



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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(503) 373-0050

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AMENDED NOTICE OF ADOPTED AMENDMENT

November 2, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 001-07

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 16, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Bob Cortright, DLCD Transportation & Growth Management Coordinator
Alissa Hansen, City of Eugene

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

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

OCT 29 2007

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Eugene Local File No. : RA 06-4, CA 07-1 and Z 06-24
(If no number, Use none)

Date of Adoption: October 22, 2007 Date Mailed: October 26, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 2007

- | | |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use regulation | <input checked="" type="checkbox"/> Other: Refinement Plan Diagram & text amendment and code amendment to incorporate new policy language
(Please Specify Type of Action) |

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

This ordinance specifically amends the Willakenzie Area Plan designation for the subject property from Neighborhood Commercial to Community Commercial and amends policy text to support the designation, to limit the number of vehicular trips per day and to reduce the required floor area ratio for the subject site; and amends the Eugene Code to incorporate the amended refinement plan policy; and amends the Eugene Zoning Map by rezoning the subject property from C-1/SR/ND Neighborhood Commercial with Site Review overlay zone and Nodal Development overlay zone to C-2/SR/ND Community Commercial with Site Review overlay zone and Nodal Development overlay zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same."
If you did not give notice for the proposed amendment, write "N/A."
Same

Plan Map Changed from: Neighborhood Commercial to: Community Commercial

Zone Map Changed from: C-1 Neighborhood Commercial to: C-2 Community Commercial

Location: South of Crescent Ave, east of Coburg Rd Acres Involved: 4.14

Specify Density: Previous: None New: None

Applicable Statewide Planning Goals: 1, 2, 6, 9, 12

Was an Exception Adopted: Yes: No:

DLCD No: 001-07 (16140)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, did the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Alissa Hansen Area Code + Phone Number: (541)682-5508

Address: 99 W. 10th Avenue City: Eugene

Zip Code + 4: 97401 E-mail Address: alissa.h.hansen@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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8 ½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or E-mail your request to Larry.French@state.or.us – **ATTENTION: PLAN AMENDMENT SPECIALIST.**

COUNCIL ORDINANCE NUMBER 20395

COUNCIL BILL NUMBER 4956

**AN ORDINANCE AMENDING THE WILLAKENZIE AREA PLAN
INSET MAP D AND TEXT; AMENDING SECTION 9.9700 OF THE
EUGENE CODE, 1971; AMENDING THE EUGENE ZONING MAP;
AND ADOPTING A SEVERABILITY CLAUSE. (SUMMER
OAKS/CRESCENT CENTER).**

ADOPTED: October 22, 2007

PASSED: 5:3

REJECTED:

OPPOSED: Bettman, Taylor, Zelenka

ABSENT:

EFFECTIVE: November 24, 2007

ORDINANCE NO. 20395

AN ORDINANCE AMENDING THE WILLAKENZIE AREA PLAN INSET MAP D AND TEXT; AMENDING SECTION 9.9700 OF THE EUGENE CODE, 1971; AMENDING THE EUGENE ZONING MAP; AND ADOPTING A SEVERABILITY CLAUSE. (SUMMER OAKS/CRESCENT CENTER).

The City Council of the City of Eugene finds that:

A. The applicant, Western Steel Inc. and MVMM Edwards Investment LLC, submitted applications to the City of Eugene for amendments to the Willakenzie Area Plan Inset Map D and Text, Section 9.9700 of the Eugene Code, 1971, and the Eugene Zoning Map for property located east of Coburg Road, south of Crescent Avenue and east of Suzanne Way (Tax Lot 5100 of Assessor's Map 17-03-16-23 and Tax Lot 1200 of Assessor's Map 17-03-16-32).

B. The City of Eugene Planning Commission held a public hearing on the amendments contained in this Ordinance on August 14, 2007. Following the close of the public hearing the record was left open until August 29, 2007 to allow for new evidence and testimony, and applicant rebuttal testimony.

C. After reviewing the record and the additional information provided by staff and the applicant prior to the close of the record, the Planning Commission found that with the imposition of two conditions, which are a part of the revised Policy 2 of the Coburg/Crescent Subarea Policies of the Willakenzie Area Plan, there was sufficient information in the record to show compliance with applicable approval criteria for a refinement plan amendment, a code amendment, and zone change under provisions of the Eugene Code, 1971, and forwarded its recommendation to the Eugene City Council to approve the applications.

D. The City Council has considered the Findings and Recommendation of the Planning Commission, the testimony before the Planning Commission and City Council, and based thereon, and the legislative findings attached as Exhibit A hereto, approves the applications as hereinafter set forth.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Inset Map D of the Coburg/Crescent Subarea Section of the Willakenzie Area Plan is amended to redesignate the property identified as Tax Lot 5100 of Assessor's Map 17-03-16-23 and Tax Lot 1200 of Assessor's Map 17-03-16-32 located east of Coburg Road, south of Crescent Avenue and east of Suzanne Way, from a designation of Neighborhood Commercial/Nodal Development to a designation of Community Commercial/Nodal Development, as shown on the attached Exhibit B,

which is incorporated herein.

Section 2. The Eugene Zoning Map is amended to rezone Tax Lot 5100 of Assessor's Map 17-03-16-23 and Tax Lot 1200 of Assessor's Map 17-03-16-32 from their existing C-1/SR/ND Neighborhood Commercial with Site Review overlay zone and Nodal Development overlay zone to C-2/SR/ND Community Commercial with Site Review overlay zone and Nodal Development overlay zone, as shown on the attached Exhibit C, which is incorporated herein.

Section 3. Policy 2 of the Coburg/Crescent Subarea Policies and Proposed Actions is amended as follows:

2. The City shall recognize the area south of Crescent Avenue north of and west of Shadow View Drive, as depicted on Inset Map D as "Summer Oaks – Crescent Center" as appropriate for the expansion of Neighborhood and Community Commercial development. The Neighborhood Commercial portion of Summer Oaks – Crescent Center shall not exceed 7 acres in size. Uses in the neighborhood commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. The Community Commercial portion of Summer Oaks – Crescent Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development overlays. Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks – Crescent Center to vary from the previously approved uses, provided that the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.

If requested and otherwise approved as part of a PUD application, the City may reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70.

Section 4. Subsection (10)(a) of Section 9.9700 of the Eugene Code, 1971, is amended to provide:

9.9700 Willakenzie Area Plan Policies.

(10) Land Use Element – North Region, Coburg/Crescent Subarea.

- (a) The City shall recognize the area south of Crescent Avenue north of and west of Shadow View Drive, as depicted on Inset Map D as "Summer Oaks – Crescent Center" as appropriate for the expansion of Neighborhood and Community Commercial development. The Neighborhood Commercial portion of Summer Oaks – Crescent Center shall not exceed 7 acres in size. Uses in the neighborhood commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. The Community Commercial portion of Summer Oaks – Crescent

Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development overlays. Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks – Crescent Center to vary from the previously approved uses, provided that the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.

If requested and otherwise approved as part of a PUD application, the City may reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70. (Policy 2)

Section 5. The findings set forth in the attached Exhibit A are adopted as findings in support of this Ordinance.

Section 6. 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.

Passed by the City Council this

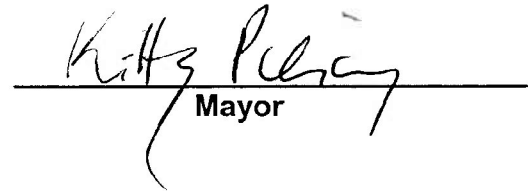
22nd day of October, 2007



City Recorder

Approved by the Mayor this

25th day of October, 2007



Mayor

Findings

September 17, 2007

Summer Oaks Crescent Center (RA 06-4, Z 06-24, CA 07-1) Refinement Plan Map and Text Amendments, Zone Change, Land Use Code Amendment

Refinement Plan Amendment Approval Criteria

The Eugene Code requires that a refinement plan amendment be consistent with **Eugene Code (EC) Sections 9.8424(1) and EC 9.8424(2)**. The proposal is found to be consistent with approval criteria at EC 9.8424(2) and EC 9.8424(1). Findings relative to the amendment criteria (with criteria in ***bold italics***) are presented below.

Consistency with EC 9.8424(1)

EC 9.8424(1) requires that the refinement plan amendment be consistent with all of the following:

- (a) ***Statewide planning goals;***
- (b) ***Applicable provisions of the Metro Plan***
- (c) ***Remaining portions of the refinement plan.***

The proposal is not found to be consistent with refinement plan amendment criteria in EC 9.8424(1). Staff findings relative to the amendment criteria (with criteria in ***bold italics***) are presented below.

A. Consistency with Statewide Planning Goals

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.*

In its land use code, the City has State-acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and that set out requirements for such involvement. The proposed action does not amend these citizen involvement provisions. The process for reviewing the proposed amendment complies with Goal 1 since it complies with, and surpasses the requirements of, the State-acknowledged citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a City of Eugene Planning Commission public hearing on August 14, 2007. On December 12, 2006, the City mailed notice of the proposed plan amendments and zone change to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referral comments were requested on June 8, 2007. Referrals were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments, consistent with the Eugene Code. On June

29, 2007, notice of the Planning Commission public hearing was mailed to the applicant, and owners and occupants of property in the area, the Cal Young Neighborhood Association, and other interested parties who requested notice, in accordance with the Eugene Code. On June 29, 2007, notice was also posted in accordance with EC 9.7415(5). On July 11, 2007, 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 to the public at Planning and Development Department offices. An additional public hearing before the Eugene City Council will be scheduled following Planning Commission action. Notice to interested and affected parties will be provided for that hearing. The process for adopting this amendment is consistent with 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 the 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 the proposed 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 this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

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

Goal 3 is not applicable to this amendment 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 its acknowledged urban growth boundary, Goal 3 is not relevant and the amendment does 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 this amendment as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries; therefore it does not apply to the subject property, which is within Eugene's UGB (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendment does 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.*

OAR 660-023-0250 does not require local governments to apply Goal 5 in consideration of a post acknowledgement plan amendment (PAPA) unless the PAPA affects a Goal 5 resource. The subject property does not include any Goal 5 resource site. The proposed amendment does not create or

amend a list of Goal 5 resources, does 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 does not amend the acknowledged Urban Growth Boundary. Therefore, the proposed amendment is consistent with Statewide Planning 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. Therefore, the amendment is 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, land slides, earthquakes and related hazards, tsunamis and wildfires. The subject property is relatively flat in the midst of an urban area, and is not located within known areas of natural disasters or hazards. The subject property is outside the FEMA 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, this amendment is 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. There are no public or private recreational facilities on or adjacent to the subject site. Therefore, the proposed amendment will not impact the provision of recreational facilities, nor will it affect access to existing or future recreational facilities. Therefore, the amendment is 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 proposed amendment would change the property's plan designation from one that supports limited commercial use (Neighborhood Commercial) to another that supports a wider range of commercial uses (Community Commercial). Both designations would also allow a range of commercial uses. However, a C-2 zoning would allow for a wider range of uses. A zone change from one type of commercial zoning to another will not affect the supply of commercial land. The proposed reduction in Floor Area Ratio may further local goals for economic development by accommodating a wider range of commercial development in a wider variety of design, layout and intensity. As discussed in Section EC 9.8865(2) below, the proposed amendment is also consistent with several policies in the Eugene Commercial Lands Study (1992).

The Metropolitan Industrial Lands Special Study (1991) addresses the industrial land supply. Lands considered available for industrial uses are typically those which have an Industrial plan designation. The subject site does not have an Industrial designation, and has been zoned Commercial since 1992. Therefore, the proposed plan amendment would have no effect on the supply of available industrial land as predicted by the Industrial Lands Special Study. Based on this, the proposed amendment is 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 property affected by the proposed amendments was designated in the 1992 Willakenzie Area Plan as commercial, and was not included in the supply of land available for residential development, as documented in the adopted 1999 Residential Lands and Housing Study (Ordinance No. 20159, 1999). Therefore, changing the land use designation from residential uses will not affect the adopted residential lands inventory. A refinement plan amendment and subsequent zone change to C-2/Community Commercial could provide opportunities to add to the housing supply, by accommodating high density residential development. Based on fact that the amendment would have no effect on the adopted residential land supply, the proposed amendment is 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.*

The subject parcels are located within a partially developed commercial area. Adequate access to the City's stormwater system, public wastewater lines, water and power are available to the site. The existing level of public facilities and service is adequate to serve the needs of existing and future development. The provision of this amendment does not affect the planning or development of future public facilities or services. Therefore, the amendment is consistent with Statewide Planning Goal 11.

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

Several streets border the site affected by the proposed amendments. Those streets are Crescent Avenue to the north; Chad Drive to the south; and Suzanne Way, connecting Crescent and Chad, and Coburg Road to the west. Crescent Avenue is classified as a Minor Arterial, and Chad Drive as a Major Collector on the City of Eugene Street Classification Map, adopted in 1999. Suzanne Way is a private street. All streets are fully improved.

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 states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility, the local government must put in place measures to assure that the allowed land uses are consistent with the function, capacity and performance standards of those transportation facilities.

Pursuant to OAR 660-012-0060(1), the TPR requires a determination of which transportation facilities will experience a significant effect as a result of the proposed plan amendment, and defines what constitutes a significant effect. A plan amendment is considered to significantly affect a transportation facility if, for example, the amendment will reduce the performance of the transportation facility below

the minimum acceptable performance standard (often described in terms of Level of Service standards or volume/capacity ratios). If a local government determines that an amendment would significantly affect a transportation facility, the local government must put in place measures to assure that the allowed land uses are consistent with the identified "function, capacity and performance standards" of the facility (OAR 660-012-0060(1)). An example of such a measure is conditioning approval on the construction of a minor street improvement.

The applicant's March 8, 2007, Traffic Impact Analysis (TIA) provided the traffic levels that would be generated by the uses in the approved PUD for Summer Oaks-Crescent Center and the traffic levels that the applicant anticipated would be generated by the land uses that the applicant would like to establish on the site. (Original TIA is dated January 4, 2001, revised February 21, 2001.) Regarding traffic generation estimations based on the approved PUD, the applicant's TIA provided traffic data for a 4-story, 80,000 s.f. office building and a 6,000 s.f. restaurant on the portion of the PUD site that is the subject of this application.¹

In response to staff's request for additional information, on August 9, 2007, the applicant submitted a supplemental TIA. The August 9 TIA provided a comparison of "worst case" scenarios under the existing C-1 designation and the proposed C-2 designation, and included data on existing levels of service (LOS) for nearby streets, and how those levels may be affected by traffic generated by allowable uses if the amendments and zone change were approved. All of the traffic impact data in the applicant's supplemental TIA relates to traffic conditions 2008. Based on the analyses in the TIA, the number of PM peak hour trips in 2008 if the site is developed under the current PUD approval (which could occur without the proposed amendments and zone change) ranges from 234 to 322. The number of PM peak hour trips anticipated in a worst case scenario under the existing C-1 zone and plan designation is 714. The traffic generated by the proposed C-2 designation is anticipated to be 1,196 PM peak hour trips. Pursuant to Table 6 of the applicant's supplemental TIA, in 2008 the proposed amendment would significantly effect a transportation facility (Crescent Avenue at Coburg Road). The applicant provides that "the proposed amendments will have a significant effect on the transportation system at the beginning of the planning period and thus at the end of the planning period."

To mitigate the proposed amendment's significant affect on the transportation facility the applicant proposes that the land use density and designation be required to limit the total number of PM peak hour trips, as measured by the ITE Trip Generation Manual, so as not to exceed the number of PM peak hour trips expected under the reasonable worst case under the existing C-1 zoning. Specifically, the applicant proposes a trip cap of 1588 daily trips and 213 PM peak hour trips on future uses of the site to mitigate the effect of the proposed amendment on the impacted transportation facilities.² The proposed trip cap reduces the number of trips to an amount less than is currently allowed under the existing C-1 zone. Accordingly, it is reasonable to conclude that the net effect of the proposed plan amendment and zone change with the trip cap will result in an overall reduction in the total number of trips on the surrounding transportation facilities; thus, with the trip cap, the allowed land uses would be

¹ The PUD for Summer Oaks-Crescent Center approval is currently in effect and governs development on this site. All new uses proposed for the site will be required to comply with the existing PUD; any significant change will require a new PUD. The proposed zone change to C-2 would accommodate the property owners' plans for a new extended stay hotel of approx. 100,000 s.f. (139 units), and a catering business of approx. 15,000 s.f., with 10,000 s.f. of office and 5,000 s.f. of specialty retail.

² The applicant's new desired uses for the site (hotel and catering business, etc.) are expected to generate up to 300 fewer daily vehicle trips than the approved PUD, and up to 27 fewer during the PM peak hour, with an expected 213 PM peak hour trips. While these uses were the basis for the applicant's proposed trip cap, the trip cap would apply to any future uses on the site.

consistent with the identified function, capacity and performance standards of the impacted transportation facilities.

The proposed reduction in Floor Area Ratio, as the applicant proposes, does not change the trip generation estimates or compliance with TPR, as the estimates are based on a rate-per unit that is multiplied by the size/scale of the proposed use, using scenarios with equal Floor Area Ratio.

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

The proposed plan amendment does not specifically impact energy conservation. Therefore, 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 amendment does not affect the transition from rural to urban land use, as the subject property is already within the City 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.

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

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

B. Consistency with applicable provisions of the Metro Plan

(1) Nodal Development Designation

"Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented."

The Metro Plan Diagram shows the subject site within a nodal development area. The above Plan description of nodal development areas is implemented through the /ND Nodal Development overlay zone in the Eugene Land Use Code, which the applicant also proposed to maintain. The Willakenzie Area Plan land use diagram established a nodal development overlay zone for the Crescent Avenue Nodal Development Area (including the subject site and Crescent Village to the north). The applicant proposes to maintain the area's /ND overlay zone. The proposal to change the refinement plan designation and zoning of the property is consistent with the Metro Plan's description of nodal development areas.

In fact, the proposed zone change to C-2 would make it possible for the applicant to seek approval for a greater range of uses on the site. With an amendment to the existing PUD and within the confines of the proposed trip cap, the C-2 zoning could allow the applicant to develop uses that provide more concentrated employment centers, such as large office buildings, and uses that provide a wider range of commercial services, such as a large retail establishment, uses allowed in a C-2 zone, but not in C-1. Both the C-1 and C-2 zones allow a mix of uses, such as higher density residential development mixed with neighborhood commercial uses on the ground floor. However, the C-2 zone could accommodate higher density residential development, given the height limit in C-1 of 35 feet. This flexibility in the range and mix of uses can potentially further the goals of nodal development. The proposed reduction in FAR is a moderate reduction from a high FAR. The allowance of a lower FAR for these two parcels is not inconsistent with nodal development as described in the Metro Plan.

The proposal is consistent with this Metro Plan provision. The findings related to consistency of the proposal with the Willakenzie Refinement Plan in Section EC 9.8424(1)(c), and consistency with the nodal development area designation in Section EC 9.8424(2)(c), below, apply to consistency with the Metro Plan, and are also incorporated herein by reference.

(2) Commercial Designation

The Metro Plan Diagram designates the subject site as Commercial, without the cross-hatching that would indicate a "major retail center." The size and location of the site are not appropriate for a major retail center. The Community Commercial designation is intended for more intensive commercial activities, but less intensive than major retail centers. If the requested zone change were approved, approximately 4 acres within Summer Oaks – Crescent Center would be Community Commercial, and approximately 6 acres Neighborhood Commercial.

Neighborhood Commercial areas are not shown on the Metro Plan land use diagram, but are typically indicated in local refinement plans or special area plans. Neighborhood Commercial areas are intended to be "oriented to the day-to-day needs of the neighborhood served..." and characterized by convenience goods and personal services. Neighborhood Commercial sites "...shall be no more than five acres, including existing commercial development. The exact size shall depend on the numbers of establishments associated with the center of the population to be served" (Metro Plan I1-G-4). The subject property is in a C-1 zoned area that is over 10 acres in size. Approval of the requested zone change would retain approximately 3 acres of neighborhood commercial areas along the south side of Crescent Avenue, and approximately 3 acres zoned Neighborhood Commercial west of the site, bringing remaining C-1-zoned areas closer to the Metro Plan's 5-acre size threshold. The proposal is consistent with the Metro Plan provisions.

C. Consistency with remaining portions of the refinement plan

The Willakenzie Area Plan (WAP) is the applicable refinement plan for this proposal. Approval of the request would amend WAP policies to add language specific to the site, and would amend the designation of the site on Inset Map D of the Coburg/Crescent Subarea of the WAP from Neighborhood Commercial to Community Commercial.

Willakenzie Area Plan Land Use Policies:

2.2 Apply the /SR Site Review suffix to all parcels zoned or designated for C-1 Neighborhood Commercial or C-2 General Commercial development in the Willakenzie planning area, using the Willakenzie Commercial Siting and Development Guidelines as the review criteria. These guidelines will be used to evaluate commercial development and redevelopment proposals until such time as the City adopts citywide commercial development standards or guidelines.

The site currently has the /SR overlay, which the applicant proposes to retain. The Site Review process involves a land use application with public notice and opportunity for appeal, that includes consideration of adopted refinement plan policies in the decision. In addition, new citywide commercial standards have been adopted that also address neighborhood compatibility and other design goals. The proposed amendments and zone change are consistent with Policy 2.2.

5. Site review procedures or special development standards shall be considered for properties which abut or face one another, when the uses permitted on those properties are potentially incompatible.

The change from C-1 to a C-2 zoning increases the potential for higher intensity commercial uses that may not be compatible with the adjacent neighborhood commercial areas. While the /ND overlay prohibits auto-oriented uses, it does not prevent other, potentially incompatible C-2-type uses. Approval processes such as Site Review or Planned Unit Development procedures can address most design and compatibility issues, such as building locations, bulk and height, pedestrian circulation, and screening. The PUD process further allows the flexibility to adjust development standards (subject to compliance with applicable refinement plan policies and a public hearing process) to better address particular site issues, such as compatibility or, in the case of the applicant's proposal, a reduced Floor Area Ratio.

Like many other parcels within the Crescent Avenue Nodal Development area, the site currently has the Site Review overlay zone. It does not currently have the Planned Unit Development overlay zone. However, the approved PUD currently in effect for Summer Oaks-Crescent Center was originally initiated by the property owner and, now that a PUD has been approved, any significant change to that approval will require a new PUD. The applicant proposes new policy language that would allow variation from the approved PUD, provided that traffic volumes are limited to a specified number, and that the proposed uses and impacts are reviewed through a PUD process. The PUD process is an appropriate process for reviewing traffic and other impacts in a comprehensive manner. Along with the Site Review Process, the Planned Unit Development review process will help ensure that the that future C-2-type development will be compatible with surrounding development. With these provisions, the requested amendments and zone change are consistent with this policy.

7. Mixed-use developments that combine living, working, and shopping opportunities shall be encouraged in the study area.

Mixed use developments can be accommodated in both C-1 and C-2 zones currently available throughout the sub-area and the Crescent Avenue Nodal Development area, such as within Crescent Village to the north, the C-1-zoned area along Coburg near Kinney Loop, and along Crescent Avenue (2.72 acres). This policy applies to the broader Coburg-Crescent subarea, and does not specify that mixed uses should be located or encouraged within Summer Oaks-Crescent Village. Nonetheless, a C-2/Community Commercial designation of approximately 4 acres at Summer Oaks-Crescent Center can support mixed use development by allowing a

wide range of uses such as commercial, office and high density residential. A Floor Area Ratio of .70 rather than 1.0 does not preclude mixed-use development (see also discussion under EC 9.8424(2)(b), below). Based on this, the requested amendments and zone change are consistent with Policy 7.

Willakenzie Area Plan General Commercial and Industrial Policies:

- 3. Encourage the consolidation of parking lots, development of joint access, and use of access controls on commercial and industrial development.***

The existing, approved Summer Oaks-Crescent Center planned development/site review agreement includes the establishment of joint access to parking areas. The proposed change to C-2 zoning and Floor Area Ratio reduction will not preclude the consolidation of parking lots and shared access. The Site Review or PUD approval process will require that any future development proposals address efficient, functional layout of parking areas and pedestrian and bicycle circulation. The proposed amendment is consistent with this policy.

Willakenzie Area Plan Coburg/Crescent Subarea Policies:

- 2. The City shall recognize the area south of Crescent Avenue and west of Shadow View Drive, as depicted on the Willakenzie Land Use Diagram (and as refined by Inset Map D) as appropriate for the expansion of Neighborhood Commercial development. The Neighborhood Commercial site shall not exceed 10 acres in size. Uses in this commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. (Policy 2, page 64.)***

This policy is specific to the subject site, and is the policy proposed to be changed. The proposed language (see page 19, below) would provide the policy basis for rezoning a portion of Summer Oaks-Crescent Center from C-1 to C-2, and for reducing the Floor Area Ratio from 1.0 to .70. The existing policy is included here for reference only. The amendment criteria do not require consistency with the policy being changed, but with remaining policies. While the adopted refinement plan map specifically identified the subject site as appropriate for Neighborhood Commercial and not appropriate, at the time, for Community Commercial, it should be noted that this policy does not specifically prohibit a reduction in the size of the Neighborhood Commercial area. (Please see other sections below for further discussion of the proposed amendment.)

- 7. The City shall encourage the development of commercial uses which provide direct services to employees and residents of the surrounding areas. Examples include restaurants, financial institutions, day-care centers, health clubs, grocery stores, delicatessens, drug stores, and recreational facilities...***

The current C-1/Neighborhood Commercial designation for the site was intended to encourage uses that are "*oriented to the day-to-day needs of the neighborhood served...*" and "*characterized by convenience goods and personal services*" (Purpose of neighborhood commercial, Metro Plan II-G-4). Providing uses that serve the neighborhood also helps reduce reliance on the automobile, a goal of nodal development. Retaining the current zoning can encourage uses that provide direct services to employees and residents of the surrounding area, rather than drawing on a larger base needed by some C-2/community commercial uses. In addition, the C-1 zone contains size limits (5,000 s.f.) for retail uses that promote small

businesses. Such small businesses, such as a shoe repair shop, delicatessen, or hair salon, are likely to be locally-owned, to support, and be supported by neighboring residences and employment centers. Certain large, C-2-type uses may not provide direct services to the area, and can even supplant smaller businesses. In addition, certain C-2 uses by virtue of their intensity and scale are potentially incompatible with surrounding neighborhood commercial uses. For example, the height limit in C-1 is 35 feet, as compared to 120 feet in C-2.

The owners' planned extended stay hotel and catering business are not allowed in the C-1 zone. Both are too large for the current C-1 size limit of 5,000 s.f., and the "small business incentives" in C-1 that allows up to 10,000 s.f. if the Floor Area Ratio is at least .65. A hotel is excluded from the list of allowed uses in C-1, presumably because it typically draws from a more regional base, and rarely provides direct services to the neighborhood. However, an extended stay hotel may be a better "fit" than other types of lodging in a neighborhood commercial/nodal development area. These types of hotels generally see an average stay of 1 to 2 weeks, and typically do not provide on-site services. As a result, extended stay hotel "residents" are more likely to use and support neighboring services, such as gyms, grocery stores (to supply kitchenettes), and specialty retail shops. In addition, as the applicant points out, an extended stay hotel can serve the residents of the area by providing lodging for visiting family within walking distance of high density residential areas. The planned catering business is on the scale of a wholesale distributor (the category used in the submitted Traffic Impact Analysis), will have very few employees, and very little direct exchange with the local neighborhood. It should be noted that the current PUD approval already allows a 6,000 s.f. restaurant on Lot 4 and an 80,000 s.f. office building on Lot 5. Notwithstanding the owners' development plans, it must be assumed that, if the plan amendment and zone change are approved, other more or less compatible C-2 uses may occur on the site.

A C-2/Community Commercial designation can provide for a wider range of uses, a wider range of services, more dense employment and residential centers, and higher development densities than can be achieved through C-1 zoning. Most of the uses allowed in C-2 can provide the "direct services" anticipated by this policy. In addition, most uses allowed in the C-2 zone are not inherently incompatible with Neighborhood Commercial, a concern that arises usually because of their design or scale. Special development standards, such as required in Site Review or a PUD process, can address most issues of scale, form, character and relationship to surrounding uses. The Site Review process is already required for this site, as noted in the discussion under EC 9.8424(1)(c), Policy 5, above. Further, in order to implement the requested reduction in Floor Area Ratio, a PUD process will also be required by the proposed policy language.

While the owners' planned uses may not further the above policy, these and other C-2 uses are not necessarily inconsistent with it. Policy 7 is "aspirational," in the sense that it uses the term "encourage" as opposed to mandating compliance with clear and objective standards. Another reason that C-2/Community Commercial designation does not conflict with Policy 7 is that this policy does not specify that neighborhood commercial uses must be located within Summer Oaks-Crescent Center. The policy applies to the Coburg-Crescent subarea, which includes almost all of the nodal development area. As is typical for a nodal development area, the Crescent Avenue Nodal Development Area provides a mix of C-1 and C-2 zoning. Within the node, uses that provide neighborhood commercial services are provided elsewhere, in the Neighborhood Commercial area along Coburg near Kinney Loop, and the remaining Neighborhood Commercial area within Summer Oaks-Crescent Center (2.72 acres along Crescent, plus approximately 3 acres already developed with office uses). In addition

to these areas, Crescent Village to the north of the site is being developed as a mixed use center intended for neighborhood commercial uses, community commercial uses (a grocery store), and high density residential development. Although there is not an area specifically zoned C-1/Neighborhood Commercial in Crescent Village, neighborhood commercial-type uses are included in the development plans. For these reasons, a Neighborhood Commercial designation may no longer be necessary or desirable at the subject site.

There is a potential that the site could be developed with some C-2/Community Commercial uses that are much more intense than what was ever anticipated for the area in the Coburg-Crescent Sub-Area policies. However, there are several limiting factors that reduce the likelihood of that. First is the relatively small size of the development site (3.11 acres and 1.02 acres, for approx. 4 acres total). Parcel size and the /ND overlay zone would prohibit "big box" retail and many higher-impact C-2 uses retail. The proposal adds trip cap language that limits the intensity of any future uses. Also, the Site Review overlay zone (and additional Planned Unit Development review) and new commercial development standards (at EC 9.2170) would require that development on the site be designed to be compatible with surrounding uses, and address such design issues as scale, bulk, and circulation patterns.

The application includes proposed policy language that would allow C-2 uses with a "trip cap." The proposed trip cap helps limit intensity of possible uses that might be incompatible (see also discussion under Section EC 9.8424(1)(a) above, Statewide Goal 12 findings). However, relatively minor changes to the proposed policy are recommended. First, the proposed language is too broad, in that it requires the City to allow development (of any use, scale, character, etc.) so long as it does not exceed a certain trip cap. Traffic impacts/development intensities are not the only PUD approval criteria. Where possible, refinement plan language should avoid mandating approval of specific details that are the subject of separate, discretionary land use permits and additional public review processes, so the terms "the City shall approve..." should be revised to "the City may approve..." Also, any significant change to the approved PUD will require a new PUD, so the relationship of future C-2 uses to the previously approved 80,000 & 6,000 s.f. uses would no longer be relevant as a refinement plan policy. The reference may be removed without affecting the validity of a trip cap. Recommended, revised policy language would help clarify the intent and applicability of the proposed limits on future uses (see page 19).

Rezoning the site to C-2/Community Commercial does not preclude various C-1 uses or uses that provide for the day-to-day needs of residents and employees. A C-2 zone would provide more flexibility in uses, allowing a range of housing and commercial uses that can provide direct services. However, certain C-2 uses might be incompatible with the intent of the Policy 7. The proposed amendments, including revised policy language (as revised below on page 19) that accommodates a range of C-2 uses while limiting intensity and impacts through a "trip cap," would be consistent with this policy. The proposed FAR reduction does not conflict with Policy 7.

Consistency with EC 9.8424(2)

The refinement plan amendment addresses one or more of the following:

- (a) An error in the publication of the refinement plan.***
- (b) New inventory material which relates to a statewide planning goal.***

- (c) *New or amended community policies.*
- (d) *New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.*
- (e) *A change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.*

As discussed below, the plan amendment is consistent with approval criterion EC 9.8424(2), specifically, both subsections (c) and (c) above.

(c) *New or amended community policies.*

I. Adoption of Nodal Development Overlay Zone.

The site was designated C-1/Neighborhood Commercial in the 1992 Willakenzie Area Plan (WAP). Subsequent to the C-1 commercial zoning of the site, the Nodal Development overlay zone was also adopted for the Crescent Avenue Nodal Development Area (including the subject site and Crescent Village to the north). The WAP land use diagram implements this nodal development area. The purpose of the nodal development area, as stated in adopted Metro Plan provisions and the Eugene Land Use Code is as follows:

"Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian- and transit-oriented"(Metro Plan II-G-8).

"The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified d nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations..."(EC 9.4250).

Several Metro Plan policies direct local jurisdictions to designate nodal development areas. The key Metro Plan policy related to nodal development, applicable to the current request is:

F.3 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 1/4 mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

Comparison of C-1/Neighborhood Commercial to C-2/Community Commercial

One of the primary purposes of the Nodal Development (ND) overlay zone was to prevent incompatible development, such as "big box" retail and auto-oriented uses, until more specific area plans could be adopted. One of the standards specified in the ND overlay zone states: " No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area...." (EC 9.4280(2)(b)). While the proposed change to C-2/Community Commercial might allow intensive C-2-type uses, the "big box" otherwise allowed in a C-2 zone would not be allowed at this site, due to the size limit in the ND overlay. In addition, proposed policy language includes a trip cap that would preclude big box retail and similar uses. While the ND overlay zone specifically restricts only auto-oriented uses, it does not itself prohibit hotels, catering services or similar community commercial uses.

The proposed change to Community Commercial would allow a greater range of uses than Neighborhood Commercial, uses that might concentrate more residential uses, employment and services in the area. For example, high density residential development with neighborhood commercial uses on the ground floor is an appropriate mixed use in nodal development areas. However, the 35-foot height limit in C-1 may make it more difficult to achieve the multiple story development required to achieve the most efficient use of land in an urban area. The flexibility of a Community Commercial designation to accommodate a wider range of uses and development intensities than Neighborhood Commercial potentially provides more flexibility to respond to market changes and to surrounding growth, which can further the goals of nodal development.

Floor Area Ratio (FAR) Reduction

The ND overlay zone established the FAR of 1.0 for the area after the approval of the original PUD. An FAR of 1.0 is required whether the zone is C-1 or C-2. This new FAR requirement does not apply to the approved PUD, but would be triggered by a new PUD. The owners' planned extended stay hotel would have an FAR of .89; however, other uses would have a lower FAR. The applicant proposes a minimum site FAR of .70. The applicant maintains that an FAR of 1.0 is not feasible for a hotel or many other commercial uses. According to the applicant, alternative designs for the site were explored in an attempt to meet 1.0 FAR; however, even adding another story to the hotel did not meet 1.0 FAR, due to requirements for parking and circulation. As a comparison, the uses approved in the PUD prior to adoption of the ND overlay zone have an approximate FAR of .69. Notwithstanding the owners' immediate development plans, the .70 FAR, if approved, would apply to other C-2-type development on the site.

Generally, the higher the FAR, the more compact urban development can be achieved. A relatively high FAR generally furthers the goals of the ND overlay zone, and mixed-use, compact urban development. A moderately high FAR of .70 as proposed, does not necessarily prevent efficient development patterns. Moreover, the 5,000 s.f. size limit and 35-foot height limit in C-1 may hinder efforts to reach 1.0 FAR. Coupled with a C-2/Community Commercial designation, which allows taller and larger buildings than C-1/Neighborhood Commercial, a FAR of .7 may accommodate more dense urban development on the site than a 1.0 FAR with C-1 zoning.

The proposed amendments and FAR reduction would not be inconsistent with the purpose of the Crescent Avenue Nodal Development area established in the Willakenzie Area Plan. Based on the discussion above, the request meets this approval criterion.

2. New policies have been adopted for the Nodal Development Area.

In 2003, the City Council amended WAP policies for the Crescent Avenue Nodal Development Area that were intended to facilitate development of Crescent Village (north of the subject parcels) into a mixed use center. Adopted policies establish zoning that allows commercial, office, mixed use commercial and high density residential uses for this 40-acre site.

Neighborhood commercial-type uses are allowed within the various zoning designations on the site, along with relatively large, intensive commercial uses, such as a 100,000 s.f. office building and a 50,000 s.f. grocery store. As part of the plan amendment process, the property owner requested, and obtained, a provision for reducing the Floor Area Ratio (FAR) from 1.0 to .40 in commercial areas in Crescent Village. However, adopted refinement plan policy language for Crescent Center allows variation from approved PUD uses and the FAR reduction only with a "trip cap," and only through the PUD approval process. The current request is similar to, and consistent with this precedent.

Since the adoption of these new policies, the City has approved a PUD for Crescent Village. This will result in a significant increase in the amount of neighborhood commercial-type uses (now under construction) in the nodal development area. The proposal to change approximately 4 acres in Summer Oaks-Crescent Center to C-2/Community Commercial is not likely to prevent the development of uses that serve the direct needs of area employees and residents, as most of that role is now being fulfilled by Crescent Village. As a FAR of .4 was approved for all commercial-zoned areas within Crescent Village, presumably to facilitate mixed use development, a FAR of .7 for approximately 4 acres within the node would be consistent with this precedent.

(e) A change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

The WAP established the C-1/Neighborhood Commercial designation for the site. Since then, the Metro Plan and Willakenzie Area Plan have been amended to apply the Nodal Development Overlay to this site and others, and other nodal development areas are now being developed.

The ND overlay zone does not prescribe the mix of uses or zones, and has minimal development standards. As a result, implementation of nodal development has been primarily through special area plans that prescribe uses and standards. Special area plans have been developed for 2 nodes (now zoned "Special Area Zone"), Chase Village and Royal Node. As a comparison to the current request, both Chase Node and Royal Node allow community commercial-type uses. Neither allow hotels, even in commercial zones. Bed & Breakfast establishments are allowed, subject to size limits. A catering service is allowed in both nodes. However, in both nodes, the size of commercial uses is limited: up to 20,000 s.f. for retail uses in Chase Node and 30,000 for any individual business in Royal Node (compared to approx. 15,000 s.f. and 100,000 s.f. proposed in current request, and 80,000 s.f. already approved for the site). Clearly, large, high-intensity commercial uses were not seen as appropriate uses in these other nodes. However, the character, location and surrounding uses of the Crescent Avenue Nodal Development Area, may warrant a different mix of uses. For example, remaining undeveloped areas within the Crescent Avenue area may be more suitable for providing intensive employment areas, being located within a 1/2 mile of the freeway on/off ramps, and surrounded by a large area of campus industrial uses.

During the development of the Chase Node plan, FAR minimums were considered and, ultimately, not adopted. At the time, it was believed that a 1.0 FAR was not possible for the types of uses anticipated for Chase Node, such as a grocery store and high density residential development, particularly given the parking requirements; and the standard was not easy to regulate where development was to be phased in over time. Alternatively, there are standards that establish minimum residential densities, and building heights of at least 2 floors in certain areas. Maximum building heights are 50 feet in commercial areas, or 120 feet in mixed use areas. The Royal Node special area plan sets building height limits of 50 feet in commercial and mixed use areas, and established a minimum FAR of .50 for stand-alone commercial uses. An FAR of .4 or .5 is not unreasonable outside of the downtown. In the C-1 zone's "small business incentive," the individual business size limit may be increased to 10,000 s.f., provided it meets an FAR of .65.

As another comparison, Crescent Village to the north of the site is being developed as a mixed use center intended for neighborhood commercial uses, community commercial uses (a grocery store), and high density residential development. Much of this is now constructed or under construction. Crescent Village policy language adopted in the WAP allowed a significant reduction in FAR to .40. Testimony during that refinement plan amendment indicated that it was difficult to achieve FAR 1.0 without cost-prohibitive structured/underground parking, due to code requirements for parking, landscaping, setbacks, etc. Although this argument was based on assumptions for a mix of GO, C-2 and R4 uses for a much larger site, some reduction in FAR may be appropriate for similar reasons for the Summer Oaks-Crescent Center site.

The proposed amendments, zone change and FAR reduction are generally consistent with the types of zoning and FAR levels seen in other mixed uses/nodal development areas.

Zone Change Approval Criteria

The proposal is to rezone the subject property from the existing zoning of C-1/SR/ND, Neighborhood Commercial zone with Site Review and Nodal Development overlay to C-2/SR/ND, Community Commercial zone with Site Review and Nodal Development overlay. The proposal is found to be consistent with the zone change approval criteria. Findings relative to the amendment criteria (with criteria in ***bold italics***) are presented below.

Compliance with EC 9.8865

EC 9.8865 requires that the zone change meet the following criteria:

- (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.***
- (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.***
- (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.***
- (4) ***The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in: (a) EC 9.2150 Commercial Zone Siting Requirements.***
- (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.***

(1) Consistency with applicable provisions of the Metro Plan

Approval of the zone change is dependent upon approval of the refinement plan diagram and map amendment (discussed above). The findings related to consistency with the Metro Plan under EC 9.8424(1)(b) above, are incorporated herein by reference.

(2) Consistency with applicable adopted refinement plans

Willakenzie Area Plan:

Approval of the zone change is dependent upon approval of the refinement plan diagram and map amendment (discussed above). The findings related to consistency with the Willakenzie Area Plan (refinement plan) under EC 9.8424(1) above, are incorporated herein by reference.

Other applicable refinement plans:

The 1992 Eugene Commercial Lands Study (ECLS) contains policies related to commercial and neighborhood commercial zoning. It contains one policy specifically related to the Willakenzie area. These policies are discussed below.

11.0 Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers.

The proposed amendment to allow a wider range of commercial uses would encourage commercial development in an existing commercial area rather than in outlying major retail centers. Further, its relatively small size (approx. 4 acres) is typically too small to support a regional retail center. The proposal is consistent with Policy 11 of ECLS.

16.0 Take steps to address the underlying goal in the Metro Plan to have viable neighborhood commercial uses that meet the needs of nearby residents and reduce the use of the automobile.

This policy has been implemented citywide in a number of ways, particularly through the creation of nodal development areas. Within the Crescent Avenue Nodal Development area, a significant amount of commercial, office and residential development is now in place, which serves the residents of the area. A zone change to C-2 for approximately 4 acres within the node is not likely to affect the viability of providing for such uses throughout the node. The proposal is consistent with Policy 16 of the ECLS.

18.0 Identify appropriate areas within the Willakenzie subarea to accommodate office development and address neighborhood commercial needs. In identifying commercial sites, evaluate impacts on traffic patterns and surrounding land uses.

18.1: Consider the following new C-1 Neighborhood Commercial sites:

- a. About 3 acres in size, at the southwest corner of Willagillespie and Clinton;*
- b. About 5 acres in size, along the south side of Willakenzie, west of the Sheldon Plaza Center. Also consider expansion of General Office zoning west of Sheldon Plaza, north of Cal Young Road;*
- c. About 10 acres in size, south of the future extension of Crescent, and west of the future Shadow View Drive;*
- d. Expansion of the existing neighborhood commercial site near the northerly intersection of Coburg Road and County Farm Loop to include a total of about 13 acres; and*

e. About 5 acres in size, on the north side of Ayers Road, west of Gilham Road.

This policy was implemented through the adoption of C-1 zoning for Summer Oaks -Crescent Center. While implementation Strategy 18.1 suggests consideration of a Neighborhood Commercial area size of 10 acres, the adopted policy does not require that these specific acreages be zoned for Neighborhood Commercial. Approval of the request would leave an area of Neighborhood Commercial zoning along Crescent Ave of approximately 3 acres. In addition, office development and neighborhood commercial developments are provided in other areas within the nodal development area. The proposal is not inconsistent with Policy 18 of the ECLS.

23.0 Foster the development of attractive and functional commercial areas that not only increase property values, but enhance Eugene's reputation as a pleasant, productive and attractive community in which to live or do business. Recognize that innovative building designs and neighborhood-enhancing streetscapes....are key factors in the success of such developments.

A C-2 zoning for the subject parcels is as likely as a C-1 zoning to contribute to attractive and functional commercial areas. The application of an overlay zone that requires design review, such as Site Review Overlay or PUD overlay, and adopted commercial development standards will help ensure that future proposed development is attractive, functional and compatible with the neighborhood. The proposal is consistent with Policy 16 of the ECLS.

(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.*

The following key urban facilities and services, as defined in the Metro Plan, are currently available to the subject property, or can be extended in an orderly and efficient manner to serve future development: wastewater service, stormwater service, transportation, solid waste management, water service, 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. Details related to how/when/where those facilities and services are provided remain to be resolved in the context of any future development proposal. In regards to transportation, the findings under EC 9.8424(1), under Statewide Planning Goal 12, above, are incorporated herein by reference.

(4) *The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:* (a) EC 9.2150 Commercial Zone Siting Requirements.

The commercial zone siting requirements at EC 9.2150 only affect properties proposed for C-1 or C-4 zoning. There are no siting requirements in the Eugene Code for overlay zones. The proposed zone change is consistent with this criterion.

(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 above criterion is not applicable, as the proposed zone change does not include application of the NR zone.

Code Amendment Approval Criteria

The proposal is to amend the Eugene Land Use Code 9.9700 to incorporate new policy language resulting from the Willakenzie Area Plan amendment (described above), which would support a Community Commercial designation and Floor Area Ratio of .70 for the site. Incorporating policy language into this section of the Eugene Land Use Code allows the application of those policies to Site Review applications, subdivisions and partitions.

Consistency with EC 9.8065

The code amendment approval criteria are set forth in Eugene Code Section 9.8065. Eugene Code Section EC 9.8065(1) requires that the code amendment be consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission. Eugene Code Section EC 9.8065(2) requires that the refinement plan amendment be consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The proposal is found to be consistent with code amendment approval criteria. Findings relative to the amendment criteria (with criteria in *bold italics*) are presented below.

(1) Consistency with applicable Statewide Planning Goals

The findings related to consistency with applicable Statewide Planning Goals under EC 9.8424(1)(a) above, are incorporated herein by reference.

(2) Consistency with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The findings related to consistency with applicable provisions of the Metro Plan under EC 9.8424(1)(b) above, and applicable adopted refinement plans under 9.8424(1)(c) above, are incorporated herein by reference.

REVISED WILLAKENZIE AREA PLAN POLICY LANGUAGE

(**Bold** = applicant's proposed changes; *italics* = additional City-recommended changes):

2.0 The City shall recognize the area south of Crescent Avenue, north of and west of Shadow View Drive, as depicted on ~~the Willakenzie Land Use Diagram (and as refined by)~~ Inset Map D{) as **“Summer Oaks - Crescent Center”** as appropriate for the expansion of Neighborhood **and Community** Commercial development. The Neighborhood Commercial **portion of Summer Oaks – Crescent Center** [site] shall not exceed ~~[40]~~ **7** acres in size. Uses in ~~[this]~~ **the neighborhood** commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. **The Community Commercial portion of Summer Oaks - Crescent Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development zoning overlays.** *Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks - Crescent Center to vary from the previously approved uses, provided that* the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.


Deleted: As part of a PUD approval, the City shall allow development on the C-2 zoned portion of Summer Oaks – Crescent Center to vary from the approved 80,000 square foot office building and 6,000 square foot restaurant if

If requested *and otherwise approved* as part of a PUD application, the City *may* reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70.

Deleted: shall



INSET MAP D

- | | | | |
|-------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|-----------------------------------|
|  | High Density Residential |  | Crescent Village Boundary |
|  | Commercial |  | Crescent Avenue Nodal Development |
|  | Campus Industrial |  | Area not shown. |
| | | | ----- Subject Site |










Summer Oaks-Crescent Center-Hotel (RA 06-4, Z 06-24, CA 07-1)

Assessor's Map: 17-03-16-23
 Tax Lot: 5100
 Assessor's Map: 17-03-16-32
 Tax Lot: 1200

Proposed change from:
**C-1 Neighborhood Commercial to
 C-2 Community Commercial**

--- Subject Site

Zoning

-  C-1 Neighborhood Commercial
-  C-2 Community Commercial
-  GO General Office
-  I-1 Campus Industrial
-  R-1 Low Density Residential
-  R-2 Medium Density Residential
-  R-4 High Density Residential



ORDINANCE NO. 20395

AN ORDINANCE AMENDING THE WILLAKENZIE AREA PLAN INSET MAP D AND TEXT; AMENDING SECTION 9.9700 OF THE EUGENE CODE, 1971; AMENDING THE EUGENE ZONING MAP; AND ADOPTING A SEVERABILITY CLAUSE. (SUMMER OAKS/CRESCENT CENTER).

The City Council of the City of Eugene finds that:

A. The applicant, Western Steel Inc. and MVMM Edwards Investment LLC, submitted applications to the City of Eugene for amendments to the Willakenzie Area Plan Inset Map D and Text, Section 9.9700 of the Eugene Code, 1971, and the Eugene Zoning Map for property located east of Coburg Road, south of Crescent Avenue and east of Suzanne Way (Tax Lot 5100 of Assessor's Map 17-03-16-23 and Tax Lot 1200 of Assessor's Map 17-03-16-32).

B. The City of Eugene Planning Commission held a public hearing on the amendments contained in this Ordinance on August 14, 2007. Following the close of the public hearing the record was left open until August 29, 2007 to allow for new evidence and testimony, and applicant rebuttal testimony.

C. After reviewing the record and the additional information provided by staff and the applicant prior to the close of the record, the Planning Commission found that with the imposition of two conditions, which are a part of the revised Policy 2 of the Coburg/Crescent Subarea Policies of the Willakenzie Area Plan, there was sufficient information in the record to show compliance with applicable approval criteria for a refinement plan amendment, a code amendment, and zone change under provisions of the Eugene Code, 1971, and forwarded its recommendation to the Eugene City Council to approve the applications.

D. The City Council has considered the Findings and Recommendation of the Planning Commission, the testimony before the Planning Commission and City Council, and based thereon, and the legislative findings attached as Exhibit A hereto, approves the applications as hereinafter set forth.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Inset Map D of the Coburg/Crescent Subarea Section of the Willakenzie Area Plan is amended to redesignate the property identified as Tax Lot 5100 of Assessor's Map 17-03-16-23 and Tax Lot 1200 of Assessor's Map 17-03-16-32 located east of Coburg Road, south of Crescent Avenue and east of Suzanne Way, from a designation of Neighborhood Commercial/Nodal Development to a designation of Community Commercial/Nodal Development, as shown on the attached Exhibit B,

which is incorporated herein.

Section 2. The Eugene Zoning Map is amended to rezone Tax Lot 5100 of Assessor's Map 17-03-16-23 and Tax Lot 1200 of Assessor's Map 17-03-16-32 from their existing C-1/SR/ND Neighborhood Commercial with Site Review overlay zone and Nodal Development overlay zone to C-2/SR/ND Community Commercial with Site Review overlay zone and Nodal Development overlay zone, as shown on the attached Exhibit C, which is incorporated herein.

Section 3. Policy 2 of the Coburg/Crescent Subarea Policies and Proposed Actions is amended as follows:

2. The City shall recognize the area south of Crescent Avenue north of and west of Shadow View Drive, as depicted on Inset Map D as "Summer Oaks – Crescent Center" as appropriate for the expansion of Neighborhood and Community Commercial development. The Neighborhood Commercial portion of Summer Oaks – Crescent Center shall not exceed 7 acres in size. Uses in the neighborhood commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. The Community Commercial portion of Summer Oaks – Crescent Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development overlays. Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks – Crescent Center to vary from the previously approved uses, provided that the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.

If requested and otherwise approved as part of a PUD application, the City may reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70.

Section 4. Subsection (10)(a) of Section 9.9700 of the Eugene Code, 1971, is amended to provide:

9.9700 Willakenzie Area Plan Policies.

(10) Land Use Element – North Region, Coburg/Crescent Subarea.

- (a) The City shall recognize the area south of Crescent Avenue north of and west of Shadow View Drive, as depicted on Inset Map D as "Summer Oaks – Crescent Center" as appropriate for the expansion of Neighborhood and Community Commercial development. The Neighborhood Commercial portion of Summer Oaks – Crescent Center shall not exceed 7 acres in size. Uses in the neighborhood commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. The Community Commercial portion of Summer Oaks – Crescent

Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development overlays. Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks – Crescent Center to vary from the previously approved uses, provided that the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.

If requested and otherwise approved as part of a PUD application, the City may reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70. (Policy 2)

Section 5. The findings set forth in the attached Exhibit A are adopted as findings in support of this Ordinance.

Section 6. 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.

Passed by the City Council this

22nd day of October, 2007

City Recorder

Approved by the Mayor this

____ day of October, 2007

Mayor

Findings

September 17, 2007

Summer Oaks Crescent Center (RA 06-4, Z 06-24, CA 07-1) Refinement Plan Map and Text Amendments, Zone Change, Land Use Code Amendment

Refinement Plan Amendment Approval Criteria

The Eugene Code requires that a refinement plan amendment be consistent with **Eugene Code (EC) Sections 9.8424(1) and EC 9.8424(2)**. The proposal is found to be consistent with approval criteria at EC 9.8424(2) and EC 9.8424(1). Findings relative to the amendment criteria (with criteria in *bold italics*) are presented below.

Consistency with EC 9.8424(1)

EC 9.8424(1) requires that the refinement plan amendment be consistent with all of the following:

- (a) *Statewide planning goals;*
- (b) *Applicable provisions of the Metro Plan*
- (c) *Remaining portions of the refinement plan.*

The proposal is not found to be consistent with refinement plan amendment criteria in EC 9.8424(1). Staff findings relative to the amendment criteria (with criteria in *bold italics*) are presented below.

A. Consistency with Statewide Planning Goals

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.*

In its land use code, the City has State-acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and that set out requirements for such involvement. The proposed action does not amend these citizen involvement provisions. The process for reviewing the proposed amendment complies with Goal 1 since it complies with, and surpasses the requirements of, the State-acknowledged citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a City of Eugene Planning Commission public hearing on August 14, 2007. On December 12, 2006, the City mailed notice of the proposed plan amendments and zone change to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referral comments were requested on June 8, 2007. Referrals were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments, consistent with the Eugene Code. On June

29, 2007, notice of the Planning Commission public hearing was mailed to the applicant, and owners and occupants of property in the area, the Cal Young Neighborhood Association, and other interested parties who requested notice, in accordance with the Eugene Code. On June 29, 2007, notice was also posted in accordance with EC 9.7415(5). On July 11, 2007, 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 to the public at Planning and Development Department offices. An additional public hearing before the Eugene City Council will be scheduled following Planning Commission action. Notice to interested and affected parties will be provided for that hearing. The process for adopting this amendment is consistent with 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 the 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 the proposed 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 this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

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

Goal 3 is not applicable to this amendment 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 its acknowledged urban growth boundary, Goal 3 is not relevant and the amendment does 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 this amendment as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries; therefore it does not apply to the subject property, which is within Eugene's UGB (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendment does 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.*

OAR 660-023-0250 does not require local governments to apply Goal 5 in consideration of a post acknowledgement plan amendment (PAPA) unless the PAPA affects a Goal 5 resource. The subject property does not include any Goal 5 resource site. The proposed amendment does not create or

amend a list of Goal 5 resources, does 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 does not amend the acknowledged Urban Growth Boundary. Therefore, the proposed amendment is consistent with Statewide Planning 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. Therefore, the amendment is 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, land slides, earthquakes and related hazards, tsunamis and wildfires. The subject property is relatively flat in the midst of an urban area, and is not located within known areas of natural disasters or hazards. The subject property is outside the FEMA 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, this amendment is 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. There are no public or private recreational facilities on or adjacent to the subject site. Therefore, the proposed amendment will not impact the provision of recreational facilities, nor will it affect access to existing or future recreational facilities. Therefore, the amendment is 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 proposed amendment would change the property's plan designation from one that supports limited commercial use (Neighborhood Commercial) to another that supports a wider range of commercial uses (Community Commercial). Both designations would also allow a range of commercial uses. However, a C-2 zoning would allow for a wider range of uses. A zone change from one type of commercial zoning to another will not affect the supply of commercial land. The proposed reduction in Floor Area Ratio may further local goals for economic development by accommodating a wider range of commercial development in a wider variety of design, layout and intensity. As discussed in Section EC 9.8865(2) below, the proposed amendment is also consistent with several policies in the Eugene Commercial Lands Study (1992).

The Metropolitan Industrial Lands Special Study (1991) addresses the industrial land supply. Lands considered available for industrial uses are typically those which have an Industrial plan designation. The subject site does not have an Industrial designation, and has been zoned Commercial since 1992. Therefore, the proposed plan amendment would have no effect on the supply of available industrial land as predicted by the Industrial Lands Special Study. Based on this, the proposed amendment is 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 property affected by the proposed amendments was designated in the 1992 Willakenzie Area Plan as commercial, and was not included in the supply of land available for residential development, as documented in the adopted 1999 Residential Lands and Housing Study (Ordinance No. 20159, 1999). Therefore, changing the land use designation from residential uses will not affect the adopted residential lands inventory. A refinement plan amendment and subsequent zone change to C-2/Community Commercial could provide opportunities to add to the housing supply, by accommodating high density residential development. Based on fact that the amendment would have no effect on the adopted residential land supply, the proposed amendment is 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.*

The subject parcels are located within a partially developed commercial area. Adequate access to the City's stormwater system, public wastewater lines, water and power are available to the site. The existing level of public facilities and service is adequate to serve the needs of existing and future development. The provision of this amendment does not affect the planning or development of future public facilities or services. Therefore, the amendment is consistent with Statewide Planning Goal 11.

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

Several streets border the site affected by the proposed amendments. Those streets are Crescent Avenue to the north; Chad Drive to the south; and Suzanne Way, connecting Crescent and Chad, and Coburg Road to the west. Crescent Avenue is classified as a Minor Arterial, and Chad Drive as a Major Collector on the City of Eugene Street Classification Map, adopted in 1999. Suzanne Way is a private street. All streets are fully improved.

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 states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility, the local government must put in place measures to assure that the allowed land uses are consistent with the function, capacity and performance standards of those transportation facilities.

Pursuant to OAR 660-012-0060(1), the TPR requires a determination of which transportation facilities will experience a significant effect as a result of the proposed plan amendment, and defines what constitutes a significant effect. A plan amendment is considered to significantly affect a transportation facility if, for example, the amendment will reduce the performance of the transportation facility below

the minimum acceptable performance standard (often described in terms of Level of Service standards or volume/capacity ratios). If a local government determines that an amendment would significantly affect a transportation facility, the local government must put in place measures to assure that the allowed land uses are consistent with the identified "function, capacity and performance standards" of the facility (OAR 660-012-0060(1)). An example of such a measure is conditioning approval on the construction of a minor street improvement.

The applicant's March 8, 2007, Traffic Impact Analysis (TIA) provided the traffic levels that would be generated by the uses in the approved PUD for Summer Oaks-Crescent Center and the traffic levels that the applicant anticipated would be generated by the land uses that the applicant would like to establish on the site. (Original TIA is dated January 4, 2001, revised February 21, 2001.) Regarding traffic generation estimations based on the approved PUD, the applicant's TIA provided traffic data for a 4-story, 80,000 s.f. office building and a 6,000 s.f. restaurant on the portion of the PUD site that is the subject of this application.¹

In response to staff's request for additional information, on August 9, 2007, the applicant submitted a supplemental TIA. The August 9 TIA provided a comparison of "worst case" scenarios under the existing C-1 designation and the proposed C-2 designation, and included data on existing levels of service (LOS) for nearby streets, and how those levels may be affected by traffic generated by allowable uses if the amendments and zone change were approved. All of the traffic impact data in the applicant's supplemental TIA relates to traffic conditions 2008. Based on the analyses in the TIA, the number of PM peak hour trips in 2008 if the site is developed under the current PUD approval (which could occur without the proposed amendments and zone change) ranges from 234 to 322. The number of PM peak hour trips anticipated in a worst case scenario under the existing C-1 zone and plan designation is 714. The traffic generated by the proposed C-2 designation is anticipated to be 1,196 PM peak hour trips. Pursuant to Table 6 of the applicant's supplemental TIA, in 2008 the proposed amendment would significantly effect a transportation facility (Crescent Avenue at Coburg Road). The applicant provides that "the proposed amendments will have a significant effect on the transportation system at the beginning of the planning period and thus at the end of the planning period."

To mitigate the proposed amendment's significant affect on the transportation facility the applicant proposes that the land use density and designation be required to limit the total number of PM peak hour trips, as measured by the ITE Trip Generation Manual, so as not to exceed the number of PM peak hour trips expected under the reasonable worst case under the existing C-1 zoning. Specifically, the applicant proposes a trip cap of 1588 daily trips and 213 PM peak hour trips on future uses of the site to mitigate the effect of the proposed amendment on the impacted transportation facilities.² The proposed trip cap reduces the number of trips to an amount less than is currently allowed under the existing C-1 zone. Accordingly, it is reasonable to conclude that the net effect of the proposed plan amendment and zone change with the trip cap will result in an overall reduction in the total number of trips on the surrounding transportation facilities; thus, with the trip cap, the allowed land uses would be

¹ The PUD for Summer Oaks-Crescent Center approval is currently in effect and governs development on this site. All new uses proposed for the site will be required to comply with the existing PUD; any significant change will require a new PUD. The proposed zone change to C-2 would accommodate the property owners' plans for a new extended stay hotel of approx. 100,000 s.f. (139 units), and a catering business of approx. 15,000 s.f., with 10,000 s.f. of office and 5,000 s.f. of specialty retail.

² The applicant's new desired uses for the site (hotel and catering business, etc.) are expected to generate up to 300 fewer daily vehicle trips than the approved PUD, and up to 27 fewer during the PM peak hour, with an expected 213 PM peak hour trips. While these uses were the basis for the applicant's proposed trip cap, the trip cap would apply to any future uses on the site.

consistent with the identified function, capacity and performance standards of the impacted transportation facilities.

The proposed reduction in Floor Area Ratio, as the applicant proposes, does not change the trip generation estimates or compliance with TPR, as the estimates are based on a rate-per unit that is multiplied by the size/scale of the proposed use, using scenarios with equal Floor Area Ratio.

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

The proposed plan amendment does not specifically impact energy conservation. Therefore, 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 amendment does not affect the transition from rural to urban land use, as the subject property is already within the City 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.

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

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

B. Consistency with applicable provisions of the Metro Plan

(1) Nodal Development Designation

"Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented."

The Metro Plan Diagram shows the subject site within a nodal development area. The above Plan description of nodal development areas is implemented through the /ND Nodal Development overlay zone in the Eugene Land Use Code, which the applicant also proposed to maintain. The Willakenzie Area Plan land use diagram established a nodal development overlay zone for the Crescent Avenue Nodal Development Area (including the subject site and Crescent Village to the north). The applicant proposes to maintain the area's /ND overlay zone. The proposal to change the refinement plan designation and zoning of the property is consistent with the Metro Plan's description of nodal development areas.

In fact, the proposed zone change to C-2 would make it possible for the applicant to seek approval for a greater range of uses on the site. With an amendment to the existing PUD and within the confines of the proposed trip cap, the C-2 zoning could allow the applicant to develop uses that provide more concentrated employment centers, such as large office buildings, and uses that provide a wider range of commercial services, such as a large retail establishment, uses allowed in a C-2 zone, but not in C-1. Both the C-1 and C-2 zones allow a mix of uses, such as higher density residential development mixed with neighborhood commercial uses on the ground floor. However, the C-2 zone could accommodate higher density residential development, given the height limit in C-1 of 35 feet. This flexibility in the range and mix of uses can potentially further the goals of nodal development. The proposed reduction in FAR is a moderate reduction from a high FAR. The allowance of a lower FAR for these two parcels is not inconsistent with nodal development as described in the Metro Plan.

The proposal is consistent with this Metro Plan provision. The findings related to consistency of the proposal with the Willakenzie Refinement Plan in Section EC 9.8424(1)(c), and consistency with the nodal development area designation in Section EC 9.8424(2)(c), below, apply to consistency with the Metro Plan, and are also incorporated herein by reference.

(2) Commercial Designation

The Metro Plan Diagram designates the subject site as Commercial, without the cross-hatching that would indicate a "major retail center." The size and location of the site are not appropriate for a major retail center. The Community Commercial designation is intended for more intensive commercial activities, but less intensive than major retail centers. If the requested zone change were approved, approximately 4 acres within Summer Oaks – Crescent Center would be Community Commercial, and approximately 6 acres Neighborhood Commercial.

Neighborhood Commercial areas are not shown on the Metro Plan land use diagram, but are typically indicated in local refinement plans or special area plans. Neighborhood Commercial areas are intended to be "oriented to the day-to-day needs of the neighborhood served..." and characterized by convenience goods and personal services. Neighborhood Commercial sites "...shall be no more than five acres, including existing commercial development. The exact size shall depend on the numbers of establishments associated with the center of the population to be served" (Metro Plan II-G-4). The subject property is in a C-1 zoned area that is over 10 acres in size. Approval of the requested zone change would retain approximately 3 acres of neighborhood commercial areas along the south side of Crescent Avenue, and approximately 3 acres zoned Neighborhood Commercial west of the site, bringing remaining C-1-zoned areas closer to the Metro Plan's 5-acre size threshold. The proposal is consistent with the Metro Plan provisions.

C. Consistency with remaining portions of the refinement plan

The Willakenzie Area Plan (WAP) is the applicable refinement plan for this proposal. Approval of the request would amend WAP policies to add language specific to the site, and would amend the designation of the site on Inset Map D of the Coburg/Crescent Subarea of the WAP from Neighborhood Commercial to Community Commercial.

Willakenzie Area Plan Land Use Policies:

- 2.2 *Apply the /SR Site Review suffix to all parcels zoned or designated for C-1 Neighborhood Commercial or C-2 General Commercial development in the Willakenzie planning area, using the Willakenzie Commercial Siting and Development Guidelines as the review criteria. These guidelines will be used to evaluate commercial development and redevelopment proposals until such time as the City adopts citywide commercial development standards or guidelines.***

The site currently has the /SR overlay, which the applicant proposes to retain. The Site Review process involves a land use application with public notice and opportunity for appeal, that includes consideration of adopted refinement plan policies in the decision. In addition, new citywide commercial standards have been adopted that also address neighborhood compatibility and other design goals. The proposed amendments and zone change are consistent with Policy 2.2.

- 5. *Site review procedures or special development standards shall be considered for properties which abut or face one another, when the uses permitted on those properties are potentially incompatible.***

The change from C-1 to a C-2 zoning increases the potential for higher intensity commercial uses that may not be compatible with the adjacent neighborhood commercial areas. While the /ND overlay prohibits auto-oriented uses, it does not prevent other, potentially incompatible C-2-type uses. Approval processes such as Site Review or Planned Unit Development procedures can address most design and compatibility issues, such as building locations, bulk and height, pedestrian circulation, and screening. The PUD process further allows the flexibility to adjust development standards (subject to compliance with applicable refinement plan policies and a public hearing process) to better address particular site issues, such as compatibility or, in the case of the applicant's proposal, a reduced Floor Area Ratio.

Like many other parcels within the Crescent Avenue Nodal Development area, the site currently has the Site Review overlay zone. It does not currently have the Planned Unit Development overlay zone. However, the approved PUD currently in effect for Summer Oaks-Crescent Center was originally initiated by the property owner and, now that a PUD has been approved, any significant change to that approval will require a new PUD. The applicant proposes new policy language that would allow variation from the approved PUD, provided that traffic volumes are limited to a specified number, and that the proposed uses and impacts are reviewed through a PUD process. The PUD process is an appropriate process for reviewing traffic and other impacts in a comprehensive manner. Along with the Site Review Process, the Planned Unit Development review process will help ensure that the that future C-2-type development will be compatible with surrounding development. With these provisions, the requested amendments and zone change are consistent with this policy.

- 7. *Mixed-use developments that combine living, working, and shopping opportunities shall be encouraged in the study area.***

Mixed use developments can be accommodated in both C-1 and C-2 zones currently available throughout the sub-area and the Crescent Avenue Nodal Development area, such as within Crescent Village to the north, the C-1-zoned area along Coburg near Kinney Loop, and along Crescent Avenue (2.72 acres). This policy applies to the broader Coburg-Crescent subarea, and does not specify that mixed uses should be located or encouraged within Summer Oaks-Crescent Village. Nonetheless, a C-2/Community Commercial designation of approximately 4 acres at Summer Oaks-Crescent Center can support mixed use development by allowing a

wide range of uses such as commercial, office and high density residential. A Floor Area Ratio of .70 rather than 1.0 does not preclude mixed-use development (see also discussion under EC 9.8424(2)(b), below). Based on this, the requested amendments and zone change are consistent with Policy 7.

Willakenzie Area Plan General Commercial and Industrial Policies:

3. *Encourage the consolidation of parking lots, development of joint access, and use of access controls on commercial and industrial development.*

The existing, approved Summer Oaks-Crescent Center planned development/site review agreement includes the establishment of joint access to parking areas. The proposed change to C-2 zoning and Floor Area Ratio reduction will not preclude the consolidation of parking lots and shared access. The Site Review or PUD approval process will require that any future development proposals address efficient, functional layout of parking areas and pedestrian and bicycle circulation. The proposed amendment is consistent with this policy.

Willakenzie Area Plan Coburg/Crescent Subarea Policies:

2. *The City shall recognize the area south of Crescent Avenue and west of Shadow View Drive, as depicted on the Willakenzie Land Use Diagram (and as refined by Inset Map D) as appropriate for the expansion of Neighborhood Commercial development. The Neighborhood Commercial site shall not exceed 10 acres in size. Uses in this commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. (Policy 2, page 64.)*

This policy is specific to the subject site, and is the policy proposed to be changed. The proposed language (see page 19, below) would provide the policy basis for rezoning a portion of Summer Oaks-Crescent Center from C-1 to C-2, and for reducing the Floor Area Ratio from 1.0 to .70. The existing policy is included here for reference only. The amendment criteria do not require consistency with the policy being changed, but with remaining policies. While the adopted refinement plan map specifically identified the subject site as appropriate for Neighborhood Commercial and not appropriate, at the time, for Community Commercial, it should be noted that this policy does not specifically prohibit a reduction in the size of the Neighborhood Commercial area. (Please see other sections below for further discussion of the proposed amendment.)

7. *The City shall encourage the development of commercial uses which provide direct services to employees and residents of the surrounding areas. Examples include restaurants, financial institutions, day-care centers, health clubs, grocery stores, delicatessens, drug stores, and recreational facilities...*

The current C-1/Neighborhood Commercial designation for the site was intended to encourage uses that are "*oriented to the day-to-day needs of the neighborhood served... and characterized by convenience goods and personal services*" (Purpose of neighborhood commercial, Metro Plan II-G-4). Providing uses that serve the neighborhood also helps reduce reliance on the automobile, a goal of nodal development. Retaining the current zoning can encourage uses that provide direct services to employees and residents of the surrounding area, rather than drawing on a larger base needed by some C-2/community commercial uses. In addition, the C-1 zone contains size limits (5,000 s.f.) for retail uses that promote small

businesses. Such small businesses, such as a shoe repair shop, delicatessen, or hair salon, are likely to be locally-owned, to support, and be supported by neighboring residences and employment centers. Certain large, C-2-type uses may not provide direct services to the area, and can even supplant smaller businesses. In addition, certain C-2 uses by virtue of their intensity and scale are potentially incompatible with surrounding neighborhood commercial uses. For example, the height limit in C-1 is 35 feet, as compared to 120 feet in C-2.

The owners' planned extended stay hotel and catering business are not allowed in the C-1 zone. Both are too large for the current C-1 size limit of 5,000 s.f., and the "small business incentives" in C-1 that allows up to 10,000 s.f. if the Floor Area Ratio is at least .65. A hotel is excluded from the list of allowed uses in C-1, presumably because it typically draws from a more regional base, and rarely provides direct services to the neighborhood. However, an extended stay hotel may be a better "fit" than other types of lodging in a neighborhood commercial/nodal development area. These types of hotels generally see an average stay of 1 to 2 weeks, and typically do not provide on-site services. As a result, extended stay hotel "residents" are more likely to use and support neighboring services, such as gyms, grocery stores (to supply kitchenettes), and specialty retail shops. In addition, as the applicant points out, an extended stay hotel can serve the residents of the area by providing lodging for visiting family within walking distance of high density residential areas. The planned catering business is on the scale of a wholesale distributor (the category used in the submitted Traffic Impact Analysis), will have very few employees, and very little direct exchange with the local neighborhood. It should be noted that the current PUD approval already allows a 6,000 s.f. restaurant on Lot 4 and an 80,000 s.f. office building on Lot 5. Notwithstanding the owners' development plans, it must be assumed that, if the plan amendment and zone change are approved, other more or less compatible C-2 uses may occur on the site.

A C-2/Community Commercial designation can provide for a wider range of uses, a wider range of services, more dense employment and residential centers, and higher development densities than can be achieved through C-1 zoning. Most of the uses allowed in C-2 can provide the "direct services" anticipated by this policy. In addition, most uses allowed in the C-2 zone are not inherently incompatible with Neighborhood Commercial, a concern that arises usually because of their design or scale. Special development standards, such as required in Site Review or a PUD process, can address most issues of scale, form, character and relationship to surrounding uses. The Site Review process is already required for this site, as noted in the discussion under EC 9.8424(1)(c), Policy 5, above. Further, in order to implement the requested reduction in Floor Area Ratio, a PUD process will also be required by the proposed policy language.

While the owners' planned uses may not further the above policy, these and other C-2 uses are not necessarily inconsistent with it. Policy 7 is "aspirational," in the sense that it uses the term "encourage" as opposed to mandating compliance with clear and objective standards. Another reason that C-2/Community Commercial designation does not conflict with Policy 7 is that this policy does not specify that neighborhood commercial uses must be located within Summer Oaks-Crescent Center. The policy applies to the Coburg-Crescent subarea, which includes almost all of the nodal development area. As is typical for a nodal development area, the Crescent Avenue Nodal Development Area provides a mix of C-1 and C-2 zoning. Within the node, uses that provide neighborhood commercial services are provided elsewhere, in the Neighborhood Commercial area along Coburg near Kinney Loop, and the remaining Neighborhood Commercial area within Summer Oaks-Crescent Center (2.72 acres along Crescent, plus approximately 3 acres already developed with office uses). In addition

to these areas, Crescent Village to the north of the site is being developed as a mixed use center intended for neighborhood commercial uses, community commercial uses (a grocery store), and high density residential development. Although there is not an area specifically zoned C-1/Neighborhood Commercial in Crescent Village, neighborhood commercial-type uses are included in the development plans. For these reasons, a Neighborhood Commercial designation may no longer be necessary or desirable at the subject site.

There is a potential that the site could be developed with some C-2/Community Commercial uses that are much more intense than what was ever anticipated for the area in the Coburg-Crescent Sub-Area policies. However, there are several limiting factors that reduce the likelihood of that. First is the relatively small size of the development site (3.11 acres and 1.02 acres, for approx. 4 acres total). Parcel size and the /ND overlay zone would prohibit "big box" retail and many higher-impact C-2 uses retail. The proposal adds trip cap language that limits the intensity of any future uses. Also, the Site Review overlay zone (and additional Planned Unit Development review) and new commercial development standards (at EC 9.2170) would require that development on the site be designed to be compatible with surrounding uses, and address such design issues as scale, bulk, and circulation patterns.

The application includes proposed policy language that would allow C-2 uses with a "trip cap." The proposed trip cap helps limit intensity of possible uses that might be incompatible (see also discussion under Section EC 9.8424(1)(a) above, Statewide Goal 12 findings). However, relatively minor changes to the proposed policy are recommended. First, the proposed language is too broad, in that it requires the City to allow development (of any use, scale, character, etc.) so long as it does not exceed a certain trip cap. Traffic impacts/development intensities are not the only PUD approval criteria. Where possible, refinement plan language should avoid mandating approval of specific details that are the subject of separate, discretionary land use permits and additional public review processes, so the terms "the City shall approve..." should be revised to "the City may approve..." Also, any significant change to the approved PUD will require a new PUD, so the relationship of future C-2 uses to the previously approved 80,000 & 6,000 s.f. uses would no longer be relevant as a refinement plan policy. The reference may be removed without affecting the validity of a trip cap. Recommended, revised policy language would help clarify the intent and applicability of the proposed limits on future uses (see page 19).

Rezoning the site to C-2/Community Commercial does not preclude various C-1 uses or uses that provide for the day-to-day needs of residents and employees. A C-2 zone would provide more flexibility in uses, allowing a range of housing and commercial uses that can provide direct services. However, certain C-2 uses might be incompatible with the intent of the Policy 7. The proposed amendments, including revised policy language (as revised below on page 19) that accommodates a range of C-2 uses while limiting intensity and impacts through a "trip cap," would be consistent with this policy. The proposed FAR reduction does not conflict with Policy 7.

Consistency with EC 9.8424(2)

The refinement plan amendment addresses one or more of the following:

- (a) An error in the publication of the refinement plan.*
- (b) New inventory material which relates to a statewide planning goal.*

- (c) *New or amended community policies.*
- (d) *New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.*
- (e) *A change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.*

As discussed below, the plan amendment is consistent with approval criterion EC 9.8424(2), specifically, both subsections (c) and (e) above.

(c) New or amended community policies.

1. Adoption of Nodal Development Overlay Zone.

The site was designated C-1/Neighborhood Commercial in the 1992 Willakenzie Area Plan (WAP). Subsequent to the C-1 commercial zoning of the site, the Nodal Development overlay zone was also adopted for the Crescent Avenue Nodal Development Area (including the subject site and Crescent Village to the north). The WAP land use diagram implements this nodal development area. The purpose of the nodal development area, as stated in adopted Metro Plan provisions and the Eugene Land Use Code is as follows:

"Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian- and transit-oriented"(Metro Plan II-G-8).

"The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations..."(EC 9.4250).

Several Metro Plan policies direct local jurisdictions to designate nodal development areas. The key Metro Plan policy related to nodal development, applicable to the current request is:

F.3 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 1/4 mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

Comparison of C-1/Neighborhood Commercial to C-2/Community Commercial

One of the primary purposes of the Nodal Development (ND) overlay zone was to prevent incompatible development, such as "big box" retail and auto-oriented uses, until more specific area plans could be adopted. One of the standards specified in the ND overlay zone states: "No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area...." (EC 9.4280(2)(b)). While the proposed change to C-2/Community Commercial might allow intensive C-2-type uses, the "big box" otherwise allowed in a C-2 zone would not be allowed at this site, due to the size limit in the ND overlay. In addition, proposed policy language includes a trip cap that would preclude big box retail and similar uses. While the ND overlay zone specifically restricts only auto-oriented uses, it does not itself prohibit hotels, catering services or similar community commercial uses.

The proposed change to Community Commercial would allow a greater range of uses than Neighborhood Commercial, uses that might concentrate more residential uses, employment and services in the area. For example, high density residential development with neighborhood commercial uses on the ground floor is an appropriate mixed use in nodal development areas. However, the 35-foot height limit in C-1 may make it more difficult to achieve the multiple story development required to achieve the most efficient use of land in an urban area. The flexibility of a Community Commercial designation to accommodate a wider range of uses and development intensities than Neighborhood Commercial potentially provides more flexibility to respond to market changes and to surrounding growth, which can further the goals of nodal development.

Floor Area Ratio (FAR) Reduction

The ND overlay zone established the FAR of 1.0 for the area after the approval of the original PUD. An FAR of 1.0 is required whether the zone is C-1 or C-2. This new FAR requirement does not apply to the approved PUD, but would be triggered by a new PUD. The owners' planned extended stay hotel would have an FAR of .89; however, other uses would have a lower FAR. The applicant proposes a minimum site FAR of .70. The applicant maintains that an FAR of 1.0 is not feasible for a hotel or many other commercial uses. According to the applicant, alternative designs for the site were explored in an attempt to meet 1.0 FAR; however, even adding another story to the hotel did not meet 1.0 FAR, due to requirements for parking and circulation. As a comparison, the uses approved in the PUD prior to adoption of the ND overlay zone have an approximate FAR of .69. Notwithstanding the owners' immediate development plans, the .70 FAR, if approved, would apply to other C-2-type development on the site.

Generally, the higher the FAR, the more compact urban development can be achieved. A relatively high FAR generally furthers the goals of the ND overlay zone, and mixed-use, compact urban development. A moderately high FAR of .70 as proposed, does not necessarily prevent efficient development patterns. Moreover, the 5,000 s.f. size limit and 35-foot height limit in C-1 may hinder efforts to reach 1.0 FAR. Coupled with a C-2/Community Commercial designation, which allows taller and larger buildings than C-1/Neighborhood Commercial, a FAR of .7 may accommodate more dense urban development on the site than a 1.0 FAR with C-1 zoning.

The proposed amendments and FAR reduction would not be inconsistent with the purpose of the Crescent Avenue Nodal Development area established in the Willakenzie Area Plan. Based on the discussion above, the request meets this approval criterion.

2. New policies have been adopted for the Nodal Development Area.

In 2003, the City Council amended WAP policies for the Crescent Avenue Nodal Development Area that were intended to facilitate development of Crescent Village (north of the subject parcels) into a mixed use center. Adopted policies establish zoning that allows commercial, office, mixed use commercial and high density residential uses for this 40-acre site. Neighborhood commercial-type uses are allowed within the various zoning designations on the site, along with relatively large, intensive commercial uses, such as a 100,000 s.f. office building and a 50,000 s.f. grocery store. As part of the plan amendment process, the property owner requested, and obtained, a provision for reducing the Floor Area Ratio (FAR) from 1.0 to .40 in commercial areas in Crescent Village. However, adopted refinement plan policy language for Crescent Center allows variation from approved PUD uses and the FAR reduction only with a "trip cap," and only through the PUD approval process. The current request is similar to, and consistent with this precedent.

Since the adoption of these new policies, the City has approved a PUD for Crescent Village. This will result in a significant increase in the amount of neighborhood commercial-type uses (now under construction) in the nodal development area. The proposal to change approximately 4 acres in Summer Oaks-Crescent Center to C-2/Community Commercial is not likely to prevent the development of uses that serve the direct needs of area employees and residents, as most of that role is now being fulfilled by Crescent Village. As a FAR of .4 was approved for all commercial-zoned areas within Crescent Village, presumably to facilitate mixed use development, a FAR of .7 for approximately 4 acres within the node would be consistent with this precedent.

(e) A change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

The WAP established the C-1/Neighborhood Commercial designation for the site. Since then, the Metro Plan and Willakenzie Area Plan have been amended to apply the Nodal Development Overlay to this site and others, and other nodal development areas are now being developed.

The ND overlay zone does not prescribe the mix of uses or zones, and has minimal development standards. As a result, implementation of nodal development has been primarily through special area plans that prescribe uses and standards. Special area plans have been developed for 2 nodes (now zoned "Special Area Zone"), Chase Village and Royal Node. As a comparison to the current request, both Chase Node and Royal Node allow community commercial-type uses. Neither allow hotels, even in commercial zones. Bed & Breakfast establishments are allowed, subject to size limits. A catering service is allowed in both nodes. However, in both nodes, the size of commercial uses is limited: up to 20,000 s.f. for retail uses in Chase Node and 30,000 for any individual business in Royal Node (compared to approx. 15,000 s.f. and 100,000 s.f. proposed in current request, and 80,000 s.f. already approved for the site). Clearly, large, high-intensity commercial uses were not seen as appropriate uses in these other nodes. However, the character, location and surrounding uses of the Crescent Avenue Nodal Development Area, may warrant a different mix of uses. For example, remaining undeveloped areas within the Crescent Avenue area may be more suitable for providing intensive employment areas, being located within a 1/2 mile of the freeway on/off ramps, and surrounded by a large area of campus industrial uses.

During the development of the Chase Node plan, FAR minimums were considered and, ultimately, not adopted. At the time, it was believed that a 1.0 FAR was not possible for the types of uses anticipated for Chase Node, such as a grocery store and high density residential development, particularly given the parking requirements; and the standard was not easy to regulate where development was to be phased in over time. Alternatively, there are standards that establish minimum residential densities, and building heights of at least 2 floors in certain areas. Maximum building heights are 50 feet in commercial areas, or 120 feet in mixed use areas. The Royal Node special area plan sets building height limits of 50 feet in commercial and mixed use areas, and established a minimum FAR of .50 for stand-alone commercial uses. An FAR of .4 or .5 is not unreasonable outside of the downtown. In the C-1 zone's "small business incentive," the individual business size limit may be increased to 10,000 s.f., provided it meets an FAR of .65.

As another comparison, Crescent Village to the north of the site is being developed as a mixed use center intended for neighborhood commercial uses, community commercial uses (a grocery store), and high density residential development. Much of this is now constructed or under construction. Crescent Village policy language adopted in the WAP allowed a significant reduction in FAR to .40. Testimony during that refinement plan amendment indicated that it was difficult to achieve FAR 1.0 without cost-prohibitive structured/underground parking, due to code requirements for parking, landscaping, setbacks, etc. Although this argument was based on assumptions for a mix of GO, C-2 and R4 uses for a much larger site, some reduction in FAR may be appropriate for similar reasons for the Summer Oaks-Crescent Center site.

The proposed amendments, zone change and FAR reduction are generally consistent with the types of zoning and FAR levels seen in other mixed uses/nodal development areas.

Zone Change Approval Criteria

The proposal is to rezone the subject property from the existing zoning of C-1/SR/ND, Neighborhood Commercial zone with Site Review and Nodal Development overlay to C-2/SR/ND, Community Commercial zone with Site Review and Nodal Development overlay. The proposal is found to be consistent with the zone change approval criteria. Findings relative to the amendment criteria (with criteria in ***bold italics***) are presented below.

Compliance with EC 9.8865

EC 9.8865 requires that the zone change meet the following criteria:

- (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.***
- (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.***
- (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.***
- (4) ***The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in: (a) EC 9.2150 Commercial Zone Siting Requirements.***
- (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.***

(1) Consistency with applicable provisions of the Metro Plan

Approval of the zone change is dependent upon approval of the refinement plan diagram and map amendment (discussed above). The findings related to consistency with the Metro Plan under EC 9.8424(1)(b) above, are incorporated herein by reference.

(2) Consistency with applicable adopted refinement plans

Willakenzie Area Plan:

Approval of the zone change is dependent upon approval of the refinement plan diagram and map amendment (discussed above). The findings related to consistency with the Willakenzie Area Plan (refinement plan) under EC 9.8424(1) above, are incorporated herein by reference.

Other applicable refinement plans:

The 1992 Eugene Commercial Lands Study (ECLS) contains policies related to commercial and neighborhood commercial zoning. It contains one policy specifically related to the Willakenzie area. These policies are discussed below.

11.0 Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers.

The proposed amendment to allow a wider range of commercial uses would encourage commercial development in an existing commercial area rather than in outlying major retail centers. Further, its relatively small size (approx. 4 acres) is typically too small to support a regional retail center. The proposal is consistent with Policy 11 of ECLS.

16.0 Take steps to address the underlying goal in the Metro Plan to have viable neighborhood commercial uses that meet the needs of nearby residents and reduce the use of the automobile.

This policy has been implemented citywide in a number of ways, particularly through the creation of nodal development areas. Within the Crescent Avenue Nodal Development area, a significant amount of commercial, office and residential development is now in place, which serves the residents of the area. A zone change to C-2 for approximately 4 acres within the node is not likely to affect the viability of providing for such uses throughout the node. The proposal is consistent with Policy 16 of the ECLS.

18.0 Identify appropriate areas within the Willakenzie subarea to accommodate office development and address neighborhood commercial needs. In identifying commercial sites, evaluate impacts on traffic patterns and surrounding land uses.

18.1. Consider the following new C-1 Neighborhood Commercial sites:

- a. About 3 acres in size, at the southwest corner of Willagillespie and Clinton;*
- b. About 5 acres in size, along the south side of Willakenzie, west of the Sheldon Plaza Center. Also consider expansion of General Office zoning west of Sheldon Plaza, north of Cal Young Road;*
- c. About 10 acres in size, south of the future extension of Crescent, and west of the future Shadow View Drive;*
- d. Expansion of the existing neighborhood commercial site near the northerly intersection of Coburg Road and County Farm Loop to include a total of about 13 acres; and*

e. *About 5 acres in size, on the north side of Ayers Road, west of Gilham Road.*

This policy was implemented through the adoption of C-1 zoning for Summer Oaks -Crescent Center. While implementation Strategy 18.1 suggests consideration of a Neighborhood Commercial area size of 10 acres, the adopted policy does not require that these specific acreages be zoned for Neighborhood Commercial. Approval of the request would leave an area of Neighborhood Commercial zoning along Crescent Ave of approximately 3 acres. In addition, office development and neighborhood commercial developments are provided in other areas within the nodal development area. The proposal is not inconsistent with Policy 18 of the ECLS.

23.0 *Foster the development of attractive and functional commercial areas that not only increase property values, but enhance Eugene's reputation as a pleasant, productive and attractive community in which to live or do business. Recognize that innovative building designs and neighborhood-enhancing streetscapes....are key factors in the success of such developments.*

A C-2 zoning for the subject parcels is as likely as a C-1 zoning to contribute to attractive and functional commercial areas. The application of an overlay zone that requires design review, such as Site Review Overlay or PUD overlay, and adopted commercial development standards will help ensure that future proposed development is attractive, functional and compatible with the neighborhood. The proposal is consistent with Policy 16 of the ECLS.

(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.*

The following key urban facilities and services, as defined in the Metro Plan, are currently available to the subject property, or can be extended in an orderly and efficient manner to serve future development: wastewater service, stormwater service, transportation, solid waste management, water service, 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. Details related to how/when/where those facilities and services are provided remain to be resolved in the context of any future development proposal. In regards to transportation, the findings under EC 9.8424(1), under Statewide Planning Goal 12, above, are incorporated herein by reference.

(4) *The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:* (a) EC 9.2150 Commercial Zone Siting Requirements.

The commercial zone siting requirements at EC 9.2150 only affect properties proposed for C-1 or C-4 zoning. There are no siting requirements in the Eugene Code for overlay zones. The proposed zone change is consistent with this criterion.

(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 above criterion is not applicable, as the proposed zone change does not include application of the NR zone.

Code Amendment Approval Criteria

The proposal is to amend the Eugene Land Use Code 9.9700 to incorporate new policy language resulting from the Willakenzie Area Plan amendment (described above), which would support a Community Commercial designation and Floor Area Ratio of .70 for the site. Incorporating policy language into this section of the Eugene Land Use Code allows the application of those policies to Site Review applications, subdivisions and partitions.

Consistency with EC 9.8065

The code amendment approval criteria are set forth in Eugene Code Section 9.8065. Eugene Code Section EC 9.8065(1) requires that the code amendment be consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission. Eugene Code Section EC 9.8065(2) requires that the refinement plan amendment be consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The proposal is found to be consistent with code amendment approval criteria. Findings relative to the amendment criteria (with criteria in *bold italics*) are presented below.

(1) Consistency with applicable Statewide Planning Goals

The findings related to consistency with applicable Statewide Planning Goals under EC 9.8424(1)(a) above, are incorporated herein by reference.

(2) Consistency with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The findings related to consistency with applicable provisions of the Metro Plan under EC 9.8424(1)(b) above, and applicable adopted refinement plans under 9.8424(1)(c) above, are incorporated herein by reference.

REVISED WILLAKENZIE AREA PLAN POLICY LANGUAGE

(**Bold** = applicant's proposed changes; *italics* = additional City-recommended changes):

- 2.0 The City shall recognize the area south of Crescent Avenue, north of and west of Shadow View Drive, as depicted on [~~the Willakenzie Land Use Diagram (and as refined by) Inset Map D{}~~] as **“Summer Oaks - Crescent Center”** as appropriate for the expansion of Neighborhood **and Community** Commercial development. The Neighborhood Commercial **portion of Summer Oaks – Crescent Center** [site] shall not exceed [40] **7** acres in size. Uses in [~~this~~] **the neighborhood** commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. **The Community Commercial portion of Summer Oaks - Crescent Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development zoning overlays. *Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks - Crescent Center to vary from the previously approved uses, provided that the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.***

If requested *and otherwise approved* as part of a PUD application, the City *may* reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70.



INSET MAP D

-  High Density Residential
-  Commercial
-  Campus Industrial
-  Crescent Village Boundary
-  Crescent Avenue Nodal Development Area not shown.
-  Subject Site



Summer Oaks-Crescent Center-Hotel (RA 06-4, Z 06-24, CA 07-1)

Assessor's Map: 17-03-16-23
 Tax Lot: 5100
 Assessor's Map: 17-03-16-32
 Tax Lot: 1200

Proposed change from:
 C-1 Neighborhood Commercial to
 C-2 Community Commercial

■ ■ Subject Site

Zoning

- C-1 Neighborhood Commercial
- C-2 Community Commercial
- GO General Office
- I-1 Campus Industrial
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-4 High Density Residential

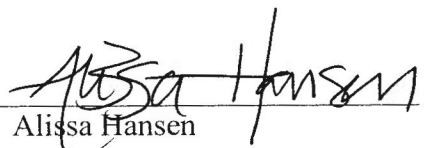


ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

CERTIFICATE OF MAILING

I hereby certify that I served the decision of the Eugene City Council of the **Zone Change, Code Amendment and Refinement Plan Amendment** requests for **Summer Oaks/Crescent Center (Z 06-24, CA 07-1 & RA 06-4)** by mailing a true copy to the name(s) listed above.

10-26-07
Dated:


Alissa Hansen
Senior Planner