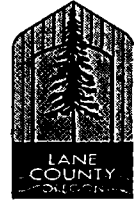


W-10.C

STAFF MEMO



DATE: September 25, 2009 (Memo Date)
September 30, 2009 (Third Reading)

TO: Lane County Board Of Commissioners

FROM: Stephanie Schulz/Planner/Land Management Division

ITEM TITLE: Ordinance No. PA 1261 -- In The Matter Of Amending The Eugene Springfield Metropolitan Area General Plan (*Metro Plan*) By Adding New And Separate Coordinated Population Forecasts For Eugene And Springfield And An Urbanizable Area For Each City And Adopting Savings And Severability Clauses. (File No. PA09-5471)

FINAL Version of the Findings to attach to the Ordinance.

I. ATTACHMENT

Exhibit A, Findings

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1261

IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (*METRO PLAN*) BY ADDING NEW AND SEPARATE COORDINATED POPULATION FORECASTS FOR EUGENE AND SPRINGFIELD AND AN URBANIZABLE AREA FOR EACH CITY AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (File No. PA 09-5471)

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

WHEREAS, Chapter IV of the *Metro Plan* sets forth procedures for amendment of the *Metro Plan*, which for Lane County are implemented by the provisions of Lane Code 12.225; and

WHEREAS, the *Metro Plan* currently contains a single, metropolitan-wide urban area population forecast that extends to 2015; and

WHEREAS, the Board retained Portland State University Population Research Center to complete analysis and conduct public process to develop coordinated population forecasts for Lane County and each urban area within the county and present the study and results to the Board of Commissioners; and

WHEREAS, the Board of County Commissioners, on June 17, 2009, through enactment of Ordinance No. PA 1255, adopted coordinated population forecasts for Lane County and each urban area within the county, including forecasts for Springfield and the urban area east of I-5 and forecasts for Eugene and the urban area west of I-5 through the year 2035; and

WHEREAS, the Cities have coordinated extensively with the county staff and the Lane County Board of Commissioners during the preparation of the coordinated population forecasts by the Population Research Center and support the forecasts adopted by Lane County as an amendment to the Lane County Rural Comprehensive Plan; and

WHEREAS, following a joint public hearing with the Eugene and Springfield Planning Commissions on September 1, 2009, the Lane County Planning Commission recommended the amendments to the Lane County Board of Commissioners; and

WHEREAS, evidence exists in the record indicating that the proposals meet the requirements of Lane Code Chapters 12 and 16, and the requirements of the *Metro Plan* and applicable state and local law; and

WHEREAS, the Board of County Commissioners and the City Councils of Eugene and Springfield have conducted a public hearing on September 22, 2009, and the Board is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearings.

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

The *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*, as adopted by Ordinance No. PA 1197 and amended thereafter, is further amended by adding the text amendment below beginning as paragraph 3 on Page I-1, to Chapter I, Introduction, Purpose Section:

In order to achieve timely compliance with their statutory obligations under 2007 Or Laws Chapter 650, the Cities of Eugene and Springfield and Lane County adopt the following forecasts for their respective jurisdictional areas:

	2030	2031	2032	2033	2034	2035
Eugene – City Only	194,314	195,964	197,614	199,264	200,914	202,565
Metro Urban Area West of I-5	17,469	17,274	17,079	16,884	16,689	16,494
Total	<u>211,783</u>	<u>213,238</u>	<u>214,693</u>	<u>216,148</u>	<u>217,603</u>	<u>219,059</u>
Springfield – City Only	74,814	75,534	76,254	76,974	77,693	78,413
Metro Urban Area East of I-5	6,794	6,718	6,642	6,567	6,491	6,415
Total	<u>81,608</u>	<u>82,252</u>	<u>82,896</u>	<u>83,541</u>	<u>84,184</u>	<u>84,828</u>

These figures effectively provide coordinated projections for each city and the respective metro urban area east or west of I-5 for years ending 2030 through 2035, enabling them to meet state requirements concerning the beginning and ending years of the 20-year planning period.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings in support of this action as set forth in Exhibit "A" attached and incorporated here.

Prior coordinated population forecasts adopted by the Board of County Commissioners before enacting this Ordinance shall remain in full force and effect following the effective date of this Ordinance as necessary until those plans are further updated or amended by the Board.

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 section shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ENACTED this _____ day of _____, 2009.

 Peter Sorenson, Chair
 Lane County Board of County Commissioners

 Melissa Zimmer, Secretary
 Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 9-23-2009 Lane County

Stephen J. Walker
 OFFICE OF LEGAL COUNSEL

Staff report and findings of compliance with the *Metro Plan* and Statewide Goals, Oregon Revised Statutes and Oregon Administrative Rules for proposed Metro Plan Amendment adopting Lane County’s coordinated population forecasts for Eugene and Springfield

Applicant -

The Cities of Eugene and Springfield and Lane County

File LRP 2009-00006: Amendments to the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) to provide Eugene and Springfield with separate, new 20-year population forecasts.

Nature of the Application -

The applicants propose to amend the *Metro Plan* by adding the following text as the third paragraph of Chapter I, Introduction Purpose Section on Page I-1:

“In order to achieve timely compliance with their statutory obligations under 2007 Or Laws Chapter 650, the Cities of Eugene and Springfield and Lane County adopt the following forecasts for their respective jurisdictional areas:

	2030	2031	2032	2033	2034	2035
Eugene – City Only	194,314	195,964	197,614	199,264	200,914	202,565
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These figures effectively provide coordinated projections for each city and the respective metro urban area east or west of I-5 for years ending 2030 through 2035, enabling them to meet state requirements concerning the beginning and ending years of the 20-year planning period.”

Background

The 2007 Oregon legislature adopted HB3337 by amending ORS 197 to add ORS 197.304(1)(a)&(b),(2) and (3). The provisions of this law require Eugene and Springfield, separately from any other city in Lane County, to perform the following:

- (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and

(b) Demonstrate, as required by ORS 197.296 that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

In addition to the two actions described above, the statute also requires the demonstration in (b) to be completed by December 31, 2009.¹

In order for the cities to comply with this statutory provision, a new population forecast for each city and respective urban area for the next 20 years needs to be prepared and adopted into the comprehensive plan (*Metro Plan*), or in “a document included in the plan by reference,” such as an inventory, functional plan, or other refinement plan. (NOTE: A city may choose to adopt its forecast into a separate plan document specific to its jurisdictional area as well as into the main plan text.)

LCDC’s Urbanization Goal, also known as Goal 14, was amended in 2006 to require that Urban Growth Boundaries be consistent with a “20-year forecast.” LCDC’s interpretive rules flesh this requirement out. OAR 660-024-0040 provides as follows:

(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, [or in ORS 197.036] and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.

(4) The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goal 10, OAR 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.

Metro Plan Amendment Criteria

The proposed amendment is a non-site specific amendment of the Plan text. Therefore it is classified as Type I *Metro Plan* amendment that requires participation and adoption by all three governing bodies. Springfield, Eugene and Lane County adopted identical *Metro Plan* amendment criteria into their respective implementing ordinances and codes. Springfield Development Code (SDC) Chapter 5, Section 5.14-135(C) (1 & 2), Eugene Code 9.7730(3), and Lane Code 12.225(2) (a & b) include criteria of approval that require that the amendment be consistent with relevant statewide planning goals and that the amendment not make the *Metro Plan* internally inconsistent.

These additional potential criteria and the staff responses fill the remaining pages of this report; however, all of the following findings are made subject to the reservation that they may be wholly or partially pre-empted by

¹ “Sec.3 A local government that is subject to section 2 of this 2007 Act [197.304] shall complete the inventory, analysis and determination required under ORS 197.296(3) to begin compliance with section 2 of this 2007 Act within two years after the effective date of this 2007 Act [January 1, 2008]”

ORS 197.304(1) which says that “Notwithstanding an intergovernmental agreement . . . or acknowledged comprehensive plan provisions to the contrary,” the cities of Eugene and Springfield shall both:

(a) *establish separate 20-year urban growth boundaries, and*

(b) *demonstrate that their separate boundaries provide sufficient buildable residential lands for the next 20 years as required by ORS 197.296.*

(a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission;

As a preface to this section of the staff report it is useful to provide some context to what is being proposed in this amendment; why the only amendment being sought is a new population forecast for each city and respective urban area; and how this action will establish part of the necessary basis for future significant changes to the *Metro Plan*.

Both cities know they have considerable work ahead of them as they undertake compliance with ORS 197.304. As the Background and Discussion sections in this report have already demonstrated, the new law that is the cause of this work is a significant departure from the laws and agreements that have bound the two cities and county together since the original acknowledgment process and two subsequent periodic reviews. There is no case law that provides guidance or defines nuance; there is no administrative rule that says how you interpret this law; and there is no precedent elsewhere to use as a model for this action. Eugene and Springfield have a single metro-wide UGB; they will soon have separate municipal UGBs. Eugene and Springfield have shared a single metro-wide buildable lands inventory because of the single UGB; they will soon have separate buildable lands inventories contained within their separate UGBs. Eugene and Springfield have shared a single metro-wide population and employment forecast because they've shared a single UGB and single buildable lands inventory; now they must begin this compliance process by adopting separate population forecasts into a comprehensive plan that still recognizes the current single, shared UGB and a single, shared buildable lands inventory.

Will all references to a single population, a single UGB and a single buildable lands inventory be amended in this action? No. The proposed amendment is intended to start a lengthy process of *Metro Plan* amendments involving the creation of separate UGBs and separate inventories.

All of those changes cannot be predicted; they must be based on compliance with the goals. That cannot occur in the absence of the facts necessary to support the changes.

The first step in that process (as explained previously) is adopting a new population forecast; the proposed amendment says we are undertaking this action to achieve timely compliance with the statutory obligations of the law. *Timely compliance* is a reference to the deadline imposed by our statutory obligations but also is meant to convey that we recognize the extent of this obligation and are beginning with the first step.

Inserting the new coordinated forecasts and explanatory text on the first page of the first chapter of the *Metro Plan* provides the proper context for understanding how those forecasts relate to the rest of the *Metro Plan*. What might otherwise be seen as a conflict with different population figures and related findings elsewhere in the Plan is resolved by the explicit requirements of the 2007 statute and by the context and language of the

amendment. In short: The new forecasts implement that statute. They address a new 20-year planning period. The *Metro Plan* will evolve from its pre-HB3337 content and structure in phases as the cities complete their remaining implementation obligations under the new law, based on the new forecasts.

A demonstration of compliance with the state-wide goals for this amendment, if required at all, is primarily related to Goals 1 and 2 as the remaining goals either don't apply within UGBs (3 & 4) or don't apply here in the Willamette Valley (16-19); the other goals are not affected by a population forecast alone, but can have applicability when subsequent actions that rely upon the forecast are proposed. In spite of the indirect nature of the relationship between the proposed amendment and the goals, an explanation was provided explaining why this action was not contrary to the goals.

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

No amendments to acknowledged citizen involvement programs are proposed. The two cities and the county have acknowledged land use codes that are intended to serve as the principal implementing ordinances for the *Metro Plan*. Chapters 12 and 14 of Lane Code prescribe the manner in which a Type I *Metro Plan* amendment must be noticed. Citizen involvement for a Type I *Metro Plan* amendment not related to an urban growth boundary amendment requires: Notice to interested parties; notice to properties and property owners within 300 feet of the proposal if site-specific; notice to neighborhood associations; published notice in a newspaper of general circulation; and notice to the Department of Land Conservation and Development (DLCD) at least 45 days before the initial evidentiary hearing (planning commission).

Notice of the joint planning commission hearing was mailed on August 21, 2009; notice was published in the Register-Guard on August 21, 2009; neighborhood associations were mailed notice on August 21, 2009; notice of the first evidentiary hearing was provided to DLCD on July 16, 2009; notice of this proposal and the joint planning commission hearing was sent to the cities of Florence, Dunes City, Veneta, Junction City, Coburg, Creswell, Lowell, Westfir, Oakridge, and Cottage Grove on August 17, 2009. Another letter was sent to these same cities on September 10, 2009 notifying the elected officials that the joint planning commissions of Eugene, Springfield and Lane County had conducted a public hearing on September 1, 2009 and that the results of that hearing was a unanimous recommendation from the planning commissions supporting the *Metro Plan* text amendment as it appears on the first page of these findings under the heading Nature of the Application. This same letter also included announcement of the joint elected officials hearing on the planning commission recommendation to be conducted on September 22, 2009 at 6:00 p.m. in the Library Meeting Room of Springfield City Hall.

Requirements under Goal 1 are met by adherence to the citizen involvement processes required by the *Metro Plan* and implemented by the Springfield Development Code, Chapter 5, Section 5.14-135, Eugene Code Section 9.7735, and Lane Code Sections 12.025 and 12.240.

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.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Implementation Measures – are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

The current version of the *Metro Plan* was last adopted in 2004 (Springfield (Ordinance No. 6087; Eugene Ordinance No. 20319; and Lane County Ordinance No. 1197) after numerous public meetings, public workshops and joint hearings of the Springfield, Eugene and Lane County Planning Commissions and Elected Officials.

Subsequent to these *Metro Plan* adoption proceedings, the 2007 Oregon Legislature adopted new laws that applied specifically to Eugene and Springfield. ORS 197.304 requires Eugene and Springfield to adopt separate urban growth boundaries based on the jurisdictional responsibilities contained in the *Metro Plan*, make a determination based on the provisions of ORS 197.296 that there are sufficient buildable lands within these UGBs to accommodate projected growth for the next 20 years, and to make this determination by December 31, 2009. In response to this mandate, Eugene and Springfield have undertaken a necessary step in compliance by initiating a post-acknowledgement plan amendment of the *Metro Plan* to establish new population forecasts for each city that will comply with the required planning period of 20 years beginning at the date scheduled for completion of this action by statute (12/31/09), and with the provisions of OAR 660-024-0040 which requires cities to have adopted population forecasts as a prerequisite to establishment of an urban growth boundary.

The *Metro Plan* is the land use or comprehensive plan required by this goal; the Springfield Development Code, the Eugene Code and the Lane Code are the implementation measures required by this goal. Comprehensive plans, as defined by ORS 197.015(5), must be coordinated with affected governmental units. Coordination means that comments from affected governmental units are solicited and considered. The 10 cities in Lane County not participating as decision-makers in this matter received letters explaining the proposal by Eugene, Springfield and Lane County to adopt into the *Metro Plan* the coordinated population forecast prepared by Lane County and adopted into the Lane County Rural Comprehensive Plan on June 17, 2009.

Goal 3 – Agricultural Lands

To preserve and maintain agricultural lands.

The proposed amendment will provide a separate population forecast for Eugene and the metro urban area west of I-5 and a separate population forecast for Springfield and the metro urban area east of I-5 out to the year 2035. No other changes to the *Metro Plan* are included in this proposal. These changes do not affect *Metro Plan* consistency with this goal and in any case, this goal does not apply within adopted, acknowledged urban growth boundaries. (See also OAR 660-024-0020)

Goal 4 – Forest Lands

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

The proposed amendments do not affect *Metro Plan* consistency with this goal and in any case, this goal does not apply within adopted, acknowledged urban growth boundaries. (See also OAR 660-024-0020)

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

The Cities and Lane County have finished all work required under Goal 5 during the most recent Periodic Review (completed in 2007). Population projections alone do not impact land inventories; subsequent analysis of these inventories may proceed with the population figures, but that analysis and subsequent actions must observe applicable goals, statutes and rules. The proposed amendment does not affect acknowledged Goal 5 inventories so this proposal does not create an inconsistency with the goal. (See also OAR 660-023)

Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

This goal is primarily concerned with compliance with federal and state environmental quality statutes, and how this compliance is achieved as development proceeds in relationship to air sheds, river basins and land resources. An adopted population forecast for a new 20-year period has no direct affect on or applicability to this goal. Any actions affecting inventories or land use or development that occur as a result of the population forecast are subject to the applicable goals, statutes and rules at the time those actions are undertaken.

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

The *Metro Plan* and the development ordinances of each city are acknowledged to be in compliance with all applicable statewide land use goals, including Goal 7. Population forecasts adopted into the comprehensive plan do not affect land use, development, or inventories. Subsequent actions based upon these forecasts and that may impact this goal are required to address this applicability during the public review and hearings process. This goal is unaffected by a new or amended population forecast.

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.

Willamalane and the City co-adopted the Park and Recreation Comprehensive Plan in 2004. This plan has a recommended standard of two acres of park land for each 1,000 population. The 2004 plan projects an increase of 25,000 citizens by the end of the adopted 20-year planning horizon (2022).² Willamalane is a special service taxing district with the authorization to purchase, develop and maintain park facilities, but it has no authority or obligation for Goal 8 compliance; that responsibility lies with the City of Springfield after coordinating with the Park District. The *Metro Plan* has a horizon of 2015 therefore Willamalane's standard of two acres per 1,000 residents is a valid standard to the year 2015; anything beyond 2015 is not applicable to the *Metro Plan* even though Willamalane's plan extends to 2022. In the event Springfield adopts a new population forecast that extends the planning period to 2030 or later and there are subsequent impacts on the buildable lands inventories, the City will coordinate with Willamalane throughout these actions to maintain Goal 8 compliance through the new planning period of 2030.

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.

ORS 197.304 does not require an analysis of commercial and industrial lands inventories; the ORS 197.296 determination applies only to residential inventories; and OAR 660-024-0040 allows a local government to review and amend the UGB "in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need)." (OAR 660-024-0040(3)). The cities have chosen to expand the inventory analysis to include commercial and industrial land, both of which rely upon the same population forecast required by OAR 660-024-0040(1). The adoption of the population forecast does not directly affect this goal; however, the activities subsequent to the adoption of the population forecast will rely on this forecast as a basis for actions pursuant to the applicable goals. Adopting a new population forecast consistent with ORS 195.036 is consistent with the provisions of OAR 660-024-0040 and OAR 660-009 Economic Development.

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

The cities are required by ORS 197.304 to undertake an ORS 197.296 determination within two years of the effective date of the Act. The ORS 197.296 determination involves the inventory, supply and demand analysis of residential land use needs for the forecast population of the 20-year planning period; this determination cannot occur without a population forecast.

Adopting this new population forecast is also consistent with the requirements of OAR 660-008 Interpretation of Goal 10 Housing and OAR 660-0024 Urban Growth Boundaries because, once again, the population forecast

² Page A-4, Willamalane Park and Recreation Comprehensive Plan

must be adopted into the comprehensive plan before the residential lands determination can be confirmed and adopted into the comprehensive plan.

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 population forecast does not directly affect the public facilities plan until the buildable lands inventories necessary to support that forecast are adjusted. The location and/or density increases that will occur to support the new forecasts must be provided with adequate levels of urban services. In the event Springfield adopts new inventories or makes adjustments to permitted densities causing greater demand for public infrastructure, the City will evaluate these services and where necessary, propose additional *Metro Plan* amendments in compliance with this goal.

Goal 12 - Transportation

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

The transportation system plan is similar to the public facilities and services plan in that the transportation system is designed to accommodate future growth at densities prescribed in the plan's policies. Land development cannot occur in the absence of infrastructure and that includes transportation; but neither the goal nor the OARs require an analysis of this service before changes are proposed to the inventories,³ even though those inventory changes cannot occur without the population forecast. The obligation in 197.304 to adopt new population forecasts before the inventory analysis is completed is consistent with the purpose and timing of transportation analysis required by Goal 12; OAR 660-12 Transportation and OAR 660-024 Urban Growth Boundaries.

Goal 13 – Energy Conservation

To conserve energy.

3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.

There are no requirements in the rule or statute that require the energy element of the plan to be amended to correspond with the new population forecast. Any subsequent changes to land use designations, including adjustments to the UGB must comply with the applicable provisions of this goal and interpretive rules.

Goal 14 – Urbanization

³ In fact, the transportation planning rule requirements in OAR 660-012-0060 requiring an impact analysis on transportation systems as a result of UGB amendments "need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary." (OAR 660-024-0020(1) (d)).

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

A new population forecast does not affect the existing UGB but the establishment of, or change to a UGB cannot be undertaken unless there is an adopted population forecast for the 20-year period upon which the buildable lands inventories are based. Since this determination, and hence the application of Goal 14, cannot occur without the population forecast, the cities must adopt a new population forecast to comply with the provisions of ORS 197.296 and ORS 197.304, the latter of which extends the planning horizon for Eugene and Springfield to 2029. The proposed amendment to Page I-1 is consistent with these statutes and with OAR 660-024, the rule interpreting Goal 14.

The preparation of the Lane County coordinated population forecast was undertaken in accordance with the guidelines and standards of Oregon Administrative Rule 660-024-0030(1 & 2) and with ORS 197.610 to 197.650 as evidenced in the findings adopted by the Lane County Board of Commissioners on June 17, 2009 in support of Ordinance PA 1255 In the Matter of Amending the Lane County Rural Comprehensive Plan (RCP) to Include a Coordinated Population Forecast for Lane County and Each Urban Area within the County. The cities of Eugene and Springfield are completing the requirements of the law regarding population forecasts by adopting the County's coordinated population forecast into the applicable comprehensive plan (*Metro Plan*).

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.

A population forecast has no direct affect on the implementation or continued compliance with Goal 15 as there is no direct affect on land use designations, densities or development standards as a result of a new population forecast. In the event that actions by the governing bodies subsequent to adoption of a new population forecast results in changes to designations, development standards or densities, those changes must be evaluated against all applicable goals, statutes and rules. Such evaluations will include Goal 15.

Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, and Goal 19 Ocean Resources

These goals do not apply to the Eugene-Springfield Metropolitan Area.

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

The proposed population forecasts are necessary to comply with the new laws adopted by the 2007 Oregon legislature. These new laws effectively pre-empt certain provisions of the *Metro Plan* that might otherwise appear to stand in contradiction to new and separate population forecasts for each city and respective metro urban area:

“Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has

a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County.” (ORS 197.304(1))

The adopted UGB population forecast of 286,000 and the adopted planning horizon of 2015 are found in various chapters throughout the text of the *Metro Plan*, *TransPlan* and the *Public Facilities and Services Plan*. This figure and planning horizon date are the result of actions that took place during the 13 years between 1994 and 2007 when Eugene, Springfield and Lane County were complying with the requirements of periodic review of the *Metro Plan*. The cities must now complete a new set of state-mandated tasks that will result in a number of amendments to the *Metro Plan*, including new, separate UGBs; new, separate buildable lands inventories; new, separate population forecasts; and a new 20-year planning horizon.

The cities are proceeding with the new population forecast first because the inventories and UGBs must be based on an adopted population forecast (OAR 660-024-0040); neither City has ever had a separate population forecast that matched its municipal authority (city limits and future city limits as represented in the urban transition area). It is not necessary to replace all existing references to the 286,000 population forecast or the 2015 horizon because the proposed amendment references the preemptive language of ORS 197.304 and because the conversion of the *Metro Plan* to bring it into compliance with the new law will occur over time as work progress (UGBs, inventories, planning horizons, etc.). Existing *Metro Plan* policies do not foresee the obligations of this new law therefore there are no policies or sections of policies responsive to the changes that must be made to the text of the *Metro Plan*. See also the preface to Goals compliance on pages 5 and 6 of this report.

- Attachments -

1. Copy of Notice of Proposed Amendment sent to Department of Land Conservation and Development on July 16, 2009 specifying the cities of Eugene and Springfield and Lane County were proposing separate population forecasts for each city and urban transition area to be adopted into the *Metro Plan*
2. August 17, 2009 letter to the Mayors and Administrators of the ten incorporated cities in Lane County and known interested parties, from the Eugene, Springfield and Lane County planning directors advising that Eugene, Springfield and Lane County were proposing to adopt the County's new, separate population forecasts for each city into the *Metro Plan*. The initial public hearing on the matter was scheduled for the planning commissions of Eugene, Springfield and Lane County on September 1, 2009 in the Springfield City Hall. The joint elected officials would conduct a subsequent public hearing on September 22, 2009 also in Springfield City Hall.
3. Draft Minutes of the Joint Planning Commission hearing of September 1, 2009
4. September 10, 2009 letter to Mayors and Administrators of the ten incorporated cities in Lane County and known interested parties, from the Springfield Planning Manager on behalf of the Eugene and Lane County Planning Directors, advising of the action taken by the joint planning commissions on September 1, 2009 and notification of the joint elected officials hearing on September 22, 2009 at 6:00 p.m. in the Springfield City Hall.

Staff report and findings of compliance with the *Metro Plan* and Statewide Goals, Oregon Revised Statutes and Oregon Administrative Rules for proposed Metro Plan Amendment adopting Lane County’s coordinated population forecasts for Eugene and Springfield

Applicant -

The Cities of Eugene and Springfield and Lane County

File LRP 2009-00006: Amendments to the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) to provide Eugene and Springfield with separate, new 20-year population forecasts.

Nature of the Application -

The applicants propose to amend the *Metro Plan* by adding the following text as the third paragraph of Chapter I, Introduction Purpose Section on Page I-1:

“In order to achieve timely compliance with their statutory obligations under 2007 Or Laws Chapter 650, the Cities of Eugene and Springfield adopt the following forecasts for their respective jurisdictional areas:

	2030	2031	2032	2033	2034	2035
Eugene – City Only	194,314	195,964	197,614	199,264	200,914	202,565
Metro Urban Area West of I-5	17,469	17,274	17,079	16,884	16,689	16,494
Total	<u>211,783</u>	<u>213,238</u>	<u>214,693</u>	<u>216,148</u>	<u>217,603</u>	<u>219,059</u>
Springfield – City Only	74,814	75,534	76,254	76,974	77,693	78,413
Metro Urban Area East of I-5	6,794	6,718	6,642	6,567	6,491	6,415
Total	<u>81,608</u>	<u>82,252</u>	<u>82,896</u>	<u>83,541</u>	<u>84,184</u>	<u>84,828</u>

These figures effectively provide coordinated projections for each city’s urban growth area for years ending 2030 through 2035, enabling them to meet state requirements concerning the beginning and ending years of the 20-year planning period.”

Background

The 2007 Oregon legislature adopted HB3337 by amending ORS 197 to add ORS 197.304(1)(a)&(b),(2) and (3). The provisions of this law require Eugene and Springfield, separately from any other city in Lane County, to perform the following:

- (a) *Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and*

(b) Demonstrate, as required by ORS 197.296 that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

In addition to the two actions described above, the statute also requires the demonstration in (b) to be completed by December 31, 2009.¹

In order for the cities to comply with this statutory provision, a new population forecast for each city for the next 20 years needs to be prepared and adopted into the comprehensive plan (*Metro Plan*), or in “a document included in the plan by reference,” such as an inventory, functional plan, or other refinement plan. (NOTE: A city may choose to adopt its forecast into a separate plan document specific to its jurisdictional area as well as into the main plan text.)

LCDC’s Urbanization Goal, also known as Goal 14, was amended in 2006 to require that Urban Growth Boundaries be consistent with a “20-year forecast.” LCDC’s interpretive rules flesh this requirement out. OAR 660-024-0040 provides as follows:

(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, [or in ORS 197.036] and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.

(4) The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goal 10, OAR 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.

Metro Plan Amendment Criteria

The proposed amendment is a non-site specific amendment of the Plan text. Therefore it is classified as Type I *Metro Plan* amendment that requires participation and adoption by all three governing bodies. Springfield, Eugene and Lane County adopted identical *Metro Plan* amendment criteria into their respective implementing ordinances and codes. Springfield Development Code (SDC) Chapter 5, Section 5.14-135(C) (1 & 2), Eugene Code 9.7730(3), and Lane Code 12.225(2) (a & b) include criteria of approval that require that the amendment be consistent with relevant statewide planning goals and that the amendment not make the *Metro Plan* internally inconsistent.

These additional potential criteria and the staff responses fill the remaining pages of this report; however, all of the following findings are made subject to the reservation that they may be wholly or partially pre-empted by

¹ “Sec.3 A local government that is subject to section 2 of this 2007 Act [197.304] shall complete the inventory, analysis and determination required under ORS 197.296(3) to begin compliance with section 2 of this 2007 Act within two years after the effective date of this 2007 Act [January 1, 2008]”

ORS 197.304(1) which says that “Notwithstanding an intergovernmental agreement . . . or acknowledged comprehensive plan provisions to the contrary,” the cities of Eugene and Springfield shall both:

(a) *establish separate 20-year urban growth boundaries, and*

(b) *demonstrate that their separate boundaries provide sufficient buildable residential lands for the next 20 years as required by ORS 197.296.*

(a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission;

As a preface to this section of the staff report it is useful to provide some context to what is being proposed in this amendment; why the only amendment being sought is a new population forecast for each city; and how this action will establish part of the necessary basis for future significant changes to the *Metro Plan*.

Both cities know they have considerable work ahead of them as they undertake compliance with ORS 197.304. As the Background and Discussion sections in this report have already demonstrated, the new law that is the cause of this work is a significant departure from the laws and agreements that have bound the two cities and county together since the original acknowledgment process and two subsequent periodic reviews. There is no case law that provides guidance or defines nuance; there is no administrative rule that says how you interpret this law; and there is no precedent elsewhere to use as a model for this action. Eugene and Springfield have a single metro-wide UGB; they will soon have separate municipal UGBs. Eugene and Springfield have shared a single metro-wide buildable lands inventory because of the single UGB; they will soon have separate buildable lands inventories contained within their separate UGBs. Eugene and Springfield have shared a single metro-wide population and employment forecast because they've shared a single UGB and single buildable lands inventory; now they must begin this compliance process by adopting separate population forecasts into a comprehensive plan that still recognizes the current single, shared UGB and a single, shared buildable lands inventory.

Will all references to a single population, a single UGB and a single buildable lands inventory be amended in this action? No. The proposed amendment is intended to start a lengthy process of *Metro Plan* amendments involving the creation of separate UGBs and separate inventories.

All of those changes cannot be predicted; they must be based on compliance with the goals. That cannot occur in the absence of the facts necessary to support the changes.

The first step in that process (as explained previously) is adopting a new population forecast; the proposed amendment says we are undertaking this action to achieve timely compliance with the statutory obligations of the law. *Timely compliance* is a reference to the deadline imposed by our statutory obligations but also is meant to convey that we recognize the extent of this obligation and are beginning with the first step.

Inserting the new coordinated forecasts and explanatory text on the first page on the first page of the first chapter of the *Metro Plan* provides the proper context for understanding how it relates to the rest of the *Metro Plan*. What might otherwise be seen as a conflict with different population figures and related findings elsewhere in the Plan is resolved by the explicit requirements of the 2007 statute and by the context and language of the amendment. In short: The new forecasts implement that statute. They address a new 20-year

planning period. The *Metro Plan* will evolve from its pre-HB3337 content and structure in phases as the cities complete their remaining implementation obligations under the new law, based on the new forecasts.

A demonstration of compliance with the state-wide goals for this amendment, if required at all, is primarily related to Goals 1 and 2 as the remaining goals either don't apply within UGBs (3 & 4) or don't apply here in the Willamette Valley (16-19); the other goals are not affected by a population forecast alone, but can have applicability when subsequent actions that rely upon the forecast are proposed. In spite of the indirect nature of the relationship between the proposed amendment and the goals, an explanation was provided explaining why this action was not contrary to the goals.

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

No amendments to acknowledged citizen involvement programs are proposed. The two cities and the county have acknowledged land use codes that are intended to serve as the principal implementing ordinances for the *Metro Plan*. Chapter 5 of the SDC, *Metro Plan* Amendments; Public Hearings, prescribes the manner in which a Type I *Metro Plan* amendment must be noticed. Citizen involvement for a Type I *Metro Plan* amendment not related to an urban growth boundary amendment requires: Notice to interested parties; notice to properties and property owners within 300 feet of the proposal if site-specific; notice to neighborhood associations; published notice in a newspaper of general circulation; and notice to the Department of Land Conservation and Development (DLCDC) at least 45 days before the initial evidentiary hearing (planning commission).

Notice of the joint planning commission hearing was mailed on August 21, 2009; notice was published in the Register-Guard on August 21, 2009; neighborhood associations were mailed notice on August 21, 2009; notice of the first evidentiary hearing was provided to DLCDC on July 16, 2009; notice of this proposal and the joint planning commission hearing was sent to the cities of Florence, Dunes City, Veneta, Junction City, Coburg, Creswell, Lowell, West Fir, Oakridge, and Cottage Grove on August 17, 2009. Another letter was sent to these same cities on September 10, 2009 notifying the elected officials that the joint planning commissions of Eugene, Springfield and Lane County had conducted a public hearing on September 1, 2009 and that the results of that hearing was a unanimous recommendation from the planning commissions supporting the *Metro Plan* text amendment as it appears on the first page of these findings under the heading Nature of the Application. This same letter also included announcement of the joint elected officials hearing on the planning commission recommendation to be conducted on September 22, 2009 at 6:00 p.m. in the Library Meeting Room of Springfield City Hall.

Requirements under Goal 1 are met by adherence to the citizen involvement processes required by the *Metro Plan* and implemented by the Springfield Development Code, Chapter 5, Section 5.14-135, Eugene Code Section 9.7735, and Lane Code Sections 12.025 and 12.240.

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.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Implementation Measures – are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

The current version of the *Metro Plan* was last adopted in 2004 (Springfield (Ordinance No. 6087; Eugene Ordinance No. 20319; and Lane County Ordinance No. 1197) after numerous public meetings, public workshops and joint hearings of the Springfield, Eugene and Lane County Planning Commissions and Elected Officials.

Subsequent to these *Metro Plan* adoption proceedings, the 2007 Oregon Legislature adopted new laws that applied specifically to Eugene, Springfield and Lane County. ORS 197.304 requires Eugene and Springfield to adopt separate urban growth boundaries based on the jurisdictional responsibilities contained in the *Metro Plan*, make a determination based on the provisions of ORS 197.296 that there are sufficient buildable lands within these UGBs to accommodate projected growth for the next 20 years, and to make this determination by December 31, 2009. In response to this mandate, Eugene and Springfield have undertaken a necessary step in compliance by initiating a post-acknowledgement plan amendment of the *Metro Plan* to establish new population forecasts for each city that will comply with the required planning period of 20 years beginning at the date scheduled for completion of this action by statute (12/31/09), and with the provisions of OAR 660-024-0040 which requires cities to have adopted population forecasts as a prerequisite to establishment of an urban growth boundary.

The *Metro Plan* is the land use or comprehensive plan required by this goal; the Springfield Development Code, the Eugene Code and the Lane Code are the implementation measures required by this goal. Comprehensive plans, as defined by ORS 197.015(5), must be coordinated with affected governmental units. Coordination means that comments from affected governmental units are solicited and considered. The 10 cities in Lane County not participating as decision-makers in this matter received letters explaining the proposal by Eugene, Springfield and Lane County to adopt into the *Metro Plan* the coordinated population forecast prepared by Lane County and adopted into the Lane County Rural Comprehensive Plan on June 17, 2009.

Goal 3 – Agricultural Lands

To preserve and maintain agricultural lands.

The proposed amendment will provide a separate population forecast for Eugene and a separate population forecast for Springfield out to the year 2035. No other changes to the *Metro Plan* are included in this proposal. These changes do not affect *Metro Plan* consistency with this goal and in any case, this goal does not apply within adopted, acknowledged urban growth boundaries. (See also OAR 660-024-0020)

Goal 4 – Forest Lands

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

The proposed amendments do not affect *Metro Plan* consistency with this goal and in any case, this goal does not apply within adopted, acknowledged urban growth boundaries. (See also OAR 660-024-0020)

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

The Cities have finished all work required under Goal 5 during the most recent Periodic Review (completed in 2007). Population projections alone do not impact land inventories; subsequent analysis of these inventories may proceed with the population figures, but that analysis and subsequent actions must observe applicable goals, statutes and rules. The proposed amendment does not affect acknowledged Goal 5 inventories so this proposal does not create an inconsistency with the goal. (See also OAR 660-023)

Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

This goal is primarily concerned with compliance with federal and state environmental quality statutes, and how this compliance is achieved as development proceeds in relationship to air sheds, river basins and land resources. An adopted population forecast for a new 20-year period has no direct affect on or applicability to this goal. Any actions affecting inventories or land use or development that occur as a result of the population forecast are subject to the applicable goals, statutes and rules at the time those actions are undertaken.

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

The *Metro Plan* and the development ordinances of each city are acknowledged to be in compliance with all applicable statewide land use goals, including Goal 7. Population forecasts adopted into the comprehensive plan do not affect land use, development, or inventories. Subsequent actions based upon these forecasts and

that may impact this goal are required to address this applicability during the public review and hearings process. This goal is unaffected by a new or amended population forecast.

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.

Willamalane and the City co-adopted the Park and Recreation Comprehensive Plan in 2004. This plan has a recommended standard of two acres of park land for each 1,000 population. The 2004 plan projects an increase of 25,000 citizens by the end of the adopted 20-year planning horizon (2022).² Willamalane is a special service taxing district with the authorization to purchase, develop and maintain park facilities, but it has no authority or obligation for Goal 8 compliance; that responsibility lies with the City of Springfield after coordinating with the Park District. The *Metro Plan* has a horizon of 2015 therefore Willamalane's standard of two acres per 1,000 residents is a valid standard to the year 2015; anything beyond 2015 is not applicable to the *Metro Plan* even though Willamalane's plan extends to 2022. In the event Springfield adopts a new population forecast that extends the planning period to 2030 or later and there are subsequent impacts on the buildable lands inventories, the City will coordinate with Willamalane throughout these actions to maintain Goal 8 compliance through the new planning period of 2030.

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.

ORS 197.304 does not require an analysis of commercial and industrial lands inventories; the ORS 197.296 determination applies only to residential inventories; and OAR 660-024-0040 allows a local government to review and amend the UGB "in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need)." (OAR 660-024-0040(3)). The cities have chosen to expand the inventory analysis to include commercial and industrial land, both of which rely upon the same population forecast required by OAR 660-024-0040(1). The adoption of the population forecast does not directly affect this goal; however, the activities subsequent to the adoption of the population forecast will rely on this forecast as a basis for actions pursuant to the applicable goals. Adopting a new population forecast consistent with ORS 195.036 is consistent with the provisions of OAR 660-024-0040 and OAR 660-009 Economic Development.

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

The cities are required by ORS 197.304 to undertake an ORS 197.296 determination within two years of the effective date of the Act. The ORS 197.296 determination involves the inventory, supply and demand analysis of residential land use needs for the forecast population of the 20-year planning period; this determination cannot occur without a population forecast.

² Page A-4, Willamalane Park and Recreation Comprehensive Plan

Adopting this new population forecast is also consistent with the requirements of OAR 660-008 Interpretation of Goal 10 Housing and OAR 660-0024 Urban Growth Boundaries because, once again, the population forecast must be adopted into the comprehensive plan before the residential lands determination can be confirmed and adopted into the comprehensive plan.

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 population forecast does not directly affect the public facilities plan until the buildable lands inventories necessary to support that forecast are adjusted. The location and/or density increases that will occur to support the new forecasts must be provided with adequate levels of urban services. In the event Springfield adopts new inventories or makes adjustments to permitted densities causing greater demand for public infrastructure, the City will evaluate these services and where necessary, propose additional *Metro Plan* amendments in compliance with this goal.

Goal 12 - Transportation

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

The transportation system plan is similar to the public facilities and services plan in that the transportation system is designed to accommodate future growth at densities prescribed in the plan's policies. Land development cannot occur in the absence of infrastructure and that includes transportation; but neither the goal nor the OARs require an analysis of this service before changes are proposed to the inventories,³ even though those inventory changes cannot occur without the population forecast. The obligation in 197.304 to adopt new population forecasts before the inventory analysis is completed is consistent with the purpose and timing of transportation analysis required by Goal 12; OAR 660-12 Transportation and OAR 660-024 Urban Growth Boundaries.

Goal 13 – Energy Conservation

To conserve energy.

3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.

There are no requirements in the rule or statute that require the energy element of the plan to be amended to correspond with the new population forecast. Any subsequent changes to land use designations, including adjustments to the UGB must comply with the applicable provisions of this goal and interpretive rules.

³ In fact, the transportation planning rule requirements in OAR 660-012-0060 requiring an impact analysis on transportation systems as a result of UGB amendments “need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.” (OAR 660-024-0020(1) (d)).

Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

A new population forecast does not affect the existing UGB but the establishment of, or change to a UGB cannot be undertaken unless there is an adopted population forecast for the 20-year period upon which the buildable lands inventories are based. Since this determination, and hence the application of Goal 14, cannot occur without the population forecast, the cities must adopt a new population forecast to comply with the provisions of ORS 197.296 and ORS 197.304, the latter of which extends the planning horizon for Eugene and Springfield to 2029. The proposed amendment to Page I-1 is consistent with these statutes and with OAR 660-024, the rule interpreting Goal 14.

The preparation of the Lane County coordinated population forecast was undertaken in accordance with the guidelines and standards of Oregon Administrative Rule 660-024-0030(1 & 2) and with ORS 197.610 to 197.650 as evidenced in the findings adopted by the Lane County Board of Commissioners on June 17, 2009 in support of Ordinance PA 1255 In the Matter of Amending the Lane County Rural Comprehensive Plan (RCP) to Include a Coordinated Population Forecast for Lane County and Each Urban Area within the County (Attachment 5). The cities of Eugene and Springfield are completing the requirements of the law regarding population forecasts by adopting the County's coordinated population forecast into the comprehensive plan (*Metro Plan*).

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.

A population forecast has no direct affect on the implementation or continued compliance with Goal 15 as there is no direct affect on land use designations, densities or development standards as a result of a new population forecast. In the event that actions by the governing bodies subsequent to adoption of a new population forecast results in changes to designations, development standards or densities, those changes must be evaluated against all applicable goals, statutes and rules. Such evaluations will include Goal 15.

Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, and Goal 19 Ocean Resources

These goals do not apply to the Eugene-Springfield Metropolitan Area.

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

The proposed population forecasts are necessary to comply with the new laws adopted by the 2007 Oregon legislature. These new laws effectively pre-empt certain provisions of the *Metro Plan* that might otherwise appear to stand in contradiction to new and separate population forecasts for each city:

“Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County.” (ORS 197.304(1))

The adopted UGB population forecast of 286,000 and the adopted planning horizon of 2015 are found in various chapters throughout the text of the *Metro Plan*, *TransPlan* and the *Public Facilities and Services Plan*. This figure and planning horizon date are the result of actions that took place during the 13 years between 1994 and 2007 when Eugene, Springfield and Lane County were complying with the requirements of periodic review of the *Metro Plan*. The cities must now complete a new set of state-mandated tasks that will result in a number of amendments to the *Metro Plan*, including new, separate UGBs; new, separate buildable lands inventories; new, separate population forecasts; and a new 20-year planning horizon.

The cities are proceeding with the new population forecast first because the inventories and UGBs must be based on an adopted population forecast (OAR 660-024-0040); neither City has ever had a separate population forecast that matched its municipal authority (city limits and future city limits as represented in the urban transition area). It is not necessary to replace all existing references to the 286,000 population forecast or the 2015 horizon because the proposed amendment references the preemptive language of ORS 197.304 and because the conversion of the *Metro Plan* to bring it into compliance with the new law will occur over time as work progress (UGBs, inventories, planning horizons, etc.). Existing *Metro Plan* policies do not foresee the obligations of this new law therefore there are no policies or sections of policies responsive to the changes that must be made to the text of the *Metro Plan*. See also the preface to Goals compliance on pages 5 and 6 of this report.

- Attachments -

1. Copy of Notice of Proposed Amendment sent to Department of Land Conservation and Development on July 16, 2009 specifying the cities of Eugene and Springfield and Lane County were proposing separate population forecasts for each city and urban transition area to be adopted into the *Metro Plan*
2. August 17, 2009 letter to the Mayors and Administrators of the ten incorporated cities in Lane County, and an August 18, 2009 letter to known interested parties, from the Eugene, Springfield and Lane County planning directors advising that Eugene, Springfield and Lane County were proposing to adopt the County's new, separate population forecasts for each city into the *Metro Plan*. The initial public hearing on the matter was scheduled for the planning commissions of Eugene, Springfield and Lane County on September 1, 2009 in the Springfield City Hall. The joint elected officials would conduct a subsequent public hearing on September 22, 2009 also in Springfield City Hall.
3. Draft Minutes of the Joint Planning Commission hearing of September 1, 2009
4. September 10, 2009 letter to Mayors and Administrators of the ten incorporated cities in Lane County and known interested parties, from the Springfield Planning Manager on behalf of the Eugene and Lane County Planning Directors, advising of the action taken by the joint planning commissions on September 1, 2009 and notification of the joint elected officials hearing on September 22, 2009 at 6:00 p.m. in the Springfield City Hall.

5. Lane County Agenda Item Memo (May 18, 2009); Ordinance No. PA 1255; Lane County Rural Comprehensive Plan General Policies 1984, updated June 2009; Findings in Support of Ordinance No. PA 1255; and cover page and link to Population Forecasts for Lane County, its Cities and Unincorporated Area 2008-2035, May 2009.