



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/4/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 007-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 16, 2009

This amendment was submitted to DLCD for review prior to adoption. with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Glenn Klein, City of Eugene
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Emily Jerome, City of Eugene

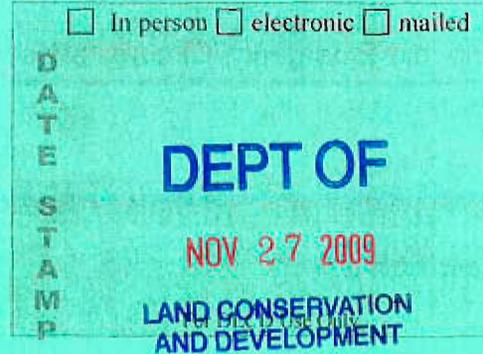
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PROF 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Eugene**

Local file number: **MA 09-3**

Date of Adoption: **11/23/09**

Date Mailed: **11/25/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/19/09**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Metro Plan Diagram Amendment to change designation of 63 acres from Parks and Open Space to Low Density Residential (includes automatic amendment to Willakenzie Area Plan, applicable refinement plan to change designation from Parks/Open Space to Low Density Residential). No text amendments are proposed or required.

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

Plan Map Changed from: **Parks and Open Space** to: **Low Density Residential**

Zone Map Changed from: to:

Location: **NW corner of N. Delta Highway/Ayres Road**

Acres Involved: **63**

Specify Density: Previous: **NA**

New: **0 to 14**

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD File No. 007-09 (17641) [15863]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Lane County

Local Contact: **Emily Jerome**

Phone: (541) 682-6049 Extension:

Address: 777 Pearl Street

Fax Number: 541-682-5414

City: Eugene

Zip: 97401-

E-mail Address: emily.n.jerome@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing larry.french@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to larry.french@state.or.us - **Attention: Plan Amendment Specialist**.

COUNCIL ORDINANCE NUMBER 20444

COUNCIL BILL NUMBER 5017

AN ORDINANCE AMENDING THE EUGENE-
SPRINGFIELD METROPOLITAN AREA GENERAL
PLAN LAND USE DIAGRAM; AMENDING THE
WILLAKENZIE AREA PLAN PURSUANT TO
SECTION 9.7750(4) OF THE EUGENE CODE, 1971;
ADOPTING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE; RETURNING
THE ANNEXED PORTION OF THE "RIVER RIDGE"
SITE TO THE LOW DENSITY RESIDENTIAL
DESIGNATION.

ADOPTED: November 23, 2009

SIGNED: November 24, 2009

PASSED: 5/3

REJECTED:

OPPOSED: Brown, Taylor, Zelenka

ABSENT:

EFFECTIVE: December 25, 2009

ORDINANCE NO. 20444

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM; AMENDING THE WILLAKENZIE AREA PLAN PURSUANT TO SECTION 9.7750(4) OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE; RETURNING THE ANNEXED PORTION OF THE "RIVER RIDGE" SITE TO THE LOW DENSITY RESIDENTIAL DESIGNATION.

The City Council of the City of Eugene finds that:

A. On May 11, 2009, the Eugene City Council initiated amendments to the Metropolitan Area General Plan and the Willakenzie Area Plan.

B. The amendments contained in this Ordinance are based on the recommendation of the Eugene Planning Commission.

C. The City of Eugene Planning Commission and Lane County Planning Commission held a joint public hearing on the amendments contained in this Ordinance on August 4, 2009, and the Eugene Planning Commission forwarded its recommendations to the Eugene City Council for amendments to the Metropolitan Area General Plan Land Use Diagram as shown Exhibit A, and the Willakenzie Area Plan Land Use Diagram as shown on Exhibits B and C.

D. On October 7, 2009, the Eugene City Council and the Lane County Board of Commissioners held a joint public hearing to consider the amendments and on November 9, 2009, the Eugene City Council passed a motion to adopt all of the proposed amendments in a single ordinance. At its next meeting, on November 16, 2009, the Eugene City Council passed a motion to reconsider its November 9 action and directed that the amendments be divided into two separate ordinances: one relating to the land over which the City has sole jurisdiction and the other relating to the land over which the City and County have joint jurisdiction.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Portions of the property identified as Tax Lot 306 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram and all of the property identified as Tax Lot 305 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram, located north of Ayres Road and west of North Delta Highway, are amended from a designation of Parks and Open Space (POS) to a designation of Low Density Residential (LDR) as shown on the attached Exhibit A, which is incorporated

herein.

Section 2. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, 1971, the land referenced in Section 1 above is automatically and concurrently redesignated from Parks/Open Space to Low-Density Residential on both the Willakenzie Area Plan Land Use Diagram located between pages 19 and 20 of the Willakenzie Area Plan, as shown on Exhibit B, which is incorporated herein, and on the Willakenzie Area Plan Unincorporated Subarea diagram located at page 53 of the Willakenzie Area Plan, as shown on Exhibit C, which is incorporated herein.

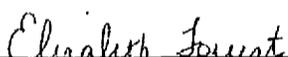
Section 3. The findings set forth in the attached Exhibit D are adopted as findings in support of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. By operation of this Section, upon the effective date of its future annexation to the City of Eugene, the portion of the property identified as Tax Lot 304 of Assessor's Map 17-03-07-00 as shown on the attached Exhibit E shall be automatically redesignated on the Metro Plan diagram and in the Willakenzie Area Plan to the Low Density Residential (LDR) designation.

Passed by the City Council this

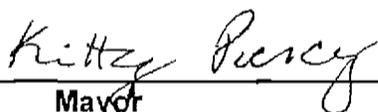
23rd day of November, 2009



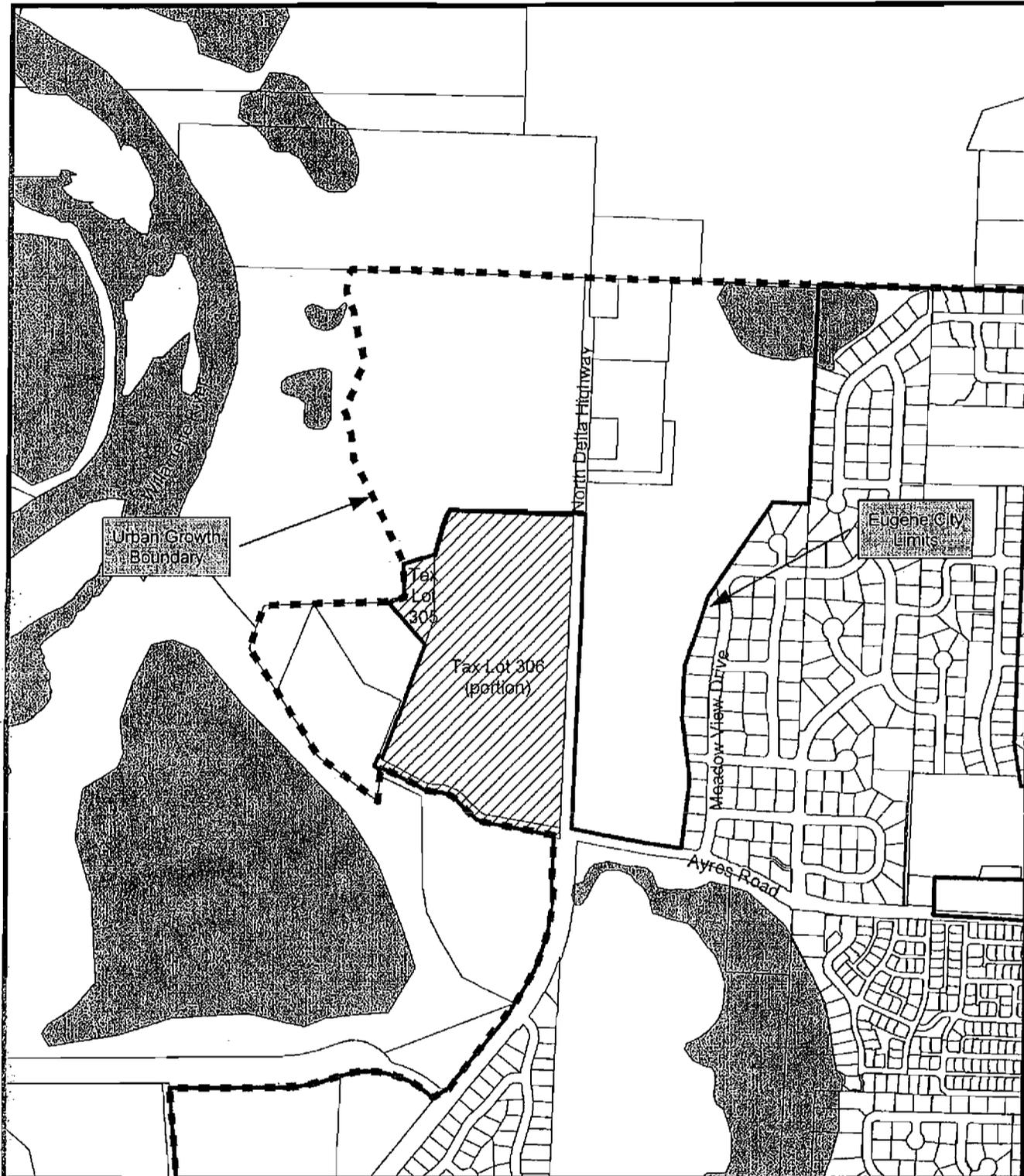
Acting City Recorder

Approved by the Mayor this

24th day of November, 2009



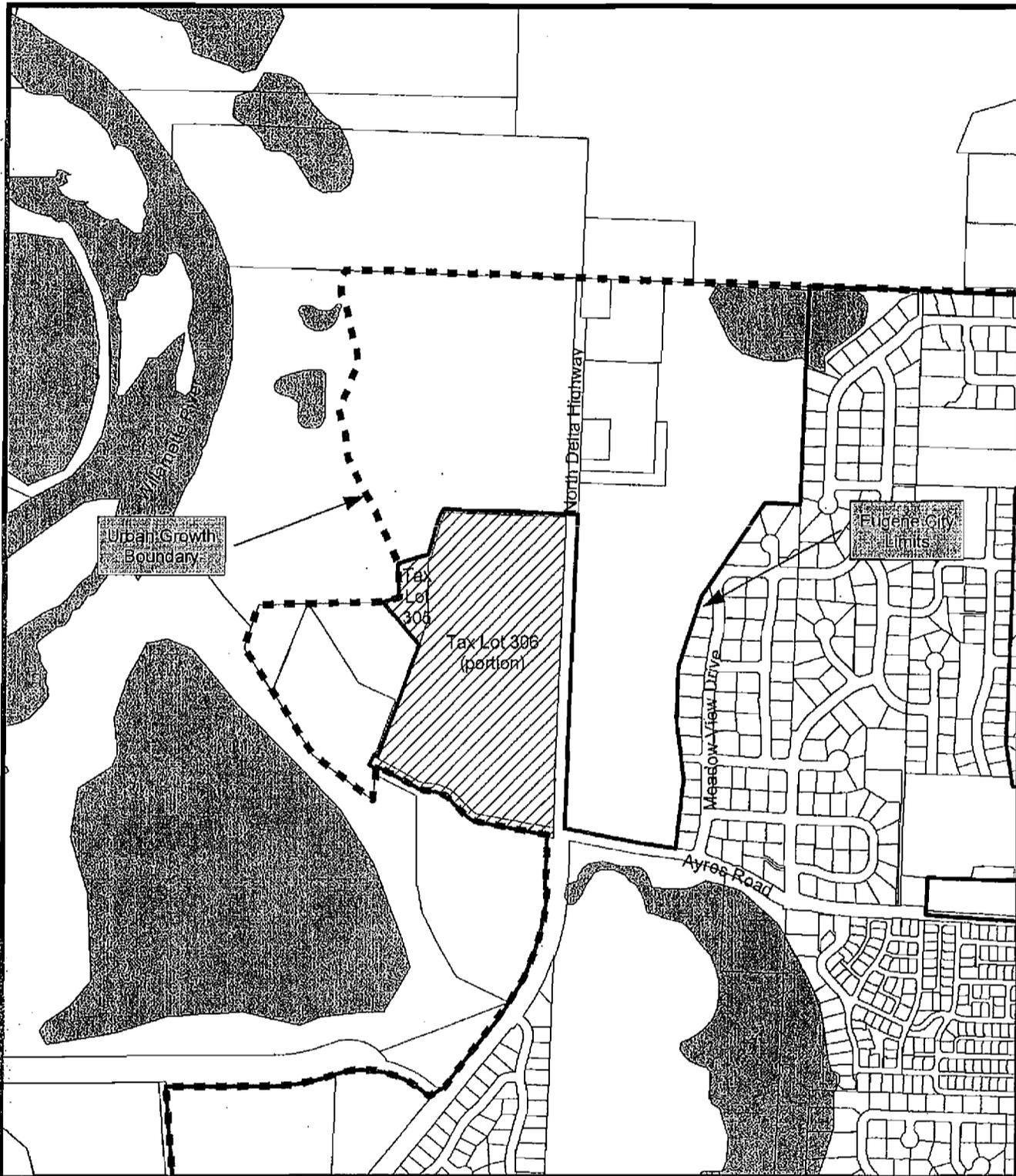
Mayor



Metro Plan Diagram Amendment for
River Ridge (City File MA 09-3)

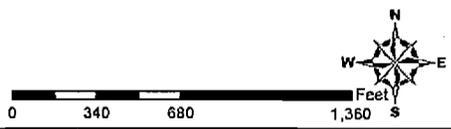
-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies

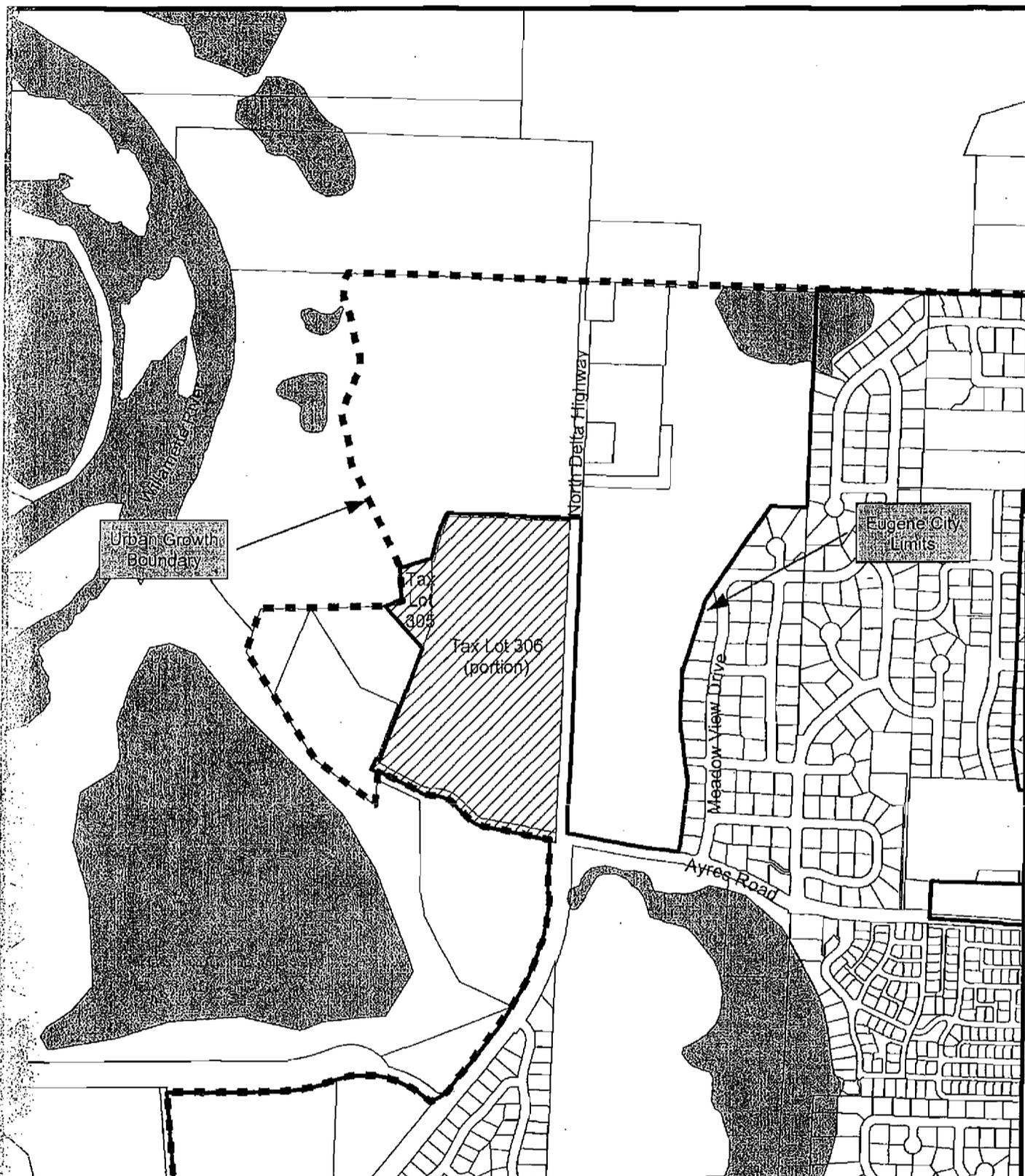




**Willakenzie Area Plan Land Use Diagram
Amendment for River Ridge (City File MA 09-3)**

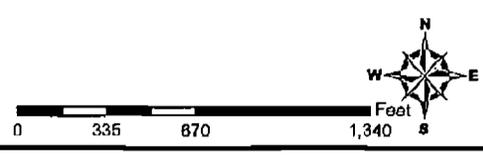
-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies





**Willakenzie Area Plan Unincorporated Subarea Diagram
Amendment for River Ridge (City File MA 09-3)**

-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies



Findings of Consistency

Metro Plan Diagram Amendments Eugene Code Section 9.7730(3) requires that the following criteria (in bold and italics) be applied to a Metro Plan diagram amendment:

(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

Goal 1 Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action does not amend the citizen involvement program. The process for reviewing these amendments complies with Goal 1 since it complies with, and surpasses the requirements of, the citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a joint City of Eugene and Lane County Planning Commission public hearing on August 4, 2009. On June 19, 2009, the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments. On July 13, 2009, notice of the Planning Commission public hearing was mailed to the property owners and occupants of property within 500 feet of the subject property, Cal Young Neighborhood Association, interested parties who requested notice, and other community organizations requesting such notice, which is in excess of the requirements of the Eugene Code. On July 15, 2009, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices, and provided via the City's internet site at www.eugeneplanning.org.

The process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with, and surpasses the requirements of the State's citizen involvement provisions.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for decisions to be made concerning the proposed amendments.

Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the review of these amendments with all affected governmental units. Specifically, notice was mailed to the State Department of Land Conservation and Development, Oregon Department of Transportation (ODOT), Lane County, and the City of Springfield. There are no Goal 2 exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

Goal 3 is not applicable to these amendments as the subject property and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

Goal 4 - Forest Land: *To conserve forest lands.*

Goal 4 is not applicable to these amendments as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property, which is within Eugene's urban growth boundary (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 4.

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

The following administrative rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment (PAPA) request:

- (3) *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 subject property does not include a Goal 5 resource site. The proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. Nothing in the proposal or the character of the site or potential uses indicates a future development that would compromise air, water and land resources. The proposal does not amend the metropolitan area's air, water quality or land resource policies. Based on allowed low density residential uses, the City can reasonably expect that future development of the site comply with applicable environmental laws. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with steep slopes, wildfires, or tsunamis. Other hazards, such as earthquakes and severe winter storms can be mitigated at the time of development based on accepted building codes and building techniques. Therefore, these amendments are consistent with Statewide Planning Goal 7.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. Unlike planning for its residential, commercial or industrial land needs under Goals 9 and 10, planning for a city's recreational needs is largely a matter of local choice. The applicable statutes, Statewide Planning Goals and administrative rules are not prescriptive as to the amount of park land that a city must have to serve its population. While the City takes into consideration the existence of private recreation facilities and open space in its parks planning process, because there is no guarantee that lands owned by private entities will remain in perpetuity as public open space and/or recreation facilities, the City does not (and is not required to) account for private facilities and open space in its supply of recreation facilities, parks and open space. The subject property is not included on any list, inventory or map identifying the City's existing parks and open space supply. As such, changing the designation of the subject property will have no impact on the City's parks and open space supply. While the proposed amendments will impact a private recreational facility, the proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the city “[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]” Among other things, the rule requires that cities complete an “Economic Opportunities Analysis.” OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply “at the time of each periodic review of the plan (ORS 197.712(3)).”

The proposed amendment will not make any changes to the existing land currently designated commercial. Thus, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units.

The proposed amendment will re-designate approximately 63 acres from Parks and Open Space to Residential, thereby increasing the City’s current supply of residential lands. Since the subject property is not currently designated for residential use and is not included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study, the proposed amendment will increase the City’s existing inventory of land that is available for residential development. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

A portion of the area affected by the amendments is located outside the city limits but inside the Eugene-Springfield Urban Growth Boundary. The existing level of public facilities and service is adequate to serve the needs of existing and future development, as public facilities are available or can be extended to the subject property. While a portion of the subject property is located outside City limits, annexation is a requirement for any new use that would generate an additional need for urban facilities and services. Public facilities and services are available for the purpose of annexation. The provision of these amendments does not affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is

implemented at the local level. The TPR (OAR 660-012-0060) states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility.

Section 9.8670 of the Eugene Code, 1971, requires a development applicant to comply with the City's Traffic Impact Analysis (TIA) Review code provisions if the proposed development will "generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual." One of the stated purposes of the City's TIA Review requirement is "to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development."

The City's TIA Review follows a Type II process and is approved or conditionally approved upon the applicant's demonstration of compliance with the following criteria at EC 9.8680:

- (1) Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2) Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3) An exception to any or all of the requirements listed in the "Standards for Traffic Impact Analyses" for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with this subsection.
- (4) In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County's jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.

In accordance with the above-quoted Eugene City code provisions, prior to the any development on the subject property that will generate more than 100 peak hour trips per day, the developer will need to prepare a TIA Review that parallels the TPR analysis required by Statewide Planning Goal 12. Because of the size of the subject property (approximately 63 acres), the number of allowed

single-family dwelling units could be in excess of 300 units. Based on the ITE Trip Generation Manual, 300 residential units would generate an estimated 300 PM peak trips, far exceeding the number of PM peak trips that would trigger the City's TIA Review code provisions. No development that will generate more than 100 PM peak trips will be able to occur on the subject property without a demonstration of compliance with the City's TIA Review requirements.

Based on the following testimony from the Department of Land Conservation and Development, no TPR findings are necessary for this action:

"1. The amendment to the Metro Plan Diagram which re-designated the 63 acres from Low Density Residential to Parks and Open Space occurred as a result of adoption of Task 17 of the 2005 Eugene-Springfield Periodic Review Work Order 001662. In adopting the Revised Metro Plan Diagram reflecting the "Housekeeping" amendments to the Metro Plan Diagram, Ordinance #20319 in April 2004, it appears that no TRP analysis was conducted. In reviewing the acknowledgement file, I could not find any documentation why a TRP 060 analysis was not required so I must assume that the "Housekeeping" amendments to the Metro Plan Diagram were determined to not meet the threshold of significance as stipulated in 660.012.060(1). The acknowledged 2002 TransPlan was the controlling TPR document at the time. So in this case returning the plan designation to Low Density Residential to reflect the property's current zoning would not meet the threshold of "significant" either.

2. TransPlan, the metro area's TSP was last updated in 2002 and subsequently acknowledged by the Department; prior to adoption and acknowledgement of the "Housekeeping" amendments to the Metro Plan Diagram. The Metro Plan Diagram in effect in 2002 was the land use plan used to model traffic impacts. Consequently, returning the 63 acres from Parks and Open Space to Low Density Residential would be consistent with the Metro Plan Diagram used in the 2002 TransPlan and no TPR 060 analysis is required since in this case returning the plan designation to Low Density Residential to reflect the property's current zoning would not meet the threshold of "significant" either."

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

Statewide Planning Goal 13 calls for land uses to be managed and controlled "so as to maximize the conservation of all forms of energy, based upon sound economic principles." Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. It is not clear that the goal has any bearing on a site-specific decision such as the one at issue. There is no implementing rule that clarifies the requirements of Goal 13. To the extent that Goal 13 could be applied to the proposed change in designation, the designation is consistent with Goal 13. The proposed site is located so that a future development can make efficient use of energy with direct and efficient access. The proposal is consistent with Statewide Planning Goal 13.

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

The amendments do not affect the transition from rural to urban land use, as the subject property is within the Eugene-Springfield Urban Growth Boundary limits. Therefore, Statewide Planning Goal 14 does not apply.

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

The subject property is not within the boundaries of the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply.

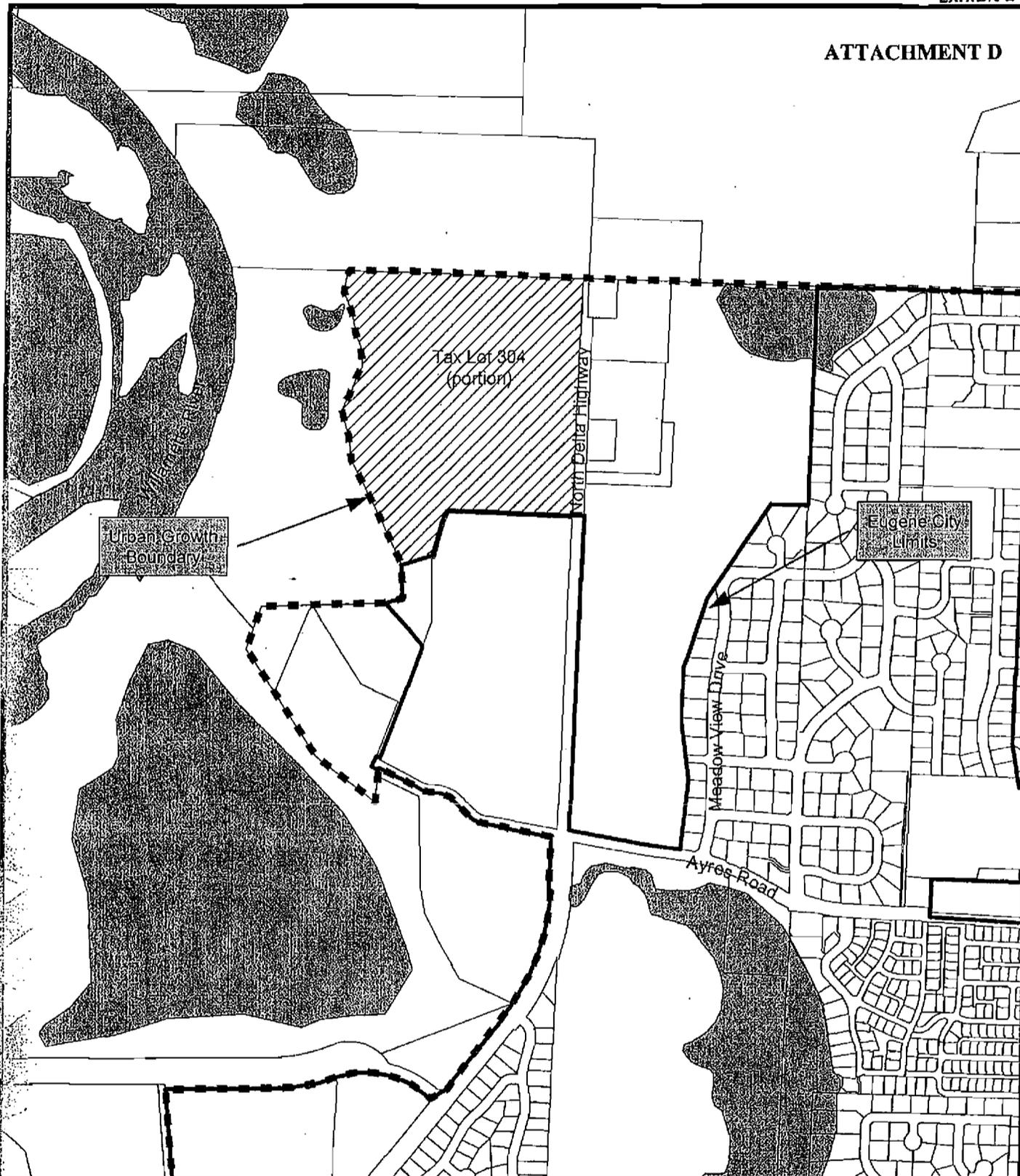
Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources:

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

The Metro Plan diagram amendment to re-designate approximately 63 acres of land from Parks and Open Space to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. No text or other diagram changes are necessary to ensure internal consistency with the proposed diagram amendments; adoption of this amendment will not make the Metro Plan internally consistent.

ATTACHMENT D



Metro Plan Diagram Amendment for
River Ridge (City File MA 09-3)

-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies



COUNCIL ORDINANCE NUMBER 20445

COUNCIL BILL NUMBER 5018

AN ORDINANCE AMENDING THE EUGENE-
SPRINGFIELD METROPOLITAN AREA GENERAL
PLAN LAND USE DIAGRAM; AMENDING THE
WILLAKENZIE AREA PLAN PURSUANT TO
SECTION 9.7750(4) OF THE EUGENE CODE, 1971;
ADOPTING A SEVERABILITY CLAUSE, AND
PROVIDING AN EFFECTIVE DATE; RETURNING
THE UNANNEXED PORTION OF THE "RIVER
RIDGE" SITE TO THE LOW DENSITY
RESIDENTIAL DESIGNATION

ADOPTED: November 23, 2009

SIGNED: November 24, 2009

PASSED: 5/3

REJECTED:

OPPOSED: Brown, Taylor, Zelenka

ABSENT:

EFFECTIVE: December 25, 2009

ORDINANCE NO. 20445

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM; AMENDING THE WILLAKENZIE AREA PLAN PURSUANT TO SECTION 9.7750(4) OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE; RETURNING THE UNANNEXED PORTION OF THE "RIVER RIDGE" SITE TO THE LOW DENSITY RESIDENTIAL DESIGNATION.

The City Council of the City of Eugene finds that:

A. On May 11, 2009, the Eugene City Council initiated amendments to the Metropolitan Area General Plan and the Willakenzie Area Plan.

B. The amendments contained in this Ordinance are based on the recommendation of the Eugene Planning Commission.

C. The City of Eugene Planning Commission and Lane County Planning Commission held a joint public hearing on the amendments contained in this Ordinance on August 4, 2009, and the Eugene Planning Commission forwarded its recommendations to the Eugene City Council for amendments to the Metropolitan Area General Plan Land Use Diagram as shown Exhibit A, and the Willakenzie Area Plan Land Use Diagram as shown on Exhibits B and C.

D. On October 7, 2009, the Eugene City Council and the Lane County Board of Commissioners held a joint public hearing to consider the amendments and on November 9, 2009, the Eugene City Council passed a motion to adopt all of the proposed amendments in a single ordinance. At its next meeting, on November 16, 2009, the Eugene City Council passed a motion to reconsider its November 9 action and directed that the amendments be divided into two separate ordinances: one relating to the land over which the City has sole jurisdiction and the other relating to the land over which the City and County have joint jurisdiction.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The portion of the property identified as Tax Lot 304 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram, located north of Ayres Road and west of North Delta Highway, is amended from a designation of Parks and Open Space (POS) to a designation of Low Density Residential (LDR) as shown on the attached Exhibit A, which is incorporated herein.

Section 2. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, 1971, the land referenced in Section 1 above is automatically and concurrently redesignated from Parks/Open Space to Low-Density Residential on both the Willakenzie Area Plan Land Use Diagram located between pages 19 and 20 of the Willakenzie Area Plan, as shown on Exhibit B, which is incorporated herein, and on the Willakenzie Area Plan Unincorporated Subarea diagram located at page 53 of the Willakenzie Area Plan, as shown on Exhibit C, which is incorporated herein.

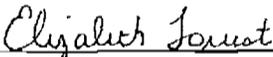
Section 3. The findings set forth in the attached Exhibit D are adopted as findings in support of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date the Lane County Board of Commissioners has adopted an ordinance containing identical provisions to those described in sections 1 and 2 of this Ordinance, whichever is later.

Passed by the City Council this

23rd day of November, 2009



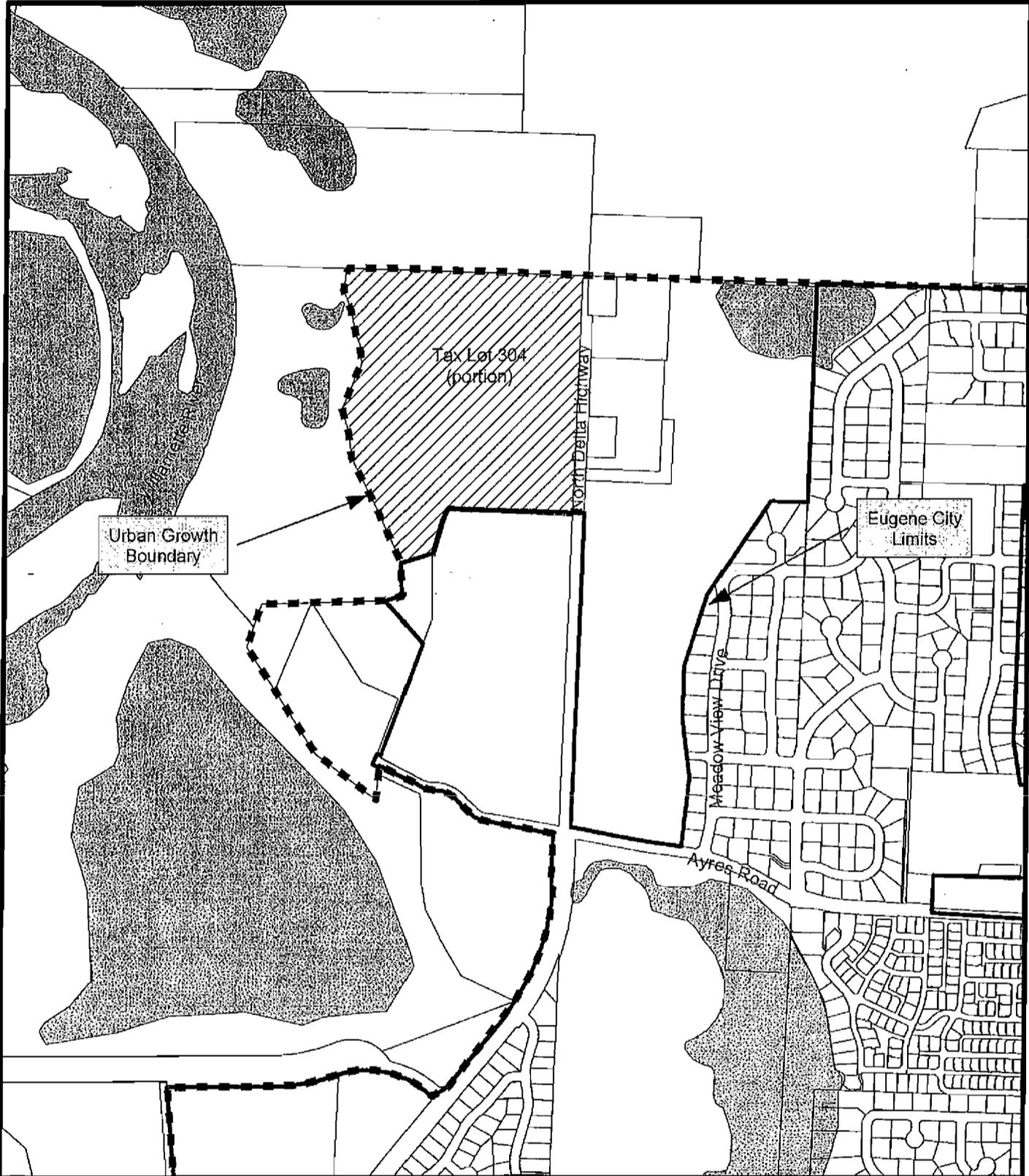
Acting City Recorder

Approved by the Mayor this

24th day of November, 2009



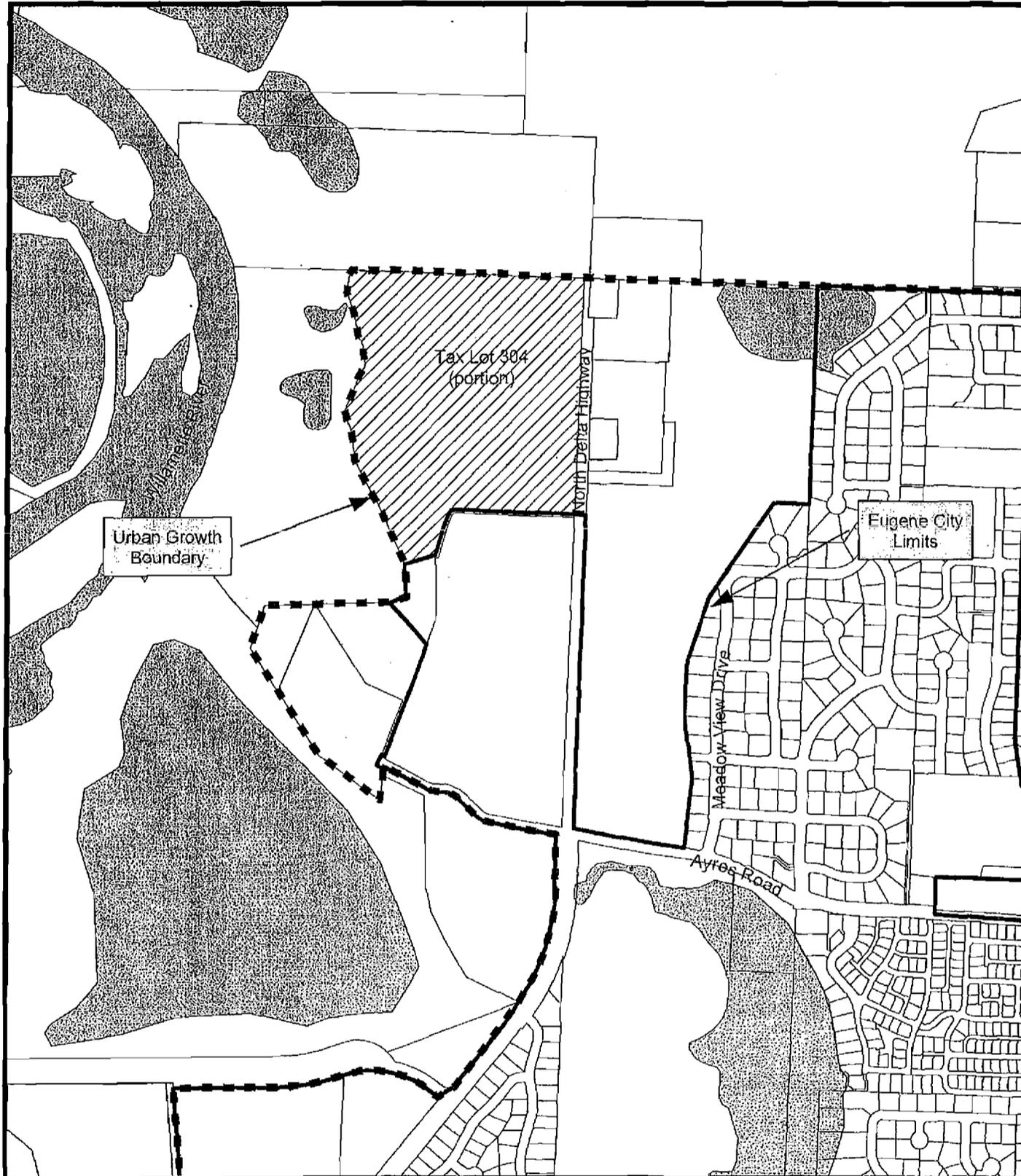
Mayor



Metro Plan Diagram Amendment for
River Ridge (City File MA 09-3)

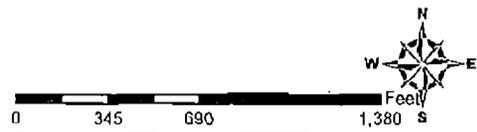
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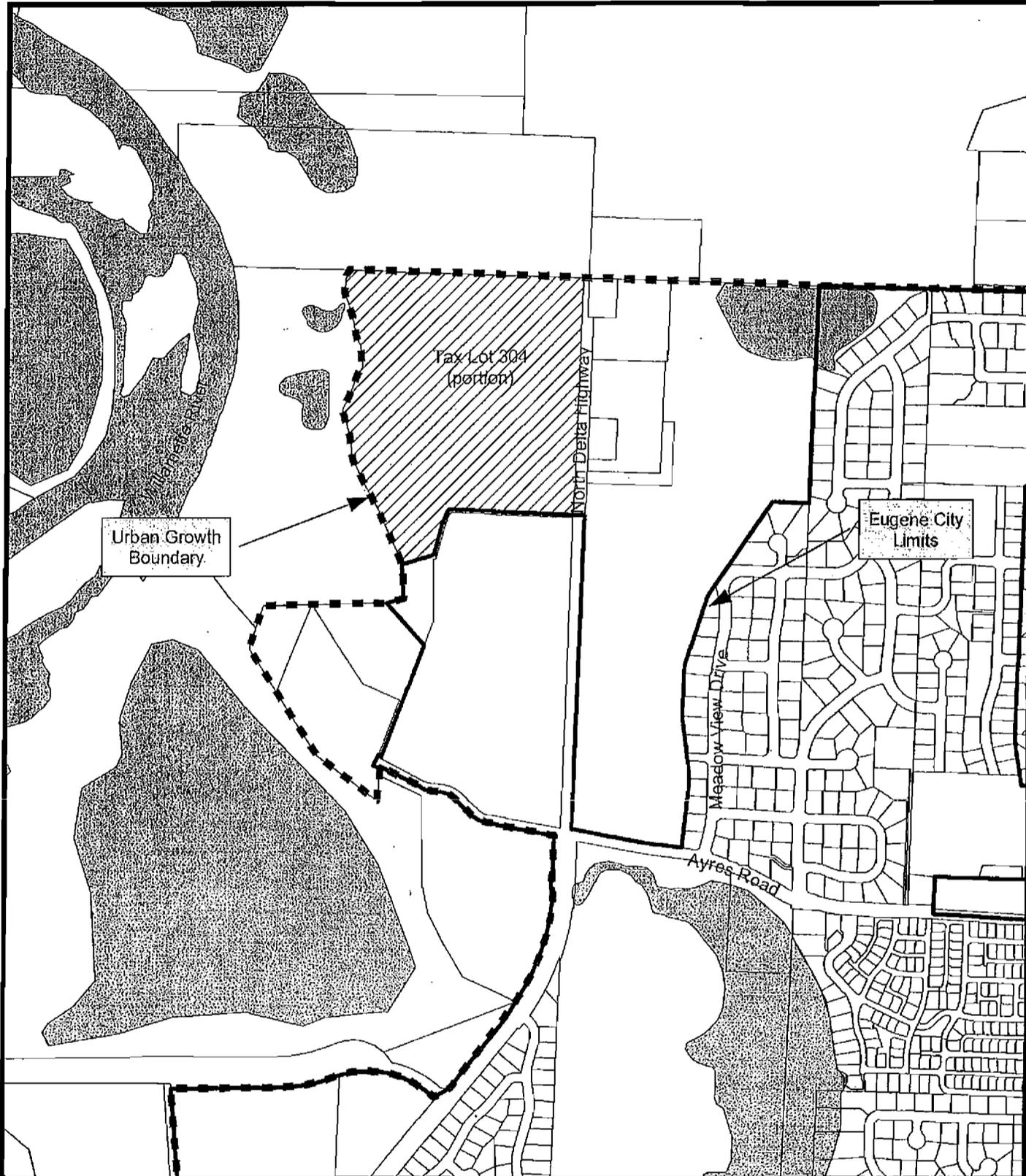




Willakenzie Area Plan Land Use Diagram
Amendment for River Ridge (City File MA 09-3)

-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies





Willakenzie Area Plan Unincorporated Subarea Diagram
Amendment for River Ridge (City File MA 09-3)

-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies

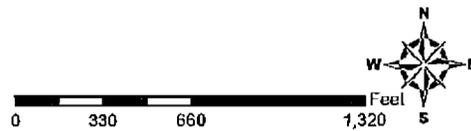


EXHIBIT D

Findings of Consistency

Metro Plan Diagram Amendments Eugene Code Section 9.7730(3) requires that the following criteria (in bold and italics) be applied to a Metro Plan diagram amendment:

(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

Goal 1 Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action does not amend the citizen involvement program. The process for reviewing these amendments complies with Goal 1 since it complies with, and surpasses the requirements of, the citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a joint City of Eugene and Lane County Planning Commission public hearing on August 4, 2009. On June 19, 2009, the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments. On July 13, 2009, notice of the Planning Commission public hearing was mailed to the property owners and occupants of property within 500 feet of the subject property, Cal Young Neighborhood Association, interested parties who requested notice, and other community organizations requesting such notice, which is in excess of the requirements of the Eugene Code. On July 15, 2009, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices, and provided via the City's internet site at www.eugeneplanning.org.

The process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with, and surpasses the requirements of the State's citizen involvement provisions.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for decisions to be made concerning the proposed amendments.

Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the review of these amendments with all affected governmental units. Specifically, notice was mailed to the State Department of Land Conservation and Development, Oregon Department of Transportation (ODOT), Lane County, and the City of Springfield. There are no Goal 2 exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

Goal 3 is not applicable to these amendments as the subject property and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

Goal 4 - Forest Land: *To conserve forest lands.*

Goal 4 is not applicable to these amendments as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property, which is within Eugene's urban growth boundary (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 4.

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

The following administrative rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment (PAPA) request:

- (3) *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 subject property does not include a Goal 5 resource site. The proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. Nothing in the proposal or the character of the site or potential uses indicates a future development that would compromise air, water and land resources. The proposal does not amend the metropolitan area's air, water quality or land resource policies. Based on allowed low density residential uses, the City can reasonably expect that future development of the site comply with applicable environmental laws. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with steep slopes, wildfires, or tsunamis. Other hazards, such as earthquakes and severe winter storms can be mitigated at the time of development based on accepted building codes and building techniques. Therefore, these amendments are consistent with Statewide Planning Goal 7.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. Unlike planning for its residential, commercial or industrial land needs under Goals 9 and 10, planning for a city's recreational needs is largely a matter of local choice. The applicable statutes, Statewide Planning Goals and administrative rules are not prescriptive as to the amount of park land that a city must have to serve its population. While the City takes into consideration the existence of private recreation facilities and open space in its parks planning process, because there is no guarantee that lands owned by private entities will remain in perpetuity as public open space and/or recreation facilities, the City does not (and is not required to) account for private facilities and open space in its supply of recreation facilities, parks and open space. The subject property is not included on any list, inventory or map identifying the City's existing parks and open space supply. As such, changing the designation of the subject property will have no impact on the City's parks and open space supply. While the proposed amendments will impact a private recreational facility, the proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the city “[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]” Among other things, the rule requires that cities complete an “Economic Opportunities Analysis.” OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply “at the time of each periodic review of the plan (ORS 197.712(3)).”

The proposed amendment will not make any changes to the existing land currently designated commercial. Thus, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units.

The proposed amendment will re-designate approximately 63 acres from Parks and Open Space to Residential, thereby increasing the City’s current supply of residential lands. Since the subject property is not currently designated for residential use and is not included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study, the proposed amendment will increase the City’s existing inventory of land that is available for residential development. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

A portion of the area affected by the amendments is located outside the city limits but inside the Eugene-Springfield Urban Growth Boundary. The existing level of public facilities and service is adequate to serve the needs of existing and future development, as public facilities are available or can be extended to the subject property. While a portion of the subject property is located outside City limits, annexation is a requirement for any new use that would generate an additional need for urban facilities and services. Public facilities and services are available for the purpose of annexation. The provision of these amendments does not affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is

implemented at the local level. The TPR (OAR 660-012-0060) states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility.

Section 9.8670 of the Eugene Code, 1971, requires a development applicant to comply with the City's Traffic Impact Analysis (TIA) Review code provisions if the proposed development will "generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual." One of the stated purposes of the City's TIA Review requirement is "to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development."

The City's TIA Review follows a Type II process and is approved or conditionally approved upon the applicant's demonstration of compliance with the following criteria at EC 9.8680:

- (1) Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2) Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3) An exception to any or all of the requirements listed in the "Standards for Traffic Impact Analyses" for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with this subsection.
- (4) In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County's jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.

In accordance with the above-quoted Eugene City code provisions, prior to the any development on the subject property that will generate more than 100 peak hour trips per day, the developer will need to prepare a TIA Review that parallels the TPR analysis required by Statewide Planning Goal 12. Because of the size of the subject property (approximately 63 acres), the number of allowed

single-family dwelling units could be in excess of 300 units. Based on the ITE Trip Generation Manual, 300 residential units would generate an estimated 300 PM peak trips, far exceeding the number of PM peak trips that would trigger the City's TIA Review code provisions. No development that will generate more than 100 PM peak trips will be able to occur on the subject property without a demonstration of compliance with the City's TIA Review requirements.

Based on the following testimony from the Department of Land Conservation and Development, no TPR findings are necessary for this action:

"1. The amendment to the Metro Plan Diagram which re-designated the 63 acres from Low Density Residential to Parks and Open Space occurred as a result of adoption of Task 17 of the 2005 Eugene-Springfield Periodic Review Work Order 001662. In adopting the Revised Metro Plan Diagram reflecting the "Housekeeping" amendments to the Metro Plan Diagram, Ordinance #20319 in April 2004, it appears that no TRP analysis was conducted. In reviewing the acknowledgement file, I could not find any documentation why a TRP 060 analysis was not required so I must assume that the "Housekeeping" amendments to the Metro Plan Diagram were determined to not meet the threshold of significance as stipulated in 660.012.060(1). The acknowledged 2002 TransPlan was the controlling TPR document at the time. So in this case returning the plan designation to Low Density Residential to reflect the property's current zoning would not meet the threshold of "significant" either.

2. TransPlan, the metro area's TSP was last updated in 2002 and subsequently acknowledged by the Department; prior to adoption and acknowledgement of the "Housekeeping" amendments to the Metro Plan Diagram. The Metro Plan Diagram in effect in 2002 was the land use plan used to model traffic impacts. Consequently, returning the 63 acres from Parks and Open Space to Low Density Residential would be consistent with the Metro Plan Diagram used in the 2002 TransPlan and no TPR 060 analysis is required since in this case returning the plan designation to Low Density Residential to reflect the property's current zoning would not meet the threshold of "significant" either."

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

Statewide Planning Goal 13 calls for land uses to be managed and controlled "so as to maximize the conservation of all forms of energy, based upon sound economic principles." Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. It is not clear that the goal has any bearing on a site-specific decision such as the one at issue. There is no implementing rule that clarifies the requirements of Goal 13. To the extent that Goal 13 could be applied to the proposed change in designation, the designation is consistent with Goal 13. The proposed site is located so that a future development can make efficient use of energy with direct and efficient access. The proposal is consistent with Statewide Planning Goal 13.

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

The amendments do not affect the transition from rural to urban land use, as the subject property is within the Eugene-Springfield Urban Growth Boundary limits. Therefore, Statewide Planning Goal 14 does not apply.

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

The subject property is not within the boundaries of the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources:

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

The Metro Plan diagram amendment to re-designate approximately 63 acres of land from Parks and Open Space to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. No text or other diagram changes are necessary to ensure internal consistency with the proposed diagram amendments; adoption of this amendment will not make the Metro Plan internally consistent.

Planning & Development
Planning
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Eugene, Oregon 97401

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