



Oregon

Theodore R. Kulongoski, 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

03/20/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eugene/Springfield Plan Amendment
DLCD File Number 003-11

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: Tuesday, April 03, 2012

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Steven Ochs, City of Eugene/Springfield
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

MAR 15 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Eugene**

Local file number: **MA 11-2 & Z 11-4**

Date of Adoption: **3/12/2012**

Date Mailed: **3/14/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/30/2011

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 and Zone change to 27.9 acres of light medium industrial designation to a combination of Low Density Residential, Medium Density Residential and Commercial designations. Zone Change from I-2 Light-Medium Industrial to R-1 Low Density Residential (2.49 acres) R-2/PD Medium Density Residential with the Planned Unit Development Overlay (22.2 acres) and C-2/PD Community Commercial with the Planned Unit Development Overlay (3.2 acres).

Does the Adoption differ from proposal? No

Plan Map Changed from: **Industrial**

to: **LDR, MDR and Commercial**

Zone Map Changed from: **I-2**

to: **R-2, C-2, R-1, /PD**

Location: **1275 Bailey Hill Road**

Acres Involved: **27.9**

Specify Density: Previous: **NA Industrial**

New: **0-28 du per acre**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 003-11 (19039) [16975]

DLCD file No. _____

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

City of Eugene

Local Contact: Steve Ochs, Associate Planner

Phone: (541) 682-5453 Extension:

Address: 99 West 10th Avenue

Fax Number: 541-682-5572

City: Eugene

Zip: 97401-

E-mail Address:

steve.p.ochs@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



COUNCIL ORDINANCE NUMBER 20489

COUNCIL BILL NUMBER 5065

**AN ORDINANCE TO REDESIGNATE AND
REZONE "THE REXIUS SITE" BY: AMENDING
THE EUGENE-SPRINGFIELD METROPOLITAN
AREA GENERAL PLAN DIAGRAM; AND
AMENDING THE EUGENE ZONING MAP.**

ADOPTED: March 12, 2012

SIGNED: March 13, 2012

PASSED: 6:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Clark

EFFECTIVE: April 13, 2012

ORDINANCE NO. 20489

AN ORDINANCE TO REDESIGNATE AND REZONE "THE REXIUS SITE" BY: AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM; AND AMENDING THE EUGENE ZONING MAP.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Metro Plan Diagram is hereby amended to change the land use designation from Light-Medium Industrial to Low-Density Residential, for the properties identified as: the southern 54 feet of Tax Lot 1600, Assessor's Map 17-04-34-41; and the northern 54 feet of Tax Lot 100, Tax Assessor's Map 17-04-34-40, as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. The Metro Plan Diagram is hereby amended to change the land use designation from Light-Medium Industrial to Medium-Density Residential for the properties identified as: Tax Lots 3501, 3502, 3515, 3516, 3600 and the east 234 feet of Tax Lot 3200, Assessor's Map 17-04-34-42; Tax Lot 1400 and the west 840.9 feet and north 20 feet of the east 273 feet of Tax Lot 1500 along with the north 141.55 feet of the west 840.9 feet of Tax Lot 1600, Assessor's Map 17-04-34-41, as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. The Metro Plan Diagram is hereby amended to change the land use designation from Light-Medium Industrial to Commercial for the properties identified as: the east 273 feet of Tax Lots 1500 and 1600, except for the north 20 feet of Tax Lot 1500 and the south 54 feet of Tax Lot 1600, Assessor's Map 17-04-34-41, as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 4. The Eugene Zoning Map is hereby amended to change the zone from I-2 Light-Medium Industrial to R-1 Low Density Residential for the properties identified as: the southern 54 feet of Tax Lot 1600, Assessor's Map 17-04-34-41; and the northern 54 feet of Tax Lot 100, Assessor's Map 17-04-34-40, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 5. The Eugene Zoning Map is hereby amended to change the zone from I-2 Light-Medium Industrial zone to R-2 Medium-Density Residential with the /PD Planned Unit Development Overlay Zone for the properties identified as: Tax Lots 3501, 3502, 3515, 3516, 3600 and the east 234 feet of Tax Lot 3200, Assessor's Map 17-04-34-42; the west 840.9 feet and north 20 feet of the east 273 feet of Tax Lot 1500 and the north 141.55 feet of the west 840.9 feet of Tax Lot 1600, Assessor's Map 17-04-34-41, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 6. The Eugene Zoning Map is hereby amended to change the zone from I-2 Light Medium Industrial with the /WP Waterside Protection Overlay Zone to R-2 Medium-Density Residential with the /PD Planned Unit Development and /WP Waterside Protection Overlay Zones for the property identified as Tax Lot 1400, Assessor's Map 17-04-34-41, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 7. The Eugene Zoning Map is hereby amended to change the zone from I-2 Light-Medium Industrial to C-2 Community Commercial with the /PD Planned Unit Development Overlay Zone for the property identified as: the east 273 feet of Tax Lots 1500 and 1600, except for the north 20 feet of Tax Lot 1500 and south 54 feet of Tax Lot 1600, Assessor's Map 17-04-34-41, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 8. The findings set forth in Exhibit C attached hereto are adopted as findings in support of this Ordinance.

Passed by the City Council this

12th day of March, 2012



City Recorder

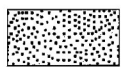
Approved by the Mayor this

13th day of March, 2012



Mayor

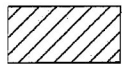
Rexius Site/Amazon Meadows (MA 11-2) Metro Plan Amendment



Change of Metro Plan designation from Light Medium Industrial to Low Density Residential (2.49 acres).



Change of Metro Plan designation from Light Medium Industrial to Medium Density Residential (22.2 acres).



Change of Metro Plan designation from Light Medium Industrial to Commercial (3.2 acres).

----- Assessor's Map Boundary



Rexius Site/Amazon Meadows (Z 11-4) Zone Change





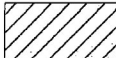


-  Zone Change from I-2 Light Medium Industrial to R-1 Low Density Residential (2.49 acres).
-  Zone Change from I-2 Light Medium Industrial to R-2 Medium Density Residential with /PD Planned Unit Development overlay (17.6 acres).
-  Zone Change from I-2 Light Medium Industrial to C-2 Community Commercial with /PD Planned Unit Development overlay (3.2 acres).
-  Zone Change from I-2 Light Medium Industrial with /WP Waterside Protection overlay to R-2 Medium Density Residential with /PD Planned Unit Development and /WP Waterside Protection overlays (4.6 acres).
-  Assessor's Map Boundary



Exhibit C

Findings

Rexius Site – Amazon Meadows (MA 11-2 and Z 11-4)

The proposed Metro Plan diagram amendment changes the current plan designation for the subject site from Light-Medium Industrial (27.9 acres) to a combination of Low-Density Residential (2.49 acres), Medium-Density Residential (22.2 acres) and Commercial (3.2 acres). The proposed amendment is a site-specific land use diagram amendment with no proposed Metro Plan text changes. The proposed zone change will implement the corresponding, amended plan designations to include R-1 Low-Density Residential, R-2 Medium-Density Residential and C-2 Community Commercial zones. The zone change also applies the Planned Unit Development (/PD) overlay to the medium density and commercial areas and retains the /WP Waterside Protection overlay zone on the northern portion of the site adjacent to Amazon Channel. Further details regarding the proposed plan amendment and zone change are provided in the application materials, and in the findings regarding compliance with applicable approval criteria below.

The following findings address compliance with the applicable approval criteria from Eugene Code (EC) Section 9.7730(3), for the proposed Metro Plan amendment, and EC 9.8865 for the proposed, concurrent zone change.

EC 9.7730(3)(a): The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission

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

The 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. This action does not amend the citizen involvement program. The process for reviewing this plan amendment complies with Goal 1 since it complies with, and surpasses the requirements of, the Goal 1 citizen involvement provisions.

The City of Eugene land use code implements Goal 1 by requiring that notice of the proposed amendment be given and public hearings be held prior to adoption. Subsequent to deeming the applications complete, on October 12, 2011 the City mailed notice of the proposed plan amendments to the Oregon Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referrals concerning the pending applications were also sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the West Eugene Community Organization and to City departments.

Consideration of the plan amendment began with a City of Eugene Planning Commission public hearing on December 13, 2011. The public hearing was duly noticed to the City of Springfield, Lane County, community groups and individuals who have requested notice, as well as all property

owners and occupants within 500 feet of the subject property. In addition, notice of the public hearing was published in the Register Guard newspaper. The Eugene City Council will then hold a duly noticed public hearing to consider approval, modification, or denial of the proposed plan amendment. These processes afford ample opportunity for citizen involvement consistent with Goal 1.

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

The Metro Plan provides the local policy framework for land use decision-making in the City of Eugene. The Metro Plan is acknowledged as being in compliance with Statewide Planning Goals, and these findings and the record of evidence shows that the proposed amendment will remain consistent with those goals and relevant provisions of the Metro Plan, as required. The proposed plan amendment also follows applicable procedures for coordination with other governing bodies with notice and/or referrals provided to affected departments and agencies. As noted above, the approval process for the proposed plan amendment includes a public hearing and recommendation by the City's Planning Commission which is then forwarded to the Eugene City Council for a second public hearing and final local decision. There is no goal exception required in this instance, and the proposed plan amendment is otherwise consistent with Goal 2.

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

Goal 3 is not applicable as the subject property and proposed plan amendment do not affect any agricultural plan designation or use. Furthermore, Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the City's acknowledged urban growth boundary, Goal 3 does not apply.

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

Goal 4 is not applicable as the subject property and proposed plan amendment 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 the City's acknowledged urban growth boundary.

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

The following Oregon 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 proposed amendments do not create or amend a list of Goal 5 resources, a plan or a land use regulation 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. Therefore, it is clear that the proposed amendments do not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3)(a) or 3(c). Some analysis is required to determine whether OAR 660-023-0250(3)(b) triggers the need to further consider Goal 5 requirements. Subsection (3)(b) asks whether “[t]he PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.”

The applicant has provided a Natural Features Inventory for the subject site (see Exhibit I of the application materials) which provides relevant information in addressing these Goal 5 requirements. The inventory identifies the Amazon Channel bordering the north side of the subject site which is a Goal 5 resource and currently protected by a Waterside Protection (/WP) zoning overlay which was applied as an implementation of the adopted West Eugene Wetlands Plan (WEWP). The /WP overlay provisions beginning at EC 9.4700 define the allowed uses, development standards and applicable resource setback areas, none of which will change as a result of the proposed plan amendment. As shown in the applicant’s Natural Features Inventory (see Figure 11A of applicant’s Exhibit I) the regulated /WP overlay area is located along the Amazon Channel, and a portion of the applicable 60-foot setback from top of bank is identified as an area of pre-existing development which is excluded from regulation under EC 9.4720. Through the applicant’s concurrent zone change request to implement the proposed plan designations, the existing /WP overlay zoning will remain. Protection of this Goal 5 resource will therefore remain the same, regardless of the proposed change from industrial to residential and commercial uses that would be allowed outside the regulated overlay.

As noted in the applicant’s Natural Features Inventory, there are also jurisdictional wetlands on the subject site. These wetlands are included on the City’s adopted Goal 5 inventory and are designated as wetlands to be developed in the WEWP. The wetlands on the subject site are identified as Site 12a on the WEWP wetland designations map (see Figure 8 of applicant’s Exhibit I). The evaluation provided by the applicant in the Natural Features Inventory provides additional information regarding the quality of the onsite wetland complex. Wetlands identified in the WEWP to be developed are still subject to State and Federal wetland regulations, and would require a Removal/Fill permit from the Oregon Department of State Land and the US Army Corps of Engineers. As the existing, adopted level of protection for these Goal 5 wetlands will not change as a result of the proposed plan amendment, and the wetlands will remain designated for development under adopted local policy in the WEWP, no further analysis is required under subsection (3)(b) noted above.

There are no additional resources that require analysis under the OAR’s noted above. Based on these findings, the proposed plan amendment is consistent with Goal 5.

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

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. Future development of the site will be required to comply with applicable environmental laws and to the extent that future development may create additional impacts to air, water or land resources, state and local permitting processes will ensure that discharges do not exceed allowable standards. As such, the proposed plan amendment is consistent with 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 proposed plan amendment will not affect or amend any local regulations that address potential natural hazards or disasters. The subject property is primarily outside the flood zone and is not subject to hazards normally associated with wildfires, or tsunamis. The subject property is primarily flat and local standards for geological and geotechnical analysis will be applied at the time of future development. Other hazards, such as earthquakes and severe winter storms can also be mitigated at the time of development based on accepted building codes and building techniques. Therefore, the proposed plan amendment is consistent with Goal 7.

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

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 formally adopted 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. The application materials note that a portion of the site could be purchased for park use. If the City purchases a portion of the property for park land, an increase in the availability of public recreational facilities in the area would occur. In no case, as a

result of the proposed plan amendment, would a reduction in recreation facilities occur. Therefore, the proposed plan amendment is consistent with Goal 8.

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

The Oregon Administrative Rule for 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.” Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. 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)).” In addition, OAR 660-009-0010(4) provides that, when a city changes its plan designations of lands in excess of two acres from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, pursuant to a post acknowledgment plan amendment, it must address all applicable planning requirements and (a) demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of OAR 660 Division 9; or (b) amend its comprehensive plan to explain the proposed amendment pursuant to OAR 660 Division 9; or (c) adopt a combination of (a) and (b) consistent with the requirements of Division 9.

The applicant proposes a change in plan designation for land in excess of two acres from Light-Medium Industrial, to a non-industrial use designation. The amendments will decrease the supply of available industrial land for the purpose of facilitating a mixed-use commercial and residential development. As addressed in the findings below, the proposed change is consistent with the Metro Plan and therefore also consistent with requirements of OAR 660 Division 9 (option (a), noted above). The City’s adopted industrial land inventory is also acknowledged for compliance with the requirements of Goal 9 and its Administrative Rule, and based on the last adopted inventory the City has a surplus of industrial land.

While more recent industrial land inventories have been completed, they have yet to be adopted. The City’s adopted industrial land inventory is the Metropolitan Industrial Lands Inventory Report (1993) and its companion document, the Metropolitan Industrial Lands Policy Report (1993). These inventory documents depict the southern portion of the subject property as a “long-term site” which included approximately 19.5 acres overall (Site 65 in Subregion #2). However, most of Tax Lots 100 and 200 on the site, which amounts to approximately 10 of the 19.5 acres identified for this “long-term site” were and currently remain designated for Low-Density Residential use and are not proposed to change as part of this plan amendment. The inventory did not include the remainder of the subject site to the north as available industrial land, as that area was already developed with the existing Rexius industrial use. The remaining 9.5 acres of vacant industrially designated land that was included as part of the inventoried “long-term site” (on Tax Lots 1600 and 3600) is proposed to be changed from industrial to residential and commercial designations as part of the plan amendment. While the inventory notes wetlands as an additional constraint for this site, the acreage was nonetheless included with recognition that wetland mitigation would be

needed to accommodate industrial development.

The inventory at that time indicated an availability of 1,546 acres on “long-term sites” for industrial use, while noting a likely projected 20-year demand of 650 gross acres, and a possibility of up to 1,172 acres of demand, therefore showing a surplus of available land. With this surplus, the proposed plan amendment represents a relatively small amount of inventoried, industrially-designated land (approximately 9.5 acres) being made unavailable for industrial development as a result of the proposed plan amendment.

Since the time of its adoption, the overall inventory of available industrial lands has been reduced by new development, constraints including natural resource protections such as through WEWP, and re-designation of some industrial lands such as proposed in this amendment. As part of the Eugene Comprehensive Lands Assessment (ECLA) and ongoing Envision Eugene process, updated information on Eugene’s inventory of vacant industrial land has been obtained. This information will become Eugene’s official inventory of buildable industrial lands when it is formally adopted by the City Council, likely in 2012. The Economic Opportunities analysis conducted as part of ECLA estimates a remaining surplus of 434 acres of available industrial land overall, but a lack of larger sites desirable for certain types of industrial use. In any event, while the updated inventory information may provide useful context, the proposed plan amendment is subject to currently adopted policies and regulations which do not include the most recent ECLA information.

Based on these findings, and additional findings below demonstrating consistency with the City’s acknowledged comprehensive plan (Metro Plan) which in turn, addresses the requirements of OAR 660 Division 9, the proposed plan amendment is consistent with 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 Oregon Administrative Rule for Goal 10 (OAR 660 Division 8) states that “the mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.” The comprehensive plan map for the City is the Metro Plan land use diagram. The 1999 Eugene-Springfield Metropolitan Area Residential Lands and Housing Study (RLS), is acknowledged for compliance with the requirements of Goal 10 and its Administrative Rule.

The subject property was not included in the adopted RLS supply analysis, and as such, the change from industrial to residential designation will not impact the adopted inventory of buildable residential land. It effectively adds to the amount of residential land available for housing which is consistent with Goal 10.

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

The area affected by the amendments is located inside the City limits. The existing level of public facilities and service is adequate to serve the needs of existing and future development. However, specific design details related to public improvements such as stormwater and wastewater connections remain to be resolved in the context of any future development proposal. The proposed plan amendment does not significantly affect the planning or development of future public facilities or services in the area. Therefore, the proposed plan amendment is consistent with 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 660-012-0060. 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 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 and/or volume to capacity ratio) of the facility.

Under the TPR, an amendment to a comprehensive plan significantly affects an existing or planned transportation facility if it would:

- (a) *Change the functional classification of an existing or planned transportation facility;*
- (b) *Change standards implementing a functional classification system; or*
- (c) *As measured at the end of the planning period identified in the adopted transportation system plan and considering both existing transportation facilities and planned transportation facilities as required by the TPR:*
 - A. *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - B. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - C. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

The proposed diagram amendment does not change the functional classification or a transportation facility or change the standards implementing a functional classification system. Therefore, it does not have a significant effect under (a) or (b). Further, it does not have a significant effect under (c) as addressed in more detail below.

The applicant submitted a "Traffic Impact Analysis" prepared by JRH Transportation Engineering, dated June 6, 2011, with revisions dated September 21, 2011. Staff clarifies that this is not a

Traffic Impact Analysis (TIA) Review pursuant to EC 9.8650, although one is expected to be provided at the time of future development. It is noted that the applicant's proposed /PD overlay zoning will ensure that the development occurs holistically for a comprehensive review of traffic impacts and any associated mitigation. The purpose of the JRH report is to compare traffic generation estimates between the existing and proposed zones and to evaluate how those trips affect the transportation system, to demonstrate compliance with TPR. The JRH analysis is based on a reasonable worst-case development scenario in regards to traffic generation for uses permitted in the existing and proposed zones.

| Land Use Designation and Zone Change | Zoning | Acreage |
|--------------------------------------|--------------------------------|---------|
| Existing | I-2 Light-Medium Industrial | 27.9* |
| Proposed | R-2 Medium-Density Residential | 22.2** |
| | C-2 Community Commercial | 3.2 |
| | R-1 Low-Density Residential | 2.49 |

The applicant's analysis included 1.1 less overall acres, as this area was added after the analysis. Staff analysis includes the additional 1.1 acres and reaches the same conclusion of no significant effect.

** Where the applicant's materials identify the subject property as consisting of a larger area, those refer to lands that are not being rezoned.*

*** The applicant's analysis divides the R-2 zone into two categories: 10 acres to include a City Park and the Amazon Channel; and 12.21 acres of Medium-Density Residential. Staff has combined these because the applicant seeks the same zoning designation (R-2) for each, rather than seeking a public land or natural resource designation for the area intended for parks and open space.*

The applicant concludes that the requested land use designation and zone changes have no significant effect, as defined by TPR, because it results in less trips than the existing zoning, upon a comparison of reasonable worst-case development scenarios for each.

Existing Zoning Trip Generation

The applicant's traffic estimates under the existing zoning begin on page 23 of the JRH report. Table 7 of the JRH report divides the building area into the following uses: manufacturing, restaurant, hardware/paint, drive-in bank, office, convenience market, and copy shop. Staff notes that this mix of uses in the I-2 zone would require a site review or planned unit development, pursuant to the special use limitations of EC 9.2451. All of the uses proposed by the applicant could be achieved within these defined use limitations. The assumption set for building area is acceptable, namely that 33% of the total acres would be building area while the remaining would be used for parking, drives, loading area, landscaping, setbacks, and stormwater facilities. Given the large size of the property, staff confirms that it is reasonable to estimate such a mix of uses associated with a business park for the purposes of evaluating potential traffic generation. The result of the applicant's analysis for a worst-case scenario under the existing zoning is 803 p.m. peak trips. As noted above, at the time of traffic analysis only 26.8 acres of property in I-2 zoning

was considered. Subsequently, 1.1 acres (for a total of 27.9 acres) was added to the proposal. Using the applicant's calculations, and adding in 1.1 acres, the estimated trip generation under existing zoning would be 836 peak hour p.m. trips.

Proposed Zoning Trip Generation

The applicant's traffic estimates under the proposed zoning begin on page 24 of the JRH report. Table 8 of the JRH report provides a mix of uses that correlate with the proposed zoning as follows: 14 single-family dwellings for the R-1 zone; 444 apartment units for the R-2 zone; and, specialty retail, fast food drive-through, restaurant, convenience market, and general office for the C-2 zone. The applicant's analysis used the gross units per acre density maximum of 20 units per acre for medium-density residential, and 10 units per acre for low-density residential. The worst-case estimated trip generation for the residential development results in 280 p.m. peak trips. Staff also confirms that the commercial uses listed in the applicant's analysis are allowed within the C-2 zone and represent a reasonable worst-case scenario. The result of the applicant's analysis for a worst-case scenario under the proposed C-2 zoning is 408 p.m. peak trips, for a total of 688 peak hour p.m. trips. The added 1.1 acres of R-1 will generate 11 p.m. additional peak hour trips resulting in an estimated 699 peak hour p.m. trips under the proposed zoning.

Net Effect Trip Generation

The applicant's analysis shows, under a reasonable worst-case development scenario, that the proposed mix of zonings results in less traffic than under the existing zoning. Staff concurs with the applicant's analysis. For example, the use with the highest trip generation rate is the convenience market; the applicant's analysis allocated this use, with identical factors, under the existing and proposed zones. The greatest volume of trips between the two is also balanced. The highest trip volume under the existing zone is the manufacturing use, which is estimated to have 222 p.m. peak trips; this is expected, as an anchor for an industrial park. The highest trip volume under the proposed zone is the R-2 lands, within an estimated 262 p.m. peak trips. Even though the R-2 zone is not projected at the ultimate maximum density, it is toward the upper range, especially from a net-acreage basis, and has more trips than the industrial anchor of the existing zone. Staff also notes that the applicant did not subtract the possible future park site from the R-2 area calculations. Further, of the restaurant uses contemplated under existing and proposed zones, the applicant applied the highest traffic generating restaurant, fast food with drive-through, to the proposed C-2 zone.

Based on the above findings, there is no significant effect to the transportation system caused by the proposed zonings, as the result is a net reduction in p.m. peak hour trips. Therefore, there is no need to further evaluate the existing and projected performance of the transportation system to demonstrate compliance with TPR.

The applicant has, however, provided an intersection performance analysis, beginning on page 39 of the JRH report. The purpose of this analysis is to acknowledge that development of this scale (under existing or proposed zonings) would require a TIA at the time of development, per EC 9.8650 through EC 9.8680. The analysis shows that, under the same assumption set for the reasonable worst-case development scenario for the proposed zones, the additional traffic will reduce the performance of two intersections below applicable mobility standards: 11th Avenue/Bailey Hill; and 13th Avenue/Bailey Hill. Staff notes that this is more of an academic and

accountability exercise, as the trips are not based on an actual development; nevertheless, transportation mitigation will be necessary to develop the property (again, under existing or proposed zonings). The applicant's analysis proposes off-site improvements, such as a turn-pocket at 11th Avenue/Bailey Hill and a signal at 13th Avenue/Bailey Hill; however, actual mitigation requirements will be based on an actual development proposal and future TIA review.

Based on the findings set forth above and the available evidence, the proposed amendment will not have a significant effect on the transportation system and the proposal complies with Goal 12 as implemented through OAR 660-012-0060.

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

Goal 13 calls for land use 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 establish any requirements with respect to other types of land use decisions. To the extent that Goal 13 could be applied to the proposed change in plan designation, the designation is consistent with Goal 13. The proposed site is located so that a future mixed-use development can make efficient use of energy with direct and efficient access within the urban area. The proposed plan amendment is consistent 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 City limits. Therefore, 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, 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 on the subject property or otherwise affected by the proposed plan amendment. Therefore, Goals 16 through 19 do not apply.

EC 9.7730(3)(b): Adoption of the amendment must not make the Metro Plan internally inconsistent.

The Metro Plan diagram amendment to re-designate 27.9 acres of land from Light-Medium Industrial to a combination of Low-Density Residential, Medium-Density Residential and Commercial will not create an internal conflict with the remainder of the Metro Plan. The

following findings demonstrate how the plan amendment is consistent with, and in fact supported by, the policy direction contained in the Metro Plan. The applicant also provides detail findings addressing compliance with the Metro Plan in support of this request.

Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB. (Policy A.10)

Generally locate higher density residential development near employment or commercial service, in proximity to major transportation systems or within transportation-efficient nodes. (Policy A.11)

Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities. (Policy A.12)

Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. (Policy A.13)

Provide opportunities for a full range of choice in housing type, density, size, cost, and location. (Policy A.17)

Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations. (Policy A.22)

The proposed plan amendment will promote higher density inside the UGB by increasing the total supply of residential land where such residential development is currently not permitted. The proposal includes the siting of medium-density residential development and provision of adequate infrastructure and services consistent with these policies. The subject area is also located within "Potential Nodal Development Area 3-F" (TransPlan) and the applicant is proposing to develop a mix of commercial and residential uses that will include a variety of housing types and employment and commercial opportunities on a site previously used for industrial uses. The applicant's proposal will enable future development consistent with the characteristics of nodal development as described in the Metro Plan (page II-G-8), and this mix of uses in a compact form of urban development will benefit both future residents of the proposed development and existing residents of the area consistent with the above policies. This approach achieves the goal of place-making that is made possible by bringing together complimentary uses in one place, in close proximity to public transit and a range of other supporting uses in the area. The proposed /PD overlay zoning will also ensure a comprehensive review of future development plans to ensure compatibility with the surroundings.

In addition to promoting mixed use (nodal) development opportunities, the proposed re-designation and zone change will provide an appropriate transition between the commercial corridor to the north and low-density residential properties to the south. This amendment should enhance the livability and overall compatibility of existing nearby residents while enhancing economic opportunities for nearby commercial properties. Although not adopted as formal

approval criteria, the City's growth management policies are in alignment with the findings noted above. To the extent the growth management policies are intended to implement the specific provisions of the land use code (EC 9.0020), approval of this amendment will enable these policies to be realized.

When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public and performance zoning. (Policy C.21)

As noted above, /PD overlay zoning will be applied to a majority of the site through a concurrent zone change. This will ensure a process for further evaluating natural resource and open space protections in a comprehensive manner as part of future development on the subject site. As noted in more detail above, the adopted WEWP, as implemented through the /WP overlay zoning, includes protection and setbacks for designated areas. The concurrent zone change which retains the /WP overlay zoning will ensure these adopted these protections will remain in place. Additionally, the City has approached the owner of the site regarding the possibility of purchasing a northern portion of the site for a park.

Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern. (Policy F.1)

Provide for transit-supportive land use patterns and development, including higher intensity, transit oriented development along major transit corridors and near transit stations; medium and high density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be served by existing or planned transit. (Policy F.3)

As noted above, the subject site is identified in TransPlan as being located within a "Potential Nodal Development Area 3-F". Consistent with these policies, the applicant is proposing a future mixed-use development which implements the nodal development strategy, and provides for a transit-supportive land use pattern in close proximity to public transit on Bailey Hill Road, as well as West 11th Avenue which is considered a major transit corridor and is being considered by Lane Transit District as a Bus Rapid Transit (BRT) Route. Future development of the site will be able take advantage of its proximity to nearby commercial services, and existing and proposed transportation networks and services consistent with nodal development strategies.

In summary, the proposed amendment provides an opportunity to re-assess the long term objectives for this site, based on adopted Metro Plan policies. While the industrial designation and zoning was originally seen as the appropriate direction for the community, the current development patterns, coupled with adopted policies, support a change in this land use pattern. As a result of this amendment, this proposal not only demonstrates consistency with adopted Metro Plan policies, it results in great enhancement of these policy objectives.

Based on these findings, and the additional analysis provided in the applicant's written statement and supporting materials, the proposal will not make the Metro Plan internally inconsistent, and is in fact encouraged and supported by a variety of policies as noted above.

EC 9.8865(1): The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

Approval of the zone change is dependent upon approval of the Metro Plan diagram amendment to re-designate 27.9 acres of the site from the Light-Medium Industrial designation to a combination of Low-Density Residential, Medium-Density Residential and Commercial. With concurrent approval of the proposed diagram amendment, the proposed zone change will be consistent with the corresponding Metro Plan designations. The plan amendment findings, above, demonstrate compliance with remaining provisions of the Metro Plan as required under this criterion and as such, those findings are also incorporated herein, by reference.

EC 9.8865(2): The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

As noted above, approval of the zone change is dependent upon approval of the concurrent Metro Plan diagram amendment. The Bethel-Danebo Neighborhood Refinement Plan, Phase 2 is the applicable adopted refinement plan for this area. However, it does not include an adopted land use diagram or any policies which serve as approval criteria for the request.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services referred to in the above criterion are defined in the Metro Plan as including wastewater, stormwater, transportation, water, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3).

The uses and density that will be allowed by the proposed R-1, R-2 and C-2 zoning can be served by wastewater, stormwater, and transportation systems as demonstrated in the applicant's materials and confirmed in referral comments from the City's Public Works Department. Public Works referral comments indicate that an 18-inch diameter wastewater line is adjacent to the site in Bailey Hill Road; an 8-inch wastewater line is located at Janisse Street and Dani Street, and a 30-inch wastewater line runs along the south property line and north in Wallis Street. Public Works staff also indicates that there are a pair of 72-inch stormwater pipes in Bailey Hill Road discharging into the Amazon Channel; a 30-inch stormwater pipe extending north from the Logan Lane street stub to an outfall into the Amazon Channel (through the subject site), and a 24, 30 and 36-inch pipe in Wallis Street also draining to the Amazon Channel.

Regarding transportation, the site has frontage on multiple roadways, including Bailey Hill Road to the east, Dani, Janisse and Wallis Streets to the west and a stub to Logan Lane on the south. With approval of the concurrent plan amendment, the corresponding zoning as proposed will also comply with Goal 12/TPR requirements. As noted in the applicant's materials, future development of the subject site will include the construction of West 13th Avenue between Bailey Hill Road and Wallis Street, and a possible connection to Janisse Street to the east and Logan Street to the south. Future development of this property will require a TIA at the time of development, subject to EC 9.8650 through EC 9.8680. The applicant's analysis also includes proposed off-site improvements, such as a turn-pocket at 11th Avenue/Bailey Hill and a signal at 13th Avenue/Bailey Hill; however, mitigation requirements will be based on an actual future development proposal and TIA review.

The remaining, additional facilities and services noted above are available to serve future development under the proposed zoning, given its location within the incorporated City limits. The proposed /PD overlay zoning will further ensure the orderly extension of key urban services and facilities through a comprehensive and coordinated review to serve future development of the subject site.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(q) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.

As noted at EC 9.4715, the /WP overlay zone applies to streams, rivers, channels, ponds and other water features and adjacent areas that meet the approval criteria of EC 9.8865 and that are specified for protection in an adopted plan, as described in EC 9.4720. As noted above, the /WP overlay zone was previously applied to Tax Lot 1400 of the subject property, to protect the Amazon Channel as specified in the WEWP. Consistent with this adopted plan and applicable siting requirements, /WP overlay zoning will remain in place as part of the zone change.

There are no other relevant siting requirements for the proposed zone change identified under this approval criterion. However, the proposal also adds /PD overlay zoning to the site as proposed by the applicant, consistent with applicability provisions in EC 9.4310 and EC 9.8860(2).

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The NR zone is not requested or applicable in this instance. Therefore, this criterion does not apply.



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