

W.7-a

AGENDA COVER MEMO

DATE: JANUARY 17, 2007 (memo)
FEBRUARY 7, 2007 (first reading)
FEBRUARY 22, 2007 (second reading/public hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: STEPHANIE SCHUEZ, PLANNER
LAND MANAGEMENT DIVISION

TITLE: ORDINANCE NO. PA 1240 -- IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) LAND USE DIAGRAM FOR PROPERTY WITHIN THE COBURG-CRESCENT SUBAREA OF THE WILLAKENZIE AREA REFINEMENT PLAN, AMENDING THE CORRESPONDING WILLAKENZIE AREA PLAN LAND USE DIAGRAMS, AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (City of Eugene, File No. PA 06-6742, Huntington Crossing).

I. MOTION

- 1. For February 7, 2007: I move approval of the first reading and setting the second reading and public hearing on Ordinance No. PA 1240 for February 22, 2007 at 5:30 p. m. The public hearing will be a joint hearing with the Eugene City Council in the Council Chambers.
- 2. For February 22, 2007: I move approval of Ordinance No. PA 1240.

II. ISSUE OR PROBLEM

Should the Board approve a request from the city of Eugene to amend the Metro Plan Land Use Diagram and the Willakenzie Refinement Plan Land Use Diagrams from a designation of Campus Industrial and Special Light Industrial to a designation of Medium Density Residential for the subject property?

III. DISCUSSION

On May 19, 2006, the applicant submitted an application to the City of Eugene for an amendment to the Metro Plan. Supplemental materials, including a transportation impact analysis and a request for including a concurrent Willakenzie Area Refinement Plan amendment were submitted on August 24, 2006. Referrals were provided to agencies, and notice of the October 24, 2006 Planning Commission joint public hearing was mailed and a legal ad posted consistent with Lane County and Eugene Code requirements. The Commissions took testimony, and deliberated jointly that same night. Both commissions voted unanimously to recommend approval of the Metro Plan Diagram and Willakenzie Area Refinement Plan Diagram amendments.

City of Eugene provides the attached Agenda Item Summary for consideration, and other supporting documentation is attached. A copy of the application is on file in the Board office lobby, and in Land Management Division.

Alternatives/Options

1. Approve the Ordinance as presented.
2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date certain set by the Board.
3. Do not approve the Ordinance and deny the application.

Recommendation

Option 1.

Timing

The Ordinance does not contain an emergency clause. An updated printing of the Metro Plan Diagram is completed annually, as agreed upon by the three jurisdictions for Metro Plan Diagram consistency. This Ordinance adopting an amendment to the Metro Plan diagram and the corresponding Willakenzie Area Refinement Plan diagrams will be included in the 2006/07 update printing to be distributed to the three jurisdictions (tentatively April 2007).

IV. IMPLEMENTATION/FOLLOW-UP

Should the Board choose option 3, an Order with findings setting forth the Board's reasons for denying the Ordinance would be prepared and returned to the Board for a third reading/adoption.

Should the Board and City Council choose to deliberate separately, a third reading/deliberations will be scheduled for March 21, 2007. City Council is tentatively scheduled to deliberate (if separate deliberations are chosen) on March 12, 2007.

Notice of Board action will be provided to DLCD and interested parties. If the Board does not adopt the Ordinance as presented or adopts a modified Ordinance, notice will also be provided.

V. ATTACHMENTS

Ordinance No. PA 1240 with exhibits

City of Eugene Agenda Item Summary with attachments:

- A. City Ordinance with exhibits
- B. Planning Commission draft minutes dated October 24, 2006
- C. Planning Commission Agenda Item Summary dated October 24, 2006
- D. City Staff findings dated October 24, 2006
- E. Letter of Testimony from Judith Van dated October 23, 2006
- F. Applicant's application materials submitted August 24, 2006
- G. Applicant's Traffic Impact Analysis submitted August 24, 2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1240

)IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD
)METROPOLITAN AREA GENERAL PLAN (METRO PLAN)
)LAND USE DIAGRAM FOR PROPERTY WITHIN THE COBURG-
)CRESCENT SUBAREA OF THE WILLAKENZIE AREA
)REFINEMENT PLAN, AMENDING THE CORRESPONDING
)WILLAKENZIE AREA PLAN LAND USE DIAGRAMS, AND
)ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (CITY
)OF EUGENE, FILE NO. PA 06-6742; HUNTINGTON CROSSING)

WHEREAS, the Board of County Commissioners of Lane County, on June 2, 2004, enacted Ordinance No. PA 1197 adopting the 2004 update to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan); and

WHEREAS, on August 26, 1992, the Board of County Commissioners of Lane County enacted Ordinance No. PA 1020 adopting the Willakenzie Area Plan as a refinement to the Metro Plan; and

WHEREAS, Lane Code Chapter 12 sets forth procedures for amendment of the Metro Plan and adopted Refinement Plans by Lane County; and

WHEREAS, pursuant to LC 12.225, the proposed Metro Plan amendment is a two-jurisdiction (Type II) Metro Plan amendment inside the Urban Growth Boundary but outside the City Limits of Eugene and must be approved by the Home City of Eugene and Lane County, and

WHEREAS, Popcorn, LLC, has requested a Metro Plan amendment for a 6.89 acre parcel identified as Assessor's Map 17-03-16-41, tax lots 500, 600 and 700, located on the east side of Old Coburg Road, north of Chad Drive at 89295, 89297 and 89317 Old Coburg Road, to change the current Metro Plan designation and the Willakenzie Area Refinement Plan designation on respective diagrams, from Campus Industrial to Medium Density Residential; and

WHEREAS, the Lane County Planning Commission reviewed the proposal with the Eugene Planning Commission in a joint public hearing on October 24, 2006, and following the close of the public hearing, both planning commissions deliberated and passed unanimous motions to recommend approval of the proposed amendments; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 12, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. The Eugene-Springfield Metropolitan Area General Plan is amended by the redesignation of three properties identified as tax lots 500, 600, and 700 of the Lane County Assessor's map 17-03-16-41 and located on the east side of Old Coburg Road, north of Chad Drive at 89295, 89297 and 89317 Old Coburg Road, from "Campus Industrial" to "Medium Density Residential", such territory depicted on the Eugene-Springfield Metro Plan Diagram and further identified on Exhibit "A", attached and incorporated herein.

ORDINANCE 1240 ----IN THE MATTER OF AMENDING THE EUGENE/SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) LAND USE DIAGRAM FOR PROPERTY WITHIN THE COBURG-CRESCENT SUBAREA OF THE WILLAKENZIE AREA REFINEMENT PLAN; AMENDING THE CORRESPONDING WILLAKENZIE AREA PLAN LAND USE DIAGRAMS, AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (CITY OF EUGENE, FILE NO. PA 06-6742; HUNTINGTON CROSSING)

Provide existing industrial activities sufficient adjacent land for future expansion. (Policy B.5)

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

The policies above are brought into question with the request to remove the Campus Industrial Designation. According to the applicant's written materials, adjacent property owners with industrial uses were consulted regarding the availability of this parcel for purchase, and there was no desire of the surrounding property owners to acquire the property. In addition, there is currently vacant industrial land in the area, so the re-designation would not preclude existing industrial activities from expansion. The applicant also consulted a number of real estate agents and Metro Partnership staff who indicated that the size and orientation of the site posed significant limitations for industrial development. The suitability of the subject property for industrial activities and the consolidation potential is limited based on the relatively narrow, long lot configuration and the 6.89 acres size of the parcel. The areas for campus industrial uses were typically envisioned as large campus style developments. The Land Use Designations section of the Metro Plan describes a 50-acre minimum lot size for parcels over 50 acres, to protect undeveloped sites from piecemeal development until a site development plan can be approved by the responsible city. As suitability of this parcel for location or expansion of industrial uses is constrained, the proposed amendments are not inconsistent with the applicable Economic Element policies.

Transportation Element Policy

Require that new development pay for its capacity impact on the transportation system. (Finance Policy F.36)

This finance policy provides direction to the City of Eugene to expand system development charge (SDC) methodologies to address the impact of new development on state, county and transit facilities. Currently, SDC methodologies charge new development only for the City's portion of the arterial-collector system. The intent of this policy, as described in Transplan, is for the City to consider additional system development charges to mitigate onsite or adjacent impacts. To the extent that this policy is applicable to the proposal, development resulting from the proposed amendment would be subject to SDCs.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing - Metro Plan Amendment and Automatic Refinement Plan Update: Huntington Crossing

Meeting Date: February 22, 2007
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Lydia McKinney
Contact Telephone Number: 682-5485

ISSUE STATEMENT

Popcorn LLC, as applicant, requests a Metro Plan amendment and Willakenzie Area Plan amendment for a 6.89-acre parcel located on the east side of Old Coburg Road, north of Chad Drive at 89295, 89297 and 89317 Old Coburg Road (please see attached maps). The applicant requests to change the current Metro Plan designation from Campus Industrial to Medium Density Residential, change the current Willakenzie Land Use Diagram from Special Light Industrial to Medium Density Residential, and change the Willakenzie Area Plan Coburg-Crescent Subarea diagram from Campus Industrial to Medium Density Residential. The Planning Commissions recommend approval of this request. Please refer to Exhibit C, Planning Commission Agenda Item Summary and Exhibit D, Staff Findings for further background on this request.

The proposed Metro Plan amendment is a two-jurisdiction (Type II) Metro Plan amendment inside the Urban Growth Boundary but outside the city limits of Eugene. In accordance with the two-jurisdiction Metro Plan amendment procedures outlined in E.C. 9.7740(4), the governing bodies' decision on the requested actions must be based solely on the evidentiary record created before the Planning Commissions; no new evidence is allowed at the council hearing (E.C. 9.7740(4)). The decision is quasi-judicial.

BACKGROUND

The City of Eugene and Lane County Planning Commissions held a joint public hearing on October 24, 2006 to consider the proposed amendment. Following the close of the public hearing, both Planning Commissions deliberated and passed motions to support the proposed amendment. It should be noted that a separate refinement plan amendment was submitted in the event any text amendment to the Willakenzie Area Plan was necessary. No text amendments were found necessary. Therefore, consistent with the provisions of EC 9.7750(4), a Metro Plan amendment automatically amends the refinement plan diagram when no text amendment is proposed.

One letter of testimony from an adjoining neighbor in opposition of the proposed plan amendment was received during the public comment period for the public hearing before the Planning Commissions.

RELATED CITY POLICIES

Eugene Code requires that a Metro Plan diagram amendment be consistent with the Metro Plan as well as the Statewide Planning Goals. Existing policies support both the current Metro Plan designation of Campus Industrial and the proposed Medium Density Residential designation. Exhibit D of Attachment

A, Staff Findings, evaluates the request relative to all applicable Metro Plan amendment criteria. Key applicable policies from the Metro Plan related to the request are noted below.

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)

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

Economic Element

Provide existing industrial activities sufficient adjacent land for future expansion. (Policy B.5)

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)

Transportation Element Policy

Require that new development pay for its capacity impact on the transportation system. (Finance Policy F.36)

COUNCIL OPTIONS

After holding the public hearing, the City Council may:

1. As recommended by the Planning Commissions: Approve the Metro Plan amendment and automatic refinement plan amendment to change the designation of the subject parcels from Campus Industrial to Medium Density Residential by approving the draft ordinance and findings;
2. Approve the Metro Plan amendment and automatic refinement plan amendment with modified findings; or
3. Deny the Metro Plan amendment and automatic refinement plan amendment based on conflicts with Statewide Goals or Metro Plan policies.

If the Council chooses to deliberate independent of the Lane County Board of Commissioners, Council action on this item is tentatively currently scheduled for March 12, 2007.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the Planning Commission recommendation that the request complies with all applicable approval criteria, and that the Metro Plan amendment be approved, automatically amending the Willakenzie Area Plan refinement plan.

SUGGESTED MOTION

No motion is suggested as action is currently scheduled for March 12, 2007.

ATTACHMENTS

A. Ordinance No. _____

Exhibit A: Map showing proposed changes in the Metro Plan designation

Exhibit B: Map showing proposed changes in the refinement plan designation Willakenzie Area Plan Land Use Diagram

Exhibit C: Map showing proposed changes in the Willakenzie Area Plan Coburg-Crescent Subarea diagram

Exhibit D: Staff findings (revised January 16, 2007)

B. Planning Commission draft minutes dated October 24, 2006

C. Planning Commission Agenda Item Summary dated October 24, 2006

D. Staff findings dated October 24, 2006

E. Letter of Testimony from Judith Van dated October 23, 2006

F. Applicant's application materials submitted August 24, 2006

G. Applicant's Traffic Impact Analysis submitted August 24, 2006

FOR MORE INFORMATION

Staff Contact: Lydia McKinney

Telephone: 682-5485

Staff E-Mail: lydia.s.mckinney@ci.eugene.or.us.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM; AMENDING THE WILLAKENZIE AREA PLAN PURSUANT TO SECTION 9.7750(4) OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (HUNTINGTON CROSSING).

The City Council of the City of Eugene finds that :

A. The applicant, Pop Corn LLC, submitted an application to the City of Eugene for an amendment to the Metropolitan Area General Plan and the Willakenzie Area Plan.

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

C. The City of Eugene Planning Commission and Lane County Planning Commission held a joint public hearing on the amendments contained in this Ordinance on October 24, 2006, and the Eugene Planning Commission has forwarded its recommendations to the Eugene City Council for amendments to the Metropolitan Area General Plan Land Use Diagram as shown Exhibit A, and the Willakenzie Area Plan Land Use Diagram as shown on Exhibit B.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan Land Use Diagram for the property identified as Tax Lots 500, 600, and 700 of Assessor's Map 17-03-16-41, located east of Old Coburg Road at 89295, 89297, and 89317 Old Coburg Road, is amended from a designation of Campus Industrial to a designation of Medium Density Residential as shown on the attached Exhibit A, which is incorporated herein.

Section 2. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, 1971, the Willakenzie Area Plan Land Use Diagram located between pages 19 and 20 of the Willakenzie Area Plan is automatically amended to redesignate the land referenced in Section 1 above, from Special Light Industrial to Medium Density Residential, as shown on the attached Exhibit B, which is incorporated herein and the Willakenzie Area Plan Coburg-Crescent Subarea diagram located at page 62 of the Willakenzie Area Plan is automatically amended to redesignate the land referenced in Section 1 above, from Campus Industrial to Medium-Density Residential, as shown on the attached Exhibit C, which is incorporated herein.

Section 3. The findings set forth in the attached Exhibit D are adopted as

findings in support of this Ordinance.

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

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

Passed by the City Council this

_____ day of February, 2007

City Recorder

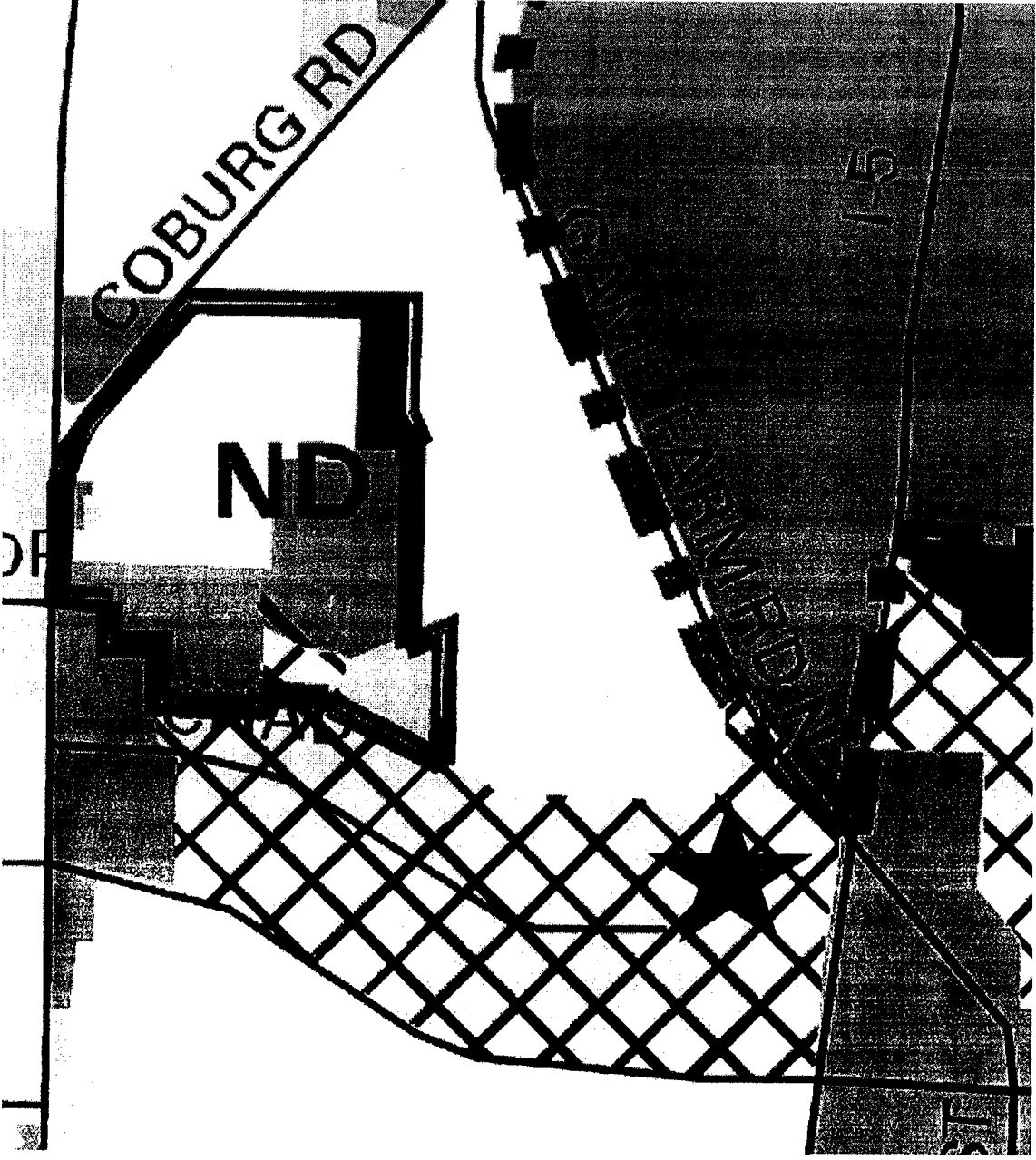
Approved by the Mayor this

_____ day of February, 2007

Mayor



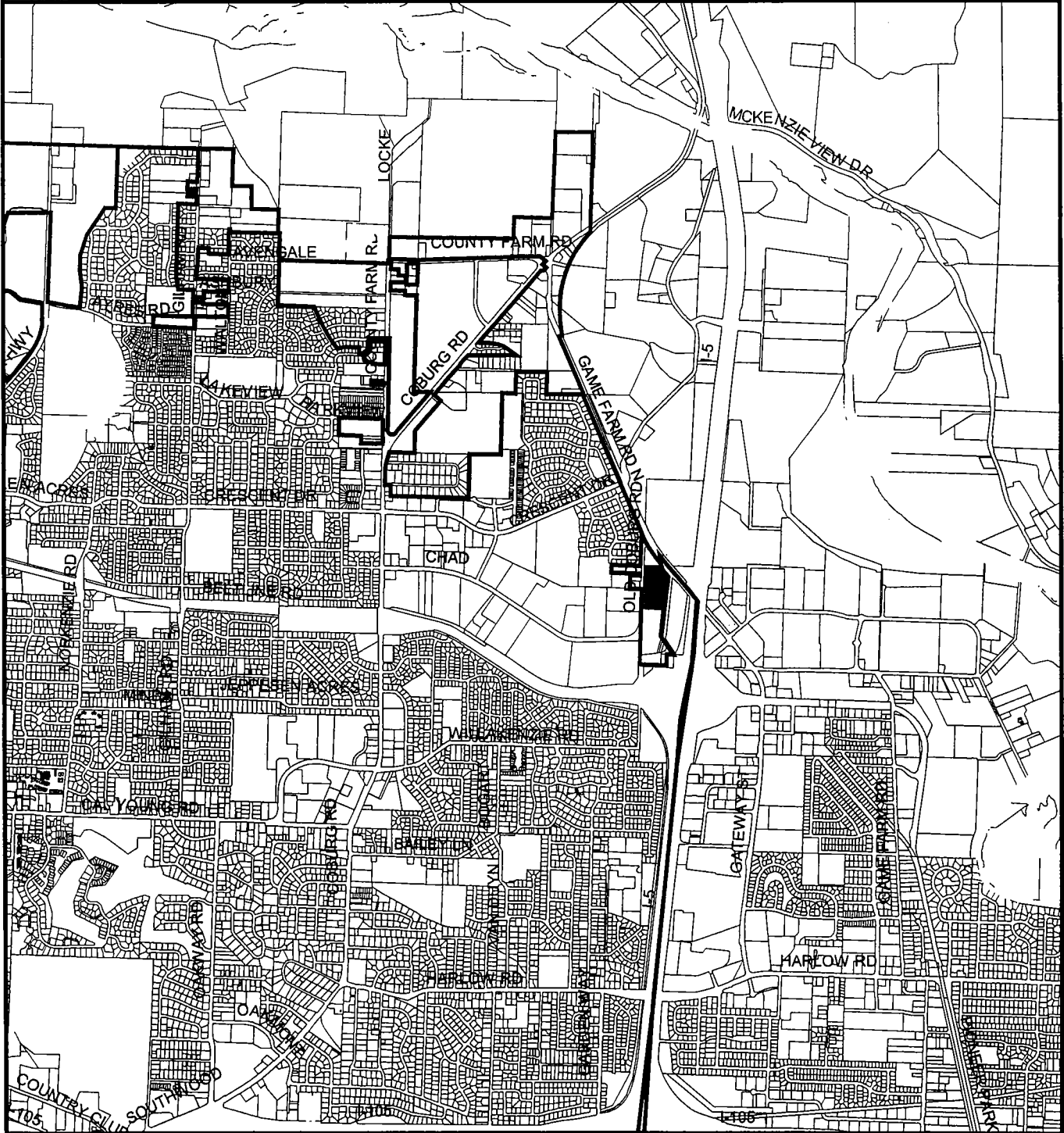
Huntington Crossing Metro Plan Amendment (MA 06-3)



Existing Plan Designation: Campus Industrial
Proposed Plan Designation: Medium Density Residential



Huntington Crossing Refinement Plan Amendments (RA 06-2)

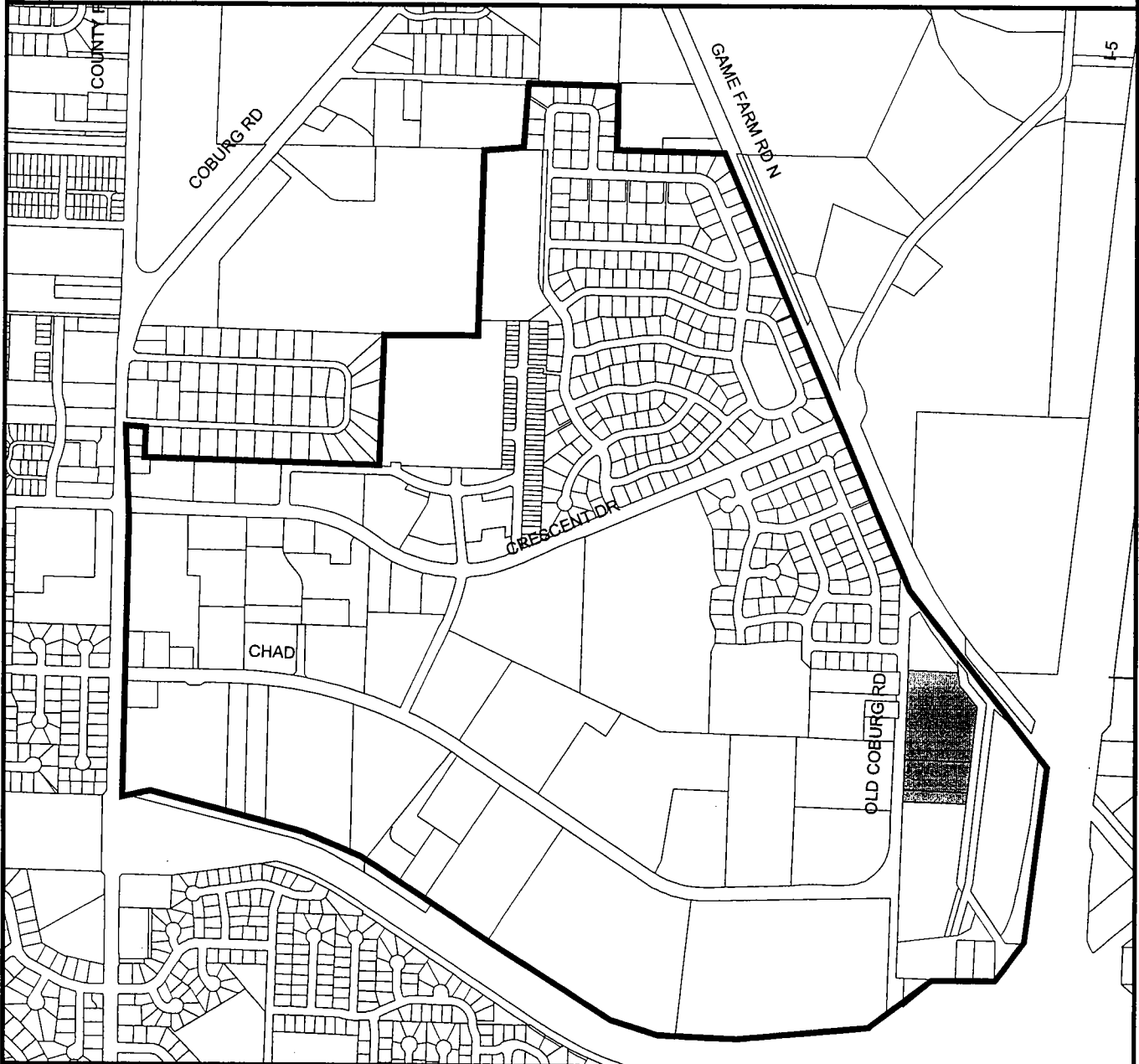


Existing Plan Designation: Special Light Industrial
Proposed Plan Designation: Medium Density Residential

-  Subject Site
-  Eugene City Limits
-  Urban Growth Boundary



Huntington Crossing - Willakenzie Area Plan Amendments to Coburg-Crescent Subarea (MA 06-3)



Coburg-Crescent Subarea (see Page 62 of Willakenzie Area Plan)

Proposed Amendments



Change from Campus Industrial to Medium Density Residential

Information based on Regional Geographic Information System data. Source data may be imprecise and subject to change.



**Staff Findings
Huntington Crossing
(MA 06-3)**

Metro Plan Diagram Amendment (MA 06-3)

The proposed amendment would change the current Metro Plan land use designation from Campus Industrial to Medium Density residential. While there is no corresponding development proposal under review, the applicant indicates that the intent is to develop a mixed use development to include residential units and approximately 4,000 square feet of commercial space. A mixed use proposal would require approval through the planned unit development process within a medium residential zone. As no formal development proposal is under review, staff's analysis and findings are based solely on the request to re-designate the property as Medium Density Residential.

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

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a City of Eugene Planning Commission/Lane County Planning Commission public hearing on October 24, 2006. On September 15, 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 August 30, 2006, referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, and Lane County. The Cal Young Neighborhood Association and City departments were also mailed a copy of the application on September 22, 2006 consistent with the Eugene Code. On September 22, 2006 notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 300 feet of the subject property. On October 4, 2006, notice of the joint Planning Commissions public hearing was published in the

Register-Guard, in accordance with the Eugene Code. On September 22, 2006, notice was also posted in accordance with EC 9.7415(5). An additional public hearing before the Eugene City Council and Lane County Board of Commissioners will be scheduled following Planning Commission action. Notice to interested and affected parties will be 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 property and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

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

Goal 4 is not applicable to these amendments as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property, which is within Eugene's 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 subject property does not include a Goal 5 resource site. The proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary.

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 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. The record shows that the City can reasonably expect that future development of the site will comply with environmental laws. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

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

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned

with the provision of those facilities in non-urban areas of the state. There are no public or private recreational facilities on or adjacent to the subject property. Therefore the proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. As such, 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.*

Goal 9 requires that the city "[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" OAR 660 Division 9 is LCDC's Goal 9 administrative rule. Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply "at the time of each periodic review of the plan (ORS 197.712(3))." In addition, OAR 660-009-0010(4) provides that, when a city changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to a post acknowledgment plan amendment, it must address all applicable planning requirements and (a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of OAR 660-Division 9; or (b) Amend its comprehensive plan to explain the proposed amendment pursuant to OAR 660 Division 9; or (c) adopt a combination of (a) and (b) consistent with the requirements of Division 9.

The applicant proposed a change in plan designation of land in excess of two acres from the Campus-Industrial plan designation. The amendments will decrease the supply of available industrial land by approximately 6.89 acres for the purpose of facilitating a transit-oriented medium-density residential development. The proposed change is consistent with the parts of the Metro Plan that address the requirements of OAR 660 Division 9 (option (a), above). The City's Industrial Lands Inventory is acknowledged for compliance with the requirements of Goal 9 and its Administrative Rule. Currently, the City of Eugene has a surplus of industrial land. Additionally, as shown in the Metropolitan Industrial Lands Inventory Report (1993) and the Metropolitan Industrial Lands Policy Report, the subject property was not included in the inventory of the Metropolitan Plan Industrial Lands Study (See Industrial Lands Special Study Map, Sites in Subregion #5), so the re-designation from Campus Industrial of this specific parcel will not affect the formally acknowledged inventory of industrial land. The proposed 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 6.89 acres from Campus Industrial to Medium Density Residential increases the supply and availability of residential lands. The property affected by the proposed amendments was not included in supply of land available for residential

development as inventoried in the acknowledged 1999 Residential Lands Study, so the re-designation will result in an increase in buildable residential lands. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

The area affected by the amendments is located outside the city limits but inside Eugene's Urban Growth Boundary. The existing level of public facilities and service is adequate to serve the needs of existing and future development, as public facilities are available or can be extended to the subject property. Public Works staff have indicated that a change in designation from Campus Industrial to Medium Density Residential will reduce the demand on public facilities and services and on the capacity needed to serve the subject properties. In addition, while the parcel is currently outside City limits, annexation is a requirement of any proposed development. City of Eugene Public Works staff have provided referral comments that indicate public facilities and services are available for the purpose of annexation. The provision of these amendments does not affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

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

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

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

- plan; or
- C. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

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

To address the TPR, the applicant submitted a Transportation Impact Analysis (TIA). The City of Eugene and the Oregon Department of Transportation (ODOT) collaborated on a scope of work for the TIA for the proposed plan amendment. Roadways near the development site include Old Coburg Road, classified as a major collector, North Game Farm Road, classified as a minor arterial, Chad Drive, classified as a Major Collector, and Crescent Drive, classified as a minor arterial. These classifications address the planned transportation needs of the surrounding area. The proposed re-designation is not inconsistent with the functional classification of the existing and planned transportation facilities.

The TIA evaluates the current performance of existing facilities and the performance of these facilities as a result of the amendments to re-designate 6.89 acres from Campus Industrial to Medium Density Residential. The TIA provides that the existing designation projects that 256 trips during the afternoon peak hour and 2,389 trips during average daily weekday traffic will be generated by the development site, based on a most reasonable development scenario. Staff have reviewed the analysis and findings in the TIA and concur with the applicant's conclusions regarding a most reasonable development scenario. "Trip" is defined as a single directional vehicle trip that has one origin and one destination. "Peak hour" is defined as the four highest contiguous 15-minute traffic volume periods.

The TIA further provides that under the proposed land use designation change, and subsequent zone change to R-2 Medium Density Residential, 93 trips during the afternoon peak hour and 974 trips during average daily weekday traffic will be generated by the development. The applicant has provided these findings based on the maximum number of units of 20 units per gross acre, as provided in the Metro Plan. The TIA also provides findings based on the "master site plan", which is not part of this application, but the applicant indicates this proposal will follow upon successful re-designation of the property. Under the proposed master plan, it is projected that 117 trips during the afternoon peak hour and 1,086 trips during the average daily weekday traffic will be generated by the development. These figures indicate that the re-designation of the subject property from Campus Industrial to Medium Density Residential will result in a reduction in the traffic generated by the subject property. City of Eugene and Oregon Department of Transportation (ODOT) have concurred that the proposed re-designation will not significantly affect the existing or planned transportation facility. As such, the amendments are consistent with Statewide planning Goal 12.

Old Coburg Road, adjacent to the western boundary of the development site, is currently under Lane County jurisdiction. Referral comments from Lane County Public Works staff indicate that Old Coburg Road is rural in nature and not currently suited for urban development, and that the

Transportation Impact Analysis does not address Lane County Chapter 15 requirements. The improvement of Old Coburg is currently a capital improvement project (CIP) called the Chad Drive extension project. This project is slated for construction in the spring/summer of 2008. In the event that the applicant chooses to proceed with development prior to the CIP, the development proposal would trigger City code requirements to review Old Coburg Road for capacity. As also noted by Lane County staff, in the event that Old Coburg Road remains in Lane County jurisdiction at the time a development proposal is submitted for the subject property, Lane County staff would have another opportunity to review a TIA.

This amendment will actually reduce existing potential impacts to the existing and planned transportation facilities. Therefore the proposed change will not result in a significant affect. The proposed amendments are consistent with Statewide Planning Goal 12.

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

Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to manage all forms of energy, based on sound economic principles. Changing the designation from Campus Industrial to Medium Density Residential does not specifically impact energy conservation or preclude sound energy conservation measures. The proposed amendments are consistent with Statewide Planning Goal 13.

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

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

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

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

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

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

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

The Metro Plan diagram amendment to re-designate 6.89 acres of land from Campus Industrial to Medium 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 applicant provided findings regarding how the Metro Plan diagram amendment is consistent with the policy direction contained in the Metro Plan. Those policies found to be applicable to this request are addressed below. Although the applicant addressed additional Metro Plan policies, they do not provide further, relevant guidance or mandatory approval criteria with respect to the proposal. However, to the extent that they may be applicable, the applicant's findings are incorporated herein by reference as further evidence that the amendment does not make the Metro Plan internally inconsistent.

The Metro Plan diagram included in the applicant's written materials is outdated, and not applicable. The Metro Plan diagram in the applicant's written materials shows the northern portion of the subject property as designated for Low Density Residential use. However, the applicable Metro Plan diagram (Ordinance No. 20319) does show the entire subject property designated as Campus Industrial. The portions of the applicant's written statement addressing the Low Density Residential designation, and the Metro Plan diagram in the applicant's materials, are not incorporated into these findings

The following polices are applicable to this request:

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)

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

As noted by the applicant, the area proposed for designation as medium density residential is adjacent to the Chad Drive employment area to the southwest, and within .9 miles of the Springfield RiverBend medical employment area and the Gateway commercial center, which are in proximity to major transportation systems, including the existing street system and LTD services. Re-designation of the subject property to medium density residential provides additional opportunities for additional housing types, density, size, cost and location. The applicant's proposal is not inconsistent with the applicable policies.

Economic Element

Provide existing industrial activities sufficient adjacent land for future expansion. (Policy B.5)

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 policies above are brought into question with the request to remove the Campus Industrial Designation. According to the applicant's written materials, adjacent property owners with industrial uses were consulted regarding the availability of this parcel for purchase, and there was no desire of the surrounding property owners to acquire the property. In addition, there is currently vacant industrial land in the area, so the re-designation would not preclude existing industrial activities from expansion. The applicant also consulted a number of real estate agents and Metro Partnership staff who indicated that the size and orientation of the site posed significant limitations for industrial development. The suitability of the subject property for industrial activities and the consolidation potential is limited based on the relatively narrow, long lot configuration and the 6.89 acres size of the parcel. The areas for campus industrial uses were typically envisioned as large campus style developments. The Land Use Designations section of the Metro Plan describes a 50-acre minimum lot size for parcels over 50 acres, to protect undeveloped sites from piecemeal development until a site development plan can be approved by the responsible city. As suitability of this parcel for location or expansion of industrial uses is constrained, the proposed amendments are not inconsistent with the applicable Economic Element policies.

Transportation Element Policy

*Require that new development pay for its capacity impact on the transportation system.
(Finance Policy F.36)*

This finance policy provides direction to the City of Eugene to expand system development charge (SDC) methodologies to address the impact of new development on state, county and transit facilities. Currently, SDC methodologies charge new development only for the City's portion of the arterial-collector system. The intent of this policy, as described in Transplan, is for the City to consider additional system development charges to mitigate onsite or adjacent impacts. To the extent that this policy is applicable to the proposal, development resulting from the proposed amendment would be subject to SDCs.

MINUTES

Joint Planning Commissions—Eugene and Lane County
Council Chamber—Eugene City Hall
777 Pearl Street, Eugene, Oregon

October 24, 2006
5:30 p.m.

PRESENT: Rick Duncan, Jon Belcher, Phillip Carroll, Randy Hledik, John Lawless, Eugene Planning Commissioners; Jim Carmichael, Ed Becker, Steve Dignam, Lisa Arkin, Jozef Siekiel-Zdzienicki, Nancy Nichols, John Sullivan, Todd Johnston, Lane County Planning Commissioners; Lisa Gardner, Kurt Yeiter, Steve Nystrom, Lydia McKinney, Eugene Planning and Development Department; Kent Howe, Stephanie Schultz, Lane County Land Management Division.

ABSENT: Mitzi Colbath, Eugene Planning Commission.

STUDY SESSION TO REVIEW AGENDA OF OCTOBER 24, 2006

Ms. McKinney provided a brief overview of the proposal before the commissions, which was a request to amend the Eugene-Springfield Metropolitan General Area Plan (Metro Plan) and the Willakenzie Area Refinement Plan. She indicated that the commissions' recommendation on the matter would be forwarded to the Lane Board of County Commissioners and the Eugene City Council. The property in question was currently designated for Campus Light Industrial and was proposed to be redesigned Medium-Density Residential (MDR).

Mr. Nystrom said the property was not annexed to the City but was inside the urban growth boundary, requiring action by both jurisdictions. There was no rezoning being proposed at this time.

Mr. Dignam raised the issue of whether the Lane County Planning Commission would need to take action on the refinement plan amendment. Mr. Howe did not think it inappropriate for the commission to do so and suggested that the commission err on the side of caution.

Mr. Lawless asked if staff recalled a similar plan amendment from C-I to R-2 (MDR). Mr. Nystrom said no.

Mr. Carmichael questioned whether the Lane County Planning Commission was sufficiently knowledgeable about the refinement plan policies to make a decision about the amendment. Mr. Nystrom said that given there was no need for text amendments, it could be argued that the refinement plan would be automatically amended by the Metro Plan amendment. He acknowledged that the commission might be uneasy about acting on the refinement plan.

Responding to a question from Ms. Arkin, Mr. Nystrom briefly described the City's refinement planning process.

The study session adjourned at 5:50 p.m.

JOINT PUBLIC HEARING OF THE CITY OF EUGENE AND LANE COUNTY PLANNING COMMISSIONS

Huntington Crossing (MA 06-3, RA 06-2)

Mr. Duncan opened the public hearing of the Eugene Planning Commission.

Mr. Carmichael opened the public hearing of the Lane County Planning Commission.

Commissioners introduced themselves.

Mr. Duncan noted the applications to amend the Eugene-Springfield Metropolitan General Area Plan (Metro Plan) and Willakenzie Refinement Plan that were before the two commissions and called for any conflicts of interest or *ex parte* contacts.

Mr. Lawless noted that he was doing work on some nearby properties but did not think that constituted a conflict of interest. Mr. Hledik and Mr. Duncan both indicated they visited the site but no information was shared.

Staff members introduced themselves.

Ms. McKinney provided the staff report for the Huntington Crossing proposal, confirming that the request before the two commissions was an amendment to the Metro Plan and an amendment to the Willakenzie Refinement Plan to redesignate the subject property from Campus Industrial to Medium-Density Residential (MDR). The property, a 6.89 parcel, was inside the urban growth boundary (UGB) but outside the Eugene city limits. Ms. McKinney noted that colored maps of the site were available.

Ms. McKinney reviewed the public notice and noted that a letter was received after the preliminary staff findings had been complete. She provided copies of the letter as well as a letter mailed by the same property owner a few days after the application was received.

Ms. McKinney cited the applicable criteria found in Eugene Code sections 9.7730(3) and 9.8424. She said that staff reviewed the application in light of the criteria and concluded that the amendment proposals satisfied all criteria. She recommended the commissions approve the request.

Mr. Duncan opened the public hearing.

Larry E. Reed, 4765 Village Plaza Loop, representing JRH Transportation and Land Use Planning, introduced Steve Ward, son of Jack Ward, principal of the current owner. He said that Mr. Ward would be the developer of the property.

Mr. Reed said a review of the City's land use and transportation documents indicated the site offered a rare opportunity for MDR development along a future major collector, the Chad Drive extension. He said that the Chad Drive project was listed in TransPlan and was it now coming to fruition. He called attention to the 30 percent plans developed by the City showing the Chad Drive extension, which were mounted on easels in the meeting room.

Mr. Reed briefly described the scope of the proposed project, which would be a mix of town homes, some standard apartment units, and garden apartment type units. He said that statewide planning goals and the Willakenzie Refinement Plan policies offered policy support for the requested change. Mr. Reed said that conclusion was supported by the staff recommendation for approval of the request. He said that as a result of the Metro Plan amendment, the Willakenzie Refinement Plan Map would also be amended. No policy or text changes were being requested.

Mr. Reed reviewed the public outreach done by his firm with neighborhood groups, neighborhood property owners associations, and other interested parties. He called attention to Exhibit M, which was a flier regarding a neighborhood meeting held by his firm. He said that most surrounding property owners had no opinion while others supported the proposal for residential development in favor of an industrial use.

Mr. Reed thought the proposal an opportunity to create more high-density residential development in the community. The location was supported by planning policies. He believed there was a need for the housing contemplated if the city was to increase in density, particularly along its major arterials as a means of supporting mass transit.

Mr. Reed requested approval of the proposal from the two commissions.

Mr. Duncan called for questions and comments from the commissioners.

Responding to a question from Mr. Sullivan, Mr. Reed said he had examined what types of industrial uses could be located on the property and the opportunities that existed, which were somewhat speculative. The installation of infrastructure to serve a commercial development was costly and he would not recommend that his client build a commercial building on speculation. Mr. Ward also wanted to realize income through the life of the property and already managed another residential development to the north. He noted that *The Register-Guard* owned about 80 to 90 acres of industrial property in a much more development-ready state, and he did not think it prudent for the Wards to take that approach to the property.

Mr. Siekiel-Zdzienicki asked if Mr. Reed had met with Ms. Van, who had offered testimony regarding the application, and if she was aware of the final plan. Mr. Reed said he had talked to Ms. Van several times on the telephone but never met with her as she lived in Phoenix. She had been provided a copy of the plan.

Ms. Nichols asked when the Chad Drive extension would be built. Mr. Reed said that road project was originally scheduled to be under construction in 2007 and was now moved to 2008. The street was now dead-ended but would be extended to become a major collector and a possible route for EmX.

Mr. Dignam noted the changes that would be made to the Metro Plan Diagram if the proposal were adopted, and said the adoption of the amendment must not make the Metro Plan internally inconsistent. He asked Mr. Reed to comment. Mr. Reed referred to his application, which included a fuller explanation. He said that 30 years ago the proposal would have been called a "spot zone" and it would have been considered a bad idea. That was no longer the case. Communities formerly designated large swathes of land for a single use, creating more need for residents to drive and increasing the need for additional road capacity. It was now considered it acceptable to mix uses and the issue became a matter of compatibility in terms of design. Mr. Reed pointed out that the planned unit development process would provide another opportunity for the adjacent neighbors to provide input on the compatibility issue if the applica-

tion in question was approved. He reiterated that the proposal would put housing close to where people worked and would be along a major transit line.

Mr. Dignam asked if staff agreed with the applicant's reasoning. Ms. McKinney clarified that the change the designation itself did not cause inconsistency; the issue was whether changing this part of the Metro Plan would create a ripple effect in the Metro Plan itself that would create inconsistency, perhaps conflicting with other Metro Plan policies. Mr. Nystrom pointed out if the City enabled people to request a change in designation, there would be some recognizable differences in designations. He did not perceive the issue as the change itself, but rather whether the change created other inconsistencies that must be reconciled. He did not see any text inconsistencies.

Ms. Arkin asked if the developer anticipated that the development would place pressure on the adjacent properties to become residential. Mr. Reed did not think so. He said that everything to the south and southwest was owned by *The Register Guard* and he did not think the company had plans for residential development. If *The Register Guard* proposed residential development, it would have to justify it in the same manner as the applicant. There were two long tax lots to the east owned by Northwest Natural Gas and the Eugene Water & Electric Board and he did not anticipate a change in their use. He said that a sliver of land to the east would be created when the Oregon Department of Transportation (ODOT) widened I-5 and built the off-ramp to Beltline. The properties to the north would be "islanded," which was why the company reached out to the Harmon family, the adjacent property owner. When those discussions began, there was no ODOT road project affecting the two properties. The family had no idea as to what it wanted to do with the property in the long-term, so the Ward family proceeded with its application alone. He did not think the Harmon property would remain industrial because of its small, odd size. In the long-term the property owner may seek a change to residential or commercial, which his client would not object to.

Ms. Arkin asked who would pay for the Chad Drive extension. Mr. Reed said the City would build the road but he was not sure of all the funding mechanisms involved. He said that adjacent property owners would be assessed for a portion of the road, and the applicant would pay a considerable sum in systems development charges when the development occurred.

Referring to the traffic impact analysis (TIA), Mr. Siekiel-Zdzienicki asked how an industrial park could generate more trips than a residential development. Mr. Reed attributed it to the wide range of uses allowed in industrial zones by the City and the fact that traffic used commercial developments more heavily during peak a.m. and p.m. hours. He said that the residential development would have more of a balance of trips and it was likely that some residents could take advantage of mass transit or other alternate modes to come and go from the site. Mr. Reed explained that the Institute of Transportation Engineers (ITE) Manual was used in the calculation and its figures were based on land usage and square feet.

Mr. Siekiel-Zdzienicki pointed out an error in Table 2 on page 10 of the TIA.

There being no other requests to speak, Mr. Duncan closed the public hearing. He called for the staff response to testimony.

Ms. McKinney said that there were standards related to the calculations used in the TIA, and the TIA was referred to the City's Public Works Transportation staff, which confirmed the numbers were generally representative of the most reasonable development scenario. Mr. Nystrom concurred. He noted that peak flow hours were also measured by the applicant. Responding to a follow-up question from Mr. Siekiel-

Zdzienicki, Mr. Nystrom confirmed that incidental trips were also accounted for in the TIA and staff concurred with the applicant there would be still be a reduction in trips from the development.

Mr. Hledik asked why the site was not included in the Metro Plan industrial lands inventory. Mr. Nystrom speculated it had to do with the size and configuration of the parcel in question. He added that was not unusual for many parts of the City's land inventories.

Mr. Hledik noted the criteria for amending a refinement plan, which included a change in circumstances. He said the findings demonstrating consistency with the Metro Plan as it related to Goal 10, Housing, mentioned the fact the parcel was not included in the residential lands supply. He suggested the applicant made a stronger argument in his application related to the change in circumstance, which had to do with the residential densities expected but not realized in the Crescent Village development. He asked if staff concurred. Mr. Nystrom said staff did not find that as compelling an argument. The development occurring now at Crescent Village was being built within the established densities. Staff had first looked at the refinement plan and determined the need for a plan amendment was related to the need for consistency with the Metro Plan. That was the driving force behind the amendment. He perceived the other issue to be incidental but not as compelling. Mr. Hledik asked if staff found them to be valid. Mr. Nystrom said not to the same degree as the applicant. He did not think the commission needed to rely on that as a finding as he considered the finding related to consistency sufficient.

Mr. Carroll asked if the Campus Industrial designation allowed for small-scale restaurants. Ms. McKinney said yes, very in limited circumstances; the restaurant must be associated with an industrial use, and the use must be approved through a discretionary land use approval process. Mr. Carroll asked what development standards distinguished Campus Industrial from other industrial zones. Ms. McKinney indicated that higher standards for landscaping and additional compatibility standards distinguished the zone from other industrial zones.

Mr. Carroll referred to the site plans submitted with the applicant and asked if staff had looked at the location of the transit stop to see if it would work. Ms. McKinney said no, as the application was not a development proposal.

Mr. Sullivan said the staff-prepared findings for Goal 9 indicated that the City of Eugene had enough industrial land but what he had read had indicated to him that was in question in regard to what land was shovel-ready and what was not; more importantly, the industrial land inventory was yet to be presented to the public. He was hesitant to conclude that there was plenty of shovel-ready industrial land in Eugene. He believed that out of 1,212 acres, or 484 acres was actually available. He asked staff to consider a response at some point.

Mr. Sullivan suggested the Lane County Planning Commission would also have to make a recommendation to the Board of County Commissioners regarding the refinement plan amendment because of the need for a finding of consistency with State Goal 11, Public Facilities and Services. He recalled that a letter of opposition to the application related to police protection in the area and the high property crime rate in Willakenzie. The County would have to provide police service to the area at a time when it was strapped for funds. He believed there would be a public safety issue until the property was annexed.

Mr. Sullivan referred to the letter provided to the commissions by Lane County staff Celia Barry, who did not seem to concur with Eugene staff about the condition of the City road. He did not know if that any impact on the proposal but needed clarification on that issue.

In reference to Mr. Sullivan's concerns regarding Goal 11, Ms. McKinney clarified that no development could occur until annexation occurred. Mr. Nystrom added that currently, the property was in the jurisdiction of Lane County and the request would not change that.

Speaking to Mr. Sullivan's concerns regarding the condition of the roads, Ms. McKinney concurred that the current condition of the roads was not suitable for development. When the applicant made his future development application, another TIA would be required and the developer would also be required to pay for needed improvements identified in the TIA. She did not believe that the redesignation would trigger a County road problem. Mr. Nystrom added that the redesignation would actually alleviate a County road problem because it was likely any annexation proposal would include the street.

Mr. Dignam had a strong personal concern about the adequacy of the supply of industrial land but he acknowledged that the parcel in question might be too small for industrial use. He asked if the issue of the sufficiency of industrial land should be an issue for him to consider when deciding how to vote. Mr. Nystrom pointed out that in regard to the supply of industrial lands, the redesignation would not be an issue because the parcel was not counted toward the existing supply of industrial land. For that reason, staff concluded the application technically met the State planning goal. If the commissions were not comfortable with the further loss of industrial lands, they could consider the policies in the Metro Plan related to economic development and industrial lands and reach a different conclusion than staff. He suggested that the commissions needed to make a distinction between the policy and the data issues.

Mr. Duncan suggested that the commissions could weigh the gain of residential land against the loss of industrial land and make a conclusion on that basis, recognizing there were shortages in all land supply categories.

Mr. Duncan noted that a study of the local industrial land supply done by EcoNorthwest had been published that day and accepted by Springfield, Eugene, and Lane County. He asked if that was something the commissions could consider in regard to the application. Mr. Nystrom said the decision must be based on the adopted Industrial Lands Study.

Mr. Hledik asked if the Chad Drive extension route was firm. Ms. Gardner said that the 30 percent design before the commissions reflected the design that was being advanced by the City. It would not change significantly. Mr. Hledik said he had initially been concerned by the insertion of residential between industrial uses, but suggested that the fact of the connection created a logical break between uses.

Mr. Siekiel-Zdzienicki suggested delaying a decision awaiting the EcoNorthwest analysis. Mr. Nystrom said the study would not replace the adopted inventory in the short-term.

Mr. Lawless said since the site was not included in either the residential or industrial lands inventories, he saw no problem with the application in that regard. Mr. Nystrom agreed there was not an inventory impact. By way of history, he recalled that when the Willakenzie Area Plan was developed, there were residences on the industrially designated lands that raised a question about the future of those sites; because of the fact of the residences, there was hesitancy to assume those lands would be in industrial use in the future.

Mr. Siekiel-Zdzienicki referred to a statement on page 44 of the application that the owner requested off-site infrastructure costs be credited toward the City's systems development charge and asked if that was standard practice. Ms. McKinney did not know, adding that the statement did not actually related to the redesignation request but to the development proposal.

Responding to a question from Mr. Dignam, Mr. Nystrom said that an action amending the Metro Plan would also automatically amend the applicable refinement plan given that there were no text changes being made to the Metro Plan. For that reason, he concluded that the Lane County Planning Commission did not have to act on the application amending the refinement plan.

Responding to a question from Mr. Sullivan regarding the impact of the application on the Metropolitan Wastewater Management Commission (MWMC), Ms. McKinney indicated that provision of such service was a function of annexation to the City, and that currently, City wastewater services were available to serve the property. The redesignation would have no negative impact on the future of the MWMC.

Responding to a question from Mr. Carroll regarding whether staff believed the application both addressed a new or amended community policy as well as a change in circumstances, Mr. Nystrom said that what constituted a change in circumstances was somewhat fuzzy. One could argue that a change in the Metro Plan Diagram constituted a change in circumstances. Staff had relied on the hierarchy question rather than the applicant's arguments related to surrounding issues having a direct impact on the change in circumstances. He said that the new or amended community policy would reflect the change in the Metro Plan Diagram. He did not think the commission needed to go beyond that in its findings.

Mr. Carroll asked if the new view of zone changes discussed by the applicant satisfied the requirement related to a change in circumstances. Mr. Nystrom said that staff could not rely on that, as the focus was on the map designation change rather than what would be built later. Mr. Carroll asked how staff concluded that the application satisfied the criterion related to a change in circumstances. Ms. McKinney said an amendment to the Metro Plan was followed by a change to the refinement plan; the change to the Metro Plan represented the change in circumstances or the change in community policy. Staff was not relying on the future development but the fact of the approval itself to change the Metro Plan. Mr. Nystrom added that one could apply criterion (c), New or amended community policies, or criterion (e), A change of circumstances in a substantial matter that was not anticipated at the time the refinement plan was adopted. He said that if the commissions were uncomfortable with the findings as drafted, staff could amend them to focus on one or the other criterion.

Mr. Hledik said that he thought staff had relied on the applicant's citation on page 20 of the application regarding new community policies that had created a change in circumstance, such as nodal development policies. Ms. McKinney reiterated that staff was not looking at the mixed-use development proposal anticipated and did not feel comfortable it could make that argument for the contemplated plan amendment since the application in front of the commissions was a redesignation, not a development application.

Mr. Carroll said that staff's reasoning seemed circular to him; in other cases where a zone change was requested, the commission must look at refinement plan policies to determine the validity of the request. Criterion 2 suggested to him that the text of the refinement plan must be considered when the commission evaluated a zone change. He agreed with Mr. Hledik that was the applicant's approach. Changing the Metro Plan Diagram the commissions would have changed the circumstance to justify the refinement plan change. Mr. Nystrom pointed out that no zone change was being contemplated in this instance; only a designation change was being considered, which made it difficult for staff to rely on some of the arguments that the applicants had offered in regard to the future development. While those policies were in place, they did not mandate that the site in question would develop into a mixed use development. There were several steps that remained before the development stage was reached. Mr. Nystrom said if one was to change the Metro Plan Diagram, one could not create an inconsistency with the refinement

plan; otherwise, the change to the Metro Plan would create a conflict with the refinement plan. That potential conflict was the reason behind the provision for an automatic refinement plan amendment.

Mr. Siekiel-Zdzienicki asked where criterion (b), New inventory material which relates to a statewide goal, was addressed in the application. Mr. Nystrom reiterated that the City did not have a new formal inventory that could be used in the decision making process.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Howe concurred with the remarks of Mr. Nystrom in regard to the refinement plan amendment.

Mr. Hledik determined from Mr. Nystrom that in the case of an inconsistency between the Metro Plan and the refinement plan, the Metro Plan prevailed.

Mr. Sullivan, seconded by Mr. Dignam, moved to recommend the Board of County Commissioners approval of the Eugene-Springfield Metropolitan General Area Plan amendment as requested and refined in the Huntington Crossing application based on 1) the amendment is consistent with relevant statewide planning goals, and 2) adoption is not inconsistent with the Metro Plan as defined in Eugene Code Section 9.7730. The motion carried unanimously.

Mr. Belcher, seconded by Mr. Hledik, moved to recommend to the Eugene City Council the approval of the application to amend the Eugene-Springfield Metropolitan General Area Plan and Willakenzie Area Refinement Plan. The motion passed unanimously.

The meeting adjourned at 7:25 p.m.

(Recorded by Kimberly Young)

AGENDA ITEM SUMMARY
October 24, 2006

TO: Eugene Planning Commission and Lane County Planning Commission

FROM: Lydia McKinney, Associate Planner, Eugene Planning Division

ITEM TITLE: Public Hearing for Huntington Crossing Metro Plan Amendment and Refinement Plan Amendment (MA 06-3, RA 06-2)

ACTION REQUESTED: Hold a public hearing on the proposed Metro Plan amendment and refinement plan amendment.

BRIEFING STATEMENT: On October 24, 2006, the Eugene Planning Commission and Lane County Planning Commission will hold a public hearing on a proposal to amend the Metro Plan and to amend the applicable refinement plan, the Willakenzie Area Plan, for Huntington Crossing. The property is owned by Pop Corn LLC. The property subject to this request, identified as Tax Lots 500, 600, and 700 of Assessor's Map 17-03-16-41, is located east of Old Coburg Road at 89295, 89297 and 89317 Old Coburg Road and is outside Eugene city limits, but within the Urban Growth Boundary. The applicant requests approval of the following:

Metro Plan Amendment (MA 06-3) to amend the Metro Plan land use diagram from a designation of Campus Industrial to a designation of Medium Density Residential for the subject property.

Refinement Plan Amendment (RA 06-2) to amend the Willakenzie Area Plan land use diagram from a designation of Special Light Industrial (labeled as Campus Industrial in the Coburg/Crescent Subarea) to a designation of Medium Density Residential for the subject property.

BACKGROUND:

Purpose of Staff Report

The Eugene Code requires City staff to prepare a written report, prior to the public hearing, for the Planning Commissions' consideration concerning any Metro Plan amendment and refinement plan amendment request. The staff report provides only preliminary information and recommendations (see Attachment A). The Eugene and Lane County Planning Commissions will also consider public testimony and other materials presented at the public hearing before making a decision. Following the close of the public hearing record, the Planning Commissions will make a recommendation, based on the required approval criteria, to the Eugene City Council and the Lane County Board of Commissioners to approve, approve with modifications or deny the applications. The requests will be heard before the Eugene City Council and the Lane County Board of Commissioners in a separate public hearing, following Planning Commission action. The quasi-judicial hearing procedures applicable to this request are described in the Eugene Code (EC) at EC 9.7065 through EC 9.7095.

Application, Referrals and Public Hearing Notice

On May 19, 2006, the applicant submitted an application to the City of Eugene for an amendment to the Metro Plan and a Transportation Impact Analysis (TIA). Following the receipt of the City's completeness review comments, the applicant provided supplemental application materials on August 24, 2006, including a request for a refinement plan amendment. The applicant requested the application be deemed complete on August 24, 2006, the date the supplemental materials were submitted. A public hearing before the Planning Commissions is scheduled for October 24, 2006. Referrals were provided to the appropriate agencies, and notice of the October 24, 2006 public hearing was mailed and posted consistent with Eugene Code requirements.

The Planning Division has received no letters of public testimony. Any additional written comments received after the preparation of this staff report will be provided to the Planning Commission at the public hearing for inclusion into the public record.

Applicable Criteria

The Eugene Planning Commission and the Lane County Planning Commission shall address the relevant approval criteria from EC 9.7730(3) and EC 9.8424 in making recommendations to the Eugene City Council and the Lane County Board of Commissioners on the proposals, as listed below. Preliminary findings addressing the required approval criteria have been prepared by staff and are attached.

EC 9.7730(3) Criteria for Approval of Plan Amendment.

The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:

- (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.

EC 9.8424 Refinement Plan Amendment Approval Criteria.

The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

- (1) The refinement plan amendment is consistent with all of the following:
 - (a) Statewide planning goals.
 - (b) Applicable provisions of the Metro Plan.
 - (c) Remaining portions of the refinement plan.
- (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.

RECOMMENDATION: Based on the available information and materials in the record, and the attached preliminary findings, staff recommend approval of the applicant's proposed Metro Plan amendment and refinement plan amendment.

ATTACHMENTS: It was not feasible to reprint all of the written materials, attachments, and other items included in the file record for this application as part of the attachments to the Preliminary Staff Findings. The other materials listed below are only available for review at the Planning Division. Copies of the materials found in the file record for this application can be provided upon request for a fee. The Planning Commission will be provided a full set of the applicant's materials and all public testimony for review.

Attachment A. Preliminary Staff Findings

The following additional items are included in the file record for this application, and are available for review at the Planning Division (The Planning Commission will be provided a copy of these materials with the agenda packet):

Applicant's Metro Plan and Refinement Plan Amendment application materials
Transportation Impact Analysis

FOR MORE INFORMATION:

Please contact Lydia McKinney, Associate Planner, City of Eugene Planning Division, 99 W. 10th Avenue, Eugene, OR 97401, by telephone at 541-682-5485 or via email at lydia.s.mckinney@ci.eugene.or.us.

**Preliminary Staff Findings
Huntington Crossing
(MA 06-3, RA 06-2)**

Metro Plan Diagram Amendment (MA 06-3)

The proposed amendment would change the current Metro Plan land use designation of Campus Industrial to Medium Density residential. While there is no corresponding development proposal under review, the applicant indicates that the intent is to develop a mixed use development to include residential units and approximately 4,000 square feet of commercial space. A mixed use proposal would require approval through the planned unit development process within a medium residential zone. As no formal development proposal is under review, staff's analysis and findings are based solely on the request to re-designate the property as Medium Density Residential.

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

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a City of Eugene Planning Commission/Lane County Planning Commission public hearing on October 24, 2006. On September 15, 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 August 30, 2006, referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, and Lane County. The Cal Young Neighborhood Association and City departments were also mailed a copy of the application on September 22, 2006 consistent with the Eugene Code. On September 22, 2006 notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 300 feet of the subject property. On October 4, 2006, notice of the joint Planning Commissions public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. On September 22, 2006, notice was also

posted in accordance with EC 9.7415(5). An additional public hearing before the Eugene City Council and Lane County Board of Commissioners will be scheduled following Planning Commission action. Notice to interested and affected parties will be 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 property and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

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

Goal 4 is not applicable to these amendments as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property, which is within Eugene's 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 subject property does not include a Goal 5 resource site. The proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary.

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 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. The record shows that the City can reasonably expect that future development of the site will comply with environmental laws. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

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

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. There are no public or private

recreational facilities on or adjacent to the subject property. Therefore the proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. As such, 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.*

Goal 9 requires that the city '[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]' OAR 660 Division 9 is LCDC's Goal 9 administrative rule. Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply "at the time of each periodic review of the plan (ORS 197.712(3))." In addition, OAR 660-009-0010(4) provides that, when a city changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to a post acknowledgment plan amendment, it must address all applicable planning requirements and (a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of OAR 660-Division 9; or (b) Amend its comprehensive plan to explain the proposed amendment pursuant to OAR 660 Division 9; or (c) adopt a combination of (a) and (b) consistent with the requirements of Division 9.

The applicant proposed a change in plan designation of land in excess of two acres from the Campus-Industrial plan designation. The amendments will decrease the supply of available industrial land by approximately 6.89 acres for the purpose of facilitating a transit-oriented medium-density residential development. The proposed change is consistent with the parts of the Metro Plan that address the requirements of OAR 660 Division 9 (option (a), above). The City's Industrial Lands Inventory is acknowledged for compliance with the requirements of Goal 9 and its Administrative Rule. Currently, the City of Eugene has a surplus of industrial land. Additionally, as shown in the Metropolitan Industrial Lands Inventory Report (1993) and the Metropolitan Industrial Lands Policy Report, the subject property was not included in the inventory of the Metropolitan Plan Industrial Lands Study (See Industrial Lands Special Study Map, Sites in Subregion #5), so the re-designation from Campus Industrial of this specific parcel of will not affect the formally acknowledged inventory of industrial land. The proposed 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 6.89 acres from Campus Industrial to Medium Density Residential increases the supply and availability of residential lands. The property affected by the proposed amendments was not included in supply of land available for residential development as inventoried in the acknowledged 1999 Residential Lands Study, so the re-

designation will result in an increase in buildable residential lands. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

The area affected by the amendments is located outside the city limits but inside Eugene's Urban Growth Boundary. The existing level of public facilities and service is adequate to serve the needs of existing and future development, as public facilities are available or can be extended to the subject property. Public Works staff have indicated that a change in designation from Campus Industrial to Medium Density Residential will reduce the demand on public facilities and services and on the capacity needed to serve the subject properties. In addition, while the parcel is currently outside City limits, annexation is a requirement of any proposed development. City of Eugene Public Works staff have provided referral comments that indicate public facilities and services are available for the purpose of annexation. The provision of these amendments does not affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

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

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

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

- C. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

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

To address the TPR, the applicant submitted a Transportation Impact Analysis (TIA). The City of Eugene and the Oregon Department of Transportation (ODOT) collaborated on a scope of work for the TIA for the proposed plan amendment. Roadways near the development site include Old Coburg Road, classified as a major collector, North Game Farm Road, classified as a minor arterial, Chad Drive, classified as a Major Collector, and Crescent Drive, classified as a minor arterial. These classifications address the planned transportation needs of the surrounding area. The proposed re-designation is not inconsistent with the functional classification of the existing and planned transportation facilities.

The TIA evaluates the current performance of existing facilities and the performance of these facilities as a result of the amendments to re-designate 6.89 acres from Campus Industrial to Medium Density Residential. The TIA provides that the existing designation projects that 256 trips during the afternoon peak hour and 2,389 trips during average daily weekday traffic will be generated by the development site, based on a most reasonable development scenario. Staff have reviewed the analysis and findings in the TIA and concur with the applicant's conclusions regarding a most reasonable development scenario. "Trip" is defined as a single directional vehicle trip that has one origin and one destination. "Peak hour" is defined as the four highest contiguous 15-minute traffic volume periods.

The TIA further provides that under the proposed land use designation change, and subsequent zone change to R-2 Medium Density Residential, 93 trips during the afternoon peak hour and 974 trips during average daily weekday traffic will be generated by the development. The applicant has provided these findings based on the maximum number of units of 20 units per gross acre, as provided in the Metro Plan. The TIA also provides findings based on the "master site plan", which is not part of this application, but the applicant indicates this proposal will follow upon successful re-designation of the property. Under the proposed master plan, it is projected that 117 trips during the afternoon peak hour and 1,086 trips during the average daily weekday traffic will be generated by the development. These figures indicate that the re-designation of the subject property from Campus Industrial to Medium Density Residential will result in a reduction in the traffic generated by the subject property. City of Eugene and Oregon Department of Transportation (ODOT) have concurred that the proposed re-designation will not significantly affect the existing or planned transportation facility. As such, the amendments are consistent with Statewide planning Goal 12.

Old Coburg Road, adjacent to the western boundary of the development site, is currently under Lane County jurisdiction. Referral comments from Lane County Public Works staff indicate that Old Coburg Road is rural in nature and not currently suited for urban development, and that the Transportation Impact Analysis does not address Lane County Chapter 15 requirements. The

improvement of Old Coburg is currently a capital improvement project (CIP) called the Chad Drive extension project. This project is slated for construction in the spring/summer of 2008. In the event that the applicant chooses to proceed with development prior to the CIP, the development proposal would trigger City code requirements to review Old Coburg Road for capacity. As also noted by Lane County staff, in the event that Old Coburg Road remains in Lane County jurisdiction at the time a development proposal is submitted for the subject property, Lane County staff would have another opportunity to review a TIA.

This amendment will actually reduce existing potential impacts to the existing and planned transportation facilities. Therefore the proposed change will not result in a significant affect. The proposed amendments are consistent with Statewide Planning Goal 12.

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

Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to manage all forms of energy, based on sound economic principles. Changing the designation from Campus Industrial to Medium Density Residential does not specifically impact energy conservation or preclude sound energy conservation measures. The proposed amendments are consistent with Statewide Planning Goal 13.

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

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

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

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

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

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

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

The Metro Plan diagram amendment to re-designate 6.89 acres of land from Campus Industrial to Medium 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 applicant provided findings regarding how the Metro Plan diagram amendment is consistent with the policy direction contained in the Metro Plan. Those policies found to be applicable to this request are addressed below. Although the applicant addressed additional Metro Plan policies, they do not provide further, relevant guidance or mandatory approval criteria with respect to the proposal. However, to the extent that they may be applicable, the applicant's findings are incorporated herein by reference as further evidence that the amendment does not make the Metro Plan internally inconsistent.

The Metro Plan diagram included in the applicant's written materials is outdated, and not applicable. The Metro Plan diagram in the applicant's written materials shows the northern portion of the subject property as designated for Low Density Residential use. However, the applicable Metro Plan diagram (Ordinance No. 20319) does show the entire subject property designated as Campus Industrial. The portions of the applicant's written statement addressing the Low Density Residential designation, and the Metro Plan diagram in the applicant's materials, are not incorporated into these findings

The following policies are applicable to this request:

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)

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

As noted by the applicant, the area proposed for designation as medium density residential is adjacent to the Chad Drive employment area to the southwest, and within .9 miles of the Springfield RiverBend medical employment area and the Gateway commercial center, which are in proximity to major transportation systems, including the existing street system and LTD services. Re-designation of the subject property to medium density residential provides additional opportunities for additional housing types, density, size, cost and location. The applicant's proposal is not inconsistent with the applicable policies.

Economic Element

Provide existing industrial activities sufficient adjacent land for future expansion. (Policy B.5)

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

The policies above are brought into question with the request to remove the Campus Industrial Designation. According to the applicant's written materials, adjacent property owners with industrial uses were consulted regarding the availability of this parcel for purchase, and there was no desire of the surrounding property owners to acquire the property. In addition, there is currently vacant industrial land in the area, so the re-designation would not preclude existing industrial activities from expansion. The applicant also consulted a number of real estate agents and Metro Partnership staff who indicated that the size and orientation of the site posed significant limitations for industrial development. The suitability of the subject property for industrial activities and the consolidation potential is limited based on the relatively narrow, long lot configuration and the 6.89 acres size of the parcel. The areas for campus industrial uses were typically envisioned as large campus style developments. The Land Use Designations section of the Metro Plan describes a 50-acre minimum lot size for parcels over 50 acres, to protect undeveloped sites from piecemeal development until a site development plan can be approved by the responsible city. As suitability of this parcel for location or expansion of industrial uses is constrained, the proposed amendments are not inconsistent with the applicable Economic Element policies.

Transportation Element Policy

*Require that new development pay for its capacity impact on the transportation system.
(Finance Policy F.36)*

This finance policy provides direction to the City of Eugene to expand system development charge (SDC) methodologies to address the impact of new development on state, county and transit facilities. Currently, SDC methodologies charge new development only for the City's portion of the arterial-collector system. The intent of this policy, as described in Transplan, is for the City to consider additional system development charges to mitigate onsite or adjacent impacts. To the extent that this policy is applicable to the proposal, development resulting from the proposed amendment would be subject to SDCs.

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

(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 provision 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, with the Economic Element and with the Transportation Element of the Metro Plan.

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

refinement plan.

The Willakenzie Area Plan diagram amendment to re-designate 6.89 acres of land from Special Light Industrial (shown as Campus Industrial on the Coburg-Crescent Subarea map) to Medium Density Residential is consistent with the remaining portions of the refinement plan.

The applicant provided detailed findings regarding how the Willakenzie Area Plan text and diagram amendments are consistent with the policy direction contained in the Willakenzie Area Plan. Those policies found to be applicable to this request are addressed below. Although the applicant addressed additional Willakenzie Area Plan policies and text than those listed below, they are not directly relevant to the amendments or do not constitute mandatory approval criteria with respect to the proposal. However, to the extent that they may be applicable, the applicant's findings are incorporated herein by reference as further findings that the amendments are consistent with the remaining portions of the Willakenzie Area Plan.

Coburg/Crescent Subarea Policies and Proposed Actions

The City shall allow for a gradual transition from existing residential to future industrial use for those areas along Old Coburg Road that are currently zoned residential but are industrially designated. (Policy 4)

These proposed amendments are not inconsistent with this policy. Policy 4 allows for a gradual transition from residential to industrial uses. Designation of the subject property for medium density residential would make the policy inapplicable in the event re-designation is approved, as it will not be industrially designated.

Compatibility between residential and industrial uses is addressed in two other policies that will be applicable at the time of zone change. These are:

The City of Eugene shall ensure that industrial development in the Coburg/Crescent Subarea is sensitive to and compatibility with surrounding uses and will confirm to the Coburg/Crescent Special Light Industrial Siting and Development Standards. (Policy 3)

Apply the /SR Site Review suffix to all parcels designated for Special Light Industrial and Light-Medium Development in the Coburg/Crescent Subarea. (Proposed Action 3.1)

The City of Eugene shall require that planned unit development procedures be required for all residential developments within the Coburg/Crescent subarea. The intent of this requirement is to ensure adequate review of the following factors:

- A. Development of a comprehensive street network;*
- B. provision of pedestrian and bicycle linkages between residential, commercial, industrial, educational, and recreational areas;*
- C. encouragement of a variety of dwelling types, heights, and setbacks;*
- D. provision of adequate and attractive buffering between residential, commercial,*

- and industrial developments; and*
- E. provision of pedestrian linkages to transit stops where practical. (Policy 5)*

These policies assure that the issue of compatibility and interface of residential and industrial lands will be addressed both from the perspective of new or expanded industrial development through Site Review provisions, and also from the perspective of residential development, which will require review and approval through the planned unit development process.

The proposed amendments do not pose a conflict with the applicable Coburg/Crescent Subarea policies.

- (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 Willakenzie Area 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) and (d) above, are not applicable to this request.

The proposed re-designation in the Metro Plan from Campus Industrial to Medium Density Residential, addresses a new or amended community policy or a change in circumstances in a substantial manner that was not anticipated at the time the Willakenzie Area Plan was adopted, consistent with EC 9.8424(c) and (e) above. As noted by the applicant, the current patterns for campus industrial development are not what were anticipated at the time the refinement plan was adopted, which predicted significant industrial development within this area. While there have been several industrial users who have developed within the Coburg/Crescent Subarea, several acres remain vacant and unable to accommodate requests for commercial or heavy industrial uses.

The proposed plan amendments are consistent with the related Metro Plan amendment to re-designate the subject property from Campus Industrial to Medium Density Residential.

MCKINNEY Lydia S

From: Judith Van [jvan@asu.edu]
Sent: Monday, October 23, 2006 3:16 PM
To: MCKINNEY Lydia S
Subject: Huntington Crossing

Attachment E

01-16-07-PO4:03-1210

Judith Van

39326 Old Coburg Road

Eugene, OR 97408

To Lydia McKinney and the City of Eugene

Re: Huntington Crossing (MA 06-3, RA 06-2)

have been a resident of Old Coburg Road (OCR) since 1951. The house I now own has been standing at the north end of OCR (directly across from the proposed Huntington Crossing) since 1937. I am opposed to the development of Huntington Crossing as it is now outlined because

The City of Eugene is considering overturning a stated plan for the OCR area that since the 30's has privileged the removal of existing residences and placed prohibitions on building new residences in favor of developing the area as light industrial. This plan combined with the proposed development of Chad Drive (a truck route) which was to travel east across this land, caused my family and others to sell their property and move. The plan was for NO residential development on OCR. Again, most residents believing that their area would never again be residential because of this plan sold their property and moved. The residents had been involved and didn't want to move but because of the larger property sizes there were fewer voices and those few voices had been largely ignored for the twenty years of planning meetings when the City was deciding what to do with the land. The residents maintained that the area should always **remain the same low density residential/small farm/ mixed use it had been.** When the zoning changed to light industrial, residents suggested that at least some of the neighborhood's integrity be maintained. The city didn't listen to us for all those years, why now, is the city, on the request of one landowner, considering spending even more money, redesigning the area once again, and changing the plan back to residential but this time high-medium density with commercial? Shouldn't property owners have the security of knowing that they can count on the city to follow its own stated plans and not overturn them at the request of one landowner/developer?

The plan is irresponsible because of the current road/traffic problems in the area. Not only does this zone change go against a twenty year city plan, but the present and projected road system cannot support this over-development of the area. Traffic is already dangerous on Game Farm Road. The road is traveled too fast by too many cars and big work and gravel trucks, and speed limits are not enforced. I know this as I am the one pulling out of OCR and onto Game Farm each time I leave my house. Sometimes it takes me twenty minutes to drive the four or five miles to Beltline, and forget going around to Coburg Road, it's even worse. In short the traffic in the area, as anyone knows who has to drive there, is a mess and the new interchange at I-5 and Beltline is not going to help. In future, traffic volume will simply increase onto the smaller roads leading to this exchange and increase congestion. I propose that you reconsider the traffic plan before you consider consider a zone change whereby adding even more traffic.

On a personal note, the additional traffic onto OCR from a large apartment complex will make using my driveways dangerous. The proposed development will have two large streets with

10/24/2006

access onto OCR

directly across from Relyea's cottage. With my house on the west side of the road, conflicting traffic patterns will make it hazardous to pull onto OCR and turn to the left (north) from any of my three driveways, and will also adversely affect the other residents to the north.

There is an abundance of medium density housing in the immediate area. There is medium/high density on Gateway, and off Crescent (southside) and more projected on Crescent (northside). Would you have Game Farm Road and OCR resemble Gateway just south? Medium density will also invite the same problems of traffic congestion, overcrowding, and crime, plus increase the already problematic transient movement through the area. On a personal note, since the development of the Gateway apartments and the increasing number of young, poor and underemployed inhabitants of the area, property crimes in the area have increased. I speak from experience as my house and property have been vandalized and broken into on average three times a year since I've owned it. As for police protection, Relyea's Cottage is in the county so there has been one overworked deputy to call.

Finally, by changing the zoning on Ward's property, across OCR from Relyea's Cottage, my property is islanded and reduced in value. Historically these two properties were part of the same large orchard and farm. Now my property, Relyea's Cottage the most historic house on the road, is in keeping with the neighborhood, comfortable single family dwellings. By changing the plan, my half acre is out of sync with the area directly east of me. This leaves my property in a liminal state, like a border state. To the north and west of me are single family dwellings, to the east, if this ill conceived plan succeeds, there will be medium density apartments and commercial, and to the south light industrial.

Additionally, and on another purely aesthetic note having to do with the integrity of Relyea's Cottage: three story apartments would eliminate the view of the Coburg Hills from my house.

For these reasons, and because I have been an involved resident of the area for almost fifty years, I suggest that this is not the best use of the property. Eugene can do better by this area. I am in support of in-depth study including a firm plan for the entire area including traffic, population analysis, land use, and compatibility/livability before making ANY changes.

Thank You for your time,

Judith C. Van

Relyea's Cottage

9326 Old Coburg Road

Eugene, OR 97408

Judith Van, MFA

Instructor Dept. of English

Arizona State University

Tempe, AZ

<http://www.public.asu.edu/~jvanasu>

"Let there be songs to fill the air"

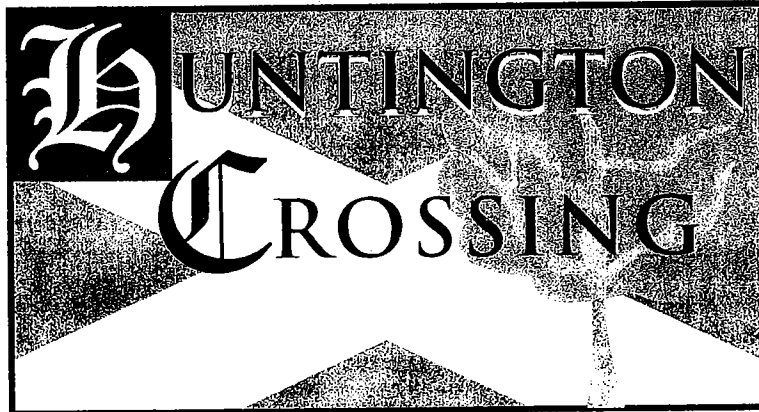
10/24/2006



Full document is on file
in BCC Lobby

CITY FILES (MA 06-3) & (RA 06-2)

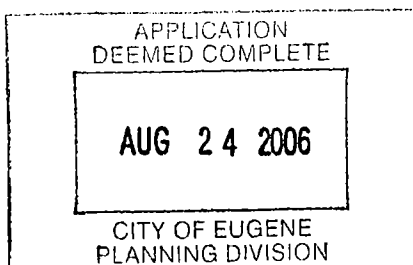
**EUGENE-SPRINGFIELD
METRO AREA
GENERAL PLAN AND
EUGENE WILLAKENZIE PLAN
DIAGRAM AMENDMENTS**



**PROPOSED CHANGES PRECEDENT
TO HUNTINGTON CROSSING
APARTMENT COMPLEX P.U.D.**

**PRELIMINARY
REVISION**

AUGUST 15, 2006





full document is on file
in BCC Lobby



TRAFFIC IMPACT ANALYSIS

APPLICATION
DEEMED COMPLETE

AUG 24 2006

CITY OF EUGENE
PLANNING DIVISION

AUGUST 15, 2006

RECEIVED
AUG 24 2006