



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

March 19, 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 002-06



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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 4, 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  
Terri Harding, City of Eugene

<paa> ya/

**FORM 2**

DEPT OF

**DLCD NOTICE OF ADOPTION**

MAR 15 2007

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

CONSERVATION  
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Eugene Local File No. : MA 06-5, RA 06-3, CA 06-1  
(If no number, Use none)

Date of Adoption: March 12, 2007 Date Mailed: March 14, 2007  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 19, 2006

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
Metro Plan Amendment MA 06-5 amended the Metro Plan land use diagram from a designation of Medium Density Residential to a designation of Low Density Residential for the subject area, along with a concurrent Refinement Plan Amendment (City file RA 06-3) to re-designate the site from Low-Medium Residential to Low Density Residential and concurrent updates to the Eugene Code to implement the changes (CA 06-1).

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: Medium Density Residential to: Low Density Residential

Zone Map Changed from: N/A to: N/A

Location: Area 15 of the Jefferson Neighborhood Acres Involved: 57

Specify Density: Previous: 10-28/net acre New: 0-14/net acre

Applicable Statewide Planning Goals: 1, 2, 6-13

Was an Exception Adopted: Yes:  No:

DLCD No: 002-06(15639)

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: Terri Harding Area Code + Phone Number: (541) 682-5635

Address: 99 West 10<sup>th</sup> Avenue City: Eugene

Zip Code + 4: 97401 E-mail Address: terri.l.harding@ci.eugene.or.us

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### **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 20380

COUNCIL BILL NUMBER 4940

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM AND THE JEFFERSON/FAR WEST REFINEMENT PLAN LAND USE DIAGRAM AND TEXT; AMENDING SECTION 9.9580 OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; PROVIDING AN *IMMEDIATE* EFFECTIVE DATE; AND PROVIDING A SUNSET DATE. (JEFFERSON/FAR WEST, MA 06-5, RA 06-3, CA 06-1)

ADOPTED: March 12, 2007

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: March 12, 2007

**ORDINANCE NO. 20380**

**AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM AND THE JEFFERSON/FAR WEST REFINEMENT PLAN LAND USE DIAGRAM AND TEXT; AMENDING SECTION 9.9580 OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; PROVIDING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING A SUNSET DATE. (JEFFERSON/FAR WEST, MA 06-5, RA 06-3, CA 06-1)**

**The City Council of the City of Eugene finds that:**

**A.** On September 11, 2006, the Eugene City Council initiated amendments to the Eugene-Springfield Metropolitan Area General Plan land use diagram, the Jefferson/Far West Refinement Plan land use diagram and text, and the Eugene Code, 1971, to temporarily limit a specified area in the Jefferson/Far West Refinement Plan to Low Density Residential development.

**B.** The Planning Commission held a public hearing on the amendments contained in this Ordinance on December 5, 2006, and has forwarded its recommendations to the City Council for amendments to the Metropolitan Plan land use diagram, the Jefferson/Far West Refinement Plan land use diagram and text, and the Eugene Code, 1971, which have been incorporated herein.

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The Eugene-Springfield Metropolitan Area General Plan ("Metro Plan") land use diagram is amended for the portion of the Jefferson neighborhood known as "Area 15" in the Jefferson/Far West Refinement Plan (located south of West 13<sup>th</sup> Avenue, east of the Lane County Fairgrounds, and north of West 18<sup>th</sup> Avenue, having an eastern boundary following portions of Lincoln Alley, Charnelton Alley, and Willamette Alley), by changing the Metro Plan designation for that area from a designation of Medium Density Residential to a designation of Low Density Residential, as shown on the attached Exhibit A, which is incorporated herein.

**Section 2.** The Jefferson/Far West Refinement Plan land use diagram located on page 18 of the Jefferson/Far West Refinement Plan is amended for the portion of the Jefferson neighborhood as described in Section 1 to change its designation of Low-Medium Density Residential to a designation of Low Density Residential as shown on the attached Exhibit B, which is incorporated herein.

**Section 3.** The Jefferson/Far West Refinement Plan text is amended by changing the heading and revising the policies under Section 15 of the Jefferson Residential Areas section of that Plan as follows:

**15. Low-Density Residential Area**

This area shall be recognized as a low-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area.

The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

**Section 4.** Subsection (17) of Section 9.9580 of the Eugene Code, 1971, is amended to provide:

**9.9580 Jefferson/Far West Refinement Plan Policies.**

**(17) Land Use Element, Jefferson, Residential Areas, Low-Density Residential Area.** This area shall be recognized as a low-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals. The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

**Section 5.** Except as amended in Sections 2 and 3 of this Ordinance, all other provisions of the Jefferson-Far West Refinement Plan as adopted by Resolution No. 3739 on January 12, 1983, and amended by Ordinance No. 20180 on November 22, 1999, remain in full force and effect.

**Section 6.** The findings set forth in Exhibit C attached hereto are adopted as findings in support of this Ordinance.

**Section 7.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

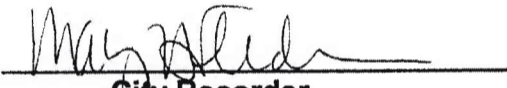
**Section 8.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 9.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, in order to prohibit any inappropriate infill development that could occur as the result of the period between passage of this Ordinance and the 30 day effective date provided in the Eugene Charter of 2002, this Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor or passage over the Mayor's veto.

**Section 10.** This Ordinance will be automatically repealed upon the effective date of an Ordinance adopted by the Council that (a) establishes area-specific infill standards for the area regulated by the Jefferson/Far West Refinement Plan Residential Area Policy 15 and (b) references section 10 of this ordinance." Upon repeal of this Ordinance, the area depicted on Exhibits A and B shall return to the Medium Density Residential Metro Plan designation and to the Low-Medium Density Residential designation on the Jefferson/Far West Refinement Plan land use diagram, and the language deleted by this Ordinance from the Jefferson/Far West Refinement Plan Residential Area Policy 15 shall be restored in both the Jefferson/Far West Refinement Plan and in Section 9.9580(17) of the Eugene Code, 1971.


**Passed by the City Council this**

12<sup>th</sup> day of March, 2007.

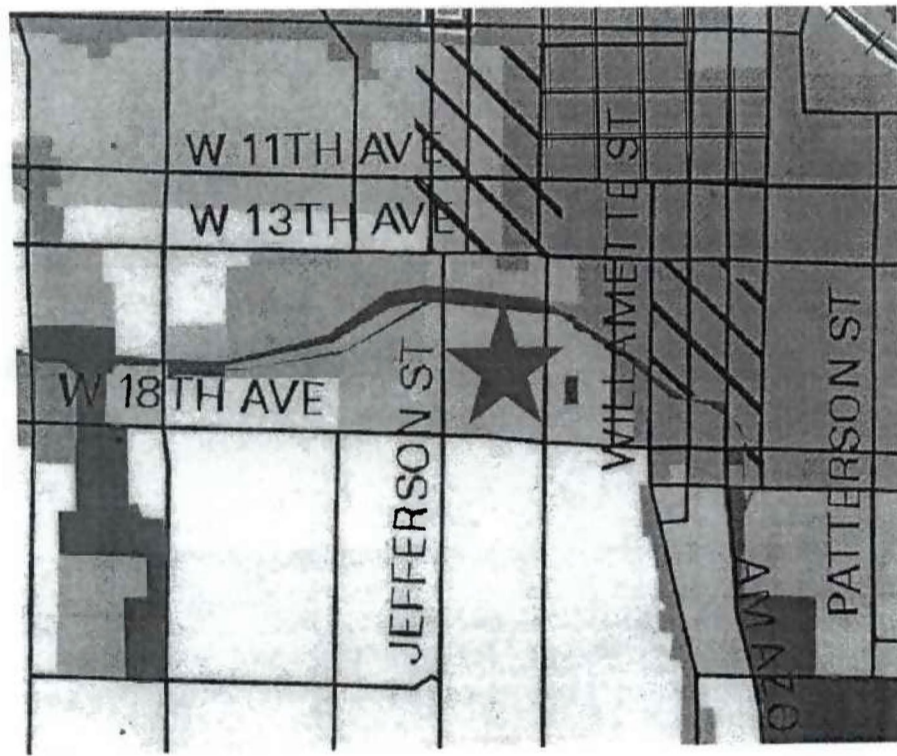
  
\_\_\_\_\_  
City Recorder

**Approved by the Mayor this**

12 day of March, 2007.

  
\_\_\_\_\_  
Mayor

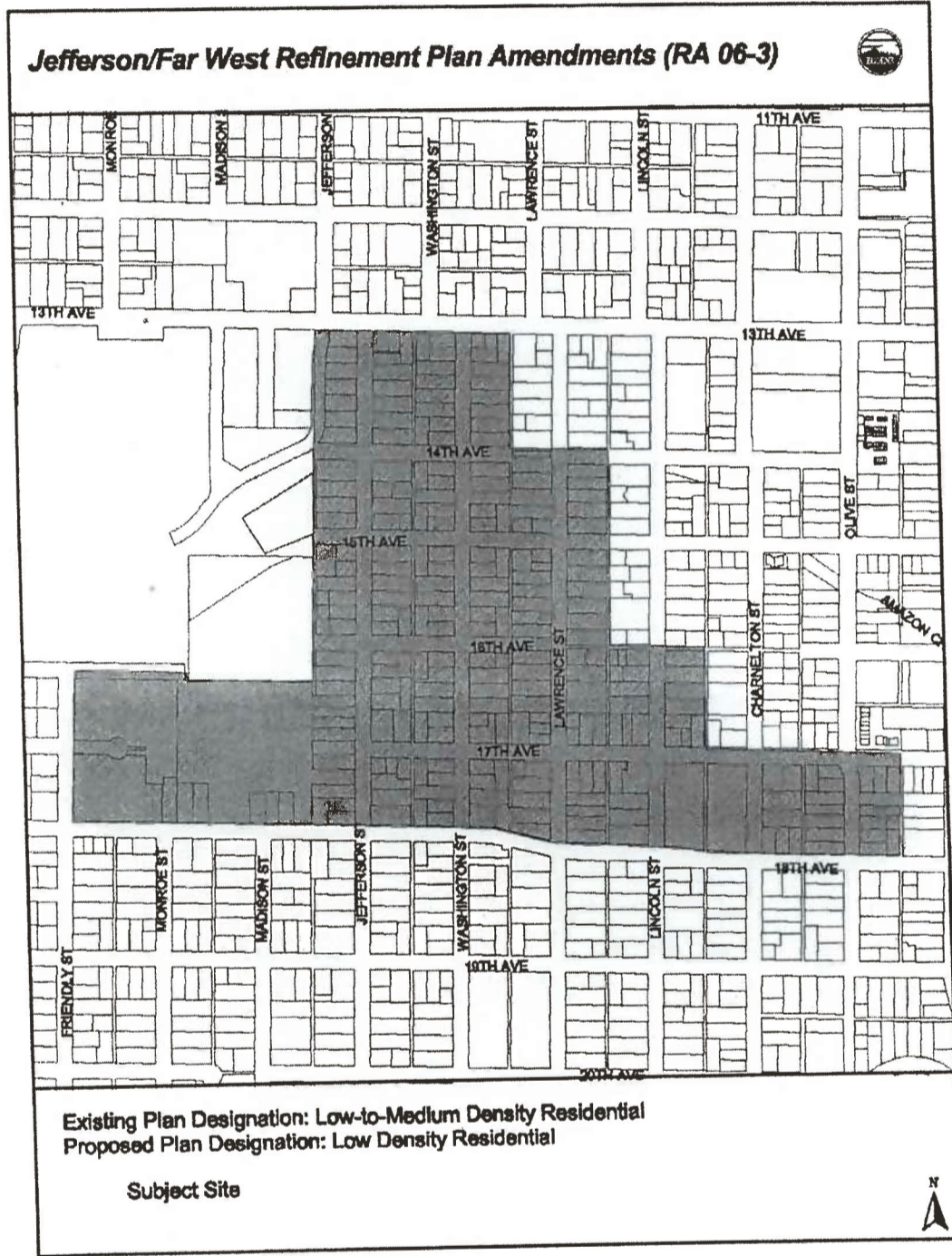
**Jefferson/Far West Metro Plan  
Amendment (MA 06-5)**



Existing Plan Designation: Medium Density Residential  
Proposed Plan Designation: Low Density Residential







**Findings of Fact  
MA 06-05, RA 06-03, CA 06-01**

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

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

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

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

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments began with a City of Eugene Planning Commission public hearing on December 5, 2006. On October 20, 2006, the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. On November 2, 2006, referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Jefferson-Westside Neighborhood Association and to City departments, consistent with the Eugene Code. On November 3, 2006, notice of the Planning Commission public hearing was mailed to the owners and occupants of the subject area, owners and occupants of property within 500 feet of the subject area, Jefferson-Westside Neighborhood Association, interested parties who requested notice, and other community organizations requesting such notice, which is in excess of the requirements of the Eugene Code. On November 15, 2006, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. On November 3, 2006, notice was also posted in accordance with EC 9.7415(5). In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices. City staff also met with the Jefferson-Westside Neighborhood co-chairs to provide information regarding the land use applications.

An additional public hearing was held before the Eugene City Council on February 20, 2007. Notice to interested and affected parties was provided for that hearing.

The process for adopting these amendments complies 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 record show that there is an adequate factual base for decisions to be made concerning the proposed amendments. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the review of these amendments with all affected governmental units. Specifically, notice was mailed to the State Department of Land Conservation and Development, Oregon Department of Transportation, Lane County, and the City of Springfield. There are no Goal 2 exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

Goal 3 is not applicable to these amendments as the subject area 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 area is entirely within the city's acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

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

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

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

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

- (3) *Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*
  - (a) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*

- (b) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary.

The subject area does include a Goal 5 resource site: Site E30 G, Lower Amazon Creek. The Goal 5 regulations are implemented through an overlay zone that applies equally to the Low Density Residential plan designation and the Medium Density Residential plan designation. The amendments will not allow new uses that could conflict with the resource site, and will not change the protected status of the resource or the level of protection currently applied.

Therefore, Statewide Planning Goal 5 does not apply to these amendments.

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 area or potential uses indicates 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 amendments are consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The subject area includes areas of flood hazard identified on the FEMA Flood Insurance Rate maps as AE, FW, and X5. No development is allowed in the FW (floodway) area, which is limited to the channel of Amazon Creek itself. Property within the AE and X5 areas is protected through regulations contained in the city's site development standards starting at EC 9.6705, and in the building code.

The area in question is not subject to hazards normally associated with steep slopes, wildfires, or tsunamis. Other hazards, such as earthquakes and severe winter storms can be mitigated at the time of development based on accepted building codes and building techniques. Therefore, these amendments are consistent with Statewide Planning Goal 7.

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

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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. The proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objects. The Eugene Commercial Lands Study is acknowledged for compliance with the requirements of Goal 9 and its Administrative Rule. Currently, the City of Eugene has a surplus of commercial land. The subject plan amendments will not affect the supply of available commercial land. The amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The request to re-designate approximately 57 acres from Medium Density Residential to Low Density Residential impacts the supply and availability of residential lands, as the request will reduce the potential number of units that could be built in the area<sup>1</sup>. However, the subject area was not included in the documented supply of "buildable land" available for residential development as inventoried in the acknowledged 1999 Residential Lands Study<sup>2</sup>. Therefore, the change will not affect the area's acknowledged supply of residential land and is consistent with Statewide Planning Goal 10.

Although the area was not included in the 1999 inventory of supply, it has supplied additional residential development worth noting. Since 1998, 12 new units were issued building permits in the study area, including three duplexes, one single family home, and one five-unit row house. Additional infill can be expected.

Under the existing Medium Density Residential designation, the subject area could be expected to gradually infill over time. For example, 4 out of 36 parcels north of the channel are now

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<sup>1</sup> Approval of these amendments will have the effect of returning the portion of the study area south of the Amazon Channel to the buildout potential possible before the City Council adopted the Housekeeping Amendments to the Metro Plan, which became effective February 8, 2006. The Housekeeping Amendments changed the Metro Plan designation of that portion south of the Amazon from Low Density Residential to Medium Density Residential in order to bring the Metro Plan Designation into alignment with the Jefferson-Far West Refinement Plan land use designation and policy text. The Council initiated the subject amendments after neighborhood leaders questioned the appropriateness of the Medium Density Residential designation and its correlation to the refinement plan policy text. The area north of the Amazon channel was designated Medium Density Residential even prior to the Housekeeping Amendments. It is the policy recommendation of the Planning Commission to change this area to Low Density Residential as well, primarily to keep Area 15 intact as a whole, as it is treated by the refinement plan. For additional background on the options considered to address the issue, see Memo from Susan Muir to Eugene City Council dated May 24, 2006.

<sup>2</sup> At the time the Residential Lands Study was completed, the majority of the subject area was designated Low Density Residential by the Metro Plan and Low to Medium Density Residential by the refinement plan.

zoned R-2, having been rezoned over the last 20 years or so. In addition, the maximum buildout potential was calculated for analysis purposes. Assuming rezoning to R-2, complete redevelopment of the area would result in an estimated total potential for 1,085 dwelling units (57 gross acres - .32 of area assumed to be devoted to nonresidential purposes = 38.76 net acres x 28 units per net acre = 1,085 units). The actual number could be higher depending on exact lot sizes and the density round up provision contained in the land use code. For example, an 8,000 square foot lot zoned R-2 would allow 5.14 units at 28 units per acre, which can be rounded up to 6 units per EC 9.2751(1)(c). At the other end of the density spectrum, the minimum required density, upon development or redevelopment, would be one unit (1.8 units allowed at 10 units per acre).

Under the proposed Low Density Residential designation, zoning would remain as existing (primarily R-1, with some R-2/SR and one R-3 parcel) and new units would likely be built on vacant lots, as accessory dwelling units, or as redevelopment occurs over time. Assuming the maximum allowable buildout over the study area, approximately 542 units could be allowed in the study area (57 gross acres - .32 of area assumed to be devoted to nonresidential purposes = 38.76 net acres x 14 units per net acre = 542 units). The actual number could be higher depending on exact lot sizes and the density round up provision contained in the land use code. In this case, an 8,000 square foot lot zoned R-1 would allow 2.57 units at 14 units per acre, which can be rounded up to 3 units per EC 9.2751(1)(c)(although three units would only be allowed on an R-1 lot if it were designated a triplex lot on a subdivision plat).

The difference between the estimated maximum potential buildout under the Medium Density Residential and Low Density Residential designations is approximately 543 units. However, since the subject area was not included in the adopted inventory of buildable residential land (other than a small amount of gradual infill development), the impact to that adopted inventory, for planning purposes, is negligible. In addition, the Land Use Code was updated after the adoption of the inventory, allowing increases in density across all residential zoning districts. Finally, the practical reduction in potential units is likely overstated because the area is not expected to be completely redeveloped in the next twenty years.

The above findings demonstrate that the proposed amendments are consistent with Statewide Planning Goal 10.

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

The area affected by the amendments is located inside the city limits. The existing level of public facilities and service is adequate to serve the needs of existing and future development. Referral notices sent to service providers resulted in comments from Public Works staff indicating that wastewater, transportation, and storm water facilities are adequate to serve either medium density or low density development in the area.

The provision of these amendments does not affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0060. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. The TPR states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service and/or volume to capacity ratio) of the facility.

Public works staff commented that “since this proposal is to limit development to R-1 uses, eliminating the former provision that would have allowed an applicant to rezone parcels to R-2 and develop densities beyond ten units per acre, in accordance with OAR 660-012-0060(1)(a) and (b), the proposed plan amendment would not change the functional classification of any transportation facility, nor would it change the standards for implementing a functional classification system.” In addition, the plan amendment would not allow levels of use that would cause any transportation facility to exceed service standards. On the contrary, approval of the amendments would reduce impacts to all transportation facilities.

The subject area is well served by bicycle and pedestrian facilities. Bicycle lanes exist on West 18<sup>th</sup> Avenue and West 13<sup>th</sup> Avenue east of Lincoln Street, and bicycle routes exist on Olive Street and West 15<sup>th</sup> Avenue. Lane Transit District serves the subject area with the #33 Jefferson. In addition, numerous routes use West 13<sup>th</sup> Avenue, West 18<sup>th</sup> Avenue, and Willamette Street.

Given the findings above, the proposal complies with Goal 12 as implemented through the Transportation Planning Rule.

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

The amendments do not specifically impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

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

The amendments do not effect 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.

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

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

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

The Metro Plan diagram amendment to re-designate 57 acres of land from Medium Density Residential to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. No text or other diagram changes are necessary to ensure internal consistency with the proposed diagram amendments; adoption of this amendment will not make the Metro Plan internally consistent.

The findings below demonstrate how the Metro Plan diagram amendment is consistent with the policy direction contained in the Metro Plan. Policies found to be applicable to this request are addressed below.

Residential Land Use and Housing Element

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

These amendments respond to concerns about inappropriate infill in a portion of the Jefferson-Westside neighborhood. While the amendments will reduce potential density, on balance, the amendments are consistent with the overall policy intent to address the impacts of increased residential density on existing neighborhoods of historic character. Furthermore, other portions of the Jefferson-Westside neighborhood will remain designated for medium and high density residential uses.

Other Residential Land Use and Housing Element policies promote higher density development within the urban core and where existing services and utilities are available (policies A.10, A.11, and A.12). The proposed amendments can be found consistent with these policies when the Jefferson-Westside neighborhood is considered as a whole. Portions of the neighborhood accommodate some of the higher residential density projects in Eugene, including Lane Towers and the Tate Building on Olive Street, and Willamette Towers on Lincoln Street.

**Refinement Plan Amendments** Eugene Code Section 9.8424 requires that the following criteria (in *bold and italic*) be applied to a Refinement Plan amendment.

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***(1)(a) The refinement plan amendment is consistent with the Statewide planning goals.***

The findings under EC 9.7730(3)(a), above, are incorporated herein by reference.

***(1)(b) The refinement plan amendment is consistent with the applicable provisions of the Metro Plan.***

Applicable provisions of the Metro Plan are evaluated under EC 9.7730(3)(b), above with respect to the proposed refinement plan amendments and Metro Plan amendment. The proposed refinement plan amendments are consistent with the applicable policies contained in the Residential Land Use and Housing Element of the Metro Plan. The proposed refinement plan land use diagram amendment from Low-Medium Density Residential to Low Density Residential is consistent with the proposed Metro Plan land use diagram amendment from Medium Density Residential to Low Density Residential.

***(1)(c) The refinement plan amendment is consistent with the remaining portions of the refinement plan.***

The Jefferson-Far West Refinement Plan diagram amendment to re-designate 57 acres of land from Low-Medium Density Residential to Low Density Residential and text amendment describing the land use diagram are consistent with the remaining portions of the refinement plan.

The findings below describe how the Jefferson-Far West Refinement Plan text and diagram amendments are consistent with the policy direction contained in the Jefferson-Far West Refinement Plan. Policies found to be applicable to this request are addressed below.

#### Land Use Policies

##### *15. Low- to Medium-Density Residential Area*

*This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review. The City shall encourage block planning, infilling and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals. The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments (page 27-28).*

The above policy is the subject of the refinement plan amendment request. If approved, the amendment will clarify the first sentence, changing it to "this area shall be recognized as a low density residential area." It will also strike the third sentence, referring to allowing densities in excess of 10 units per acre if accompanied by a block plan or a site review suffix. The rest of the policy will remain as is, and will still reflect the applicable residential density findings in the plan, including:

*This area consists primarily of single-family residential structures built between 1920 and 1950...the average parcel size in the area is approximately 8,276 square feet (page 27).*

Although some rezoning and lot partition applications have been approved since the refinement plan was adopted, the area still consists primarily of lots zoned R-1. Most are developed with single family dwellings, but many lots contain more than one dwelling unit.

The City Council also included a sunset clause that will cause the area to revert back to Low-to Medium-Density development on January 1, 2009. The sunset clause acknowledges that the long term development pattern envisioned in the refinement plan does include medium-density development. The city is also actively pursuing development of infill standards that would address some of the concerns associated with the medium-density designation.

- (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 of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.*

The proposed amendments are not based on an error in the publication of the Jefferson-Far West Refinement Plan, new inventory material relating to a statewide planning goal or new or amended state or federal laws, regulations, or policies; therefore EC 9.8424(2)(a), (b), (d) and (e), above, are not applicable to this request.

Consistent with EC 9.8424(2)(c), the proposed plan amendments are consistent with the related Metro Plan amendment to re-designate the subject property from Medium Density Residential to Low Density Residential. If it is found to comply with the applicable approval criteria, the Metro Plan amendment constitutes a new community policy in the context of this criterion.

In addition, all of Eugene's zoning districts have been repeatedly revised to allow increases in residential density as a means of achieving compact growth. In 1983, when the refinement plan was adopted, R-2 allowed one dwelling unit per 2,650 square feet. Allowable density was thus 16.4 units per net acre.

In 1985, the City adopted small lot provisions, allowing lots in R-2 to be 2,250 square feet in size, and thereby allowable density was increased to 19.4 units per net acre. In 2001, when the Land Use Code was updated, R-2 was revised to allow 14-28 units per net acre<sup>3</sup>. A new provision for calculating density specified that when figuring maximum density, the resulting figure would be rounded up. When calculating the minimum density required on a particular lot, the resulting figure would be rounded down.

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<sup>3</sup> Since 1987, the Metro Plan has called for "over 10 through 20" units per gross acre in the Medium Density Residential designation (Policy A.9). The Land Use Code update attempted to convert this intent to net acreage requirements.

An example 8,000 square foot lot in Area 15 zoned R-2 would currently allow six dwelling units (.18 acres x 28 du/acre = 5.14, which rounds up to 6). When the refinement plan was adopted in 1983, the R-2 provisions in place would have allowed three units (8,000/2,650 = 3.01, which rounds down to 3).

The changes to the R-2 zone, although not specific to this neighborhood, are considered amended community policies in the context of the refinement plan amendment criteria.

Lastly, although not criteria on which to base a land use decision, the City also adopted the Growth Management Policies in 1998, and many of these policies address issues relevant to these amendments. In particular, policies 6 and 9 refer to balancing the impacts of infill with the goal of densifying the city as a whole.

*Policy 6: Increase density of new housing development while maintaining the character and livability of individual neighborhoods.*

*Policy 9: Mitigate the impacts of new and/or higher density housing, in-fill, and redevelopment on neighborhoods through design standards, open space and housing maintenance programs, and continuing historic preservation and neighborhood planning programs.*

In support of Policy 6, the proposed amendments maintain the character and livability of Area 15 of the Jefferson neighborhood by prohibiting upzoning from R-1 to R-2. With respect to Policy 9, these amendments can be seen as part of a larger neighborhood strategy to encourage infill in the most appropriate places. Infill standards are anticipated to be developed and applied to this neighborhood in the near term, mitigating the impacts of infill that may be allowed in the future.

Other Growth Management Policies that directly relate to density and infill in the subject area include policies 1, 2, 7, and 10:

*Policy 1. Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently.*

*Policy 2. Encourage in-fill, mixed-use, redevelopment, and higher density development.*

*Policy 7. Provide for a greater variety of housing types.*

*Policy 10. Encourage the creation of transportation-efficient land use patterns and implementation of nodal development concepts.*

Although these policies encourage dense development, the priority for this area at this time is to implement the relevant portions of policies 6 and 9 while infill compatibility standards are developed.

**Code Amendment.** Eugene Code Section 9.8065 requires that the following criteria (in *bold and italic*) be applied to a Code Amendment.

**EC 9.8065 Code Amendment Approval Criteria.**

*If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:*

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.*

The findings under EC 9.7730(3)(a), above, are incorporated herein by reference.

- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

The findings under EC 9.7730(3)(b) and EC 9.8424(1)(c), above, are incorporated herein by reference.

- (3) In the case of establishment of a special area zone, is consistent with EC9.3020 Criteria for Establishment of an S Special Area Zone.*

This criterion is not applicable to the proposed amendments.

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**CERTIFICATE OF MAILING**

I hereby certify that I served the DLCD Notice of Adoption for City of Eugene file numbers **MA 06-5, RA 06-3**  
& **CA 06-1** by mailing a true copy to the names listed above.

March 14, 2007  
Dated:

  
Becky MacKenzie  
Land Use Planning Specialist