

T. 10.a

SUPPLEMENTAL MATERIAL



Supplemental Memo Date: November 4, 2009
Third Reading/ Deliberations Date: November 10, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Metro and Small City Planner
AGENDA ITEM TITLE: **ORDINANCE NO. PA 1264 -- IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) AND LAND USE DIAGRAM; AMENDING THE CORRESPONDING WILLAKENZIE AREA PLAN LAND USE DIAGRAMS; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (CITY OF EUGENE, File No. PA 09-5465)**

BACKGROUND:

The Board is scheduled to take action on a change to the Metro Plan diagram and a conforming change to a map in the applicable refinement plan, the Willakenzie Area Plan. The subject site ("the River Ridge site") now has a Parks and Open Space designation in the Metro Plan and the refinement plan. The proposal, initiated by the Eugene City Council, would return the approximately 63-acre River Ridge site to its original Metro Plan designation of Low Density Residential. Approval of the proposal would result in plan designations that are consistent with the site's current R-1 Low Density Residential base zone. The entire River Ridge site is located within the Metro urban growth boundary, with a portion located outside the Eugene city limits.

City of Eugene provides the attached November 9, 2009 Agenda Item Summary which includes follow-up research responding to questions to staff from the elected officials at the public hearing regarding the history of the site and potential transportation impacts.

County Ordinance No. PA 1264 is before the Board in the same form as presented at the public hearing. County staff will inform the Board as to the Council action

ATTACHMENT:

- 1. City of Eugene Agenda Item Summary
Draft City Ordinances to be considered by Eugene City Council on November 9, 2009.
Written Testimony received at the October 27, 2009 Public Hearing, submitted by:
Deborah Jeffires
Barbara Mitchell, Cal Young Assn. Exec. Committee
Tom Mitchell
Ann Simas
Donald Gudehus

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: 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; Returning the "River Ridge" Site to the Low Density Residential Designation
(River Ridge, Eugene file MA 09-3 and Lane County file PA09-5465)

Meeting Date: November 9, 2009
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Emily Jerome
Contact Telephone Number: 541/682-5010

ISSUE STATEMENT

The City Council is scheduled to take action on a change to the Metro Plan diagram and a conforming change to a map in the applicable refinement plan, the Willakenzie Area Plan. The subject site ("the River Ridge site") now has a Parks and Open Space designation in the Metro Plan and the refinement plan. The proposal, initiated by the Eugene City Council, would return the approximately 63-acre River Ridge site to its original Metro Plan designation of Low Density Residential. Approval of the proposal would result in plan designations that are consistent with the site's current R-1 Low Density Residential base zone. The entire River Ridge site is located within the urban growth boundary, with a portion located outside of the City limits.

BACKGROUND

On May 11, 2009, the Eugene City Council voted to initiate the proposed action. To approve the proposal, the City Council must adopt an ordinance amending the Metro Plan and Willakenzie Area Refinement Plan land use diagrams. In addition to the City's approval, approval is required from the Lane County Board of Commissioners for that portion of the River Ridge site that is located outside of the city limits. After holding a joint public hearing and deliberations, the Eugene and Lane County Planning Commissions both recommended approval of the amendments to the Metro Plan and Willakenzie Area Refinement Plan land use diagrams. On October 27, 2009, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing. At the October 27th public hearing, six individuals testified (one in favor and five in opposition). Written testimony was also submitted at the public hearing and is included as Attachment C. The public hearing and record were closed on that date. The Board is scheduled to take action on November 10, 2009.

The packet for the public hearing included a draft ordinance and findings approving the requested Metro Plan amendment with a condition that would require, prior to the approval of any land division or site review application for the property, the applicant must demonstrate that the proposed development is consistent with the State Transportation Planning Rule. This state transportation rule demonstration

would be in addition to applicable requirements of the Traffic Impact Analysis Review in the Eugene City Code. The Oregon Department of Land Conservation and Development (DLCD), the agency that authors and administers the state transportation rule, submitted a letter to the City and a further explanation that recommends the City Council approve the proposal, but without the proposed condition. DLCD concludes that the proposal complies with the state transportation rule without the need for any conditions. The correspondence from DLCD was included as an attachment to your October 27, 2009, AIS.

Based on the recommendations from DLCD, staff has prepared a revised ordinance and findings that do not include the transportation-related conditions. These are included as Attachment A to this AIS. The City Manager recommends that the City Council adopt this revised ordinance and findings, provided in Attachment A.

Following the public hearing, City Councilors and Board of Commissioners asked questions of City and County staff regarding the history of the site and potential transportation impacts. Two questions required follow-up research from staff:

1. Councilor Clark asked if the City imposed a TPR condition in 2007 when a similarly-situated area east of the fairgrounds was returned to its former Metro Plan designation of Low Density Residential.

The 2007 Metro Plan diagram amendment was also initiated by the City to address a situation arising from the same 2004 Metro Plan Housekeeping Amendments that created the current issue for the River Ridge site. With respect to the fairgrounds area, the 2004 Metro Plan Housekeeping Amendments had changed the Metro Plan designation from Low Density Residential to the more dense Medium Density Residential designation. In 2007, the City Council returned that area's Metro Plan designation to Low Density Residential and also changed the refinement plan so that the area had consistent low density residential refinement plan and Metro Plan designations. The Goal 12 findings in support of the 2006 action indicate that the change was consistent with the TPR, without the need for a condition requiring a future demonstration because the 2007 action returned the area to a *lower* density and, therefore, the amendments could only result in a *decrease* in traffic, reducing potential impacts to transportation facilities in the area. [Note: this response is based on Ordinance No. 20380, of which the City Council may take official notice.]

2. Councilor Zelenka requested that staff provide background regarding the public involvement in the decision to designate the River Ridge site for Parks and Open Space when the Willakenzie Refinement Plan was adopted in 1992.

As detailed in the adopting ordinance and the introduction of the Plan itself, the Willakenzie Area Plan underwent a robust planning process, beginning with the formation of a planning team (which included residents, property owners and business representatives within the plan area). The process also included notification to all residents and property owners within the Plan area at several points, and numerous opportunities for public participation and input. There is no indication, however, of the attention that was paid to the designation of the River Ridge site. The Plan text states that its diagram was intended to represent the "general future land use patterns that are desired for the Willakenzie area" but, in listing the factors that formed the basis for the diagram, the first factor is "the type of development that already exists in the area." At that time, the River Ridge site was developed with a golf course. It is also worth noting that, in the Plan

Implementation chapter, it provides: "It is intended that this plan will be a dynamic document that will reflect the changing needs and desires of the people who live and work in the Willakenzie area. *This can occur in a limited fashion through individual plan amendments*, but the entire plan will need to be periodically reviewed and updated."

[Note: this response is based on text from the Willakenzie Area Plan which is included in the record for this matter and, of which the City Council may take official notice.]

A full copy of all materials in the record is available at the City of Eugene Permit and Information Center at 99 W. 10th Avenue.

Pursuant to the Metro Plan, City Code and County Code, the City Council and County Board must limit their review of this matter to the evidence that was presented to the Planning Commissions, along with any argument (but no new evidence) presented at the Council / Board public hearing. This restriction on testimony was made clear in the public notice for the October 27th hearing. Consistent with rules of the Oregon Land Use Board of Appeals, the Council and Board must specifically reject any new evidence presented to it. New evidence was included in the testimony offered by one participant. A motion is provided, below, for the rejection of that testimony.

RELATED CITY POLICIES

The proposal must be consistent with the Metro Plan, applicable refinement plans and the Statewide Planning Goals.

COUNCIL OPTIONS

The City Council may consider the following options:

1. Adopt the ordinance included at Attachment A, as recommended by the City Manager.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action with respect to the ordinance.

CITY MANAGER'S RECOMMENDATION

Based on the recommendation from the Department of Land Conservation and Development, the City Manager recommends that the City Council adopt the alternative ordinance and findings in Attachment A, approving the proposed Metro Plan and refinement plan amendments without conditions of approval.

SUGGESTED MOTIONS

Move to reject a portion of the testimony submitted by Anne Simas (Attachment C.4.), specifically, reject the last paragraph on page 1 of that testimony and the table on page 3 of that testimony, labeled "Informal Traffic Survey of North Delta Highway at Ayres Road."

Move to adopt the ordinance and findings returning the "River Ridge" site to the low density residential designation contained in Attachment A to today's Agenda Item Summary.

ATTACHMENTS

- A. Draft Ordinance A and Findings (does not include TPR condition)
- B. Draft Ordinance B and Findings (includes TPR condition)
- C. Written Testimony received at October 27, 2009 Public Hearing, submitted by:
 1. Deborah Jeffries

2. Barbara Mitchell, for Cal Young Neighborhood Association Executive Committee
3. Tom Mitchell
4. Ann Simas
5. Donald Gudehus

FOR MORE INFORMATION

Staff Contact: Emily Jerome
Telephone: 541/682-5010
Staff E-Mail: emily.n.jerome@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; RETURNING THE "RIVER RIDGE" SITE TO THE LOW DENSITY RESIDENTIAL DESIGNATION.

The City Council of the City of Eugene finds that:

A. On May 11, 2009, the Eugene City Council initiated amendments to the Metropolitan Area General Plan and the Willakenzie Area Plan.

B. The amendments contained in this Ordinance are based on 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 August 4, 2009, 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 Exhibits B and C.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Portions of the property identified as Tax Lots 304 and 306 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram and all of the property identified as Tax Lot 305 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram, located north of Ayres Road and west of North Delta Highway, is amended from a designation of Parks and Open Space (POS) to a designation of Low Density Residential (LDR) 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 land referenced in Section 1 above is automatically and concurrently redesignated from Parks/Open Space to Low-Density Residential on both the Willakenzie Area Plan Land Use Diagram located between pages 19 and 20 of the Willakenzie Area Plan, as shown on Exhibit B, which is incorporated herein, and on the Willakenzie Area Plan Unincorporated Subarea diagram located at page 53 of the Willakenzie Area Plan, as shown on 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 later.

Passed by the City Council this

_____ day of _____, 2009

City Recorder

Approved by the Mayor this

_____ day of _____, 2009

Mayor

Findings of Consistency

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

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

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

The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The 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 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 joint City of Eugene and Lane County Planning Commission public hearing on August 4, 2009. On June 19, 2009, 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. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments. On July 13, 2009, notice of the Planning Commission public hearing was mailed to the property owners and occupants of property within 500 feet of the subject property, Cal Young Neighborhood Association, interested parties who requested notice, and other community organizations requesting such notice, which is in excess of the requirements of the Eugene Code. On July 15, 2009, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices, and provided via the City's internet site at www.eugeneplanning.org.

The process for adopting these amendments complies with Statewide Planning 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 (ODOT), 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 urban growth boundary (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.

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. Based on allowed low density residential uses, the City can reasonably expect that future development of the site comply with applicable 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, landslides, 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. Unlike planning for its residential, commercial or industrial land needs under Goals 9 and 10, planning for a city's recreational needs is largely a matter of local choice. The applicable statutes, Statewide Planning Goals and administrative rules are not prescriptive as to the amount of park land that a city must have to serve its population. While the City takes into consideration the existence of private recreation facilities and open space in its parks planning process, because there is no guarantee that lands owned by private entities will remain in perpetuity as public open space and/or recreation facilities, the City does not (and is not required to) account for private facilities and open space in its supply of recreation facilities, parks and open space. The subject property is not included on any list, inventory or map identifying the City's existing parks and open space supply. As such, changing the designation of the subject property will have no impact on the City's parks and open space supply. While the proposed amendments will impact a private recreational facility, the proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the city "[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." 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))."

The proposed amendment will not make any changes to the existing land currently designated commercial. Thus, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units.

The proposed amendment will re-designate approximately 63 acres from Parks and Open Space to Residential, thereby increasing the City's current supply of residential lands. Since the subject property is not currently designated for residential use and is not included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study, the proposed amendment will increase the City's existing inventory of land that is available for residential development. 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.*

A portion of the area affected by the amendments is located outside the city limits but inside the Eugene-Springfield 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. While a portion of the subject property is located outside City limits, annexation is a requirement for any new use that would generate an additional need for urban facilities and services. 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 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is

implemented at the local level. The TPR (OAR 660-012-0060) 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, volume to capacity ratio, etc.) of the facility.

Section 9.8670 of the Eugene Code, 1971, requires a development applicant to comply with the City's Traffic Impact Analysis (TIA) Review code provisions if the proposed development will "generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual." One of the stated purposes of the City's TIA Review requirement is "to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development."

The City's TIA Review follows a Type II process and is approved or conditionally approved upon the applicant's demonstration of compliance with the following criteria at EC 9.8680:

- (1) Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2) Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3) An exception to any or all of the requirements listed in the "Standards for Traffic Impact Analyses" for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with this subsection.
- (4) In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County's jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.

In accordance with the above-quoted Eugene City code provisions, prior to the any development on the subject property that will generate more than 100 peak hour trips per day, the developer will need to prepare a TIA Review that parallels the TPR analysis required by Statewide Planning Goal 12. Because of the size of the subject property (approximately 63 acres), the number of allowed

single-family dwelling units could be in excess of 300 units. Based on the ITE Trip Generation Manual, 300 residential units would generate an estimated 300 PM peak trips, far exceeding the number of PM peak trips that would trigger the City's TIA Review code provisions. No development that will generate more than 100 PM peak trips will be able to occur on the subject property without a demonstration of compliance with the City's TIA Review requirements.

Based on the following testimony from the Department of Land Conservation and Development, no TPR findings are necessary for this action:

“1. The amendment to the Metro Plan Diagram which re-designated the 63 acres from Low Density Residential to Parks and Open Space occurred as a result of adoption of Task 17 of the 2005 Eugene-Springfield Periodic Review Work Order 001662. In adopting the Revised Metro Plan Diagram reflecting the “Housekeeping” amendments to the Metro Plan Diagram, Ordinance #20319 in April 2004, it appears that no TRP analysis was conducted. In reviewing the acknowledgement file, I could not find any documentation why a TRP 060 analysis was not required so I must assume that the “Housekeeping” amendments to the Metro Plan Diagram were determined to not meet the threshold of significance as stipulated in 660.012.060(1). The acknowledged 2002 TransPlan was the controlling TPR document at the time. So in this case returning the plan designation to Low Density Residential to reflect the property's current zoning would not meet the threshold of “significant” either.

2. TransPlan, the metro area's TSP was last updated in 2002 and subsequently acknowledged by the Department; prior to adoption and acknowledgement of the “Housekeeping” amendments to the Metro Plan Diagram. The Metro Plan Diagram in effect in 2002 was the land use plan used to model traffic impacts. Consequently, returning the 63 acres from Parks and Open Space to Low Density Residential would be consistent with the Metro Plan Diagram used in the 2002 TransPlan and no TPR 060 analysis is required since in this case returning the plan designation to Low Density Residential to reflect the property's current zoning would not meet the threshold of “significant” either.”

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

Statewide Planning Goal 13 calls for land uses to be managed and controlled “so as to maximize the conservation of all forms of energy, based upon sound economic principles.” Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. It is not clear that the goal has any bearing on a site-specific decision such as the one at issue. There is no implementing rule that clarifies the requirements of Goal 13. To the extent that Goal 13 could be applied to the proposed change in designation, the designation is consistent with Goal 13. The proposed site is located so that a future development can make efficient use of energy with direct and efficient access. The proposal is consistent with Statewide Planning Goal 13.

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

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

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

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

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the 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 approximately 63 acres of land from Parks and Open Space to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. No text or other diagram changes are necessary to ensure internal consistency with the proposed diagram amendments; adoption of this amendment will not make the Metro Plan internally consistent.

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; RETURNING THE "RIVER RIDGE" SITE TO THE LOW DENSITY RESIDENTIAL DESIGNATION.

The City Council of the City of Eugene finds that :

A. On May 11, 2009, the Eugene City Council initiated amendments to the Metropolitan Area General Plan and the Willakenzie Area Plan.

B. The amendments contained in this Ordinance are based on 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 August 4, 2009, 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 Exhibits B and C.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subject to the conditions in Section 3 of this Ordinance, portions of the property identified as Tax Lots 304 and 306 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram and all of the property identified as Tax Lot 305 of Assessor's Map 17-03-07-00 on the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Land Use Diagram, located north of Ayres Road and west of North Delta Highway, is amended from a designation of Parks and Open Space (POS) to a designation of Low Density Residential (LDR) as shown on the attached Exhibit A, which is incorporated herein.

Section 2. Subject to the conditions in Section 3 of this Ordinance, consistent with the provisions of Section 9.7750(4) of the Eugene Code, 1971, the land referenced in Section 1 above is automatically and concurrently redesignated from Parks/Open Space to Low-Density Residential on both the Willakenzie Area Plan Land Use Diagram located between pages 19 and 20 of the Willakenzie Area Plan, as shown on Exhibit B, which is incorporated herein, and on the Willakenzie Area Plan Unincorporated Subarea diagram located at page 53 of the Willakenzie Area Plan, as shown on Exhibit C, which is incorporated herein.

Section 3. The amendments reflected in Section 1 and 2 of this Ordinance are subject to compliance with the following conditions of approval:

A. Prior to the approval of any land division or site review application for the property referenced in Section 1 of this Ordinance, in addition to any applicable requirements of the Traffic Impact Analysis (TIA) review in the Eugene City Code, the applicant shall submit to the City of Eugene a traffic impact analysis that demonstrates consistency with the Transportation Planning Rule (TPR) at OAR 660-12-0060. At the applicant's choice, this TPR analysis may be submitted and processed simultaneously with the TIA Review.

B. Upon receipt of any land division or site review application for the property referenced in Section 1 of this Ordinance, the City shall provide notice to the Department of Land Conservation and Development (DLCD) in the same manner as the City provides notice for a post-acknowledged plan amendment.

Section 4. The findings set forth in the attached Exhibit D are adopted as findings in support of this Ordinance.

Section 5. 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 6. 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 later.

Passed by the City Council this

_____ day of _____, 2009

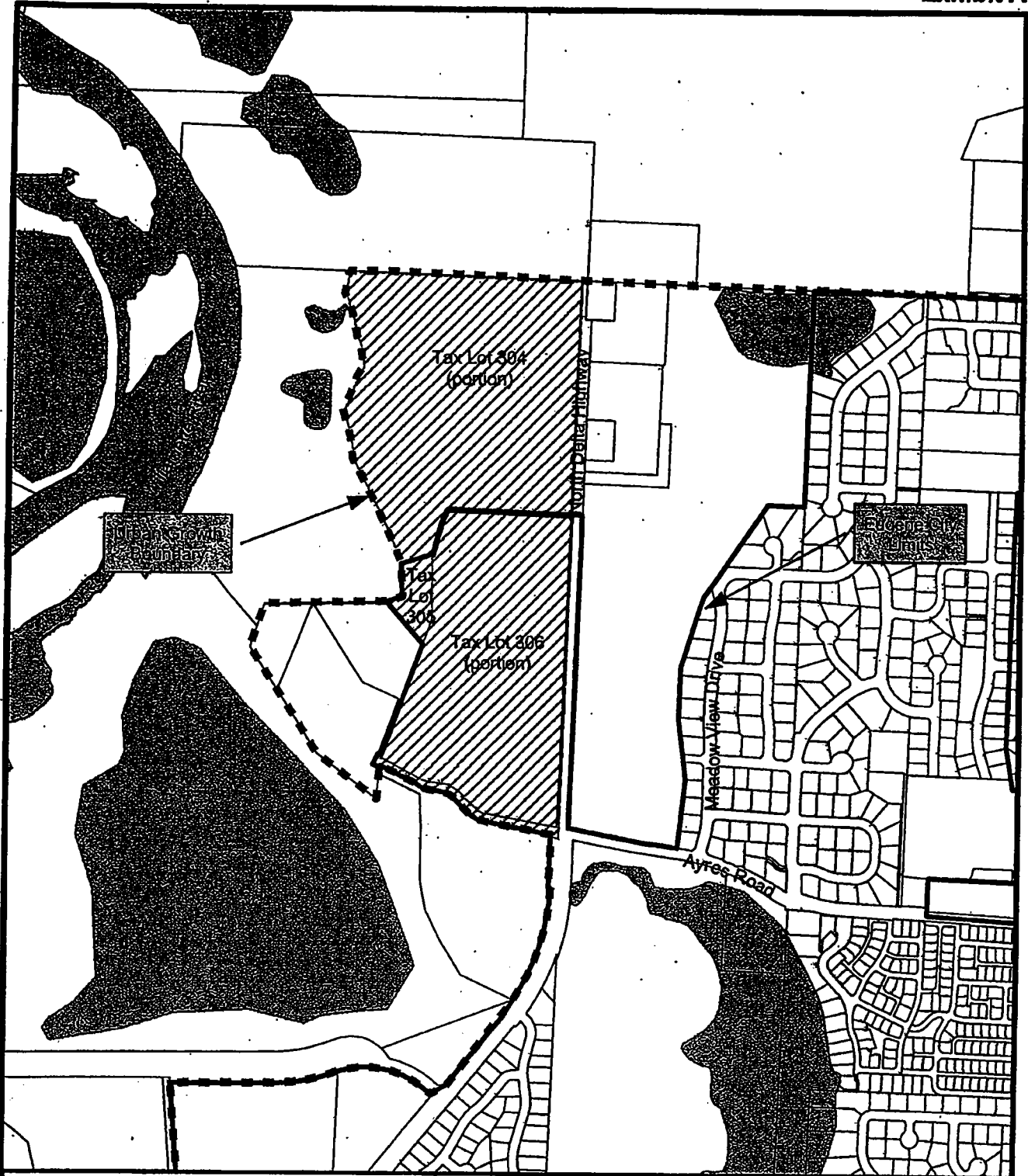
Approved by the Mayor this

_____ day of _____, 2009





City Recorder

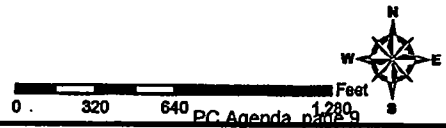
Mayor

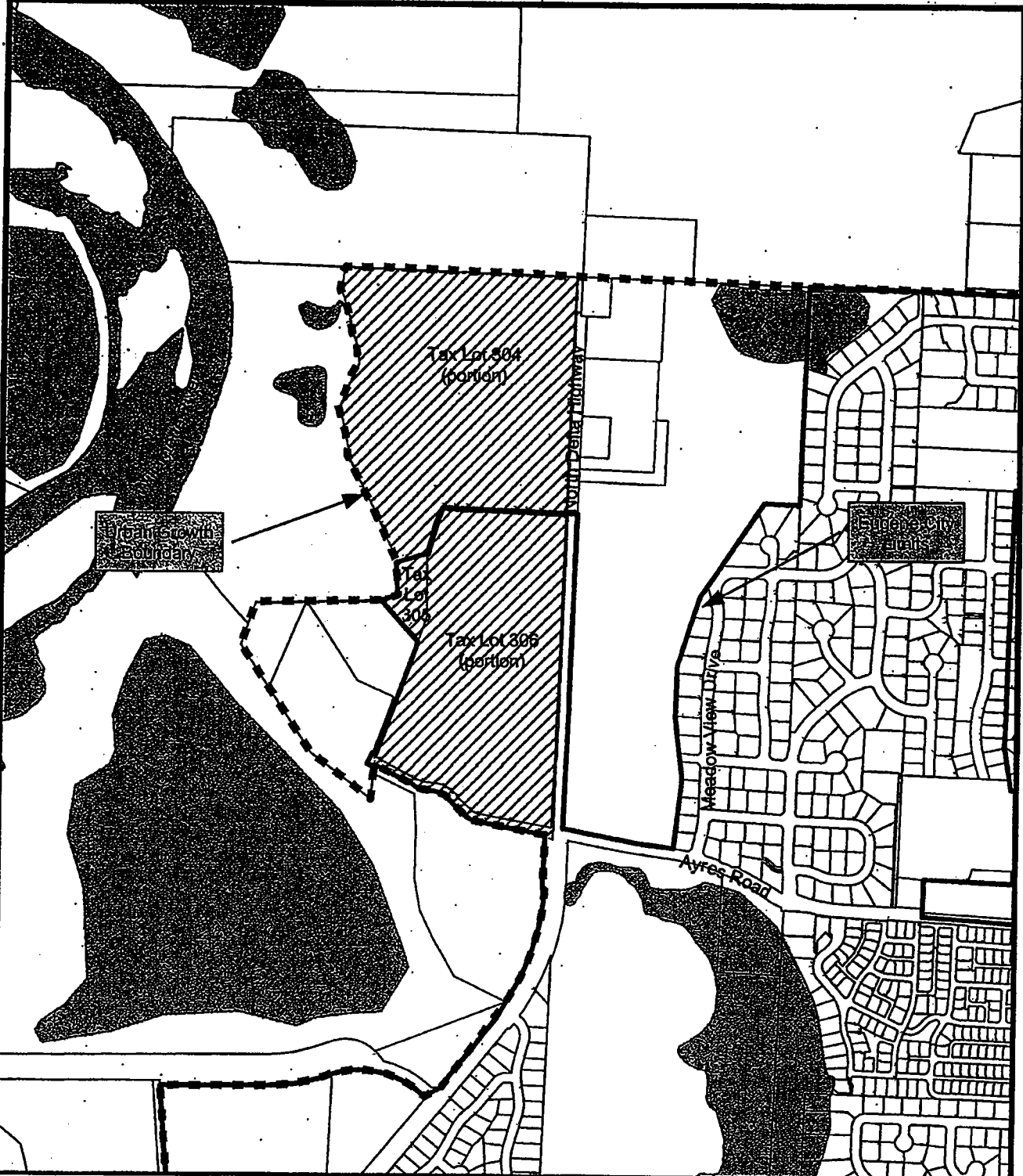
00230079.DOC;2







Metro Plan Diagram Amendment for River Ridge (City File MA.09-3)

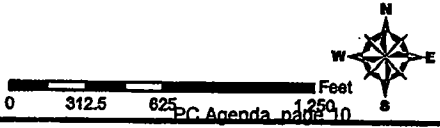
-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies

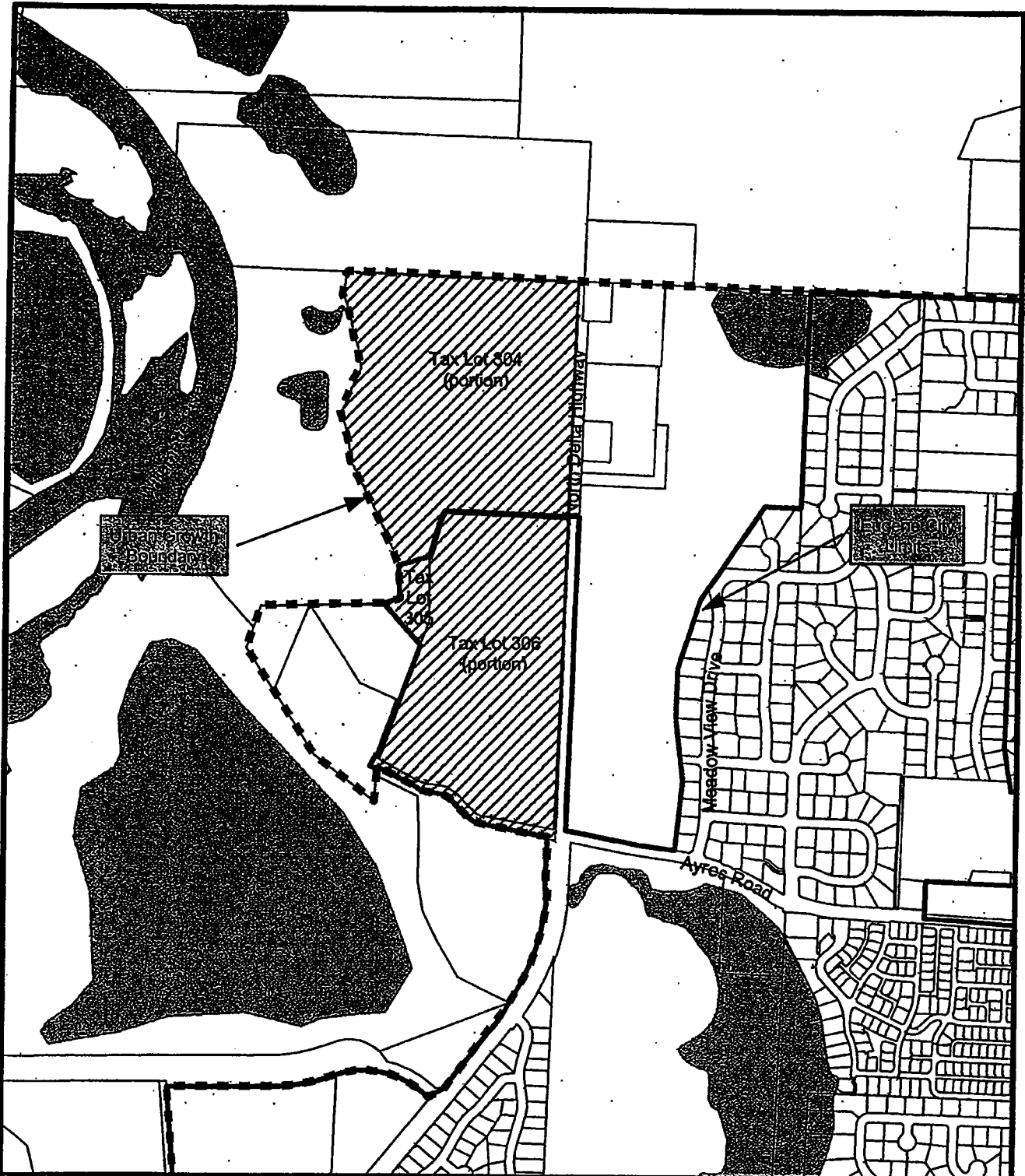




**Willakenzie Area Plan Land Use Diagram
Amendment for River Ridge (City File MA 09-3)**

-  Property proposed for change from Parks/Open Space to Low-Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies





**Willakenzie Area Plan Unincorporated Subarea Diagram
Amendment for River Ridge (City File MA 09-3)**

-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugerie City Limits
-  Urban Growth Boundary
-  Water Bodies



Findings of Consistency

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

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

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

The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The 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 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 joint City of Eugene and Lane County Planning Commission public hearing on August 4, 2009. On June 19, 2009, 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. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments. On July 13, 2009, notice of the Planning Commission public hearing was mailed to the property owners and occupants of property within 500 feet of the subject property, Cal Young Neighborhood Association, interested parties who requested notice, and other community organizations requesting such notice, which is in excess of the requirements of the Eugene Code. On July 15, 2009, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices, and provided via the City's internet site at www.eugeneplanning.org.

The process for adopting these amendments complies with Statewide Planning 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 (ODOT), 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 urban growth boundary (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.

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. Based on allowed low density residential uses, the City can reasonably expect that future development of the site comply with applicable 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. Unlike planning for its residential, commercial or industrial land needs under Goals 9 and 10, planning for a city's recreational needs is largely a matter of local choice. The applicable statutes, Statewide Planning Goals and administrative rules are not prescriptive as to the amount of park land that a city must have to serve its population. While the City takes into consideration the existence of private recreation facilities and open space in its parks planning process, because there is no guarantee that lands owned by private entities will remain in perpetuity as public open space and/or recreation facilities, the City does not (and is not required to) account for private facilities and open space in its supply of recreation facilities, parks and open space. The subject property is not included on any list, inventory or map identifying the City's existing parks and open space supply. As such, changing the designation of the subject property will have no impact on the City's parks and open space supply. While the proposed amendments will impact a private recreational facility, the proposed amendments will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the city "[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." 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))."

The proposed amendment will not make any changes to the existing land currently designated commercial. Thus, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units.

The proposed amendment will re-designate approximately 63 acres from Parks and Open Space to Residential, thereby increasing the City's current supply of residential lands. Since the subject property is not currently designated for residential use and is not included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study, the proposed amendment will increase the City's existing inventory of land that is available for residential development. 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.*

A portion of the area affected by the amendments is located outside the city limits but inside the Eugene-Springfield 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. While a portion of the subject property is located outside City limits, annexation is a requirement for any new use that would generate an additional need for urban facilities and services. 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 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is

implemented at the local level. The TPR (OAR 660-012-0060) 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, volume to capacity ratio, etc.) of the facility.

Section 9.8670 of the Eugene Code, 1971, requires a development applicant to comply with the City's Traffic Impact Analysis (TIA) Review code provisions if the proposed development will "generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual." One of the stated purposes of the City's TIA Review requirement is "to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development."

The City's TIA Review follows a Type II process and is approved or conditionally approved upon the applicant's demonstration of compliance with the following criteria at EC 9.8680:

- (1) Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2) Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3) An exception to any or all of the requirements listed in the "Standards for Traffic Impact Analyses" for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with this subsection.
- (4) In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County's jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.

In accordance with the above-quoted Eugene City code provisions, prior to the any development on the subject property that will generate more than 100 peak hour trips per day, the developer will need to prepare a TIA Review that parallels the TPR analysis required by Statewide Planning Goal 12. Because of the size of the subject property (approximately 63 acres), the number of allowed

single-family dwelling units would be in excess of 300 units. Based on the ITE Trip Generation Manual, 300 residential units would generate an estimated 300 PM peak trips, far exceeding the number of PM peak trips that would trigger the City's TIA Review code provisions. Because no development that will generate more than 100 PM peak trips will be able to occur on the subject property without the a demonstration of compliance with the City's TIA Review requirements, postponing the TPR/Goal 12 analysis so that it can occur concurrently with the TIA Review analysis is reasonable and practicable. As means of ensuring that any development that occurs on the subject property is consistent with Goal 12, the following condition of approval will be imposed on the Metro Plan amendment:

Prior to the approval of any land division or site review application for the Property referenced in Section 1 of this Ordinance, in addition to any applicable requirements of the Traffic Impact Analysis (TIA) Review in the Eugene City Code, the applicant shall submit to the City a traffic impact analysis that demonstrates consistency with the Transportation Planning Rule (TPR) at OAR 660-12-0060. At the applicant's choice, this TPR analysis may be submitted and processed simultaneously with the TIA Review.

Additionally, as a means of ensuring that DLCD and ODOT receive notice of the proposed development, the following condition of approval will be imposed on the Metro Plan amendment:

Upon receipt of any land division or site review application for the Property referenced in Section 1 of this Ordinance the City shall provide notice to DLCD in the same manner as the City provides notice for a post-acknowledged plan amendment.

Based on the above-two conditions of approval, the proposal is consistent with Statewide Planning Goal 12.

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

Statewide Planning Goal 13 calls for land uses to be managed and controlled "so as to maximize the conservation of all forms of energy, based upon sound economic principles." Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. It is not clear that the goal has any bearing on a site-specific decision such as the one at issue. There is no implementing rule that clarifies the requirements of Goal 13. To the extent that Goal 13 could be applied to the proposed change in designation, the designation is consistent with Goal 13. The proposed site is located so that a future development can make efficient use of energy with direct and efficient access. The proposal is consistent with Statewide Planning Goal 13.

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

The amendments do not effect the transition from rural to urban land use, as the subject property is within the Eugene-Springfield Urban Growth Boundary limits. Therefore, Statewide Planning Goal

14 does not apply.

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

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

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the 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 approximately 63 acres of land from Parks and Open Space to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. No text or other diagram changes are necessary to ensure internal consistency with the proposed diagram amendments; adoption of this amendment will not make the Metro Plan internally consistent.

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00230306.DOC;1

**EUGENE CITY COUNCIL AND LANE COUNTY BOARD OF COMMISSIONERS
JOINT PUBLIC HEARING: OCTOBER 27, 2009
RIVER RIDGE METRO PLAN DIAGRAM AMENDMENT: EUGENE FILE MA 09-3 COUNTY FILE PA 09-5465**

**PUBLIC TESTIMONY DURING PUBLIC HEARING
SUBMITTED BY: DEBORAH JEFFRIES**

My name is Deborah Jeffries. I am speaking on behalf of River Ridge, Ltd, owner of a portion of the subject property (tax lot 304 & 306) affected by the proposed Metro Plan amendment. Additionally, I am representing Eric Jeffries, my husband and myself as joint owners of a portion of the subject property (tax lot 305) that is also included in the proposed Metro Plan amendment.

The purpose of the amendment is to return the subject property to its land use designation and state prior to the 2004 Metro Plan, Periodic Review Housekeeping Amendment: City Council Ordinance 20319 and County Ordinance PA 1197. This testimony is in support of the Metro Plan amendment with one minor clarification: pursuant to DLCD's recommendation, the condition requiring future Transportation Planning Rule (TPR) analysis should be eliminated. The only way to return the property to its pre-existing condition prior to the housekeeping amendment is to remove the TPR condition. The TPR condition places a unique burden on our property that is not shared by any existing Low Density Residential property in the Metro Planning Area.

A few points of clarification, referring to the maps submitted with this testimony:

1. The subject property is entirely in the Urban Growth Boundary (blue — . — . —)
2. A portion of the subject property is in the City Limits (red
3. A portion of the subject property is outside the City Limits but inside UGB (green/blue shaded area)
4. A portion of the subject property, the Jeffries home (tax lot 305), is inside the City limit.

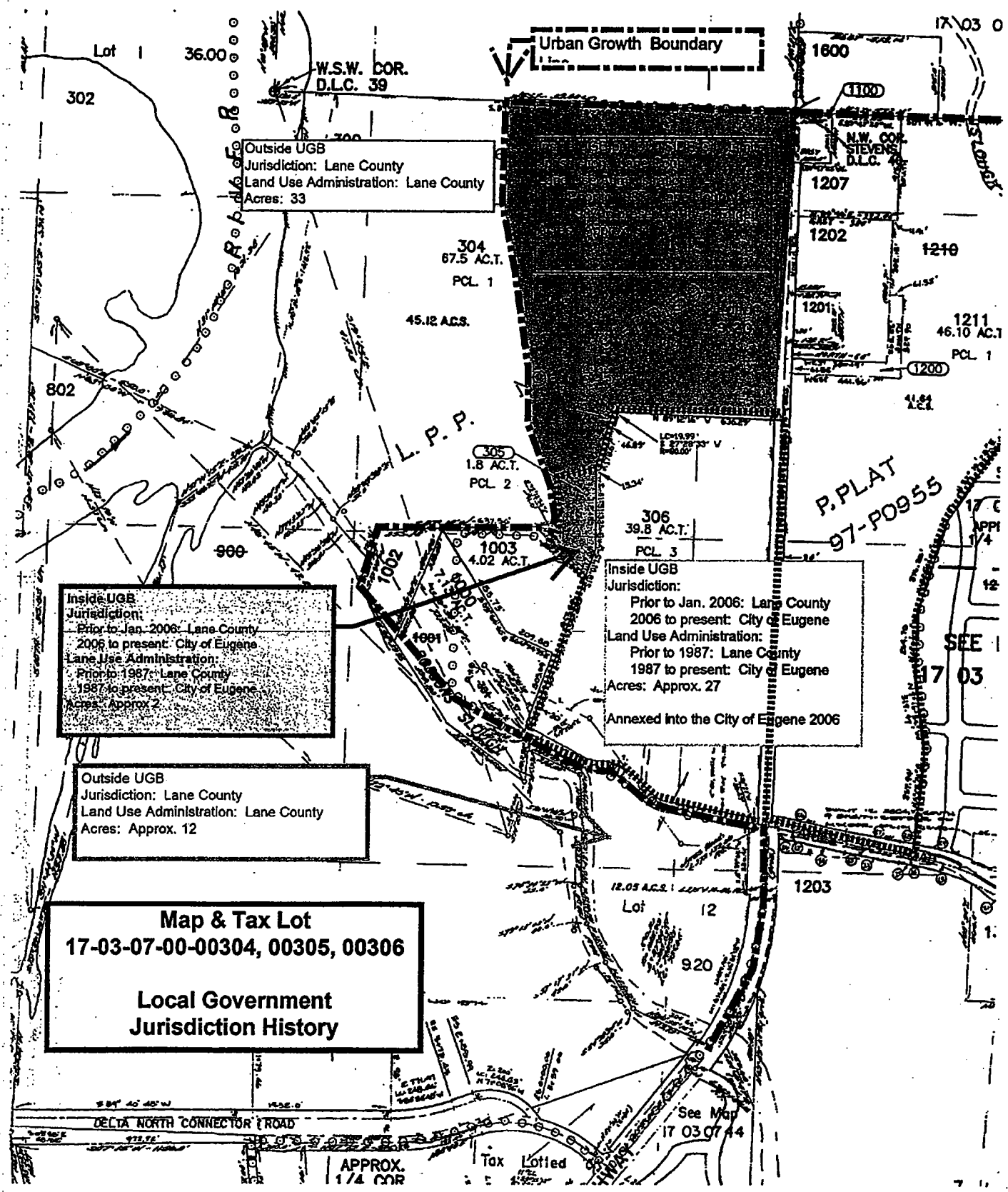
Please refer to the flow chart and time line submitted with this testimony to see the jurisdictional authority and land use history of the subject property. It should be noted:

1. At the time of the 2004 housekeeping amendment to the Metro Plan, Lane County Board of Commissioners were the **jurisdictional** authority for the entire subject property because none was in the city limits of Eugene. While the intergovernmental agreement gave the City **administrative** authority, the County was the governmental, law making authority for the property.
2. Not until 2006 did the City of Eugene become **jurisdictional** authority over a portion of the subject property.
3. The Metro Land Use designation of the subject property was Low Density Residential (LDR) from the inception of the Metro Area Plan (1982) until the 2004 Housekeeping Amendment.
4. The zoning of the property was changed from AG to R-1 in 1988 to permit a conditional use of the golf course. This was consistent with the Metro Plan designation of LDR.
5. There has been no change in the use (golf course) of the subject property (except tax lot 305) from 1988 to present.
6. The Jeffries home, tax lot 305, is now a non-conforming use with the Metro Plan

Additional points

1. No measure 56 landowner notice was sent by Lane County, jurisdictional authority, notifying River Ridge, Ltd or the Jeffries of the change in the Metro Plan designation from Low Density Residential to Parks and Open Space.
2. The housekeeping amendment also changed a similar size area (approximately 53 acres) in the Jefferson Westside neighborhood. This area was changed from Low Density Residential to Medium Density Residential. No measure 56 notice was sent to the affected property owners. I could not find any written waiver by the County engineer stating the TIA requirement had been waived by the County. This is of interest because the County Engineers is not waiving the TIA in this amendment.

Thank you for your time and consideration of this Metro Plan amendment.



Outside UGB
 Jurisdiction: Lane County
 Land Use Administration: Lane County
 Acres: 33

304
 67.5 AC.T.
 PCL 1
 45.12 ACS.

305
 1.8 AC.T.
 PCL 2

306
 39.8 AC.T.
 PCL 3

Inside UGB
 Jurisdiction:
 Prior to Jan. 2006: Lane County
 2006 to present: City of Eugene
 Land Use Administration:
 Prior to 1987: Lane County
 1987 to present: City of Eugene
 Acres: Approx. 27
 Annexed into the City of Eugene 2006

Inside UGB
 Jurisdiction:
 Prior to Jan. 2006: Lane County
 2006 to present: City of Eugene
 Land Use Administration:
 Prior to 1987: Lane County
 1987 to present: City of Eugene
 Acres: Approx. 2

Outside UGB
 Jurisdiction: Lane County
 Land Use Administration: Lane County
 Acres: Approx. 12

Map & Tax Lot
17-03-07-00-00304, 00305, 00306

Local Government
Jurisdiction History

APPROX.
 1/4 COR

Tax Lotted

See Map
 17 03 07 44

P. PLAT
 97-P0955

SEE
 17 03

Lot 1 36.00
 W.S.W. COR.
 D.L.C. 39

Metro Plan Designation History
 Prior to 1988: Sand & Gravel
 1988 to Present: Continued Sand & Gravel

Zoning History
 Prior to 1988: Sand & Gravel
 1988 to Present: Exclusive Farm Use.
 Special Use Permit: Golf Course (Owner Initiated)

Urban Growth Boundary

Metro Plan Designation History
 1988: Low Density Residential
 2004: Low Density Residential
 2004: Parks & Open Space (City of Eugene Initiated)

Zoning History
 Prior to 1988: Agricultural
 1988: RAUL/SR;
 Conditional Use: Golf Course (Owner Initiated)

802
 800
 L.P.P.
 305
 1.8 AC.T.
 PCL 2
 1003
 4.02 AC.T.

Metro Plan Designation History
 Prior to 1988: Low Density Residential
 1988 to 2004: Low Density Residential
 2004: Parks & Open Space (City of Eugene Initiated)

Zoning History
 Prior to 1988: Agricultural
 1988: RAUL/SR;
 Conditional Use: Golf Course (Owner Initiated)

Metro Plan Designation History
 Prior to 1988: Low Density Residential
 1988 to 2004: Low Density Residential
 2004: Parks & Open Space (City of Eugene Initiated)

Zoning History
 Prior to 1988: Agricultural
 1988: RAUL/SR;
 Conditional Use: Golf Course (Owner Initiated)

Metro Plan Designation History
 Prior to 1988: Sand & Gravel
 1988 to Present: Agricultural (Owner Initiated)

Zoning History
 Prior to 1988: Sand & Gravel
 1988: Exclusive Farm Use,
 Special Use Permit: Golf Course (Owner Initiated)

Metro Plan Designation History & Zoning History

Map & Tax Lot
 17-03-07-00-00304, 00305, 00306

- ▬▬▬▬▬▬▬ Subject Property of Plan Amendment
- ▬▬▬▬▬▬▬ Eugene City Limits Boundary
- ▬▬▬▬▬▬▬ Urban Growth Boundary Line

Urban Growth Boundary Line

See Map
 17 03 07 44

P. PLAT
 97-P0955

17 03 0

1211
 46.10 AC.T.
 PCL 1

12
 EE
 03

12.05 A.C.S.
 Lot 12

920

1203

1600

1100

1200

12

EE
 03

1

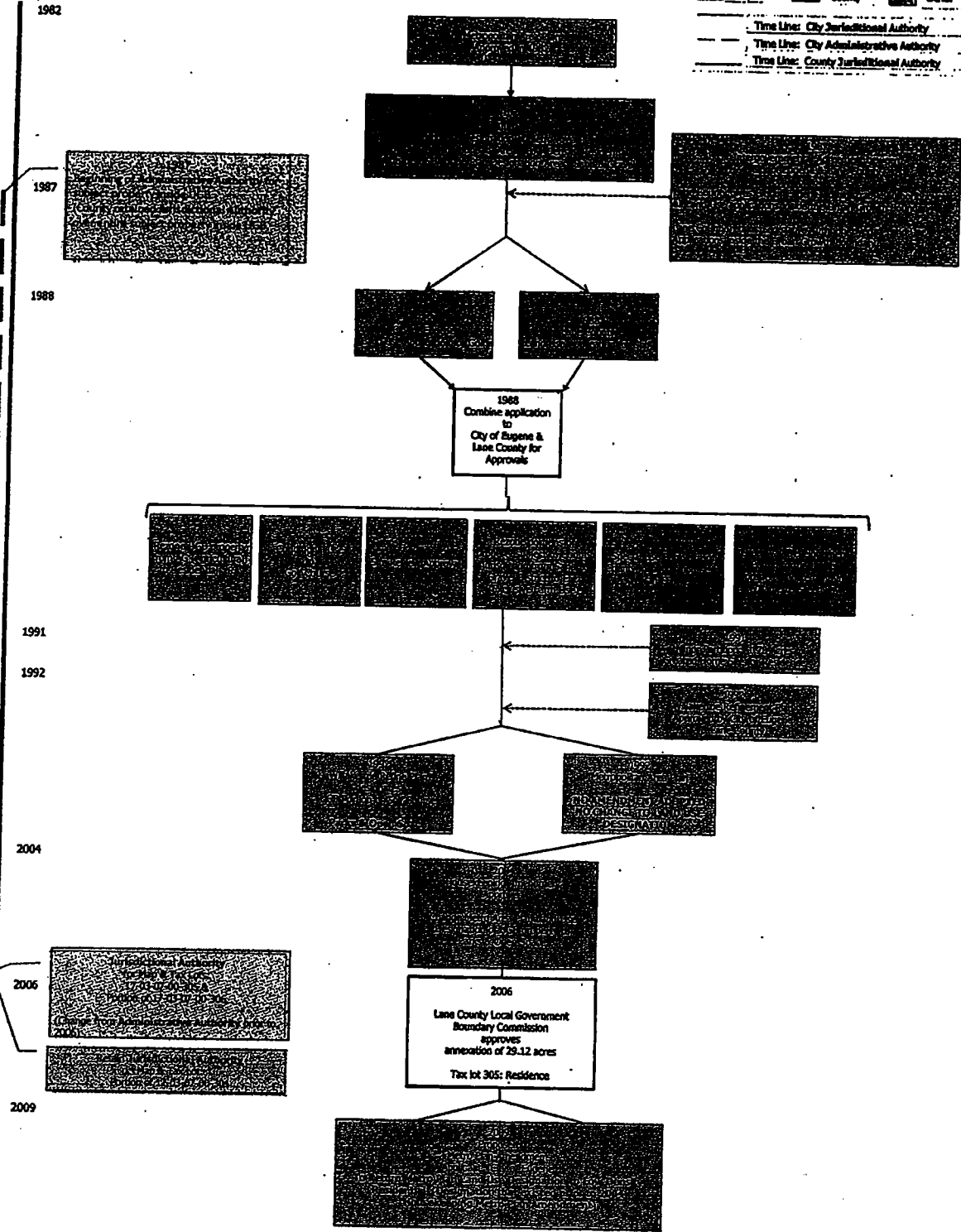
**Land Use History
Map & Tax Lots**

17-03-07-00-00304, 00305, 00306

Authority and Time Line

City
 County
 Other

Time Line: City Jurisdictional Authority
 Time Line: City Administrative Authority
 Time Line: County Jurisdictional Authority



October 27, 2009

I'm Barbara Mitchell. I live at 3355 N. Delta Hwy. #45, Eugene. I'm president of the Cal Young Neighborhood Association. In your public record you have the statement presented at the Joint Planning Commission hearing August 4. This statement was adopted by the Cal Young Neighborhood Association Executive Committee. A quorum was present, and the motion was passed unanimously. Because you have the full statement in writing, I will highlight and update.

Transportation impact is the major concern with the proposal, specifically increased traffic congestion on already overloaded Delta Highway and Beltline. A city staff report states that in excess of 300 single-family homes could be allowed. However, under Low Density Residential up to 14 units allowed per acre equals more than 850 dwellings. This volume far exceeds the 100 vehicle trips that initiate the city's Traffic Impact Analysis.

In addition, a Lane County staff memo dated August 4 states: "Pursuant to Lane Code 15.697 (c), such a plan amendment proposal is subject to traffic impact analysis requirements." **Yet, in the proposal before you, no traffic analysis is called for until a future development application is submitted.**

Because this is a Metro Plan Amendment, the required criteria of consistency with relevant statewide planning goals must be met. We submit that Statewide Goal 12 on Transportation is not being met by the proposal. Goal 12 is implemented through the State's Transportation Planning Rule (TPR). **The proposal before you is to postpone the required TPR analysis until a development application is submitted.**

In my testimony that was not reflected in the Planning Commission minutes, I referred to the July 14 letter from Ed Moore of the Department of Land Conservation and Development staff. He stated that the TPR requires the applicant, in this case the City of Eugene, to undertake an analysis at the time of the plan amendment, not as part of a subsequent development approval. **He concluded that the postponement proposed is not consistent with the TPR.**

Since then in an e-mail (Attachment E in the October 20 staff report), he retracts this conclusion, deferring to city staff's view that the LUBA appeal decision allows postponement. I am familiar with that LUBA appeal because the Goodpasture proposed development also is in the Cal Young Neighborhood. On a 23-acre site, it proposes to add traffic onto Delta Highway from 583 apartment units plus a commercial center. Two cautions: 1) the appeal is not final—it is before the Oregon Court of Appeals and 2) the appeal concerns zoning density, not a comprehensive plan amendment, and cases cited are zoning related.

In conclusion, rather than postponing the TPR analysis, it seems better public policy for future planning to study the impact NOW of increasing traffic on Delta Highway, particularly at the unsafe interchange with Beltline.

October 27, 2009

Hello. I'm Tom Mitchell. I live at 3355 North Delta, #45, Eugene. I am a member of the Beltline Highway Stakeholder Advisory Committee, but these comments are my own and in no way reflect the position of the committee. I am speaking strictly as a resident of the Cal Young neighborhood.

According to recently gathered data by the Oregon Department of Transportation, the Delta/Beltline interchange has, "one of the highest rates of crashes of all ODOT facilities statewide." Those of us who drive in this area well know the dangers associated with the Beltline corridor from Coburg Road to River Road, which includes the Delta Highway.

In fact, in a recently completed survey by the Cal Young Neighborhood Association, of those residents responding, 64% identified "Improved Traffic Congestion" as the most important Neighborhood Need. The survey also identified Public Safety, Land Use Planning, Transportation, and Parks/Open Space as top Neighborhood Priorities.

Clearly, many of those who live in the area see the need for improvements in traffic congestion and transportation, and many of us are alarmed by the proposal before you. If the "Low Density Residential" designation is approved for the 63 acres, more than 850 residences could be allowed at 14 per acre. The traffic generated by this many households would add to the existing transportation problems, rather than resolving them.

When McKenzie-Willamette Medical Center applied to build on part of the same property, insufficient traffic mitigations were proposed by the hospital. On August 13, 2007, the Eugene Planning Commission recommended denial to the City Council, citing as one reason inconsistency with Metro Plan Policy F.10. On page 30 of its report, the Commission stated: "Allowing these incremental fixes without committed funds for permanent fixes would be inconsistent with the City's responsibility to protect and manage existing infrastructure."

I understand that the state Transportation Planning Rule (TPR) requires the applicant, in this case the City of Eugene, to conduct a transportation analysis at the time of a Metro Plan amendment. I urge you to insist this requirement be met now and not accept the city staff report that proposes postponing the TPR to occur concurrently with a city-required Traffic Impact Analysis (TIA) at a later time with a development application.

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Ordinance No. PA 1264

In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan. (Metro Plan) Land Use Diagram; Amending the Corresponding Willakenzie Area Plan Land Use Diagrams; and Adopting Savings and Severability Clauses. (Applicant: City of Eugene). (File No. PA 09-5465) (Second Reading and Public Hearing October 27, 2009) (NBA & PM 9/30).

For over two years, North Delta Neighbors contested the building of a hospital at the end of North Delta Highway. Our primary concern was increased traffic on not only North Delta, but also Beltline, Ayres, Gilham, and Green Acres Roads, and Crescent Avenue.

To date, traffic has, if anything, increased, nothing has been done to ease the horrible traffic congestion in that area, and ODOT's projections for any improvements are 20 years out. However, before you is a proposal to amend both the Metro and the Willakenzie Area Refinement Plans to allow for development that will increase traffic to a degree that likely will surpass the estimations projected in the hospital proposal.

Altering the Plans to allow for land currently designated as Parks and Open Space to Low Density Residential should be considered from several different directions. First and foremost is the traffic issue. With over 300 residential lots probable if the land were to ultimately remain zoned Low Density Residential in the future, moderate estimates of two vehicles per household, with a minimum of six peak-hour trips per day would result in a daily increase on North Delta of 3,600 vehicle trips.

On July 19, 2006, Lakeridge of Eugene residents conducted an informal traffic count from 7:00 am to 7:00 pm on North Delta at Ayres Road. A total of 4,686 vehicles traveled North Delta during that time, including 457 heavy-haul trucks to-and-from the sand-and-gravel operations at the end of the road. (*see Att 1*)

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Given the zoning climate in Eugene, it is not improbable to speculate that the low-density zoning would eventually be changed, either all or in part, to medium- or even high-density residential. Imagine that kind of traffic on North Delta Highway—a dead-end road!

Please don't circumvent Statewide Goal 12, (Transportation) to push through this inconsistent Plan amendment proposal. It is incumbent upon both the City Council and Lane County Board of Commissioners, on behalf of their thousands of constituents in the North Delta area, to delay this action until a full and *current* traffic impact analysis (TIA) is completed on the involved roadways. Following the completion of the TIA, we would request another public hearing to allow residents to state their final thoughts and concerns on this proposed Plan amendment.

Or make the TIA a moot point and abide by ORS 197.010, "...to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans." Leave the designation of Parks and Open Space intact, as it was designed to be in the first place.

ATT 1 – North Delta Neighbors, Ordinance No. PA 1264

**Informal Traffic Survey of North Delta Highway at Ayres Road
Conducted by Lakeridge Residents, 07.19.06
Fred Masarie, Organizer**

Time	Gravel Trucks	Gr.Trucks w/extended trailer	Cars (incl. in & out of Lakeridge)
7-8 am*	19	3	235
8-9	35	41	300
9-10	30	19	317
10-11	38	13	345
11-12	31	12	330
12-1 pm	29	18	440
1-2	29	17	303
2-3	30	15	365
3-4	40	12	428
4-5	19	2	370
5-6	3	1	507
6-7	1	0	289
Totals	304	153	4229

Total all Trucks - 457

All trucks, avg/hr, 8 am to 5 pm = 48

Cars, avg/hr, 7 am to 7 pm = 352

*Surveyed 7/18/06; all other times, 7/19/06

Some bicycles, pedestrians, and motorcycles were noted at certain hours, but not included here.

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In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan. (Metro Plan) Land Use Diagram; Amending the Corresponding Willakenzie Area Plan Land Use Diagrams; and

**Eugene City Council and Lane County Board of Commissioners
Public Hearing, October 27, 2009**

Comments In Opposition to Rezoning of Tax Lots 304, 305, and 306

Donald Gudehus

Dear City Councilors and County Commissioners, my name is Donald Gudehus, and I live at 3835 Meadow View Drive in Eugene, 1 1/2 blocks east of Tax Lots 304, 305, and 306, and I oppose the rezoning of those lots from Parks and Open Space to Low Density Residential. The city has initiated a Metro Plan Diagram Amendment to rezone the above mentioned 63 acres and also amend the Willakenzie Area Plan. Approval of a request of this magnitude requires that the amendment application is consistent with Statewide Planning Goals and that the Metro Plan not be internally inconsistent. My analysis which follows indicates that goals 1, 5, 6, 8, 11, 12, 13, and 15 are not met by these rezoning plans.

Goal 1 is "to develop citizen involvement in all phases of the planning process." The Eugene Planning Commission and the Lane County Planning Commissioners have failed in this goal because I only learned of the rezoning request by reading the Register-Guard *after* the August public hearing took place. I live outside the 500-foot distance from the lots and so was not notified. A 500-foot limit does not involve enough of the neighbors and appears to be self-serving for the submitters of the rezoning request.

Goal 5 is "to conserve open space and protect natural and scenic resources." The current view across the golf course from the neighborhoods to the east is both welcome and scenic. Tall trees, wildflowers, open spaces, and green lawns blend together in peaceful harmony. Who could think of destroying this? Just down the street from my house is an osprey nest. Wildlife such as this deserves to be protected. It may be that certain threatened species such as Kincaid's Lupine, or endangered species such as Fender's Blue Butterfly exist on patches of this acreage. This site needs to be surveyed for the presence of such life in order that the federal endangered species act is not violated. The dark sky near the golf course, due to its distance from artificial city lighting is another natural resource which is to be cherished. Many forms of wildlife are adversely affected by nighttime artificial lighting such as would occur if the lots are developed. A dark sky also permits people to enjoy the stars, meteor showers, northern lights, and amateur astronomy. This site is unique in that it is bounded by the nearby Willamette and McKenzie Rivers which produce no light pollution and never will. If the golf course is reduced in size or eliminated someday, converting the land into a park and nature area for the many many nearby residents would be much superior than

development of houses. Clearly goal 5 is not being met.

Goal 6 is "to maintain and improve the quality of the air, water, and land resources of the state." The development of the lots would destroy trees, other vegetation, ponds, and displace wildlife. These flora and fauna are resources of the state that would be harmed or eliminated. The streets envisioned for the development would be a source of air and noise pollution while vehicles are moving within its boundaries. The westerly wind flow will bring this air pollution directly into the Ashley Estates and River Point neighborhoods. Water runoff from the additional streets, driveways, and herbicide treated lawns could carry oil and other contaminants into the nearby Willamette River. At night the lights from streetlights and houses would be a source of light pollution and light trespass. The rezoning proposal violates Goal 6.

Goal 8 is "to satisfy the recreational needs of the citizens of the state and visitors ..." Access to the Eugene bike trail system is at the intersection of North Delta Highway and Green Acres Rd. Bicyclists from the surrounding neighborhoods wishing to access the trail system need to travel along North Delta Highway. The expected substantial increase in traffic on North Delta Highway will create a dangerous situation to those bicyclists. Also, the destruction of a working golf course will limit the recreational activities of those golfers who currently use RiverRidge Golf Course. Therefore the rezoning proposal fails to satisfy goal 8.

Goal 11 is to "plan and develop a timely, orderly and efficient arrangement of public facilities and services ..." The lots total 63 acres. If four houses are constructed per acre, over 250 houses will crowded into this area, overtaxing the surrounding infrastructure.

Goal 12 is "to provide and encourage a safe, convenient and economic transportation system." The crowding of over 250 homes into a tract with only one entrance/exit road does not inspire confidence that the rights, quality of life, and safety of the public has been given much consideration. The main access road to the proposed tracts are via North Delta Highway and the adjacent Beltline/Delta Highway interchange. This area has the distinction of having Eugene's highest accident rate, along with recurring fatalities. I studied physics and engineering at MIT, and also worked briefly at a firm that did traffic analysis and highway planning. It is my opinion that a workable solution for the the Beltline/Delta Highway traffic problem is to widen Beltline from 15 to River Road. But even if these expensive safety issues are satisfied, the proposed rezoning fails on all the other accounts listed here. The rezoning does not fulfill goal 12.

Goal 13 is "to conserve energy". Because any hypothetical low-density housing tract is

off-center from the population distribution of the Eugene, many more vehicle-miles per day will result. Assuming 400 one-way trips per day, an extra 5 miles per trip, and gas mileage of 15 miles per gallon, an extra 133 gallons of gasoline will be used daily. For a price of \$3 per gallon, an extra \$400 will be spent daily, a portion of which will flow to foreign governments, some of which are unfriendly to the USA.

Goal 15 is "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." It is an obvious fact of biology, that species do not follow artificial human boundaries. Thus because of the proximity of the lots to existing areas of the Willamette River Greenway, the replacement of the trees, wildflowers, and other plants as well as the fauna on the golf course property, with asphalt streets, concrete driveways, herbicide treated lawns, and housing structures could adversely impact the wildlife in the Greenway that Eugene citizens are trying so hard to preserve and protect. The 2006 Eugene bond measure for parks and open space, allocates money for the acquisition of land for the Willamette River Greenway, most of it north of Beltline Rd. Thus the biological interaction between the Greenway and the target acreage is set to increase. The land targeted by the rezoning is thus of critical importance to the well-being of numerous forms of wildlife, enjoyed by most of us. Because the Eugene bike trail system is set to expand north of Beltline Rd., saving the trees and other plants in the golf course, or converting the golf course to park lands, will preserve the natural and scenic beauty for bicyclists and others seeking recreation along the river. The proposed rezoning thus fails to satisfy goal 15.

I hope that I have conveyed the seriousness of the inconsistencies of the proposed rezoning with the provisions of the Metro Plan.

A loss of the Low Density Residential zoning and Parks and Open Space designation for the proposed site, if amendments were to be made to the Willakenzie Area Refinement Plan and the Metro Plan, would have unfortunate and irreversible consequences for wildlife, the people of Eugene, and the city's reputation. The rezoning is incompatible with the present size and quality of the surrounding neighborhood, the long terms goals of the city, and with common sense.

Donald H. Gudehus, Ph.D.
gudehus@gmail.com