



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 6, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Eugene/Springfield Metro 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: March 22, 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
Matthew Crall, DLCD Transportation Planner
Ann Siegenthaler, Eugene/Springfield Metro

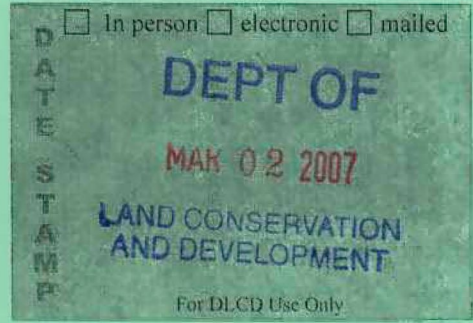
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FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: CITY OF EUGENE

Local file number: MA-06-2 and Z-06-9

Date of Adoption: February 26, 2007

Date Mailed: March 1, 2007

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **YES** Date: August 3, 2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Eugene City Council adopted Ordinance No. 20377 amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) diagram to amend the Metro Plan designation and zoning of the property known as the **Oregon Motor Pool Site** (Map 17-03-3044 Tax Lot 8900). The ordinance specifically amends the Metro Plan designation for the subject parcel from High Density Residential/Mixed Use/Nodal Development Designation to Commercial/Nodal Development Designation; and rezones the subject parcel from I-2/TD Light-Medium Industrial with Transit Oriented Development and Nodal Development Overlay Zones to C-2/TD/ND Community Commercial with Transit Oriented Development and Nodal Development overlay zones.

Does the Adoption differ from proposal? Please select one **NO**

Plan Map Changed from: HDR/MU/ND

to: COMMERCIAL/NODAL DEVELOPMENT

Zone Map Changed from: I-2/TD

to: C-2/TD/ND

Location: 445 Pearl Street, Eugene, OR

Acres Involved: 1.718

Specify Density: Previous: None; existing parking lot New: Unknown, commercial or mixed use

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment... **Yes**

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

ZE
DLCD file No. 002-06 (15431)

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

City of Eugene

Local Contact: Ann Siegenthaler

Phone: (541)682 - 5452 Extension:

Address: Planning Division

Fax Number: 541 - 682 5572

City: 99 West 10th Avenue
Eugene, OR 97401 Zip:

E-mail Address: ann.siegenthaler@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 20377

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) DIAGRAM TO REDESIGNATE PROPERTY IDENTIFIED AS MAP 17-03-30-44, TAX LOT 8900 (OREGON MOTOR POOL SITE) FROM HIGH DENSITY RESIDENTIAL/MIXED USE/NODAL DEVELOPMENT DESIGNATION TO COMMERCIAL/NODAL DEVELOPMENT DESIGNATION; REZONING THE PROPERTY FROM I-2/TD LIGHT-MEDIUM INDUSTRIAL WITH TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONE TO C-2/TD/ND COMMUNITY COMMERCIAL WITH TRANSIT ORIENTED DEVELOPMENT AND NODAL DEVELOPMENT OVERLAY ZONES; AND ADOPTING A SEVERABILITY CLAUSE.

The City Council of the City of Eugene finds that:

A. On April 21, 2006, the State of Oregon Administrative Services submitted an application for a Type II Metro Plan diagram amendment and concurrent zone change to redesignate and rezone property identified as Map 17-03-30-44, Tax Lot 8900, referred to as the Oregon Motor Pool site. The applicant requested a Metro Plan designation change from High Density Residential / Mixed Use / Nodal Development to Commercial / Nodal Development designation. The zone change requested would change the site's zoning from I-2/TD, Light-Medium Industrial with Transit Oriented Development Overlay Zone to C-2/TD/ND, Community Commercial with Transit Oriented Development and Nodal Development Overlay Zones.

B. Following receipt of the City's completeness review comments the applicant provided supplemental materials on June 8, 2006, July 14, 2006, and July 24, 2006. On July 28, 2006, at the applicant's request, the application was deemed complete without submission of additional requested information. On August 21, 2006 the applicant submitted additional revised findings for Goal 12.

C. This proposal came to the City of Eugene for action pursuant to procedures for amendment and refinement of the Metro Plan described in the Metro Plan and Chapter 9 of the Eugene Code, 1971 (EC), which establishes the Eugene City Council as the approval body for Type II Metro Plan diagram amendments located within the incorporated city limits of Eugene.

D. On August 3, 2006, notice of the proposed Metro Plan amendment and zone change was mailed to the Department of Land Conservation and Development as required by provisions of the Eugene Code, 1971 and in accordance with state statutes.

E. Referral comments were requested on July 27, 2006 after receipt of the initial application, and on August 2, 2006 after supplemental materials were received, from the Oregon Department of Transportation (ODOT), the City of Springfield, Lane County, the Downtown Neighbors Association, and to City departments.

F. Notice of the September 19, 2006 Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 500 feet of the subject property, the Downtown Neighborhood Association, and other interested parties who had requested notice on August 18, 2006. Notice of the Planning Commission public hearing was

also posted in accordance with EC 9.7415(5) on August 17, 2006 and published in the Register Guard on August 30, 2006.

G. On September 19, 2006, the Eugene Planning Commission held a public hearing on the application and left the record open for additional information.

H. On October 30, 2006, the Eugene Planning Commission continued its deliberations on the application and voted to recommend approval of the request as revised by the applicant.

I. On November 10, 2006, notice of the Eugene City Council public hearing was mailed to the applicant, neighborhood association, and those who had requested to be placed on the interested parties list for the Metro Plan amendment. Notice was also published in the Register Guard, and the notice and text of this Ordinance posted on the City's web site on November 5, 2006.

I. The Eugene City Council held a public hearing on the request on November 20, 2006, and is now ready to take action on the requested amendment.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The above findings, and the findings set forth in Exhibit A attached hereto and incorporated herein by this reference are hereby adopted.

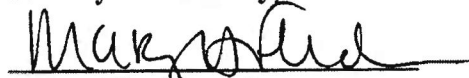
Section 2. The Metro Plan Diagram land use designation for the property identified as Map 17-03-30-44, Tax Lot 8900, referred to as the State Motor Pool site, is amended from High Density Residential/Mixed Use/Nodal Development designation to Commercial/Nodal Development designation as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. The zoning for the property identified as Map 17-03-30-44, Tax Lot 8900, referred to as the Oregon Motor Pool site, is rezoned from I-2/TD, Light-Medium Industrial with Transit Oriented Development Overlay Zone to C-2/TD/ND Community Commercial with Transit Oriented Development and Nodal Development Overlay Zones, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

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

Passed by the City Council this

26th day of February, 2007


City Recorder

Approved by the Mayor this

5 day of March, 2007

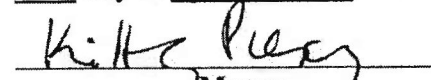

Mayor

EXHIBIT A Attachment A

Staff Findings

(Revised October 16, 2006)

Oregon State Motor Pool Site (MA 06-2, Z 06-9)

Metro Plan Diagram Amendments

The proposed amendment would change the current Metro Plan land use designation of High Density Residential/ Mixed Use/Nodal Development to Commercial/Nodal Development. The High Density Residential designation is intended for multi-unit developments of typically over 20 units per acre. The Mixed Use designation is typically applied within a designated Special Area Plan, however, the subject parcel is not located within a Special Area. There is no corresponding zoning that implements this designation. The Nodal Development designation has been applied to all the downtown area to recognize Eugene's central business district as a mixed-use, pedestrian-friendly center, pursuant to OAR 660-012-0060(7).

Eugene Code Section 9.7730(3) requires that the following criteria 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*
- (b) *Adoption of the amendment must not make the Metro Plan internally inconsistent.*

As discussed below, after review of additional materials submitted by the applicant, staff finds that the Metro Plan diagram amendment criteria in both EC 9.7730(3)(a) and (b) are satisfied by the proposal. Staff findings relative to the amendment criteria in EC 9.7730(3) (with criteria in ***bold italics***) are presented below.

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

The applicant states that at the time of adoption of the Downtown Plan that "Goal findings were made on all applicable Statewide Goals and the Downtown Plan, including the specific policies that called for redesignation of particular parcels..." and that, therefore, "the direction of the Downtown Plan with regard to this parcel is not conditional upon any additional findings of need or land use inventory considerations" (applicant's letter to City of Eugene June 8, 2006). Staff does not concur with the applicant's conclusion that Statewide Goal findings have already been made supporting the specific proposed Plan amendment. Below are staff findings relative to the proposal's consistency with all Statewide 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 September 19, 2006. On August 3, 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 27, 2006, after the initial application and on August 2, 2006, after supplemental materials were received. Referrals were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Downtown Neighbors Association and to City departments, consistent with the Eugene Code. On August 18, 2006, notice of the Planning Commission public hearing was mailed to the applicant, and owners and occupants of property within 500 feet of the subject property, the Downtown Neighborhood Association, and other interested parties who requested notice, in accordance with the Eugene Code. On August 30, 2006, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. On August 17, 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 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 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, 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 parcel 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 State Motor Pool 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 Plan designation for the subject 1.7-acre parcel is Commercial. 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 objectives. The 1992 Eugene Commercial Lands Study is acknowledged for compliance with the requirements of Goal 9 and its Administrative Rule. As discussed below, the proposed amendment is consistent with the Eugene Commercial Lands Study. It will have little real effect on the supply of commercial land. The proposed amendment would change the property's plan designation from one that supports limited commercial use (High Density Residential/Mixed Use) to another that supports a wider range of commercial uses (Commercial). Both designations would also allow high density residential construction. The additional designation of Nodal Development, which does not change the base zone or densities, would not change. As a result, the potential change in the level of commercial use on this 1.7 acre parcel would have a relatively insignificant impact on the total supply of commercial land.

The Metropolitan Industrial Lands Special Study (1991) addresses the industrial land supply. The subject site was not part of the industrial lands inventory; i.e., it was not counted as a potential site for future industrial development or as needed to satisfy the city's 20-year industrial land supply. Lands considered available for industrial uses are typically those which have an Industrial plan designation. The subject parcel does not currently have an Industrial designation (but has an I-2 zoning). Therefore, the proposed plan amendment (residential to commercial) would have no effect on the supply of available industrial land as predicted by the Industrial Lands Special Study.

The Eugene Commercial Lands Study contains several policies applicable to the proposed amendment. The applicant concludes that that Policies 2.0, 8.0, 17.0 and implementation strategies 17.1 and 17.3 apply (applicant's letter to City July 24, 2006). While the proposal is not inconsistent with those policies, staff does not agree that those policies apply. However, a number of policies in the Study do support a Commercial designation of the subject parcel. Applicable policies are discussed below.

Promote redevelopment of existing commercial areas and compact, dense growth by encouraging businesses to revitalize and reuse existing commercial sites. (Policy 6)

The proposed amendment to Commercial would not actively further the reuse and intensification of existing commercial sites, as it opens up a new site to commercial development. However, to the extent that the amendment maintains compact urban development in the downtown core, as anticipated in the Downtown Plan, the proposal is not inconsistent with this policy. The amendment may encourage reuse of a parking lot (a low intensity "industrial" use) into a more compact urban uses, such as retail, commercial, housing, or a combination of these uses.

Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers. (Policy 11)

The proposed amendment would encourage centralized commercial development in the downtown area rather than in outlying major retail centers, and could promote the development of other commercial areas downtown, such as the adjacent 5th Street Market. On its own, the subject site, at 1.7 acres, is not large enough to support an "additional major retail center."

Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city. (Policy 12)

The subject parcel is located in the downtown core, an area that both the Metro Plan and Downtown Plan refinement plan envision as an area of compact, high density commercial and residential development. The proposed amendment furthers this policy.

Eugene Downtown Plan policies also support a Commercial/Nodal Development Designation for the subject parcel (see findings under criterion (3)(b) below for further discussion of applicable Downtown Plan policies. Specifically, Policy 2 in "Building a Downtown" states:

Facilitate downtown redevelopment by re-designating and rezoning underutilized properties, such as surface parking lots, to a commercial land use designation and a commercial zone such as C-2 or C-3. (Policy 2)

The existing parking lot is arguably an underutilized area. In addition, the Eugene Downtown Plan identifies the subject property as a "Downtown Development Opportunity Area" (Map 1).

Approval of a plan amendment to Commercial/Nodal Development is supported by the policies in the Eugene Commercial Lands Study and the Downtown Plan. Based on the above discussion, the 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 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). That study excluded from consideration as "buildable land" vacant land that was owned by a public agency and not intended for residential development. The subject property has been in the ownership of the State of Oregon since 1980, according to the applicant. Therefore, changing the land use designation from residential uses will not affect the adopted residential lands inventory.

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 area affected by the amendments has long been located inside the city limits (annexed between 1864 and 1900). 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.*

As discussed below, based on additional transportation information submitted by the applicant, staff finds that the proposal is consistent with Statewide Goal 12.

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0060. The TPR states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect transportation facilities, measures must be put in place to assure that the allowed land uses are consistent with the function and capacity of those transportation facilities. Several streets border the site affected by the proposed amendments. Those streets are: Pearl Street, High Street, and 4th Avenue. On the south is the Southern Pacific RR right of way. Pearl and High streets are classified as Major Collectors on the City of Eugene Street Classification Map, adopted in 1999. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. Implementation of transportation system improvements specific to the downtown area are accomplished through the Central Area Transportation Study (CATS).

A determination of potential impacts on local transportation facilities is a prerequisite to approval of the proposed amendment from High Density Residential to Commercial. Pursuant to OAR 660-012-0060(1), the State 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 vehicle/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 a minor street improvement. OAR 660-012-0060(3) describes additional circumstances under which the City could approve the amendment, including instances in which the applicant demonstrates that the existing transportation facility is already performing below minimum acceptable performance standards and that the development resulting from the proposed amendment mitigates the impacts in a manner that avoids further degradation of the transportation facility.

The applicant maintains that additional transportation information is not needed to demonstrate compliance with Statewide Goal 12 (applicant's letter to City dated October 10, 2006, pg. 2), because the proposal complies with Goal 12 based on: 1) earlier Council findings for the Downtown Plan adoption; 2) the Nodal Development/Transit Oriented Development zoning of the area; and 3) the Central Area Transportation Study (CATS).

- 1) The applicant argues that the 2004 City Council findings related to the adoption of the Downtown Plan are sufficient to demonstrate Goal 12 compliance for the current proposal (applicant's letter to City dated June 8, 2006). The applicant argues that, since the Downtown

Plan contains a policy that specifically directs redesignation of the subject parcel, the same findings made for all Downtown Plan policies can be transferred to this current redesignation action. Staff does not concur with this argument.

The Downtown Plan has no land use diagram, and no redesignations or rezones were approved concurrent with the Downtown Plan adoption. The Plan policy in question is: "*Facilitate downtown redevelopment by re-designating and rezoning underutilized properties, such as surface parking lots, to a commercial land use designation and a commercial zone such as C-2 or C-3*" (Policy 2). Contrary to what the applicant suggests, this policy is not parcel-specific. It applies to a number of unspecified properties downtown that are "underutilized," some of which may also be surface parking lots at any given time. While this policy does apply to the subject parcel, it did not have the effect of redesignating the site. It is a general policy directing that underutilized properties downtown should be redesignated, but does not itself redesignate those properties.

The applicant notes that the Council findings for the Downtown Plan stated that "No change in the functional classification of these streets is intended to result from this Plan..." and that "the Plan does not, by its adoption, allow types or levels of land uses which would result in inconsistencies with the functional classification of a transportation facility..." (applicant's letter to City July 24, 2006). However, those earlier findings do not obviate the requirement for the current proposal to comply with OAR 660-012-0060(1), which requires a determination of "significant effects" on transportation facilities as a result of the current proposed plan amendment. A change from a High Density Residential designation to a Commercial designation can result in allowable uses that would increase the potential number of vehicle trips, with potentially significant effects on transportation facilities. Although general Downtown Plan policies were acknowledged as consistent with Statewide goals, that acknowledgement is insufficient to conclude that the redesignation of a specific parcel without further analysis is consistent with Statewide goals. Staff does not agree that 2004 Downtown Plan findings are sufficient for the current proposal, and finds that additional information is needed to demonstrate the proposal's consistency with Statewide Goal 12.

- 2) Although the subject parcel is within a Nodal Development area and Transit Oriented Development overlay zone, and future development will meet the multi-modal goals of these designations (applicant's revised findings August 21, 2006), having those designations in itself is not sufficient evidence that the land use change will have no significant effect on transportation facilities.
- 3) CATS, an implementation plan, identifies future transit routes and contains policies that promote an improved pedestrian system (applicant's revised findings August 21, 2006). However, these strategies are not specific to the proposed amendment, and CATS does not evaluate whether the allowable uses on the site would have a significant effect on a transportation facility, nor does it identify specific measures that would mitigate identified impacts stemming from a plan amendment pursuant to the requirements of OAR 660-012-0060(1).

To meet the requirements of OAR 660-012-0060 it is necessary to evaluate the proposed amendment relative to criteria outlined in the TPR used to determine "significant effect." According to City of Eugene Public Works Engineering, this requires data such as trip generation, trip distribution and assignment (or similar data, depending on uses, traffic patterns, surrounding streets, etc., that describes existing and anticipated traffic levels) and comparative analysis of each of these under existing plan

designation(s) and proposed plan designation(s). Empirical data on a wide range of land uses is available from the *Trip Generation* report published by the Institute of Transportation Engineers, which is the industry standard utilized nationwide to determine traffic impacts of development. Once the local government has determined "significant effect," there are a number of remedies for applications that to enable plan amendments to comply with the TPR.

The applicant's original application materials were revised with additional transportation data (submitted on October 10, 2006). The data submitted includes trip generation estimates for allowable uses under the existing HDR designation and for allowable uses under the proposed Commercial designation. These estimates assume the following: that allowable uses under a HDR designation would be ground floor retail with 2 additional floors of residential uses; that allowable uses under a Commercial designation would be ground floor retail with an additional floor of office; and that up to one-half of the parcel area could be covered in structures (with remaining area absorbed by parking, circulation, landscaping, etc.). Staff concurs that these are reasonable assumptions based on the site, current market conditions, and typical zoning requirements. The applicant's trip generation analysis estimates that less than 200 additional weekday trips would be generated by a change from a HDR to a Commercial designation, and approximately 36 additional weekday *peak hour* trips would be generated under proposed designations. Based on City engineering staff's knowledge of existing traffic volumes and existing roadway capacity, surrounding streets are currently operating at between LOS A and LOS C. Given the traffic volumes anticipated in the applicant's trip generation analysis, staff believes that the proposed designations will not result in a significant impact on the function, capacity or performance standards of these transportation facilities. Therefore, staff finds that the proposed change complies with the State TPR Statewide Goal 12.

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 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.

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 effected by these amendments. Therefore, these goals are not relevant and the amendment 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 1.7 acres of land from High Density Residential/Mixed Use/Nodal Development to Commercial/Nodal Development 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.

Consistency with Metro Plan policies:

The applicant concludes that "...findings were made at the time of adoption of the Downtown Plan. The change of the Metro Plan map, when that change is only to make it conform with the text of the adopted refinement plan, and now the Metro Plan, should not require new findings of Metro Plan consistency" (applicant's letter to City June 8, 2006). Staff does not concur with the applicant's conclusion. That the refinement plan was earlier found to be consistent with the Metro Plan is not sufficient evidence that the specific plan amendment proposed is consistent with the Metro Plan. Staff presents findings below as evidence that the proposed Metro Plan diagram amendment is consistent with the policy direction contained in the Metro Plan. The following Metro Plan polices are applicable to the requested amendment:

Residential Land Use and Housing Element:

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

Encourage residential developments in or near downtown core areas in both cities. (Policy A.19)

The current Metro Plan designation of the parcel is High Density Residential/Mixed Use/Nodal Development. The Metro Plan also contains the following cautionary statement related to the residential land supply: "While all medium and high density allocations shown on the Metro Plan Diagram may not be needed during the planning period, there protection for these uses is important because available sites meeting pertinent location standards are limited" (pg. II-G-3). However, the proposed amendment has been found to have no actual effect on the buildable residential land supply (as noted in findings for Goal 10 under EC 9.7730(3)(b) above). In addition, the proposed designation of Commercial/Nodal Development would accommodate both multi-unit residential and commercial uses.

The applicant claims that a High Density Residential designation is not appropriate for the subject parcel. This is due to the fact that:

- 1) The parcel is surrounded by commercial, industrial and office uses (applicant's letter to City July 24, 2006 pg. 5). Staff does not agree that this makes the site unsuitable for High Density Residential Uses, which are anticipated in the Downtown Plan and often located within compact commercial centers and next to office uses. The site is also proximate to other housing, parks, and other amenities for residents.
- 2) The applicant states that the parcel is also not suited for residential uses due to the parcel's configuration . The parcel is only 130 feet deep on the west (Pearl Street) side, with the longest boundary along the railroad (written statement April 13, 2006 pg. 3). It is not clear how this configuration makes the site difficult to develop in high density housing. The site is substantially larger than that accommodating the TATE Condominiums on Olive Street or the Aurora Housing building at 11th Avenue and Oak, for examples.
- 3) The case is made that the subject parcel is unlikely to develop into high density housing due to its location adjacent to the railroad tracks (written statement April 13, 2006 pg. 3). Noise and vibration from the rail use would conflict with residential use. The application materials also state that affordable housing would be the most likely high density residential use for such a site and, as such, it would not qualify under HUD rules since the noise levels would be deemed unacceptable for residences (State of Oregon letter July 16, 2003 submitted as background). In addition, the applicant concludes that the corresponding high density residential zoning (R-3 or R-4), which would require the development of 30 units on the site and on-site parking, would be difficult for that site. Under the Eugene land use code, a high density residential designation would typically require minimum densities of 20-30 unit/acre (however, on-site parking would not be required by the land use code, as the parcel is located in a Parking Exempt Area (Map 9.6410(4)(a)). Staff concurs that noise mitigation for residential development in such a location could be costly, particularly the per/unit cost for lower densities. The applicant states that the only commercial development that would be allowed under R-3 or R-4 zoning is neighborhood commercial (C-1) development, which would not be financially feasible (written statement April 13, 2006 pg. 3). Under the land use code, R-3 or R-4 zoning allows limited, typically C-1-style development. A Commercial designation with commercial zoning would allow a much wider range of commercial uses.

Whether or not it is likely that the subject parcel would be redeveloped to High Density Residential uses, or how financially feasible it is to do so is not made clear the application. Nonetheless, a diagram change to a Commercial/Nodal Development designation is not inconsistent with Metro Plan policies related to residential land use.

Economic Element:

Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating the effective supply in terms or suitability and availability with the projects of demand. (Policy B.6)

The subject parcel, a small City of Eugene-owned parking area to the northwest, and the EWEB property immediately east of the site are the only sites zoned Light Medium Industrial (I-2) in this area. None of these are in active industrial use. On the north and west side, adjacent properties are in office use. The 5th Street Market commercial area is to the south. Given these adjacent uses and zoning, it is more likely that there will be a demand for commercial uses, rather than industrial uses, on these properties.

Consistency with applicable refinement plan:

The proposed amendment is also internally consistent to the extent that it is consistent with applicable refinement plans. Policies in the Downtown Plan encourage both high density residential and commercial development in the downtown area, as noted in the staff findings related to Zone Change criterion 9.8865(2) (discussed below). A change to a Commercial designation for this parcel would accommodate both commercial and residential uses, and would be internally consistent with the Metro Plan and its refinement plan policies.

Zone Change

The proposed zone change is from Light-Medium Industrial with Transit Oriented Development overlay zone (I-2/TD) to Community Commercial with Transit Oriented Development overlay zone and Nodal Development overlay zone (C-2/TD/ND). The proposed zoning of C-2 allows neighborhood commercial development, community commercial development and residential development (no minimum or maximum densities specified).

Eugene Code Section 9.8865 requires that the following criteria (in *bold and italic*) be applied to a Zone Change.

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

Approval of the zone change is dependent upon approval of the Metro Plan diagram amendment from High Density Residential/Mixed Use/Nodal Development to a designation of Commercial/Nodal Development. The findings related to consistency with the Metro Plan under EC 9.7730(3)(b) above, are incorporated herein by reference.

- (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.*

The applicable refinement plan is the Eugene Downtown Plan (adopted April 2004). The Downtown Plan does not provide a land use diagram, instead relying on the Metro Plan diagram. Therefore, the land use designations between the two plans are consistent. The following policies from the Eugene Downtown Plan are applicable to this amendment:

"Strong Regional Center" policies:

Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment. (Policy 2)

Existing use of the subject property is low density surface parking, which does not have the qualities of density, vitality, etc. envisioned for the downtown area. The proposed change from Industrial (I-2) to Commercial (C2) could promote redevelopment with these characteristics. In addition, the Eugene Downtown Plan identifies the subject property as a "Downtown Development Opportunity Area" (Map 1).

"Building a Downtown" policies:

Facilitate downtown redevelopment by re-designating and rezoning underutilized properties, such as surface parking lots, to a commercial land use designation and a commercial zone such as C-2 or C-3. (Policy 2)

The proposed zone change furthers this policy direction. Currently, the property is a surface parking lot zoned Industrial (I-2). It is the type of "underutilized" downtown property that this policy was specifically crafted to address. A zone change to Commercial (C-2) would support implementation of this policy.

"Living Downtown" policies:

Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities. (Policy 1)

The current industrial zoning of the site does not allow multi-unit housing. A zone change from Industrial (I-2) to Commercial (C2) makes multi-unit housing possible at this site, furthering this policy goal. The parcel is included in the Multi-Unit Property Tax Exemption Area Boundary (MUPTE) and in the Vertical Housing Tax Exemption Zone Area (Map 2), where development qualifies for incentives for high density housing downtown.

Reinforce residential use in neighborhoods abutting the commercial core to help contain commercial activity in downtown and maintain the historic character and livability of adjacent neighborhoods. (Policy 2)

The proposed zone change would have a neutral to positive effect on neighborhoods abutting the commercial core. In making additional land available downtown for higher density development, the proposal promotes the containment of higher density housing and commercial uses to the downtown area, preserving surrounding neighborhoods. In doing so, the zone change would be consistent with this policy.

The policies in the Downtown Plan arguably support both high density residential and commercial development of the subject parcel. However, while residential uses on this site would be supported by the Plan, there is strong policy basis for a commercial designation, as noted in B-D Policy 2:

"Facilitate downtown redevelopment by re-designating and rezoning underutilized properties, such as surface parking lots, to a commercial land use designation and a commercial zone such as C-2 or C-3." A C-2 zone does not mandate residential development, but allows a mix of commercial and residential development. Based on the above discussion, staff finds that the proposed zone change to C-2/ND is consistent with the policies in the Downtown Plan. Further, the zone change will not remove the Transit Oriented Development overlay zone from the subject property, and will add the Nodal Development overlay zone anticipated in the 2004 adoption of the Downtown Plan, all actions that support the compact, mixed use land patterns envisioned in the Downtown Plan.

(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, 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 9.7730(3)(a) under Statewide Planning Goals 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.

For this proposed zone change, there are no applicable siting requirements as referenced in the above criterion. 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 the Nodal Development/ND overlay zone.

(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.

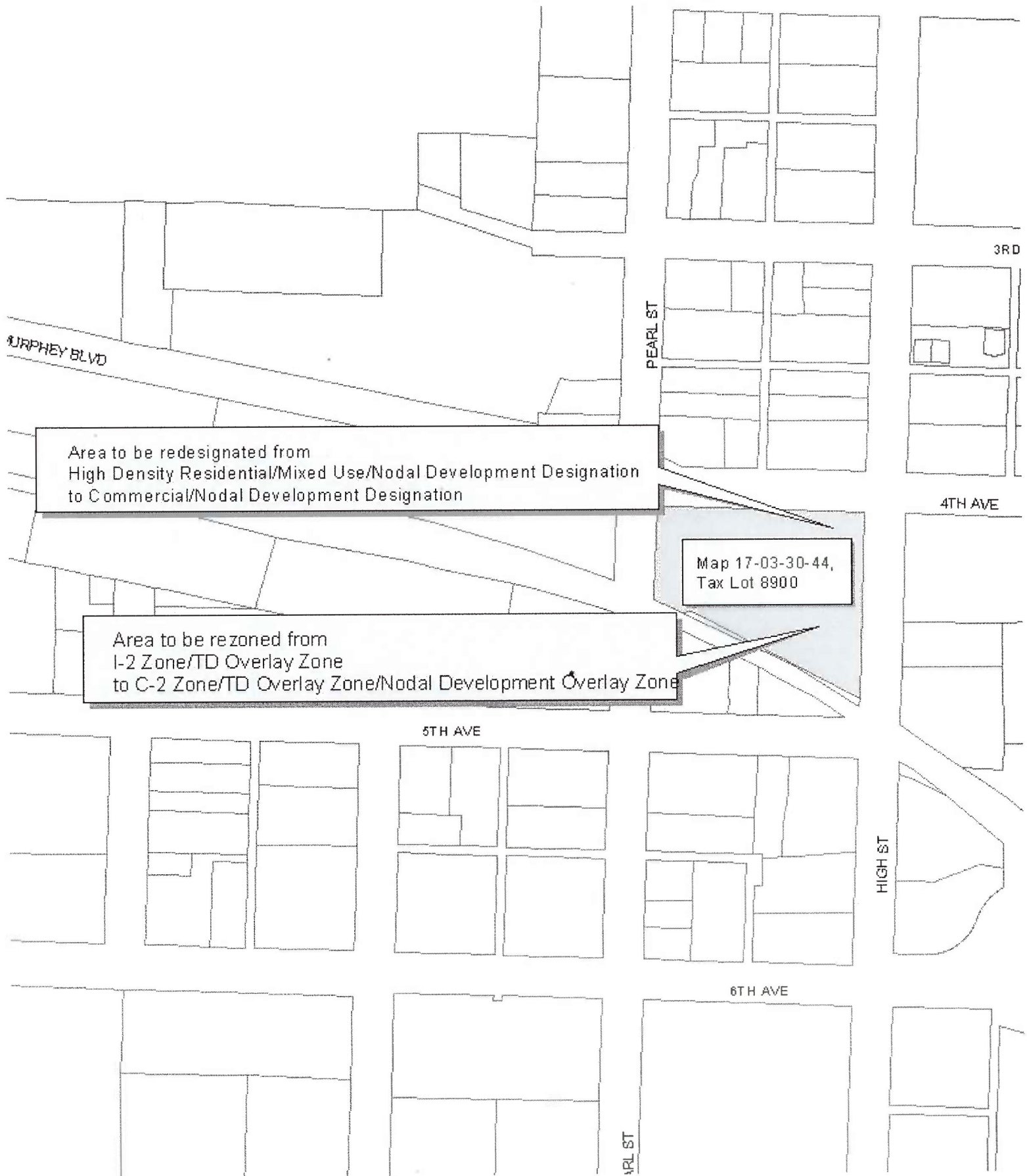


EXHIBIT B

Oregon State Motor Pool Site
Metro Plan Redesignation and Zone Change





City of Eugene
Planning Division
99 West 10th Avenue
Eugene, OR 97401

CERTIFICATE OF MAILING
To Participants, Interested Parties, Applicants

I certify that on March 1, 2007 I mailed a copy of the attached Notice by causing the same to be deposited in the United States Mail at Eugene, Oregon, enclosed in a sealed envelope with postage paid.



Sign Name



Print Name

ATTACHMENTS: Notice of Decision
Mailing list of parties to which Notice mailed



Planning & Development
Planning

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NOTICE OF DECISION

March 1, 2007

On February 26, 2007, the Eugene City Council adopted Ordinance No. 20377 amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) diagram to amend the Metro Plan designation and zoning of the property known as the **Oregon Motor Pool Site** (Map 17-03-3044 Tax Lot 8900).

This ordinance specifically amends the Metro Plan designation for the subject parcel from High Density Residential/Mixed Use/Nodal Development Designation to Commercial/Nodal Development Designation; and rezones the subject parcel from I-2/TD Light-Medium Industrial with Transit Oriented Development and Nodal Development Overlay Zones to C-2/TD/ND Community Commercial with Transit Oriented Development and Nodal Development overlay zones (City files (MA 06-2 and Z 06-9).

The amendment, zone change, findings and related materials can be reviewed at 1st Floor Reception, Atrium Building, 99 West 10th Avenue, between 9:00 a.m. and 5:00 p.m., Monday through Friday.

All decisions of the elected officials are final. Persons who participated either orally or in writing in the local government proceedings leading to adoption of the amendments may appeal the decision to the Land Use Board of Appeals within 21 days of the decision. Appeals to the Oregon Land Use Board of Appeals are governed by ORS 197.825 to 197.845.

For additional information, please contact:

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Interested Parties:

Oregon Motor Pool Site (MA 06-2)

(MA06-2)

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**CERTIFICATE OF MAILING
To DLCD**

I certify that on March 1, 2007 I mailed a copy of the attached Notice and attachments to the Department of Land Conservation and Development by causing the same to be deposited in the United States Mail at Eugene, Oregon, enclosed in a sealed envelope with postage paid.



Sign Name

Ann Siegenthalder

Print Name

ATTACHMENTS: DLCD "green form" Notice of Adoption
Ordinance adopting Plan amendment and zone change
Adopted findings
Map of subject parcel for which Plan re-designation and re-zone adopted
Certificate of mailing, mailing list, and Notice of Decision mailed to
participants, interested parties, and applicant
Certificate of mailing to DLCD