of Eugene, and the City of Springfield is scheduled to be held at a future date yet to be determined.

Statewide Planning Goal 2 – Land Use Planning

Statewide Planning Goal 2 -- *“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.”*

The land use codes of both cities and Lane County specify the procedures and criteria that were used in considering this amendment. The findings documents show the record includes an adequate factual base for the amendment. The record of the original Lane County Rural Comprehensive Plan amendment and Reasons Exception that was adopted to enable the urban levels of industrial uses in Goshen shows that the County studied the need for certain employment lands that have access to rail transport. The Goshen property included in the GREAT plan was determined, through thorough study, to meet the demands for that type of development. The proposed amendment will enable the development that has been stymied by lack of infrastructure that this proposal will provide.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, among the cities, Lane County and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. The County and cities coordinated and jointly adopted the Metro Plan amendment. For the ordinance adopting this Metro Plan amendment, intergovernmental coordination included the following:

- **The Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action and regular contact with the area’s regional representative.
- **City of Eugene, City of Springfield, and Lane County**, which will jointly consider adoption of the Metro Plan amendment, were engaged during the process with staff from the three entities participating in meetings and providing feedback on the proposed amendment language and documents. County staff collaborated with City staff to provide informational updates and work sessions to the elected officials.
- **Community of Goshen** was engaged through notice of the proposed action published in The Register-Guard and opportunity to comment.
- **Metropolitan Wastewater Management Commission has been included in meetings and invited to provide feedback on the proposed action. County staff has coordinated with MWMC throughout this process.**

Statewide Planning Goal 3 – Agricultural Lands

Statewide Planning Goal 3 -- *“To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.”*

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for farm use, those impacts will be addressed in anticipated code changes or development permit. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 3 analysis.

Statewide Planning Goal 4 – Forest Lands

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

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for forest uses, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 4 analysis.

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

Statewide Planning Goal 5 -- *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

Goal 5 requires the County to inventory the locations, quality, and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Both cities and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5. The administrative rule that implements Statewide Planning Goal 5 requires application of Goal 5 in limited circumstances for post-acknowledgment plan amendments (PAPA).

OAR 660-023-0250(3) - Applicability

Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The proposed Metro Plan amendment does not change existing Goal 5 lists or site protections, as described in OAR 660-023- 0250(3)(a) and (b).

Statewide Planning Goal 6 – Air, Water and Land Resources Quality

Statewide Planning Goal 6 -- *“To maintain and improve the quality of the air, water and land resources of the state.”*

“All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

The State has not adopted specific requirements for complying with Statewide Planning Goal 6. The County and cities are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions’ future compliance with those laws.

Further, this amendment will develop solutions to wastewater infrastructure for the community of Goshen and the Short Mountain Landfill. Connecting the landfill to a piped wastewater system is an important goal for the Lane County Public Works Department. The wastewater from the landfill is currently transported by tanker truck to the regional wastewater facility. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate (liquid that percolates through the waste mass at the landfill) annually.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Statewide Planning Goal 7 -- *“To protect people and property from natural hazards.”*

The State has not adopted specific requirements for complying with Statewide Planning Goal 7.

Natural hazards for the purposes of Goal 7 are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Portions of the pipeline leading from Goshen to the Metropolitan Wastewater Management Commission (MWMC) connection location may pass through the 100-year flood zone and Willamette Floodway. Lane Code (LC) 16.244 establishes the requirements for work performed in a floodplain, in addition to other applicable local, State, and Federal regulations. For development activities within a mapped flood hazard area, a Floodplain Development Permit, Fill/Removal Permit, or a Floodway Development Permit would be required before construction commences. A Floodplain Development Permit or a Fill/Removal Permit apply to all development within the mapped A and AE flood zones; a Floodway Development Permit is required for all development within the mapped floodway AE zone. These permit reviews can be completed concurrently with the Willamette Greenway Development permit process (see findings addressing Statewide Planning Goal 15 below).

In Lane County, outside of urban growth boundaries, a Floodplain Development Permit is a Type I review process, and the Floodway Development Permit is a Type II process. A primary requirement of a Floodway Development Permit is that an engineer must certify the project will not reduce flood storage capacity nor create a rise in the base flood elevation. Because this project involves buried pipelines, a reduction in flood storage capacity is not expected.

Statewide Planning Goal 8 – Recreation Needs

Statewide Planning Goal 8 -- *“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.”*

Goal 8 pertains to the recreation needs of citizens and visitors to the state. The actions taken by this amendment do not impact the city or county’s recreation needs. Therefore Goal 8 does not apply.

Statewide Planning Goal 9 – Economic Development

Statewide Planning Goal 9 -- *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

As discussed in previous findings, the proposed Metro Plan amendment is intended to pave the way to provide adequate infrastructure to an area that is already planned and zoned to accommodate an urban level of industrial development. That development will provide adequate opportunities for a variety of economic activities in the Goshen community as well as in the larger Lane County region and beyond, which is vital to the health, welfare, and prosperity of Oregon’s citizens.

As the County and cities continue to grow and flourish it will be necessary for the landfill to accommodate this growth. Connecting the landfill to a piped wastewater system will be an important part of that economic development.

The Metro Plan amendment is consistent with Goal 9.

Statewide Planning Goal 10– Housing

Statewide Planning Goal 10 -- *“To provide for the housing needs of citizens of the state.”*

Goal 10 generally imposes planning obligations on local governments only for urban and urbanizable lands within urban growth boundaries. The actions taken by this ordinance do not impact the either Eugene’s or Springfield’s supply/demand for residential land. Therefore, OAR 660, Division 8 and Goal 10 do not apply.

Statewide Planning Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- *“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.”*

Statewide Planning Goal 11 is implemented by Oregon Administrative Rule Chapter 660, Division 11. Under Goal 11 and its implementing regulations, extension of sewer services outside the urban growth boundary (UGB) is heavily discouraged. Urban level sewer services are meant to be limited to serving areas inside the UGBs as a way of limiting urban levels of development in rural areas. OAR 660-011-0060, however, provides some allowances and exceptions to that general rule, articulating when and where sewer services may be placed on or extended to serve rural lands. For instance, OAR 660-011-0060(3)(a)(E) allows components of sewer systems that serve land outside a UGB where necessary to transport leachate from a landfill on rural land to a sewer system inside a UGB. Further, OAR 660-011-0060(3)(a)(B) allows placing components of a sewer system on rural lands where necessary to serve lands inside an unincorporated community.

Goal 11 directs local governments to “not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.”

The action taken by this amendment would extend the wastewater system to the rural unincorporated community of Goshen and provide for transport of leachate from the Short Mountain Landfill to a sewer system inside a UGB. This is compatible with Goal 11. Wastewater services would not be provided along the route. As specified by the proposed G.26 policy amendment, the extension of the wastewater system will serve only the rural unincorporated community of Goshen and the landfill for the transport of leachate.

The Short Mountain Landfill serves the communities inside the UGBs of Eugene and Springfield as it accepts solid waste from the surrounding area. It is also the only permitted municipal landfill in Lane County. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the Glenwood transfer station located within the Metropolitan Wastewater Management Commission (MWMC) service area. Currently the leachate travels 5.5 miles from the storage lagoons at the landfill to the discharge point.

The leachate is already handled by the regional wastewater system after being trucked in. By connecting the landfill to the system through a piped connection, it provides a safe, cost effective, and efficient way to transport the leachate. This benefits community members within the Metro Plan area inside the UGB, who are being served by the Short Mountain Landfill.

The County has long been working toward the goal of increasing industrial development and creating high-paying jobs in the Goshen community. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the commissioners in June of 2013 to promote development in Goshen under urban industrial zoning. At the time of the GREAT Plan’s adoption, extending wastewater service to the area was not part of the adopted Ordinance, but the need for extending service was anticipated. With this Metro Plan amendment the County could realize its goal of industrial development in the area and promoting economic development throughout the region.

The County anticipated the need for the extension of wastewater services in its adoption of Ordinance No. PA 1282 in 2013. The findings of the Ordinance stated:

“A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.”

See pages 36-37 of Findings and Reasons in Support of Goshen Plan Amendment, Goal 14 Exception, and Zone Change, attached as Exhibit C to Ordinance No. PA 1282, and included as **Exhibit E** to this staff report.

OAR 660-011-0060(3)

Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

(B) Serve lands inside a nearby UGB or unincorporated community;

(C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;

(D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or

(E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;

(b) The local government:

(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and

(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.”

The extension of the wastewater line that would be allowed by the proposed Metro Plan amendment satisfies subsections (a)(B) and (a)(E) above. The adoption of the GREAT plan in 2013 approved a Goal 14 Exception for the Goshen area, which is a rural unincorporated community. The extension would serve Goshen, pursuant to subsection (a)(B).. And the rule specifically allows for extension of components of a sewer system outside the UGB for the transport of leachate from a landfill on rural land to a sewer system inside the UGB, pursuant to subsection (a)(E). For the purpose of this Metro Plan amendment, subsection (b) is arguably met at the time of adoption, given that extension of wastewater service will only be allowed by the proposed language to Goshen and Short Mountain. Additionally, prior to construction, the County intends to adopt land use regulations prohibiting cross connection in other areas outside of the Metro Plan boundary.

Goal 11 is satisfied.

Statewide Planning Goal 12 – Transportation

Statewide Planning Goal 12 -- *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 pertains to the transportation system.

OAR 660-012-0060 -- Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned

transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The actions taken by this amendment do not impact the county's transportation system and would not significantly affect an existing or planned transportation facility. The main impact likely to result from the amendment is a reduction in truck travel on I-5 from the transport of leachate. Therefore, Goal 12 is satisfied.

Statewide Planning Goal 13 – Energy Conservation Statewide

Statewide Planning Goal 13 -- *“To conserve energy.”*

The State has not adopted specific rules for complying with Statewide Planning Goal 13. The proposed Metro Plan amendment satisfies Goal 13 as it will eliminate the need to truck leachate from the landfill to the MWMC treatment plant. Reducing those truck trips provides a net gain with regard to energy conservation.

Statewide Planning Goal 14 – Urbanization

Statewide Planning Goal 14 -- *“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal 14 generally seeks to limit the level of development in rural areas to the levels of uses consistent with rural lands. As discussed in previous findings, the County took a Goal 14 Exception in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

The Goshen community is ideally situated to accommodate the County's goals. It already has existing industrial and non-resource designations, which ensures an efficient use of already available land. Goshen has direct access to major highways and rail, and proximity and access to utility infrastructure including natural gas, electrical power, and water. It is close in proximity to the urban population centers of Eugene and Springfield, which provides an educated and/or skilled workforce and provides jobs for livable communities.

The extension of the wastewater system to the rural unincorporated community of Goshen will facilitate the County's goal of attracting industry and industrial development in the area. Goshen has been an important area of action for the Lane County Board of Commissioners for more than 10 years. This amendment will remove the remaining barrier to economic development there.

Further, the residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station as is the current practice.

The Metro Plan amendment complies with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway

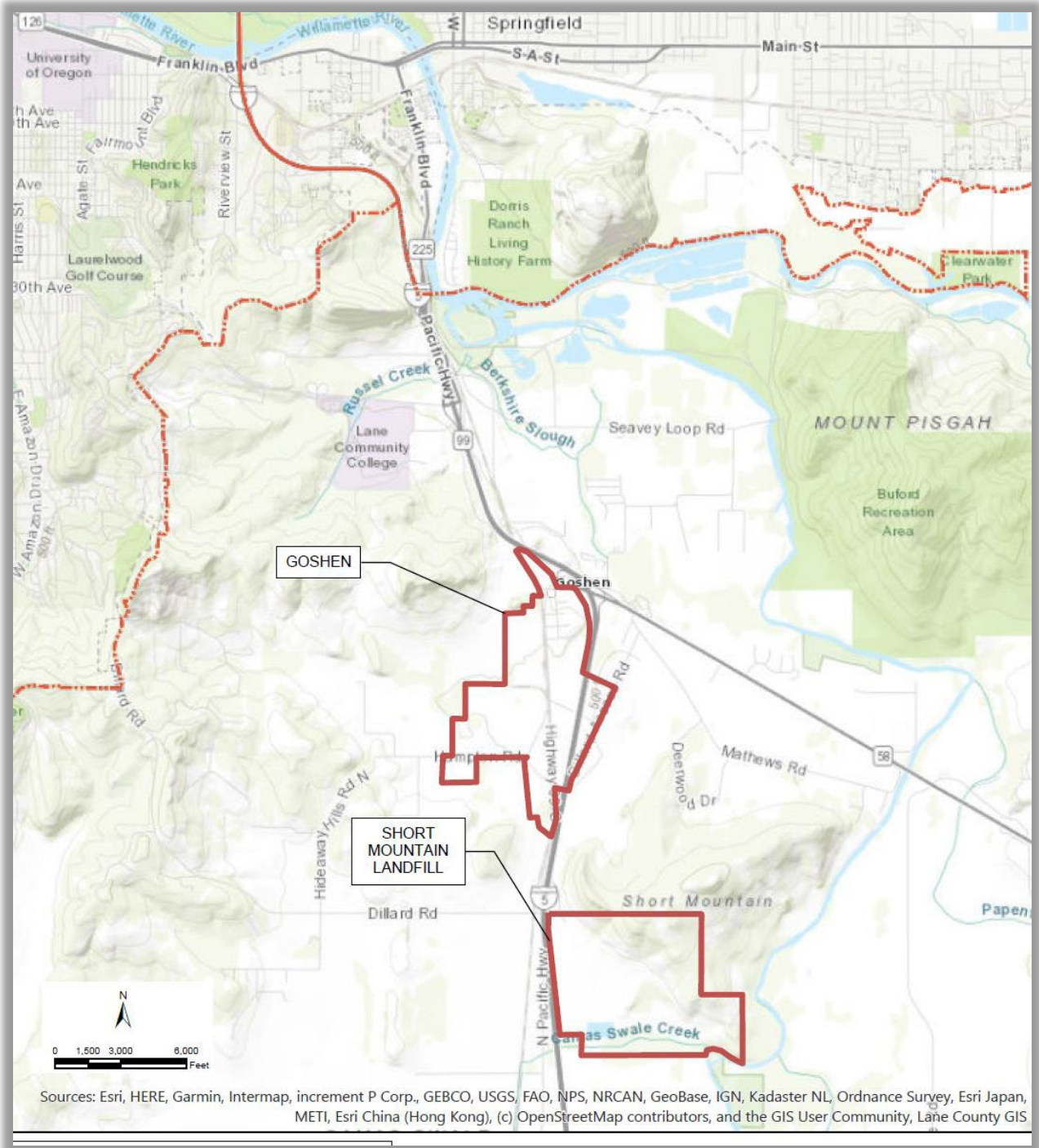
Statewide Planning Goal 15 -- *“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”*

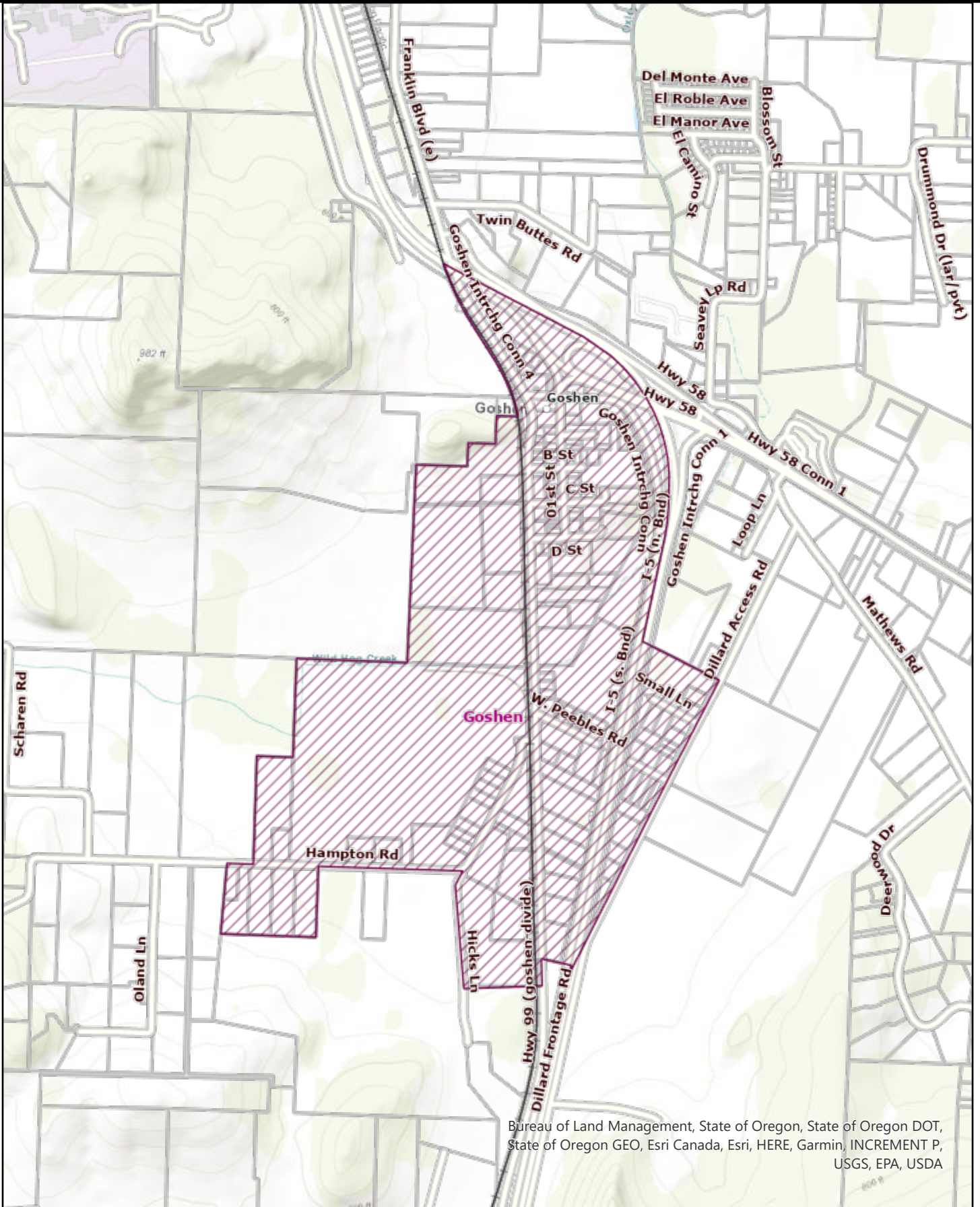
The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land within the Willamette River Greenway, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment is consistent with Goal 15.

Statewide Planning Goals 16 to 19 – Coastal Goals

These four goals are not applicable as they address resources that are not present in this portion of Lane County.

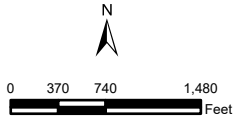
Vicinity Map of Goshen & Short Mountain Landfill



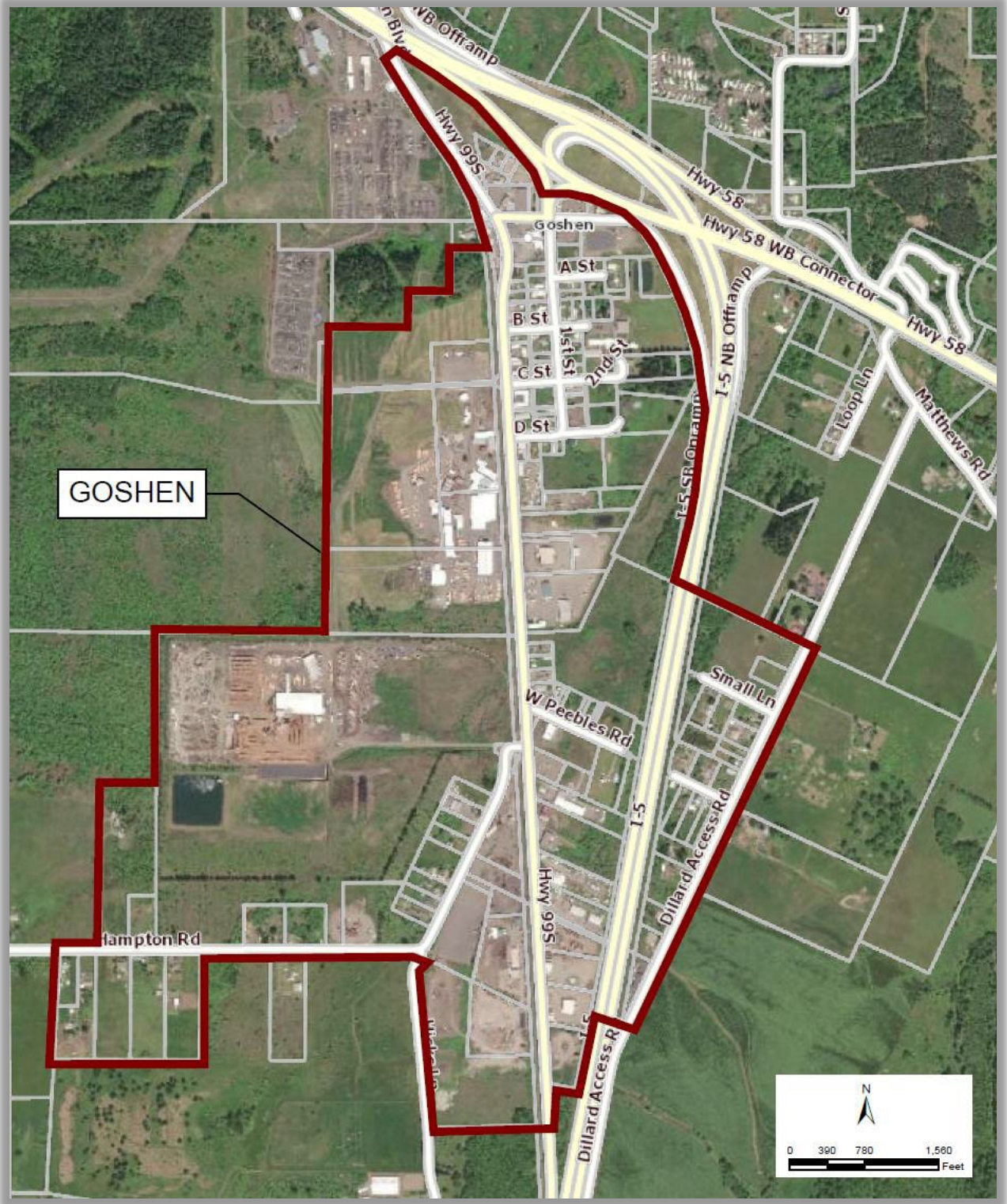


Bureau of Land Management, State of Oregon, State of Oregon DOT,
 State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,
 USGS, EPA, USDA

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.




Goshen Rural
 Unincorporated Community
 Lane County, Oregon



community create an inconvenience or adverse impacts so significant that it warrants the location in the community?" Still other uses do not require a location within the community and should instead be located inside an urban growth boundary or on other rural industrial land.

Providing land for related industrial businesses will help attract companies that can complement the rail dependent uses. Uses of this nature may not be feasible until the larger rail dependent uses are successfully operating. It would benefit the larger region, community and the uses by locating in close proximity to the rail dependent uses by reducing trips and shipping cost, as well as other efficiencies.

Proximity to competitors, a skilled workforce, specialized suppliers, and a shared base of sophisticated knowledge about their industry are reasons that are critical for allowing the supportive rail related uses.

If the above reasons for either or both categories of use are not satisfactory, the County finds that the proposed urban levels of industrial development on undeveloped rural land is necessary to support an economic activity that is greatly dependent on the "natural resource" of the existing industrial land for the reasons discussed above including the strategic logistical characteristics. However implausible some may feel the inclusion of the existing industrial land being considered as a natural resource is, or strained the credibility of the rule becomes, the County finds that the existing industrial land fits the definition of natural resource as contemplated in this rule provision and therefore qualifies for this "reason" under this standard.

The County finds that the term "natural resource" is defined in the back of the "Oregon's Statewide Planning Goals & Guidelines" booklet as found on the DLCD website. The provided definition states: "*NATURAL RESOURCES. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man. .,3*" Based on this definition, the County finds that the existing industrial designated property in Goshen fits the definition of a natural resource of land. This land is useful to man (within the Community of Goshen, the larger Region-Eugene/Springfield Metro area, Lane County as a whole, and the broader State of Oregon) and further has an increased potential usefulness by allowing an increased level of industrial development to create jobs. The industrial land is valued for its unique characteristics giving it an existing and potential usefulness to man in creating increased economic activity including providing new jobs to citizens living in the area.

A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the

³³ The term "natural resource" is also defined in OAR 635-410-0010(6). Here it states: "*Natural resources" means land, fish, wildlife, biota, air or water.*"

Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.

The County finds that a new Goal 3 or 4 reasons exception is also not required due to the original developed and committed exception to Goals 3 or 4 which was applied to the land on the basis of its preexisting industrial development.

(3) To approve an exception under section (2) of this rule, a county must also show:

- (a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

FINDINGS: The proposed urban levels of industrial development is being sought to allow intensification of development on existing industrially zoned and designated land within a rural community in conformance with this criterion. The proposed urban levels of industrial development cannot be reasonably accommodated in an existing UGB in the region (Eugene or Springfield) as evidenced by the results of the ECLA and CIBL reports. These reports find that neither of the City jurisdictions have adequate industrial land capacity within their existing UGB's to meet their or the regions employment needs. Specifically identified is a need for large lot industrial sites. Additionally, the County finds that there is a need for large lot industrial sites that are strategically located in close proximity to the Interstate freeway system as well as near to and/or served by a rail line. Together with the need for large sites as discussed in the findings above, siting supportive urban levels of industrial development in close proximity to the large rail served sites is a significant competitive advantage that cannot be provided on sites inside a UGB.

Due to the significant comparative advantages of the Goshen area, specifically the superior access to highway and rail, the proposed urban level of industrial development cannot be reasonably accommodated in or through expansion of an existing urban growth boundary.

The County finds that it is not reasonable to accommodate the proposed urban industrial development through an expansion of an existing UGB in the region. There are no sites that have been identified by either city jurisdiction that could provide for superior highway and rail access. These findings are further supported when considering the significant comparative advantages of the Goshen community as discussed above.

**Springfield Planning Commission
Type 3 Amendment to the Metro Plan**

Hearing Date: April 4, 2023

Case Number: 811-23-000017-TYP4

Applicant: Lane County

Request

The City received an application for a Type 3 *Metro Plan* amendment from Lane County. Adoption of the proposed *Metro Plan* amendments would allow the extension of wastewater infrastructure to the unincorporated community of Goshen and to the Short Mountain Landfill which are located outside the urban growth boundaries (UGBs) of Eugene and Springfield. Inadequate infrastructure has posed a barrier to development of Goshen's 444 acres of industrial, commercial, and residentially zoned properties. As noted in Lane County's Staff Report, the Goshen area was designated by the State of Oregon as a Regionally Significant Industrial Area (RSIA) for its access to transportation/freight infrastructure, sites for industrial areas that would provide significant employment opportunities, and its proximity to major labor markets. Thus, the County has already determined that an urban level of industrial development is appropriate for the area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the Lane County landfill to the metropolitan wastewater collection system. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting approximately 25-million gallons of leachate annually with an average of 10 to 12 tanker trucks per day to the County-owned Glenwood receiving station, as is the current practice.

Nature of the Proposal

In 2013, the Lane County Board of Commissioners adopted a countywide strategic plan with a key goal of increasing industrial development and high-paying jobs within the unincorporated community of Goshen. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the County in June of 2013 to promote development for employment uses in Goshen. The County's goal was to foster industrial development in the Goshen community, which would bring with it high-paying jobs. This in turn would promote economic development throughout the region.

Goshen has significant advantages for industrial development including: existing industrial/non-resource designations; large parcels; proximity of supporting smaller parcels to the larger parcels; close proximity and direct access to the State Highway system, including I-5, Highway 58, and Highway 99; adjacency and access to rail; proximity to the urban population centers of Eugene and Springfield for providing an educated and/or skilled workforce; access to natural resources; proximity and access to utility infrastructure including natural gas, electrical power, and water; limited natural resource conflicts, and relatively level topography.

This area is a regional asset with its advantages for industrial growth and economic development, which would benefit the entire county economy by creating an environment to stimulate job growth. Additionally, there would be no loss to productive resource lands due to the land already having a non-resource designation."

Areas to be Served

The unincorporated community of Goshen includes approximately 444 acres of industrial, commercial, and residential development that lies 3.5 miles south of Eugene at the junction of Interstate 5, Highway 99, and Highway 58. The Short Mountain Landfill includes 575 acres of land for the Lane County landfill and sits 5.5 miles south of Eugene along Interstate 5. Both areas are located outside the UGBs of Eugene and Springfield.

Notification and Written Comments

In accordance with Springfield Development Code (SDC) 5.14.115(C)(2), proposals to amend a fundamental principal as specified in Metro Plan Chapter II A, are classified as a Type 3 *Metro Plan* amendment requiring approval by Springfield, Eugene, and Lane County.

In accordance with SDC 5.14.130, the property owner/public agency-initiated amendment to the *Metro Plan* diagram is processed as a Type 4 (legislative) land use action.

In accordance with the Oregon Administrative Rules (OARs) 660-018-0020, prior to adopting a change to an acknowledged comprehensive plan or land use regulation, local governments are required to notify the state Department of Land Conservation and Development (DLCDC) at least 35 days prior to the first evidentiary hearing. Lane County submitted a Notice of Proposed Amendment to the DLCDC on February 28, 2023, which is 37 days prior to the joint Eugene, Springfield, and Lane County Planning Commission public hearing on the matter.

In accordance with SDC 5.1.615(A), Type 4 legislative land use decisions require notice in a newspaper of general circulation. Notification of the joint Planning Commission public hearing was published in the legal notices section of *The Register Guard* on March 15, 2023. Staff has not received any public comments as of the writing of this staff report.

In accordance SDC 5.1.620, an amendment to the *Metro Plan* can be initiated by a property owner or public agency at any time. The application was submitted on January 27, 2023 and the joint hearing is scheduled for April 4, 2023.

In accordance with SDC 5.1.630, the Type 4 legislative change must be adopted by ordinance and the City Council decision for the Metro Plan amendment is final only upon concurrence with Lane County Commissioners and the City of Eugene City Council. The Planning Commission's recommendation must address all the applicable approval standards and criteria and any written or oral testimony. See the applicable Criteria of Approval response below.

Criteria of Approval

Section 5.14.135 of the SDC contains the criteria of approval for the decision maker to utilize during review of *Metro Plan* diagram amendments. The Criteria of approval are:

SDC 5.14.135 CRITERIA

A Metro Plan amendment may be approved only if the Springfield City Council and other applicable governing body or bodies find that the proposal conforms to the following criteria:

- (A) *The amendment shall be consistent with applicable Statewide Planning Goals; and*
- (B) *Plan inconsistency:*

- (1) *In those cases where the Metro Plan applies, adoption of the amendment shall not make the Metro Plan internally inconsistent.*
- (2) *In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.*

The findings provided below are largely the same as the findings provided by Lane County and include one addition finding to address a Springfield-specific criterion related to the Springfield Comprehensive Plan (SDC 5.14.135 (B)(2). Findings that differ from Lane County's are shown in *blue italics*, including the Springfield-specific finding.

A. Consistency with Applicable State-Wide Planning Goals

Goal 1 – Citizen Involvement

Statewide Planning Goal 1 -- *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

Goal 1 is a process goal. The amendment complies with Goal 1 because it will be processed as a legislative action through the jurisdictions' acknowledged public procedures for Metro Plan amendments. This process includes joint public hearings before the City of Eugene, the City of Springfield, and Lane County's planning commissions, and joint hearings before the governing bodies of all three jurisdictions.

The joint planning commission hearing is scheduled to be held April 4, 2023. Notices will be sent to interested parties and the public hearing notice was also published in The Register-Guard newspaper on March 15, 2023.

The joint hearings before the governing bodies of Lane County, the City of Eugene, and the City of Springfield is scheduled to be held at a future date yet to be determined.

Goal 2 – Land Use Planning

Statewide Planning Goal 2 -- *“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.”*

The land use codes of both cities and Lane County specify the procedures and criteria that were used in considering this amendment. The findings documents show the record includes an adequate factual base for the amendment. The record of the original Lane County Rural Comprehensive Plan amendment and Reasons Exception that was adopted to enable the urban levels of industrial uses in Goshen shows that the County studied the need for certain employment lands that have access to rail transport. The Goshen property included in the GREAT plan was determined, through thorough study, to meet the demands for that type of development. The proposed amendment will enable the development that has been stymied by lack of infrastructure that this proposal will provide.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, among the cities, Lane County and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. The County

and cities coordinated and jointly adopted the Metro Plan amendment. For the ordinance adopting this Metro Plan amendment, intergovernmental coordination included the following:

- The **Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action and regular contact with the area’s regional representative.
- **City of Eugene, City of Springfield, and Lane County**, which will jointly consider adoption of the Metro Plan amendment, were engaged during the process with staff from the three entities participating in meetings and providing feedback on the proposed amendment language and documents. County staff collaborated with City staff to provide informational updates and work sessions to the elected officials.
- **Community of Goshen** was engaged through notice of the proposed action published in The Register-Guard and opportunity to comment.
- **Metropolitan Wastewater Management Commission has been included in meetings and invited to provide feedback on the proposed action. County staff has coordinated with MWMC throughout this process.**

Goal 3 – Agricultural Land

Statewide Planning Goal 3 -- *“To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.”*

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for farm use, those impacts will be addressed in anticipated code changes or development permit. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 3 analysis.

Goal 4 – Forest Land

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

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for forest uses, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 4 analysis.

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

Statewide Planning Goal 5 -- *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

Goal 5 requires the County to inventory the locations, quality, and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Both cities and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5. The administrative rule that implements Statewide Planning Goal 5 requires application of Goal 5 in limited circumstances for post-acknowledgment plan amendments (PAPA).

OAR 660-023-0250(3) - Applicability

Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The proposed Metro Plan amendment does not change existing Goal 5 lists or site protections, as described in OAR 660-023-0250(3)(a) and (b). *To the extent any portions of the wastewater pipeline will be located within a resource site or the impact area of a resource site, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 5 analysis.*

Goal 6 – Air, Water and Land Resources Quality

Statewide Planning Goal 6 -- *“To maintain and improve the quality of the air, water and land resources of the state.”*

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

The State has not adopted specific requirements for complying with Statewide Planning Goal 6. The County and cities are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions' future compliance with those laws.

Further, this amendment will develop solutions to wastewater infrastructure for the community of Goshen and the Short Mountain Landfill. Connecting the landfill to a piped wastewater system is an important goal for the Lane County Public Works Department. The wastewater from the landfill is currently transported by tanker truck to the regional wastewater facility. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate (liquid that percolates through the waste mass at the landfill) annually.

Goal 7 – Areas Subject to Natural Hazards

Statewide Planning Goal 7 -- *“To protect people and property from natural hazards.”*

The State has not adopted specific requirements for complying with Statewide Planning Goal 7. Natural hazards for the purposes of Goal 7 are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Portions of the pipeline leading from Goshen to the Metropolitan Wastewater Management Commission (MWMC) connection location may pass through the 100-year flood zone and Willamette Floodway. Lane Code (LC) 16.244 establishes the requirements for work performed in a floodplain, in addition to other applicable local, State, and Federal regulations. For development activities within a mapped flood hazard area, a Floodplain Development Permit, Fill/Removal Permit, or a Floodway Development Permit would be required before construction commences. A Floodplain Development Permit or a Fill/Removal Permit apply to all development within the mapped A and AE flood zones; a Floodway Development Permit is required for all development within the mapped floodway AE zone. These permit reviews can be completed concurrently with the Willamette Greenway Development permit process (see findings addressing Statewide Planning Goal 15 below).

In Lane County, outside of urban growth boundaries, a Floodplain Development Permit is a Type I review process, and the Floodway Development Permit is a Type II process. A primary requirement of a Floodway Development Permit is that an engineer must certify the project will not reduce flood storage capacity nor create a rise in the base flood elevation. Because this project involves buried pipelines, a reduction in flood storage capacity is not expected.

Goal 8 – Recreational Needs

Statewide Planning Goal 8 -- *“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.”*

Goal 8 pertains to the recreation needs of citizens and visitors to the state. The actions taken by this amendment do not impact the city or county's recreation needs. Therefore Goal 8 does not apply.

Goal 9 – Economic Development

Statewide Planning Goal 9 -- *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

As discussed in previous findings, the proposed Metro Plan amendment is intended to provide adequate infrastructure to an area that is already planned and zoned to accommodate an urban level of industrial development. That development will provide adequate opportunities for a variety of economic activities in the Goshen community as well as in the larger Lane County region and beyond, which is vital to the health, welfare, and prosperity of Oregon’s citizens.

As the County and cities continue to grow and flourish it will be necessary for the landfill to accommodate this growth. Connecting the landfill to a piped wastewater system will be an important part of that economic development.

The Metro Plan amendment is consistent with Goal 9.

Goal 10 - Housing

Statewide Planning Goal 10 -- *“To provide for the housing needs of citizens of the state.”*

Goal 10 generally imposes planning obligations on local governments only for urban and urbanizable lands within urban growth boundaries. The actions taken by this ordinance do not impact the either Eugene’s or Springfield’s supply/demand for residential land. Therefore, OAR 660, Division 8 and Goal 10 do not apply.

Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- *“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.”*

Statewide Planning Goal 11 is implemented by Oregon Administrative Rule Chapter 660, Division 11. Under Goal 11 and its implementing regulations, extension of sewer services outside the urban growth boundary (UGB) is heavily discouraged. Urban level sewer services are meant to be limited to serving areas inside the UGBs as a way of limiting urban levels of development in rural areas. OAR 660-011-0060, however, provides some allowances and exceptions to that general rule, articulating when and where sewer services may be placed on or extended to serve rural lands. For instance, OAR 660-011-0060(3)(a)(E) allows components of sewer systems that serve land outside a UGB where necessary to transport leachate from a landfill on rural land to a sewer system inside a UGB. Further, OAR 660-011-0060(3)(a)(B) allows placing components of a sewer system on rural lands where necessary to serve lands inside an unincorporated community.

Goal 11 directs local governments to “not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.”

The action taken by this amendment would extend the wastewater system to the rural unincorporated community of Goshen and provide for transport of leachate from the Short Mountain Landfill to a sewer system inside a UGB. This is compatible with Goal 11. Wastewater services would not be provided along the route. As specified by the proposed G.26 policy amendment, the

extension of the wastewater system will serve only the rural unincorporated community of Goshen and the landfill for the transport of leachate.

The Short Mountain Landfill serves the communities inside the UGBs of Eugene and Springfield as it accepts solid waste from the surrounding area. It is also the only permitted municipal landfill in Lane County. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the Glenwood transfer station located within the Metropolitan Wastewater Management Commission (MWMC) service area. Currently the leachate travels 5.5 miles from the storage lagoons at the landfill to the discharge point.

The leachate is already handled by the regional wastewater system after being trucked in. By connecting the landfill to the system through a piped connection, it provides a safe, cost effective, and efficient way to transport the leachate. This benefits community members within the Metro Plan area inside the UGB, who are being served by the Short Mountain Landfill.

The County has long been working toward the goal of increasing industrial development and creating high-paying jobs in the Goshen community. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the commissioners in June of 2013 to promote development in Goshen under urban industrial zoning. At the time of the GREAT Plan's adoption, extending wastewater service to the area was not part of the adopted Ordinance, but the need for extending service was anticipated. With this Metro Plan amendment the County could realize its goal of industrial development in the area and promoting economic development throughout the region.

The County anticipated the need for the extension of wastewater services in its adoption of Ordinance No. PA 1282 in 2013. The findings of the Ordinance on pages 36-37 stated:

“A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.”

OAR 660-011-0060(3)

Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

(B) Serve lands inside a nearby UGB or unincorporated community;

(C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;

(D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or

(E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;

(b) The local government:

(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and

(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.”

The extension of the wastewater line that would be allowed by the proposed Metro Plan amendment satisfies subsections (a)(B) and (a)(E) above. The adoption of the GREAT plan in 2013 approved a Goal 14 Exception for the Goshen area, which is a rural unincorporated community. The extension would serve Goshen, pursuant to subsection (a)(B). And the rule specifically allows for extension of components of a sewer system outside the UGB for the transport of leachate from a landfill on rural land to a sewer system inside the UGB, pursuant to subsection (a)(E). For the purpose of this Metro Plan amendment, subsection (b) is arguably met at the time of adoption, given that extension of wastewater service will only be allowed by the proposed language to Goshen and Short Mountain. Additionally, prior to construction, the County intends to adopt land use regulations prohibiting cross connection in other areas outside of the Metro Plan boundary.

Springfield finds that the County’s findings rely upon OAR 660-01100060(3) to overcome the prohibition under OAR 660-011-0060(2) on extending sewer lines from within a UGB, outside the UGB, without need for an exception to Goal 11. However, the findings do not fully address subsection (3)(b). Additional findings and/or conditions of approval are needed to demonstrate that land use regulations will ensure the sewer system does not serve other areas outside the UGB, and that the system will protect farm and forest practices per ORS 215.296 or else that the sewer will be entirely located in the subsurface of public roads and highways along the public right of way.

Therefore, Goal 11 is not yet satisfied.

Goal 12 – Transportation

Statewide Planning Goal 12 -- *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 pertains to the transportation system.

OAR 660-012-0060 -- Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The actions taken by this amendment do not impact the county's transportation system and would not significantly affect an existing or planned transportation facility. The main impact likely to result from the amendment is a reduction in truck travel on I-5 from the transport of leachate. Therefore, Goal 12 is satisfied.

Goal 13 – Energy Conservation

Statewide Planning Goal 13 -- *“To conserve energy.”*

The State has not adopted specific rules for complying with Statewide Planning Goal 13. The proposed Metro Plan amendment satisfies Goal 13 as it will eliminate the need to truck leachate from the landfill to the MWMC treatment plant. Reducing those truck trips provides a net gain with regard to energy conservation.

Goal 14 - Urbanization

Statewide Planning Goal 14 -- *“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal 14 generally seeks to limit the level of development in rural areas to the levels of uses consistent with rural lands. As discussed in previous findings, the County took a Goal 14 Exception in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

The Goshen community is ideally situated to accommodate the County's goals. It already has existing industrial and non-resource designations, which ensures an efficient use of already available land. Goshen has direct access to major highways and rail, and proximity and access to utility infrastructure including natural gas, electrical power, and water. It is close in proximity to the urban population centers of Eugene and Springfield, which provides an educated and/or skilled workforce and provides jobs for livable communities.

The extension of the wastewater system to the rural unincorporated community of Goshen will facilitate the County's goal of attracting industry and industrial development in the area. Goshen has been an important area of action for the Lane County Board of Commissioners for more than 10 years. This amendment will remove the remaining barrier to economic development there.

Further, the residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station as is the current practice.

Springfield finds that the Short Mountain landfill sewer extension is consistent with Goal 14. The landfill is not an urban use itself, and so extending the sewer system to serve this use does not locate an urban use in a rural area which would run afoul of Goal 14. Provided that the Goal 11

requirements can be met to limit impacts to farm and forest uses and prevent other connections to the sewer outside of the UGB, Goal 14 is met for the Short Mountain landfill sewer connection. However, the current Goal 14 findings above are inadequate for the Goshen sewer extension because they rely upon the Goal 14 “reasons” exception (adopted by Lane Co. Ordinance No. PA 1282, as amended by Ordinance PA 1317 on remand from the Land Use Board of Appeals), without findings that the 2013 exception is applicable to this specific set of Metro Plan amendments. Per OAR 660-004-0018(1), “Exceptions to one goal or a portion of one goal ... do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception.”

OAR 660-004-0018(4) provides the relevant requirements for “reasons” exemptions to the statewide planning goals:

(4) “Reasons” Exceptions:

(a) When a local government takes an exception under the “Reasons” section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, OAR 660-014-0040, or OAR 660-0140-090, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a “Reasons” exception, a new “Reasons” exception is required.

The findings for the Metro Plan amendment should either explain why the MWMC sewer extension is the same type and intensity of “public facilities and services” recognized or justified by the 2013 exception under subsection (4)(a), or include a new reasons exception under (4)(b).

Therefore, the Metro Plan amendment does not yet comply with Goal 14.

Goal 15 – Willamette River Greenway

Statewide Planning Goal 15 -- “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.”

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land within the Willamette River Greenway, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment is consistent with Goal 15.

Goals 16-19 Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

These four goals are not applicable as they address resources that are not present in this portion of Lane County.

B. Plan Inconsistency

1. **In those cases where the *Metro Plan* applies, adoption of the amendment shall not make the *Metro Plan* internally inconsistent.**

Chapter II-C Growth Management Goals, Findings, and Policies

Policy 4: Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.

The County took an Exception to Statewide Planning Goal 14 in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the municipal landfill to the proposed wastewater collection system in Eugene/Springfield. The residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station, as is the current practice.

The intent of the proposed Metro Plan amendment is to develop safe, efficient solutions to wastewater infrastructure for the existing Short Mountain Landfill and for urban levels of industrial development that is already planned for the Goshen area. The proposal is consistent with Policy 4.

Chapter III-B Economic Element

Policy B.27: Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.

On October 12, 2021, the Lane County Board of Commissioners directed staff to coordinate with the Metropolitan Wastewater Management Commission (MWMC), the City of Eugene, and the City of Springfield to pursue amendments to the Metro Plan to facilitate extending wastewater services to the rural unincorporated community of Goshen as well as a pipeline extension connection to service Short Mountain Landfill for conveyance of leachate. Although the economic element no longer applies to Eugene or Springfield, both cities and the County must jointly adopt any amendments to the Metro Plan.

The industrial development in the unincorporated community of Goshen has been a topic of significant conversation and action by the Board of Commissioners for more than 10 years. In 2013, the Board adopted the GREAT Plan, which designated lands within Goshen for urban levels of industrial development. The major remaining barrier to development of that area is the lack of adequate wastewater infrastructure. The adoption of the proposed Metro Plan amendment would enable extension of wastewater services by MWMC, which in turn, would enable the industrial development that has long been planned for this area.

Likewise, the ability of the Short Mountain Landfill to connect to a piped wastewater system remains a strong desire of the Lane County Public Works Department. This wastewater is already truck delivered to the regional wastewater facility at the Glenwood Transfer Station. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate annually by tanker trucks.

Chapter IV Metro Plan Review, Amendments, and Refinements

Policy 6.b.iii: Type III Text Amendments include: Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

Policy 7.c: A Type III amendment may be initiated by any one of the three governing bodies at any time.

Policy 8.a: The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.

Policy 8.b: When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.

The proposal is a request to amend Chapter II.C, Policy 21; and Chapter III.G, Policy G.26 and Policy G.28 of the Metro Plan via this Type III Metro Plan Amendment. The amendment was initiated by Lane County, and Lane County has notified the other jurisdictions. The jurisdictions agree that the proposal is a Type III amendment. The procedures are consistent with Chapter IV of the Metro Plan.

2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.

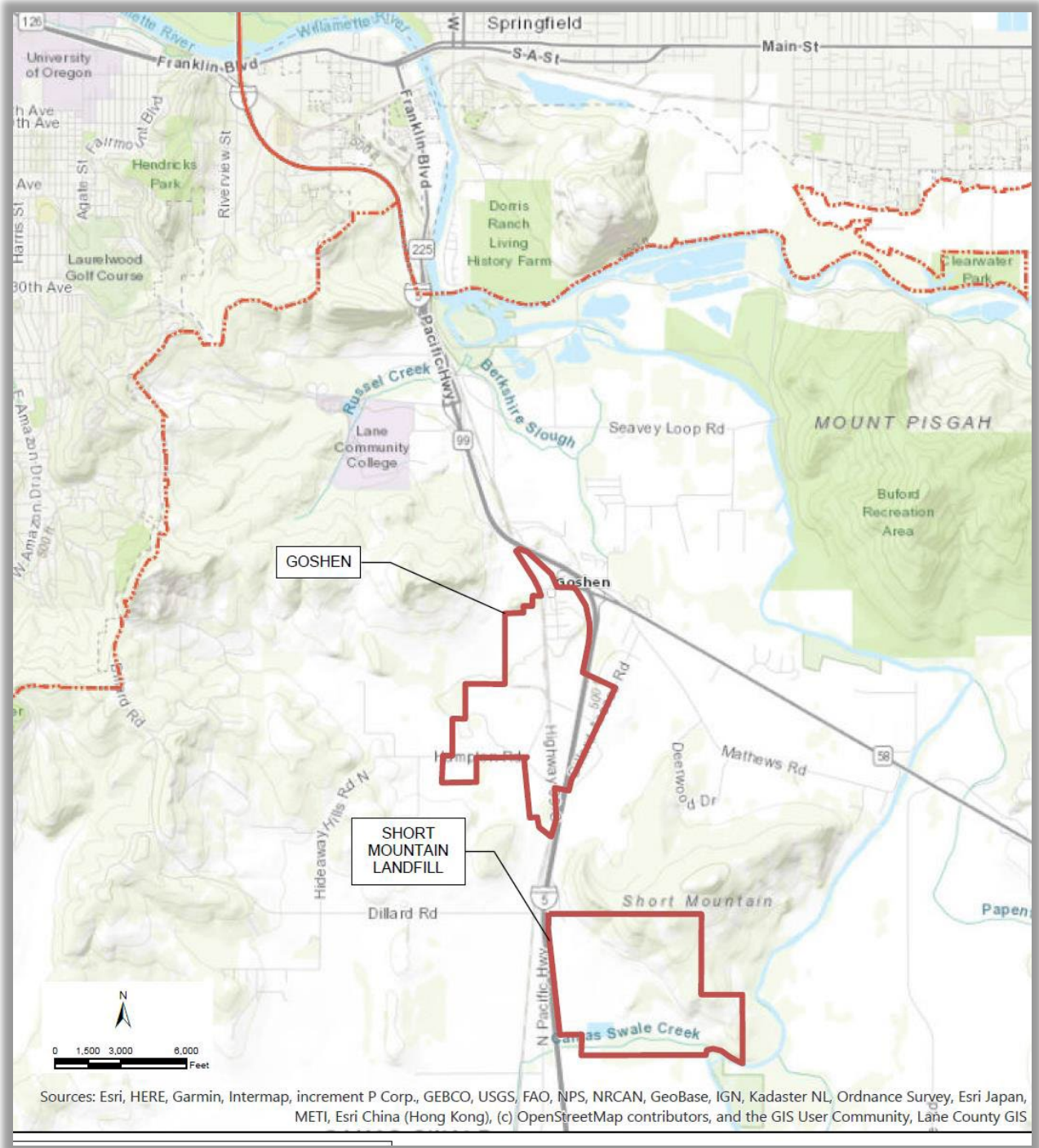
The proposed amendment does not impact land with Springfield's urban growth boundary. Therefore, the Springfield Comprehensive Plan is not applicable.

Conclusion and Recommendation

Based on the applicant's narrative, the findings above, and the criteria of SDC 5.14.135 for approving amendments to the *Metro Plan*, staff finds the proposed *Metro Plan* amendment to allow wastewater service to be extended to the unincorporated community of Goshen and Lane County's Short Mountain Landfill *are not yet consistent with all the criteria.*

Questions: Please call Haley Campbell in the Development & Public Works Department at (541) 726-3647 or email hcampbell@springfield-or.gov if you have any questions regarding this process.

Vicinity Map of Goshen & Short Mountain Landfill



AGENDA ITEM SUMMARY

Meeting Date: 4/4/2023
Meeting Type: Work Session/Reg. Mtg
Staff Contact/Dept.: Haley Campbell, DPW
Staff Phone No: 541-726-3647
Estimated Time: 2 hours
Council Goals: Encourage Economic Development and Revitalization through Community Partnerships

**SPRINGFIELD
PLANNING COMMISSION**

ITEM TITLE: REQUEST FOR METRO PLAN AMENDMENT TO ALLOW FOR WASTEWATER SERVICE TO BE EXTENDED TO THE RURAL UNINCORPORATED COMMUNITY OF GOSHEN AND LANE COUNTY'S SHORT MOUNTAIN LANDFILL

ACTION REQUESTED: Conduct a joint work session and joint public hearing with the City of Eugene, City of Springfield, and Lane County Planning Commission.

ISSUE STATEMENT: The Eugene, Springfield, and Lane County Planning Commissions will hold a joint public hearing to consider a proposal to adopt amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan) that will enable future actions to extend Metropolitan Wastewater Management Commission (MWMC) wastewater infrastructure to serve the needs of the rural unincorporated community of Goshen and Lane County's Short Mountain Landfill.

The Lane County Board of Commissioners initiated this Metro Plan amendment to revise jointly adopted policies in the Metro Plan to allow for the extension of wastewater to Goshen and the Short Mountain Landfill. The Metro Plan generally prohibits extension of urban-level public facilities outside the urban growth boundary consistent with Statewide Planning Goals 11 (Public Facilities and Services) and 14 (Urbanization). Exceptions to the Oregon Administrative Rule (OAR) can be found in OAR 660-011-0060 for extending wastewater service for the transport of leachate and to serve an unincorporated community. The proposed amendments would allow the County to move forward to extend the wastewater system.

ATTACHMENTS: ATT1 – Lane County Staff Report
Exhibit A – Proposed Metro Plan Policy Amendments
Exhibit B – Findings
Exhibit C – Vicinity Map of Goshen and Short Mountain Landfill
Exhibit D – Map of the Goshen Rural Unincorporated Community
Exhibit E – Ordinance No. PA 1282, Pages 36-37

ATT2 – Springfield Staff Report and Findings

DISCUSSION: The proposed amendments are a Type III Legislative Amendment to the Metro Plan, which includes public notice and a public hearing before the Eugene, Springfield, and Lane County Planning Commissions.

The County is currently working to address gaps in the findings for Goal 11 and 14. If there are revisions to the County's proposed findings prior to the public hearing, they will be added to the Planning Commission packet and posted at Springfield Oregon Speaks.

The Commissions may choose to close the public hearing and public record or close the public hearing but leave the record open for additional public comment through their respective deliberations. The Eugene Planning Commission deliberation is scheduled for April 25, 2023, the Lane County Planning Commission deliberation is scheduled for April 18, 2023, and the Springfield Planning Commission deliberation is scheduled for May 2, 2023. Following the deliberations, the three commissions will forward a separate recommendation to the Eugene City Council, Lane County Board of Commissioners, and Springfield City Council, respectively.



**STAFF REPORT
MARCH 15, 2023**

To: Eugene, Springfield, and Lane County Planning Commissions

From: Jared Bauder, Staff (Lane County)
Anne Davies, Consultant (Lane Council of Governments)

Subject: Joint Public Hearing: Eugene-Springfield Metropolitan Area Plan (Metro Plan), Amendment to allow for wastewater service to be extended to the rural unincorporated community of Goshen and Lane County's Short Mountain Landfill

ISSUE STATEMENT

At this meeting, the Eugene, Springfield, and Lane County Planning Commissions will hold a joint public hearing to consider a proposal to adopt amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan) that will enable future actions to extend Metropolitan Wastewater Management Commission (MWMC) wastewater infrastructure to serve the needs of the rural unincorporated community of Goshen and Lane County's Short Mountain Landfill.

Lane County has long been working toward the goal of creating high-paying jobs and promoting industrial development in the unincorporated community of Goshen, which is approximately 3.5 miles south of Eugene at the junction of Interstate 5, Highway 99, and Highway 58. In 2013, the County adopted the Goshen Region Employment and Transition (GREAT) Plan, which zoned industrial properties located within Goshen for urban levels of development. However, inadequate public facilities, specifically the lack of wastewater infrastructure, has posed a significant barrier to the desired industrial development. The Goshen wastewater service area includes approximately 444 acres of industrial, commercial, and residential zones. The MWMC provides wastewater services to the Eugene-Springfield metropolitan area in partnership with the cities of Eugene and Springfield, but its internal policies as well as existing policies in the Metro Plan prohibit extending wastewater services to areas outside the urban growth boundaries (UGBs) of Eugene and Springfield.

The Short Mountain Landfill, which sits approximately 5.5 miles south of Eugene along Interstate 5, is also located outside the UGBs of Eugene and Springfield. Landfills produce leachate, a liquid that percolates down through the waste mass. At Short Mountain, the leachate is collected via a collection of pipes and pump stations and transported to an on-site covered storage lagoon. From there it is transported via tanker trucks to the County-owned Glenwood receiving station. At the receiving station the leachate is discharged into the sanitary sewer system where it goes to the MWMC wastewater treatment facility. The Short Mountain Landfill is the only permitted municipal landfill in Lane County and accepts solid waste from the surrounding area. Approximately 25-million gallons of leachate are transported annually with an average of 10 to 12 trucks per day. An extension of wastewater infrastructure to Goshen would

facilitate extending that infrastructure to the landfill as well, thereby eliminating the need for leachate to be transported via truck to be processed.

The Lane County Board of Commissioners initiated this Metro Plan amendment to revise jointly adopted policies in the plan to allow for the extension of wastewater to Goshen and the Short Mountain Landfill. The proposed amendments would allow the County to move forward to extend the wastewater system.

BACKGROUND

More than a decade ago, the Lane County Board of Commissioners identified economic and industrial development in Goshen as a strategic goal. Specifically, the County adopted the following goal: “[B]y 2017, Lane County will transform the existing industrial land in Goshen to support increased levels of development resulting in jobs that pay no less than 150% of the median wage. Lack of buildable land is a barrier for traded-sector companies that want to locate in Lane County, particularly those companies that require a larger footprint.” At the time, the County projected that 2,000 to 3,000 industrial manufacturing jobs could be created on the existing industrial land. To move toward the strategic goal of industrial development in Goshen the County adopted the Goshen Regional Employment and Transition (GREAT) Plan.

In September 2012 the Goshen area was designated by the State of Oregon as a Regionally Significant Industrial Area (RSIA). There were only nine RSIA's designated in the state. These regionally significant sites are areas that are planned and zoned for industrial use that have competitive advantages that make them difficult or impossible to replicate in the region. The RSIA designation was important for Goshen because it protected the designated lands from being used for non-industrial purposes for a period of ten years. The governing body that approved RSIA¹ designations dissolved in 2018 and at this point the ten years has passed, however, Goshen retains the RSIA distinction. The criteria for an area to be designated a RSIA included superior access to transportation and freight infrastructure, sites for new or expanding industrial uses that would provide significant additional employment, and located in close proximity to major labor markets. Goshen met these criteria.

County staff undertook an exception to Oregon Statewide Land Use Planning Goal 14 (Urbanization) and associated comprehensive plan and zoning changes. Oregon's land use planning system allows for local governments to take an exception to a goal when it finds that certain land should be excluded from the requirements of an applicable statewide goal in accordance with the process specified in Goal 2, Part II, Exceptions. The purpose of the Goal 14 exception was to allow urban levels of development on the existing rural industrial zoned lands of the unincorporated community of Goshen. These changes, referred to as the Goshen Region Employment and Transition (GREAT) Plan, were approved by the County in June 2013. LandWatch Lane County subsequently appealed the adoption of the Plan to the Land Use Board of Appeals (LUBA).

¹ Business Oregon now has the Regionally Significant Industrial Sites (RSIS) program, which is a profit sharing economic development tool that offers state income tax reimbursements for approved industrial site readiness activities. A local government may apply for RSIS designation if it owns the industrially zoned site or act as a sponsor for a privately owned industrial zoned site. At this time land in Goshen has not gone through the RSIS process.

LUBA remanded the decision, with direction to address the issue of addressing adequacy and presence of sewer service to support the exception. In July 2014, the County contracted with the consulting firm Kennedy Jenks for wastewater feasibility work in response to LUBA's remand decision. Kennedy Jenks identified three feasible alternatives to providing wastewater service to Goshen. The study recommended connection to the Metropolitan Wastewater Management Commission (MWMC) regional system as it had the lowest cost of all alternatives considered. The County then re-adopted the GREAT Plan in 2015, and no further appeals were filed.

With financial assistance from Business Oregon and the Department of Land Conservation and Development, the County completed the Goshen Financial and Administration Study, which estimated connection charges for the MWMC connection and identified system administrative functions that would be required for the operation of the Goshen wastewater system. The study also reviewed several alternatives for system governance, ultimately recommending the Goshen facilities be incorporated into the MWMC regional system.

With additional funding from Business Oregon, Kennedy Jenks, on behalf of the County, completed the draft Project Definition Report in November 2019. The report included the extension of a pipeline to the Short Mountain Landfill to convey leachate from the landfill to the proposed wastewater collection system for Goshen. In February 2022, Lane County finalized a Project Definition Report (PDR), that refines the conceptual planning and financial estimates from the 2015 and 2017 studies. The PDR includes route evaluations for gravity sewers and pressure force mains as well as capital cost estimates, connection charge estimates, and a Permitting Plan with anticipated timelines.

There is no expectation that this project will require money from the cities of Eugene and Springfield. Various funding mechanisms have been discussed and will be finalized after the Metro Plan amendments are approved. There will likely be a combination of funding sources, including grants and collection fees. Potentially project funding for design and construction can be obtained from Business Oregon and the State of Oregon Clean Water State Revolving Fund (CWSRF) program administered by the Department of Environmental Quality (DEQ). Lane County may also allocate solid waste management funds for portions of the project that convey leachate from Short Mountain Landfill. Funding connection charges will be determined through additional financial evaluation to be performed by the County in ordination with the MWMC as part of the ongoing intergovernmental policy discussions.

PROPOSED METRO PLAN AMENDMENTS

Implementation of the Kennedy Jenks report to extend wastewater service to Goshen depends upon the adoption of several Metro Plan policy amendments.

Consistent with Statewide Planning Goals 11 (Public Facilities and Services) and 14 (Urbanization), Oregon administrative rules, and state statute, the Metro Plan generally prohibits extension of urban-level public facilities outside the UGBs. There are exceptions to these rules, for example there is a specific provision of OAR 660-011-0060 for extending wastewater service for the transport of leachate. The Metro Plan already includes exceptions to the general rule of extending wastewater service outside the UGB. Policy G.26 of the Metro Plan provides several exceptions to that general rule, as follows:

“Wastewater and water service shall not be provided outside the UGB except to the following areas, and the cities may require consent to annex agreement as a prerequisite to providing these services in any instance:

- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.
- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety of the citizens within the UGB that can only be remedied by extension of the service.

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

Policy G.26 is proposed to be amended to include the Short Mountain Landfill site and the Goshen area to the list of areas outside the UGBs to which wastewater services will be allowed. See proposed Metro Plan amendments, attached **Exhibit A**. Several other policies would also be amended to ensure consistency with the amendments to Policy G.26.

PROCEDURAL SUMMARY AND PLANNING COMMISSION ROLE

The process being followed for the formal consideration of the legislative adoption package meets or exceeds all the Cities and County procedural requirements for adoption of Type III amendment to the Metro Plan. The legislative process includes public notice and a hearing before the Eugene, Springfield, and Lane County Planning Commissions. At this stage, the commissions’ roles are to participate in a joint public hearing and subsequently make separate recommendations on the adoption package to their respective elected bodies. The recommendations of the planning commissions must be based on the applicable approval criteria for the proposed amendments. Those criteria and findings addressing the approval criteria are provided in **Exhibit B**.

NEXT STEPS

After the public hearing, each Planning Commission will hold separate deliberation meetings and form separate recommendations to their respective elected bodies. The Eugene Planning Commission deliberations and potential recommendation to the Eugene City Council is scheduled for April 25, 2023. The Lane County Planning Commission deliberations and potential recommendation to the Lane County Board of Commissioners is scheduled for April 18, 2023. The Springfield Planning Commission deliberations and potential recommendation to the Springfield City Council is scheduled for May 2, 2023.

Following the planning commission recommendations, the Eugene City Council, Springfield City Council, and Lane County Board of Commissioners will hold a joint public hearing to consider the Planning Commissions’ recommendations and adoption of the proposed Metro Plan amendments. After the public hearing, each jurisdiction will hold separate deliberations.

EXHIBITS

- A. Proposed Metro Plan policy amendments
- B. Findings
- C. Vicinity Map of Goshen and Short Mountain Landfill
- D. Map of Goshen Rural Unincorporated Community
- E. Ordinance No. PA 1282, Pages 36-37

FOR MORE INFORMATION

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Proposed Metro Plan Amendments

Metro Plan Chapter II-C (Growth Management Goals, Findings, and Policies), Policy 21:

Cities shall not extend water or wastewater service **to lands that are** outside city limits **and within a UGB** to serve a residence or business without first obtaining a valid annexation petition[,] **or** a consent to annex agreement, or [*when*] **unless** a health hazard annexation is required.

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.26:

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

- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.
- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety of the citizens within [*the*] a UGB that can only be remedied by extension of the service.
- c. **Lane County's Short Mountain Landfill for the transport of leachate only.**
- d. **The rural unincorporated community of Goshen for wastewater only.**

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

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.28:

Except as otherwise allowed under Policy G.26, [*C*]consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the UGB only when the facilities exclusively serve land inside the UGB and there is no reasonable alternative.

NOTE: Matter in **boldface** type is proposed to be added; matter in [*italic and bracketed*] is existing language to be omitted.

Findings for Metro Plan Amendment to Extend Wastewater Services to the Rural Unincorporated Community of Goshen and Lane County's Short Mountain Landfill

The findings, below, present local government criteria first, then State criteria. The State criteria are presented in order of the Statewide Planning Goals. State statutes and administrative rules are addressed under the Statewide Planning Goal to which they relate.

INTRODUCTION

In 2013, the Lane County Board of Commissioners adopted a countywide strategic plan with a key goal of increasing industrial development and high-paying jobs within the unincorporated community of Goshen. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the County in June of 2013 to promote development for employment uses in Goshen. The County's goal was to foster industrial development in the Goshen community, which would bring with it high-paying jobs. This in turn would promote economic development throughout the region.

Goshen has significant advantages for industrial development including: existing industrial/non-resource designations; large parcels; proximity of supporting smaller parcels to the larger parcels; close proximity and direct access to the State Highway system, including I-5, Highway 58, and Highway 99; adjacency and access to rail; proximity to the urban population centers of Eugene and Springfield for providing an educated and/or skilled workforce; access to natural resources; proximity and access to utility infrastructure including natural gas, electrical power, and water; limited natural resource conflicts, and relatively level topography.

This area is a regional asset with its advantages for industrial growth and economic development, which would benefit the entire county economy by creating an environment to stimulate job growth. Additionally, there would be no loss to productive resource lands due to the land already having a non-resource designation.

Internal Consistency Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Lane Code 12.300.030 provides:

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals; and
- B. The proposed amendment does not make the Metro Plan internally inconsistent.

The following are findings addressing LC 12.300.030.B.

Chapter II-C Growth Management Goals, Findings, and Policies

Policy 4: Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.

Finding 1: The County took an Exception to Statewide Planning Goal 14 in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the municipal landfill to the proposed wastewater collection system in Eugene/Springfield. The residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station, as is the current practice.

The intent of the proposed Metro Plan amendment is to develop safe, efficient solutions to wastewater infrastructure for the existing Short Mountain Landfill and for urban levels of industrial development that is already planned for the Goshen area. The proposal is consistent with Policy 4.

Chapter III-B Economic Element

Policy B.27: Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.

Finding 2: On October 12, 2021, the Lane County Board of Commissioners directed staff to coordinate with the Metropolitan Wastewater Management Commission (MWMC), the City of Eugene, and the City of Springfield to pursue amendments to the Metro Plan to facilitate extending wastewater services to the rural unincorporated community of Goshen as well as a pipeline extension connection to service Short Mountain Landfill for conveyance of leachate. Although the economic element no longer applies to Eugene or Springfield, both cities and the County must jointly adopt any amendments to the Metro Plan.

The industrial development in the unincorporated community of Goshen has been a topic of significant conversation and action by the Board of Commissioners for more than 10 years. In 2013, the Board adopted the GREAT Plan, which designated lands within Goshen for urban levels of industrial development. The major remaining barrier to development of that area is the lack of adequate wastewater infrastructure. The adoption of the proposed Metro Plan amendment would enable extension of wastewater services by MWMC, which in turn, would enable the industrial development that has long been planned for this area.

Likewise, the ability of the Short Mountain Landfill to connect to a piped wastewater system remains a strong desire of the Lane County Public Works Department. This wastewater is already truck delivered to the regional wastewater facility at the Glenwood Transfer Station. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate annually by tanker trucks.

Chapter IV Metro Plan Review, Amendments, and Refinements

Policy 6.b.iii: Type III Text Amendments include: Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

Policy 7.c: A Type III amendment may be initiated by any one of the three governing bodies at any time.

Policy 8.a: The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.

Policy 8.b: When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.

Finding 3: The proposal is a request to amend Chapter II.C, Policy 21; and Chapter III.G, Policy G.26 and Policy G.28 of the Metro Plan via this Type III Metro Plan Amendment. The amendment was initiated by Lane County, and Lane County has notified the other jurisdictions. The jurisdictions agree that the proposal is a Type III amendment. The procedures are consistent with Chapter IV of the Metro Plan.

Statewide Planning Goal Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Statewide Planning Goal 1 – Citizen Involvement

Statewide Planning Goal 1 -- *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

Goal 1 is a process goal. The amendment complies with Goal 1 because it will be processed as a legislative action through the jurisdictions’ acknowledged public procedures for Metro Plan amendments. This process includes joint public hearings before the City of Eugene, the City of Springfield, and Lane County’s planning commissions, and joint hearings before the governing bodies of all three jurisdictions.

The joint planning commission hearing is scheduled to be held April 4, 2023. Notices will be sent to interested parties and the public hearing notice was also published in The Register-Guard newspaper on March 15, 2023.

The joint hearings before the governing bodies of Lane County, the City of Eugene, and the City of Springfield is scheduled to be held at a future date yet to be determined.

Statewide Planning Goal 2 – Land Use Planning

Statewide Planning Goal 2 -- *“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.”*

The land use codes of both cities and Lane County specify the procedures and criteria that were used in considering this amendment. The findings documents show the record includes an adequate factual base for the amendment. The record of the original Lane County Rural Comprehensive Plan amendment and Reasons Exception that was adopted to enable the urban levels of industrial uses in Goshen shows that the County studied the need for certain employment lands that have access to rail transport. The Goshen property included in the GREAT plan was determined, through thorough study, to meet the demands for that type of development. The proposed amendment will enable the development that has been stymied by lack of infrastructure that this proposal will provide.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, among the cities, Lane County and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. The County and cities coordinated and jointly adopted the Metro Plan amendment. For the ordinance adopting this Metro Plan amendment, intergovernmental coordination included the following:

- **The Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action and regular contact with the area’s regional representative.
- **City of Eugene, City of Springfield, and Lane County**, which will jointly consider adoption of the Metro Plan amendment, were engaged during the process with staff from the three entities participating in meetings and providing feedback on the proposed amendment language and documents. County staff collaborated with City staff to provide informational updates and work sessions to the elected officials.
- **Community of Goshen** was engaged through notice of the proposed action published in The Register-Guard and opportunity to comment.
- **Metropolitan Wastewater Management Commission has been included in meetings and invited to provide feedback on the proposed action. County staff has coordinated with MWMC throughout this process.**

Statewide Planning Goal 3 – Agricultural Lands

Statewide Planning Goal 3 -- *“To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.”*

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for farm use, those impacts will be addressed in anticipated code changes or development permit. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 3 analysis.

Statewide Planning Goal 4 – Forest Lands

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

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for forest uses, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 4 analysis.

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

Statewide Planning Goal 5 -- *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

Goal 5 requires the County to inventory the locations, quality, and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Both cities and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5. The administrative rule that implements Statewide Planning Goal 5 requires application of Goal 5 in limited circumstances for post-acknowledgment plan amendments (PAPA).

OAR 660-023-0250(3) - Applicability

Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The proposed Metro Plan amendment does not change existing Goal 5 lists or site protections, as described in OAR 660-023- 0250(3)(a) and (b).

Statewide Planning Goal 6 – Air, Water and Land Resources Quality

Statewide Planning Goal 6 -- *“To maintain and improve the quality of the air, water and land resources of the state.”*

“All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

The State has not adopted specific requirements for complying with Statewide Planning Goal 6. The County and cities are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions’ future compliance with those laws.

Further, this amendment will develop solutions to wastewater infrastructure for the community of Goshen and the Short Mountain Landfill. Connecting the landfill to a piped wastewater system is an important goal for the Lane County Public Works Department. The wastewater from the landfill is currently transported by tanker truck to the regional wastewater facility. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate (liquid that percolates through the waste mass at the landfill) annually.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Statewide Planning Goal 7 -- *“To protect people and property from natural hazards.”*

The State has not adopted specific requirements for complying with Statewide Planning Goal 7.

Natural hazards for the purposes of Goal 7 are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Portions of the pipeline leading from Goshen to the Metropolitan Wastewater Management Commission (MWMC) connection location may pass through the 100-year flood zone and Willamette Floodway. Lane Code (LC) 16.244 establishes the requirements for work performed in a floodplain, in addition to other applicable local, State, and Federal regulations. For development activities within a mapped flood hazard area, a Floodplain Development Permit, Fill/Removal Permit, or a Floodway Development Permit would be required before construction commences. A Floodplain Development Permit or a Fill/Removal Permit apply to all development within the mapped A and AE flood zones; a Floodway Development Permit is required for all development within the mapped floodway AE zone. These permit reviews can be completed concurrently with the Willamette Greenway Development permit process (see findings addressing Statewide Planning Goal 15 below).

In Lane County, outside of urban growth boundaries, a Floodplain Development Permit is a Type I review process, and the Floodway Development Permit is a Type II process. A primary requirement of a Floodway Development Permit is that an engineer must certify the project will not reduce flood storage capacity nor create a rise in the base flood elevation. Because this project involves buried pipelines, a reduction in flood storage capacity is not expected.

Statewide Planning Goal 8 – Recreation Needs

Statewide Planning Goal 8 -- *“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.”*

Goal 8 pertains to the recreation needs of citizens and visitors to the state. The actions taken by this amendment do not impact the city or county’s recreation needs. Therefore Goal 8 does not apply.

Statewide Planning Goal 9 – Economic Development

Statewide Planning Goal 9 -- *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

As discussed in previous findings, the proposed Metro Plan amendment is intended to pave the way to provide adequate infrastructure to an area that is already planned and zoned to accommodate an urban level of industrial development. That development will provide adequate opportunities for a variety of economic activities in the Goshen community as well as in the larger Lane County region and beyond, which is vital to the health, welfare, and prosperity of Oregon’s citizens.

As the County and cities continue to grow and flourish it will be necessary for the landfill to accommodate this growth. Connecting the landfill to a piped wastewater system will be an important part of that economic development.

The Metro Plan amendment is consistent with Goal 9.

Statewide Planning Goal 10– Housing

Statewide Planning Goal 10 -- *“To provide for the housing needs of citizens of the state.”*

Goal 10 generally imposes planning obligations on local governments only for urban and urbanizable lands within urban growth boundaries. The actions taken by this ordinance do not impact the either Eugene’s or Springfield’s supply/demand for residential land. Therefore, OAR 660, Division 8 and Goal 10 do not apply.

Statewide Planning Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- *“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.”*

Statewide Planning Goal 11 is implemented by Oregon Administrative Rule Chapter 660, Division 11. Under Goal 11 and its implementing regulations, extension of sewer services outside the urban growth boundary (UGB) is heavily discouraged. Urban level sewer services are meant to be limited to serving areas inside the UGBs as a way of limiting urban levels of development in rural areas. OAR 660-011-0060, however, provides some allowances and exceptions to that general rule, articulating when and where sewer services may be placed on or extended to serve rural lands. For instance, OAR 660-011-0060(3)(a)(E) allows components of sewer systems that serve land outside a UGB where necessary to transport leachate from a landfill on rural land to a sewer system inside a UGB. Further, OAR 660-011-0060(3)(a)(B) allows placing components of a sewer system on rural lands where necessary to serve lands inside an unincorporated community.

Goal 11 directs local governments to “not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.”

The action taken by this amendment would extend the wastewater system to the rural unincorporated community of Goshen and provide for transport of leachate from the Short Mountain Landfill to a sewer system inside a UGB. This is compatible with Goal 11. Wastewater services would not be provided along the route. As specified by the proposed G.26 policy amendment, the extension of the wastewater system will serve only the rural unincorporated community of Goshen and the landfill for the transport of leachate.

The Short Mountain Landfill serves the communities inside the UGBs of Eugene and Springfield as it accepts solid waste from the surrounding area. It is also the only permitted municipal landfill in Lane County. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the Glenwood transfer station located within the Metropolitan Wastewater Management Commission (MWMC) service area. Currently the leachate travels 5.5 miles from the storage lagoons at the landfill to the discharge point.

The leachate is already handled by the regional wastewater system after being trucked in. By connecting the landfill to the system through a piped connection, it provides a safe, cost effective, and efficient way to transport the leachate. This benefits community members within the Metro Plan area inside the UGB, who are being served by the Short Mountain Landfill.

The County has long been working toward the goal of increasing industrial development and creating high-paying jobs in the Goshen community. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the commissioners in June of 2013 to promote development in Goshen under urban industrial zoning. At the time of the GREAT Plan’s adoption, extending wastewater service to the area was not part of the adopted Ordinance, but the need for extending service was anticipated. With this Metro Plan amendment the County could realize its goal of industrial development in the area and promoting economic development throughout the region.

The County anticipated the need for the extension of wastewater services in its adoption of Ordinance No. PA 1282 in 2013. The findings of the Ordinance stated:

“A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.”

See pages 36-37 of Findings and Reasons in Support of Goshen Plan Amendment, Goal 14 Exception, and Zone Change, attached as Exhibit C to Ordinance No. PA 1282, and included as **Exhibit E** to this staff report.

OAR 660-011-0060(3)

Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

- (A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;**
- (B) Serve lands inside a nearby UGB or unincorporated community;**
- (C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;**
- (D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or**
- (E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;**

(b) The local government:

- (A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and**
- (B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.”**

The extension of the wastewater line that would be allowed by the proposed Metro Plan amendment satisfies subsections (a)(B) and (a)(E) above. The adoption of the GREAT plan in 2013 approved a Goal 14 Exception for the Goshen area, which is a rural unincorporated community. The extension would serve Goshen, pursuant to subsection (a)(B).. And the rule specifically allows for extension of components of a sewer system outside the UGB for the transport of leachate from a landfill on rural land to a sewer system inside the UGB, pursuant to subsection (a)(E). For the purpose of this Metro Plan amendment, subsection (b) is arguably met at the time of adoption, given that extension of wastewater service will only be allowed by the proposed language to Goshen and Short Mountain. Additionally, prior to construction, the County intends to adopt land use regulations prohibiting cross connection in other areas outside of the Metro Plan boundary.

Goal 11 is satisfied.

Statewide Planning Goal 12 – Transportation

Statewide Planning Goal 12 -- *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 pertains to the transportation system.

OAR 660-012-0060 -- Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned

transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The actions taken by this amendment do not impact the county's transportation system and would not significantly affect an existing or planned transportation facility. The main impact likely to result from the amendment is a reduction in truck travel on I-5 from the transport of leachate. Therefore, Goal 12 is satisfied.

Statewide Planning Goal 13 – Energy Conservation Statewide

Statewide Planning Goal 13 -- *“To conserve energy.”*

The State has not adopted specific rules for complying with Statewide Planning Goal 13. The proposed Metro Plan amendment satisfies Goal 13 as it will eliminate the need to truck leachate from the landfill to the MWMC treatment plant. Reducing those truck trips provides a net gain with regard to energy conservation.

Statewide Planning Goal 14 – Urbanization

Statewide Planning Goal 14 -- *“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal 14 generally seeks to limit the level of development in rural areas to the levels of uses consistent with rural lands. As discussed in previous findings, the County took a Goal 14 Exception in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

The Goshen community is ideally situated to accommodate the County's goals. It already has existing industrial and non-resource designations, which ensures an efficient use of already available land. Goshen has direct access to major highways and rail, and proximity and access to utility infrastructure including natural gas, electrical power, and water. It is close in proximity to the urban population centers of Eugene and Springfield, which provides an educated and/or skilled workforce and provides jobs for livable communities.

The extension of the wastewater system to the rural unincorporated community of Goshen will facilitate the County's goal of attracting industry and industrial development in the area. Goshen has been an important area of action for the Lane County Board of Commissioners for more than 10 years. This amendment will remove the remaining barrier to economic development there.

Further, the residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station as is the current practice.

The Metro Plan amendment complies with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway

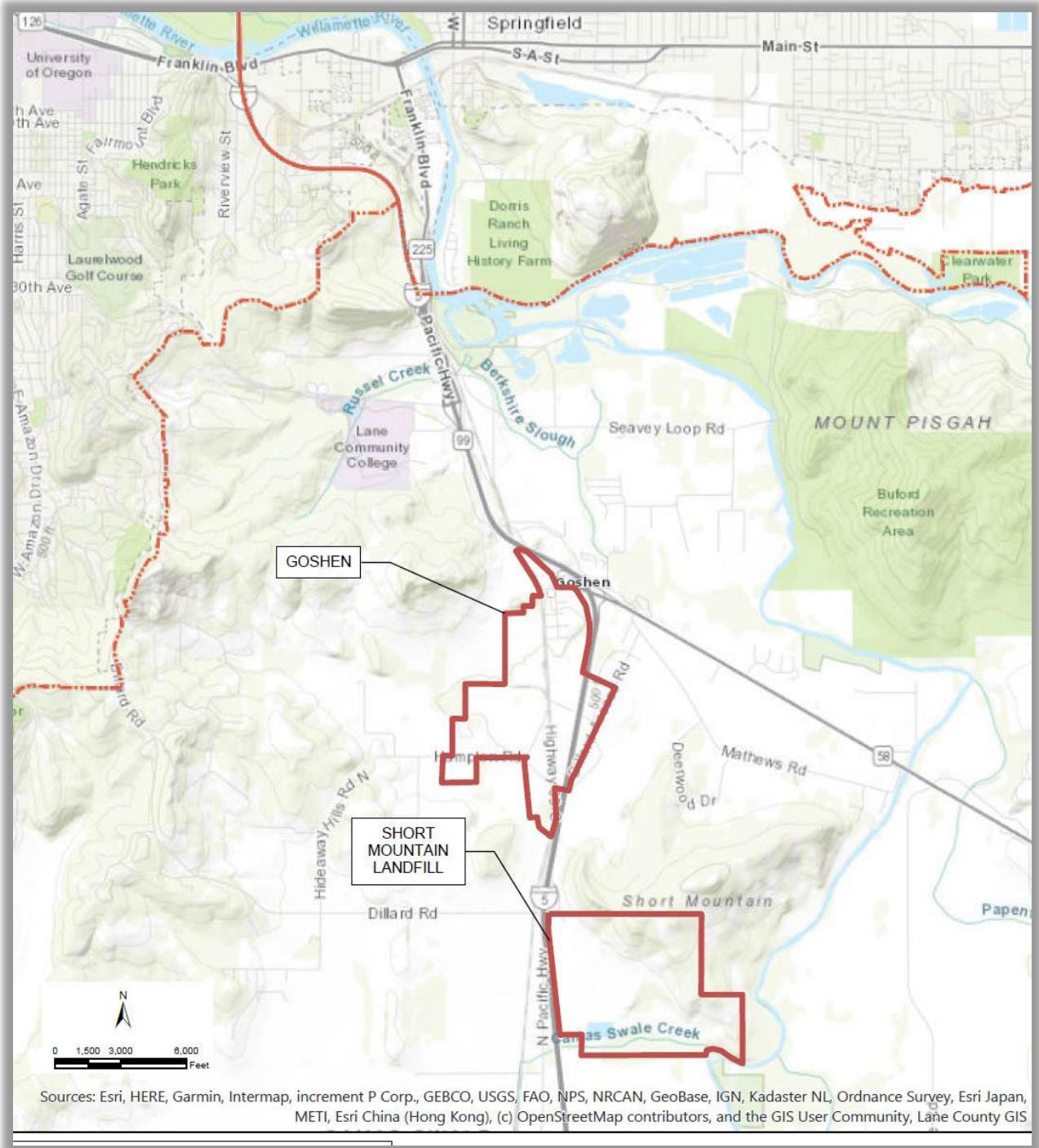
Statewide Planning Goal 15 -- *“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”*

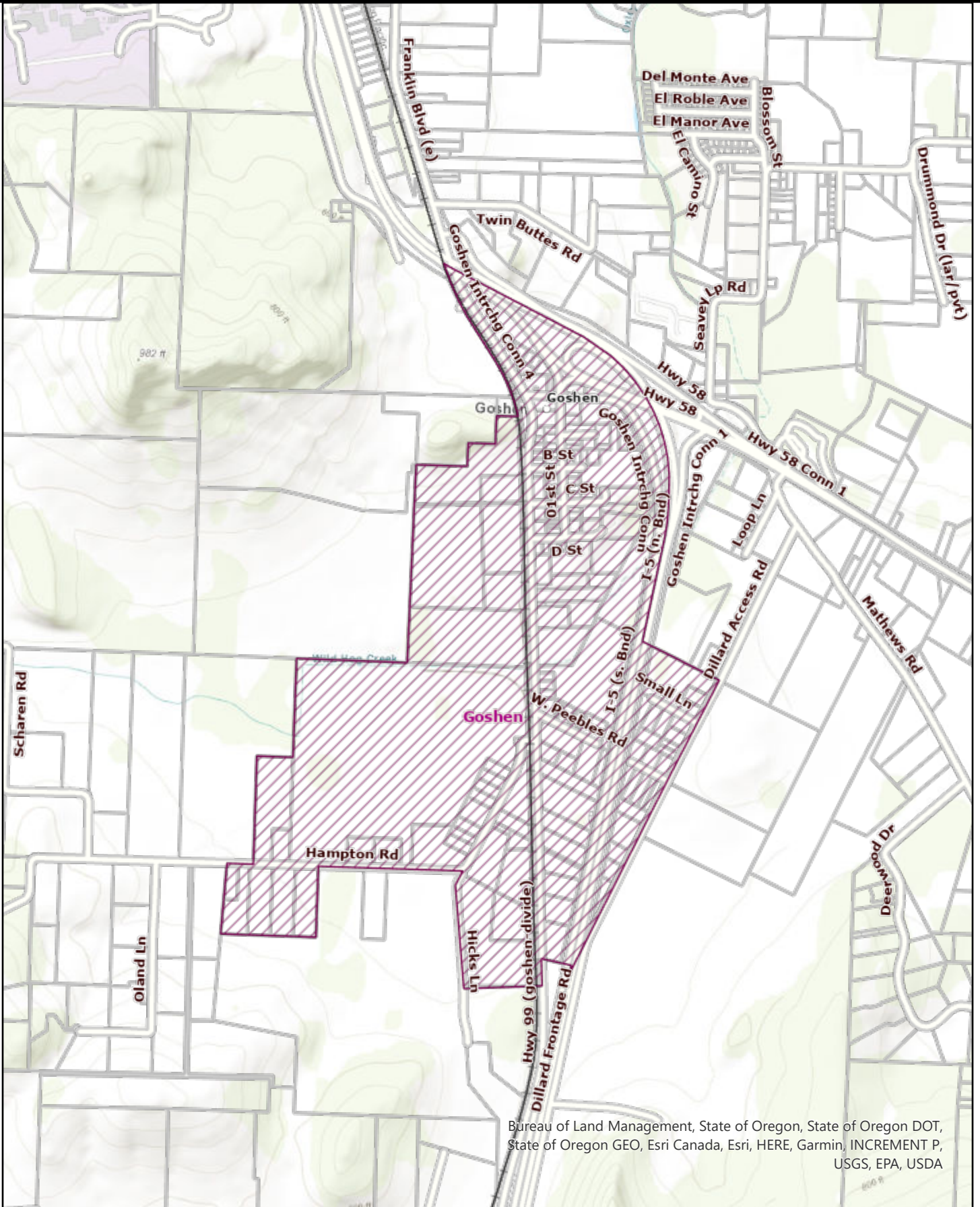
The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land within the Willamette River Greenway, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment is consistent with Goal 15.

Statewide Planning Goals 16 to 19 – Coastal Goals

These four goals are not applicable as they address resources that are not present in this portion of Lane County.

Vicinity Map of Goshen & Short Mountain Landfill





Bureau of Land Management, State of Oregon, State of Oregon DOT,
 State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,
 USGS, EPA, USDA

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

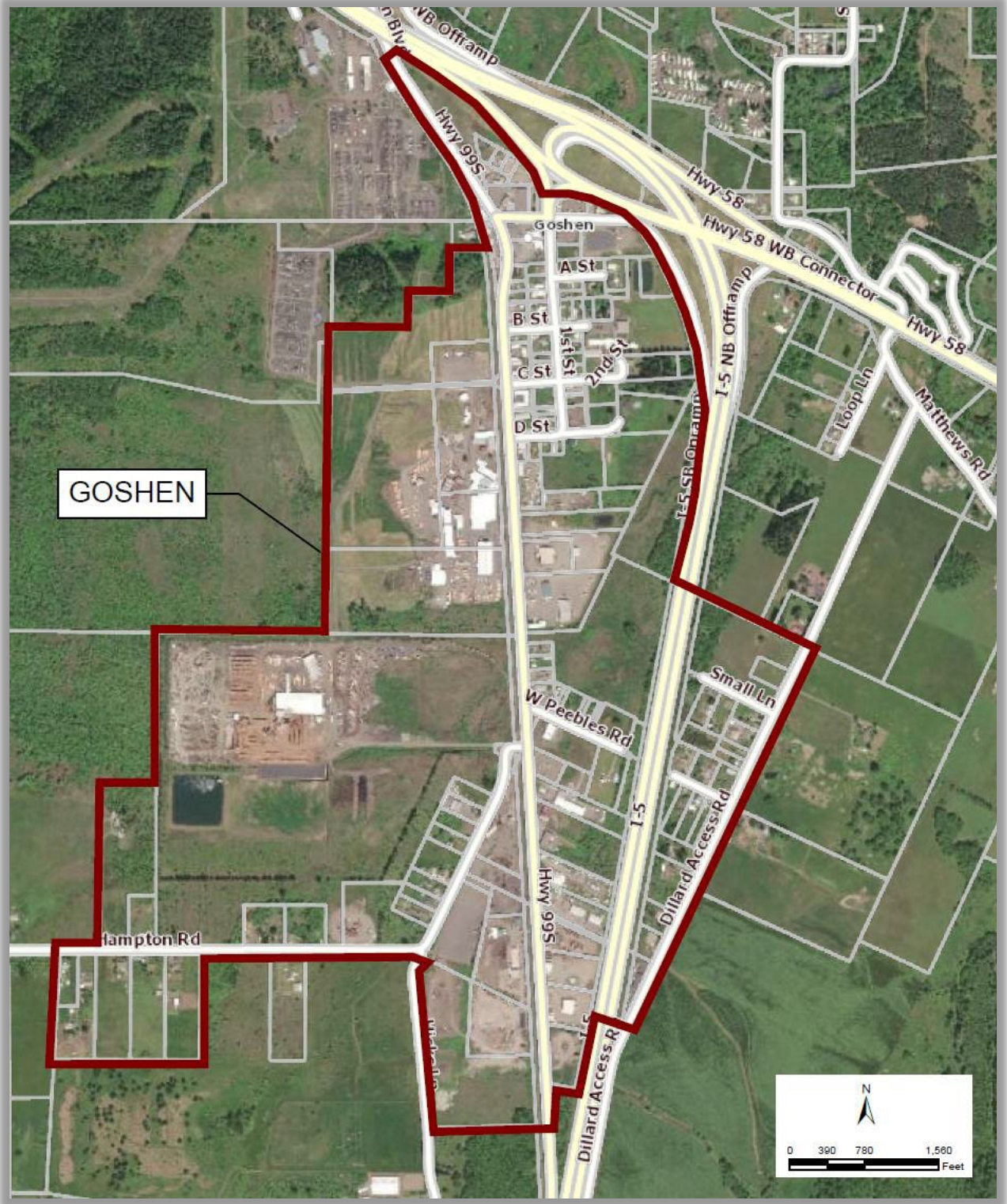


0 370 740 1,480 Feet



Goshen Rural
 Unincorporated Community

Lane County, Oregon



community create an inconvenience or adverse impacts so significant that it warrants the location in the community?" Still other uses do not require a location within the community and should instead be located inside an urban growth boundary or on other rural industrial land.

Providing land for related industrial businesses will help attract companies that can complement the rail dependent uses. Uses of this nature may not be feasible until the larger rail dependent uses are successfully operating. It would benefit the larger region, community and the uses by locating in close proximity to the rail dependent uses by reducing trips and shipping cost, as well as other efficiencies.

Proximity to competitors, a skilled workforce, specialized suppliers, and a shared base of sophisticated knowledge about their industry are reasons that are critical for allowing the supportive rail related uses.

If the above reasons for either or both categories of use are not satisfactory, the County finds that the proposed urban levels of industrial development on undeveloped rural land is necessary to support an economic activity that is greatly dependent on the "natural resource" of the existing industrial land for the reasons discussed above including the strategic logistical characteristics. However implausible some may feel the inclusion of the existing industrial land being considered as a natural resource is, or strained the credibility of the rule becomes, the County finds that the existing industrial land fits the definition of natural resource as contemplated in this rule provision and therefore qualifies for this "reason" under this standard.

The County finds that the term "natural resource" is defined in the back of the "Oregon's Statewide Planning Goals & Guidelines" booklet as found on the DLCD website. The provided definition states: "*NATURAL RESOURCES. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man.*"³³ Based on this definition, the County finds that the existing industrial designated property in Goshen fits the definition of a natural resource of land. This land is useful to man (within the Community of Goshen, the larger Region-Eugene/Springfield Metro area, Lane County as a whole, and the broader State of Oregon) and further has an increased potential usefulness by allowing an increased level of industrial development to create jobs. The industrial land is valued for its unique characteristics giving it an existing and potential usefulness to man in creating increased economic activity including providing new jobs to citizens living in the area.

A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the

³³ The term "natural resource" is also defined in OAR 635-410-0010(6). Here it states: "*Natural resources" means land, fish, wildlife, biota, air or water.*"

Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.

The County finds that a new Goal 3 or 4 reasons exception is also not required due to the original developed and committed exception to Goals 3 or 4 which was applied to the land on the basis of its preexisting industrial development.

(3) To approve an exception under section (2) of this rule, a county must also show:

- (a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;**

FINDINGS: The proposed urban levels of industrial development is being sought to allow intensification of development on existing industrially zoned and designated land within a rural community in conformance with this criterion. The proposed urban levels of industrial development cannot be reasonably accommodated in an existing UGB in the region (Eugene or Springfield) as evidenced by the results of the ECLA and CIBL reports. These reports find that neither of the City jurisdictions have adequate industrial land capacity within their existing UGB's to meet their or the regions employment needs. Specifically identified is a need for large lot industrial sites. Additionally, the County finds that there is a need for large lot industrial sites that are strategically located in close proximity to the Interstate freeway system as well as near to and/or served by a rail line. Together with the need for large sites as discussed in the findings above, siting supportive urban levels of industrial development in close proximity to the large rail served sites is a significant competitive advantage that cannot be provided on sites inside a UGB.

Due to the significant comparative advantages of the Goshen area, specifically the superior access to highway and rail, the proposed urban level of industrial development cannot be reasonably accommodated in or through expansion of an existing urban growth boundary.

The County finds that it is not reasonable to accommodate the proposed urban industrial development through an expansion of an existing UGB in the region. There are no sites that have been identified by either city jurisdiction that could provide for superior highway and rail access. These findings are further supported when considering the significant comparative advantages of the Goshen community as discussed above.

Proposed Metro Plan Amendments

Metro Plan Chapter II-C (Growth Management Goals, Findings, and Policies), Policy 21:

Cities shall not extend water or wastewater service **to lands that are** outside city limits **and within a UGB** to serve a residence or business without first obtaining a valid annexation petition[,] **or** a consent to annex agreement, or [*when*] **unless** a health hazard annexation is required.

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.26:

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

- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.
- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety of the citizens within [*the*] a UGB that can only be remedied by extension of the service.
- c. **Lane County's Short Mountain Landfill for the transport of leachate only.**
- d. **The rural unincorporated community of Goshen for wastewater only.**

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

Metro Plan Chapter III-G (Public Facilities and Services Element), Policy G.28:

Except as otherwise allowed under Policy G.26, [*C*]consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the UGB only when the facilities exclusively serve land inside the UGB and there is no reasonable alternative.

NOTE: Matter in **boldface** type is proposed to be added; matter in [*italic and bracketed*] is existing language to be omitted.

Findings for Metro Plan Amendment to Extend Wastewater Services to the Rural Unincorporated Community of Goshen and Lane County's Short Mountain Landfill

The findings, below, present local government criteria first, then State criteria. The State criteria are presented in order of the Statewide Planning Goals. State statutes and administrative rules are addressed under the Statewide Planning Goal to which they relate.

INTRODUCTION

In 2013, the Lane County Board of Commissioners adopted a countywide strategic plan with a key goal of increasing industrial development and high-paying jobs within the unincorporated community of Goshen. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the County in June of 2013 to promote development for employment uses in Goshen. The County's goal was to foster industrial development in the Goshen community, which would bring with it high-paying jobs. This in turn would promote economic development throughout the region.

Goshen has significant advantages for industrial development including: existing industrial/non-resource designations; large parcels; proximity of supporting smaller parcels to the larger parcels; close proximity and direct access to the State Highway system, including I-5, Highway 58, and Highway 99; adjacency and access to rail; proximity to the urban population centers of Eugene and Springfield for providing an educated and/or skilled workforce; access to natural resources; proximity and access to utility infrastructure including natural gas, electrical power, and water; limited natural resource conflicts, and relatively level topography.

This area is a regional asset with its advantages for industrial growth and economic development, which would benefit the entire county economy by creating an environment to stimulate job growth. Additionally, there would be no loss to productive resource lands due to the land already having a non-resource designation.

Internal Consistency Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Lane Code 12.300.030 provides:

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals; and
- B. The proposed amendment does not make the Metro Plan internally inconsistent.

The following are findings addressing LC 12.300.030.B.

Chapter II-C Growth Management Goals, Findings, and Policies

Policy 4: Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.

Finding 1: The County took an Exception to Statewide Planning Goal 14 in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the municipal landfill to the proposed wastewater collection system in Eugene/Springfield. The residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station, as is the current practice.

The intent of the proposed Metro Plan amendment is to develop safe, efficient solutions to wastewater infrastructure for the existing Short Mountain Landfill and for urban levels of industrial development that is already planned for the Goshen area. The proposal is consistent with Policy 4.

Chapter III-B Economic Element

Policy B.27: Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.

Finding 2: On October 12, 2021, the Lane County Board of Commissioners directed staff to coordinate with the Metropolitan Wastewater Management Commission (MWMC), the City of Eugene, and the City of Springfield to pursue amendments to the Metro Plan to facilitate extending wastewater services to the rural unincorporated community of Goshen as well as a pipeline extension connection to service Short Mountain Landfill for conveyance of leachate. Although the economic element no longer applies to Eugene or Springfield, both cities and the County must jointly adopt any amendments to the Metro Plan.

The industrial development in the unincorporated community of Goshen has been a topic of significant conversation and action by the Board of Commissioners for more than 10 years. In 2013, the Board adopted the GREAT Plan, which designated lands within Goshen for urban levels of industrial development. The major remaining barrier to development of that area is the lack of adequate wastewater infrastructure. The adoption of the proposed Metro Plan amendment would enable extension of wastewater services by MWMC, which in turn, would enable the industrial development that has long been planned for this area.

Likewise, the ability of the Short Mountain Landfill to connect to a piped wastewater system remains a strong desire of the Lane County Public Works Department. This wastewater is already truck delivered to the regional wastewater facility at the Glenwood Transfer Station. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate annually by tanker trucks.

Chapter IV Metro Plan Review, Amendments, and Refinements

Policy 6.b.iii: Type III Text Amendments include: Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

Policy 7.c: A Type III amendment may be initiated by any one of the three governing bodies at any time.

Policy 8.a: The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.

Policy 8.b: When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.

Finding 3: The proposal is a request to amend Chapter II.C, Policy 21; and Chapter III.G, Policy G.26 and Policy G.28 of the Metro Plan via this Type III Metro Plan Amendment. The amendment was initiated by Lane County, and Lane County has notified the other jurisdictions. The jurisdictions agree that the proposal is a Type III amendment. The procedures are consistent with Chapter IV of the Metro Plan.

Statewide Planning Goal Findings for Metro Plan Amendment to Extend Wastewater Services to Goshen and the Short Mountain Landfill

Statewide Planning Goal 1 – Citizen Involvement

Statewide Planning Goal 1 -- *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

Goal 1 is a process goal. The amendment complies with Goal 1 because it will be processed as a legislative action through the jurisdictions’ acknowledged public procedures for Metro Plan amendments. This process includes joint public hearings before the City of Eugene, the City of Springfield, and Lane County’s planning commissions, and joint hearings before the governing bodies of all three jurisdictions.

The joint planning commission hearing is scheduled to be held April 4, 2023. Notices will be sent to interested parties and the public hearing notice was also published in The Register-Guard newspaper on March 15, 2023.

The joint hearings before the governing bodies of Lane County, the City of Eugene, and the City of Springfield is scheduled to be held at a future date yet to be determined.

Statewide Planning Goal 2 – Land Use Planning

Statewide Planning Goal 2 -- *“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.”*

The land use codes of both cities and Lane County specify the procedures and criteria that were used in considering this amendment. The findings documents show the record includes an adequate factual base for the amendment. The record of the original Lane County Rural Comprehensive Plan amendment and Reasons Exception that was adopted to enable the urban levels of industrial uses in Goshen shows that the County studied the need for certain employment lands that have access to rail transport. The Goshen property included in the GREAT plan was determined, through thorough study, to meet the demands for that type of development. The proposed amendment will enable the development that has been stymied by lack of infrastructure that this proposal will provide.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, among the cities, Lane County and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. The County and cities coordinated and jointly adopted the Metro Plan amendment. For the ordinance adopting this Metro Plan amendment, intergovernmental coordination included the following:

- **The Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action and regular contact with the area’s regional representative.
- **City of Eugene, City of Springfield, and Lane County**, which will jointly consider adoption of the Metro Plan amendment, were engaged during the process with staff from the three entities participating in meetings and providing feedback on the proposed amendment language and documents. County staff collaborated with City staff to provide informational updates and work sessions to the elected officials.
- **Community of Goshen** was engaged through notice of the proposed action published in The Register-Guard and opportunity to comment.
- **Metropolitan Wastewater Management Commission has been included in meetings and invited to provide feedback on the proposed action. County staff has coordinated with MWMC throughout this process.**

Statewide Planning Goal 3 – Agricultural Lands

Statewide Planning Goal 3 -- *“To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.”*

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for farm use, those impacts will be addressed in anticipated code changes or development permit. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 3 analysis.

Statewide Planning Goal 4 – Forest Lands

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

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for forest uses, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 4 analysis.

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

Statewide Planning Goal 5 -- *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

Goal 5 requires the County to inventory the locations, quality, and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Both cities and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5. The administrative rule that implements Statewide Planning Goal 5 requires application of Goal 5 in limited circumstances for post-acknowledgment plan amendments (PAPA).

OAR 660-023-0250(3) - Applicability

Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The proposed Metro Plan amendment does not change existing Goal 5 lists or site protections, as described in OAR 660-023- 0250(3)(a) and (b).

Statewide Planning Goal 6 – Air, Water and Land Resources Quality

Statewide Planning Goal 6 -- *“To maintain and improve the quality of the air, water and land resources of the state.”*

“All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

The State has not adopted specific requirements for complying with Statewide Planning Goal 6. The County and cities are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions’ future compliance with those laws.

Further, this amendment will develop solutions to wastewater infrastructure for the community of Goshen and the Short Mountain Landfill. Connecting the landfill to a piped wastewater system is an important goal for the Lane County Public Works Department. The wastewater from the landfill is currently transported by tanker truck to the regional wastewater facility. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate (liquid that percolates through the waste mass at the landfill) annually.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Statewide Planning Goal 7 -- *“To protect people and property from natural hazards.”*

The State has not adopted specific requirements for complying with Statewide Planning Goal 7.

Natural hazards for the purposes of Goal 7 are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Portions of the pipeline leading from Goshen to the Metropolitan Wastewater Management Commission (MWMC) connection location may pass through the 100-year flood zone and Willamette Floodway. Lane Code (LC) 16.244 establishes the requirements for work performed in a floodplain, in addition to other applicable local, State, and Federal regulations. For development activities within a mapped flood hazard area, a Floodplain Development Permit, Fill/Removal Permit, or a Floodway Development Permit would be required before construction commences. A Floodplain Development Permit or a Fill/Removal Permit apply to all development within the mapped A and AE flood zones; a Floodway Development Permit is required for all development within the mapped floodway AE zone. These permit reviews can be completed concurrently with the Willamette Greenway Development permit process (see findings addressing Statewide Planning Goal 15 below).

In Lane County, outside of urban growth boundaries, a Floodplain Development Permit is a Type I review process, and the Floodway Development Permit is a Type II process. A primary requirement of a Floodway Development Permit is that an engineer must certify the project will not reduce flood storage capacity nor create a rise in the base flood elevation. Because this project involves buried pipelines, a reduction in flood storage capacity is not expected.

Statewide Planning Goal 8 – Recreation Needs

Statewide Planning Goal 8 -- *“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.”*

Goal 8 pertains to the recreation needs of citizens and visitors to the state. The actions taken by this amendment do not impact the city or county’s recreation needs. Therefore Goal 8 does not apply.

Statewide Planning Goal 9 – Economic Development

Statewide Planning Goal 9 -- *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

As discussed in previous findings, the proposed Metro Plan amendment is intended to pave the way to provide adequate infrastructure to an area that is already planned and zoned to accommodate an urban level of industrial development. That development will provide adequate opportunities for a variety of economic activities in the Goshen community as well as in the larger Lane County region and beyond, which is vital to the health, welfare, and prosperity of Oregon’s citizens.

As the County and cities continue to grow and flourish it will be necessary for the landfill to accommodate this growth. Connecting the landfill to a piped wastewater system will be an important part of that economic development.

The Metro Plan amendment is consistent with Goal 9.

Statewide Planning Goal 10– Housing

Statewide Planning Goal 10 -- *“To provide for the housing needs of citizens of the state.”*

Goal 10 generally imposes planning obligations on local governments only for urban and urbanizable lands within urban growth boundaries. The actions taken by this ordinance do not impact the either Eugene’s or Springfield’s supply/demand for residential land. Therefore, OAR 660, Division 8 and Goal 10 do not apply.

Statewide Planning Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- *“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.”*

Statewide Planning Goal 11 is implemented by Oregon Administrative Rule Chapter 660, Division 11. Under Goal 11 and its implementing regulations, extension of sewer services outside the urban growth boundary (UGB) is heavily discouraged. Urban level sewer services are meant to be limited to serving areas inside the UGBs as a way of limiting urban levels of development in rural areas. OAR 660-011-0060, however, provides some allowances and exceptions to that general rule, articulating when and where sewer services may be placed on or extended to serve rural lands. For instance, OAR 660-011-0060(3)(a)(E) allows components of sewer systems that serve land outside a UGB where necessary to transport leachate from a landfill on rural land to a sewer system inside a UGB. Further, OAR 660-011-0060(3)(a)(B) allows placing components of a sewer system on rural lands where necessary to serve lands inside an unincorporated community.

Goal 11 directs local governments to “not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.”

The action taken by this amendment would extend the wastewater system to the rural unincorporated community of Goshen and provide for transport of leachate from the Short Mountain Landfill to a sewer system inside a UGB. This is compatible with Goal 11. Wastewater services would not be provided along the route. As specified by the proposed G.26 policy amendment, the extension of the wastewater system will serve only the rural unincorporated community of Goshen and the landfill for the transport of leachate.

The Short Mountain Landfill serves the communities inside the UGBs of Eugene and Springfield as it accepts solid waste from the surrounding area. It is also the only permitted municipal landfill in Lane County. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the Glenwood transfer station located within the Metropolitan Wastewater Management Commission (MWMC) service area. Currently the leachate travels 5.5 miles from the storage lagoons at the landfill to the discharge point.

The leachate is already handled by the regional wastewater system after being trucked in. By connecting the landfill to the system through a piped connection, it provides a safe, cost effective, and efficient way to transport the leachate. This benefits community members within the Metro Plan area inside the UGB, who are being served by the Short Mountain Landfill.

The County has long been working toward the goal of increasing industrial development and creating high-paying jobs in the Goshen community. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the commissioners in June of 2013 to promote development in Goshen under urban industrial zoning. At the time of the GREAT Plan’s adoption, extending wastewater service to the area was not part of the adopted Ordinance, but the need for extending service was anticipated. With this Metro Plan amendment the County could realize its goal of industrial development in the area and promoting economic development throughout the region.

The County anticipated the need for the extension of wastewater services in its adoption of Ordinance No. PA 1282 in 2013. The findings of the Ordinance stated:

“A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.”

See pages 36-37 of Findings and Reasons in Support of Goshen Plan Amendment, Goal 14 Exception, and Zone Change, attached as Exhibit C to Ordinance No. PA 1282, and included as **Exhibit E** to this staff report.

OAR 660-011-0060(3)

Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

(B) Serve lands inside a nearby UGB or unincorporated community;

(C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;

(D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or

(E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;

(b) The local government:

(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and

(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.”

The extension of the wastewater line that would be allowed by the proposed Metro Plan amendment satisfies subsections (a)(B) and (a)(E) above. The adoption of the GREAT plan in 2013 approved a Goal 14 Exception for the Goshen area, which is a rural unincorporated community. The extension would serve Goshen, pursuant to subsection (a)(B).. And the rule specifically allows for extension of components of a sewer system outside the UGB for the transport of leachate from a landfill on rural land to a sewer system inside the UGB, pursuant to subsection (a)(E). For the purpose of this Metro Plan amendment, subsection (b) is arguably met at the time of adoption, given that extension of wastewater service will only be allowed by the proposed language to Goshen and Short Mountain. Additionally, prior to construction, the County intends to adopt land use regulations prohibiting cross connection in other areas outside of the Metro Plan boundary.

Goal 11 is satisfied.

Statewide Planning Goal 12 – Transportation

Statewide Planning Goal 12 -- *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 pertains to the transportation system.

OAR 660-012-0060 -- Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned

transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The actions taken by this amendment do not impact the county's transportation system and would not significantly affect an existing or planned transportation facility. The main impact likely to result from the amendment is a reduction in truck travel on I-5 from the transport of leachate. Therefore, Goal 12 is satisfied.

Statewide Planning Goal 13 – Energy Conservation Statewide

Statewide Planning Goal 13 -- *“To conserve energy.”*

The State has not adopted specific rules for complying with Statewide Planning Goal 13. The proposed Metro Plan amendment satisfies Goal 13 as it will eliminate the need to truck leachate from the landfill to the MWMC treatment plant. Reducing those truck trips provides a net gain with regard to energy conservation.

Statewide Planning Goal 14 – Urbanization

Statewide Planning Goal 14 -- *“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal 14 generally seeks to limit the level of development in rural areas to the levels of uses consistent with rural lands. As discussed in previous findings, the County took a Goal 14 Exception in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

The Goshen community is ideally situated to accommodate the County's goals. It already has existing industrial and non-resource designations, which ensures an efficient use of already available land. Goshen has direct access to major highways and rail, and proximity and access to utility infrastructure including natural gas, electrical power, and water. It is close in proximity to the urban population centers of Eugene and Springfield, which provides an educated and/or skilled workforce and provides jobs for livable communities.

The extension of the wastewater system to the rural unincorporated community of Goshen will facilitate the County's goal of attracting industry and industrial development in the area. Goshen has been an important area of action for the Lane County Board of Commissioners for more than 10 years. This amendment will remove the remaining barrier to economic development there.

Further, the residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station as is the current practice.

The Metro Plan amendment complies with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway

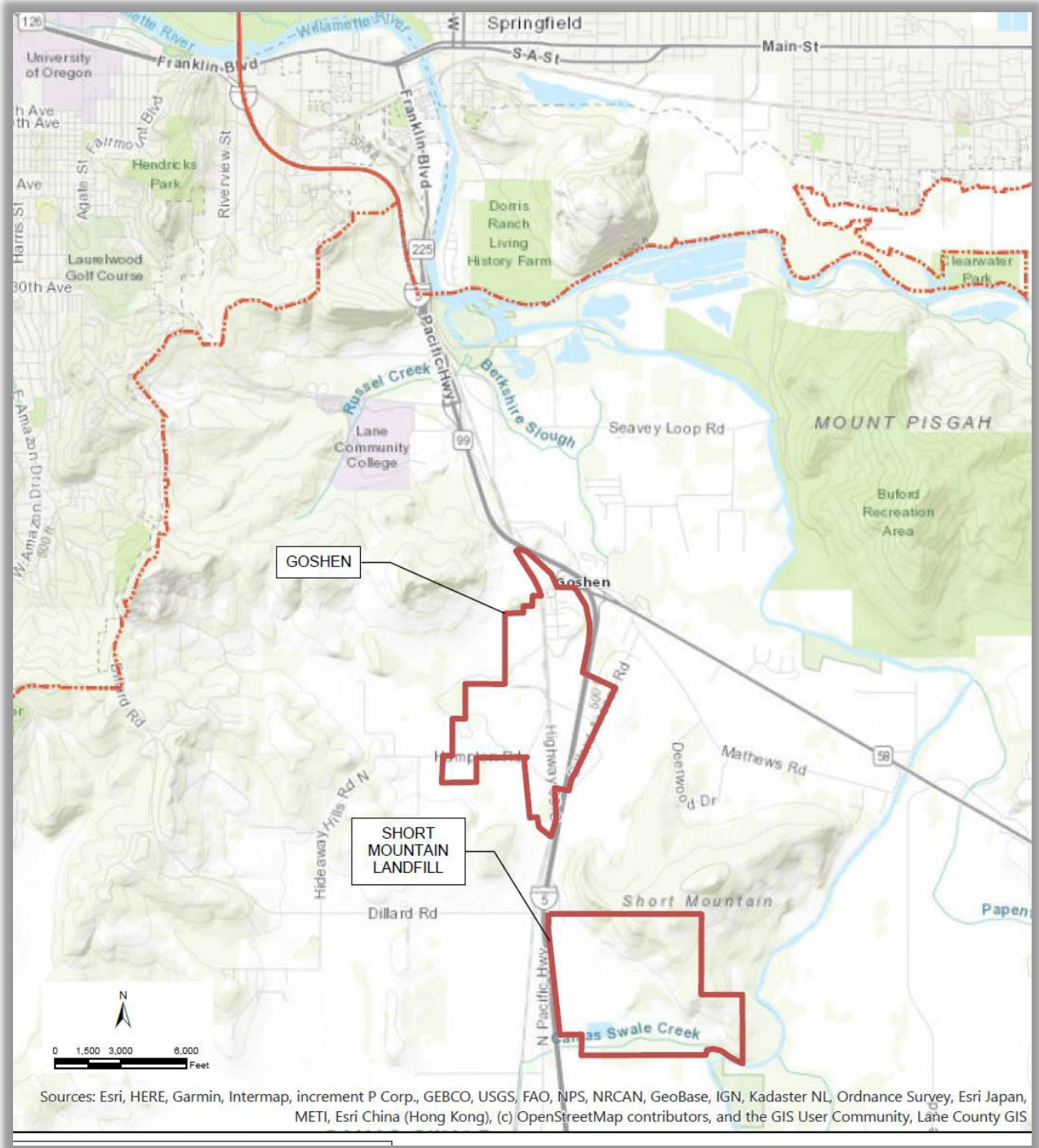
Statewide Planning Goal 15 -- *“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”*

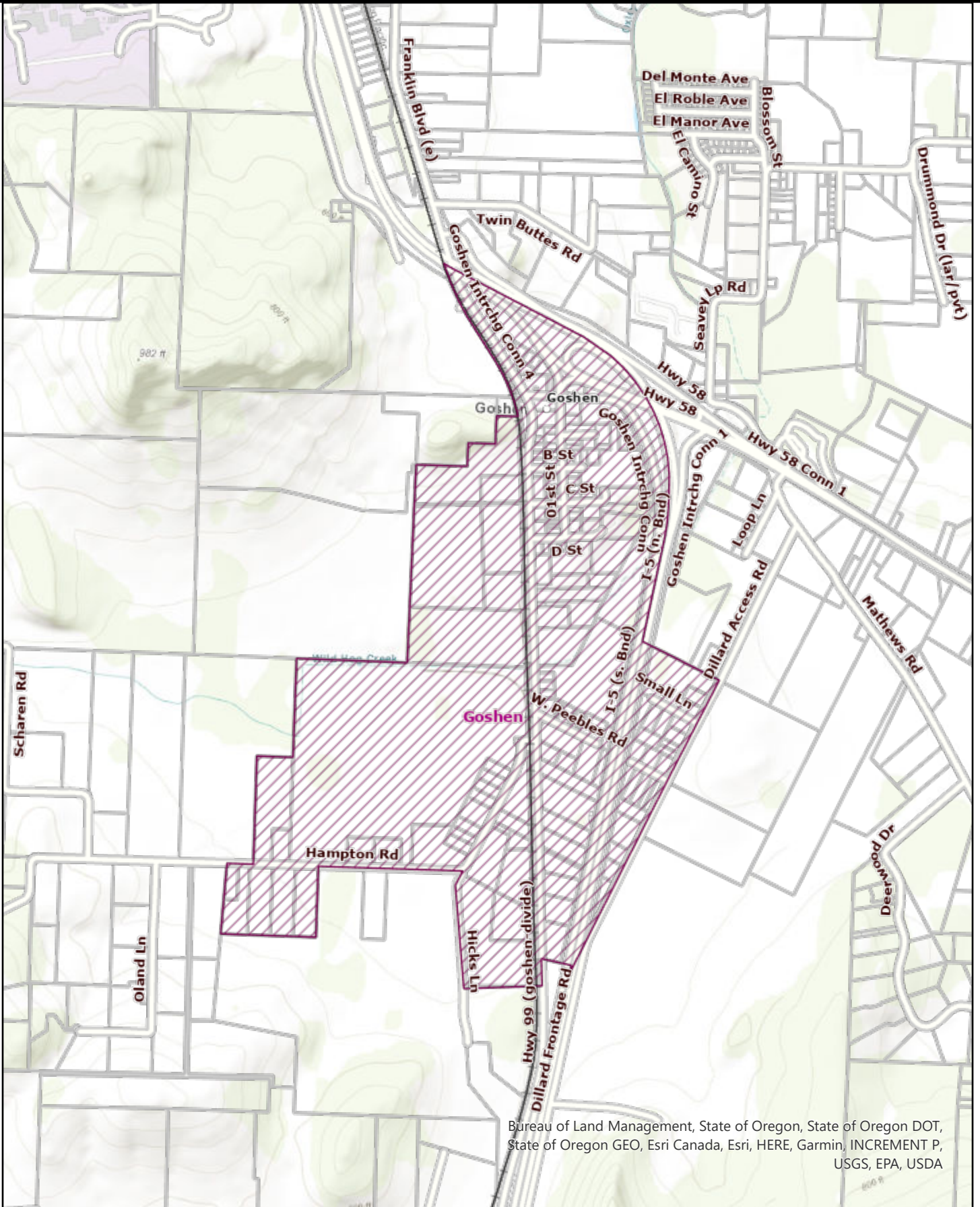
The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land within the Willamette River Greenway, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment is consistent with Goal 15.

Statewide Planning Goals 16 to 19 – Coastal Goals

These four goals are not applicable as they address resources that are not present in this portion of Lane County.

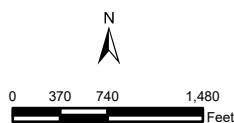
Vicinity Map of Goshen & Short Mountain Landfill





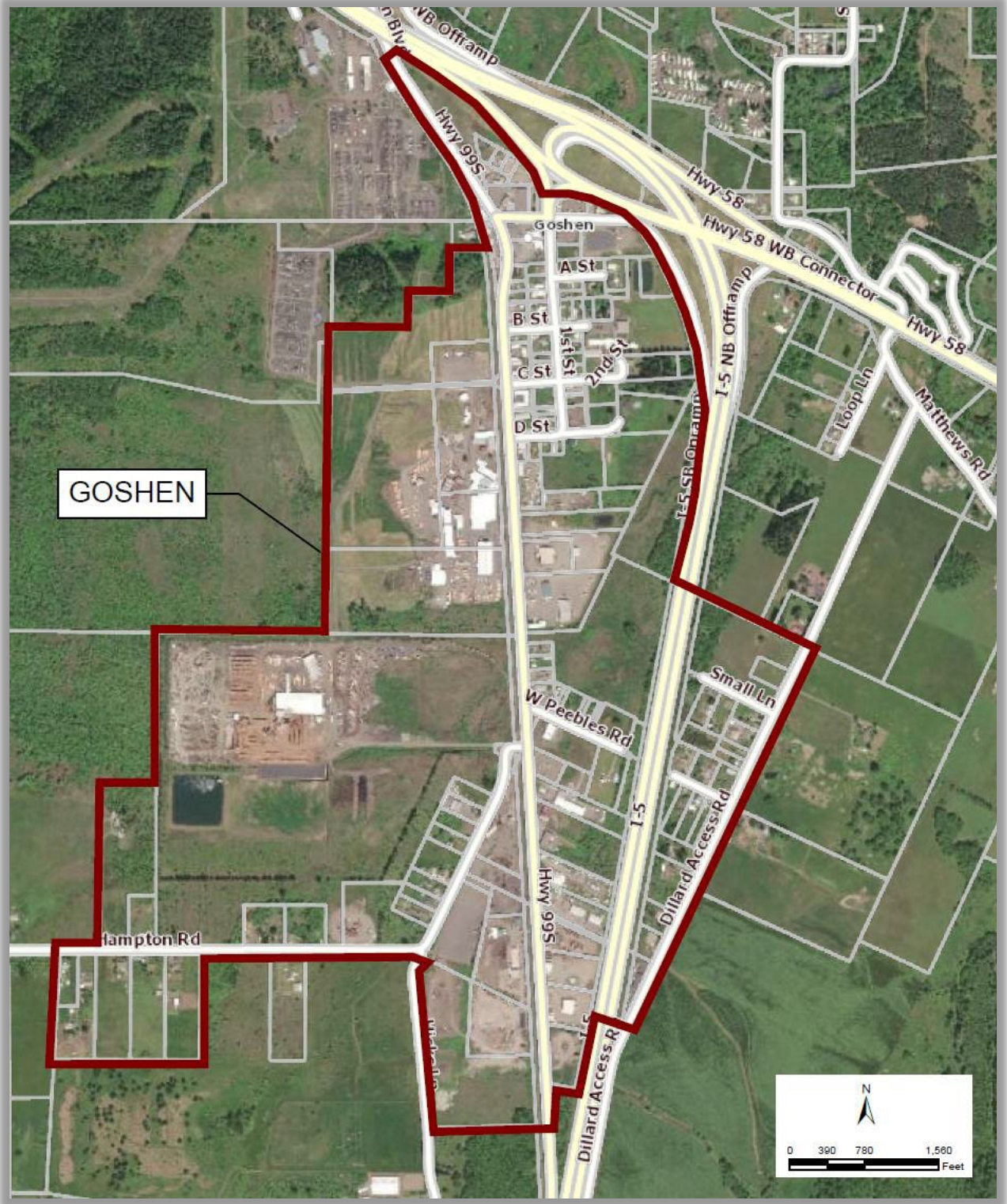
Bureau of Land Management, State of Oregon, State of Oregon DOT,
 State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,
 USGS, EPA, USDA

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



Goshen Rural
 Unincorporated Community

Lane County, Oregon



community create an inconvenience or adverse impacts so significant that it warrants the location in the community?" Still other uses do not require a location within the community and should instead be located inside an urban growth boundary or on other rural industrial land.

Providing land for related industrial businesses will help attract companies that can complement the rail dependent uses. Uses of this nature may not be feasible until the larger rail dependent uses are successfully operating. It would benefit the larger region, community and the uses by locating in close proximity to the rail dependent uses by reducing trips and shipping cost, as well as other efficiencies.

Proximity to competitors, a skilled workforce, specialized suppliers, and a shared base of sophisticated knowledge about their industry are reasons that are critical for allowing the supportive rail related uses.

If the above reasons for either or both categories of use are not satisfactory, the County finds that the proposed urban levels of industrial development on undeveloped rural land is necessary to support an economic activity that is greatly dependent on the "natural resource" of the existing industrial land for the reasons discussed above including the strategic logistical characteristics. However implausible some may feel the inclusion of the existing industrial land being considered as a natural resource is, or strained the credibility of the rule becomes, the County finds that the existing industrial land fits the definition of natural resource as contemplated in this rule provision and therefore qualifies for this "reason" under this standard.

The County finds that the term "natural resource" is defined in the back of the "Oregon's Statewide Planning Goals & Guidelines" booklet as found on the DLCD website. The provided definition states: "*NATURAL RESOURCES. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man. .*"³³ Based on this definition, the County finds that the existing industrial designated property in Goshen fits the definition of a natural resource of land. This land is useful to man (within the Community of Goshen, the larger Region-Eugene/Springfield Metro area, Lane County as a whole, and the broader State of Oregon) and further has an increased potential usefulness by allowing an increased level of industrial development to create jobs. The industrial land is valued for its unique characteristics giving it an existing and potential usefulness to man in creating increased economic activity including providing new jobs to citizens living in the area.

A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the

³³ The term "natural resource" is also defined in OAR 635-410-0010(6). Here it states: "*Natural resources" means land, fish, wildlife, biota, air or water.*"

Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.

The County finds that a new Goal 3 or 4 reasons exception is also not required due to the original developed and committed exception to Goals 3 or 4 which was applied to the land on the basis of its preexisting industrial development.

(3) To approve an exception under section (2) of this rule, a county must also show:

- (a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

FINDINGS: The proposed urban levels of industrial development is being sought to allow intensification of development on existing industrially zoned and designated land within a rural community in conformance with this criterion. The proposed urban levels of industrial development cannot be reasonably accommodated in an existing UGB in the region (Eugene or Springfield) as evidenced by the results of the ECLA and CIBL reports. These reports find that neither of the City jurisdictions have adequate industrial land capacity within their existing UGB's to meet their or the regions employment needs. Specifically identified is a need for large lot industrial sites. Additionally, the County finds that there is a need for large lot industrial sites that are strategically located in close proximity to the Interstate freeway system as well as near to and/or served by a rail line. Together with the need for large sites as discussed in the findings above, siting supportive urban levels of industrial development in close proximity to the large rail served sites is a significant competitive advantage that cannot be provided on sites inside a UGB.

Due to the significant comparative advantages of the Goshen area, specifically the superior access to highway and rail, the proposed urban level of industrial development cannot be reasonably accommodated in or through expansion of an existing urban growth boundary.

The County finds that it is not reasonable to accommodate the proposed urban industrial development through an expansion of an existing UGB in the region. There are no sites that have been identified by either city jurisdiction that could provide for superior highway and rail access. These findings are further supported when considering the significant comparative advantages of the Goshen community as discussed above.

**Springfield Planning Commission
Type 3 Amendment to the Metro Plan**

Hearing Date: April 4, 2023

Case Number: 811-23-000017-TYP4

Applicant: Lane County

Request

The City received an application for a Type 3 *Metro Plan* amendment from Lane County. Adoption of the proposed *Metro Plan* amendments would allow the extension of wastewater infrastructure to the unincorporated community of Goshen and to the Short Mountain Landfill which are located outside the urban growth boundaries (UGBs) of Eugene and Springfield. Inadequate infrastructure has posed a barrier to development of Goshen's 444 acres of industrial, commercial, and residentially zoned properties. As noted in Lane County's Staff Report, the Goshen area was designated by the State of Oregon as a Regionally Significant Industrial Area (RSIA) for its access to transportation/freight infrastructure, sites for industrial areas that would provide significant employment opportunities, and its proximity to major labor markets. Thus, the County has already determined that an urban level of industrial development is appropriate for the area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the Lane County landfill to the metropolitan wastewater collection system. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting approximately 25-million gallons of leachate annually with an average of 10 to 12 tanker trucks per day to the County-owned Glenwood receiving station, as is the current practice.

Nature of the Proposal

In 2013, the Lane County Board of Commissioners adopted a countywide strategic plan with a key goal of increasing industrial development and high-paying jobs within the unincorporated community of Goshen. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the County in June of 2013 to promote development for employment uses in Goshen. The County's goal was to foster industrial development in the Goshen community, which would bring with it high-paying jobs. This in turn would promote economic development throughout the region.

Goshen has significant advantages for industrial development including: existing industrial/non-resource designations; large parcels; proximity of supporting smaller parcels to the larger parcels; close proximity and direct access to the State Highway system, including I-5, Highway 58, and Highway 99; adjacency and access to rail; proximity to the urban population centers of Eugene and Springfield for providing an educated and/or skilled workforce; access to natural resources; proximity and access to utility infrastructure including natural gas, electrical power, and water; limited natural resource conflicts, and relatively level topography.

This area is a regional asset with its advantages for industrial growth and economic development, which would benefit the entire county economy by creating an environment to stimulate job growth. Additionally, there would be no loss to productive resource lands due to the land already having a non-resource designation."

Areas to be Served

The unincorporated community of Goshen includes approximately 444 acres of industrial, commercial, and residential development that lies 3.5 miles south of Eugene at the junction of Interstate 5, Highway 99, and Highway 58. The Short Mountain Landfill includes 575 acres of land for the Lane County landfill and sits 5.5 miles south of Eugene along Interstate 5. Both areas are located outside the UGBs of Eugene and Springfield.

Notification and Written Comments

In accordance with Springfield Development Code (SDC) 5.14.115(C)(2), proposals to amend a fundamental principal as specified in Metro Plan Chapter II A, are classified as a Type 3 *Metro Plan* amendment requiring approval by Springfield, Eugene, and Lane County.

In accordance with SDC 5.14.130, the property owner/public agency-initiated amendment to the *Metro Plan* diagram is processed as a Type 4 (legislative) land use action.

In accordance with the Oregon Administrative Rules (OARs) 660-018-0020, prior to adopting a change to an acknowledged comprehensive plan or land use regulation, local governments are required to notify the state Department of Land Conservation and Development (DLCDC) at least 35 days prior to the first evidentiary hearing. Lane County submitted a Notice of Proposed Amendment to the DLCDC on February 28, 2023, which is 37 days prior to the joint Eugene, Springfield, and Lane County Planning Commission public hearing on the matter.

In accordance with SDC 5.1.615(A), Type 4 legislative land use decisions require notice in a newspaper of general circulation. Notification of the joint Planning Commission public hearing was published in the legal notices section of *The Register Guard* on March 15, 2023. Staff has not received any public comments as of the writing of this staff report.

In accordance SDC 5.1.620, an amendment to the *Metro Plan* can be initiated by a property owner or public agency at any time. The application was submitted on January 27, 2023 and the joint hearing is scheduled for April 4, 2023.

In accordance with SDC 5.1.630, the Type 4 legislative change must be adopted by ordinance and the City Council decision for the Metro Plan amendment is final only upon concurrence with Lane County Commissioners and the City of Eugene City Council. The Planning Commission's recommendation must address all the applicable approval standards and criteria and any written or oral testimony. See the applicable Criteria of Approval response below.

Criteria of Approval

Section 5.14.135 of the SDC contains the criteria of approval for the decision maker to utilize during review of *Metro Plan* diagram amendments. The Criteria of approval are:

SDC 5.14.135 CRITERIA

A Metro Plan amendment may be approved only if the Springfield City Council and other applicable governing body or bodies find that the proposal conforms to the following criteria:

- (A) *The amendment shall be consistent with applicable Statewide Planning Goals; and*
- (B) *Plan inconsistency:*

- (1) *In those cases where the Metro Plan applies, adoption of the amendment shall not make the Metro Plan internally inconsistent.*
- (2) *In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.*

The findings provided below are largely the same as the findings provided by Lane County and include one addition finding to address a Springfield-specific criterion related to the Springfield Comprehensive Plan (SDC 5.14.135 (B)(2). Findings that differ from Lane County's are shown in *blue italics*, including the Springfield-specific finding.

A. Consistency with Applicable State-Wide Planning Goals

Goal 1 – Citizen Involvement

Statewide Planning Goal 1 -- *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

Goal 1 is a process goal. The amendment complies with Goal 1 because it will be processed as a legislative action through the jurisdictions' acknowledged public procedures for Metro Plan amendments. This process includes joint public hearings before the City of Eugene, the City of Springfield, and Lane County's planning commissions, and joint hearings before the governing bodies of all three jurisdictions.

The joint planning commission hearing is scheduled to be held April 4, 2023. Notices will be sent to interested parties and the public hearing notice was also published in The Register-Guard newspaper on March 15, 2023.

The joint hearings before the governing bodies of Lane County, the City of Eugene, and the City of Springfield is scheduled to be held at a future date yet to be determined.

Goal 2 – Land Use Planning

Statewide Planning Goal 2 -- *“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.”*

The land use codes of both cities and Lane County specify the procedures and criteria that were used in considering this amendment. The findings documents show the record includes an adequate factual base for the amendment. The record of the original Lane County Rural Comprehensive Plan amendment and Reasons Exception that was adopted to enable the urban levels of industrial uses in Goshen shows that the County studied the need for certain employment lands that have access to rail transport. The Goshen property included in the GREAT plan was determined, through thorough study, to meet the demands for that type of development. The proposed amendment will enable the development that has been stymied by lack of infrastructure that this proposal will provide.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, among the cities, Lane County and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. The County

and cities coordinated and jointly adopted the Metro Plan amendment. For the ordinance adopting this Metro Plan amendment, intergovernmental coordination included the following:

- The **Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action and regular contact with the area’s regional representative.
- **City of Eugene, City of Springfield, and Lane County**, which will jointly consider adoption of the Metro Plan amendment, were engaged during the process with staff from the three entities participating in meetings and providing feedback on the proposed amendment language and documents. County staff collaborated with City staff to provide informational updates and work sessions to the elected officials.
- **Community of Goshen** was engaged through notice of the proposed action published in The Register-Guard and opportunity to comment.
- **Metropolitan Wastewater Management Commission has been included in meetings and invited to provide feedback on the proposed action. County staff has coordinated with MWMC throughout this process.**

Goal 3 – Agricultural Land

Statewide Planning Goal 3 -- *“To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.”*

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for farm use, those impacts will be addressed in anticipated code changes or development permit. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 3 analysis.

Goal 4 – Forest Land

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

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land zoned for forest uses, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 4 analysis.

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

Statewide Planning Goal 5 -- *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

Goal 5 requires the County to inventory the locations, quality, and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Both cities and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5. The administrative rule that implements Statewide Planning Goal 5 requires application of Goal 5 in limited circumstances for post-acknowledgment plan amendments (PAPA).

OAR 660-023-0250(3) - Applicability

Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The proposed Metro Plan amendment does not change existing Goal 5 lists or site protections, as described in OAR 660-023-0250(3)(a) and (b). *To the extent any portions of the wastewater pipeline will be located within a resource site or the impact area of a resource site, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment itself does not trigger a Goal 5 analysis.*

Goal 6 – Air, Water and Land Resources Quality

Statewide Planning Goal 6 -- *“To maintain and improve the quality of the air, water and land resources of the state.”*

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

The State has not adopted specific requirements for complying with Statewide Planning Goal 6. The County and cities are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions' future compliance with those laws.

Further, this amendment will develop solutions to wastewater infrastructure for the community of Goshen and the Short Mountain Landfill. Connecting the landfill to a piped wastewater system is an important goal for the Lane County Public Works Department. The wastewater from the landfill is currently transported by tanker truck to the regional wastewater facility. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate (liquid that percolates through the waste mass at the landfill) annually.

Goal 7 – Areas Subject to Natural Hazards

Statewide Planning Goal 7 -- *“To protect people and property from natural hazards.”*

The State has not adopted specific requirements for complying with Statewide Planning Goal 7. Natural hazards for the purposes of Goal 7 are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Portions of the pipeline leading from Goshen to the Metropolitan Wastewater Management Commission (MWMC) connection location may pass through the 100-year flood zone and Willamette Floodway. Lane Code (LC) 16.244 establishes the requirements for work performed in a floodplain, in addition to other applicable local, State, and Federal regulations. For development activities within a mapped flood hazard area, a Floodplain Development Permit, Fill/Removal Permit, or a Floodway Development Permit would be required before construction commences. A Floodplain Development Permit or a Fill/Removal Permit apply to all development within the mapped A and AE flood zones; a Floodway Development Permit is required for all development within the mapped floodway AE zone. These permit reviews can be completed concurrently with the Willamette Greenway Development permit process (see findings addressing Statewide Planning Goal 15 below).

In Lane County, outside of urban growth boundaries, a Floodplain Development Permit is a Type I review process, and the Floodway Development Permit is a Type II process. A primary requirement of a Floodway Development Permit is that an engineer must certify the project will not reduce flood storage capacity nor create a rise in the base flood elevation. Because this project involves buried pipelines, a reduction in flood storage capacity is not expected.

Goal 8 – Recreational Needs

Statewide Planning Goal 8 -- *“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.”*

Goal 8 pertains to the recreation needs of citizens and visitors to the state. The actions taken by this amendment do not impact the city or county's recreation needs. Therefore Goal 8 does not apply.

Goal 9 – Economic Development

Statewide Planning Goal 9 -- *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

As discussed in previous findings, the proposed Metro Plan amendment is intended to provide adequate infrastructure to an area that is already planned and zoned to accommodate an urban level of industrial development. That development will provide adequate opportunities for a variety of economic activities in the Goshen community as well as in the larger Lane County region and beyond, which is vital to the health, welfare, and prosperity of Oregon’s citizens.

As the County and cities continue to grow and flourish it will be necessary for the landfill to accommodate this growth. Connecting the landfill to a piped wastewater system will be an important part of that economic development.

The Metro Plan amendment is consistent with Goal 9.

Goal 10 - Housing

Statewide Planning Goal 10 -- *“To provide for the housing needs of citizens of the state.”*

Goal 10 generally imposes planning obligations on local governments only for urban and urbanizable lands within urban growth boundaries. The actions taken by this ordinance do not impact the either Eugene’s or Springfield’s supply/demand for residential land. Therefore, OAR 660, Division 8 and Goal 10 do not apply.

Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- *“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.”*

Statewide Planning Goal 11 is implemented by Oregon Administrative Rule Chapter 660, Division 11. Under Goal 11 and its implementing regulations, extension of sewer services outside the urban growth boundary (UGB) is heavily discouraged. Urban level sewer services are meant to be limited to serving areas inside the UGBs as a way of limiting urban levels of development in rural areas. OAR 660-011-0060, however, provides some allowances and exceptions to that general rule, articulating when and where sewer services may be placed on or extended to serve rural lands. For instance, OAR 660-011-0060(3)(a)(E) allows components of sewer systems that serve land outside a UGB where necessary to transport leachate from a landfill on rural land to a sewer system inside a UGB. Further, OAR 660-011-0060(3)(a)(B) allows placing components of a sewer system on rural lands where necessary to serve lands inside an unincorporated community.

Goal 11 directs local governments to “not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.”

The action taken by this amendment would extend the wastewater system to the rural unincorporated community of Goshen and provide for transport of leachate from the Short Mountain Landfill to a sewer system inside a UGB. This is compatible with Goal 11. Wastewater services would not be provided along the route. As specified by the proposed G.26 policy amendment, the

extension of the wastewater system will serve only the rural unincorporated community of Goshen and the landfill for the transport of leachate.

The Short Mountain Landfill serves the communities inside the UGBs of Eugene and Springfield as it accepts solid waste from the surrounding area. It is also the only permitted municipal landfill in Lane County. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the Glenwood transfer station located within the Metropolitan Wastewater Management Commission (MWMC) service area. Currently the leachate travels 5.5 miles from the storage lagoons at the landfill to the discharge point.

The leachate is already handled by the regional wastewater system after being trucked in. By connecting the landfill to the system through a piped connection, it provides a safe, cost effective, and efficient way to transport the leachate. This benefits community members within the Metro Plan area inside the UGB, who are being served by the Short Mountain Landfill.

The County has long been working toward the goal of increasing industrial development and creating high-paying jobs in the Goshen community. In support of this goal, the Goshen Region Employment and Transition (GREAT) Plan was adopted by the commissioners in June of 2013 to promote development in Goshen under urban industrial zoning. At the time of the GREAT Plan's adoption, extending wastewater service to the area was not part of the adopted Ordinance, but the need for extending service was anticipated. With this Metro Plan amendment the County could realize its goal of industrial development in the area and promoting economic development throughout the region.

The County anticipated the need for the extension of wastewater services in its adoption of Ordinance No. PA 1282 in 2013. The findings of the Ordinance on pages 36-37 stated:

“A Goal 11 exception is not necessary or contemplated with this proposal. The County currently is not proposing to extend sewer to the Community of Goshen with this application. However, if and/or when a sewer extension to the Community of Goshen is contemplated, the County finds that the extension of the sewer would not require a Goal 11 exception as allowed in OAR 660-011-0060(3), which permits extension of sewer from inside a UGB to serve lands inside a nearby unincorporated community. This issue will be addressed at a later time when and if such extension is further contemplated.”

OAR 660-011-0060(3)

Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

(B) Serve lands inside a nearby UGB or unincorporated community;

(C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;

(D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or

(E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;

(b) The local government:

(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and

(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.”

The extension of the wastewater line that would be allowed by the proposed Metro Plan amendment satisfies subsections (a)(B) and (a)(E) above. The adoption of the GREAT plan in 2013 approved a Goal 14 Exception for the Goshen area, which is a rural unincorporated community. The extension would serve Goshen, pursuant to subsection (a)(B). And the rule specifically allows for extension of components of a sewer system outside the UGB for the transport of leachate from a landfill on rural land to a sewer system inside the UGB, pursuant to subsection (a)(E). For the purpose of this Metro Plan amendment, subsection (b) is arguably met at the time of adoption, given that extension of wastewater service will only be allowed by the proposed language to Goshen and Short Mountain. Additionally, prior to construction, the County intends to adopt land use regulations prohibiting cross connection in other areas outside of the Metro Plan boundary.

Springfield finds that the County’s findings rely upon OAR 660-01100060(3) to overcome the prohibition under OAR 660-011-0060(2) on extending sewer lines from within a UGB, outside the UGB, without need for an exception to Goal 11. However, the findings do not fully address subsection (3)(b). Additional findings and/or conditions of approval are needed to demonstrate that land use regulations will ensure the sewer system does not serve other areas outside the UGB, and that the system will protect farm and forest practices per ORS 215.296 or else that the sewer will be entirely located in the subsurface of public roads and highways along the public right of way.

Therefore, Goal 11 is not yet satisfied.

Goal 12 – Transportation

Statewide Planning Goal 12 -- *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 pertains to the transportation system.

OAR 660-012-0060 -- Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The actions taken by this amendment do not impact the county's transportation system and would not significantly affect an existing or planned transportation facility. The main impact likely to result from the amendment is a reduction in truck travel on I-5 from the transport of leachate. Therefore, Goal 12 is satisfied.

Goal 13 – Energy Conservation

Statewide Planning Goal 13 -- *“To conserve energy.”*

The State has not adopted specific rules for complying with Statewide Planning Goal 13. The proposed Metro Plan amendment satisfies Goal 13 as it will eliminate the need to truck leachate from the landfill to the MWMC treatment plant. Reducing those truck trips provides a net gain with regard to energy conservation.

Goal 14 - Urbanization

Statewide Planning Goal 14 -- *“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal 14 generally seeks to limit the level of development in rural areas to the levels of uses consistent with rural lands. As discussed in previous findings, the County took a Goal 14 Exception in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

The Goshen community is ideally situated to accommodate the County's goals. It already has existing industrial and non-resource designations, which ensures an efficient use of already available land. Goshen has direct access to major highways and rail, and proximity and access to utility infrastructure including natural gas, electrical power, and water. It is close in proximity to the urban population centers of Eugene and Springfield, which provides an educated and/or skilled workforce and provides jobs for livable communities.

The extension of the wastewater system to the rural unincorporated community of Goshen will facilitate the County's goal of attracting industry and industrial development in the area. Goshen has been an important area of action for the Lane County Board of Commissioners for more than 10 years. This amendment will remove the remaining barrier to economic development there.

Further, the residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station as is the current practice.

Springfield finds that the Short Mountain landfill sewer extension is consistent with Goal 14. The landfill is not an urban use itself, and so extending the sewer system to serve this use does not locate an urban use in a rural area which would run afoul of Goal 14. Provided that the Goal 11

requirements can be met to limit impacts to farm and forest uses and prevent other connections to the sewer outside of the UGB, Goal 14 is met for the Short Mountain landfill sewer connection. However, the current Goal 14 findings above are inadequate for the Goshen sewer extension because they rely upon the Goal 14 “reasons” exception (adopted by Lane Co. Ordinance No. PA 1282, as amended by Ordinance PA 1317 on remand from the Land Use Board of Appeals), without findings that the 2013 exception is applicable to this specific set of Metro Plan amendments. Per OAR 660-004-0018(1), “Exceptions to one goal or a portion of one goal ... do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception.”

OAR 660-004-0018(4) provides the relevant requirements for “reasons” exemptions to the statewide planning goals:

(4) “Reasons” Exceptions:

(a) When a local government takes an exception under the “Reasons” section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, OAR 660-014-0040, or OAR 660-0140-090, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a “Reasons” exception, a new “Reasons” exception is required.

The findings for the Metro Plan amendment should either explain why the MWMC sewer extension is the same type and intensity of “public facilities and services” recognized or justified by the 2013 exception under subsection (4)(a), or include a new reasons exception under (4)(b).

Therefore, the Metro Plan amendment does not yet comply with Goal 14.

Goal 15 – Willamette River Greenway

Statewide Planning Goal 15 -- “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.”

The proposed action changes a Metro Plan policy to allow extension of sewer services outside the City of Eugene and City of Springfield’s UGBs. While engineering studies have been conducted, and a proposed route is roughly outlined, it is not yet clear exactly where the route of the wastewater line will be located. To the extent any portions of the wastewater pipeline will be located on land within the Willamette River Greenway, those impacts will be addressed in anticipated code changes or development permits. The adoption of the proposed Metro Plan policy amendment is consistent with Goal 15.

Goals 16-19 Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

These four goals are not applicable as they address resources that are not present in this portion of Lane County.

B. Plan Inconsistency

1. **In those cases where the *Metro Plan* applies, adoption of the amendment shall not make the *Metro Plan* internally inconsistent.**

Chapter II-C Growth Management Goals, Findings, and Policies

Policy 4: Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.

The County took an Exception to Statewide Planning Goal 14 in 2013 when it adopted the GREAT plan for the Goshen area. The County determined at that time that there were reasons justifying developing the otherwise rural area with urban levels of industrial uses, based on the unique circumstances of the site and the needs for industrial sites that the Goshen area could fulfill. Thus, it has already been determined that an urban level of industrial development is appropriate in that area.

Further, the extension of the wastewater pipeline to the Short Mountain Landfill is proposed to convey leachate generated from the municipal landfill to the proposed wastewater collection system in Eugene/Springfield. The residents of Eugene and Springfield would benefit from a piped connection from the regional wastewater facility to the landfill, which serves those same communities. This connection would eliminate the high costs, environmental impacts, and operational challenges of transporting leachate from the landfill to the wastewater facility transfer station, as is the current practice.

The intent of the proposed Metro Plan amendment is to develop safe, efficient solutions to wastewater infrastructure for the existing Short Mountain Landfill and for urban levels of industrial development that is already planned for the Goshen area. The proposal is consistent with Policy 4.

Chapter III-B Economic Element

Policy B.27: Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.

On October 12, 2021, the Lane County Board of Commissioners directed staff to coordinate with the Metropolitan Wastewater Management Commission (MWMC), the City of Eugene, and the City of Springfield to pursue amendments to the Metro Plan to facilitate extending wastewater services to the rural unincorporated community of Goshen as well as a pipeline extension connection to service Short Mountain Landfill for conveyance of leachate. Although the economic element no longer applies to Eugene or Springfield, both cities and the County must jointly adopt any amendments to the Metro Plan.

The industrial development in the unincorporated community of Goshen has been a topic of significant conversation and action by the Board of Commissioners for more than 10 years. In 2013, the Board adopted the GREAT Plan, which designated lands within Goshen for urban levels of industrial development. The major remaining barrier to development of that area is the lack of adequate wastewater infrastructure. The adoption of the proposed Metro Plan amendment would enable extension of wastewater services by MWMC, which in turn, would enable the industrial development that has long been planned for this area.

Likewise, the ability of the Short Mountain Landfill to connect to a piped wastewater system remains a strong desire of the Lane County Public Works Department. This wastewater is already truck delivered to the regional wastewater facility at the Glenwood Transfer Station. A piped connection to the regional wastewater facility would eliminate the high costs, environmental impacts, and operational challenges of transporting over 25-million gallons of leachate annually by tanker trucks.

Chapter IV Metro Plan Review, Amendments, and Refinements

Policy 6.b.iii: Type III Text Amendments include: Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

Policy 7.c: A Type III amendment may be initiated by any one of the three governing bodies at any time.

Policy 8.a: The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.

Policy 8.b: When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.

The proposal is a request to amend Chapter II.C, Policy 21; and Chapter III.G, Policy G.26 and Policy G.28 of the Metro Plan via this Type III Metro Plan Amendment. The amendment was initiated by Lane County, and Lane County has notified the other jurisdictions. The jurisdictions agree that the proposal is a Type III amendment. The procedures are consistent with Chapter IV of the Metro Plan.

2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.

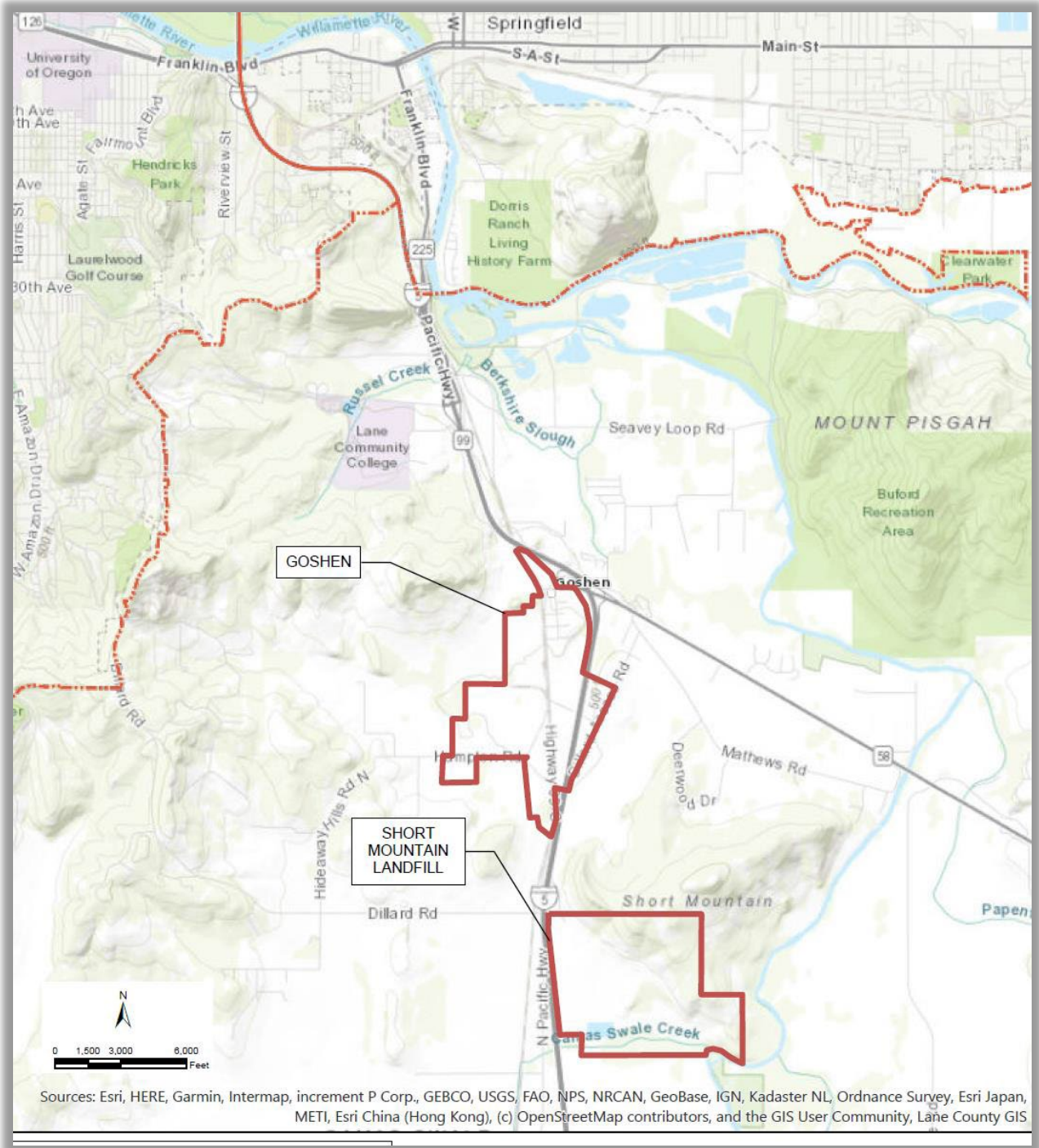
The proposed amendment does not impact land with Springfield's urban growth boundary. Therefore, the Springfield Comprehensive Plan is not applicable.

Conclusion and Recommendation

Based on the applicant's narrative, the findings above, and the criteria of SDC 5.14.135 for approving amendments to the *Metro Plan*, staff finds the proposed *Metro Plan* amendment to allow wastewater service to be extended to the unincorporated community of Goshen and Lane County's Short Mountain Landfill *are not yet consistent with all the criteria.*

Questions: Please call Haley Campbell in the Development & Public Works Department at (541) 726-3647 or email hcampbell@springfield-or.gov if you have any questions regarding this process.

Vicinity Map of Goshen & Short Mountain Landfill



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Lane County GIS