

HANSEN Alissa H

Subject: FW: CYNA statement to Joint Planning Commissions

From: tb2mitchell [mailto:tb2mitchell@aol.com]
Sent: Saturday, July 18, 2009 11:45 AM
To: JEROME Emily N
Subject: Fwd: CYNA statement to Joint Planning Commissions

Ms. Jerome:

To clarify, the statement is submitted by the Cal Young Neighborhood Association Executive Committee for inclusion, etc. As indicated at the top of the statement the Executive Committee adopted this July 7, 2009. For your information, the CYNA charter with the city does state as Article VII. Sec. 6 Powers. The Executive Committee may exercise the powers of the Association as may be necessary to accomplish the purposes of the Association. Sec. 5 also indicates that the Executive Committee takes action "on behalf of the Association."

Barbara Mitchell

Begin forwarded message:

From: tb2mitchell <tb2mitchell@aol.com>
Subject: CYNA statement to Joint Planning Commissions
Date: July 18, 2009 7:39:13 AM PDT
To: emily.n.jerome@ci.eugene.or.us
Attachments: 1 Attachment, 40.4 KB

The following statement is submitted by the Cal Young Neighborhood Association for inclusion in the Planning Commission packet for the August 4, 2009, public hearing on the River Ridge Metro Plan Diagram Amendment.

Barbara Mitchell, CYNA President,
3355 N. Delta #45, Eugene, OR 97408

Comments on Jeffries/RiverRidge Metro Plan Diagram Amendment
(Adopted July 7, 2009, by the Cal Young Neighborhood Association Executive Committee)

TRANSPORTATION IMPACT. A major concern with the proposal is increased traffic congestion on already overloaded Delta Highway and Beltline. Designating 63 acres Low Density Residential would allow in excess of 300 single-family dwelling units, which would generate an estimated 300 PM peak trips. This volume far exceeds the 100 vehicle trips that trigger the City's Transportation Impact Analysis (TIA) Review requirement. Yet there is no TIA included with this proposal.

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." Before any action on this proposal, a TIA should be required using the most recent and accurate traffic data available, conducting traffic counts during peak times, during good-weather months, and, given the operation of two sand-and-gravel operations on North Delta Highway, including a breakdown of all large-truck traffic.

Related to Statewide Goal 12: Transportation, the Transportation Planning Rule (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. The proposed Low Density Residential land use for 63 acres is inconsistent with the capacity of the Beltline and Delta Highway facility; therefore, the proposal should be denied.

NYSTROM Steven A

From: JEROME Emily N
Sent: Monday, July 27, 2009 5:43 PM
To: NYSTROM Steven A
Subject: FW: MA 09-3 (River Ridge Metro Plan Diagram Amendment) (N. Delta Hwy. & Ayres Rd.)

From: BERNARD Mark A
Sent: Wednesday, July 22, 2009 9:20 AM
To: SCHULZ Stephanie E
Subject: FW: MA 09-3 (River Ridge Metro Plan Diagram Amendment) (N. Delta Hwy. & Ayres Rd.)

Stephanie,

Per your request, please see the comments below on the Metro Plan amendment.

Mark

From: FIELDS Phil
Sent: Monday, July 13, 2009 3:09 PM
To: HANSEN Alissa H
Cc: PETSCH John S; PARKER Laurie M; PAUGH Jennifer A; SHANKLE William E; BARRY Celia; BAJRACHARYA Shashi; BERNARD Mark A
Subject: MA 09-3 (River Ridge Metro Plan Diagram Amendment) (N. Delta Hwy. & Ayres Rd.)

TP File: 9778
File No.: MA 09-3
Applicant: Jeffries/River Ridge Metro Plan Diagram Amendment
Location: N. Delta Highway and Ayres Road
TRS: 17-03-07
Tax Lot: 304

Proposal: Metro Plan Diagram Amendment from Parks and Open Space to Low Density Residential

Comments from Lane County Transportation Planning:

This proposal includes a portion of Ayres Road west of Delta Highway that is in County Road status. The road is currently used as a maintenance/cart path for the golf course. The northerly portion of the proposal is adjacent to North Delta Highway, which is a Public Road (also called a Local Access Road or LAR) under County jurisdiction. The following is informational with regard to LARs;

Pursuant to Oregon Revised Statutes and as adopted in Lane Code (LC) 15.010, a Local Access Road is a Public Road that is not a County road, state highway, or federal road. Pursuant to ORS 368, the County and its officers, employees and/or agents, is not liable for failure to improve Local Access Roads nor keep them in repair. ORS further provides that a County may spend moneys on such roads only if it is determined that the work is an emergency or if:

- (aa) the Director recommends the expenditure; and*
- (bb) the public use of the road justifies the expenditure proposed; and*
- (cc) the Board enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.*

Although the aforementioned section of Ayres Road has been annexed to Eugene, jurisdictional transfer has not yet taken place.

LANE COUNTY FACILITY PERMIT

Until such time as jurisdiction of Ayres Road is transferred to Eugene, a Lane County Facility Permit shall be required for placement of facilities within the platted right-of-way of Ayres Road. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, culvert placement or replacement, storm water facilities, or any other facility, thing, or appurtenance [LC 15.205(1)].

Please contact 541-682-6902 or visit <http://www.lanecounty.org/Roads/ROWPermits.htm> for information about facility permits.

Phil Fields
Lane County Transportation Planning
3040 N. Delta Hwy.
Eugene, OR 97408-1696
541-682-6976
phil.fields@co.lane.or.us

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/Crime," "Land Use Planning" and "Transportation" as top neighborhood priorities. A copy of the summary of survey results is attached to my comments.

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, the 63 acres could accommodate more than 300 residences. 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.

Neighbors Rate Important Topics in CYNA Survey

The Cal Young Neighborhood Association (CYNA) Executive Committee decided in early March 2009 to gather opinions of residents for use in planning activities. A one-page survey with postage paid return on the reverse was included in the spring *Courier* newsletter.

This mailing was received in neighbors mail boxes around April 11. By the May 15 deadline, surveys were received with views from 132 respondents. Neighbors rated lists of topics for importance in the three areas of Neighborhood Priorities, Neighborhood Needs, and Neighborhood Concerns.

Neighborhood Priorities

The four top priorities were Public Safety/Crime, Land Use Planning, Parks/Open Space, and Transportation. The highest with 73% rating was Public Safety/Crime.

Table 1: Priorities	%
Public Safety/Crime	73
Land Use Planning	55
Parks/Open Space	52
Transportation	44
Bike/Ped. Access	40
Cons. Nat. Res.	39
Municipal Svcs.	38
Emergency Prep.	34
Neighbor. Schools	33
Sustainability	28
Utilities	25
Other	17

Neighborhood Needs

Improved Traffic Congestion in Problem Areas is the most important Need identified by a total of 64% of those responding rating it in the Important category. The second highest Need is Guidelines Established for Compatible Development with Neighborhood Characteristics with a total of 42%. A related Land Use Planning item, Defined Neighborhood Characteristic for Preservation, drew a total of 25%. This combination produces a significant rating for Land Use Planning (67% total).

Table 2: Neighborhood Needs	%
Improved Traffic Congestion	64
Guidelines Established for Compatible Development with N. Characteristics	42
More/Better Parks	42
Improved Bike and Pedestrian Access	31
Defined Neighborhood Characteristic for Preservation	25
Expanded Community Events	18
Other	23

Neighborhood Concerns

Consistent with earlier results, Public Safety/Crime and Traffic Congestion were highest, each with 58% of respondents rating them in the Important category. Incompatible development, related to Land Use Planning, was third with 37%.

Table 3: Neighborhood Concerns	%
Public Safety/Crime	58
Traffic Congestion	58
Incompatible Development	37
Animal Control	14
Other	16

Newsletter Content

Residents were asked: *What regular items would you like to see continued in The Courier?*

Besides a list of regular features, write-in space for suggestions for content was included. Again, CrimeWatch and LandWatch, along with Community Calendar, topped the list. Only 8% of respondents to the survey did not respond on this question.

Table 4: Newsletter Content	%
CrimeWatch	89
Community Calendar	60
LandWatch	60
President's Message	49
Meet A Neighbor	38
OpEd	36
Suggestions for Content	18
Did not respond	8

Helping Out

Residents were asked: *Would you like to be a part of making the Cal Young Neighborhood a great place to live? How would you like to do that?*

The largest response was Serve on a Task Force, checked by 8.3%. Second was offering "Other" help such as on community projects.

Table 5: Helping Out	%
Serve on a Task Force	8
Serve as a CYNA Rep.	2
Write articles for newsletter	3
Work on the CYNA website	2
Other help	8
Did not respond	77

Comments

In a six-line space provided, 28% wrote in comments. We appreciate those who took their time to do this. Some thanked the CYNA for doing the survey, for reaching out to them. Others complimented the Executive Committee and *The Courier* newsletter.

What Next...

The Executive Committee is exploring uses of this information. One could be to form task forces on the priority topics for the purpose of hearing from neighbors a general direction, as well as proposed action projects.

Based on the survey examples could be
Public Safety/Crime -
 Neighborhood Watch Programs
Land Use/Compatible Development -
 Guidelines for Future Development
Transportation/Traffic Congestion
 Identify Major Problem Areas
Parks/Open Space - Park Work Project

If you are interested in serving on a task force or have other ideas, please e-mail or call me: Barbara Mitchell, CYNA President, tb2mitchell@aol.com, phone 485-5289.

friends of eugene

White Paper on Infill and Climate Change

Kevin Matthews

2008.1202

Summary – Location Matters

Infill, nodal development, and other increases in residential density around the urban edge — in outlying, high-VMT parts of the urban growth area — are counterproductive, in the sense that they create substantial negative impacts while failing to achieve the positive planned objectives of infill. Given the negative cost-benefit of this type of infill, as a matter of planning policy and implementation, it should be avoided.

To direct residential growth appropriately, while meeting state-adopted emissions reductions targets, the priority focus should be shifted away from infill in existing residential neighborhoods, toward multi-story residential/commercial mixed-use in the large fraction of urban core areas currently zoned commercial.

Geography is Fundamental

Since the land use code update (LUCU) of 2000, our local land use regulations in Eugene have encouraged residential infill. But we know that as well as accommodating some amount of growth, residential infill also causes impacts on established neighborhoods. Clearly we are not encouraging infill for its own sake, but for specific stated reasons.

Infill is encouraged in Eugene in order to meet particular community goals - especially, for the benefits of densification, and compact growth. In the Oregon statewide land use planning framework, these benefits are largely organized around the important and measurable goal of reducing vehicles miles traveled (VMT).

What if there are particular areas of Eugene where it can be shown systematically that infill doesn't contribute to most of the general community benefits of compact growth, and even has negative effects? If there are such areas, what purpose would be served by encouraging or allowing infill in them?

Locating and regulating infill is a balancing act between some general community benefits on one hand, and some local and cumulative impacts on the other hand.

In core residential neighborhoods, the impacts of incompatible infill can be serious: degradation of the character and quality of established cultural and physical fabrics, which are some of the greatest collective assets of Eugene.

In edge residential neighborhoods, the impacts of infill can also be serious: locking in geographically-based increases in the amount of driving per person, in areas where alternative modes of mobility are also difficult to provide efficiently.

It is well known in the smart growth community that residential density tends to encourage walkable, reduced-VMT. Our green community needs to understand the underlying bases for this phenomenon, and use effective land use planning to direct and design growth to help reduce rather than increase greenhouse gas emissions.

Driving Distances and Climate Change

Plans, planning policy, and land use code we develop in Eugene today should be aimed, along with other objectives, at meeting the state adopted goals for greenhouse gas emissions as enacted in Oregon last year (HB3543, signed on 7 August, 2007) of a 10% reduction below 1990 levels by 2020, and a 75% reduction below 1990 levels by 2050.

Substantial additional reductions in vehicle emissions will be needed. The primary additional source of emissions reductions is reduced driving - i.e. reduced VMT, in both the per capita and overall total sense. In fact, the Governor's Climate Change Integration Group reported that, "...Reducing VMT is simply the single most effective way to reduce greenhouse gas emissions". (Final Report to the Governor: A Framework for Addressing Rapid Climate Change, State of Oregon, January 2008, p46)

The "Governor's Vehicle Emissions Workgroup Report" notes that, "The Oregon Department of Transportation's (ODOT) projection for the next ten years is 1.95% average annual VMT growth, non-compounded. VMT growth is a combination of population growth and growth in VMT per capita." (November, 2005, p16)

To achieve emissions reductions, we need to reduce per-capita usage, i.e. VMT, deeply enough to counteract the effect of increasing population.

While the latest climate science suggests that a 75% reduction is probably not a deep enough cut to stabilize the global climate, that goal is far enough away that inherent planning uncertainties make the difference relatively unimportant in the short term. If we can plan now for effective steps to reach state-adopted 2020 and 2050 goals, we will at least be headed in the right direction.

A broadly accepted guiding principle for greenhouse gas emissions is that each sector should plan to accommodate its own share of emissions reductions. Following this principle, the transportation sector itself should target emissions reductions matching the state-adopted percentages.

The transportation sector, heavily dominated by private motor vehicles, represents about half of the total emissions in Eugene.

All credible analyses suggest that predictable emissions reductions through the combination of innovations in vehicle technologies, bio-fuels, and other energy source

and distributions developments will contribute substantially, but not nearly enough to reach the adopted goals.

There is a very strong interaction of land use distribution with VMT. The largest single land use component of VMT with regard to residential land use is the distance between each dwelling and the metropolitan center. Residential density as such, and walkable access (1000 feet) to full-service fixed transit are important secondary components.

LCOG traffic studies have confirmed the geographic pattern of VMT in terms of residential locations. The VMT per capita in the city center of Eugene is less than half the metro average. There is an average VMT contour about midway between the city center and the urban growth boundary. Out at the urban growth boundary, VMT varies from 150% to 200% or more of the metro average.

More specifically, residential infill, and subdivisions and other edge development in particular, which are located OUTSIDE the average VMT contour, and farther than 1000' from full-service fixed transit, will tend to INCREASE average VMT per capita.

And in contrast, other development such as multi-story residential/commercial mixed use, which is located INSIDE the average VMT contour, will tend to DECREASE the overall average VMT per capita.

Redirecting residential growth away from infill and into dense, multi-story commercial-residential mixed in core areas presents a huge and vital opportunity to reduce per-capita VMT, even as our metropolitan area continues to grow in population. As since, has been widely observed by climate experts, we need to do EVERYTHING that we feasibly can to lower our emissions, we need to take advantage of this opportunity.

Calculations show that VMT reduction through directing growth to within the average VMT contour will be essential in realistic planning to meet the state-adopted emissions reductions goals.

Some opportunities for large and small subdivisions and compatible residential infill still remain in the large area within the average VMT contour. With full and appropriate measures to safeguard existing neighborhoods, these opportunities can be developed while actually improving the community's carbon footprint. But they are only likely to accommodate a small fraction of projected residential growth.

The real opportunity arises with the large fraction of land inside the average VMT contour which is zoned commercial. Residential infill represents a relatively small opportunity for accommodating growth, while residential/commercial mixed use in existing commercially-zoned areas represents a relatively large opportunity.

Information on a national scale suggests that high-quality multi-family housing is under-supplied relative to demographic demand trends, while detached single family housing is oversupplied relative to the actual market demand. This national perspective on the relative need for various housing types should be confirmed for Eugene through

the ECLA process, along with the various areas and percentages of land/lot types and zoning inside and outside the approximate AVMTC.

Recommendations

A) To accommodate ongoing population growth in Eugene, and to fulfill the desire for residential development opportunities, we should focus on realizing appropriate and intensive residential/commercial mixed-use development and redevelopment, in existing commercially-zoned core areas.

B) We should focus stringently on infill protection measures for established traditional neighborhoods and for remaining natural resources, as these irreplaceable community assets must be protected from the increasing risk of further impacts as core density increases.

C) Planning actions should be taken to minimize and prevent additional densification and development outside the average VMT contour, such as a prohibition on further subdivisions in that area. These planning actions may include 1) limiting residential development outside the approximate AVMTC to R-1 except for full-service transit exception areas, 2) avoiding further partitions and subdivisions in the high VMT area outside of full-service transit exception areas, and 3) retiring nodal development plans located outside the approximate AVMTC, where smart growth would be anything but.

References

Growing Cooler.

State of Oregon emissions reduction legislation

Governor's Climate Change Task Force

Illustrations follow...

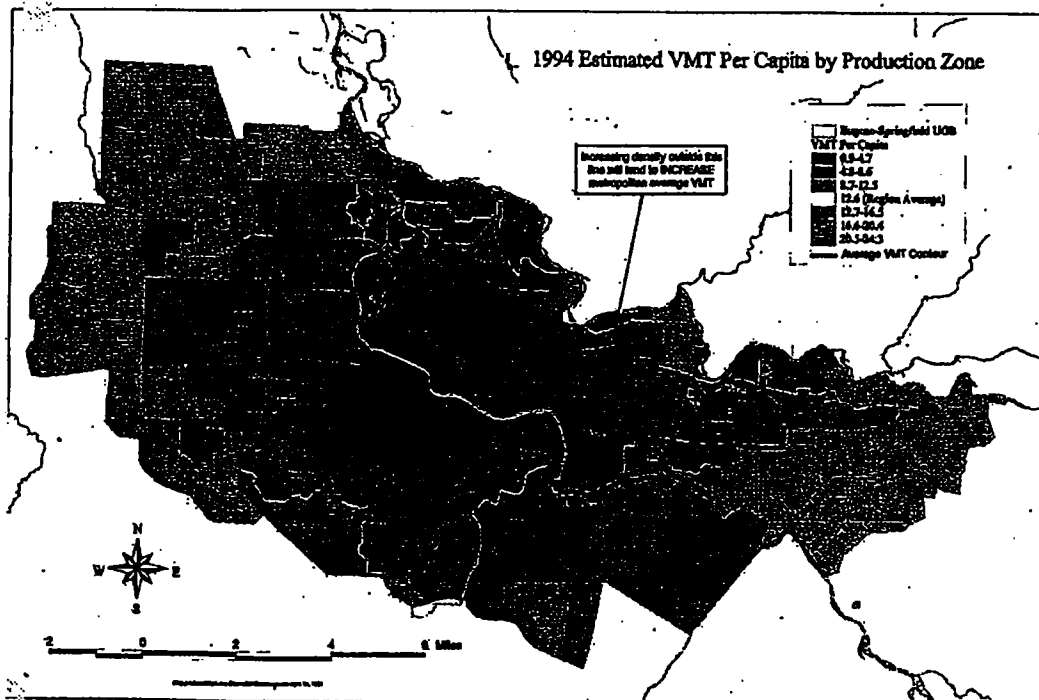


Figure 1. This LCOG-derived map of vehicle miles traveled per capita (VMT) shows the classic pattern, with low VMT in the metropolitan core area, high VMT out around the urban growth boundary, and average VMT, highlighted here with the bold contour line, in the intermediate region.

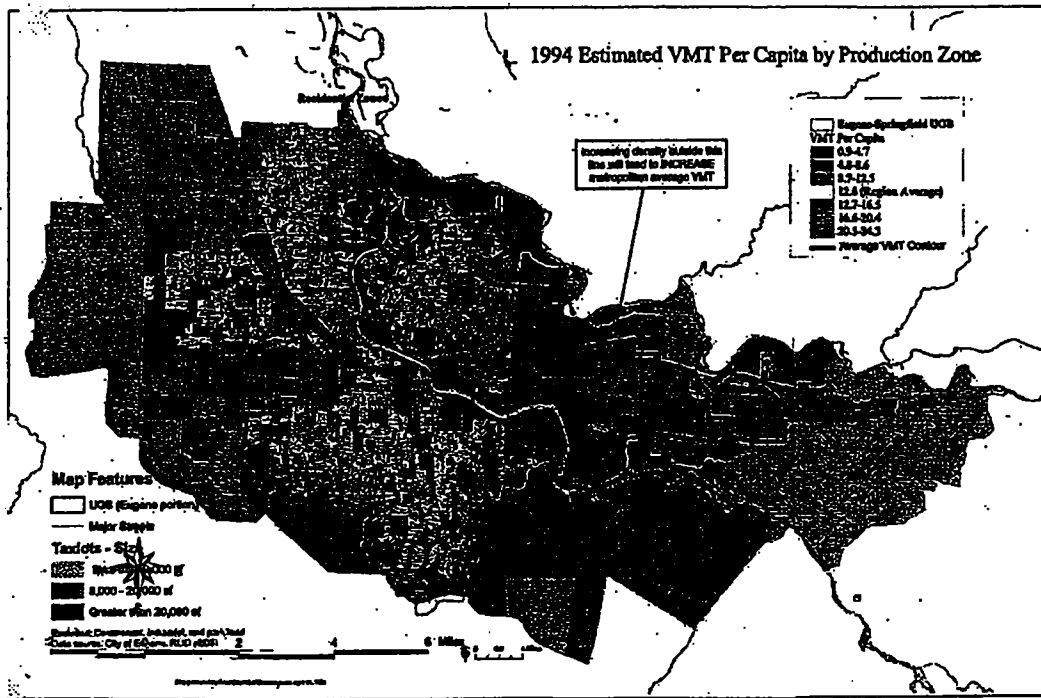


Figure 2. Here, residential lots sizes, an indicator of potential for residential infill and subdivisions, are overlaid on the map of vehicle miles traveled (VMT) per capita. Many of the remaining residential subdivision and infill opportunities in Eugene lie in the carbon-busting area outside the average VMT contour (AVMTC). On the other hand, a great area of commercially-zoned land remains underutilized in the metropolitan core area, where residential/commercial mixed-use development will help reduce overall average driving and VMT. To successfully reduce driving demand over time, the bulk of our residential growth should be targeted to those inner commercial areas.

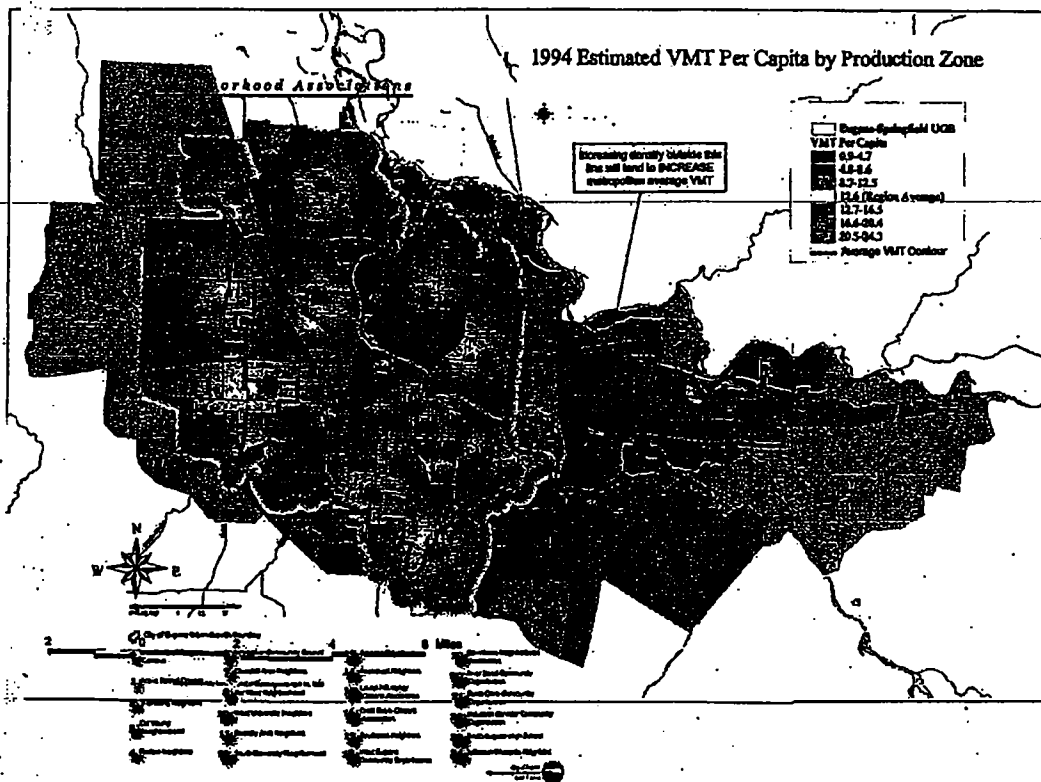


Figure 3. Here, neighborhood boundaries are overlaid on the map of vehicle miles traveled (VMT) per capita, illustrating the broad footprint of citizen interest in these issues. Most of the established neighborhood areas of Eugene straddle the average VMT contour (AVMTC), with just a few neighborhoods lying entirely in the core area, or entirely in the outer area.

###

20081202-01 - KMM

ATTACHMENT C

From: BAJRACHARYA Shashi [mailto:Shashi.BAJRACHARYA@co.lane.or.us]
Sent: Tuesday, August 04, 2009 3:35 PM
To: JEROME Emily N; HANSEN Alissa H
Cc: BARRY Celia; BERNARD Mark A; FIELDS Phil; SCHULZ Stephanie E
Subject: MA 09-3/PA 09-5465, Plan Amendment, Eugene, N Delta Hwy

TP File No.: 9778
City File No.: MA 09-3
Lane County File: PA 09-5465
Applicant: River Ridge LTD / Jeffries
Location: N. Delta Highway
TRS: 17-0-07-00
Tax Lots: 304 and 306

Proposal: Pubic Hearing and Possible Deliberation for Metro Plan Diagram Amendment with Concurrent Automatic Refinement Plan Amendment for River Ridge

Comments from Lane County Transportation Planning (TP):

The subject property is located partly inside and outside the Eugene-Springfield Urban Growth Boundary and the Eugene city limits. It has frontage on N. Delta Highway, which is under city jurisdiction. N. Delta Highway north of the northern boundary of the subject property is a Local Access Road. In a previous TP email dated July 13, 2009, staff commented about the status of N. Delta Highway and Ayres Road. TP has additional comments regarding the proposal.

The subject property is proposed for a Metro Plan Diagram amendment. The plan amendment would change the plan designation of 63-acres of Parks and Open Space land to Low Density Residential and would automatically amend the Willakenzie Area plan. Pursuant to Lane Code 15.697(c), such a plan amendment proposal is subject to traffic-impact analysis (TIA) requirements.

The notice included findings concerning Goal12-Transportation, which mentions possible postponement of the state required Transportation Planning Rule (TPR) analysis as a condition of approval. The proposed condition would postpone a traffic impact analysis or TPR analysis; TPR analysis and TIA reviews would occur concurrently. Staff requests that the County be provided an opportunity to scope and review traffic impacts on nearby county facilities when development on the subject property occurs.

Thank you for the opportunity to comment on this proposal.

Shashi Bajracharya, P.E.
Sr. Engineering Associate
Transportation Planning Division
Lane County PWD,
3040 North Delta Highway
Eugene, OR 97408
(541) 682 6932

DRAFT

MINUTES

**JOINT PUBLIC HEARING OF
EUGENE AND LANE COUNTY PLANNING COMMISSIONS
Council Chamber, City Hall
777 Pearl Street—Eugene**

August 4, 2009
5:30 p.m.

EUGENE PLANNING COMMISSIONERS PRESENT: Phillip Carroll, Chair; Heidi Beierle, Randy Hledik, John Lawless, Jeffrey Mills.

LANE COUNTY PLANNING COMMISSIONERS PRESENT: Lisa Arkin, Chair; Robert Noble, Vice Chair; Steve Dignam, Todd Johnston, Tony McCown, Nancy Nichols, Joseph Siekiel-Zdzienicki, John Sullivan.

Mr. Carroll called the Eugene Planning Commission to order.

Mr. Noble called the Lane County Planning Commission to order.

I JOINT PUBLIC HEARING WITH LANE COUNTY PLANNING COMMISSION

City of Eugene: Metro Plan Diagram Amendment with Concurrent Automatic Refinement Plan Amendment for River Ridge.

Eugene File MA 09-3

Lead Staff: Emily Jerome, 682-8447

Lane County: In the Matter of Amending the Eugene/Springfield Metropolitan Area General Plan (Metro Plan) Diagram Plan Designation from Parks and Open Space (POS) to Low Density Residential (LDR) and Adopting Savings and Severability Clauses.

Lane County File PA 09-5465

Lead Staff: Stephanie Schulz, 682-3958

Mr. Carroll said the purpose of the meeting was to hold a public hearing on a City initiated request to amend the Eugene/Springfield Metropolitan Area General Plan (Metro Plan) diagram for approximately 63 acres located at the northwest corner of North Delta Highway and Ayres Road. All of the property subject to the request was within the urban growth boundary (UGB) of

Eugene and a portion was located outside the Eugene city limits. The property within the city limits was subject to City of Eugene review only while the portion outside the city limits required that both the City and Lane County participate in the amendment process. The Planning Commissions were required to conduct a public hearing on the proposal and make a recommendation, based on the required approval criteria, to the Eugene City Council and the Lane County Board of Commissioners (BCC) to approve, approve with modifications or deny the proposal. The requests would be heard before the Eugene City Council and the Lane County Board of Commissioners in a separate public hearing, following Planning Commission action.

Mr. Carroll called for conflicts of interest, *ex parte* contacts, biases, abstentions, or challenges to impartiality on the part of the Eugene Planning Commission. He asked if Planning Commissioners had information to share based on visits to the site. He noted there were no affirmative responses from the Eugene Planning Commission.

Mr. Noble called for conflicts of interest, *ex parte* contacts, biases, abstentions, or challenges to impartiality on the part of the Lane County Planning Commission. He asked if Planning Commissioners had information to share based on visits to the site. He noted there were no affirmative responses from the Lane County Planning Commission.

In response to Mr. Carroll, Mr. Noble asserted the Lane County Planning Commission had no additional procedural issues to raise.

Mr. Carroll called for the staff report from Deputy City Attorney Emily Jerome.

Ms. Jerome stated the purpose of the meeting was to hold a public hearing on a request initiated by the City of Eugene at the request of the property owner to amend the Metro Plan diagram for approximately 63 acres located at the northwest corner of North Delta Highway and Ayres Road. Approximately 61 acres were owned by River Ridge LTD and were developed with a portion of the River Ridge Golf Course. The remaining approximately two acres were owned by Deborah and Eric Jeffries and contained a residence. The property subject to this request was identified as tax lots 305, 306 (northern portion) and 304 (eastern portion) of Assessor's Map 17-03-07-00 located entirely within the urban growth boundary (UGB). Tax lot 305 and the portion of tax lot 306 subject to this request were within the Eugene city limits. The portion of tax lot 304 subject to this request had not been annexed into the City of Eugene. As this portion was outside of the city limits, Lane County was required to participate in the hearing and decision of the Metro Plan amendments. The zoning of the subject property is R-1 Low Density Residential (LDR) with /SR Site Review overlay. Additionally, the portion of tax lot 304 subject to this request is also zoned with the /UL Urbanizable Land overlay due to its status of being located within the UGB but outside the city limits. No changes to the existing zoning are proposed. She directed commissioners to information in the agenda packet for information related to the history of the property and specific applicable code criteria. She acknowledged additional written testimony that was not included in the agenda packet, an e-mail dated August 4, 2009, from Shashi Bajracharya, Lane County Public Works Department, to Emily Jerome and Alissa Hansen, Subject MA 09-3/PA 09-5465, Plan Amendment, Eugene, N. Delta Highway.

In response to a question from Mr. Siekiel-Zdzienicki, Ms. Schulz said Lane County would vote on the change in designation, noting the Willakenzie Refinement Plan had been co-adopted by Lane County and the City of Eugene.

Responding to a question from Mr. Sullivan, Ms. Jerome affirmed the record was still open on the plan amendment.

Mr. Carroll explained the format for offering public testimony. He opened the public hearing and called for testimony in support of the proposed amendment.

Debbie Jeffries, 3800 North Delta Highway, identified herself as the owner of the subject property. She stated when the 2004 housekeeping amendments occurred, her entire property was in Lane County jurisdiction because it was inside the UGB. She had received no Ballot Measure 56 notification from Lane County about the change. The housekeeping amendments had also changed the designation of a 57 acre area in the Jefferson-Westside area from LDR to Medium Density Residential (MDR), which was subsequently returned to LDR at the request of the property owners. It was significant that it was a return to what was in place at the time of the housekeeping amendment, just as this request was. Additionally, the housekeeping amendment included no Transportation Planning Rule (TPR) information or analysis. Ms. Jeffries directed Planning Commissioners to a letter submitted by the Department of Land Conservation and Development (DLCD) included in the agenda packet, which she asserted deemed the TPR insignificant. She further directed Commissioners to an e-mail correspondence from the Cal Young Neighborhood Association (CYNA) to Emily Jerome, dated July 18, 2009, subject CYNA statement to Joint Planning Commissions, which was included in the agenda packet. She opined neighborhood associations were not subject to public record law and she had been unable to secure information about the meeting, to determine how many people attended the meeting, and what the vote was. She had been provided verbal information from the CYNA president that four people had been in attendance. The position statement submitted by the CYNA had not been presented to the neighborhood association since there had not been a neighborhood association meeting, and one was not scheduled until October.

Mr. Carroll called for neutral testimony. There was no one wishing to offer neutral testimony.

Mr. Carroll called for testimony in opposition to the proposed amendment.

Barbara Mitchell, 3355 North Delta Highway, #45, identified herself as president of the CYNA. She read a prepared statement, adopted July 7, 2009, by the CYNA Executive Committee. Four of the seven members of the CYNA were present, representing a quorum. The full text was included in an e-mail correspondence from the Cal Young Neighborhood Association (CYNA) to Emily Jerome, dated July 18, 2009, subject CYNA statement to Joint Planning Commissions included in the agenda packet. She said a major concern with the proposal was increased traffic congestion on already overloaded Delta Highway and Beltline Road, but no Transportation Impact Analysis (TIA) was included with the proposal. She said before any action was taken on the proposal, a TIA should be required using the most recent and accurate traffic data available, conducting traffic counts during peak times, during good-weather months, and a breakdown of large truck traffic related to the operation of two sand and gravel operations on North Delta Highway. The proposed LDR land use for 63 acres was inconsistent with the capacity of the Beltline Road and Delta Highway facility and the request should be denied.

Tom Mitchell, 3355 North Delta Highway, #45, was a member of the Beltline Highway stakeholder advisory committee but was speaking as a Cal Young neighborhood resident. His

comments were his own and in no way reflected his position as a member of the committee. He stated that data recently gathered by the State of Oregon Department of Transportation (ODOT) indicated the Delta Highway—Beltline Road interchange had one of the highest rates of crashes of all ODOT facilities statewide. Those who lived and drove in the area were aware of the dangers associated with the Beltline corridor from Coburg Road to River Road, including the Delta Highway. In a recently completed survey conducted by the CYNA, 64 percent of the respondents identified improved traffic congestion as the most important neighborhood need. The survey also identified public safety, crime, land use planning and transportation as top neighborhood priorities. Many residents of the area saw the need for improvements to traffic congestion and transportation. Many were concerned if the LDR designation was approved the 63 acres could accommodate more than 300 residents. The traffic generated would add to the existing transportation problem. He asserted when the McKenzie-Willamette Medical Center applied to build on the same property, insufficient traffic mitigations were proposed by the hospital. The Eugene Planning Commission recommended denial of the McKenzie-Willamette Medical Center proposal to the Eugene City Council on August 13, 2007 citing inconsistency with the Metro Plan policy and the City's responsibility to protect and manage the existing infrastructure. He understood the TPR required the applicant to conduct a TIA at the time of the Metro Plan amendment. He urged the Planning Commissions to insist that requirement be met now and not accept the City staff report that proposed postponing the TPR to occur concurrently with the City required TIA at a later time with the development application. Mr. Mitchell submitted written comments to staff including a copy of the survey for inclusion in the public record.

Kevin Matthews, P.O. Box 1588, identified himself as the president of the Friend of Eugene (FOE). The FOE had a number of concerns, including: history of legislation and meetings related to the site as represented by staff was incomplete, including 2000 changes to code; problems related to Goals 1, 5, 6, 7, 8, 9, 12, 13, 14 and 15, specifically related to Goal 5. The area had the potential to affect a Goal 5 resource. The findings represented business as usual with the submittal of boiler plate findings on environmental qualities by staff. Changing the site from parks and open space to residential would add a lot of development against the Willamette River, and it should be analyzed before moving forward. Because of the site's location at the northern edge of the UGB, the area had a vehicle miles traveled (VMT) per capita estimate of 25 percent or more than the metropolitan area VMT. He asserted the State adopted greenhouse gas emissions could not be met without saving open spaces within the UGB from further residential development. He directed Commissioners to a FOE white paper which he submitted for inclusion in the public record. He asserted the FOE was willing to use the proposed Metro Plan amendment as a test case for whether the existing State planning rules provided a basis for regulation. He said reduced VMT could not be achieved if houses were built around the edge of the UGB.

Mr. Carroll closed the Eugene Planning Commission public hearing at 6:37 p.m.

Mr. Noble closed Lane County Planning Commission public hearing at 6:37 p.m.

Responding to Mr. Carroll, Ms. Jerome said staff did not have a response but was available to answer questions.

Mr. Carroll called for questions from the Eugene Planning Commission.

Mr. Lawless asked for a summary on whether and how the refinement plan changed from residential to parks and open space (POS).

Ms. Jerome said when the Willakenzie Area Plan (WAP) was adopted the subject site received POS designation, was zoned LDR, and had a Metro Plan designation of LDR.

Responding to a question from Mr. Hledik, Ms. Hansen said the City of Eugene would look at the zoning if an applicant requested a building permit. If an applicant requested a conditional use permit (CUP) or a subdivision, the applicant would be required to make positive findings that the application was consistent with the plan designation.

Mr. Hledik asked why the zoning was not brought into compliance with the zone plan diagram.

Ms. Jerome said it was not clear to staff and it was not highly unusual that it was not. The thought when Metro Plan amendments came up, and digital capability was available for the first time, the diagrams went from "blobby" maps to digital maps. The thought was where property specific decisions had been made in refinement plans, the City would take the Metro Plan down to the refinement plan and make them conform. In some cases, such as this, the property owners did not receive notice and were not presented the issue. This was the second case where property owners asked the City to look at their site with more scrutiny.

Mr. Hledik asked if the City would have zoned property as POS. He noted that the refinement plans were subordinate to the Metro Plan and inquired how this applied to the proposed amendment.

Ms. Hansen said there had only been a POS zoning since the land use code update (LUCU) in 2001, and there were no properties in the City with that zoning.

Ms. Jerome said it was always in the City's best interest to have consistency between zoning, refinement plans and the Metro Plan. The provisions in the Metro Plan made it a very case specific determination related to when a refinement plan was applied. When the Metro Plan was clear, a refinement plan was not deferred to. She added that courts would not look at old, "blobby" plan, but would use the most current information.

Ms. Hansen affirmed Mr. Carroll's statement that because the POS zoning was new to the City there were no privately held sites zoned POS. She did know of a privately owned cemetery that was designated POS. She was unsure of the history of the sites. In some cases it was in recognition of existing resources. Today most golf courses are zoned R-1 with allowances for recreational uses but before 2001, there was less distinction.

Mr. Carroll noted there was a letter in the record from Lane County requesting that they be included in any transportation planning that may occur. He asked if City staff had consulted with Lane County staff in preparation of the ordinance associated with the proposed plan amendment.

Ms. Hansen said staff sent a referral request to Lane County Public Works Engineering which included transportation. Lane County staff was comfortable with deferring the TPR analysis until development occurred. There were also TransPlan amendments in process that would have an impact on the Delta Highway—Beltline Road intersection, which could result in future projects.

Mr. Carroll said the DLCD letter stated that the City of Eugene was the applicant and the City took the position that there may not be a particular applicant in this case. He asked for the staff position on who was the applicant.

Ms. Jerome said there was no question that the City of Eugene initiated the request. It had not been applied for by the property owner or other party. The distinction was whether this was the most appropriate time to do a transportation analysis or if it should occur at a later time. Eugene Code (EC) criteria for a TIA would apply if a development was proposed for the site. The City approach, which was recently affirmed by the Land Use Board of Appeals (LUBA), required at the time of zone or designation change, analyzed the specific proposal rather than the range of what could occur. DLCD was looking at the history from the outside to determine if new findings were required. The State's TPR analysis was complete and applicable.

Mr. Hledik asked how the City's application of a TIA would be affected if DLCD concluded the TPR did not apply.

Ms. Jerome said the TIA would not be affected. If there was a triggering action, the applicant would need to address the issue at that time.

Mr. Hledik asked if there was a distinction between publicly and privately owned golf courses either in designation or zoning. He opined that the inconsistent zoning and plan designations were perplexing.

Ms. Hansen said typically there was no distinction, noting the City owned Laurelwood Golf Course and the privately owned Eugene Country Club golf courses were both zoned LDR.

Mr. Noble called for questions from the Lane County Planning Commission.

Ms. Arkin was perplexed about the plan amendment to POS. She noted the map provided to commissioners did not clearly reveal the characteristics of the property. It would be better to have aerial photographs that illustrated the relationship of the property to the river, wetlands, and other features. She asked what characteristics of the property might have led to the identification of the property as POS; what the relationship of the property to water resources was; what considerations had been given to habitat preservation; and why was an environmental assessment not being done in conjunction with the proposal.

Ms. Jerome said the WAP chose a POS designation because a golf course was located in the area and the plan attempted to capture what was happening in the area at the time the plan was developed. She understood the site had received a lot of scrutiny due to recent proposed development for the area, and there was analysis and a determination by staff that there were no Goal 5 resources that were affected on the site. The findings under statewide planning Goal 5 in the agenda packet were specific to the site.

Mr. Siekiel-Zdzienicki, referring to Lane County agenda attachment 4, the Eugene City Council agenda summary, noted the document said Goal 15, Willamette Greenway, did not apply. However, the City of Eugene Agenda Item Summary (AIS) stated in 1988 a greenway development permit was required from Lane County for the portion of the property located in the greenway. He asserted there was an inconsistency.

Ms. Jerome said although it appeared to be an inconsistency it was not because the tax lots' configurations had changed over time. Tax lot 304 extends beyond the scope of this proposed amendment and does include part of the greenway boundary. However, the portion under consideration for purposes of this plan designation change is not in the greenway.

Mr. Dignam emphasized Ms. Jerome's comment that the subject property had a history, and he noted that in the written history provided, the site had 61 individual touches over time. He hoped with this application there could be resolution to enable the City, the County and the applicant to have closure. He asked if following applicant's statement asking that the site be returned to designation LDR in the written record was accurate.

Ms. Jerome said the statement was true.

Mr. Dignam asked why the City of Eugene was the applicant and if the City was taking action because it perceived there was something amiss with the property and its land use designation.

Ms. Jerome said the City Council wanted a formal opportunity to look at the criteria against an actual proposal.

Mr. Dignam understood if the transportation analysis was done now, an applicant would be required to do another transportation analysis at the time of development, resulting in two TIAs.

Ms. Jerome said one approach would be to do a reasonable worst case scenario of what could happen under the proposed designation and use that information to do a full statewide planning Goal 12, Transportation Analysis, of what could happen under the new designation. The problem was if an actual proposal did not fit into the scenario that was analyzed now, a new analysis would need to be done.

Ms. Nichols asked what year Ballot Measure 56 passed and how it interacted with the proposal before the commissions.

Ms. Jerome stated Ballot Measure 56 was passed before the Metro Plan amendment occurred. Ballot Measure 56 notice was not sent for the proposal before the commissions because the policy choice at the time was that the refinement plans that set designations for the sites were policy decisions. Thus, work on the thousands of properties clarified through the housekeeping process was a legislative process. There were property owners that now took issue with that.

In response to a question from Ms. Nichols, Ms. Hansen said the trigger for the EC TIA process was 100 peak trips or equivalent to approximately 100 lots. The density ranges in LDR were between 0-14 houses per acre, in addition to minimum lot sizes.

Ms. Jerome added that traffic analysis was not triggered by the number of lots but rather by the number of trips, and there were resources that equated the number of lots to the number of trips.

Mr. Johnston asked if the LUBA ruling previously referred to answered the question of whether the transportation analysis could be delayed until a later development stage.

Ms. Jerome said the case was currently before the Court of Appeals. She opined it was a solid LUBA decision.

Ms. Arkin left at 7:00 p.m.

Responding to a question from Mr. Johnston, Ms. Schulz said Lane County would be included in any transportation analysis review for future development of the site. She added County staff had asked that postponement of any analysis would include County facilities.

Ms. Hansen added the City had solicited a response from Lane County on the proposal and would do the same for any TIA or TPR for the site.

Ms. Jerome added the site touched County roads and would trigger an automatic request from the City on any proposed action.

Mr. McCown asked if the decision to move the amendments forward in 2004 without notification was supported by case law.

Ms. Jerome said the measure was new at that time and she had seen only a few cases, which were relatively recent, which addressed that measure that was now State law. She added the decision had been acknowledged by the State.

Mr. Siekiel-Zdzienicki asked when the DLCDD analysis was done that was being used to delay the TPR, noting it could have occurred in the 1990's. He opined the area had undergone development since that occurred.

Although Ms. Jerome was unsure of the dates, there was acknowledgement for consistency with Goal 12 and it was not reviewed at the time of the housekeeping amendments.

Mr. Siekiel-Zdzienicki asked how close the proposed development was to the gravel pits. He recalled a similar issue arose in the past with Delta Sand and Gravel because residential was built too close to a gravel pit. He asked if the same issue would again arise and if it was prudent to build low density housing adjacent to gravel pits without a buffer zone in light of past issues.

Ms. Jerome said the issue could be raised but she did not think it an issue of legal concern.

In response to a question from Ms. Nichols, Ms. Jerome said an analysis could only be triggered if there was a Goal 12 basis for doing so.

Ms. Hansen explained under the TPR, an applicant would be required to complete a TPR analysis at the time of development. The City TIA requirements contained thresholds. It was possible that only a TPR would be required, and it was possible that both a TPR and TIA would be required.

Responding to a question from Mr. Noble, Ms. Jerome said "significant" was defined in many subsections of the TPR. She added on this site it was safe to assume that a TPR would be triggered by a development of 300 homes.

Ms. Schulz affirmed Mr. Noble's assertion that a golf course was a compatible use for the County with a sand and gravel designation. A residential development could not occur on a site with a sand and gravel designation.

Ms. Jerome affirmed a golf course was a compatible use for the City for a LDR designation and for a parks and open space designation. R-1 was the only zoning that allowed golf courses in Eugene.

In response to a question from Mr. Noble, Ms. Hansen said property is zoned R-1 (LDR) with a site review requirement.

Mr. Noble said there was an assertion that part of the history of the site was not included in documentation provided to commissioners.

Ms. Jerome was confident that the documents provided to commissioners were complete.

Mr. Hledik asked if the golf course was a conditional use permit (CUP) or an outright use in the LDR zone.

Ms. Jerome confirmed it was a CUP. She clarified her earlier statement that the golf course was developed under a CUP in 1988.

Mr. Hledik asked if DLCD was asserting that the proposed ordinance contained in EC 9.7750(4), Section 3.1. was unnecessary.

Mr. Carroll asked if it would be possible to develop the land as residential without a land use application that included addressing criteria in the land use code and the WAP.

Ms. Hansen said there was one house on tax lot 305 and the other two sites contained the golf course. A request for a single family home could possibly trigger a site review. Any type of land division would trigger a site review application.

Ms. Jerome added that land division would require consistency with the plan policies listed in the EC. The WAP policies would have to be addressed as part of site review. Metro Plan policies would not be applicable.

Mr. Carroll asked if the ordinance language addressed incremental development over a period of years.

Ms. Jerome said with only three lots, there would need to be a partition or subdivision, and there was a limit to how densely individual lots could be developed under the code. Any intense development would trigger land use approval issues.

Mr. Carroll asked whether the applicant or a public agency would be liable for infrastructure improvements when a TPR analysis was triggered by private development.

Ms. Jerome said programmed transportation improvements not yet in place could sometimes be considered under the terms of the Oregon Administrative Rule (OAR) for TPRs. There was never

a burden created for local government to provide programmed transportation infrastructure that was not in place, but infrastructure already committed to by local governments could be considered in the TPR analysis. It was the developer's burden to illustrate that the public infrastructure had the capacity to accommodate the developer's proposal. Often developers had to develop at a lower intensity to meet the capacity requirement of certain transportation facilities.

Mr. Lawless asked if there had been a determination for North Delta Highway's capacity at the time the subject property was annexed for the designated use.

Ms. Jerome said the entire site was not annexed at the same time. The portion of tax lots 305 and 306 was recently annexed.

Mr. Lawless asked if the LDR designation had an impact on the intended capacity of an existing road way, or was it assumed that the roadway would be improved to increase its carrying capacity.

Ms. Jerome said DLCD determined LDR was justified on this site. At the time LDR was designated it was determined there was carrying capacity. She added both the TPR and TIA could be triggered by a future development proposal. The triggers were intentionally set by the City to catch a level of development that might put a road in peril. She added the TIA had been an administrative action. However, it did not diminish the fact that if a government wanted to approve an intense development, measures may have to be put in place to show the carrying capacity was in place.

Mr. Hledik asked if the TIA was more stringent in its requirements to address capacity issues for new development that may have developed during the last 20 years.

Ms. Jerome said the TIA was not written with the level of detail as the TPR and would require a traffic engineer to conduct the necessary analysis.

Mr. Sullivan said Lane County needed to look at the now and that the future was speculation. If the City Council adopted a positive recommendation, the situation would be reexamined by the City, but it not likely that Lane County would have another opportunity to review it. The Lane County Planning Commission needed to provide a recommendation to the BCC so that the BCC could either release or hamper the City. He asked if a LUBA determination now under review would take precedence over a DLCD recommendation.

Ms. Jerome said a LUBA determination would not take precedence over a DLCD recommendation. LUBA provided a safe path, but it did not make the DLCD approach indefensible. Mr. Sullivan asked if Lane Code Chapter 12 gave Lane County an okay feeling about not having compliance with the DLCD letter.

Ms. Schulz opined if LDR development occurred on the site, the portion of the tax lot inside the UGB and outside the city limit would not have the level of 300 units developed without annexation to the City.

Mr. Noble noted both the North Delta Highway and Ayres Road were under county jurisdiction.

Ms. Schulz said any proposal would be coordinated at the transportation level between the County and the City, but it would not come before the Planning Commission.

Mr. Siekiel-Zdzienicki asked if the subject property was covered by the flood plain.

Ms. Schulz said the floodplain line on tax lot 304 followed the UGB and the subject property was not in the floodplain.

Mr. McCown noted testimony had suggested that the State's greenhouse gas emission standards might be used as test case related to Goal 12, and he asked if there was a legal precedent that the commission should take that into consideration.

Ms. Jerome said it would be unprecedented to have a successful challenge of that nature with this type of request.

In response to a question from Mr. Carroll, Ms. Jerome cautioned the commissioners that they needed to weigh the evidence in the record and weigh what DLCDC has put before them to make a determination.

Responding to Mr. Noble, Ms. Jerome said a joint deliberation by the Planning Commissions had been set for September 15, 2009, however, the commissions had the option of deliberating tonight

Mr. Carroll noted there had been no request to keep the public record open. He said the Planning Commission could close the record or hold the record open until a specific date and time.

Mr. Noble asked if Lane County Planning Commissioners had a preference to keep the record open or move to deliberation.

Mr. McCown said there was sufficient evidence before the commission to make a decision.

Absent a request to keep the record open, Mr. Sullivan proposed closing the record and deliberating to a decision.

Mr. Siekiel-Zdzienicki wanted to keep the record open so he could see more detailed maps.

Mr. Johnston opined the commission had the information it needed to make a decision.

Mr. Noble noted the majority expressed a desire to move forward.

Mr. Lawless saw no reason to keep the record open.

Mr. Mills was not comfortable moving forward as there was too much information and vague history that was not clear.

Mr. Carroll noted one request on the part of the Eugene Planning Commission to keep the record open and asked if staff could provide the maps requested by Mr. Siekiel-Zdzienicki.

Ms. Jerome said DLCD was a good source on the topic as the writers of the rules the local jurisdictions were interpreting and the body that acknowledged those interpretations. The City did not put forth the approach recommended by DLCD because the approach provided was that which the City knew on good authority from LUBA would be defensible.

Mr. Noble noted the majority of the Lane County Planning Commissioners were comfortable closing the public record.

Mr. McCown, seconded by Mr. Dignam, moved to close the public record. The motion passed 6:1, with Commissioners Noble, Dignam, Johnston, McCown, Nichols, Noble and Sullivan in favor, and Commissioner Siekiel-Zdzienicki opposed.

Mr. Lawless, seconded by Mr. Hledik, moved to close the public record. The motion passed unanimously, 5:0.

Mr. Noble noted consensus on the part of the Lane County Planning Commission to deliberate tonight.

Mr. Carroll noted consensus on the part of the Eugene Planning Commission to deliberate tonight.

Mr. Carroll averred the City recommendation to require a future TIA was defensible and logical. He was comfortable recommending that the City Council return the designation to LDR with the conditions as proposed.

Mr. Hledik said the City recognized that privately owned land could change from parks and open space to other uses, and it was therefore not included in the City's inventory. Therefore a plan amendment was not precluded in this case. There was some history that the property was previously designated LDR and based on the findings he supported the staff recommendation of approval of the Metro Plan diagram amendment and concurrent automatic refinement plan amendment.

Mr. Lawless agreed that there was sufficient evidence to support the staff recommendation to return the property to LDR.

Ms. Beierle thought much of the opposition to the amendment had to do with transportation issues. She was convinced by the discussion that the transportation issues would not be ignored when it was appropriate to look at them and felt it appropriate to move forward with the staff recommendation.

Mr. Mills was reasonably confident that supporting the amendment was the defensible and the right thing to do.

Mr. Sullivan would favor a positive recommendation to the BCC, but had reservations that the Lane County Planning Commission was getting only one bite at the apple. He proposed that the Planning Commission make a provision in its recommendation to the BCC to alert the BCC that

there was a lot of misconception and disagreement regarding City staff and DLCD. Both City and County staff needed to be prepared to clearly respond to those issues which were not clear. He opined it was a simple issue to return property to people who owned it and return it to a common ownership.

Mr. McCown said the precedent in the 2004 diagrams established the initial change as insignificant, and this was likely equally insignificant. The decisions were upheld by the State and did not require a TIA at that time. He appreciated the concerns put forth by Mr. Matthews and the FOE, and looked forward to a test case on greenhouse gas emissions.

Mr. McCown, seconded by Mr. Dignam, moved to amend the Eugene/Springfield Metropolitan Area General Plan diagram plan designation from parks and open space to low density residential, in the matter of PA 09-5465.

Mr. Siekiel-Zdzienicki acknowledged this as a housekeeping issue, but was uncomfortable with Eugene allowing development up to the UGB close to a gravel pit. He asserted the Lane County Planning Commission had vetoed the proposed Delta Sand and Gravel expansion. Although the proposal before the Planning Commission fit all of the criteria, he would vote against the motion because it just did not fit the Lane County perspective.

Mr. Sullivan was in favor of the context of the motion but would vote against the motion because he thought it important to draw attention to the differing interpretations of staff and DLCD.

Mr. Noble asked if problems would result if the Lane County Planning Commission and Eugene Planning Commission took different positions on the motion.

Ms. Jerome said it was not the burden of the planning commissions to forward identical recommendations but rather the Council and the Board's burden to approve identical ordinances.

Following a discussion, Mr. McCown withdrew the motion and Mr. Dignam withdrew the second to the motion.

Mr. Sullivan, seconded by Mr. McCown, in the matter of amending the Eugene Springfield Metropolitan Area General Plan (Metro Plan) Diagram and concurrently amending the Willakenzie Area Plan diagram to redesignate approximately 63 acres from Parks and Open Space to Low Density Residential, moved to recommend to the Lane County Board of Commissioners approval of the Metro Plan amendment with respect to the area inside the urban growth boundary, and concurrent automatic refinement plan amendment with the stipulation that the Department of Land Conservation and Development be requested to clarify its letter dated July 14, 2009 to the Board of County Commissioners regarding section 3 of the proposed City of Eugene ordinance; and that City of Eugene staff prepare the rebuttal to that discrepancy.

Mr. Dignam cautioned careful consideration of the term inconsistency and postulated there was no inconsistency. There were two approaches, that of DLCD and that of the City of Eugene. He saw no inconsistency in recommending the ordinance proposed by the City of Eugene.

Mr. Sullivan said DLCD clearly said an 060 analysis was required if the City disagreed with the DLCD approach.

Ms. Jerome said the City Attorney disagreed with the DLCD statement.

Mr. Johnston could support either motion, noting both LUBA and DLCD could be right in the approach. The City of Eugene would be defending against either of them and from the Lane County perspective it did not matter if there was an inconsistency and that should not drive the Lane County Planning Commission's decision.

Ms. Nichols said it was not Lane County's position to nanny over the City of Eugene. The site was within the UGB and they have attorneys who were prepared to defend the City's position.

Mr. Dignam would not support the motion. As he interpreted the motion, the Planning Commission would be alerting the BCC that there was potential litigation. He asserted Mr. Sullivan had taken the position on previous occasions that the Planning Commission should not take potential litigation into consideration in its actions.

Mr. Sullivan iterated his concern that this was the only chance the Planning Commission would have to look at this issue.

Mr. Noble would support the motion. The main issue was what was the impact of developing this site as LDR. This needed to be identified for the BCC to enable them to determine whether the TPR issue needed to be addressed.

Mr. Dignam asked how the City would proceed with the application with the additional clause Mr. Sullivan included in the motion.

Ms. Jerome said the BCC and the Council were scheduled to conduct a joint public hearing and deliberate. If the BCC decided to seek further clarification or more information from the department, the record would need to be reopened. She added the City Attorney would want the record to be reopened for both bodies. Otherwise the standard in the code was that the elected officials would hear the matter based upon the planning commissions' records, without opening the record.

Mr. Sullivan stated there had been questions of notification in the past and it was conceivable that no one would be able to bring new information to the BCC. Lack of fully vetting the proposals helped bring about the current problem. He hoped the BCC and Council would allow new information into the record.

Mr. Noble asked the Eugene Planning Commission if it saw any issues if the Lane County Planning Commission voted on the motion as presented.

Mr. Carroll saw no reason for concern.

Mr. Dignam would support the motion because he believed the application made sense although he disagreed with opening the record. He added the proposed amendment was a return to the LDR designation, as stated by the applicant and staff. Furthermore, there would be sufficient opportunity for transportation analysis when development occurred. He noted other golf courses in the City were zoned R-1, and this seemed reasonable for consistency purposes. He understood the purpose of the UGB was to accommodate development for which this amendment was proposed.

Ms. Jerome asked if the motion included Section 3.

Ms. Jerome assumed Section 3 would be included.

The motion passed 6:1, with Commissioners Noble, Dignam, Johnston, McCown, Nichols, Noble and Sullivan in favor, and Commissioner Siekiel-Zdzienicki opposed.

Mr. Hledik, seconded by Mr. Lawless, moved that the Eugene Planning Commission recommend that the City Council approve the proposed change in land use designations with the conditions set out in Section 3 of the draft ordinance. The motion passed 5:0.

Mr. Carroll closed the Eugene Planning Commission meeting at 8:30 p.m.

Mr. Noble closed the Lane County Planning Commission meeting at 8:30 p.m.

(Recorded by Linda L. Henry)

JEROME Emily N

From: Moore, Ed W [ed.w.moore@state.or.us]
Sent: Tuesday, September 08, 2009 12:12 PM
To: MOORE Ed W (OR); JEROME Emily N
Subject: RE: River Ridge Motion

Emily,

Sorry for not get back to you sooner; as you are aware I just returned from vacation and am now trying to catch-up on my e-mails. I also got your voice message regarding this matter and the need to possibly talk. Given our schedules, before we do let me try to respond to your e-mail request.

I have had a chance to review the staff report and the minutes from the meeting. As far as the city being able to defer TPR analysis to the development application phase, I stand corrected. You are correct with regard to the LUBA decision which allows a city to defer the 060 analysis. The main question here is, "Is an 060 analysis required under the TPR for this Metro Plan Diagram amendment at all?" As stated in my comment letter dated 2009-07-14, we believe the answer is no.

As outlined in numbered paragraph 1, when the Metro Plan Diagram was amended in 2004, re-designating the 63 acres from Low Density Residential to Parks and Open Space (Ordinance #20319) a TPR analysis was not conducted, I assume because City and DLCDC staff did not feel that the Metro Plan Diagram amendments met 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 should not meet the threshold of "significant" either.

Then, in numbered paragraph 2, I explained that since the 2002 TransPlan, the metro area's TSP, modeled for traffic analysis purposes the adopted Metro Plan Diagram at that time, which showed the 63 acres in question as LDR, then 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.

I hope this clarifies our position for you. Let me know if I can be of further assistance.

Regards,

Ed
Ed Moore, AICP
SWV Regional Representative
Dept. Land Conservation and Development
So. Willamette Valley Regional Office
644 A Street
Springfield, OR 97478
971.239.9453

From: JEROME Emily N [Emily.N.Jerome@ci.eugene.or.us]
Sent: Thursday, September 03, 2009 13:01
To: MOORE Ed W (OR)
Subject: FW: River Ridge Motion

Hi Ed. Per my voicemail, this e-mail may require a follow-up discussion; if you think it does, please let me know when we can chat. For purposes of background, the Eugene and Lane County Planning Commissions both passed motions recommending that the elected officials approve the Plan diagram for the River Ridge site, to change the site's designation back to LDR. However, the DLCDC letter submitted into the record (dated 7.14.09) was the subject of some struggle for the Planning Commissioners. As you probably recall, the DLCDC letter recommended that the Planning Commission delete the text proposed by city staff, explained why this proposal would not 'significantly affect' a facility under the TPR (therefore does not require TPR analysis) and stated that the City's proposal to require, but defer the TPR analysis is inconsistent with OAR 660-012-060. A copy of the DLCDC letter is attached for your easy reference.

Being very technical in nature, the DLCDC letter was difficult for some of the Planning Commissioners to understand, though I assure you that I did my best to explain DLCDC's position. Below is the motion that was passed by Lane County's Planning Commission. I have highlighted the part that is of most interest to you. Would you please provide clarification as requested by the Lane County Planning Commission? Please keep in mind that the elected officials cannot accept new evidence (only "argument") unless they take action to reopen for that purpose, so please do not introduce new evidence in your clarification.

No doubt, there is room for disagreement in this ever-changing area of the law. In deference to DLCDC's expertise in these areas, the staff report to the Planning Commission offered both TPR approaches (the City's and DLCDC's) as legally defensible options. However, when squarely asked, I told the Planning Commissions that I believe the City's proposed approach (requiring, but deferring, a TPR analysis) is the more legally defensible one. The City's approach is based on recent case law ("we think it is permissible for the city to defer consideration of compliance with the TPR to a subsequent review process at the time actual development is proposed, provided that the zone change or plan amendment is effectively conditioned to prohibit traffic or other impacts inconsistent with the TPR's requirements unless and until those requirements are fully addressed." *Willamette Oaks v. City of Eugene*, LUBA 2008-173, May 20, 2009). Unless the Court of Appeals directs differently before then, we intend to again offer both approaches when we get to the elected officials at their upcoming hearing.

Thanks Sincerely,
Emily Jerome
Deputy City Attorney
City of Eugene

From: HANSEN Alissa H
Sent: Tuesday, September 01, 2009 3:07 PM
To: JEROME Emily N
Subject: River Ridge Motion

Mr. Sullivan, seconded by Mr. McCown, in the matter of amending the Eugene Springfield Metropolitan Area General Plan (Metro Plan) Diagram and concurrently amending the Willakenzie Area Plan diagram to redesignate approximately 63 acres from Parks and Open Space to Low Density Residential, moved to recommend to the Lane County Board of Commissioners approval of the Metro Plan amendment with respect to the area inside the urban growth boundary, and concurrent automatic refinement plan amendment with the stipulation that the Department of Land Conservation and Development be requested to clarify its letter dated July 14, 2009 to the Board of County Commissioners regarding section 3 of the proposed City of Eugene ordinance; and that City of Eugene staff prepare the rebuttal to that discrepancy

Alissa Hansen | Planning Division
City of Eugene | Planning & Development
99 West 10th Avenue | Eugene Oregon 97401 Phone 541.682.5508 | Fax 541.682.5572

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

* Please consider the environment before printing this message



City Attorney's Office

MEMORANDUM

City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401-2793
(541) 682-5010
(541) 682-5414 FAX
www.eugene-or.gov

Date: September 14, 2009

To: Mayor and City Council
Lane County Board of Commissioners

From: Emily N. Jerome

Subject: Eugene City Attorney's Office Response to DLCD Proposal /
River Ridge, Eugene file MA 09-3 and Lane County file PA09-5465

The Eugene and Lane County Planning Commissions both passed motions recommending that the elected officials approve the proposal to change the River Ridge site's Metro Plan designation back to Low Density Residential, with a conforming change to the Willakenzie Area Plan. However, a letter from the Department of Land Conservation and Development (DLCD) submitted into the record on July 14, 2009 was the subject of significant discussion among the Planning Commissioners.

DLCD's July 14 letter states that DLCD supports the River Ridge proposal, but recommends that the City and County delete certain text from the proposed ordinance. Specifically, DLCD recommends (and the property owner requests) the deletion of the ordinance text that would impose a condition on future development of the property, requiring analysis under the State Transportation Planning Rule be performed prior to approval of a land division or site review application. This proposed condition was intended by city staff to ensure that the proposed change in Plan designation satisfies the requirements of the State's Transportation Planning Rule. The DLCD letter states:

"However, based on our significant background knowledge of this particular case, Section 3 of the draft ordinance, requiring subsequent TPR [Transportation Planning Rule] analysis as stipulated in OAR 660.012.060, does not appear necessary or required and should be deleted from the ordinance."

DLCD's July 14 letter explains how the City and County can conclude that the proposed change in Plan designation would be consistent with the State Transportation Planning Rule, without need for the future transportation analysis imposed by the proposed condition. A copy of the DLCD letter is included at Attachment A.4 to the City Council and County Board AIS. In short, DLCD believes that the change in Plan designation would not 'significantly affect' a transportation facility (as those terms are used in the Transportation Planning Rule) because the site's 2004 change from Low Density Residential to Parks and Open Space was not deemed to have a significant effect, and the proposal would simply return the site to the Low Density Residential plan designation. DLCD also relies on the fact that the site was designated as Low

Density Residential when the region's transportation plan was last acknowledged by the State as meeting the region's transportation demands based on the designations shown on the Metro Plan diagram.

In addition to stating that the City's proposed condition is unnecessary, DLCD's July 14 letter also stated that it would be inconsistent with the State Transportation Planning Rule. DLCD challenged a City's ability to impose a condition that requires analysis under the State Transportation Planning Rule but that defers the analysis until a development is proposed on the site.

At the Planning Commission hearing, I provided our opinion that, contrary to DLCD's opinion, the proposed transportation condition *could* be lawfully imposed and would not be inconsistent with the State Transportation Planning Rule. However, I also stated that DLCD's recommendation to delete the condition would be legally defensible. In recommending approval of the proposal, both Planning Commissions opted to keep the condition text in the draft ordinance. However, Lane County's Planning Commission also requested that DLCD clarify the position taken in its July 14 letter and requested that staff provide a response for the Council and Board to consider.

On September 8, 2009, Ed Moore, our region's DLCD representative, provided a clarification of the positions taken in his July 14 letter (Attachment E to the AIS). In this clarification e-mail, DLCD retracts a portion of its July 14 letter and now agrees that a city could lawfully defer a transportation analysis until a development is proposed on a site. With respect to its recommendation to delete the condition, DLCD provided more detail.

We believe that DLCD's position could be defended in an appeal. The circumstances of this proposal are unique and, as the agency charged with implementing the State Transportation Planning Rule, DLCD's letter carries substantial weight. As part of the materials to be provided for your deliberation and action on this item, we will provide you with a revised ordinance and findings that could be used if you choose to follow the DLCD recommendation.

ENJ:abm



Supplemental Memo Date: September 24, 2009
First Reading Date: September 30, 2009
Second Reading/ Joint Public Hearing Date: October 27, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Metro and Small City Planner
AGENDA ITEM TITLE: 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. (CITY OF EUGENE, File No. PA 09-5465)

Pursuant to adopted procedures for Metro Plan amendments, all participating jurisdictions must adopt substantive identical ordinances affecting the change. The Ordinances attached to this memo are the final versions to be considered by the Board of Commissioners and the Eugene City Council for this proposed action and should replace the previous versions in distributed material for the first reading.

ATTACHMENTS:

1. Ordinance No. PA 1264
 - Exhibit A – Metro Plan Diagram
 - Exhibit B – Willakenzie Area Plan Land Use Diagram
 - Exhibit C – Willakenzie Area Plan Unincorporated Subarea Diagram
 - Exhibit D – Findings

2. City Ordinance No. _____ (Revised)

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

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. (CITY
)OF EUGENE, FILE NO. PA 09-5465)

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

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

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

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

WHEREAS, on May 11, 2009, the Eugene City Council initiated amendments to the Metro Plan and the Willakenzie Area Refinement Plan; and

WHEREAS, the Lane County Planning Commission reviewed the proposal with the Eugene Planning Commission in a joint public hearing on August 4, 2009, and following the close of the public hearing, both planning commissions deliberated and passed motions to recommend approval of the proposed amendments as reflected in this ordinance; and

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

WHEREAS, the Board of County Commissioners has conducted a joint public hearing with the Eugene City Council on the proposed amendments and is now ready to take action.

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

Section 1. Subject to the conditions in Section 3 of this Ordinance, a portion of the property identified as Tax Lots 304 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 LC 12.245(4), 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 Willakenize Area Plan Unincorporated Subarea diagram located on 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 applicable City and County land use regulations, 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 acknowledgement plan amendment.

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "D" attached, in support of this action.

The prior designations repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

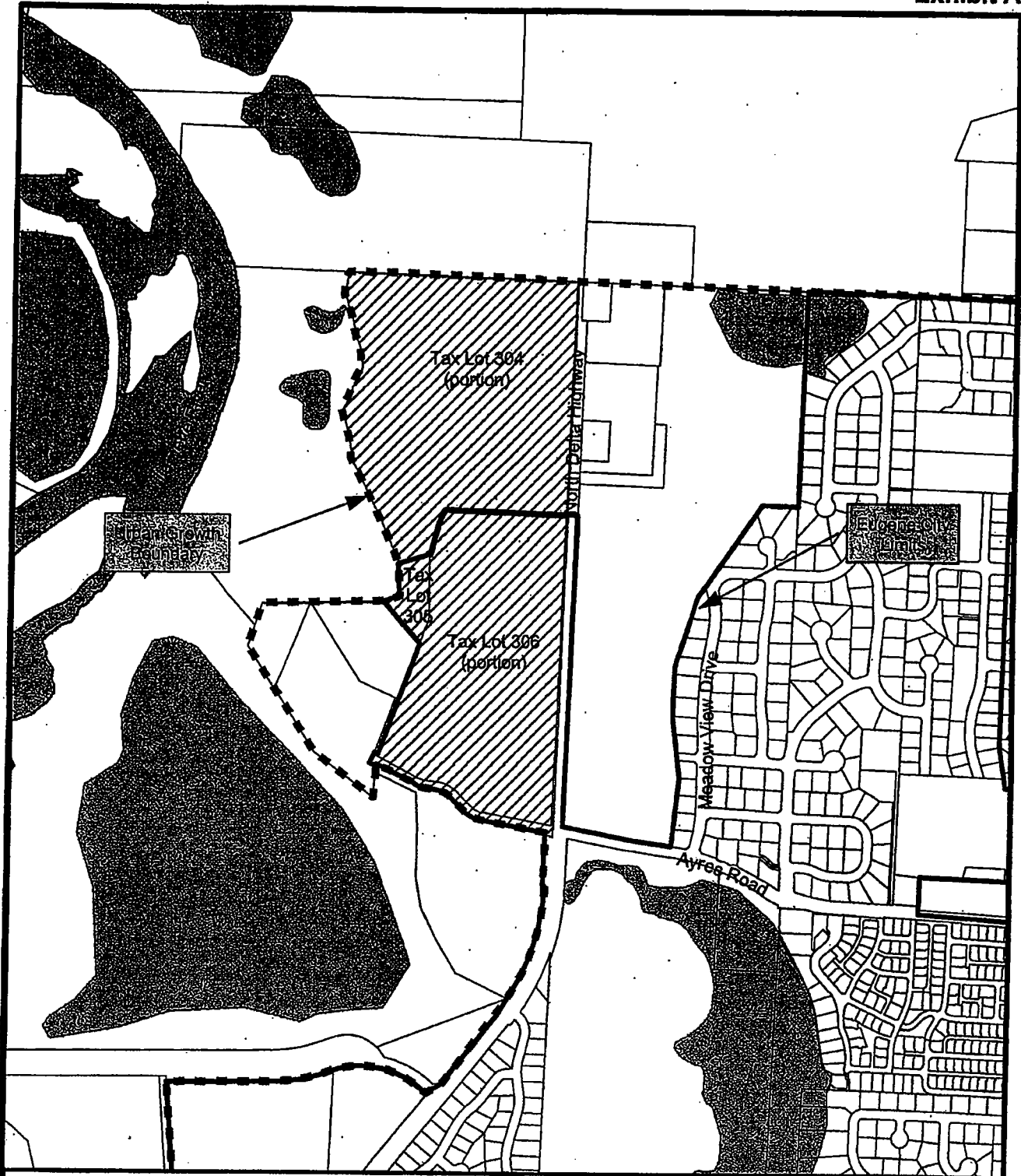
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the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

ENACTED this _____ day of _____, 2009





Chair, Lane County Board of County Commissioners

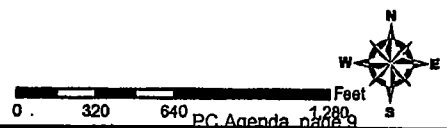
Recording Secretary for this meeting of the Board

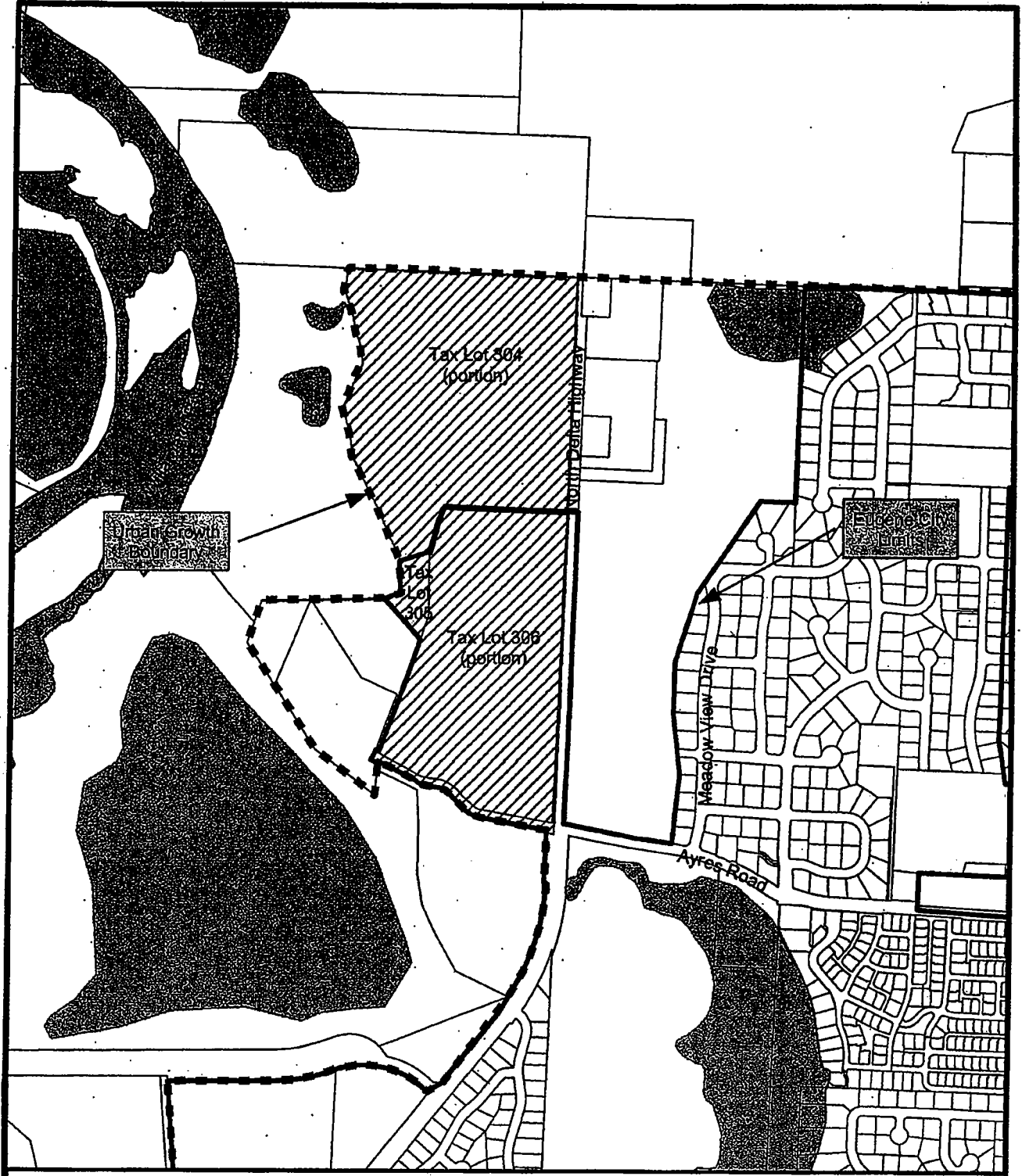
APPROVED AS TO FORM
Date 9-23-2009 Lane County
Stephen J. Walker
OFFICE OF LEGAL COUNSEL







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

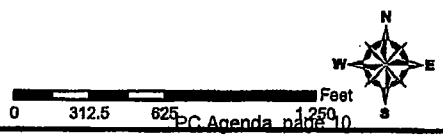
-  Property proposed for change from Parks and Open Space to Low Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies

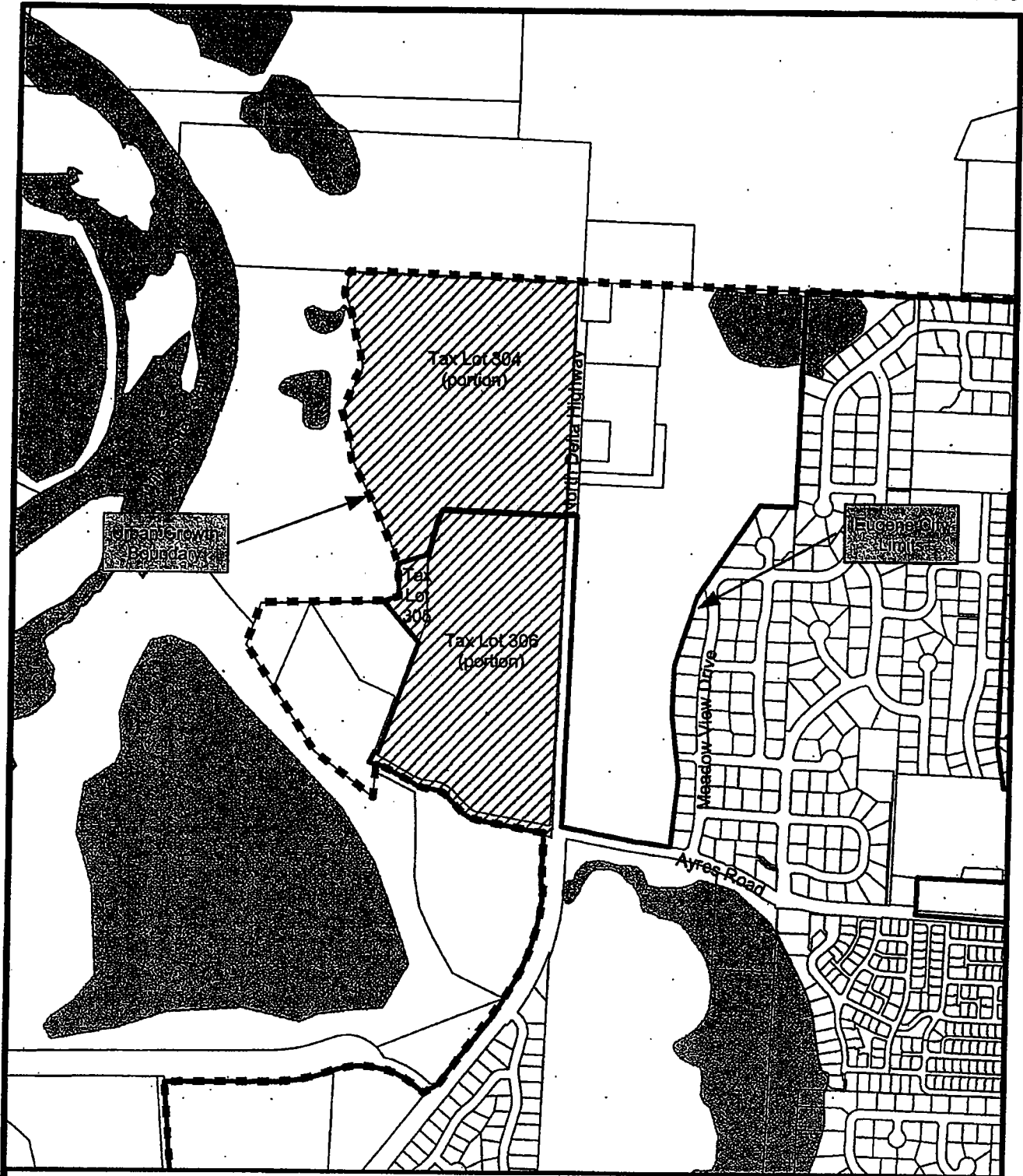








**Willakenzie Area Plan Land Use Diagram
Amendment for River Ridge (City File MA 09-3)**

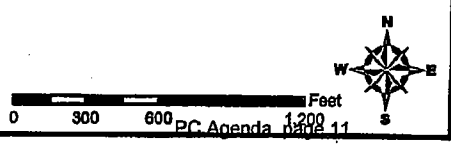
-  Property proposed for change from Parks/Open Space to Low-Density Residential
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies





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
-  Eugene City Limits
-  Urban Growth Boundary
-  Water Bodies



Findings of Consistency

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

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

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

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

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a joint City of Eugene and Lane County Planning Commission public hearing on August 4, 2009. On June 19, 2009, the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the Cal Young Neighborhood Association and to City departments. On July 13, 2009, notice of the Planning Commission public hearing was mailed to the property owners and occupants of property within 500 feet of the subject property, Cal Young Neighborhood Association, interested parties who requested notice, and other community organizations requesting such notice, which is in excess of the requirements of the Eugene Code. On July 15, 2009, notice of the Planning Commission public hearing was published in the *Register-Guard*, in accordance with the Eugene Code. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices, and provided via the City's internet site at www.eugeneplanning.org.

The process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with, and surpasses the requirements of the State's citizen involvement provisions.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for decisions to be made concerning the proposed amendments.

Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the review of these amendments with all affected governmental units. Specifically, notice was mailed to the State Department of Land Conservation and Development, Oregon Department of Transportation (ODOT), Lane County, and the City of Springfield. There are no Goal 2 exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

Goal 3 is not applicable to these amendments as the subject property and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

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

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

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

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

- (3) *Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*
- (a) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
 - (b) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
 - (c) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

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

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water, and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. Nothing in the proposal or the character of the site or potential uses indicates a future development that would compromise air, water and land resources. The proposal does not amend the metropolitan area's air, water quality or land resource policies. Based on allowed low density residential uses, the City can reasonably expect that future development of the site comply with applicable environmental laws. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

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

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

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

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the city "[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply "at the time of each periodic review of the plan (ORS 197.712(3))."

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

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

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

The proposed amendment will re-designate approximately 63 acres from Parks and Open Space to Residential, thereby increasing the City's current supply of residential lands. Since the subject property is not currently designated for residential use and is not included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study, the proposed amendment will increase the City's existing inventory of land that is available for residential development. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

A portion of the area affected by the amendments is located outside the city limits but inside the Eugene-Springfield Urban Growth Boundary. The existing level of public facilities and service is adequate to serve the needs of existing and future development, as public facilities are available or can be extended to the subject property. While a portion of the subject property is located outside City limits, annexation is a requirement for any new use that would generate an additional need for urban facilities and services. Public facilities and services are available for the purpose of annexation. The provision of these amendments does not affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is

implemented at the local level. The TPR (OAR 660-012-0060) states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 does not apply.

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

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

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

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

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

The Metro Plan diagram amendment to re-designate approximately 63 acres of land from Parks and Open Space to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. No text or other diagram changes are necessary to ensure internal consistency with the proposed diagram amendments; adoption of this amendment will not make the Metro Plan internally consistent.

6.DOC;1
00230306.DOC;1

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM; AMENDING THE WILLAKENZIE AREA PLAN PURSUANT TO SECTION 9.7750(4) OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE; RETURNING THE "RIVER RIDGE" SITE TO THE LOW DENSITY RESIDENTIAL DESIGNATION.

The City Council of the City of Eugene finds that :

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

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

C. The City of Eugene Planning Commission and Lane County Planning Commission held a joint public hearing on the amendments contained in this Ordinance on August 4, 2009, and the Eugene Planning Commission has forwarded its recommendations to the Eugene City Council for amendments to the Metropolitan Area General Plan Land Use Diagram as shown Exhibit A, and the Willakenzie Area Plan Land Use Diagram as shown on Exhibits B and C.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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

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

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

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

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

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

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date the Lane County Board of Commissioners has adopted an ordinance containing identical provisions to those described in sections 1 and 2 of this Ordinance, whichever is later.

Passed by the City Council this

_____ day of _____, 2009

City Recorder

Approved by the Mayor this

_____ day of _____, 2009

Mayor

00230079.DOC;2