

Lane County Planning Commission Briefing Memo



November 29, 2022 (Date of Memo)
December 6, 2022 (Date of Joint Public Hearing)

TO: Lane County Planning Commission
PRESENTED BY: Lindsey Eichner, Principal Planner
Rebecca Gershow, Senior Planner, Project Manager, City of Eugene
AGENDA ITEM TITLE: Deliberations: Proposed Eugene Urban Reserves Adoption Package

I. AGENDA ITEM SUMMARY

Lane County Planning Commission will deliberate and make a recommendation to the Board of County Commissioners on the proposal to establish urban reserves for the City of Eugene which includes amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan), Lane County Rural Comprehensive Plan, Envision Eugene Comprehensive Plan, and the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan.

II. BACKGROUND

Staff first brought this project to the Lane County Planning Commission (LCPC) on May 15, 2018. Since the project kickoff, staff have come before the LCPC six times to present on updates and request feedback (May 15, 2018, June 5, 2018, May 21, 2019, August 4, 2020, August 18, 2020, June 15, 2021, October 4, 2022, and October 18, 2022). All of the materials and meeting recordings are published to our website: www.lanecounty.org/LCPC

III. ACTION

A. Alternatives

1. Forward a recommendation to the Board of Commissioners to adopt the proposed amendments with staff proposed revisions; or
2. Forward a recommendation that the Board adopt the proposed amendments with revisions (state revisions); or
3. Direct staff to revise the proposed amendments and return to the Planning Commission for recommendation to the Board of Commissioners.

B. Recommendation

Staff recommends alternative 1.

C. Next Steps

Each Planning Commission will hold its own deliberation meetings and form separate recommendations to their respective elected bodies. Should the Planning Commission choose Alternative 3, staff will revise the proposed amendments as directed and return for another meeting.

Once both planning commissions have made a recommendation, staff will take the adoption package and the recommendations to the Board of Commissioners and Eugene City Council in early 2023.

IV. ATTACHMENTS

1. City of Eugene's Agenda Item Summary, dated December 6, 2022

FOR MORE INFORMATION

Staff Contact: Lindsey Eichner, Principal Planner

Telephone: 541-682-3998

Email: Lindsey.eichner@lanecountyor.gov

Web: Project page: <https://www.eugene-or.gov/Urban-Reserves>

AGENDA ITEM SUMMARY
December 6, 2022

To: Lane County Planning Commissions

From: Rebecca Gershow, City of Eugene Planning Division

Subject: Deliberations/Recommendation: Eugene Urban Reserves Adoption
City Files MA 22-1, ECA 22-1, RA 22-1 & County File 509-PA22-05580

ACTION REQUESTED

At this meeting, the Lane County Planning Commission will be deliberating and considering making a recommendation to the Lane County Board of Commissioners regarding a proposal to establish urban reserves for the City of Eugene. The proposed adoption package includes amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan), Lane County Rural Comprehensive Plan, Envision Eugene Comprehensive Plan, and the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan.

BACKGROUND

Oregon's land use laws are designed to ensure that Oregon's resource lands are not lost to market-based urban sprawl. This is accomplished through state laws and rules that ensure all land outside of cities' urban growth boundaries remain in rural (mostly farm and forest) use that is governed by county plans and codes, and that cities and counties plan ahead for future population growth by identifying the most appropriate places for each city's urban growth to occur over a long period of time. "Urban Reserves" is a special status, allowed by state law, to be assigned to lands outside the urban growth boundary (UGB) that can be considered as a first priority for a city's expansion if and when the city needs to expand its UGB for a growing population. The goal of Eugene's urban reserve planning is to identify an appropriate supply of land for possible expansion, so that Eugene and Lane County are prepared to address Eugene's growth in a way that meets the community's needs when the time is right.

The City and County most recently established Eugene's UGB in 2018, with enough land to meet housing, employment, school and park needs through 2032. As part of this process, the Lane County Board of Commissioners and the Eugene City Council committed to undertake urban reserves planning, so that when a UGB expansion is needed, urban reserves would be in place. Oregon law allows cities and counties to establish urban reserves to provide more ease and certainty when UGB expansions are needed. Like other land outside of a UGB, lands within urban reserves remain in their rural use, and cannot be urbanized, until the County and City include them in Eugene's UGB. Even when a city and county have established urban reserves, expansion of the city's UGB is governed by detailed state law; it includes first looking at growth monitoring results to determine if there is a need to expand, then considering efficiency measures (such as changes to land use regulations or the addition of development incentives) to grow more efficiently inside the current boundary, before expansion can be considered.

The process for adopting urban reserves allows for a range of possible reserve sizes, to meet the needs for between 10 and 30 years of population growth beyond Eugene's UGB. Based on direction from the Eugene City Council and the Lane County Board of Commissioners in November 2020, after receiving Eugene and Lane County Planning Commission recommendations, the proposed Eugene urban reserves include enough land to meet projected needs of 27 years of growth beyond 2032.

Collectively, staff has met with the Eugene and Lane County Planning Commissions, City Council and Board of Commissioners 25 times since urban reserves planning began. Other project partners include the Envision Eugene Technical Advisory Committee (EETAC), who reviewed the project's technical analysis at 18 meetings, and a diverse list of interested parties. Residents of rural Lane County who may be affected by this proposal have been involved throughout the process. The project's public engagement has included:

- Project [web page](#)
- Monthly e-newsletter
- Five in-person public meetings primarily for study area residents and property owners
- A month-long virtual open house with over 1,500 visitors
- Four rounds of postcards mailed to all residents and property owners within the Urban Reserves study area
- Emails to project interested parties providing updates at various times over the project phases
- Three interactive GIS story maps
- Mailed notice of the Joint Planning Commission Public Hearing to almost 4,000 households

URBAN RESERVES PROPOSAL/ADOPTION PACKAGE

The land proposed as Eugene urban reserves (as provided to the Planning Commissions in advance of the joint public hearing on October 18, 2022) is shown on **Attachment A**. The **components of the Urban Reserves adoption package** are attached to this memo by links in **Attachment B** and include:

- Draft City of Eugene **Ordinance** establishing urban reserves for the City of Eugene (*for Lane County's reference only*)
- Draft Lane County **Ordinance** establishing urban reserves for the City of Eugene (*to be adopted by Lane County only*)
- **Plan Amendments** related to establishment of Eugene urban reserves and regulation of land within Eugene urban reserves until it is brought into Eugene's urban growth boundary:
 - Eugene-Springfield Metropolitan Area Plan Amendments
 - Lane County Rural Comprehensive Plan Amendments (*to be adopted by Lane County only*)
 - Eugene-Springfield Metropolitan Area Public Facilities and Services Plan Amendments
 - Envision Eugene Comprehensive Plan Amendments
- **Intergovernmental Agreements** regarding coordinated planning between Lane County, City of Eugene and service providers within the proposed urban reserves
- **Legal Findings** in support of the establishment of Eugene urban reserves, including the following:
 - Eugene Urban Reserves **Public Engagement Summary**

- Eugene Urban Reserves **Study**, which documents the analysis of land for inclusion in Eugene Urban Reserves based on the steps required by State statute and rules, and includes the following attachments:
 - Eugene Urban Reserves **Suitability Analysis Subarea Reports** (18 reports)
 - Eugene Urban Reserves **Serviceability Analysis Report**
- Eugene Urban Reserves **Technical Memo**, which describes the assumptions and methodology behind the technical analysis and how this work informs the land selected for Eugene urban reserves; it includes the following attachments:
 - Eugene Urban Reserves **Land Need Model**
 - Eugene Urban Reserves **Map Documentation of Undevelopable Land**
- List of Tax Lots Within the Eugene Urban Reserves

PUBLIC NOTICE AND PUBLIC INPUT SUMMARY

On September 13, 2022, the County and City sent the Department of Land Conservation Development formal notice of the Planning Commissions’ hearing on the proposed urban reserves. Following, on September 16, 2022, a Notice of the Joint Planning Commission Public Hearing was mailed to almost 4,000 owners or residents of property within or partially within the proposed urban reserves, nearby the proposed urban reserves, within the initial study area, and other interested parties.

In response, 43 members of the public contacted the City; of those, 18 people had questions for staff and 25 people provided input (testimony) to the Eugene and Lane County Planning Commissions. Five of those providing testimony did so verbally at the public hearing on October 18, 2022.

About half of the input received was from residents or property owners within the proposed urban reserves. Most of the input received can generally be characterized as not supportive of urban reserves, concerned about potential impacts of urban reserves or questioning the analysis. Several property owners do not want their property included in urban reserves and one property owner wants their property included in urban reserves. The Department of Land, Conservation and Development (DLCD) submitted a letter of support for the project.

Both Planning Commissions have already received two batches of written testimony. The third batch of written testimony in response to the public notice, received through Tuesday October 25, 2022 at 5:00 pm, is included as **Attachment C** to this memo. As discussed at the Planning Commission’s public hearing, all testimony in these first three batches will be forwarded to the Lane County Board and Eugene City Council for their consideration along with all testimony submitted after 5:00 pm on October 25, 2022.

Some of the testimony in the first three batches has caused City and County staff to recommend revisions to the adoption package. Those revisions are captured in the section below entitled “Staff Recommendation,” and in **Attachment D**, “Staff Response to Public Testimony and Planning Commission Questions.” Additionally, to help answer questions and clarify information related to urban reserves, staff have included a Property Owner Matrix (**Attachment E**) and updated Property Owner FAQs (**Attachment F**).

PROCEDURAL SUMMARY AND PLANNING COMMISSION ROLE

The process being followed for the City's and County's formal consideration of this legislative proposal meets or exceeds all the City and County procedural requirements for adoption of an amendment to the Lane County Rural Comprehensive Plan, a Type II Metro Plan amendment and Public Facilities Plan amendment, and an amendment to the Envision Eugene Comprehensive Plan. The legislative process includes public notice and a public hearing before the Eugene and Lane County Planning Commissions.

At this point, the commissions' roles are to make separate recommendations on the adoption package to their respective elected bodies. The recommendations of the Planning Commissions must be based on the applicable approval criteria for the proposed amendments. In general, the approval criteria require that plan amendments must be consistent with the applicable Statewide Planning Goals, the Metro Plan, Lane County Rural Comprehensive Plan and any applicable refinement plans. Staff have prepared findings to demonstrate that is the case with the proposed amendments which are included in the materials for this meeting. Those criteria and findings addressing the approval criteria are provided in **Attachment B** (Exhibit F).

STAFF RECOMMENDATION

Staff recommends moving forward with the proposed Eugene urban reserves as described in the adoption package, with only a few changes. With respect to the land proposed to be included in urban reserves, staff recommends the removal of 17.7 developable acres that are part of the Wildish company's very long-term gravel mining plan, as described in **Attachment D**. With the removal of that land from the proposed urban reserves, there would be an urban reserve of 5,900 developable acres, which is still a 27-year urban reserve.

In addition, staff also recommend making some revisions to the material that support the proposed urban reserves in response to public testimony, as described in **Attachment D**. These changes relate to the material's characterization of wetlands and its treatment of big game habitat.

If the Planning Commission agrees with the staff recommendation, the Planning Commission would make a *motion to recommend that the Lane County Board of Commissioners approve the urban reserves package as presented in **Attachment B** to this memo with the following changes:*

- *Revise the Urban Reserves Study, Technical Analysis and related urban reserves maps to incorporate the information and determinations described in Public Testimony, Section 3 of the memo dated November 29, 2022 and titled "Staff Response to Public Testimony and Planning Commission Questions," resulting in the removal of 17.7 acres of developable land owned by Wildish for sand and gravel operations, from the proposed urban reserves.*
- *Revise the Urban Reserves Study, Technical Analysis and related urban reserves maps to incorporate the information and determinations described in Public Testimony, Section 4 of the memo dated November 29, 2022 and titled "Staff Response to Public Testimony and Planning Commission Questions," to correct text and maps related to Lane County's Goal 5 wetlands.*

- *Revise the Urban Reserves Study to incorporate the information about big game habitat described in Public Testimony, Section 6 of the memo dated November 29, 2022 and titled “Staff Response to Public Testimony and Planning Commission Questions.”*

Staff intends to provide the same recommended motion to the Eugene Planning Commission.

NEXT STEPS

After the Lane County Planning Commission deliberates on December 6, 2022 and provides a recommendation to the Lane County Board of Commissioners, the Eugene Planning Commission will deliberate on December 13, 2022 and provide a recommendation to the Eugene City Council. Staff will then take the Planning Commissions’ recommendations to the County Board and City Council for their consideration.

The Eugene City Council and Lane County Board of Commissioners will hold work sessions, a joint public hearing, and deliberations to consider the Planning Commissions’ recommendations and adoption of Eugene urban reserves. These meetings are anticipated in early 2023.

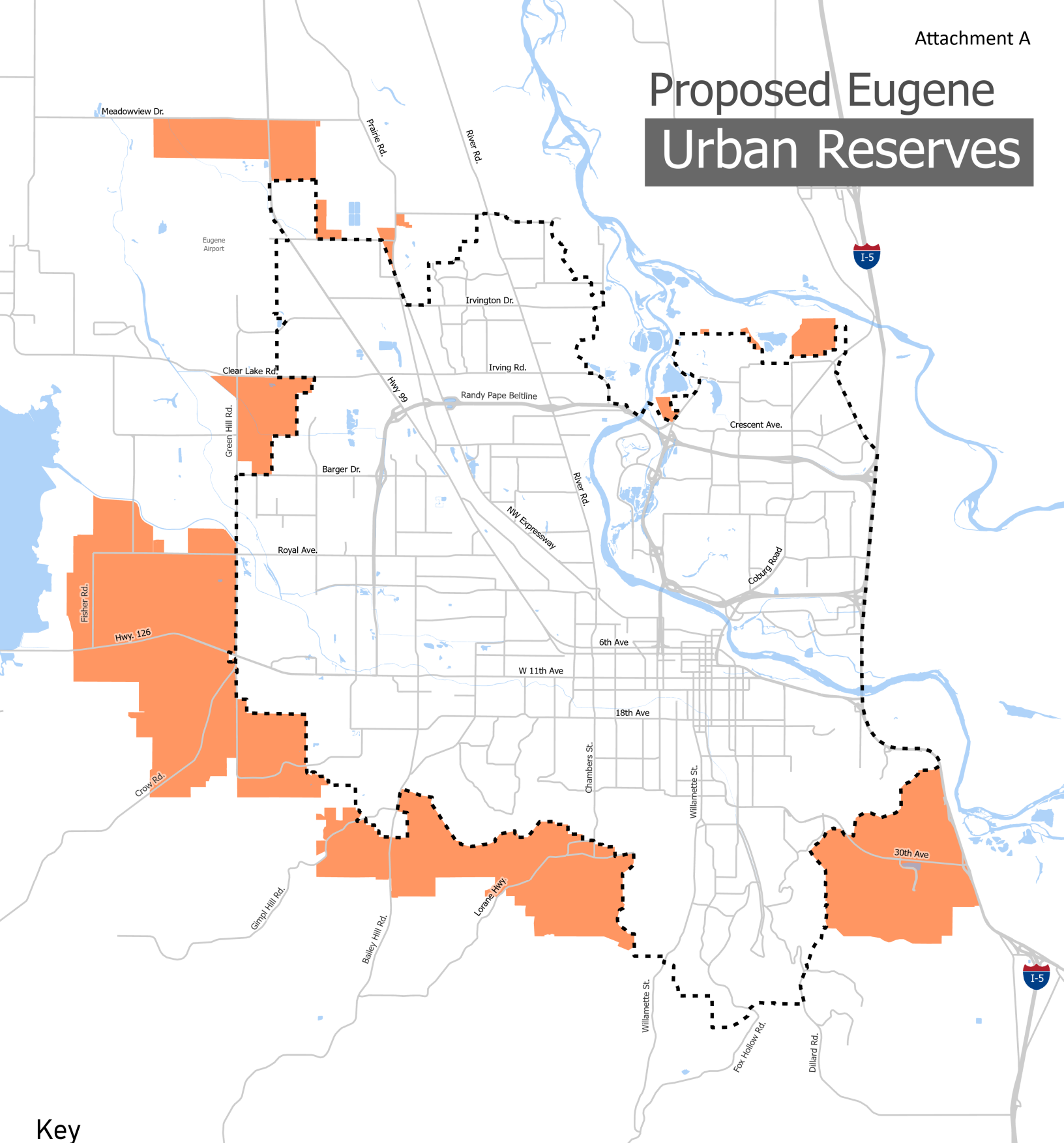
ATTACHMENTS

- A. Map of Proposed Eugene Urban Reserves (as provided to the Planning Commissions in advance of the joint public hearing on October 18, 2022)
- B. Links to Proposed Eugene Urban Reserves Ordinances and Exhibits
- C. Public Testimony (Batch 3)
- D. Staff Response to Public Testimony and Planning Commission Questions
- E. Property Owner Matrix
- F. Property Owner FAQ

FOR MORE INFORMATION

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Project page: <https://www.eugene-or.gov/Urban-Reserves>

Proposed Eugene Urban Reserves



Key

- Eugene Urban Reserves
- Eugene Urban Growth Boundary
- Rivers and Waterways
- Roads

The Eugene urban reserves boundary aligns with tax lot lines from November 2018. Tax lot boundaries may shift slightly over time, but the Eugene urban reserves boundary will remain static. There is some imprecision in how tax lot lines are shown; if you would like clarification on whether your property is included in Eugene urban reserves, please reach out to staff at UrbanReserves@eugene-or.gov.

The dataset was compiled relative to numerous data sources (e.g. tax parcel boundaries) and the quality may be variable. Boundaries on the map represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. This map is not suitable for legal, engineering, or surveying purposes and in no way attempts to predict, determine, or require what happens on individual lots.



Links to Proposed Eugene Urban Reserves Ordinances and Exhibits

- [City of Eugene Draft Ordinance](#)
- [Lane County Draft Ordinance](#)
- [Exhibit A-1: Amendments to Eugene-Springfield Metropolitan Area General Plan](#)
- [Exhibit A-2: Amendments to Eugene-Springfield Metropolitan Area General Plan – Eugene Urban Reserves \(Digital Map\)](#)
- [Exhibit B: Amendments to Envision Eugene Comprehensive Plan](#)
- [Exhibit C: Amendments to Eugene-Springfield Metropolitan Area Public Facilities and Services Plan](#)
- [Exhibit D: Intergovernmental Agreements](#)
- [Exhibit E: Amendments to Lane County Rural Comprehensive Plan](#)
- [Exhibit F: Findings in Support of the Establishment of Urban Reserves for the City of Eugene](#)
 - [Exhibit F: Findings, Appendix 1 – Public Engagement Summary](#)
 - [Exhibit F: Findings, Appendix 2 – Eugene Urban Reserves Study](#)
 - [Exhibit F: Findings, Appendix 2a – Study / Subarea Reports](#)
 - [1 – Game Farm](#)
 - [2 – McKenzie](#)
 - [3 – Beacon River Loop](#)
 - [4 – Awbrey](#)
 - [5 – Highway 99](#)
 - [6 – Airport North](#)
 - [7 – Airport](#)
 - [8 – Clear Lake](#)
 - [9 – Airport South](#)
 - [10 – Royal](#)
 - [11 – Fisher](#)
 - [12 – West 11th / Greenhill](#)
 - [13 – Crow](#)
 - [14 – Bailey / Gimpl Hill](#)
 - [15 – Crest / Chambers](#)
 - [16 – South Willamette / Fox Hollow](#)
 - [17 – Dillard](#)
 - [18 – Russel Creek](#)
 - [Exhibit F: Findings, Appendix 3 – Serviceability Analysis Report](#)
 - [Exhibit F: Findings, Appendix 4 – Technical Memo](#)
 - [Exhibit F: Findings, Appendix 4a – Land Need Model](#)
 - [Exhibit F: Findings, Appendix 4b – Map Documentation of Undevelopable Land](#)
 - [Exhibit F: Findings, Appendix 5 – Tax Lots Within the Eugene Urban Reserves](#)

Urban Reserves

City File: MA 22-1, ECA 22-1, RA 22-1

County File: 509-PA22-05580

Testimony Batch 3

Batch Information		Date Range		
Batch Number	Page Count	Start	End	Submissions
3	50	10/17/2022	10/25/2022	9

From	To	Date	Time	Attachments
Mark Robinowitz	Testimony	10/25/2022	16:58	1
Bill Kloos	Rebecca Gershow and Lindsey Eichner, Staff	10/25/2022	16:41	
Gilbert Browning	Rebecca Gershow	10/25/2022	8:56	
Sharon Blick	Testimony	10/24/2022	16:48	1
Bill Kloos	Rebecca Gershow and Lindsey Eichner, Staff	10/22/2022	8:57	
Kelly Wood	Rebecca Gershow	10/21/2022	14:23	1
Daniel Wilson	Testimony	10/18/2022	17:04	
Bill Kloos	Rebecca Gershow and Lindsey Eichner, Staff	10/18/2022	16:02	1
Amy Hendrix	Testimony	10/17/2022	18:13	

Notes:

For reference, submissions are organized in reverse chronological order by the date they were included in the record.

If viewing the digital PDF file, please note that bookmarks are included for navigating between each submission.

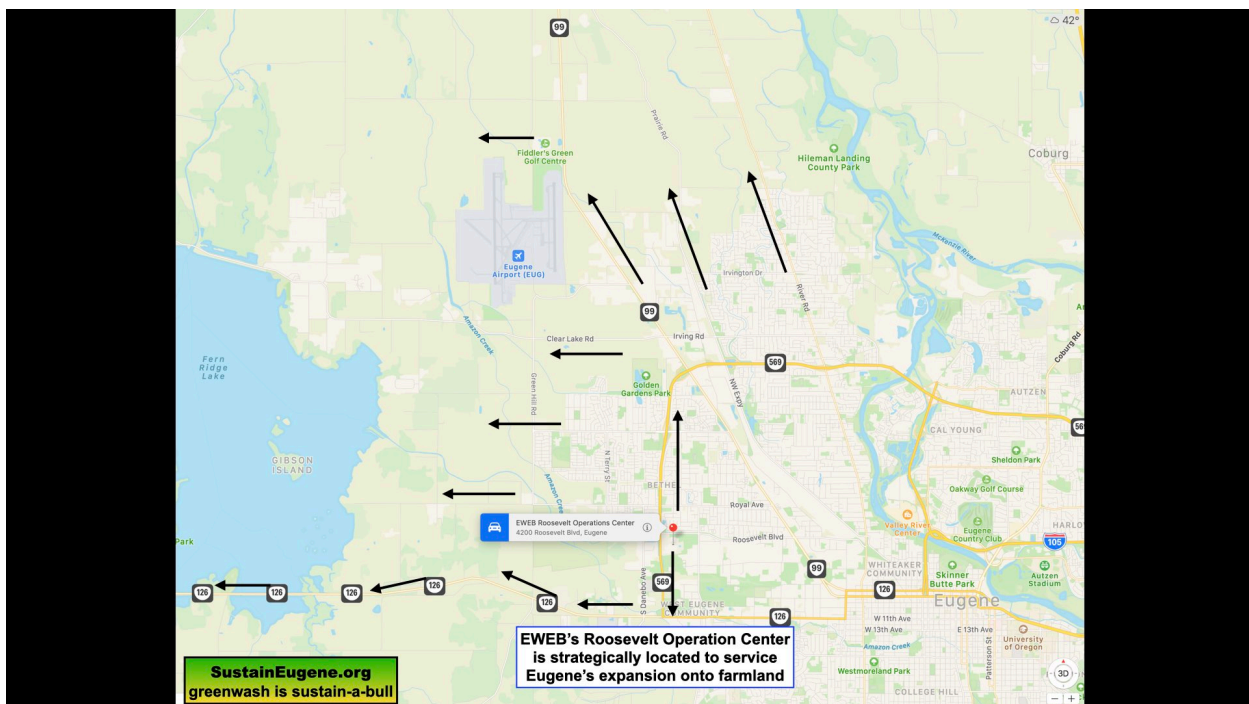
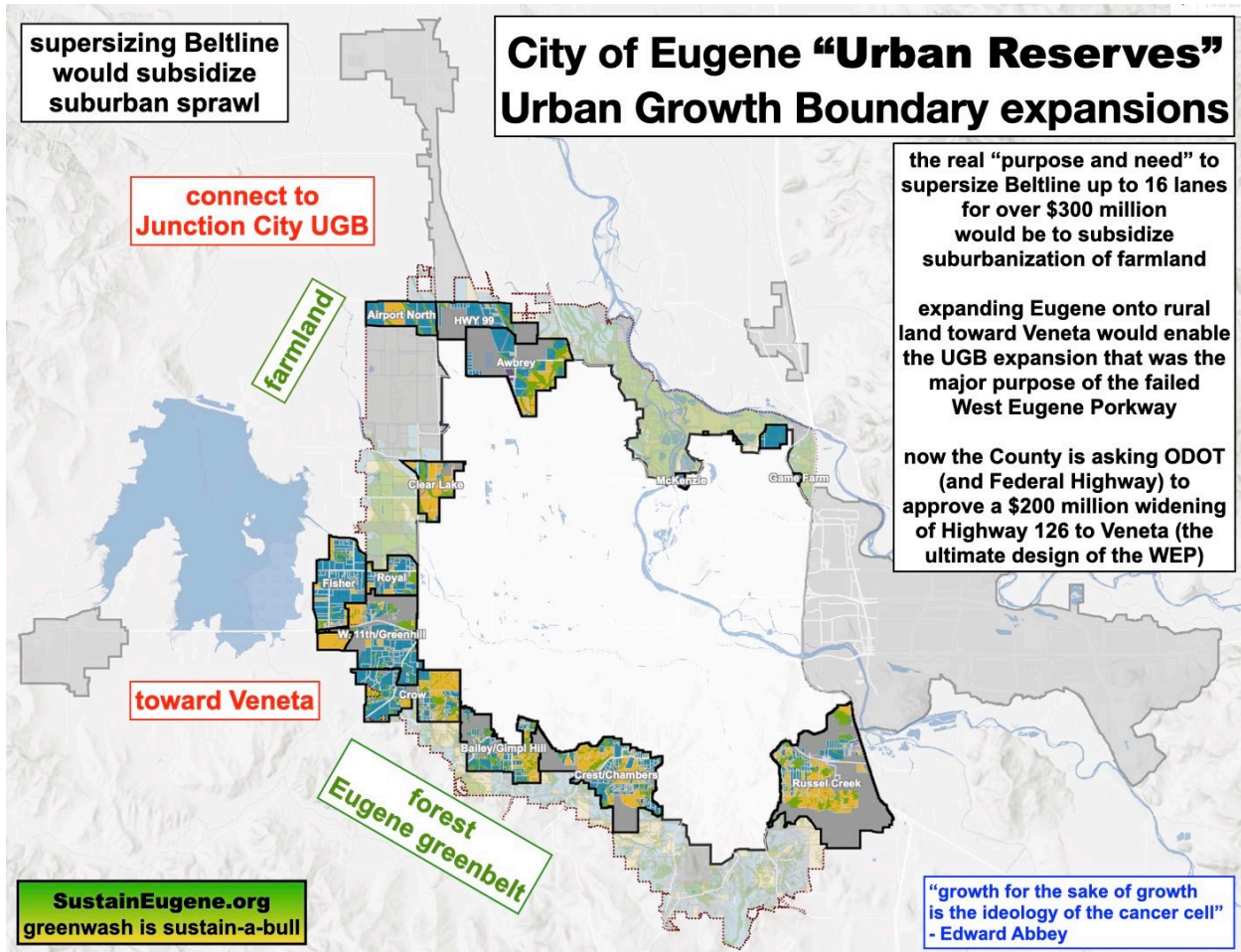
GAUDIN-DALTON Zoli W

From: Mark Robinowitz <mark@oilempire.us>
Sent: Tuesday, October 25, 2022 4:58 PM
To: Eugene Envision Eugene; @Eugene Urban Reserves
Cc: GAUDIN-DALTON Zoli W; GERSHOW Rebecca F
Subject: urban reserves comment
Attachments: urban-reserves.pdf

[You don't often get email from mark@oilempire.us. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL 

attached: urban-reserves.pdf



This document is posted at

www.peakchoice.org/urban-reserves.pdf

comments on Urban Reserves plan to expand the City of Eugene to the Junction City urban growth boundary and extend Eugene toward Veneta

www.peakchoice.org/climate.pdf

Peak Energy and Climate Chaos

www.peakchoice.org/oil.pdf

conventional oil peaked in the USA in 1970, fracked oil and tar sands mining postponed rationing, Alaskan oil in permanent decline (it powers the motors of Oregon)

www.peakchoice.org/limits.pdf

1972 "Limits to Growth" study predicted our predicament

www.peakchoice.org/electricity.pdf

electricity in USA peaked in 2018, on a plateau sustained by fracked gas

www.peakchoice.org/gas.pdf

conventional unnatural gas peaked in USA in 1973, fracking is a huge but temporary bubble

www.peakchoice.org/traffic.pdf

Peak Vehicle Miles Traveled sustained by fracked fuels and tar sands, Oregon counties with better public transit (Multnomah, Benton, Lane) had peak VMT on the state highway network during conventional oil, counties with less transit (Washington, Clackamas, Marion, Jackson, Josephine, Deschutes) are at or near a new, higher peak now

www.peakchoice.org/beltline-126.pdf

ODOT's plans to expand Beltline and Route 126 (Eugene - Veneta) for over a half billion dollars

www.peakchoice.org/portland.pdf

highway plans in Portland, cancelling Mt. Hood freeway enabled start of MAX light rail

www.peakchoice.org/clearcut.pdf

clearcutting the climate, deforestation causes desertification

www.peakchoice.org/wep.pdf

West Eugene Parkway (1951 - 2007)

www.peakchoice.org/law.pdf

WEP was one of the most illegal highways ever proposed

Urban Reserves: City of Eugene plan to merge into Junction City and toward Veneta

ODOT and Federal Highway deregulated, unpublicized approval of widening Beltline to 10 to 16 lanes at Willamette River for a third of a billion dollars

Comments following up on the October 18, 2022 public hearing of the City and County Planning Commissions.

Mark Robinowitz PeakChoice.org. PeakTraffic.org. SustainEugene.org.

It's nice that there is a "Kalapuya land acknowledgement" in the City documents about expanding Eugene. But if you really want to honor the Kalapuya, let this land come back into camas fields. Maybe we could give back some lands to them.

Five citizens spoke at your public hearing, all of whom expressed opposition. (100%). Even land use attorney Bill Kloos expressed opposition about incorporating land owned by his client (Wildish) into the UGB, although not for ecological concerns - his clients want to strip mine this area and want to profit from that destruction before it would be urbanized, not afterwards. (I support "sustainable mining" - just mine the ore at the rate it is formed, which could create jobs for eons.)

This minimal participation indicates minimal (at best) public outreach. It's usually a sign of inadequate "public engagement" when a public hearing has more staff participating or observing than citizens / taxpayers / impacted residents.

At a minimum, the process needs to be revised to provide substantial public discussion about how Urban Reserves would result in a merger of the Eugene and Junction City urban growth boundaries plus an extension of the City of Eugene toward the City of Veneta. Urban Reserves also needs to have public discussions of the plans to widen Beltline highway to 10 to 16 lanes at the Willamette River crossing plus widening of Route 126 across Fern Ridge reservoir to Veneta. These two highway expansions would cost over a half billion dollars and are indispensable for urbanizing farmland and forest currently outside the UGB. Token input from five citizens at a poorly publicized zoom meeting is not a substitute for democratic discussion.

It would be easy for Urban Reserves to have a referendum by the County's citizens. This decision is too important to leave to unelected planning commissioners or even a handful of elected officials (especially those whose election campaigns include donations from real estate speculators). The hearing on October 18 was in front of the unelected planning commissions who have no formal approval of these

expansions. Even discussion by the elected City councilors and County commissioners would be a poor substitute for asking the taxpayers / voters / citizens what they think about these expansions.

I don't support creating incentives to destroy agriculture

The areas west of Greenhill Road are those that were a primary “purpose and need” West Eugene Parkway plan. This would facilitate that sprawl without having to get that illegal project approved.

Urban Reserves is planning for impossible futures.

All societies more complex than hunter gatherers are based on agriculture, even if the division of labor becomes more elaborate and some in the society pretend they are no longer agricultural. If you like to eat food, you are dependent on farming. Zoning that keeps farmland in agricultural production is essential for our society, but this is being chipped away by Urban Reserves and other pressures.

At the January 2020 meetings your literature claimed that the Royal Blue Organics farm was supposedly vacant land. Well, it is being used - to feed people. The idea that food can be grown somewhere else instead and shipped over long distances is a huge part of the climate and energy crises. I'm not surprised that the real estate industry has more power over governments than those who keep us fed.

From: [Bill Kloos](#)
To: [GERSHOW Rebecca F](#); [EICHNER Lindsey A](#)
Cc: [Pete Barrell \(pete@hbalanecounty.org\)](#); [Betsy Schultz \(betsy@pnwstrategies.com\)](#); [KLOOS Bill \(SMTP\)](#)
Subject: Further comments on Urban Reserves Comments
Date: Tuesday, October 25, 2022 4:41:34 PM

You don't often get email from billkloos@landuseoregon.com. [Learn why this is important](#)

[EXTERNAL]

Rebecca and Lindsey –

Please also add this email to the Planning Commission record.

I. Wetlands

a) NWI lands are not county inventoried Goal 5 resources..

I have confirmed, with a revisit to the county plan acknowledgment documents, that the wetlands in the National Wetlands Inventory are not a protected Goal 5 resource in the acknowledged county plan documents. The assumption that those lands do not meet the definition of “developable land,” as defined in the LCDC Rule, is not correct.

Part 1 of the July 19, 1984 DLCDC Staff Report reviewed for Goal 5 compliance the rural part of Lane County outside the Metro Plan boundary. It recited that the NWI maps were only complete for about half the county at the time the county inventory was completed. See page 24. It recited that the County was proposing to protect only 5 large wetland areas, none of which is in the area studied for urban reserves. See pages 24-26.

The August 29, 1985 Staff Report recommended acknowledgment for the lands inside the Metro Plan but outside the UGBs. Acknowledgment was granted on September 13, 1985. This review did not include NWI wetlands in the Goal 5 inventory.

In summary, the NWI wetlands were not included in the acknowledged inventory of wetlands either inside the Metro Plan or outside the Metro Plan. Therefore, for the purposes of your Urban Reserve calculations of available lands, the NWI lands are candidate acreage of the same type as the vast areas wetlands in the farm areas to the west and north of the city. Their status for purposes of the Urban Reserves is no different from the myriad wetland in the proposed Urban Reserves that are not on the NWI.

b) All wetlands in the proposed Urban Reserve areas should be determined and deducted from Urban Reserve acreage the city and county assume will be developed.

The existing wetlands in the proposed Urban Reserve areas are vastly greater than the small amount of acreage that is in the NWI. This becomes apparent whenever the City or a developer attempts to gather state and federal entitlements to develop property in the open areas west and north of the

city.

For example, the West Eugene Wetlands Plan (WEWP) amounted to a Local Wetland Inventory for that large area – an initial close look at where the wetlands are based on a bit of new study and available information, including soil types. The mapping of wetlands in that study dwarfs the small amount of wetland acreage that is shown in the NWI maps.

Another recent case study, demonstrating the large amount of wetlands in the farming areas versus the small amount shown in the NWI, is the city's addition of farm lands for Industrial development south of the airport and west of Hwy 99N – the Clear Lake UGB expansion area. The city's examination of this acreage found very extensive wetlands in the expansion area. See, e.g. Ordinance No. 20584, Exhibit J, Goal 5 ESEE Analysis for Significant Wetlands and Riparian Corridors, page 5, Fig 3: Clear Lake Wetlands, Stream Corridors and Locally Significant Wetlands (LSI). There is no reason to expect that the adjacent farm land to the north and west of the proposed Urban Reserve expansion area has any less presence of wetlands.

c) If the City and County intend to include wetlands in inventory of land intended to meet Urban Reserve needs, they need to demonstrate with evidence that it is more probable than not that the wetlands will be approved for development by the regulatory agencies.

The City and County may not assume, without evidence, that land inventoried for development will build out over the planning period. To do so would be to create a presumption neither expressed nor implied in the planning statutes. The governments must determine that whatever facts they find to be true are supported by at least a preponderance of the evidence. The obligation applies to predictions, forecasts, and projections as well as to other factual issues. Two recent Oregon Court of Appeals decisions are especially helpful because they involve the probability or likelihood of a future condition or trend. See **Barkers Five, LLC v. Land Conservation and Development Com 'n**, 323 P3d 368, 419, 261 Or App 259, 348 (2014); **Columbia Pac. Bldg. Trades Council v. City of Portland**, 289 Or 739, ___ P3d___ (2018).

In summary, if the City and County wish to include wetlands in the count of acreage to meet the Urban Reserve needs, then an evidentiary record is needed to show how much wetland acreage is involved and why it is more probable than not that it will develop. That work has not been done, yet.

2. County Big Game Range habitat is a protected Goal 5 county resource.

Outside the Metro Plan area, county Big Game Range is a Significant Goal 5 natural resource; it is “designated and zoned to protect” the big game range by the provisions of the EFU and F-2 zones, and by RCP Goal 5 Policy 11. The County will need to debit Big Game range from the land from the acknowledged Goal 5 inventory before it can be considered “developable land” for purposes of the Urban Reserves. The county has a fairly intense recent litigation track record that has refined the edges of this law. This issue has yet been addressed in the Urban Reserve study.

I hope these comments are helpful.

Bill Kloos
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Eugene, OR 97401
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From: Bill Kloos <billkloos@landuseoregon.com>
Sent: Saturday, October 22, 2022 8:57 AM
To: rebecca.f.gershow@ci.eugene.or.us
Cc: Bill Kloos <billkloos@landuseoregon.com>; Pete Barrell (pete@hbalanecounty.org) <pete@hbalanecounty.org>; Betsy Schultz (betsy@pnwstrategies.com) <betsy@pnwstrategies.com>
Subject: Urban Reserves Comments and Questions

Rebecca –

Please accept this email into the record of the Urban Reserves proceeding.

I am looking at the Urban Reserves map in the Study here:

[Eugene urban reserves \(arcgis.com\)](http://arcgis.com)

I have three immediate questions/comments:

1. The Study excludes as “undevelopable” “Lane County Goal 5 adopted wetlands (from Natural Wetlands Inventory) or wetlands designated as protected in the West Eugene Wetlands Plan.” It is my understanding, from years of working with the county Goal 5 materials, that the NWI mapped wetlands are not inventoried as a significant Goal 5 resource to be fully protected because those federal maps were published after the county did its wetlands inventories. The county Goal 5 work inventoried for protection only four large wetland sites. Did the City just assume that the NWI wetlands are a county Goal 5 protected resource? Or did your team run this issue to ground and confirm that the Goal 5 county inventory includes all the NWI mapped wetlands? If that homework was done, and the City confirmed the NWI mapped areas are acknowledged Goal 5 resources in the county, can you please direct me to those materials?

2. Assuming that the NWI maps are not in the county Goal 5 inventory to be protected, is there a separate basis for excluding NWI wetlands from the list of potentially “developable lands” or should they be included on the list, like other existing wetlands that are not mapped?
3. The vast acreages of land to the west, northwest, and north of the City UGB proposed to be included in the final Urban Reserves map include large areas of jurisdictional wetlands, regulated by the Army Corps and the DSL as “waters of the US” and “waters of the State.” The existence and full extent of these wetlands is typically confirmed on long vacant UGB lands when an owner tries to develop them for residential use. The City gives notice to the DSL that development is proposed, the DSL requires a full delineation, then the DSL does what it is mandated to do – try to protect the wetlands. As a result, large residentially designated tracts in the UGB remain undeveloped. Prospective developers come and go but can’t get approval from the state and federal agencies to fill the delineated wetlands in a way that makes housing possible or economically feasible. How does the Urban Reserves Study and technical work account for these areas that are in fact wetlands and in fact are unlikely to be developed?

Thank you.

Bill Kloos
Law Office of Bill Kloos PC
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From: [Gilbert Browning](#)
To: [GERSHOW Rebecca F](#)
Subject: Urban Reserves comment
Date: Thursday, September 22, 2022 12:38:41 PM

You don't often get email from gilbrowning03@gmail.com. [Learn why this is important](#)

[EXTERNAL]

Good afternoon Ms. Gershow,

My name is Gilbert Browning and I own the property located at 6001 Barger Drive, Eugene. I am writing to inquire as to why my home was not included in the proposed urban reserve expansion. In reviewing the provided information and map it looks as if my home was excluded due to its location within a floodway. My home has been at this location since the 1960s and has been through the LOMA process in the past removing the property from any chance of flooding and/or inundation. Similarly, my neighbors (whose properties are also excluded) have gone through a lengthy process of getting their properties removed from the flood zone. Additionally, Several areas the City has identified within the current urban reserve are within the flood zone and wetlands area yet they are included, what may I ask is the difference between those areas and my property? The issues which would exclude our properties from inclusion in the urban reserves have been addressed and I would like a better understanding of why we were excluded.

I, along with my neighbors, would like to have our properties included in the urban reserve and do not understand your process for eliminating our properties from this area. Please advise.

Thank you for your time,
Gilbert Browning
gilbrowning03@gmail.com

From: [Living Earth Farm](#)
To: [@Eugene Urban Reserves](#)
Subject: Written Testimony for Eugene and Lane County Planning Commissions
Date: Monday, October 24, 2022 4:47:59 PM
Attachments: [Urban Reserves.pdf](#)

You don't often get email from livingearthfarm@comcast.net. [Learn why this is important](#)

[EXTERNAL]

Written testimony for the Eugene and Lane County Planning Commissions on the Urban Reserves Plan from Sharon Blick, 89030 Fir Butte Rd, Eugene, OR 97402 (also duplicated in attached pdf). For the past 15 years my husband and I have owned and operated The Living Earth Farm at this address, which is now within the Urban Reserve Plan.

After I made my oral comments at the public hearing on Oct 18, I listened to what the planning commissioners and staff had to say. No one addressed my criticism that the plan for saving the “best” farmland was based only on where Class I and II farm soils are located in EFU zoning rather than where successful farm businesses are located (which could be in RR zoning). There is a lot more to being a successful farm than just zoning and soil type. Other important considerations are water rights, water quality and amount, soil condition (organic matter, nutrient levels, erosion, compaction, pesticide contamination, noxious weed contamination), infrastructure (roads, fences, waterlines, powerlines, housing, outbuildings), what perennial plants are already growing there, and surrounding land use. Getting all these components in good working order takes a lot of time and money. No one wants to invest in it if the farmland is likely to become urbanized in the future. If the farm business has to move to a new location, it has to start over with most of these things and the cost may be not worth it since farming is not very profitable.

Also, no one addressed my call to plan for local food security. As I stated, growing food for local consumption is the least profitable use of local land, so if the county and city want to plan for local food security, they should be giving priority to not developing the land currently being used for successful local food farming, such as Royal Blueberries and the Fair Valley Farm in my neighborhood. I know from my 15 years of farming that climate change is making it harder and harder to farm. Increasing climate catastrophes such as wildfires, snow storms, and floods make it more and more likely that food transport will be crippled at the same time that consumers make a run on grocery stores. We cannot rely on capitalism alone for local food security.

Also, no one explained what data was used to decide which areas would be set aside as natural areas in the plan. Previously I had written to staff to ask when the Goal 5 analysis was done on these lands and they did not answer that question. At the hearing, staff said they are saving riparian areas. They don't seem to understand that the oak woodlands that would be destroyed by this plan support a whole different array of species than what lives in riparian areas. As I stated, oak woodlands are an endangered habitat which is already 97% destroyed in the Willamette Valley. The oak woodlands around Fir Butte and Oak Hill are a valuable habitat area supporting many species which would not be able to persist if this land becomes urbanized. We might be able to save a few species by not selling our 15 acres, but most of the wildlife on our property needs the whole surrounding area to survive.

When the planning process for the Urban Reserves was started in January 2018, Fir Butte

Road and Fisher Road were not included. In late 2019, they had enough reasons (or enough political pressure) to delete the areas north and northwest of the UGB, and then they didn't have enough acres left, so they added our area. It is interesting how this Fisher subarea, which is the farthest from the existing UGB, is exactly aligned with the boundaries of the Eugene 4J School district, which has declining enrollment. We wonder if the school district had undue influence on this process whereby they stand to gain increased tax revenue and additional students. By the time we got notified in December 2019, the plan was already pretty finalized and the public meeting we attended in January 2020 seemed to be more about the staff presenting and defending their plan than a sincere attempt to solicit public input.

After that meeting, we submitted some detailed questions to city staff. Their response to several of our questions (regarding surveying active farm businesses, analyzing natural resources, and mapping flood plains) was that "when land is brought into the UGB, it will get studied in more detail." I thought the whole point of this Urban Reserves Plan is to do all the studies and planning in advance so that land can be added quickly to the UGB when it is needed. Was this answer just a way to put us off or would these more detailed studies actually be done at the time a UGB extension is considered?

I was surprised to hear a planning commissioner ask staff to give him a list of the negative impacts that being put into the UGB would have on landowners. For landowners who view their property as their home, who want to stay, ALL the impacts would be negative! More traffic and noise, less wildlife, worse views, more trespassers, more complaints about the noise and smell of livestock and poultry, higher taxes. The ONLY positive impact would benefit only those landowners who view their property as an investment: they can sell it for more money.

Thank you to the commissioner who pointed out that landowners will not be able to get a permit to repair their septic system once a sewer line goes in on their road. This was the first we've heard of this; it was definitely not included in the info we got from the city staff. Landowners need to be notified about this.

The staff response to my comment about the plan proposing to put 200 houses on our 15 acres was insulting. Yes, I understand that there are a lot of "ifs" before it would get to that point, but I wasn't born yesterday. By the time staff have put this much work into a plan, it is pretty much a done deal, and the approval by the planning commissions and the governing bodies is pretty much a formality. I didn't support the recall of Claire Syrett, but I can understand the frustration those citizens felt in not being informed, not being listened to, and having no power in big decisions being made about their community. A more appropriate response by Ms. Syrett to the recall, and by Ms. Gershow to my comment, would have been "I'm sorry."

It will break my heart if our neighbors sell out and I have to witness all those trees coming down and the bulldozers carving up the earth, destroying this place I love and that my animal neighbors call home. I've been through this before. Sixty years ago, I grew up in a place that was called the Valley of Heart's Delight. It was the best farmland in all of California, with topsoil 25 feet deep, and the surrounding hills were covered in oak woodlands and full of wildlife. Do you know what it's called now? The Silicon Valley. All the places that once grew my food and delighted my heart are now covered in asphalt and buildings. Why are we doing the same thing here? What will we leave our children to delight their hearts?

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pressure) to delete the areas north and northwest of the UGB, and then they didn't have enough acres left, so they added our area. It is interesting how this Fisher subarea, which is the farthest from the existing UGB, is exactly aligned with the boundaries of the Eugene 4J School district, which has declining enrollment. We wonder if the school district had undue influence on this process whereby they stand to gain increased tax revenue and additional students. By the time we got notified in December 2019, the plan was already pretty finalized and the public meeting we attended in January 2020 seemed to be more about the staff presenting and defending their plan than a sincere attempt to solicit public input.

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From: [Bill Kloos](#)
To: [GERSHOW Rebecca F](#)
Cc: [KLOOS Bill \(SMTP\)](#); [Pete Barrell \(pete@hbalanecounty.org\)](mailto:pete@hbalanecounty.org); [Betsy Schultz \(betsy@pnwstrategies.com\)](mailto:betsy@pnwstrategies.com)
Subject: Urban Reserves Comments and Questions
Date: Saturday, October 22, 2022 8:56:53 AM

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[EXTERNAL]

Rebecca –

Please accept this email into the record of the Urban Reserves proceeding.

I am looking at the Urban Reserves map in the Study here:

[Eugene urban reserves \(arcgis.com\)](#)

I have three immediate questions/comments:

1. The Study excludes as “undevelopable” “Lane County Goal 5 adopted wetlands (from Natural Wetlands Inventory) or wetlands designated as protected in the West Eugene Wetlands Plan.” It is my understanding, from years of working with the county Goal 5 materials, that the NWI mapped wetlands are not inventoried as a significant Goal 5 resource to be fully protected because those federal maps were published after the county did its wetlands inventories. The county Goal 5 work inventoried for protection only four large wetland sites. Did the City just assume that the NWI wetlands are a county Goal 5 protected resource? Or did your team run this issue to ground and confirm that the Goal 5 county inventory includes all the NWI mapped wetlands? If that homework was done, and the City confirmed the NWI mapped areas are acknowledged Goal 5 resources in the county, can you please direct me to those materials?
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Thank you.

Bill Kloos
Law Office of Bill Kloos PC
375 W. 4th Ave., Suite 204
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Phone: 541-954-1260
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Web: www.LandUseOregon.com

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From: [Kelly Wood](#)
To: [GERSHOW Rebecca F](#)
Cc: [MEDARY Sarah J](#)
Subject: Rebecca Gershow Letter 10.21.2022 Urban Reserves
Date: Friday, October 21, 2022 2:23:50 PM
Attachments: [Rebecca Gershow Letter 10.21.22 Urban Reserves.pdf](#)

Some people who received this message don't often get email from kellyw@wildish.com. [Learn why this is important](#)

[EXTERNAL]

Good afternoon Rebecca,

It was very nice speaking with you today regarding the urban reserves project. I have attached a letter which includes the information we discussed. Please look this over and let me know if it is sufficient for your purposes. If additional information or clarification is needed, I would be happy to provide it on Monday.

Thank you very much,

Kelly Wood
Wildish Sand & Gravel Co.
Safety & Land Manager
kellyw@wildish.com
Office Phone: 541.684.7785
Cell Phone: 541.654.2844



Since 1935

Via Email: rgershow@eugene-or.gov
 Ms. Rebecca Gershow
 Senior Planner Urban Reserves
 City of Eugene - Community Planning & Design
 101 West 10th Avenue, Suite 203
 Eugene, Oregon 97401

Subject: Urban Reserves – Wildish Land Co.
 October 21, 2022

Dear Rebecca:

Thank you for taking the time to speak with us regarding the urban reserves project. The purpose of this letter is to more fully explain the reasons why we believe that three natural resource, sand and gravel zoned properties owned by Wildish Land Co. "Wildish" are not suitable to be designated "urban reserves" as proposed in the City's current urban reserve lands study.

Wildish Sand and Gravel Co. is a family owned business that has been part of the Eugene-Springfield community since 1935. Now managed by the third generation of the family, the Wildish Group of Companies produces and delivers a variety of rock products, performs site work and utility work, and constructs commercial and industrial buildings, sports facilities, highways, bridges, airports, light and heavy rail, and wastewater/water plants throughout Lane County and the state.

In the 1950's, the McKenzie Sand and Gravel Company began extracting sand and gravel on the south side of the McKenzie River near County Farm Road. In 1969, Wildish Land Co. purchased the McKenzie River Sand and Gravel Company, and for more than 50 years has extracted and processed sand and gravel at this location. The products sold by Wildish include crushed rock, top soil, construction fill, ready-mix concrete, and asphalt concrete.

Wildish Land Co. has maintained a Department of Geology and Mineral Industries (DOGAMI) Operating Permit for surface mining operations at this site since 1975. The original DOGAMI approved area included 819 acres. In 1977, Wildish acquired adjacent surface mine property and merged the two sites, resulting in 940 permitted acres.

While significant raw materials remain available on the south side of the river to maintain the company's aggregate material needs for decades to come, in 2005, Wildish completed an Amendment to the DOGAMI Operating Permit to expand excavation operations within the north side of the McKenzie River. In order to supply local demand for concrete and asphalt, it was necessary for Wildish to expand excavation operations into the North Pit. The 2005 Amendment expanded the permit boundary to include an additional 234.04 acres for a total approved area of 1180.7 acres.

As described in DOGAMI and Lane County operating and reclamation plans, surface mining operations at this site (North Pit /Coburg Pit and South Pit) are conducted via aggregate extraction where alluvial

deposits consisting of sand and gravel are extracted to depths of approximately 120-feet below natural ground surface elevations. Excavation is generally conducted in lifts of approximately 30 to 40-feet. Equipment used for mining includes power-shovels, dozers, loaders, excavators, and a conveyor system. As described in the 1977 Operating Plan, all extracted gravels from both sides of the McKenzie River are transported via conveyors to an approximately 15-acre washing and crushing facility located on the south side of the McKenzie River for processing. An additional 60-acres surrounds the processing plants and includes the stockpile areas, an asphalt plant, a recycled asphalt plant, a concrete treated base plant, a concrete asphalt plant, and a soil processing plant. In addition to the processing areas, there is a full mechanic shop, warehouse, quality control lab, company headquarters office, and several equipment and vehicle storage areas.

Of the approximately 1180-acre site, only about 85-acres have been fully mined in the last 50+ years. Reclamation of the 85-acre depleted area has been proceeding since approximately 1990 and is less than halfway completed. Available reserves at the site are estimated to be more than a hundred million tons with the site having a life expectancy of a least 100 years with continuous operations.

The three tax lots (1703090000800 (partial), 1703090000703 and 17030600001600) proposed by the City to be included in the urban reserve lands study are essential for the continued operation of this mine site.

Tax Lots 703 and 1600 are utilized in day-to-day operations of the mine including administrative services, parking, and equipment storage. Wildish purchased Tax Lot 800 in 2019, which at the very least will be utilized as a noise, dust, and security buffer for the mining operations. The 23-acres encompassed within the three tax lot properties are dedicated and critical to our mining operations. Not only are all three currently in use for ancillary purposes, all three have designated sand and gravel zoning, which allows future mineral extraction on these lands if and when the time comes when the existing Wildish pits are nearing depletion.

We are passionate about protecting our site because aggregate materials are literally the foundation of our community, but an increasingly scarce resource. These three tax lots are a significant and necessary natural resource asset that we must protect for our community's future. With respect to longevity, the Wildish sand and gravel properties are unique. We are the largest active mine site in Lane County with the greatest volume of sand and gravel reserves.

While urban reserves planning may be considered "very long-term," sand and gravel extraction can be and often is, extremely long-term in comparison. Unquestionably, the Wildish parcels proposed for the urban reserve will still be very much a part of our active mining operation in 2059 and beyond.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

WILDISH LAND CO.



Kelly Wood

Safety & Land Manager

cc: smedary@eugene-or.gov

From: [Daniel Wilson](#)
To: [@Eugene Urban Reserves](#)
Subject: Keep Eugene dense
Date: Tuesday, October 18, 2022 5:04:12 PM

You don't often get email from daniel.gregory.wilson@gmail.com. [Learn why this is important](#)

[EXTERNAL]

Dear commission members-

My name is Daniel Wilson, residing in Eugene Ward 2. One of the things I love about Eugene is that we have a well-defined urban growth boundary. I am concerned that expanding this will lead to more sprawl, when the reality is that we have plenty of room within it, provided that we build more sensibly. Car-oriented development is not compatible with human life, and adding space at the periphery of the city without first addressing our gross inefficiencies within current city limits will only exacerbate our very real problems. We need to be building closer and higher to create a more walkable city. Creating more infrastructure for cars will only impoverish the city and diminish the quality of life within it.

Thank you,

Daniel Wilson

From: [Bill Kloos](#)
To: [GERSHOW Rebecca F](#); [EICHNER Lindsey A](#)
Cc: [KLOOS Bill \(SMTP\)](#); [Steve Wildish \(SteveW@wildish.com\)](#); [Kelly Wood \(kellyw@wildish.com\)](#); [Deanna Lashway](#)
Subject: Joint Planning Commission Hearing on Urban Reserves; Wildish Land Co Testimony
Date: Tuesday, October 18, 2022 4:02:32 PM
Attachments: [Sarah Medary Letter 10.18.22 Urban Reserves.pdf](#)

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[EXTERNAL]

Rebecca and Lindsey -

I plan to testify briefly at tonight's hearing on urban reserves, on behalf of Wildish Land Co.. This gist of my testimony will be that the 23 acres of Wildish land proposed to be included should not be included. More accurately it may not be included because it is zoned for Sand and Gravel and inventoried as a significant Goal 5 natural resource – aggregate.

By definition, natural resource land is excluded from the definition of “developable land” under state law. The City recognizes that Goal 5 wetlands and riparian corridors may not be included in the urban reserves for the same reason. Therefore, the City has excluded those lands; the same rule applies to aggregate.

The attached letter with details and elaboration has been sent to the City Manager.

I am completely flexible on time limits for testimony; the letter provides the details; I just need to hit the highlights tonight.

Thank you.

Bill Kloos
Law Office of Bill Kloos PC
375 W. 4th Ave., Suite 204
Eugene, OR 97401
Phone: 541-954-1260
Email: [Bill Kloos@LandUseOregon.com](mailto:Bill.Kloos@LandUseOregon.com)
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Since 1935

October 18, 2022

Ms. Sarah Medary, Manager
City of Eugene
101 West 10th Avenue, Suite 203
Eugene, Oregon 97401

Subject: Urban Reserves – Wildish Land Co.

Dear Sarah:

Thank you for taking the time to meet with us on Monday, October 10th. The purpose of this letter is to more fully explain the reasons why we believe that three natural resource, sand and gravel zoned properties owned by Wildish Land Co. ("Wildish") are not suitable to be designated "urban reserves," as proposed in the City's current urban reserve lands study. These properties include tax lots 17-03-09-00-00800 (partial), 17-03-09-00-00703 and 17-03-07-00-001600. (See Attachments A, B, C). They total about 23 acres outside the current UGB.

As we discussed in our meeting, these properties are not suitable "urban reserves" because: 1) the properties are not "developable land," as defined in state law that applies; 2) this acreage is part of a county and state-approved plan for mining of the larger Wildish site and will not be mined in the foreseeable future; and 3) if the City could legally make the policy choice now to include these lands, it would require an amendment to the acknowledged Goal 5 program protecting significant aggregate resources in the Metro Plan area. Each of these points is discussed further below.

1) State law prohibits including these lands as "urban reserves" because they do not meet the state definition of being "developable land."

Under the rules of LCDC that apply to urban reserve planning, any land to be included must meet the definition of "developable land." OAR 660-021-0030(1). "Developable land" is defined to exclude land that is planned and zoned for sand and gravel use. OAR 660-021-0010(5) provides:

(5) "Developable Land" means land that is not severely constrained by natural hazards or designated or zoned to protect natural resources and that is either vacant or has a portion of its area unoccupied by structures or roads.

"Natural resources" is defined by the Goals as: "NATURAL RESOURCES. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man." That includes "mineral and aggregate resources," which must be inventoried under Goal 5.

All of the Wildish property under discussion here is unmined and inventoried as significant aggregate resource land under Goal 5, and it is planned and zoned for Sand and Gravel use. It is, therefore, squarely outside of the types of land that may be considered for or included in an urban reserve.

The Urban Reserves Study ("Study") at page 5, begins with a list of lands that are excluded from consideration, as required by the LCDC rule, due to their status as being "zoned to protect natural resources." Goal 5 riparian corridors and Goal 5 wetlands are listed as excluded. There is, however, no listing of Goal 5 protected aggregate resources in the Study. Goal 5 aggregate resources are "natural resources" with the same status as the other Goal 5 resources, and they must be excluded from consideration.

P.O. Box 40310 Eugene, OR 97404 | 3600 Wildish Lane Eugene, OR 97408
Telephone: 541 485-1700 Fax: 541 683-7722 www.wildish.com
An Equal Opportunity Employer

The draft “Findings in Support of Establishment of Urban Reserves” (“Findings”) recognize the state standard but also overlook this protected Goal 5 resource. The “Findings” for compliance with Goal 5, at page 4, state that “lands designated or zoned to protect natural resources are assumed to have no potential capacity for residential or employment development and are classified as “undevelopable” for the purposes of establishing urban reserves.” However, the “Findings” only list riparian corridors and wetlands as natural resources that are excluded as undevelopable. Unmined Sand and Gravel zones lands must be excluded as well.

There is language through the urban reserve documents that suggests it is OK to include Sand and Gravel land in the urban reserves for one reason or another. See, e.g. Technical Memo, page 17 FN 31. See also “Findings Appendix 2a – Study/Subarea Reports 2, McKenzie, pages 2-5 and FN 5. This assumption is misguided. As a Goal 5 “natural resource,” Sand and Gravel zoned land is not a candidate for the urban reserve.

In summary, based on the state rules that apply to urban reserves, the Wildish acreage is zoned for Sand and Gravel must be excluded from consideration because it does not meet the threshold of being “developable land.”

2) These lands are part of a county and state-approved mining plan

The Wildish Sand and Gravel land under consideration has yet to be mined and is part of a several hundred-acre mining operation. While urban reserves planning may be considered “very long-term,” sand and gravel extraction can be and often is, extremely long-term in comparison. Wildish has been mining at its current site since 1969; McKenzie Sand & Gravel mined at the site prior to Wildish. The Wildish site is one of, if not the largest, contiguous mining sites (connected by a conveyor bridge across the McKenzie River) in the State of Oregon. We can unequivocally state that the Wildish properties identified in the “urban reserve” study will be dedicated to sand and mining activities for many, many decades to come -- well beyond the urban reserve study time period. In the meantime, this land remains an important part of the day-to-day mining operation, including the current Wildish office complex, which along with the mine, is under MSHA jurisdiction given its supportive services provided to the mining activities.

3) Including these lands as “developable land” in the urban reserves would require amending the acknowledged Goal 5 program for aggregate resources in the Metro Plan area. Given the limited inventory and the great potential demand, the City and Lane County could not justify debiting this acreage from the inventory.

It makes good sense to repurpose mined-out, reclaimed Sand and Gravel land into the urban reserves. However, if the City stays its course to include unmined Wildish acreage, it will face the analytical hurdle in the Statewide Planning Goals, specifically the Goal 5 rule. The current, acknowledged Metro Plan program for Goal 5 aggregate resources states a policy choice to protect this Wildish acreage for future sand and gravel extraction. Whenever the City makes a land use decision that affects a Goal 5 implementing regulation, it must revisit the Goal 5 process. See *Rest-Haven Memorial Park v. City of Eugene*, 39 Or LUBA 282, *aff'd* 175 Or App 419, 28 P3d 1229 (2001). (Remanding a code change affecting a Goal 5 regulation for protecting waterways triggers the need to revisit the Goal 5 process.) The obligation to comply with Goal 5 arises now, with the new policy choice; it is not deferred until the property eventually comes into the UGB.

To justify adding the Wildish acreage, the City would need to examine the adequacy of the current Metro Plan inventory of aggregate resources. The pedigree of the Metro Plan aggregate inventory is a bit tedious. However, it was fully described in 2015 by Court of Appeals in its review of the county’s decision on Delta’s application for a special use permit to expand its mining into adjacent land zoned for Agriculture. See *Delta Property Company LLC v. Lane County*, 271 Or App 612, 352 P3d 86 (2015). That decision explains, in small part:

The three Metro jurisdictions share a common plan for the area that is inside the Metro Plan but outside the UGBs, commonly called the “donut.” 271 Or App at 619.

The donut area of the Metro Plan – outside the UGBs – contains a discrete, acknowledged Goal 5 inventory for sand and gravel resources intended to supply the Metro area. 271 Or App at 620.

The intention of the Metro Plan was to keep aggregate resources outside the UGBs in order to protect them and reduce conflicts. 271 Or App at 640.

The Goal 5 inventories for the Metro Plan area were acknowledged in 1985. 271 Or App at 620, 638.

The acknowledged inventory is quite limited; it is only those lands zoned Sand and Gravel; it does not include larger areas mapped as having aggregate deposits and zoned for Agriculture, which did not go through the Goal 5 review process during acknowledgment of the Metro Plan. 271 Or App at 639.

We are confident that if the City were to conduct the required Goal 5 analysis, the City and the County would conclude that the acknowledged inventory of sand and gravel resources is far less than what is required to supply the Metro area in the future. Debiting the Wildish acreage from the inventory could not be justified at the conclusion of the required Goal 5 review.

In view of all of the above, we are perplexed as to how the Wildish property was included in the proposed “urban reserves” study area. The Wildish lands did not meet the priority 1, 2 or 3 designations of the study, but were somehow included in the “other” category, contrary to the state Rule prohibiting inclusion of natural resource land.

Wildish supports the City capturing the mined-out Eugene Sand and Gravel site for the urban reserves. The City can find that there are no longer Goal 5 resources present there. We would note, too, that adjacent to the south of the Eugene Sand & Gravel site there is a 4-acre Wildish tract (Tax Lot 7-03-18-00-03902, see Attachment D) that is isolated from other Wildish property, mined out, and similarly available for urban reserves. That tract supported Wildish in-water mining on Ayre’s bar, which was completed almost 20 years ago.

Again, thank you for your visit. It was a great, first opportunity to address the issues directly with the City. We hope this letter provides a useful detailed follow up.

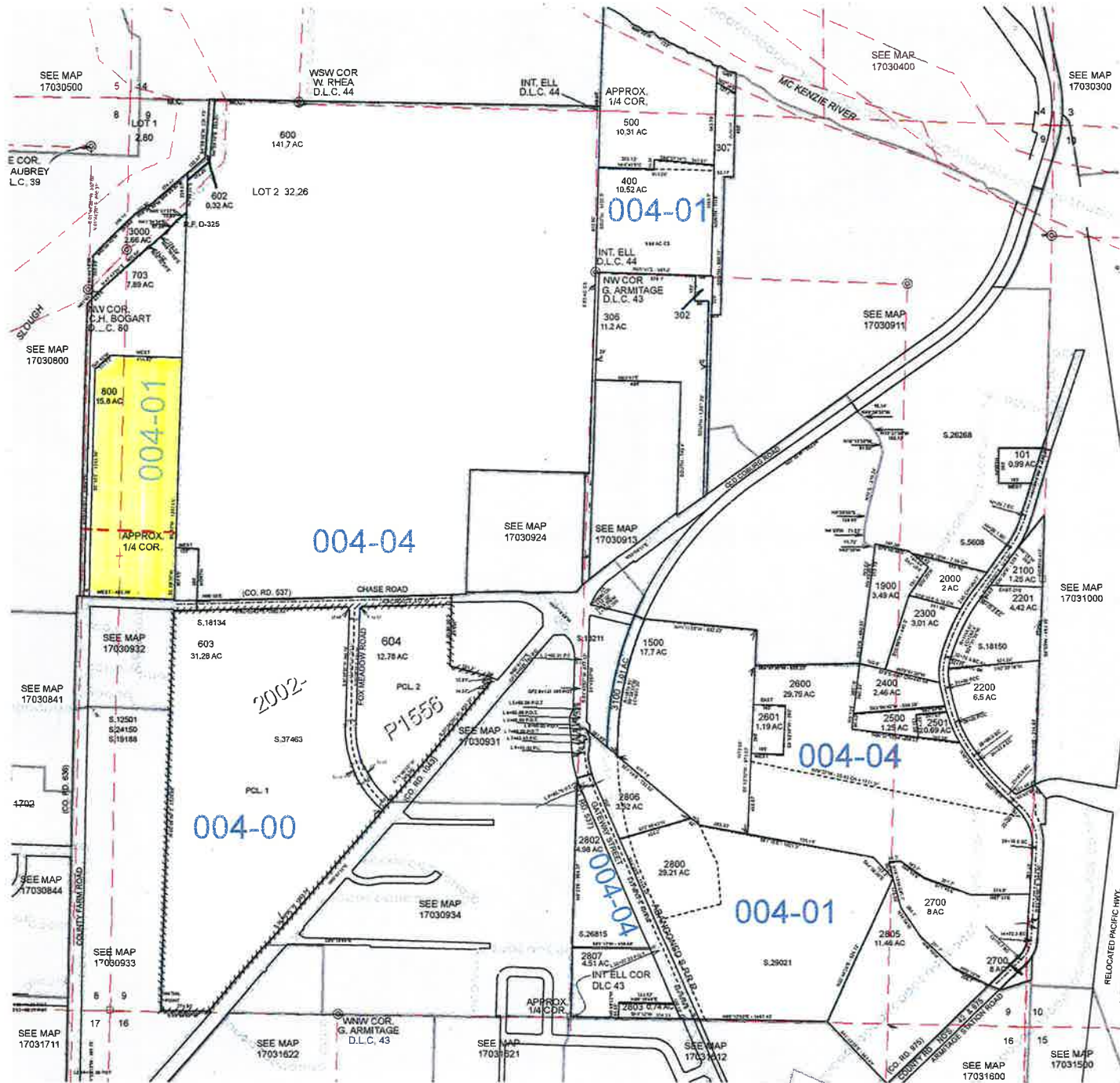
Sincerely,

WILDISH LAND CO.



Steven J. Wildish
Vice President

cc: smedary@eugene-or.gov
PatFARR@lanecountyor.gov



CANCELLED

ATTACHMENT A: Tax lot 17-03-09-00-00860

REVISIONS
6/17/2011 - LCAT 156 - CONVERT MAP TO GIS
12/22/13 - LCAT 155 - LLA BETWEEN 400 & 500



Lane County Easy Property Information Lookup

Results for Map and Tax Lot Number: 1703090000800

Property Data

Map and Taxlot Number	1703090000800
Site Address	3650 COUNTY FARM RD, Eugene, 97408
Acres	Map Acres: 15.7 Tax Account Acres: 15.8

City Boundaries

City Limits	None Found
Urban Growth Boundary(UGB)	None Found

Interactive Maps Links

County Zone and Plan Map Viewer	1703090000800
Lane County Map Viewer	1703090000800

Tax Account Data and Maps Links

Tax Account Data	0148401
Note: Only one account shown. Property may have multiple accounts. Use the individual Property Account (IPA) search tool to verify multiple accounts.	
Tax Maps	17030900

Building Permits Links

Current County Building Permits (Permit Search)	1703090000800
Scanned County Building Permits (LMD PRO)	1703090000800

Sales Last Three Years

Sales (Last 3 years)	None Found
----------------------	------------

Jurisdictions

Law Enforcement Agency	Lane County Sheriff 541-682-4141
Fire District	No Fire District Information Determined
Note: In some cases, a portion of a property may be inside a fire district while the remaining portion is outside a fire district. Please view the tax statement for your property to verify your fire district.	
Elected Officials and Schools	3650 COUNTY FARM RD 97408

Results for Map and Tax Lot Number: 1703090000800

Planning and Zoning*

Rural Comprehensive Plan (RCP) Zoning SG - SAND, GRAVEL AND ROCK PRODUCTS

E30 - EXCLUSIVE FARM USE (30 ACRE MINIMUM)

Rural Zoning Map 1703

RCP Plan Designation No RCP Zoning or Plan Designation.

Rural Plan Designation Map 1703

RCP Site Review None Found

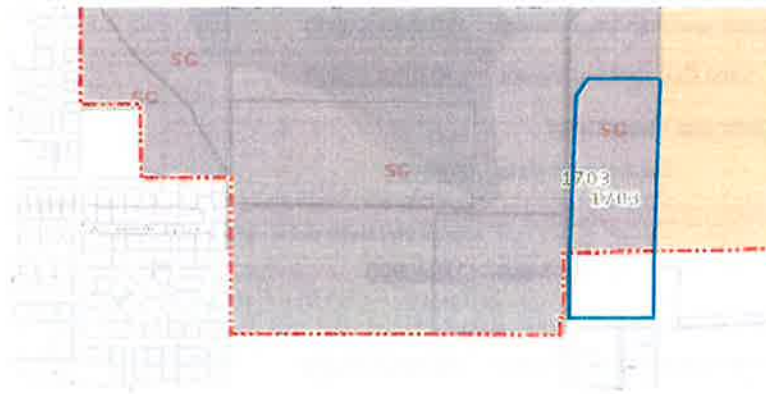
Metro Plan Designation None Found

Small City UGB Zoning None Found

Small City Urbanizing Zone None Found

Small City UGB Site Review None Found

RCP and UGB Zoning Reference Map



Results for Map and Tax Lot Number: 1703090000800

Floodplain

Floodplain X - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

[Floodplain Reference Map](#)



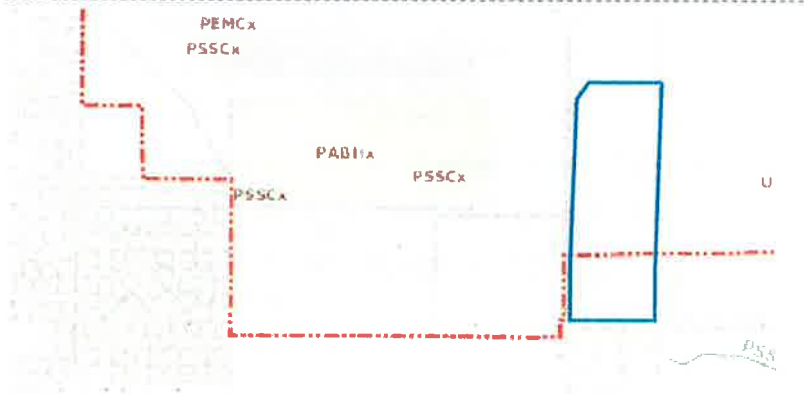
Wetlands

National Wetlands Lines None Found

National Wetlands Polygons None Found

National Wetlands Upland Upland

[Wetlands Overlays Reference Map](#)

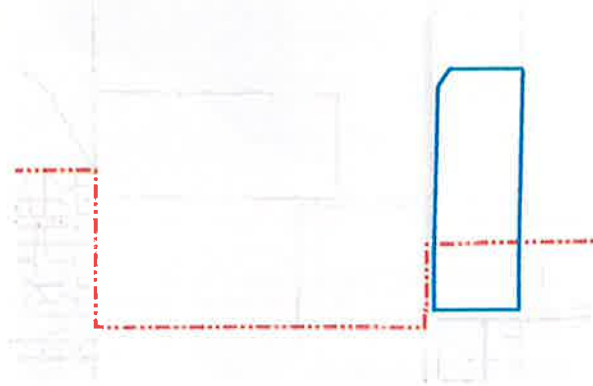


Results for Map and Tax Lot Number: 1703090000800

Airport Overlays

Airport Safety Combining Zone	None Found
Commercial Airport Safety Combining Zone	None Found
Private Use Airport Operation District	None Found
Private Use Airport Safety Overlay	None Found

[Airport Overlays Reference Map](#)



Coastal Overlays

Coastal Overlays	None Found
Beaches & Dunes	None Found
Dredged Material Deposit Site Number	None Found
Official Coastal Overlay Map Number	None Found

[Coastal Overlays Reference Map](#)



***Note:** Planning and Zoning results are for county and small city Urban Growth Boundaries only. For planning and zoning within city jurisdiction, contact the appropriate city. A courtesy link may be provided in the Planning and Zoning section which may aid in finding the appropriate contacts for individual cities.

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Results are determined by intersecting the boundaries of a single tax lot with the boundaries of the search layer. The table lists comprehensive results including those items which border the taxlot.

Please be aware of the comprehensiveness of the results:

- 1. Results are for a single tax lot only, not for a particular address point.

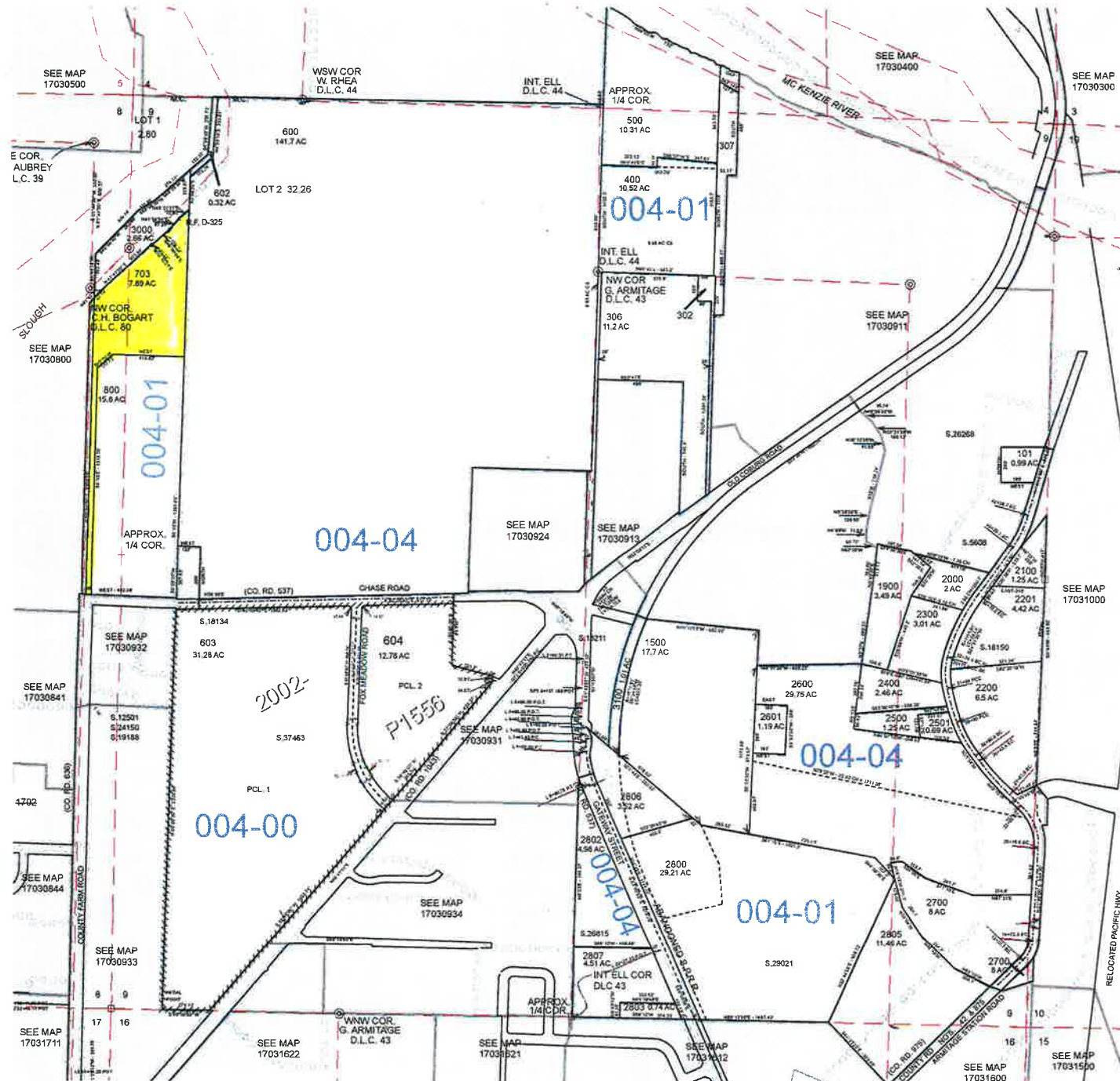
FOR ASSESSMENT AND TAXATION ONLY

SECTION 9 T.17S. R.3W. W.M.
Lane County

1" = 400'

Attachment
EUGENE

caljg - 2014-01-09 09:54



CANCELLED

ATTACHMENT B: TAX LOT 17-03-09-00-00703

REVISIONS
02/17/2011 - LCAT 155 - CONVERT MAP TO GIS
12/29/2013 - LCAT 155 - LLA BETWEEN 400 & 500



Lane County Easy Property Information Lookup

Results for Map and Tax Lot Number: 1703090000703

Property Data

Map and Taxlot Number [1703090000703](#)

Site Address [3600 WILDISH LN, Eugene, 97408](#)

Acres [Map Acres: 8.2 Tax Account Acres: 7.89](#)

City Boundaries

City Limits [None Found](#)

Urban Growth Boundary(UGB) [None Found](#)

Interactive Maps Links

County Zone and Plan Map Viewer [1703090000703](#)

Lane County Map Viewer [1703090000703](#)

Tax Account Data and Maps Links

Tax Account Data [0148385](#)
Note: Only one account shown. Property may have multiple accounts. Use the individual Property Account (IPA) search tool to verify multiple accounts.

Tax Maps [17030900](#)

Building Permits Links

Current County Building Permits (Permit Search) [1703090000703](#)

Scanned County Building Permits (LMD PRO) [1703090000703](#)

Sales Last Three Years

Sales (Last 3 years) [None Found](#)

Jurisdictions

Law Enforcement Agency [Lane County Sheriff](#) 541-682-4141

Fire District [No Fire District Information Determined](#)
Note: In some cases, a portion of a property may be inside a fire district while the remaining portion is outside a fire district. Please view the [tax statement](#) for your property to verify your fire district.

Elected Officials and Schools [3600 WILDISH LN|97408](#)

Results for Map and Tax Lot Number: 1703090000703

Planning and Zoning*

Rural Comprehensive Plan (RCP) Zoning SG - SAND, GRAVEL AND ROCK PRODUCTS

E30 - EXCLUSIVE FARM USE (30 ACRE MINIMUM)

Rural Zoning Map 1703

RCP Plan Designation No RCP Zoning or Plan Designation.

Rural Plan Designation Map 1703

RCP Site Review None Found

Metro Plan Designation None Found

Small City UGB Zoning None Found

Small City Urbanizing Zone None Found

Small City UGB Site Review None Found

RCP and UGB Zoning Reference Map



Results for Map and Tax Lot Number: 170309000703

Floodplain

Floodplain X - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

AE -

[Floodplain Reference Map](#)



Wetlands

National Wetlands Lines None Found

National Wetlands Polygons None Found

National Wetlands Upland Upland

[Wetlands Overlays Reference Map](#)



Results for Map and Tax Lot Number: 1703090000703

Airport Overlays

Airport Safety Combining Zone	None Found
Commercial Airport Safety Combining Zone	None Found
Private Use Airport Operation District	None Found
Private Use Airport Safety Overlay	None Found

[Airport Overlays Reference Map](#)



Coastal Overlays

Coastal Overlays	None Found
Beaches & Dunes	None Found
Dredged Material Deposit Site Number	None Found
Official Coastal Overlay Map Number	None Found

[Coastal Overlays Reference Map](#)



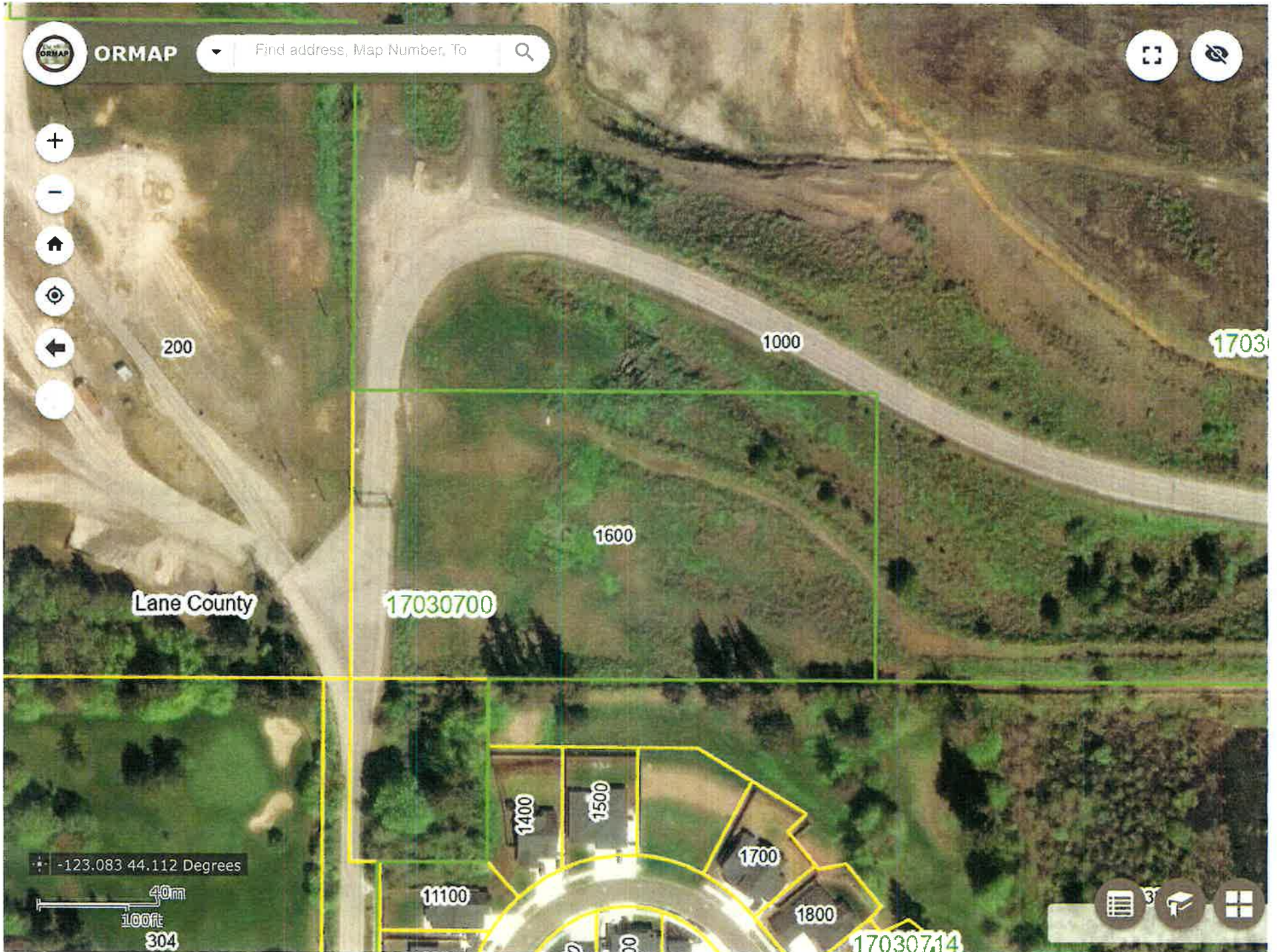
***Note:** Planning and Zoning results are for county and small city Urban Growth Boundaries only. For planning and zoning within city jurisdiction, contact the appropriate city. A courtesy link may be provided in the Planning and Zoning section which may aid in finding the appropriate contacts for individual cities.

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Please be aware of the comprehensiveness of the results:

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Lane County Easy Property Information Lookup

Results for Map and Tax Lot Number: 1703070001600

Property Data

Map and Taxlot Number 1703070001600

Site Address 3935 N DELTA HWY, Eugene, 97408

Acres Map Acres: 4.1 Tax Account Acres: 4.16

City Boundaries

City Limits None Found

Urban Growth Boundary(UGB) None Found

Interactive Maps Links

County Zone and Plan Map Viewer [1703070001600](#)

Lane County Map Viewer [1703070001600](#)

Tax Account Data and Maps Links

Tax Account Data [0145936](#)
Note: Only one account shown. Property may have multiple accounts. Use the individual Property Account (IPA) search tool to verify multiple accounts.

Tax Maps [17030700](#)

Building Permits Links

Current County Building Permits (Permit Search) [1703070001600](#)

Scanned County Building Permits (LMD PRO) [1703070001600](#)

Sales Last Three Years

Sales (Last 3 years) None Found

Jurisdictions

Law Enforcement Agency [Lane County Sheriff](#) 541-682-4141

Fire District [Willakenzie/Eugene RFPD](#)
Note: In some cases, a portion of a property may be inside a fire district while the remaining portion is outside a fire district. Please view the [tax statement](#) for your property to verify your fire district.

Elected Officials and Schools [3935 N DELTA HWY|97408](#)

Results for Map and Tax Lot Number: 1703070001600

Planning and Zoning*

Rural Comprehensive Plan (RCP) Zoning SG/CP - SAND AND GRAVEL CONTROLLED PROCESSING
SG - SAND, GRAVEL AND ROCK PRODUCTS

Rural Zoning Map 1703

RCP Plan Designation No RCP Zoning or Plan Designation.

Rural Plan Designation Map 1703

RCP Site Review None Found

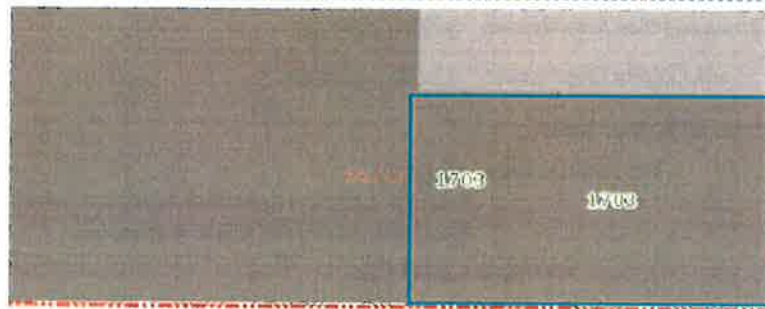
Metro Plan Designation None Found

Small City UGB Zoning None Found

Small City Urbanizing Zone None Found

Small City UGB Site Review None Found

[RCP and UGB Zoning Reference Map](#)



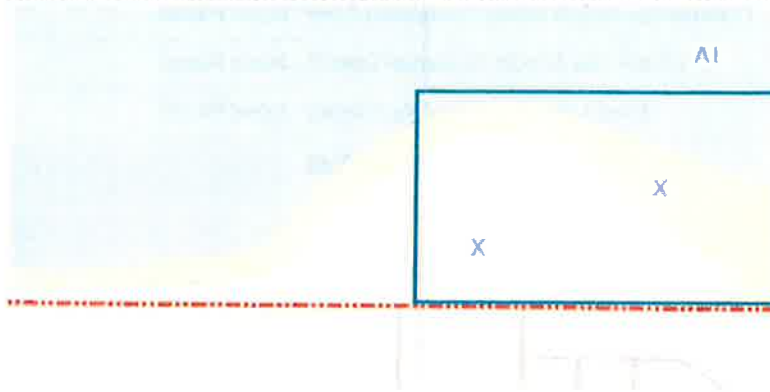
Results for Map and Tax Lot Number: 1703070001600

Floodplain

Floodplain X - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

AE -

[Floodplain Reference Map](#)



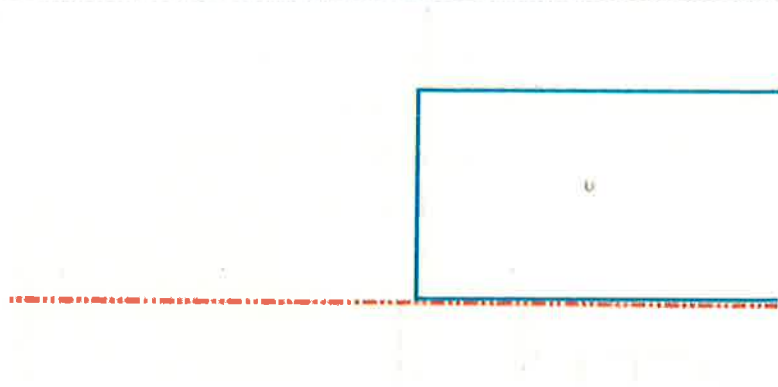
Wetlands

National Wetlands Lines None Found

National Wetlands Polygons None Found

National Wetlands Upland Upland

[Wetlands Overlays Reference Map](#)

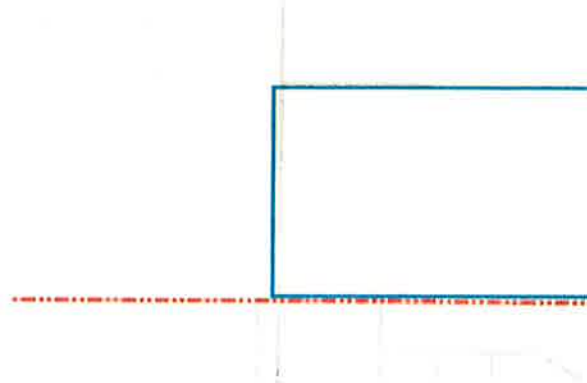


Results for Map and Tax Lot Number: 1703070001600

Airport Overlays

Airport Safety Combining Zone	None Found
Commercial Airport Safety Combining Zone	None Found
Private Use Airport Operation District	None Found
Private Use Airport Safety Overlay	None Found

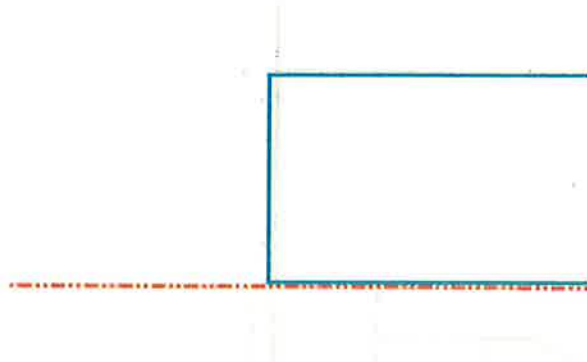
[Airport Overlays Reference Map](#)



Coastal Overlays

Coastal Overlays	None Found
Beaches & Dunes	None Found
Dredged Material Deposit Site Number	None Found
Official Coastal Overlay Map Number	None Found

[Coastal Overlays Reference Map](#)



***Note:** Planning and Zoning results are for county and small city Urban Growth Boundaries only. For planning and zoning within city jurisdiction, contact the appropriate city. A courtesy link may be provided in the Planning and Zoning section which may aid in finding the appropriate contacts for individual cities.

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SECTION 18 T.17S. R.3W. W.M.
Lane County
1" = 400'

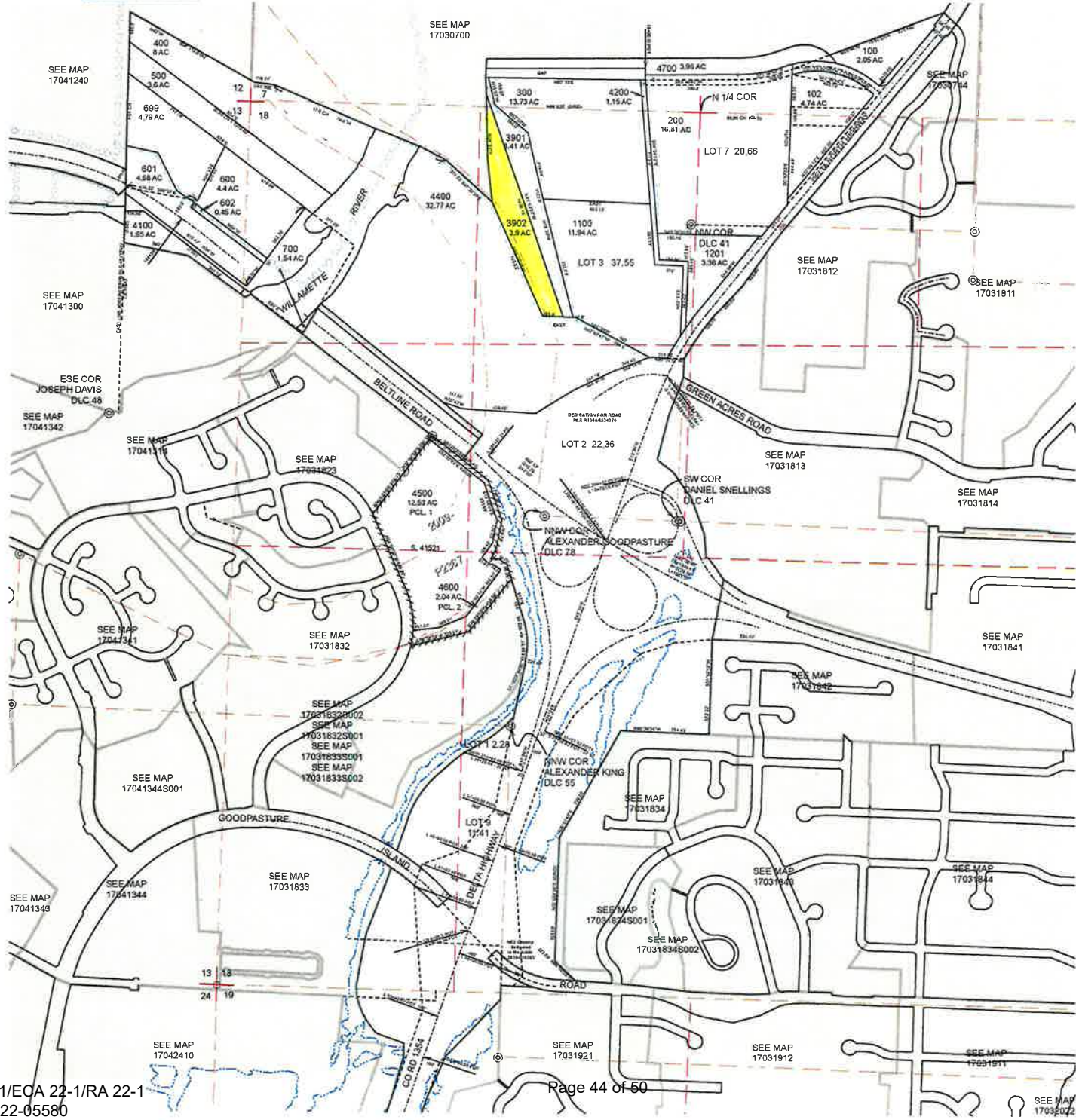
FOR ASSESSMENT AND
TAXATION ONLY

Att 17031800C
EUGENE

LCATSKP - 2019-03-27 09:52

- CANCELLED
- 1000
- 1001
- 2400
- 2401
- 2402
- 2501
- 2502
- 2503
- 2504
- 2600
- 2601
- 2602
- 2800
- 2801
- 4300

ATTACHMENT D: Tax lot 17-D3-18-00-03902



REVISIONS
 02/16/2019 - LCAT113 - CONVERT MAP TO GIS
 07/16/2019 - LCAT142 - 17031833-200417031832-600 TO 2004P2387
 04/13/2018 - LCAT139 - WTL 4750



Lane County Easy Property Information Lookup

Results for Map and Tax Lot Number: 1703180003902

Property Data

Map and Taxlot Number: 1703180003902

Site Address: No Address for this tax lot.

Acres: Map Acres: 4.0 Tax Account Acres: 3.9

City Boundaries

City Limits: None Found

Urban Growth Boundary(UGB): None Found

Interactive Maps Links

County Zone and Plan Map Viewer: [1703180003902](#)

Lane County Map Viewer: [1703180003902](#)

Tax Account Data and Maps Links

Tax Account Data: [0161339](#)

Note: Only one account shown. Property may have multiple accounts. Use the individual Property Account (IPA) search tool to verify multiple accounts.

Tax Maps: [17031800](#)

Building Permits Links

Current County Building Permits (Permit Search): [1703180003902](#)

Scanned County Building Permits (LMD PRO): [1703180003902](#)

Sales Last Three Years

Sales (Last 3 years): None Found

Results for Map and Tax Lot Number: 1703180003902

Planning and Zoning*

Rural Comprehensive Plan (RCP) Zoning SG/CP - SAND AND GRAVEL CONTROLLED PROCESSING

SG - SAND, GRAVEL AND ROCK PRODUCTS

Rural Zoning Map [1703](#)

RCP Plan Designation No RCP Zoning or Plan Designation.

Rural Plan Designation Map [1703](#)

RCP Site Review None Found

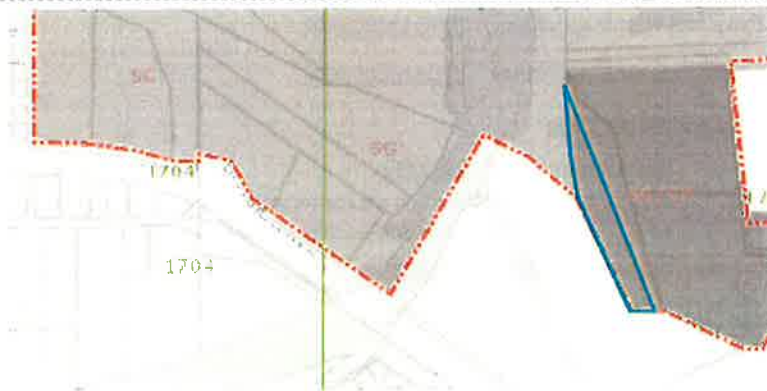
Metro Plan Designation None Found

Small City UGB Zoning None Found

Small City Urbanizing Zone None Found

Small City UGB Site Review None Found

[RCP and UGB Zoning Reference Map](#)



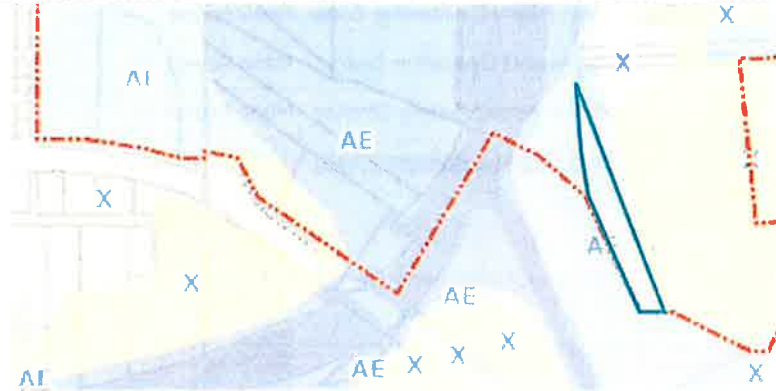
Results for Map and Tax Lot Number: 1703180003902

Floodplain

Floodplain X - AREA OF MINIMAL FLOOD HAZARD

AE -

[Floodplain Reference Map](#)



Wetlands

National Wetlands Lines None Found

National Wetlands Polygons None Found

National Wetlands Upland Upland

[Wetlands Overlays Reference Map](#)



Results for Map and Tax Lot Number: 1703180003902

Airport Overlays

Airport Safety Combining Zone	None Found
Commercial Airport Safety Combining Zone	None Found
Private Use Airport Operation District	None Found
Private Use Airport Safety Overlay	None Found

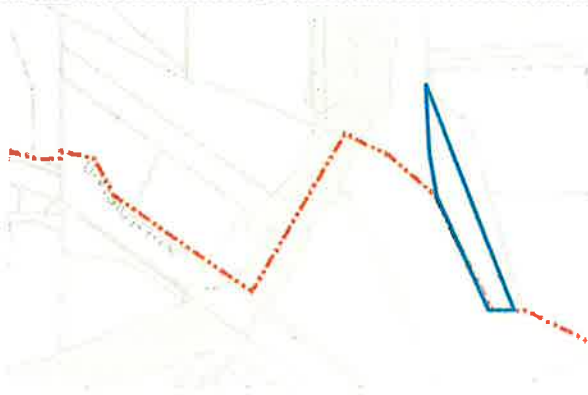
[Airport Overlays Reference Map](#)



Coastal Overlays

Coastal Overlays	None Found
Beaches & Dunes	None Found
Dredged Material Deposit Site Number	None Found
Official Coastal Overlay Map Number	None Found

[Coastal Overlays Reference Map](#)



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From: [Amy Hendrix](#)
To: [@Eugene Urban Reserves](#)
Subject: New Urban Growth Boundary Concerns.
Date: Monday, October 17, 2022 6:13:35 PM

You don't often get email from amyhendrix@gmail.com. [Learn why this is important](#)

[EXTERNAL]

I'm a resident in North Gilham and we have received notice that you are considering extending the Urban Growth Boundary in my area. We built our home here based on the current Urban Growth Boundary prohibiting new developments in this green space. Right now I would argued that you shouldn't be expanding until you are able to manage the needs of current residents in my area. We don't have enough sidewalks, bike lanes, green spaces and parks for us on the north side currently. But most importantly the schools are absolutely overrun. Even with the expansion at Gilham Elementary School this paat year they are still outgrowing it. Everything that currently is open space is being eaten up by construction and livability is declining.

Please reconsider this proposal and keep the Urban Growth Boundary in north Gilham the same.

Sincerely
Amy Hendrix

MEMORANDUM
Staff Response to Public Testimony and Planning Commission Questions
November 29, 2022

To: Eugene and Lane County Planning Commissions
From: Rebecca Gershow, City of Eugene Planning Division
Lindsey Eichner, Lane County Planning Division
Subject: Staff Response to Public Testimony and Planning Commission Questions

On October 18, 2022 the Eugene and Lane County Planning Commissions held a joint public hearing on the proposed Eugene urban reserves. At the hearing, five members of the public provided verbal testimony. Twenty-five people provided written testimony as of 5:00 pm on October 25, 2022. Below is a response to some of the testimony that Commissioners asked about at the public hearing or merited further investigation or explanation.

Planning Commissioner Questions

Most planning commissioner questions were answered at the public hearing. Following the public hearing, staff committed to following up on the two questions below:

1. *Commissioner Hadley asked if property owners would be required to hook up to city sewer services and annex if the property was within the urban growth boundary, already developed and had a failing septic system.*

If property inside a UGB has a failing septic system and is within 300 feet of a sewer line, the Oregon Department of Environmental Quality requires County staff to look at the potential for connection to a public wastewater system instead of septic system replacement; however, it is not always required. In Eugene's urban growth boundary (UGB), if the developed property is required to be connected to sewer, it would not also be required to annex into the city limits (other cities may require annexation). Instead, it would require approval for an extra-territorial extension of services outside the city limits, and part of that approval would require an annexation agreement where the owner would need to agree, in writing, to the property's annexation at some time in the future. The City of Eugene's current policy does not include any city-initiated annexations of private property so, even with such an agreement in place, annexation still remains voluntary based on existing City Council policy. As such, the property would remain unincorporated until the property owner chose to annex, but it would have the benefit of sewer service.

2. *Commissioner Lear asked about impacts to property owners in the proposed urban reserves.*

A property's zoning would not change when it is included in urban reserves, so inclusion in urban reserves will not trigger any change to the uses allowed on a property. This means current uses can continue and other uses that Lane County allows in the property's zone could still be established on the property. Based on state law, several land use policies have been proposed as part of the proposed

urban reserves to ensure that land in urban reserves will remain in its current rural use while also being prioritized for future urban growth. For example, under the proposed policies, if the County regulations for a property now allow a single-family dwelling on the property, a single-family dwelling will still be allowed after the property is included in urban reserves because the same set of County regulations will continue to apply. However, after the property is included in urban reserves the County could not approve requests for zone changes allowing more intensive uses on exception or nonresource land. Similarly, property owners would not be able to request resource land included in Eugene urban reserves to be rezoned or redesignated to a non-resource zone or designation. This will allow farm and forest zoned properties to be re-zoned to marginal lands, but not residential, commercial, or industrial. The intent is to retain larger parcels for resource uses until this land is included in the UGB, at which time it will be eligible for urbanization. This limitation on the ability to change a property's zoning is not a "taking" because no property (property owner) has a right to a zone change. In fact, requests for zone changes or re-designation for more intensive uses in Lane County are quite rare, and approval is not guaranteed: In the last 10 years there have been only **5 requests** for plan amendments to change land from a resource to non-resource use, and of these, only 2 applications have been approved and are final (the other 3 are pending). There have been **no requests** for zone changes allowing more intensive uses on exception or nonresource land.

For the exact wording of the proposed policies, please see **Attachment B**, [Exhibit A-1](#) (Amendments to the Eugene-Springfield Metropolitan Area Plan), and [Exhibit E](#) (Amendments to the Lane County Rural Comprehensive Plan).

Two other documents are included for your information: The Property Owner Matrix, which shows other ways land may change after it is included in urban reserves (**Attachment E**); and the Property Owner FAQs which respond to questions staff have received from property owners (**Attachment F**). Both documents are available to the public on the [urban reserves project page](#).

Public Testimony

1. *One member of the public with property inside the proposed urban reserves (Blick) testified at the public hearing and sent a follow-up email. One of their concerns addressed below was how farmland was prioritized, and that property designated as "rural residential" that is currently being farmed is not considered as farm land for the purposes of the urban reserves analysis, when there may be more intensive farming on these smaller rural residential parcels than on some larger agricultural-designated properties.*

Another concern expressed by Blick and others is related to the level of detail of the analysis of lands for inclusion in urban reserves.

Staff response:

The urban reserves analysis considers farmland to the extent allowed by state law. State law is designed to protect land that the County has designated for farm and forest use (land that is designated for agricultural or forest use in an adopted comprehensive plan, regardless of its current use), by requiring that these farm and forest designated lands in the study area are selected last for inclusion into urban reserves. In contrast, based on state rules, land that the County has designated for rural residential use is some of the first land the City and County must include in urban reserves because the County has

already determined that it is not the best land for farming or timber. The urban reserves analysis was not allowed to make any exceptions to this “order” based on how rural residential designated land is being used (or whether it is being farmed); the determining factor is how the County has designated the land in the Metro Plan or Lane County Rural Comprehensive Plan (regardless of its current use). Consistent with state law, the urban reserves analysis selected land designated as rural residential land for urban reserves before considering the inclusion of any farm and forest designated land.

The farm and forest designated land that was included in urban reserves was selected in order of its land classification, so land with the lowest quality soils were selected first, while land with the highest-quality soils were selected last. Decision-makers selected the 27-year urban reserve option in large part because it left out the highest quality farmland (agricultural designated land with predominant class 1 soils) from the proposed urban reserves, in order to preserve it for agricultural use.

As noted above, urban reserves analysis is tightly controlled by state law. Given that the urban reserves study area included over 27,000 acres of land, the analysis was, by necessity, done at a relatively high level. However, great care was taken to analyze the land in the study area in a way that is both consistent with state law and consistent within the analysis itself, so that all of the land was fairly evaluated using the same data sources and criteria applied throughout. The study area was divided into 18 subareas to manage the analysis of such a large study area and organize it into areas of land that are affiliated geographically. Eighteen Suitability Analysis Subarea Reports were developed that informed the proposed urban reserves. This work is detailed in the [Eugene Urban Reserves Study](#) and its attachments, as well as the [Eugene Urban Reserves Technical Memo](#) included in the adoption package and linked in **Attachment B**.

Once urban reserves are adopted (by the City and County), they automatically become the first priority land to consider when it is time to determine where to expand the UGB, and a more strategic analysis of any potential expansion areas will happen at that time.

2. *One member of the public with property outside the proposed urban reserves (Silberstein) questioned why their property, and their neighbor’s adjacent property, are not included in the proposed urban reserves when their properties appear similar to other nearby property that are included.*

Staff response:

Staff understands Silberstein’s interest in their property being included in urban reserves, as there has been a lengthy email exchange. This correspondence is included in the first and second batch of testimony. A summary of the staff response follows:

The land in question, which is located at the northeast corner of the intersection of Barger Drive and Green Hill Road, was studied as part of the Clear Lake Subarea suitability analysis. As noted previously, urban reserves planning is very prescriptive by nature (in other words, directed by state law), and the same assumptions, criteria and data set were used for analyzing the entire study area, originally consisting of over 27,000 acres. As described more fully in the [Clear Lake Suitability Analysis Report](#), the subject property along with two other lots in the CL-2 area, was identified as unsuitable for urban reserves because it is almost entirely encumbered by the 100-year floodplain and Statewide Planning Goal 5 adopted wetlands and includes no developable acres. *For the purposes of urban reserves*

planning, the subject property is assumed to have no development capacity due the fact that it is severely constrained by natural hazards (floodplain) and subject to natural resource protections (Goal 5 wetlands). Further, due to the location of the property on the edge of the study area, it is not needed in the future to access adjacent developable land. Therefore, as more fully described in the Clear Lake Suitability Analysis staff identified this land as unsuitable for urban reserves.

The subject property is shown outlined in light blue in the two maps below. The map on the left shows Lane County adopted Goal 5 wetland on the property and the map on the right shows the FEMA 100-year floodplain.



Silberstein asserts that they have development rights that allow them to change these circumstances, (e.g. raising base floodplain elevations or filling wetlands), allowing for additional development on their property. Staff does not dispute how any individual property owner may be able to work with the state and federal agencies that govern development on wetlands and in floodplains to develop portions of their property. In other words, it is possible that some of the land identified in the Study as “undevelopable” and/or “unsuitable” could ultimately be developed. However, urban reserves planning analyzes whether urban levels of development should be directed on land in the future based on the land’s current official designations and mapping. Due to the extent of the natural resource and natural hazard constraints that have been mapped on the land in question, and the location of the land on the edge of the proposed urban reserves, in an area where it is not needed to aid in service provision to other land, its inclusion is not justified.

Excluding this property is consistent with the analysis, as there are other properties in the urban reserves study area with similar conditions that were identified as unsuitable for urban reserves.

Examples include nearby land on the west side of Green Hill Road in the Airport South subarea, and land in the Beacon/River Loop and McKenzie subareas—all areas with a significant proliferation of floodplain primarily, and wetlands secondarily.

Silberstein asserts that their land is no different than the land around it that is included in the proposed urban reserves. However, as shown on the maps, the land proposed for urban reserves around it have some development capacity, unlike the subject property. It is for these reasons why staff recommends not changing the conclusion of the Clear Lake Suitability Analysis Report, which identifies the subject property as unsuitable for urban reserves.

3. *One property owner (Wildish) submitted a letter from an attorney (Kloos) and then a follow-up letter from their staff (Wood) describing their sand and gravel operation and why three of their properties within the proposed urban reserves should be excluded. (Their emails are included in Batch 2 and 3 testimony.) The map on page 5 shows the property they own in the McKenzie Subarea, and the three subject properties outlined in light blue.*

Staff response:

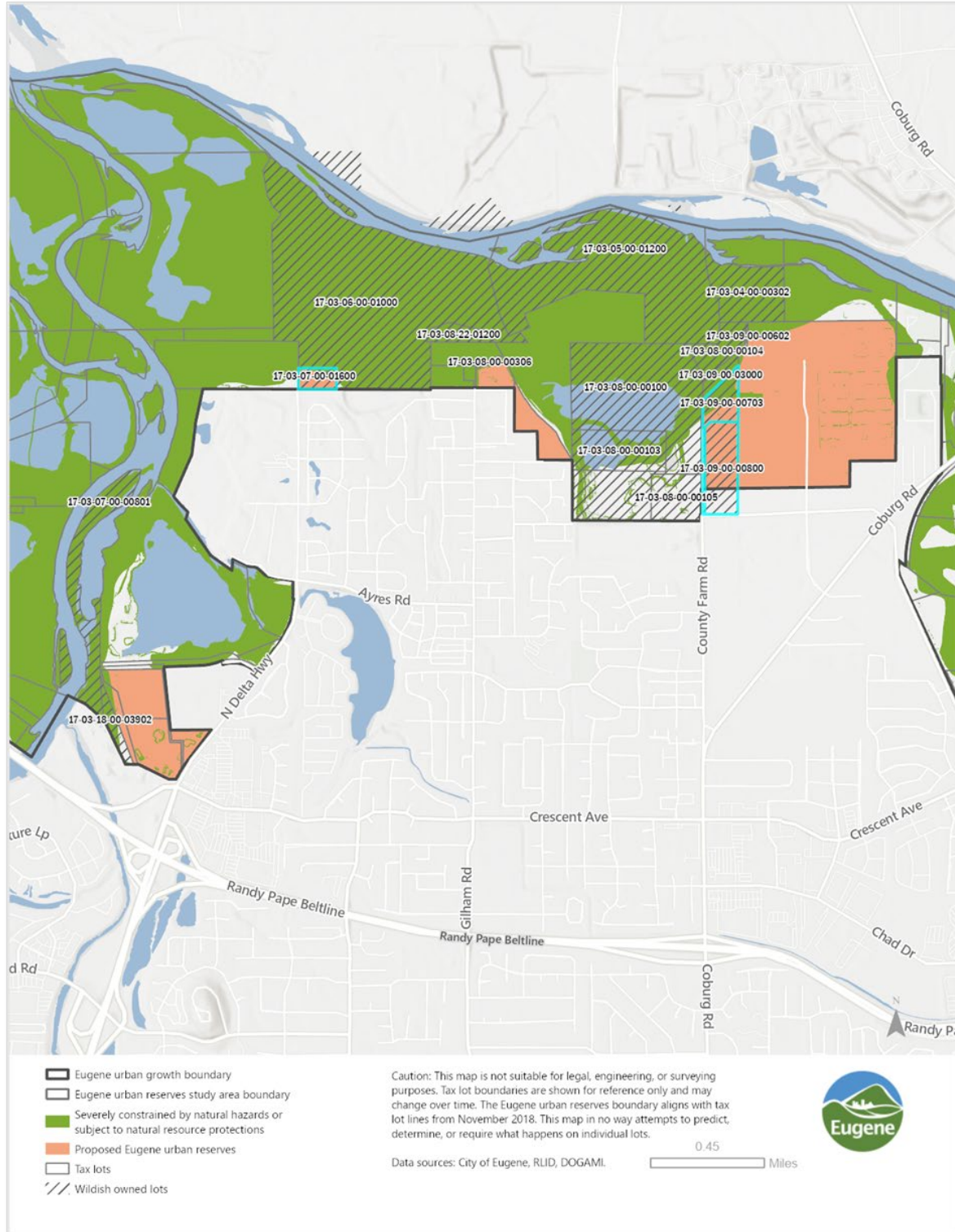
Based on the information submitted by Wildish Land Company (Wildish), staff believes the three tax lots shown on the map below outlined in light blue (totaling 17.7 developable acres outside of the UGB) were analyzed incorrectly in the draft Study provided to the planning commissions. For the reasons explained here, City and County staff recommend changes in the Urban Reserves Study that result in a determination that the outlined portion of the Wildish land is not suitable for urban reserves. These changes would be primarily made in the [McKenzie Suitability Analysis Report](#) and the property would not be included in the proposed Eugene urban reserves.

In their letter, Wildish describes these properties as critical components for the ongoing active mining operation on their adjacent properties, which are part of a Department of Geology and Mineral Industries (DOGAMI) operating permit for surface mining operations. Some of the information important for this reconsideration is the fact that of their approximately 1,180 acre operation, they say in the email sent on 10.22.22 that “only about 85 acres have been fully mined in the last 50+ years ... available [sand and gravel] reserves at the site are estimated to be more than a hundred million tons with the site having a life expectancy of at least 100 years with continuous operations.” The Urban Reserves Study, as currently written, assumed that the land would be available for urban development by the end of the planning period of urban reserves.

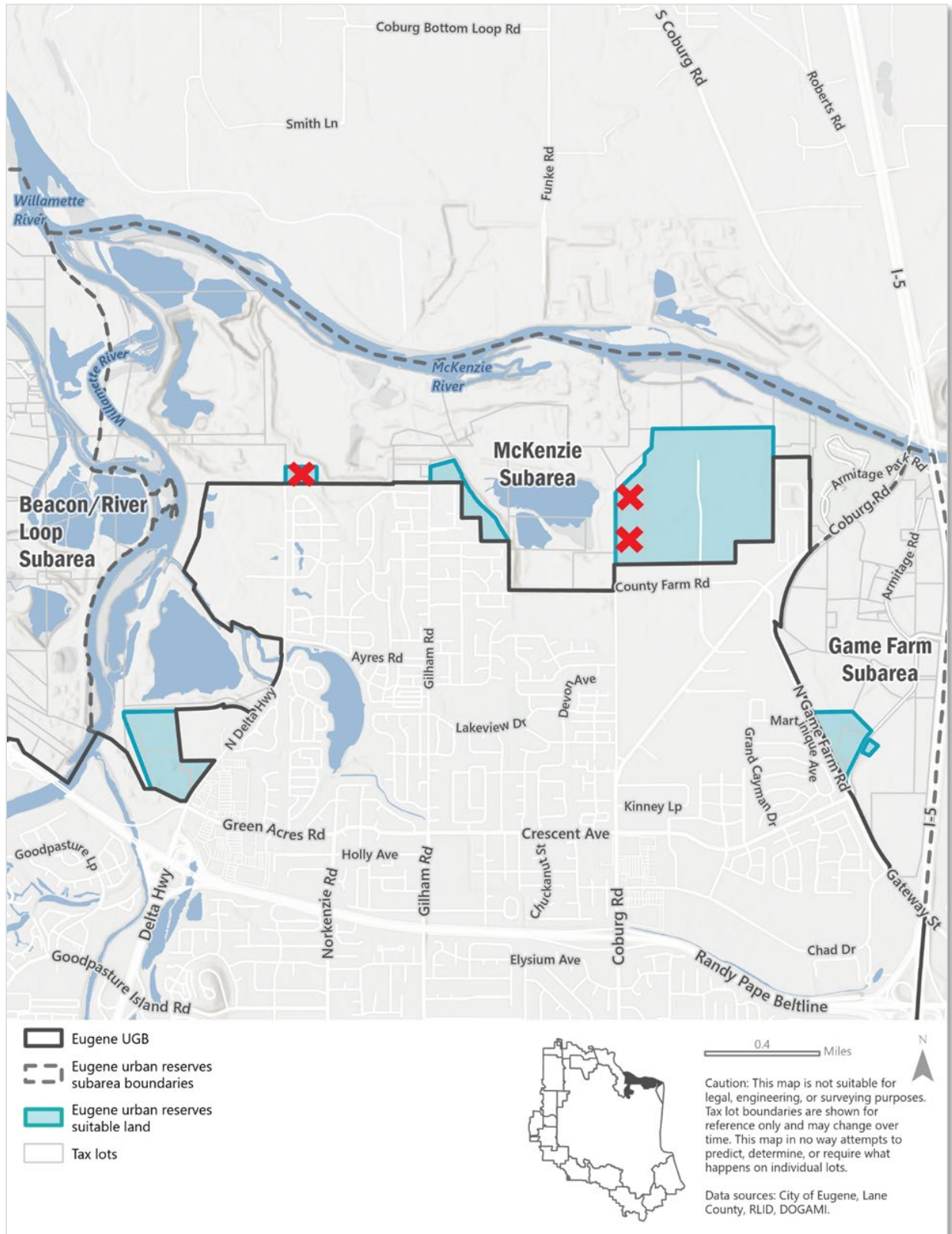
According to Wildish, tax lots 17-03-09-00-00703 and 17-03-07-00-01600 are utilized in day-to-day operations of the mine, while tax lot 17-03-09-00-00800 is currently used as a noise, dust and security buffer for the mining operations; all are part of the ongoing mining operations, which Wildish attests will be active well beyond 2059. Staff notes that all three lots have sand and gravel zoning and plan designation.

The impact of industrial sand and gravel operations such as these on adjacent neighbors can be significant, with truck traffic, noise, and dust from operations. Land dedicated as a buffer between residential neighborhoods inside the UGB and these uses outside the UGB are important for maintaining separation of uses. In this case, these lands, while small, help act as a buffer to minimize impacts to current and future neighbors as they are on the edge of the UGB between developed neighborhoods

and mining operations. Given this additional information, these lands are not suitable for future residential or employment uses by 2059, and therefore staff recommends removing the three tax lots described and shown below from the proposed urban reserves. The McKenzie Suitability Analysis Report will be revised, and the proposed urban reserves will change from 5,918 developable acres to 5,900 developable acres (rounded).



The map below shows the suitable land that would be removed from urban reserves consideration in the McKenzie Subarea.



4. *An attorney living inside the city limits (Kloos) had a variety of wetland-related questions, including how Goal 5 protected wetlands were determined, whether staff were categorizing wetlands correctly in the analysis, and how the urban reserves accounts for wetlands in its analysis (these emails are included in Batch 3 testimony).*

Staff response:

Based on this inquiry, City and County staff have identified an error in the way in which wetlands were described in the urban reserves analysis, and therefore staff propose to correct the way in which wetlands are described and shown. Specifically, in the Urban Reserves Study, on page 5, wetlands that are included on the list of land that is “severely constrained by natural hazards or designated/zoned to protect natural resources,” are described as:

- Lane County Goal 5 adopted wetlands (from the National Wetlands Inventory) or wetlands designated as protected in the West Eugene Wetlands Plan

This is the characterization that Kloos questioned. Instead, staff proposes to change the description to:

- Lane County Goal 5 adopted wetlands;
- wetlands on the National Wetlands Inventory;
- wetlands designated as protect or restore in the West Eugene Wetlands Plan

The Urban Reserves Study was incorrect in characterizing the National Wetlands Inventory (NWI) as proxy for Lane County Goal 5 wetlands. Lane County uses the NWI map to send notice to the state Division of State Lands for applicable protection measures. The only wetlands within the proposed urban reserves that can be correctly characterized as “Lane County Goal 5 adopted wetlands” are on the adopted Goal 5 map from 2004 for the area inside the Metro Plan boundary and outside the UGB.

Staff intend to update the analysis maps to ensure that the references to wetlands are corrected and that all the Lane County Goal 5 adopted wetlands, specifically those included on the map entitled “Goal 5 Wetlands for the area inside the Metro Plan Boundary and outside the UGB” adopted in 2004, are included in the urban reserves analysis. Even though these changes will not change the proposed location of urban reserves, the corrections will require fairly extensive edits throughout the urban reserves analysis, including in the technical analysis text and maps and the Urban Reserves Study text and maps. Specifically, there are two locations in the study area where additional Goal 5 protected wetlands need to be added to the suitability analysis maps – in the Airport North and McKenzie subareas. In both subareas, the “new” Goal 5 wetlands are on land already identified as unsuitable for urban reserves, and therefore do not change the proposed urban reserves, however, the mapping, description, and analysis needs to be updated to match the new data.

5. *The following is in response to Kloos’ questions related to how urban reserves treats wetlands in its analysis.*

The urban reserves analysis assumes no development capacity on identified wetlands (as described above) in the urban reserves study area; wetlands are not counted as “developable,” or relied upon as land needed for future urbanization. In some cases, land with wetlands was found unsuitable for inclusion in urban reserves. In other cases, identified wetlands are included on land in the proposed

urban reserves. The reasons for including some wetlands vary, but most often it is because wetlands do not follow lot lines. Wetlands were sometimes included because they are located on parts of larger lots that contain developable land, or on lots surrounded by developable land. Those wetlands are still not counted as “developable” land.

Kloos argues that there are many more potential wetlands on land in the proposed urban reserves that have not been identified on local, state or federal wetland maps and that, in practical terms, might not be able to be developed. Kloos argues that these lands with potential wetlands should not be counted as “developable.” This argument is the opposite of Silberstein’s (who wants to count some inventoried wetlands as “developable”). As described in the analysis, urban reserves does not assign development capacity to any land on the Study’s list of “undevelopable” land (including but not limited to wetlands) as is allowed under state law. The Study did not, and was not required to, consider whether additional land *may* include wetlands that are not identified (in the inventories discussed above). All land has trade-offs; urban reserves weighed all the factors allowable by state law to evaluate overall the best land to include, but more analysis will be done at the time of UGB expansion to further refine this analysis.

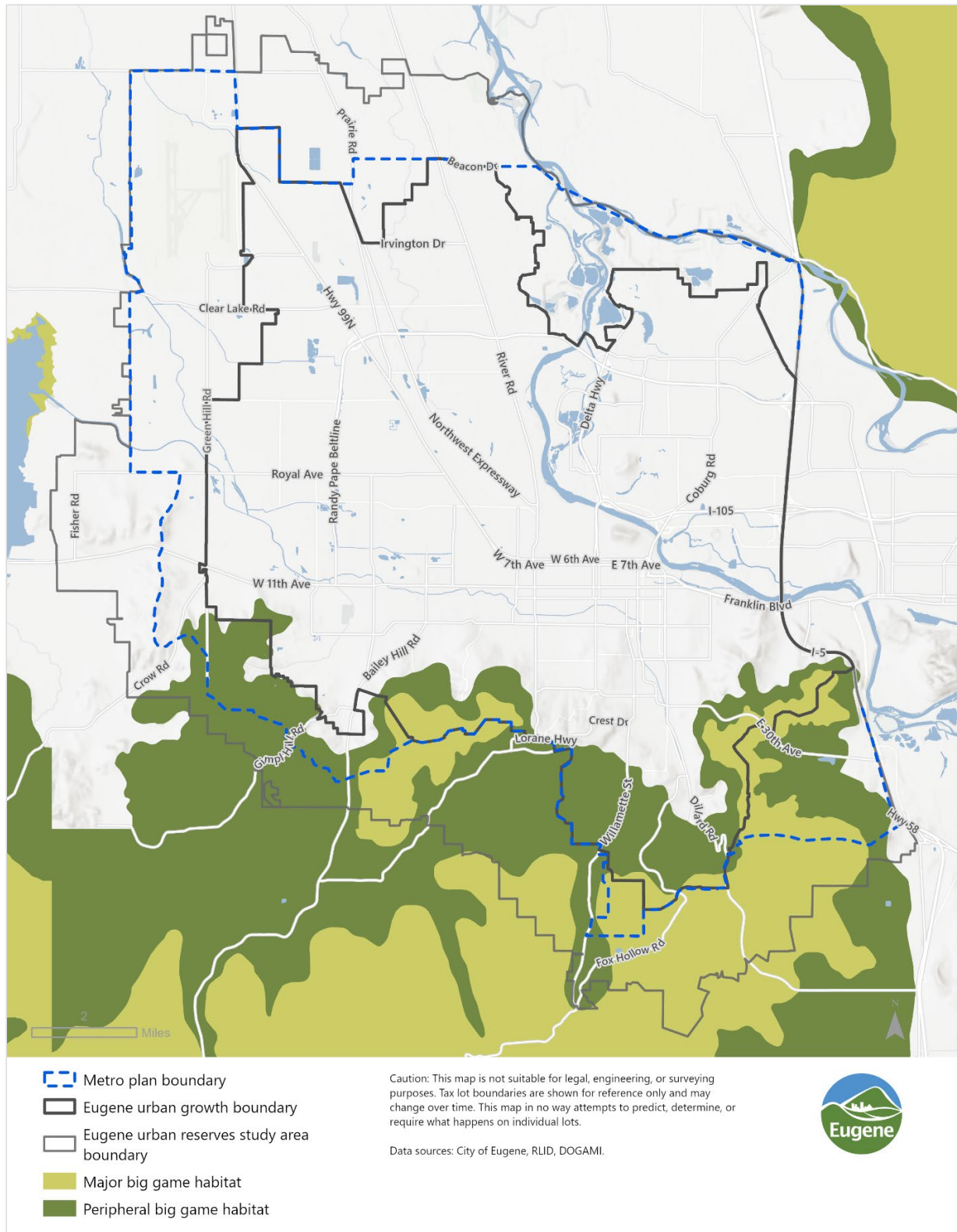
6. *Kloos also had a question about big game habitat and why the urban reserves analysis did not take this into consideration (in their 10.25.22 email included in Batch 3 testimony).*

Staff response:

The County is presently involved in addressing a remand from the Oregon Land Use Board of Appeals (LUBA) that raises questions about the protection measures that should be applied to Big Game Habitat outside of the Metro Plan boundary. These big game habitat areas cover most of the southern, southeastern and southwestern areas in and around the City and its UGB. In fact, the 1980s maps from the Oregon Department of Fish and Wildlife (ODFW) shows that “major” and “peripheral” big game habitat covers over 40 percent, or approximately 11,088 acres of the urban reserves study area (see map on the following page). Arguably, the City and County could have, pursuant to OAR 660-021-0010 and -0030, determined that these big game habitat areas are “undevelopable” and therefore not among the acres that could serve as part of the 27-year supply of urban reserves “developable” land. However, that is not the course taken in the urban reserves analysis. The County Goal 5 study that identified this habitat is more than 35 years old and ODFW’s mapping and recommendations, which are the basis for Oregon local governments’ data for Goal 5 analysis of big game habitat, have changed significantly since the County adopted its Goal 5 program for big game. For these reasons, staff does not recommend that the big game habitat identified on the County’s maps be considered “undevelopable” for purposes of urban reserves analysis.

Staff does recommend that the Urban Reserves Study be revised to include discussion of big game habitat, particularly in the suitability analysis reports where big game habitat is present. Staff recommends updating the text of the following seven Suitability Analysis Reports: West 11th/Green Hill, Crow, Bailey/Gimpl Hill, Crest/Chambers, South Willamette/Fox Hollow, Dillard, and Russel Creek. The presence of big game habitat will be noted and evaluated as part of Locational Factor 3, Environmental Consequences. This evaluation will be part of the basis for the determination of whether certain lands in the study area are unsuitable for future urban development. Due to the fact that there are significant environmental constraints that have already been taken into consideration on lands in the study area

encompassing the South Hills of Eugene, the consideration of big game habitat does not result in a change to the proposed urban reserves. As areas are considered for UGB expansion, the City and County will update the Goal 5 work related to big game habitat.



Use this matrix to find information about your property or home



My property or home is located ...

	Outside the UGB & Not in Urban Reserves	Outside the UGB & In Urban Reserves	Inside the UGB (Outside City Limits)	Inside City Limits
Representation	Lane County Board of Commissioners	Lane County Board of Commissioners	Lane County Board of Commissioners	Eugene City Council
Public Safety	Lane County Sheriff or other RFPD	Lane County Sheriff or other RFPD	Lane County Sheriff or other RFPD	Eugene Police Eugene Fire
School District	Current School District	Current School District	Current School District	Current School District
Property Taxes	Current property tax rate	No change in property taxes	No change in property taxes	Approx. \$19 per \$1,000/assessed value*
Annexation	Not eligible	Not eligible	Voluntary. Must be contiguous to city limits and within 300' of services (water and sewer) or willing to pay for extension of services	Property inside city limits is annexed
Utilities/Services	Sewer: On-site septic Water: Well (or service provider)	Sewer: On-site septic Water: Well (or service provider)	Sewer: On-site septic Water: Well (or service provider)	Sewer: Eligible for City Sewer Water: Eligible for EWEB water
Land Use Jurisdiction	Lane County rural zoning and land use code	Lane County rural zoning and land use code	Eugene urbanizable zoning and land use code (Adopted by Lane County and City of Eugene, administered by City)	City of Eugene zoning and land use code
Development Potential	Limited by Lane County rural zoning and land use code	Limited by Lane County rural zoning and land use code. Policies for land inside urban reserves will ensure that development and land division will not hinder the efficient transition to urban uses and services	Limited by lack of utilities/services. Must annex to allow for development that increases need for services	Upon annexation, properties will be eligible to develop at urban densities

*Estimate based on 2018 rate for Southeast Eugene served by Eugene Fire and EMS. Information from Lane County Department of Assessment and Taxation. Tax rates vary based on property location; this example is for illustrative purposes only.



Frequently Asked Questions: Property Owners

How do I know if my property is being considered for inclusion in urban reserves?

To see if your property is included in the proposed urban reserves, visit the [Proposed Urban Reserves Web Map](#) and use the address search function in the upper right corner. Click on your property, and a pop-up will appear on the left side of the page detailing if your property is included.

What will happen if my property is included in urban reserves?

Being included in urban reserves means your property will be among the land considered first when a UGB expansion is necessary. Land designated as urban reserves will remain rural until it is brought into the City's urban growth boundary (UGB) through the formal state-directed process for UGB expansion and then you apply for annexation into the city limits.

Will I get City services, such as water and sewer, if my property is included in urban reserves?

Having your land included in urban reserves will not change your current service provision. Property is eligible for services, such as sewer and EWEB water, when it is annexed into the City of Eugene. To receive City services, property in urban reserves would have to first be brought into the urban growth boundary and then meet the requirements for voluntary annexation. (See the next question for more information on this.)

If my property is in urban reserves, then brought into the UGB, will I be required to annex into the City?

Annexation into the city is currently voluntary. Annexation typically occurs when a property owner proposes to develop a property that is within the UGB but is not within the city limits and their annexation application is approved. There has been no discussion of requiring properties to annex if they are brought into the UGB. To annex into the city limits, property must:

- border the city limits and
- be within 300' of services (water, wastewater, streets), or
- be willing to extend those services to the project site at the developer's cost

See the [property owner matrix](#) for more information on City and County differences in services, land use, and taxes.

Can I keep doing what I'm doing on my land if it is included in urban reserves?

Yes, property that is included in urban reserves can continue to be used as it is currently. Urban reserves do not trigger any changes in use.

How will the county regulate my land if it is included in the urban reserves?

Inclusion in urban reserves will not trigger any change in the use of a property, meaning current uses can continue. Based on state rules, some land-use policies have been developed to ensure that land in urban reserves will remain rural while also being prioritized for future urban growth. For example, under the proposed policies, single-family dwellings will still be allowed on legal lots if the County's regulations would have allowed them prior to inclusion in urban reserves, but requests for zone changes allowing more intensive uses on exception areas and non-resource land (e.g., land with residential or industrial land use designations) will not be allowed until the land is brought into the UGB. Similarly, property



owners cannot request farm or forest land to be changed to a non-resource designation (like residential or industrial) until after it is included in the UGB. Requests for zone changes or re-designation are very complex, include a lengthy application and review process, and approval is not guaranteed. The proposed policies can be reviewed in the plan amendments which are part of the adoption materials posted on the [Urban Reserves web page](#).

Will urban reserves impact agreements set out by Homeowners Associations (HOAs) or through Covenants, Conditions and Restrictions (CC&Rs)?

CC&Rs and other types of HOA agreements are private contracts and are not enforced by the City or County. Urban reserves cannot change private neighborhood agreements. These private agreements can be more restrictive than zoning laws and may include details on things like accessory dwelling units and minimum lot sizes. The City enforces its zoning laws; it will not enforce CC&Rs even if a property owner applies for a permit to use property in a way that conflicts with their CC&Rs. If a neighborhood is eventually brought into the urban growth boundary, the zoning would change to allow for future urban uses.

Do I have a choice about whether my property is included in urban reserves?

Based on State land use requirements, we have to consider specific areas for urban reserves regardless of property owner desire, but staff and decision-makers want to know your opinion about the proposed urban reserves. Written testimony can be submitted by e-mail to UrbanReserves@eugene-or.gov.

If my septic system fails and I am within the UGB but outside of city limits, will I be required to annex?

No, if your septic system fails and you are within the UGB but outside of city limits you may be required to connect to the City's sewer system depending upon the distance between your property and a sewer line. If this is the case, then you may need to enter into an annexation agreement. An annexation agreement details that at some point in the future your property will be annexed, however, even with such an agreement in place, annexation still remains voluntary based on existing City Council policy.

What's the likelihood that my property will come into the UGB if it's in urban reserves?

This is hard to say. The proposed urban reserves include enough developable land to meet the city's growth needs through 2059. In the future, if analysis shows that we need more land to accommodate more people, we will consider expanding the UGB and will look to urban reserves first. Essentially, urban reserves become the first priority land to grow into. However, how much the UGB expands, where within urban reserves the UGB expands, and when, will depend on several factors, including how fast Eugene's population grows, how densely we are growing within the UGB, and what kind of land we need (residential, employment, etc.). Our [Growth Monitoring Program](#) is tracking this.

If my property is zoned Exclusive Farm Use and is included in urban reserves, would I lose my farm tax deferral? What if my property was brought into the UGB?

Being identified as urban reserves will not change your farm tax deferral. Property owners who currently farm their land and receive the farm deferral can continue to do so, even if their property is brought into the UGB. The farm deferral program is tied to the use of the land, so property owners can continue to receive the farm deferral even if their zoning changes when they are brought into the UGB. For land currently zoned for Exclusive Farm Use (EFU), property owners would need to reapply for the farm deferral if they were brought into the UGB, but can continue to receive it. When a farm deferral



property changes use (i.e. is no longer farmed), it will be disqualified from the deferral. Lane County Assessment and Taxation staff can discuss this process in detail with individual property owners.

What will the impact be on my tax rate if my property is brought into urban reserves?

Bringing property into urban reserves (or the UGB) does not change the property's tax rate. The tax rate would only change if property was brought into the UGB and then the property owner chooses to annex into the City limits. See the [property owner matrix](#) for more information.

How will the value of my land change if it is included in urban reserves, the UGB or the city limits?

There is no effect on the taxable value of land as a result of solely including property in urban reserves. For private property, the taxable value is equal to the property's 'assessed value,' which is, by law, lower than the market value of the property. Unless property redevelops or changes use, Oregon state law limits the increase in a property's assessed value to 3 percent per year, and it cannot exceed the property's real market value. It is normal for the market value of a property to fluctuate year-to-year and this does not trigger a recalculation of the assessed value.

If a property in urban reserves was later brought into the UGB it is likely that its market value would change, but this alone would not necessarily change the tax rate or the assessed value. If a property is annexed into the City limits, the tax rate applied to the taxable value of the property will increase, and the overall tax burden will increase accordingly. See the [property owner matrix](#) for more information.

How does urban reserves adoption work?

In the beginning of the adoption phase, staff assemble the adoption package—this is a package that shows all the work, outreach, and justifications for the staff recommendation to decision makers. Then, when the adoption package is ready, it will be presented to the Eugene and Lane County Planning Commissions. Those Commissions will hold public hearings to review the adoption package, hear public comment, and make their recommendation to the decision makers. Then, the Eugene City Council and Lane County Board of Commissioners will consider the staff recommendation, public input, and the City and County's recommendations before making a joint decision to adopt urban reserves.

When will the public hearings happen?

All meeting dates, including public hearing dates, are posted on the [Urban Reserves project webpage](#).

How can I watch or attend meetings?

Currently, meetings are being held virtually or hybrid (i.e., with options for participating virtually or in person). The most up to date information about public meetings can be found on the [Urban Reserves project webpage](#).

What do I do if I still have questions? How do I provide my input?

Staff are available to answer your questions. Please contact Project Manager [Rebecca Gershow](#) or Assistant Planner [Zoli Gaudin-Dalton](#). Written testimony can be submitted by e-mail to UrbanReserves@eugene-or.gov and it will be forwarded to decision-makers. Additionally, you may provide verbal public comment at the public hearing. When that time comes we will share meeting information on the project's [webpage](#). Sign up for the project's interested parties list [here](#).