

**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.**

FINDING: The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."

Goal 8 is not directly applicable to this proposal.

**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.**

FINDING: Goal 9 is focused on commercial and industrial development. The Goal 9 Rule, OAR 660-09, is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal.

**Goal 10: Housing**

**To provide for the housing needs of citizens of the State.**

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

FINDING: Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal's definition of "buildable lands," for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

**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.**

**Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the**

**needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.**

FINDING: "Public facilities and services" is defined in the Statewide Planning Goals to include: "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." The Goal 11 Rule defines a "public facility." "A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11-005(5).

Goal 11 addresses facilities and services in urban and rural areas. The subject property is "resource" land and will remain rural after this approval. The subject proposal does not provide for any rural or urban development. Therefore, Goal 11 does not apply.

Resource designations have no required minimum level of services. However, based on information provided by the applicant, the following services are available to the subject property: Marcola RFP, Lane County Sherriff and State Police; Marcola School District schools; Marcola Road access, EPUD, QWEST, Sanipac, wells and on-site septic.

### **Goal 12: Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

**A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.**

FINDING: Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such as this – amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”

There is no additional outright residential development allowed by this application. Therefore, the application will not affect a transportation facility. The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) Changes the functional classification of an existing or planned transportation facility;**
- (b) Changes standards implementing a functional classification system;**
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
- (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

FINDING: The proposed redesignation/rezone will not trigger this section of the rule because it does not provide for any additional development. The site is developed with a single residence. It is not entitled to any additional development.

### **Goal 13: Energy Conservation**

**To conserve energy.**

**Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.**

FINDING: This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.<sup>7</sup>

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<sup>7</sup> See Brandt v. Marion County, 22 Or LUBA 473, 484 (1991), aff'd in part, rev'd in part, 112 Or App 30 (1992).

**Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use.**

FINDING: The subject proposal keeps the parcel in Resource designation. There, there is no transition. This goal does not apply.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

**Goal 19: Ocean Resources**

FINDING: These five goals are not applicable as they deal with resources that are not present on the subject property.

**IV. COMPLIANCE WITH RURAL COMPREHENSIVE PLAN POLICIES**

FINDING: Any plan and zone change must comply with the relevant Rural Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion under the Statewide Planning Goals. However, the following discussion regarding the relationship between Goals 3 and 4 bears repeating.

OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

FINDING: The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the state of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. The proper resource designation for the “duel” lands is left up to the local jurisdiction so long as the factors underlying the designation choice are identified.

As discussed more specifically under Goals 3 and 4 above, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan

Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. See Exhibit J. Each of those factors is discussed in detail below. Based on those factors, the subject property should be designated Forest land.

Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property's dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for choosing between Forest or Ag.

The Agricultural Land Working Paper states,

*"Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [Led's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:*

- a. Identify Agricultural and Forest Lands Goal definitions and inventories*
- b. Segregate overlapping lands from single resource lands*
- c. Apply evaluations of local circumstances and Goal factors to overlapping land to determine appropriate designation*
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams*
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementing measures.*

*It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.*

Identify: The applicant has identified and addressed the proper definitions of farm and forest lands. In short, farm land is land consisting predominantly of Class I through IV soils. Forest land is land capable of producing 50 cu.ft./acre/year of timber fiber. As shown in Tables C and D of the applicant's supplemental application, the subject property meets both definitions.

Segregate: By filing this application, the applicant is separating the subject property from single resource property for consideration.

Evaluate Goal Factors: Goal 3 and 4 factors are thoroughly addressed in Section III, above. The

analysis of Goal 3 factors shows that while the subject property meets the “soils” test of Ag land, it does not meet the “other suitable lands,” “necessary lands,” or “farm unit” tests. The analysis of Goal 4 factors shows that the subject property meets the “productivity” test for Forest lands and likely the “necessary lands” and the “other resource” tests. Just viewing the Goals 3 and 4 factors alone shows that the subject property is more appropriately designated Forest land.

Evaluate Local Circumstances: There is no exact definition of “local circumstances” in the Lane County RCP. The applicant interprets this provision to mean an evaluation of the subject property and surrounding designations, uses and land use patterns. Tables A and B and accompanying text, see pages 4 through 13 of the applicant’s supplemental application establish these factors for all properties in the surrounding area. That discussion is hereby incorporated. In summary, the subject parcel is located in a sea of Forest land and RR exception area land. See Exhibit EE.

The subject property is currently and has historically been used for timber production. It is in both Forest and Small Tract Forest Land tax deferral. The property was most recently logged by the applicant in 2002. It is now regenerating for future harvests. Based on 2002 tree stump and site conditions, the site was also logged between 1955 and 1960. There is no evidence that the subject property has ever been in farm use, as defined by the statute.

Designation: Based on evidence provided by the applicant, the predominant designation by **lot/parcel** in the surrounding area is Residential (63%) followed by Forest (25%). The predominant designation, **by acreage**, in the surrounding area is Forest (72%). The predominant designation of **adjacent parcels by acreage** is Forest (88%).

Use: The predominant use by **lot/parcel** in the surrounding area is residential (58%) followed by forestry (34%). The predominant use, **by acreage**, in the surrounding area is forestry (88%). The predominant use of **adjacent parcels by acreage** is forestry (94%).

In summary, all evidence indicates that the subject property is currently used for forestry and is surrounded by forestry. Evidence further indicates that the subject property has historically been used for forestry. The property is not suited for farm use. Because the property is in forestry, it would be difficult and expensive to convert the property to farm use. Conversion would require tree removal and major cultivation. Such conversion is generally unfeasible. Furthermore, farm uses are not common in the surrounding area.

### **Goal Three: Agricultural Lands**

#### **Policy 8:**

**Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural**

**activities.**

**FINDING:** This policy has been interpreted by the Board of Commissioners, and the interpretation has been upheld on appeal. This policy addresses only conflicts that will result in a significant change in or a significant increase in the cost of accepted farming practices. When conflicts of this magnitude might result, the proposed rezoning must be conditioned to reduce the potential conflicts below the level that will result in a significant change or significant increase in the cost of accepted agricultural practices.<sup>8</sup>

No conflicts are apparent between the proposed rezoning and any adjacent or nearby agricultural activity. There are no farming activities on adjacent land. Land directly south, while zoned E-40, is in forest production and in forest tax deferral. See Table B, above.

#### **Goal Four: Forest Lands**

##### **Policy 1:**

**Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

**FINDING:** This policy implements Statewide Planning Goal 4 by defining "forest lands" and requiring they be used consistent with the goal. The subject property qualifies as Forestland. See discussion in connection with Statewide Planning Goal 4 above. Therefore, the proposed plan change/zone change from AG/E-40 to Forest/F-2 furthers this policy by adding additional land to the State's forest land base.

##### **Policy 2:**

**Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristic specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics**

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<sup>8</sup> Gutoski v. Lane County, 34 Or LUBA 219, 225 n4 (1998), aff'd 155 Or App 369, 963 P.2d 145 (1998).

**FINDING:** The proposal is for a designation change from AG to Forest and a zone change from E-40 to F-2. The F-2 designation is supported by the general characteristic specified in Policy 16 below. Because the subject property is justified as being zoned Impacted, this policy has been met.

**Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

Because the subject property is already developed with a residence, this policy further supports a zoning of F-2 Impacted Forestlands.

**Policy 16:**

**Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). A decision to apply one of the above zones or both the above zones in a split zone fashion shall be based upon:**

- c. A conclusion that characteristics of the land correspond more closely to the characteristic of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsection b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.**

**FINDING:** Compliance with Policy 16 is addressed under Compliance with Criteria and Standard for Zone Changes. Those Findings are hereby incorporated. The applicant complies with Policy 16 by proposing a zoning that is consistent with character of the land.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 7:**

**Because of incomplete County coverage by, and interpretation of, the National Wetlands Inventory, wetland resources are to be considered "significant" in terms of OAR 660-16-000/025 and placed in "1B" and "1C" categories. Major wetlands designated "1C" resources shall be protected per the "3C" option through a combination of existing County Coastal and Greenway zoning regulations, and federal/state ownership; where these do not occur, an appropriate wetlands zoning district shall be developed and applied. Other wetlands from the National Wetlands Inventory shall be evaluated per "1B" requirements within two years of the date of**



**Plan adoption, and decisions made on the protection or use of the resource. The County shall consider enlarging the list of protected per Goal 5 requirements if it is clearly demonstrated that an unprotected significant wetland(s) is likely to be significantly impacted by a land use action over which the County has jurisdiction.**

FINDING: See discussion of wetlands resources under Statewide Planning Goal 5 above, the associated Finding of which is hereby incorporated. The County has not yet supplemented its inventory of wetlands resources, as anticipated by this policy. The subject property contains no wetland resources inventoried in the county plan. Hence, this policy is not directly applicable to this development proposal. Furthermore, this proposal does not result in any development or uses that would otherwise disturb wetlands. Forest practices on the land are governed by the Forest Practices Act.

No other Comprehensive Plan policies apply.

## **V. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES**

FINDING: LC 16.400(6)(h) sets out the criteria for amending the county plan designation. Each of the criteria is addressed here. Where a criterion incorporates a Statewide Planning Goal, LCDC Rule, or Rural Plan Policy, reference is made the relevant part of the narrative above so as to avoid repetition.

### **LC 16.400(6)(h): Method of Plan Adoption and Amendment.**

- (iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings”**
- (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all the applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.**

FINDING: This criterion makes general reference to other sources of standards that apply to plan changes. Those other standards are addressed elsewhere in this narrative.

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**
  - (i-i) necessary to correct an identified error in the application of the Plan; OR**
  - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**
  - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law;**

OR

**(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR**

**(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

FINDING: This criterion offers a smorgasbord of policy choices from which the county may select to justify initiating the plan change. At least two are relevant to this application. Item (iv-iv) allows the plan change if it implements the Rural Plan Policies. Goal Four, Policy 1 of the Rural Plan Policies anticipates the preservation of Forest lands by maintaining a forest land base. This proposal implements that policy because the subject property qualifies as forest land under the Goal 4 definition.

Item (v-v) invites the county to make plan changes that are desirable, appropriate or proper. This proposal also meets that criterion. Where lands qualify as both farm and forest lands, OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

Furthermore, the Lane County Rural Comprehensive Plan Agricultural Lands working paper, page 6, provides:

***“Agricultural/Forestry Goal Interrelationship***

*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [LCDC’s] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands: \*\*\*.”*

Those items and the analysis are discussed in detail above. The analysis shows that a plan change to Forest is desirable, appropriate and proper based on the review set forth.

**(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible achieves policy support.**

FINDING: Compliance with individual policies in the Rural Plan Policies is discussed thoroughly above.

- (dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.**

FINDING: The existing structure of the plan anticipates Resource plan designations. As discussed above, this designation is also consistent with relevant policies in the Rural Plan Policies.

**LC 16.400(8): Additional Amendment Provisions.**

- (a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:**
- (i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to the Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.**

FINDING: This is a minor amendment to the plan which requests a change to the Plan Diagram for the subject property – from Agriculture to Forest. No goal exceptions are requested. This application demonstrates that the subject property is not Agricultural land, but Forest land.

- (c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:**
- (i) A complete description of the proposal and its relationship to the Plan.**

FINDING: This description has been provided throughout this supporting statement.

- (ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(iii) above.**

FINDING: The required analysis is provided above.

- (iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:**

**(aa) Evaluation of land use and patterns of the area of the amendment;**

FINDING: See detailed discussion in Section II of the applicant's supplemental application. To summarize, the subject property is located in a sea of Forest land. Furthermore, it is adjacent to an RR exception area. Some of these uses are on land planned and zoned for resource use, and others are on land that is planned and zoned for Nonresource uses. See Tables A and B and supporting narrative in the applicant's supplemental application.

**(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply, and sewage;**

FINDING: The public facilities and services available or to be provided to the site are discussed in detail above. For a discussion of each facility and service, see the Goal 11 discussion above. For a further discussion of transportation facilities, see the Goal 12 discussion above. In summary, because the site is already developed with a residence, because it is in a highly developed area, and because it is close to the rural communities of Marcola and Mable, all facilities and services are available to the site.

**(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;**

FINDING: This discussion appears in detail in other parts of this statement. The proximate natural resources to consider are those that are identified as Goal 5 resources in the comprehensive plan. The impact on these resources is discussed as part of the Goal 5 analysis above.

This proposal will have no adverse impact on proximate resource lands because the subject property will remain in resource designation and zoning.

**(dd) Natural hazards affecting or affected by the proposal;**

FINDING: As discussed in connection with Goal 7, the subject property neither contains nor is threatened by any natural hazards.

**(gg) For a proposed amendment to a nonresource designation or a Marginal Lands designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).**

FINDING: This provision is not applicable.

Owner Name ↑ ↓

4 record(s) selected. Record numbers 1 - 4 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

RANCH & 120 LLC	28504	16-01-07-00-00500	<b>i</b> 87
RANCH & 120 LLC	28538	16-01-07-00-00700	<b>i</b> 13
RANCH & 120 LLC	33918	16-02-12-00-00100	<b>i</b> 119
RANCH & 120 LLC	1476421	16-01-07-00-00601	<b>i</b> .37

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*4 holdings  
~220 acres*

Owner Name



50 record(s) selected. Record numbers 1 - 10 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

①	HIGH MOUNTAIN INVESTMENT GROUP INC			1709	15-01-32-00-00601			<del>#124</del>
②	HIGH MOUNTAIN INVESTMENT GROUP INC			28173	16-01-05-00-00801			
③	HIGH MOUNTAIN INVESTMENT GROUP INC			759009	18-08-01-00-00400			
	HIGH MOUNTAIN INVESTMENT GROUP INC	18535 HWY 126	WAN	97490 1231693	18-08-01-00-00400			
④	HIGH MOUNTAIN INVESTMENT GROUP INC			1537834	15-01-32-00-00401			
⑤	HIGH MOUNTAIN INVESTMENT GROUP INC			1818713	17-45-06-00-00101			
	HIGH MOUNTAIN INVESTMENT GROUP INC			1818721	17-45-06-00-00101			
⑥	HIGH MOUNTAIN INVESTMENT GROUP INC			1820495	16-45-29-00-00502			
	HIGH MOUNTAIN INVESTMENT GROUP INC			1820495	16-45-29-00-00502			
⑦	HIGH MOUNTAIN INVESTMENT GRP INC			1691	15-01-32-00-00600			

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*42 Holdings  
~ 2500 acres*

Owner Name



50 record(s) selected. Record numbers 11 - 20 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

Record #	Owner Name	Address	City	Zip	Parcel ID	Acres	Assessed Value	Assessment Date	Actions
8	HIGH MOUNTAIN INVESTMENT GRP INC				20964			15-05-32-00-00400	
9	HIGH MOUNTAIN INVESTMENT GRP INC				20972			15-05-32-00-00500	
10	HIGH MOUNTAIN INVESTMENT GRP INC	38935 SHOTGUN CREEK RD	MAR		97454 28165			16-01-05-00-00800	
11	HIGH MOUNTAIN INVESTMENT GRP INC				28215			16-01-05-00-00900	
12	HIGH MOUNTAIN INVESTMENT GRP INC				28256			16-01-05-00-01003	
13	HIGH MOUNTAIN INVESTMENT GRP INC				28264			16-01-05-00-01100	
14	HIGH MOUNTAIN INVESTMENT GRP INC				28470			16-01-07-00-00200	
15	HIGH MOUNTAIN INVESTMENT GRP INC				28652			16-01-08-00-00400	
16	HIGH MOUNTAIN INVESTMENT GRP INC				60937			16-05-29-00-00300	
	HIGH MOUNTAIN INVESTMENT GRP INC				60945			16-05-29-00-00300	

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Owner Name



50 record(s) selected. Record numbers 21 - 30 are displayed below.

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Owner Name	Address	City	State	Zip	Parcel ID	Acres	Year	Assessed Value	Market Value	Market Date	Market Type	Market Category	Market Sub-Category	Market Code	Market Description	Market Notes	Market Status	Market Action	
17 HIGH MOUNTAIN INVESTMENT GRP INC					60952		16-05-29-												<b>i</b>
18 HIGH MOUNTAIN INVESTMENT GRP INC					80299		16-25-31-												<b>i</b>
19 HIGH MOUNTAIN INVESTMENT GRP INC					85819		16-45-22-												<b>i</b>
20 HIGH MOUNTAIN INVESTMENT GRP INC					104503		17-02-00-												<b>i</b>
21 HIGH MOUNTAIN INVESTMENT GRP INC					104511		17-02-00-												<b>i</b>
22 HIGH MOUNTAIN INVESTMENT GRP INC					519023		17-06-31-												<b>i</b>
23 HIGH MOUNTAIN INVESTMENT GRP INC					546653		17-15-09-												<b>i</b>
24 HIGH MOUNTAIN INVESTMENT GRP INC					546711		17-15-09-												<b>i</b>
25 HIGH MOUNTAIN INVESTMENT GRP INC	39804 HWY 58		LOW		97452 820876		19-01-22-												<b>i</b>
26 HIGH MOUNTAIN INVESTMENT GRP INC	39800 HWY 58		LOW		97452 820876		19-01-22-												<b>i</b>

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Owner Name ↑ ↓

50 record(s) selected. Record numbers 31 - 40 are displayed below.

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Owner Name	Parcel ID	Acres	Assessed Value	Assessment Date	Actions
 HIGH MOUNTAIN INVESTMENT GRP INC	820900		19-01-22-00-00400		 
 HIGH MOUNTAIN INVESTMENT GRP INC	849859		19-05-15-00-01100		 
 HIGH MOUNTAIN INVESTMENT GRP INC	849867		19-05-15-00-01200		 
 HIGH MOUNTAIN INVESTMENT GRP INC	849875		19-05-15-00-01300		 
 HIGH MOUNTAIN INVESTMENT GRP INC	849909		19-05-22-00-00100		 
 HIGH MOUNTAIN INVESTMENT GRP INC	849982		19-05-22-00-00401		 
 HIGH MOUNTAIN INVESTMENT GRP INC	850279		19-05-25-00-00100		 
 HIGH MOUNTAIN INVESTMENT GRP INC	878858		20-01-11-00-00201		 
 HIGH MOUNTAIN INVESTMENT GRP INC	949253		21-35-10-00-01100		 
 HIGH MOUNTAIN INVESTMENT GRP INC	1293065		15-05-32-00-00400		 

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Owner Name



50 record(s) selected. Record numbers 41 - 50 are displayed below.

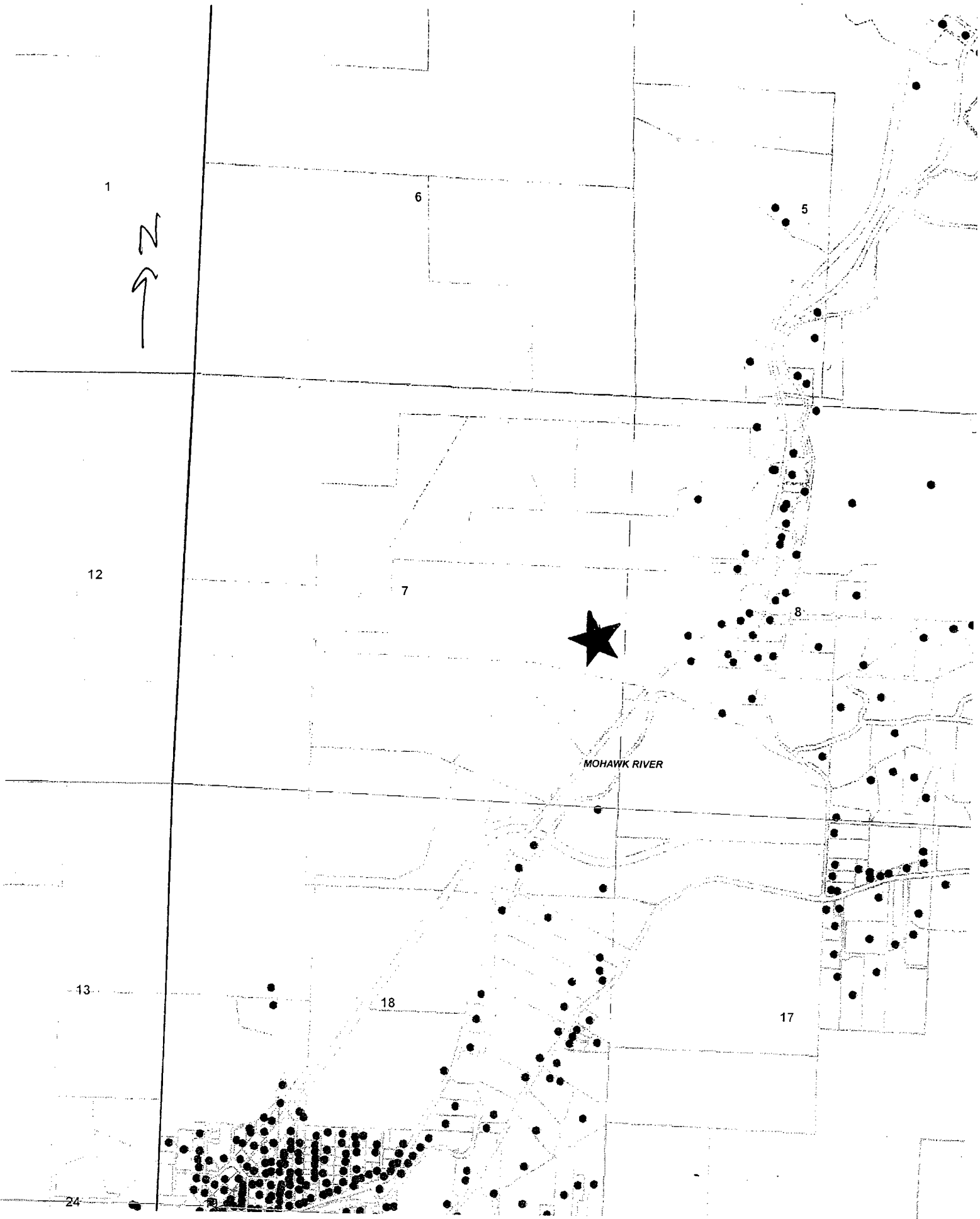
Please click the **i** to the right of a record to view a detailed property report.

Owner Name	Address	City	Parcel ID	Assessment Year	Assessment Value	Assessment Date	Assessment Status	Actions
36 HIGH MOUNTAIN INVESTMENT GRP INC	25907 BUTLER RD	JUN	97448 1317856	16-05-29-00-00300	✓		<b>i</b>	101
HIGH MOUNTAIN INVESTMENT GRP INC	25909 BUTLER RD	JUN	97448 1317856	16-05-29-00-00300	✓		<b>i</b>	
HIGH MOUNTAIN INVESTMENT GRP INC	25901 BUTLER RD	JUN	97448 1317856	16-05-29-00-00300	✓		<b>i</b>	
HIGH MOUNTAIN INVESTMENT GRP INC	25875 BUTLER RD	JUN	97448 1317856	16-05-29-00-00300	✓		<b>i</b>	
37 HIGH MOUNTAIN INVESTMENT GRP INC			1386919	19-05-25-00-00100			<b>i</b>	151
38 HIGH MOUNTAIN INVESTMENT GRP INC			1430659	16-01-05-00-01104			<b>i</b>	126
39 HIGH MOUNTAIN INVESTMENT GRP INC			1465986	21-35-10-00-01113			<b>i</b>	1
40 HIGH MOUNTAIN INVESTMENT GRP INC			1465994	21-35-10-00-01114			<b>i</b>	1
41 HIGH MOUNTAIN INVESTMENT GRP INC			1607850	16-01-08-00-00400			<b>i</b>	12
42 HIGH MOUNTAIN INVESTMENT GRP INC			1697141	21-35-10-00-01100			<b>i</b>	161

<< First Page

< Previous Page

New Property Search | Applications Menu



## **KENDALL Jerry**

---

**From:** EVANS Dave W  
**Sent:** Tuesday, March 17, 2009 9:00 AM  
**To:** KENDALL Jerry  
**Subject:** RE: forest tax deferral

No, Jerry that is false. Land in an 'F-1' zone generally has forestland values on it as the Market value if the Assessor has determined the land to be Highest and Best Use Forestland; that being, in a nut shell, the most probably, legal, best, etc. use to be the growing and harvesting of trees. F-2 zoned land, which generally has a higher and better use than forestland may have a 'Forest Deferral', as well as land with other zoning, but it must be applied for and qualify based on a minimum size (acreage), meet certain stocking requirements of a marketable species of trees, have no harvest restrictions, etc.; and is on an acre for acre basis, meaning some acres may qualify and some may not but only those acres meeting the minimum qualifications receive the deferral. Also, these accounts can be disqualified from this Special Assessment program for no longer meeting the minimum requirements and are subject to up to a 5 year back tax penalty.

Let me know if you have further questions I can help with.

Dave

P.S. there are many accounts in Lane County in an F-2 zone without Forestland Special Assessment.

---

**From:** KENDALL Jerry  
**Sent:** Monday, March 16, 2009 11:15 PM  
**To:** EVANS Dave W  
**Subject:** forest tax deferral

David:

In a submittal for a plan/zone change application I am processing (PA 06-5888), the Applicant makes the following statement: "Every piece of F-2 land in the county has a forest deferral."

Is that true or false?

Jerry Kendall/Associate Planner/Lane County Oregon  
PSB/LMD  
125 E. 8th Ave.  
Eugene, Or. 97401  
ph: 541-682-4057  
FAX: 541-682-3947  
Jerry.Kendall@co.lane.or.us

36

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MOHAWK RIVER

13

18

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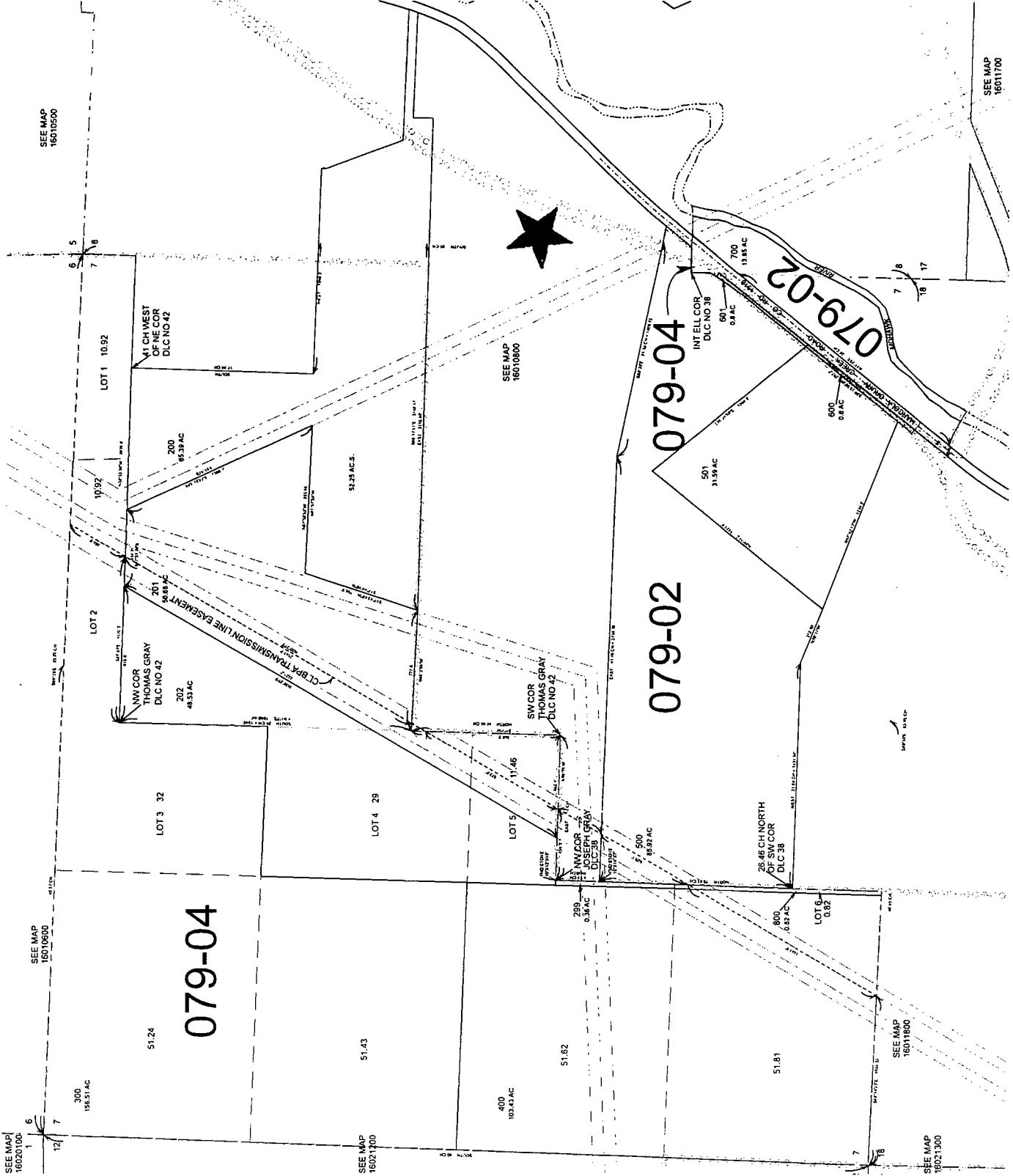
SECTION 7 T.16S. R.1W. W.M.  
Lane County

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FOR ASSESSMENT AND  
TAXATION ONLY

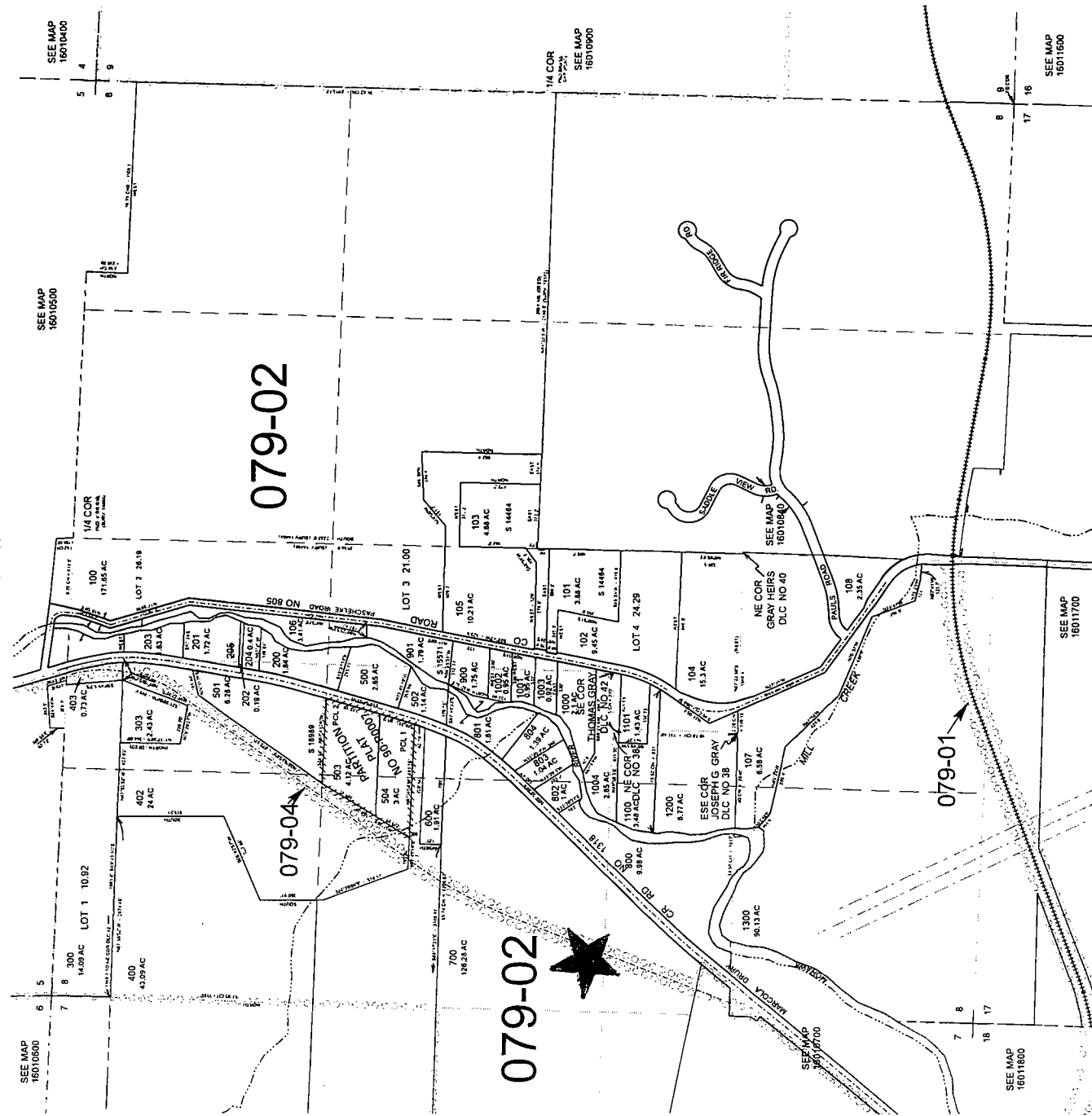


SECTION 8 T.16S. R.1W. WM.  
Lane County

1" = 400'

FOR ASSESSMENT AND  
TAXATION ONLY

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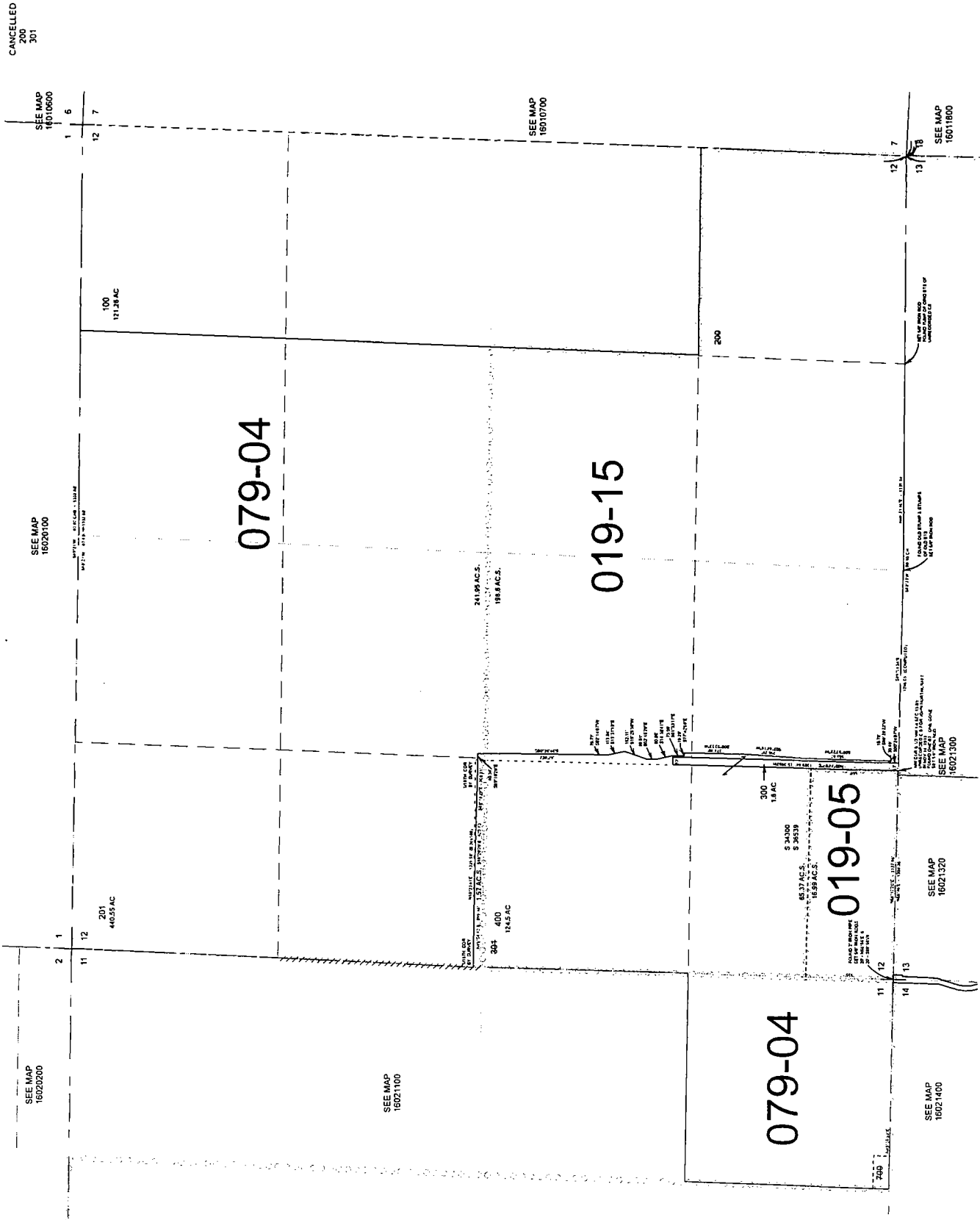
FOR ASSESSMENT AND  
TAXATION ONLY

SECTION 12 T. 16S. R. 2W. W.M.  
Lane County  
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16021200

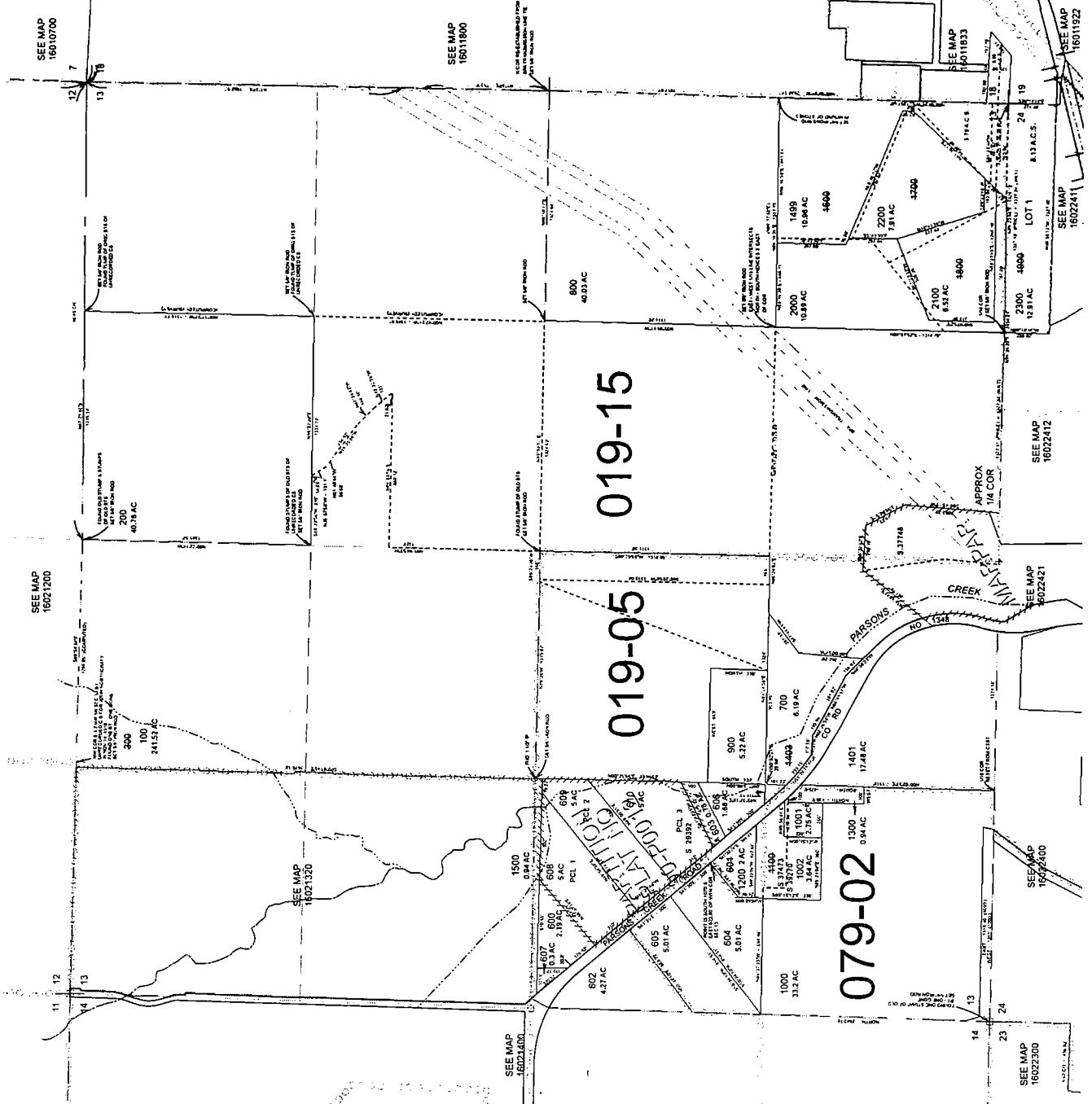


SECTION 13 T.16S. R.2W. W.M.  
Lane County  
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16021300

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  - 501
  - 601
  - 1403
  - 1404
  - 2100
  - 1489
  - 100
  - 1600
  - 1700
  - 1800
  - 1900
  - 300



16021300

FOR ASSESSMENT AND TAXATION ONLY

SECTION 18 T.16S. R.1W. W.M.  
Lane County

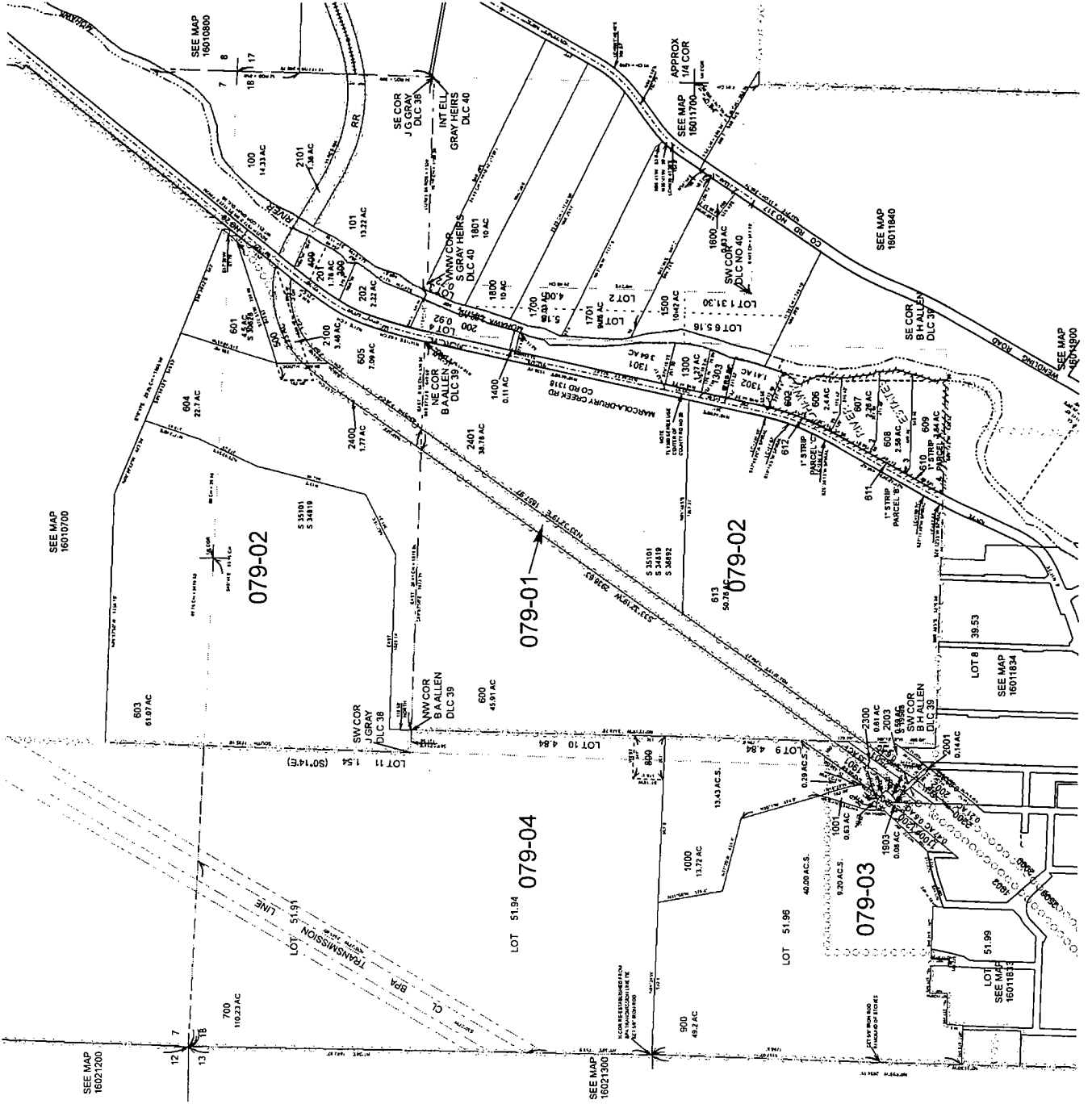
1" = 400'

16011800

CAD DATE:  
2/17/2008 8:44:11 AM karsch

CANCELLED

- 1900
- 1902
- 2000
- 2500
- 300
- 400
- 500
- 600
- 800



REVISIONS:  
2/17/2008 - LC 111 - COMPLETE MAP TO 08

16011800

**LAW OFFICE OF BILL KLOOS, PC**

OREGON LAND USE LAW

375 WEST 4TH STREET, SUITE 204  
EUGENE, OR 97401  
TEL (541) 954-0095  
FAX (541) 343-8702  
E-MAIL [KIMODEA@LANDUSEOREGON.COM](mailto:KIMODEA@LANDUSEOREGON.COM)  
WEB: [WWW.LANDUSEOREGON.COM](http://WWW.LANDUSEOREGON.COM)

March 30, 2009

**APPLICANT'S FINAL REBUTTAL TO PLANNING COMMISSION IN SUPPORT  
OF FOREST PLAN DESIGNATION AND F-2 ZONING (PA 06-5888)**

Lane County Planning Commission  
Attn: Kent Howe, Planning Director  
Land Management Division  
125 E 8<sup>th</sup> Ave  
Eugene, OR 97401

Re: Fisher Plan Change and Zone Change Application  
Map 16-01-08, portion of tax lot 700 PA 06-5888

Dear Commissioners:

Please accept this letter as final rebuttal in support of the Ravin Ventures, LLC plan change and zone change application (PA 06-5888). This letter responds to staff's Supplemental Staff Report dated March 17, 2009.

The applicant has reviewed staff's Supplemental Staff Report. The applicant believes that F-2 zoning for the 78-acre parcel is still justified for the reasons set out in previous submissions. However, the applicant does not object to staff's recommendation on pages 2 and 3 of the Supplemental Staff Report proposing Forest designation and F-1 zoning. The applicant concurs that any notice/procedural errors can be cured at the Board of Commissioners level.

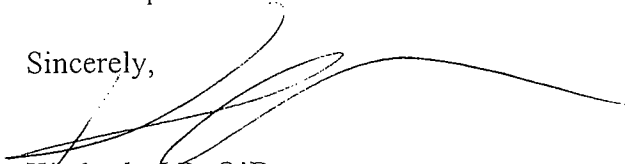
Designation:

On page 2 of the Supplemental Staff Report, Staff recommends that the entire 126 acre parcel be designated Forest. The applicant concurs that based on the site's history of forest use, the entire parcel is more appropriately designated Forest, rather than Agriculture. Evidence supporting this position was submitted as part of the original application materials dated May 16, 2006.

Zoning:

If the Planning Commission finds that Staff's interpretation and application of the F-1/F-2 standards of Policy 15 is correct, then the applicant is not opposed to F-1 zoning for the entire 126-acre parcel.

Sincerely,

  
Kimberly J.R. O'Dea

*A Tcd # 2-1p.  
(for staff memo of 4-14-09.*

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4<sup>th</sup> STREET, SUITE 201  
EUGENE, OR 97401  
PHONE (541) 954-0095  
FAX (541) 343-8702  
E-MAIL [KIMODEA@LANDUSEOREGON.COM](mailto:KIMODEA@LANDUSEOREGON.COM)

June 9, 2009

Board of Commissioners  
Lane County PSB  
125 E 8<sup>th</sup> Ave  
Eugene, OR 97401

Re: Ravin Ventures Plan Change and Zone Change Application  
Map 16-01-08, Tax lot 700

Dear Commissioners:

This letter is being submitted to add clarity to the volume of paperwork before you in regard to this application. It is offered by the applicant in support of a plan change from Agriculture to Forest and a zone change from E-40 to F-1.

**HISTORY:**

The applicant originally requested a plan change from Agriculture to Forest and a zone change from E-40 to F-2 for the entire property (approximately 126 acres). The application was filed on May 18, 2006. In drafting that application, the applicant relied on existing interpretations of Policy 16. However, while the application was pending, the *Symbiotics* decision (PA Ord. 1236) was issued. The *Symbiotics* decision reinterpreted the Policy 16 F-1/F-2 zone change criteria. Based on the new interpretations, the applicant's submittal needed to be amended. The application was put on hold to address the standards in light of the new interpretations by the Board.

Under the applicant's reading of the *Symbiotics* case, the Policy 16 standards allow a property owner to rezone a portion of a property, regardless of legal lot status. Based on that reading, the applicant filed a supplemental narrative and exhibits on September 18, 2008, that requested a plan change from Agriculture to Forest and a zone change from E-40 to F-2 for only the easterly-most 78 acres of the tract.

Staff did not agree with the applicant's reading of the *Symbiotics* case with regard to partial redesignation and rezoning. Neither did some of the Planning Commission members. Staff also took issue with the applicant's definition of "commercial forest use," though no-one has yet to offer a clearer definition. Regardless, in a gesture of good faith and cooperation, the applicant acknowledged that there was room for interpretation and that it would not object to a rezone of the entire property to F-1. The County attorney confirmed that such a minor amendment to the proposal was allowed because additional notice would be provided for the Board hearing.

That is where we stand today. The request in front of the Board is a Plan Change from

BCC Attach. # 5-3A-

June 9, 2009

Page 2 of 2

Agriculture to Forest and a Zone Change from E-40 to F-1 for the entire approximately 126 acre tract.

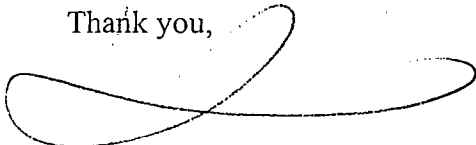
**Plan Change:** Everyone (the applicant, staff and the Planning Commission) has been in unanimous agreement from the beginning that the property (both in part and in whole) is more appropriately designated Forest than Agriculture. This finding is supported by: the applicant's original narrative statement and exhibits submitted May 18, 2006 (dated May 16); the applicant's supplemental narrative statement and exhibits submitted September 18, 2008 (dated September 9); and the draft Board of Commissioners Findings submitted to staff May 21, 2009. The tract is located in a sea of forestland and has no history of ever being used for farming or farm related activities.

**Zone Change:** Assuming that the Board agrees that the tract is more appropriately designated Forest, the only question that remains is whether the associated zoning should be F-1 or F-2. The applicant does not object to the more restrictive F-1 zoning being applied to the entire property. There is sufficient evidence in the record to support F-1 zoning. See draft Board of Commissioners Findings submitted to staff May 21, 2009.

**FINDINGS IN SUPPORT:**

Pursuant to County policy, the applicant has prepared draft findings in support of the proposal in cooperation with Staff. Those findings were submitted to Staff on May 21, 2009. In the findings, Policy 16 F-1/F-2 characteristics are addressed in light of the amended proposal for the entire 126-acre tract. To reduce duplication and paper, the applicant requests that the Board consider the draft findings as submitted to staff by the applicant as the applicant's statement in support of the proposal. If additional copies of the May 21 findings are needed, please let me know.

Thank you,



Kimberly J.R. O'Dea

Attachment: Legal Description of Property

**LEGAL DESCRIPTION FOR ASSESSOR'S MAP NO.16-01-08 TAX LOT 700  
(OVERALL BOUNDARY LYING WESTERLY FROM THE REALIGNED  
MARCOLA ROAD)**

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence continuing NORTH 4.33 chains (285.78 feet) to the Northwest corner of said claim; thence EAST 14.09 chains (929.94 feet) to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence NORTH 14.66 chains (967.56 feet); thence EAST 4656.66 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line bearing North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 2787.95 feet to the point of beginning, all in Lane County, Oregon.

Containing 130 acres, more or less.

# SUPPLEMENTAL MATERIAL

T.10.a



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

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**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)**

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## 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



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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)

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Meeting Date: November 9, 2009  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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## 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 27<sup>th</sup> 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. 10<sup>th</sup> 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 27<sup>th</sup> 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](mailto: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](http://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.

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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.

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Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. 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 Willakerzie 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

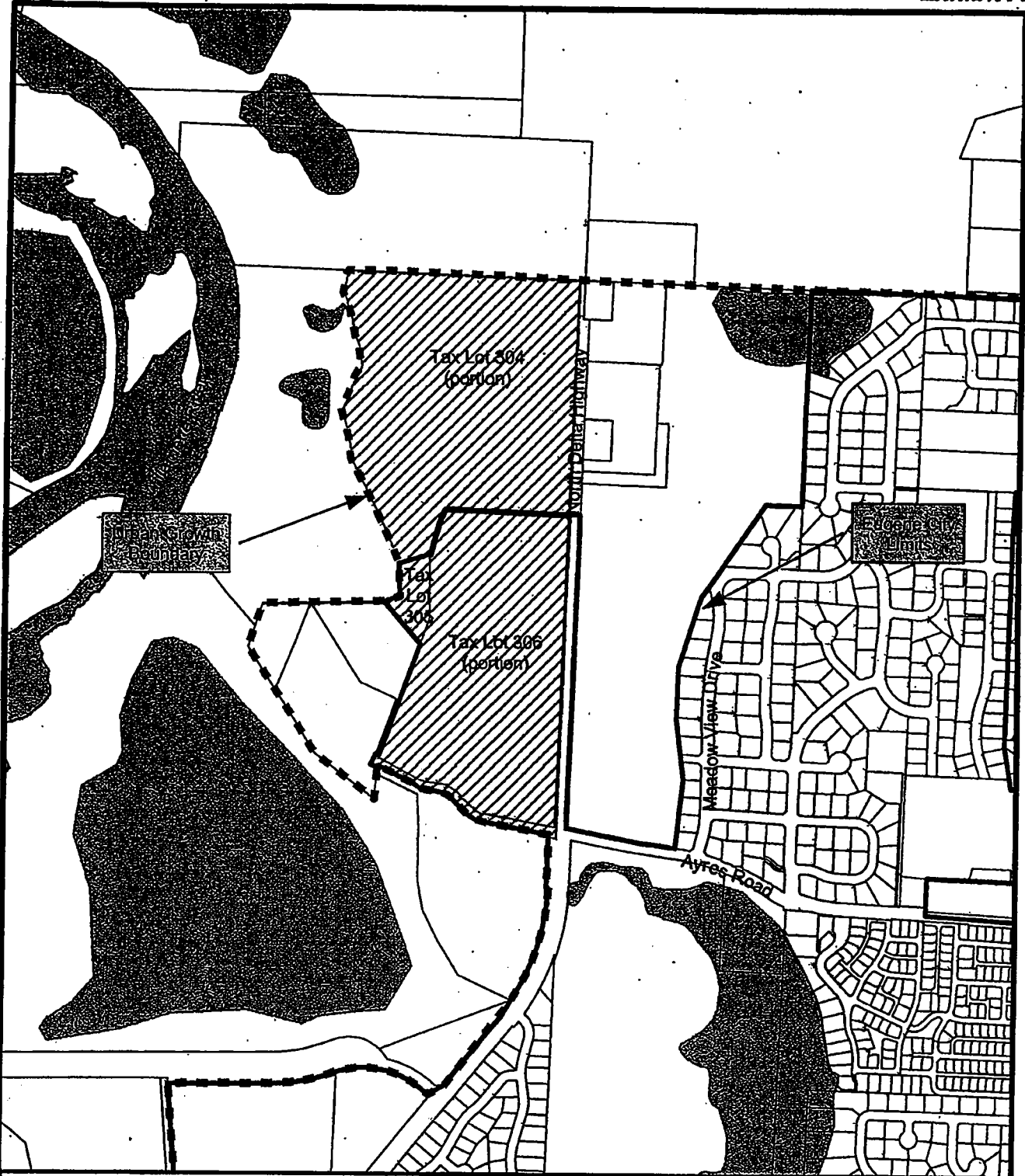
Approved by the Mayor this

\_\_\_\_\_ day of \_\_\_\_\_, 2009





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

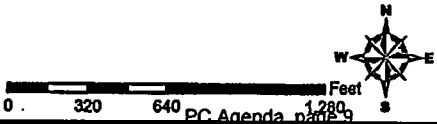
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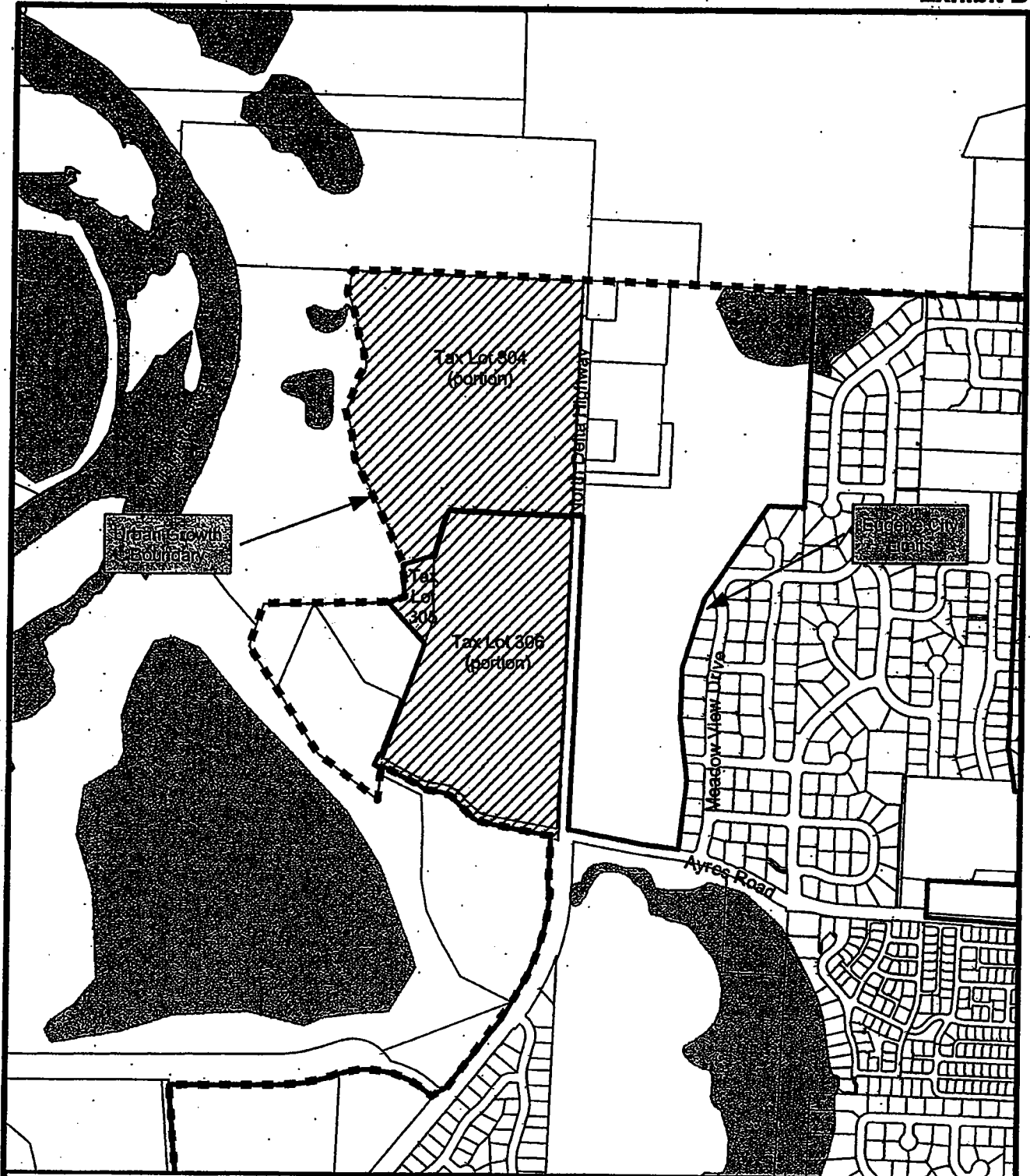
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**Metro Plan Diagram Amendment for  
River Ridge (City File MA.09-3)**

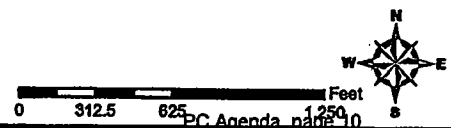
-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies



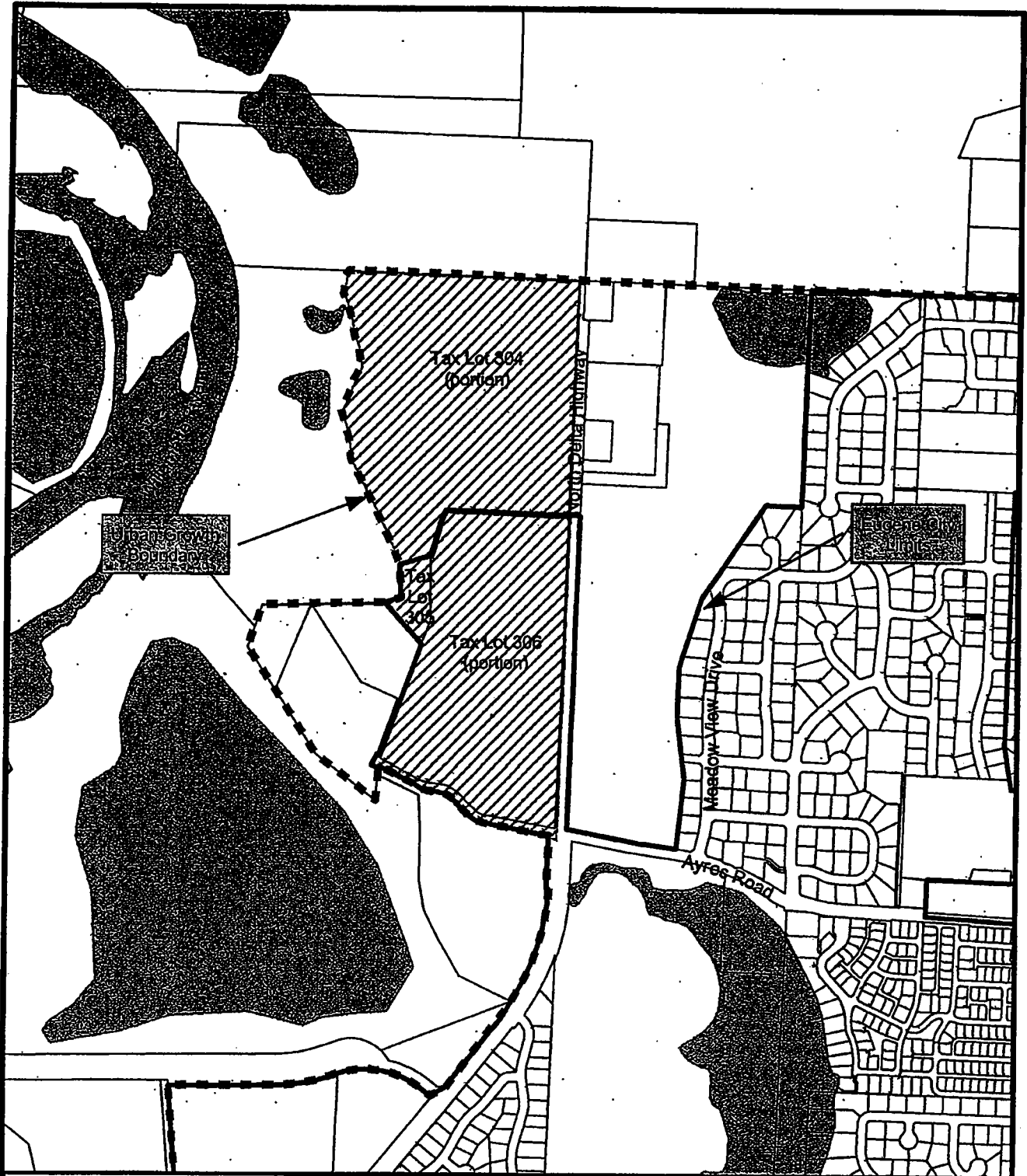


**Willakenzie Area Plan Land Use Diagram  
Amendment for River Ridge (City File MA 09-3)**

-  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
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-  Water Bodies

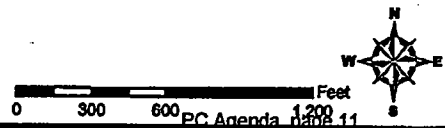


EXHIBIT D

Findings of Consistency

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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.

6.DOC;1  
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.

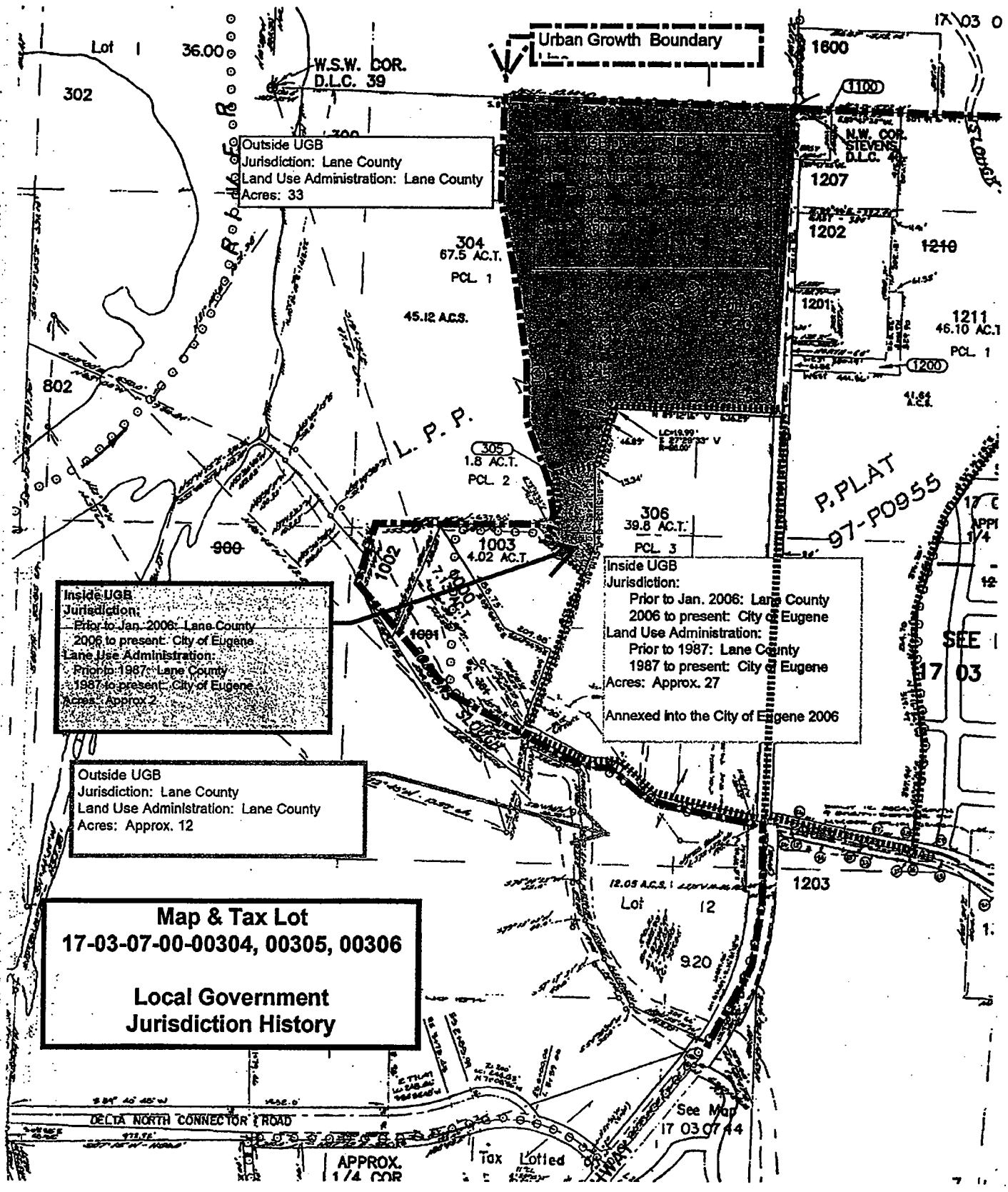
Please refer to the flow chart and time line submitted with this testimony to see the jurisdictional authority and land use history of the subject property. It should be noted:

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. 2

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

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**

See Map  
 17 03 07 44

APPROX.  
 1/4 COR

Tax Lotted

Lot 1 36.00

W.S.W. COR.  
D.L.C. 39

Urban Growth Boundary

1600

17 03 0

**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)

**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)

802

L.P.P.

305  
1.8 AC.T.  
PCL 2

306  
39.8 AC.T.  
PCL 3

P.PLAT  
97-P0955

1211  
46.10 AC.T.  
PCL 1

**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**  
 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

Lot 12

18.05 A.C.S. 1

920

1203

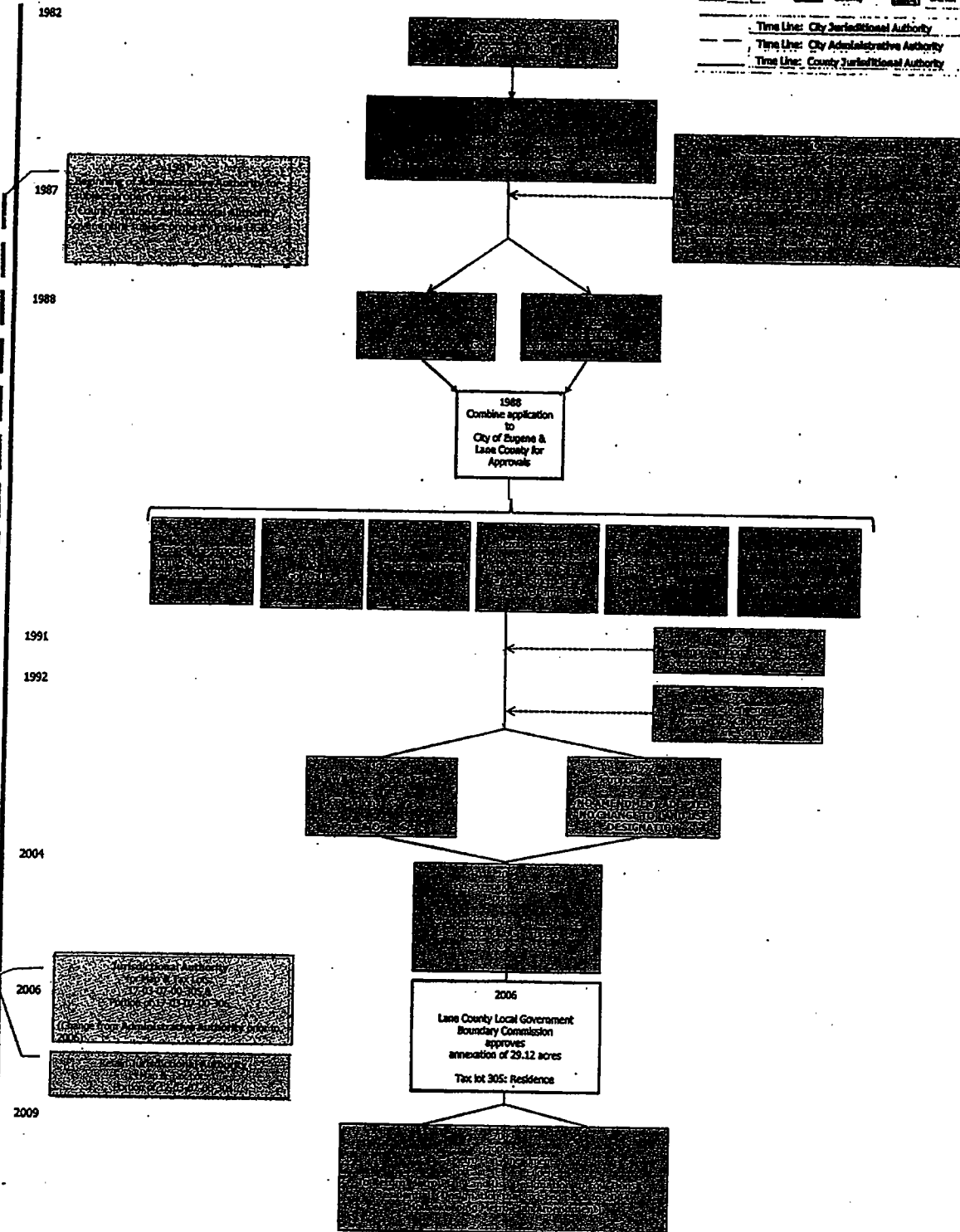
EE  
03

**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.

**Public Comment - Ordinance No. PA 1264**  
**by Ann Simas, Co-Founder**  
**October 27, 2009**  
**North Delta Neighbors**

Page 1

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*)



**Public Comment - Ordinance No. PA 1264**  
**by Ann Simas, Co-Founder**  
October 27, 2009  
North Delta Neighbors

**Page 2**

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.

**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**

**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 I5 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