

# CITY OF EUGENE

## METRO PLAN AMENDMENT, REFINEMENT PLAN AMENDMENTS, CODE AMENDMENTS, ZONE CHANGE, & WILLAMETTE GREENWAY PERMIT APPLICATION

### EUGENE WATER & ELECTRIC BOARD (EWEB) DOWNTOWN RIVERFRONT LAND USE COMPONENTS

December 5, 2012

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## EUGENE WATER AND ELECTRIC BOARD (EWEB) DOWNTOWN RIVERFRONT

### METRO PLAN AMENDMENT, REFINEMENT PLAN AMENDMENTS, CODE AMENDMENTS, ZONE CHANGE, & WILLAMETTE GREENWAY PERMIT APPLICATION

#### Written Statement

#### 1.0 PROJECT INFORMATION

Applicant's Request:	The applicant, Eugene Water & Electric Board (EWEB), requests approval of a concurrent Metro Plan Amendment, Refinement Plan Amendments, Refinement Plan Adoption, Zone Change, and Willamette Greenway Permit application to enable redevelopment of the Downtown Riverfront site.
Property Owner:	Eugene Water & Electric Board PO Box 10148 Eugene, OR 97440
Applicant:	Eugene Water & Electric Board PO Box 10148 Eugene, OR 97440
Applicant's Representative:	Colin McArthur, AICP Principal Planner Cameron McCarthy 160 E. Broadway, Eugene OR 97401 541.485.7385 <a href="mailto:colin@cameronmccarthy.com">colin@cameronmccarthy.com</a>
Designated Contacts:	Kevin Biersdorff Principal Project Manager Eugene Water & Electric Board PO Box 10148, Eugene OR 97440-2148 541.685.7739 <a href="mailto:Kevin.BIERSDORFF@eweb.org">Kevin.BIERSDORFF@eweb.org</a>  Jeannine Parisi Community and Local Government Liason Eugene Water & Electric Board PO Box 10148, Eugene OR 97440-2148 541.685.7451 <a href="mailto:Jeannine.PARISI@eweb.org">Jeannine.PARISI@eweb.org</a>
Project Name:	EWEB Downtown Riverfront Land Use Components

EWEB DOWNTOWN RIVERFRONT  
LAND USE COMPONENTS

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Subject Property: Assessor's Map 17-03-29-33:  
Tax Lots 1400, 1600, 1800, 2000, 2600, 2700, & 2900  
Assessor's Map 17-03-30-44:  
Tax Lots 7400, 8200, 8300, 8400, & 8500  
Assessor's Map 17-03-31-11:  
Tax Lots 100 & 300  
Assessor's Map 17-03-32-22:  
Tax Lots 100, 300, 400, 401, 800, 1500, & 1600

Location: EWEB Downtown Riverfront  
500 East 4th Avenue  
Eugene, OR 97401

Property Size: 27.06 acres

Plan Designation: HDR High Density Residential, HI Heavy Industrial, POS  
Parks and Open Space, MU Mixed Use

Plan Overlay Designation: /ND Nodal Development Overlay

Zoning Designation: PL Public Land, I-2 Light-Medium Industrial, I-3 Heavy  
Industrial, S-W Whiteaker Special Area Zone

Overlay Zoning Designation: /SR Site Review, /TD Transit Oriented Development, /WR  
Water Resources Conservation

Neighborhood-Applicant  
Meeting: June 29, 2011, 6:30-8:00 PM  
EWEB North Building  
500 E. 4<sup>th</sup> Avenue  
Eugene, OR 97401

## 2.0 DESCRIPTION OF PROPOSAL

### 2.1 Overview

Eugene Water and Electric Board (EWEB), the “applicant”, requests approval to implement the land use components of the EWEB Riverfront Master Plan (Master Plan). The EWEB Board of Commissioners unanimously approved the Master Plan on June 1, 2010. The land use components, identified herein as implementation tools, comprise item number six (6) of the January 2007 Memorandum of Understanding between the City of Eugene and EWEB.<sup>1</sup> The land use components consist of a concurrent request for approval of a Metro Plan Amendments, Refinement Plan Adoption, Refinement Plan Amendments, Code Amendments, Zone Change, and Willamette Greenway Permit application; and, a separate request for approval of a Traffic Impact Analysis application.

The EWEB Downtown Riverfront site (Figure 2-1) (subject property, subject site) is 27.06 acres in size and comprised of 21 parcels. EWEB owns all parcels within the subject site. As shown in Figure 2-1, the subject site is bounded by the Willamette River to the east; University of Oregon (UO) Riverfront Research Park lands to the south; the Union Pacific Railroad corridor and High Street to the west; and, 4<sup>th</sup> Avenue to the north, with the exception of five parcels located north of 4<sup>th</sup> Avenue.

### 2.2 Background

The Eugene Code (EC) and the *Eugene Downtown Plan*, an adopted refinement plan, call for a master plan for the EWEB riverfront site prior to any redevelopment. In 2007, in preparation for EWEB vacating the majority of its operations from the Downtown Riverfront site, EWEB and the City of Eugene entered into a Memorandum of Understanding (MOU) that directed the development of a Master Plan for the subject property. A Community Advisory Team (CAT) was jointly appointed by the EWEB Board of Commissioners and Eugene City Council to help guide the creation of the *EWEB Riverfront Master Plan*. Rowell Brokaw Architects (RBA) led the design team, coordinated with community members in individual and group interviews, held a series of large public events to discuss design elements, and conducted extensive public outreach and involvement as part of the project. In April 2010, RBA completed the *Master Plan* for the EWEB Downtown Riverfront site. The *Master Plan* was unanimously approved by the EWEB Board of Commissioners on June 1, 2010.

The approved *Master Plan* represents the community’s vision for the redevelopment of the Downtown Riverfront. The *Master Plan* is a framework that builds certainty about the vision for the subject property, while being flexible enough to allow this vision to be realized in different ways. It outlines the context, principles, objectives, recommendations, and requirements for the redevelopment of the EWEB riverfront property, as well as the public process conducted to arrive at this vision. The *Master Plan* gives form and specificity to goals and principles outlined in the *Eugene Downtown Plan*. The *Master Plan* also includes design guidelines, the basis for clear and objective development standards, and descriptions of design intent, the basis for adjustment or design review criteria.

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<sup>1</sup> Memorandum of Understanding (MOU). City of Eugene and the Eugene Water & Electric Board. January 17, 2007.

EWEB DOWNTOWN RIVERFRONT  
LAND USE COMPONENTS

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Figure 2-1





The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight (8) acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a Cultural Landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements. The *Master Plan* is the foundation for the land use components described herein.

Extensive public involvement was a key component to the creation of a redevelopment strategy that resonates with Eugene residents and satisfies community needs. Throughout the *Master Plan* development process, public input was integrated during design iterations and incorporated into decision-making equations that resulted in the *EWEB Riverfront Master Plan*. From its inception, the redevelopment project has had a clear and primary objective of fostering consistent and active community support.

In 2010, EWEB relocated its maintenance, operations, and engineering staff from the Downtown Riverfront site to the new Roosevelt Operations Center (ROC) in west Eugene. EWEB Administrative staff remain in the existing headquarters building on the Downtown Riverfront site. As a result of the major relocation, a significant portion of the Downtown Riverfront site is available for redevelopment.

### 2.3 Context

The *Master Plan* envisions its future adoption as a refinement plan or specific area plan and that a new Special Area Zone will be established in the Eugene Code based on the *Master Plan's* recommendations and requirements. The *Master Plan* notes that this is not the only course of approval or adoption process; however it was the course presumed when the master planning process was completed.

The *Master Plan* recommends re-zoning of the property to meet the vision of the master planning and public engagement processes. The *Master Plan* utilized the existing Community Commercial (C-2) zone as the basis for discussions regarding allowable uses and uses not allowed on the riverfront site. While this might imply that C-2 is suitable as a potential base zone for the Riverfront site, many of the C-2 zoning requirements are in conflict with aspects of the *Master Plan* vision and, in general, are not designed to facilitate mixed-use development, the endorsed build-out alternative.

With the adoption of the *Growth Management Study*, in 1998, and the regional transportation plan (*TransPlan*), in 2001, the concept of mixed-use development (formerly known as “nodal development”) is the official growth management policy of the City of Eugene. Mixed-use development is based on a vision of Eugene’s future that maintains the existing urban growth boundary by encouraging infill; redevelopment; and higher density, mixed-use development in select locations throughout the metropolitan area. Mixed-use development is a major step towards realizing citizens’ vision of Eugene’s future. The *Master Plan* envisions mixed-use development through infill development, redevelopment, and adaptive reuse of the Downtown Riverfront site and is therefore aligned with the vision for Eugene’s future.

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## 3.0 EXISTING CONDITIONS

### 3.1 Site Context

The EWEB Downtown Riverfront site is comprised of 21 parcels totaling 27.06 acres in size. As shown on Sheet C1 Cover Sheet (Exhibit G Plan Set), the subject site contains 22.76 acres of developed land and 4.30 acres of open space. The subject site is located adjacent to the Willamette River, the Eugene Downtown Core area, and the 5<sup>th</sup> Street Market commercial corridor. Across the Willamette River from the subject site is Alton Baker Park, the city's largest metropolitan park. Further upstream is the University of Oregon's Riverfront Research Park. To the south of the subject site, across E. 6<sup>th</sup> Avenue, is the U.S. Federal Courthouse. Skinners Butte is located approximately ¼ mile to the northwest.

The Union Pacific railroad corridor forms the southwestern boundary of the subject site. The rail corridor is the primary passenger and freight rail line serving the Eugene-Springfield Metropolitan area. Eugene station is located approximately ¼-mile west of the intersection of 4<sup>th</sup> Avenue and High Street, the northwest corner of the subject site. The Ruth Bascom Riverfront Trail stretches along the west bank of the Willamette River within the project boundaries. Ferry Street Bridge, located north of the subject site, is a significant transportation arterial and primary vehicular route across the Willamette River. The Peter Defazio Bridge, located north of the subject site, is a primary pedestrian and bicycle route across the Willamette River from Downtown Eugene to Alton Baker Park, Autzen Stadium, and beyond.

The EWEB Riverfront site is located within the heart of Downtown Eugene and in proximity to many defining natural, cultural, and economic amenities. The subject property is isolated from the rest of the city by the railroad corridor and elevated Ferry Street Viaduct. Establishing new and clearly identifiable street and pedestrian connections to the riverfront are of great importance in order to realize the community benefits of this civic and natural-resource amenity.

### 3.2 Site History

The EWEB Downtown Riverfront site housed community water facilities prior to 1900. However, EWEB's history and its history on the subject property can be traced to an event in 1906. Privately owned companies originally provided water and electric service to the citizens of Eugene. Following increasing prices and a typhoid outbreak in 1906, actions were initiated to revise the City Charter and state legislation to allow for public ownership of water, electric, and sewer service. On November 18, 1908 the City Council purchased the private domestic water system and on March 11, 1911 the Eugene Water Board was formed. The utility's name was later changed to Eugene Water & Electric Board (EWEB) to reflect the provision of electrical service.

The facilities purchased in 1908 were housed on the east side of the subject site where the Willamette Substation is today. As Eugene grew, more land was purchased downstream which facilitated construction of the Steam Plant in 1931 and the McClain Filter Plant in 1934. As growth continued, EWEB purchased additional surrounding properties and added new facilities, including the first onsite headquarters building in 1949. In 1988 four parcels north of 4<sup>th</sup> Avenue and west of Mill Street were purchased, which were the last parcels EWEB purchased for the Downtown Riverfront site. Construction of EWEB's current administrative headquarters was completed in 1988.

### 3.3 Existing Structures

The subject property contains several existing structures including the 100,000 square foot (sf) EWEB Headquarters Building, the 49,000sf Operations Warehouse, the 28,000sf Steam Plant, the 21,000sf Communications and Equipment Repair Building, the 18,600sf Midgley's Building, and the 17,800sf Vehicle Repair Shop. Under the *Master Plan*, the EWEB Headquarters Building, the Operations Warehouse, the Steam Plant, and the Midgley's Building are proposed for adaptive reuse. The Communications and Equipment Repair Building and the Vehicle Repair Shop are proposed for demolition. The Willamette Substation and a former manufactured gas plant site are located within the southeastern end of the subject property and are proposed to remain in EWEB ownership. In 2009, a DEQ assessment of the former manufactured gas plant site's environmental impacts was completed. The site was determined to be polluted prior to EWEB ownership and is now capped with impervious materials. The primary section of the subject site best suited for immediate redevelopment is the approximate 12-acre former Operations Yard, which spans both the east and west sides of the Ferry Street Viaduct and is mostly paved. Prior to the relocation of EWEB operations, this area was used to store equipment and utility service vehicles.

### 3.4 Land Use

Metro Plan land use designations for the subject property include, seven (7) parcels designated High Density Residential, two (2) parcels designated Heavy Industrial, five (5) parcels designated Mixed Use, and seven (7) parcels designated Parks and Open Space. All of the parcels located south of 4<sup>th</sup> Avenue and west of the Ferry Street Viaduct have the Nodal Development Overlay designation.

City of Eugene zoning designations for the subject property include, three (3) parcels designated I-2 Light-Medium Industrial, five (5) parcels designated I-3 Heavy Industrial, eight (8) parcels designated PL Public Land, and five (5) parcels designated S-W Whiteaker Special Area Zone. Nine (9) parcels adjacent to the Willamette River have /WR Water Resources Conservation overlay zoning designation. Twelve (12) parcels adjacent to the Ferry Street Viaduct have /TD Transit Development overlay zoning designation. Five (5) parcels north of 4<sup>th</sup> Avenue, within the S-W Special Area Zone, have /SR Site Review overlay zoning designation.

A list of subject parcels (tax lots), acreage, *Metro Plan* designations, and City of Eugene land use zoning designations is provided as Exhibit J Tax Lot Details. Figure 3-1 identifies respective parcels within the subject site and their associated plan and zone designations as well as overlay designations.

Figure 3-1 Existing Plan and Zoning Designation

DESIGNATION	21 Parcels	TOTAL PARCELS	ACRES	SITE COVERAGE
	27.06 Acres			
<b>Plan Designation<sup>1</sup></b>				
HDR High Density Residential		7	5.00	18%
HI Heavy Industrial		2	17.75	66%
MU Mixed Use		12	6.12	23%
POS Parks and Open Spaces		7	3.19	12%
<b>Plan Overlay Designation</b>				
/ND Nodal Development Overlay		16	25.94	96%
<b>Zoning Designation</b>				
I-2 Medium Industrial		3	2.22	8%
I-3 Heavy Industrial		5	4.16	15%
PL Public Land		8	19.56	72%
S-W Whiteaker		5	1.12	4%
<b>Zoning Overlay Designation</b>				
/SR Site Review Overlay		5	1.12	4%
/TD Transit Development Overlay		12	18.10	67%
/WR Water Resources Conservation Overlay		9	20.94	77%

<sup>1</sup> Seven (7) parcels are designated HDR and MU

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## 4.0 SPECIFIC REQUEST

The subject property is designated Heavy Industrial, High Density Residential, Mixed Use, and Parks and Open Space by the Eugene-Springfield Metropolitan Area Plan (*Metro Plan*) Diagram. The subject property is zoned Public Land (PL), Light-Medium Industrial (I-2), Heavy Industrial (I-3), and Special District (S-W, Whiteaker Special Area Zone) by the City of Eugene Zoning Map with portions of the property having Site Review (/SR), Transit District (/TD), and Water Resources (WR) overlay zoning.

As noted in Section 2.1, the proposal is a concurrent request for approval of a Metro Plan Amendments, Refinement Plan Adoption, Refinement Plan Amendments, Code Amendments, Zone Change, and Willamette Greenway Permit application.

Each of the individual land use components is described below. Findings of compliance with applicable policies, approval criteria, and standards are provided in Section 5.0 Approval Criteria and Standards.

- Metro Plan Amendments
  - The proposal involves a Type II Metro Plan Amendments application pursuant to EC 9.7700(2)(a) to change the plan diagram designation of three (3) parcels within the subject site from Heavy Industrial and Parks and Open Space to Mixed Use and apply the Nodal Development Area Overlay designation to five (5) parcels in order to implement the Master Plan vision.
- Refinement Plan Adoption
  - The proposal involves a Type V Refinement Plan Adoption application pursuant to EC 9.8421 to adopt the *Downtown Riverfront Specific Area Plan* as a refinement plan.
- Refinement Plan Amendments
  - The proposal involves a Type V Refinement Plan Amendments application pursuant to EC 9.8421 to remove Downtown Riverfront Policies 2 and 3 in the *Eugene Downtown Plan* as the policies have been enacted through the relocation of EWEB's utility functions and completion of the *Master Plan* and are now obsolete.
  - The proposal involves a Type V Refinement Plan Amendments application pursuant to EC 9.8421 to remove EWEB Policies II.E.1, II.E.2, and II.E.3 in the *Riverfront Park Study* as the policies are obsolete.
- Code Amendments
  - The proposal involves a Type V Code Amendments application pursuant to EC 9.8060 to establish the S-DR Downtown Riverfront Special Area Zone and revise other policies, criteria, and development standards, for consistency with the S-DR Downtown Riverfront Special Area Zone and the *Downtown Riverfront Specific Area Plan*.
- Zone Change
  - The proposal involves a Type IV Zone Change application pursuant to EC 9.8850 to change the zoning designation of sixteen (16) parcels within the subject site from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone; and, to remove the /TD Transit Oriented Development Overlay on twelve (12) parcels within the subject site.
- Willamette Greenway Permit

- The proposal involves a Type III Willamette Greenway Permit application pursuant to EC 9.8805 to permit development within the boundaries of the Willamette River Greenway.





## 5.0 APPROVAL CRITERIA AND STANDARDS

The purpose of the proposal is to enable redevelopment of the Downtown Riverfront site consistent with the *Master Plan* vision, to create development standards and urban design guidelines that shape redevelopment, and to facilitate the transformation of the area into a “people place” that is active, vibrant, accessible and multi-use. The following actions are necessary to implement the land use components for the Downtown Riverfront.

- Amendments to the *Metro Plan* land use diagram to re-designate three (3) properties to Mixed Use Area designation and apply the Nodal Development Area Overlay designation to five (5) properties.
- Adoption of the *Downtown Riverfront Specific Area Plan* as a refinement plan, including a land use diagram and policies to establish the redevelopment vision.
- Amendments to the *Eugene Downtown Plan* text to remove Downtown Riverfront Policies 2 and 3 as the policies have been enacted and are now obsolete.
- Amendments to the *Riverfront Park Study* to EWEB Policies II.E.1, II.E.2, and II.E.3 as the policies are obsolete.
- Amendments to the land use code to establish the S-DR Downtown Riverfront Special Area Zone, add the *Downtown Riverfront Specific Area Plan* as an adopted plan, and revise other development standards and criteria for consistency with the S-DR Downtown Riverfront Special Area Zone.
- Re-zoning of sixteen (16) properties within the Downtown Riverfront site to S-DR Downtown Riverfront Special Area Zone. Five (5) properties within the Downtown Riverfront site will remain zoned S-W Whiteaker Special Area Zone. The /TD Transit Oriented Development Overlay Zone will be removed from twelve (12) properties. All properties that have the existing /SR Site Review Overlay Zone and /WR Water Resources Conservation Overlay Zone will retain those overlays.
- Approval of a Willamette Greenway permit to allow redevelopment of properties within the boundaries of the Willamette River Greenway.

Findings of compliance that establish the consistency of these actions with the applicable approval criteria and standards are provided in Sections 5.1 through 5.7.

## 5.1 Metro Plan Amendments

The proposal amends the *Metro Plan* land use diagram to re-designate two (2) parcels from Heavy Industrial to Mixed Use Area and one (1) parcel from Parks and Open Space to Mixed Use Area (totaling approximately 18.61 acres) and to apply the Nodal Development Area Overlay designation to five (5) parcels (totaling approximately 1.12 acres), resulting in all properties within the subject site having Nodal Development Area Overlay designation. The other thirteen (13) parcels within the subject site will retain existing High Density Residential, Parks and Open Space, and Mixed Use Area designations.

Table 5-1 presents existing and proposed *Metro Plan* base and overlay designations for parcels within the subject site. Exhibit H Metro Plan Diagram illustrates existing and proposed Metro Plan diagram changes. Assessor's map and tax lot numbers are shown on Sheet C1 Cover Sheet (Exhibit G Plan Set).

Findings of compliance with application Metro Plan Amendment approval criteria are provided in EC 9.7730.

Table 5-1 Existing and Proposed Metro Plan Designations

ASSESSOR'S MAP & TAX LOT NUMBERS	SIZE	BASE DESIGNATION & OVERLAY DESIGNATION	
		Existing	Proposed
<b>17-03-29-33</b>			
1400	0.12 acres	POS/ND	POS/ND
1600	0.11 acres	POS/ND	POS/ND
1800	0.05 acres	POS/ND	POS/ND
2000	0.19 acres	POS/ND	POS/ND
2600	0.25 acres	MU	MU/ND
2700	0.48 acres	HDR,MU/ND	HDR,MU/ND
2900	0.86 acres	POS/ND	MU/ND
<b>17-03-30-44</b>			
		<b>Existing</b>	<b>Proposed</b>
7400	0.29 acres	MU	MU/ND
8200	0.21 acres	MU	MU/ND
8300	0.08 acres	MU	MU/ND
8400	0.29 acres	MU	MU/ND
8500	1.41 acres	HDR,MU/ND	HDR,MU/ND
<b>17-03-31-11</b>			
		<b>Existing</b>	<b>Proposed</b>
100	0.29 acres	HDR,MU/ND	HDR,MU/ND
300	0.52 acres	HDR,MU/ND	HDR,MU/ND
<b>17-03-32-22</b>			
		<b>Existing</b>	<b>Proposed</b>
100	11.89 acres	HI/ND	MU/ND
300	1.12 acres	HDR,MU/ND	HDR,MU/ND
400	0.53 acres	HDR,MU/ND	HDR,MU/ND
401	.65 acres	HDR,MU/ND	HDR,MU/ND
800	5.86 acres	HI/ND	MU/ND
1500	1.16 acres	POS/ND	POS/ND
1600	0.70 acres	POS/ND	POS/ND
HDR - High Density Residential HI - Heavy Industrial POS - Parks and Open Space MU - Mixed Use Area ND - Nodal Development			

EC 9.7730 Metro Plan – Approval of a Plan Amendment

- (3) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:
- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

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

From inception the project has been grounded and shaped by citizen involvement. The *EWEB Riverfront Master Plan* was developed with extensive citizen guidance and involvement, as detailed below.

In 2007, the EWEB Board of Commissioners and Eugene City Council jointly appointed a Community Advisory Team (CAT) to help guide the redevelopment process. EWEB and city staff developed the selection criteria for CAT members. The CAT was designed to represent various community interests and incorporate diverse public opinion. The CAT worked closely with the design team during the development of the Master Plan and operated as a guiding force behind the resulting vision. Both the CAT and the design team, lead by Rowell Brokaw Architects, advocated for extensive public outreach and a 10-month long public engagement plan was implemented around the Master Plan development. Basic elements of the 10-month long public engagement plan included:

- Sixty (60) individual and paired interviews, involving 163 people in total.
- Three (3) group interviews addressing transportation, development and arts/cultural interests.
- Two (2) focus groups addressing site ecology and sustainable urbanism, utilizing local experts and other interested parties.
- Four (4) community events (Open Houses) to present and gather input from the public on the Master Plan:
  - Meeting 1: Visioning Charrette.
  - Meeting 2: Multiple Design Options.
  - Meeting 3: Input on Chosen Design Option.
  - Meeting 4: Open House Celebration on Final Scheme.
- Universal Design outreach for events:
  - Collaboration with City of Eugene Human Rights Commission Accessibility Committee and the Lane Independent Living Alliance to create outreach and participation methods for people with disabilities in accordance with the Americans with Disability Act meeting requirements.
  - Young adults were targeted to get involved in the project by contacting high school teachers to recruit interested students, community service organizations with active high school students, college students in relevant fields, and young adult organizations.
  - Communities of color were specifically addressed to be involved in the project by referrals and personal invitations, outreach at supermarkets, longhouses, churches, and social service agencies. University of Oregon and Lane Community College student organizations and multicultural centers were also contacted to improve turnout of under-represented demographics.

- Outreach beyond public meetings (ongoing):
  - CAT members attended civic organization meetings of high attendance with informational project displays and answered questions.
  - Public Project Website: [www.eugeneriverfront.com](http://www.eugeneriverfront.com)
- Communications plan (ongoing):
  - Informal press briefings; articles in EWEB, City of Eugene, and Eugene Chamber of Commerce publications.

During the public involvement process, over 1,000 community members directly contributed to the master planning process. The CAT met bi-weekly for nearly two years to coordinate the above-mentioned efforts. As part of the land use phase, additional citizen involvement occurred pursuant to standard application requirements and other needs, as described below:

- A stakeholders meeting was held on January 2, 2011 to inform attendees about the land use process and discuss issues surrounding the project.
- A Neighborhood-Applicant meeting was held pursuant EC 9.7007 on June 29, 2011. Invitations were sent to 665 residents, property owners, and neighborhood associations within 500 feet of the site boundaries as well as the planning director, city engineer, and senior planner. Exhibit M Neighborhood-Applicant Meeting Materials includes required documentation from the meeting.

The above findings demonstrate that the applicant has provided extensive opportunities for citizens to be involved in all phases of the planning process. The proposed amendments and zone change are consistent with Goal 1.

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

Guiding land use processes and policy framework for the City of Eugene exist within the *Metro Plan*, adopted Refinement Plans, and Chapter 9 of the Eugene Code. The proposed amendments to both the *Metro Plan* and Chapter 9 of the Eugene Code will not infringe upon their capacity as adequate factual based tools for land use decisions and actions. This land use application follows specified amendment and permit procedures and fulfills stated criteria to demonstrate such compliance. Additionally, one of the primary objectives of the proposed special area zone (SAZ) is to implement Nodal Development policies of the *Metro Plan*. Since the adoption of *Trans Plan* in 2001, the City's growth management policies have been geared towards utilizing a nodal development strategy. The proposed amendments help fulfill these growth management policies. Based on these findings, the proposed amendments and zone change are consistent with Goal 2.

Goal 3 – Agricultural Lands: To preserve and maintain agricultural lands.

Parcels within the subject site are designated by the *Metro Plan* Diagram as High Density Residential, Heavy Industrial, Parks and Open Space, and Mixed Use Areas. Under City of Eugene Zoning, said parcels are zoned PL Public Land, I-2 Light-Medium Industrial, I-3 Heavy Industrial, and S-W Whiteaker Special Area Zone. Current land uses include EWEB administration facilities and commercial uses. Pursuant to OAR 660-015-0000(3) agricultural lands do not include lands located within acknowledged urban growth boundaries (UGB). The entirety of the subject site is located within Eugene’s UGB. Based on these findings, the proposed amendments and zone change are consistent with Goal 3.

Goal 4 – Forest Land: To preserve forest lands.

Goal 4 does not apply to land within the subject site. All parcels within the subject site are located within the City of Eugene UGB and do not contain forest lands. According to OAR 660-006-0020, Statewide Planning Goal 4 is not applicable within urban growth boundaries. The subject site does not affect forest lands because it does not contain forested lands and is located within the UGB. Therefore, the proposed amendments and zone change are consistent with Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

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

OAR 660-023-0250

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

The proposed amendments and zone change do not create or amend a list of Goal 5 resources, a plan or a land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged urban growth boundary. Therefore, it is clear that the proposed amendments do not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3)(a) or 3(c). Some analysis is required to determine whether OAR 660-023-0250(3)(b) triggers the need to further consider Goal 5 requirements. Subsection (3)(b) asks whether “[t]he PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.” Significant Goal 5 resource sites and

acknowledged lists are documented in the *2005 Eugene Goal 5 Water Resource Conservation Plan* and the *1978 Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers*.

#### Natural Resources

The Riverfront Ecological Analysis and Design Report (Exhibit E) and the Plan Set (Exhibit G) document natural features on the subject site and provide relevant information in addressing these Goal 5 requirements. The eastern portion of the subject site is within the Willamette River Greenway, a natural asset, as identified in the *Metro Natural Assets & Constraints Working Papers*.<sup>2</sup> The Willamette River is adjacent to the development site and is identified as a Goal 5 Water Resource by the *Goal 5 Water Resource Conservation Plan*.<sup>3</sup> As identified on the *Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map* dated November 14, 2005, the Willamette River is categorized as a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning. Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The Willamette River adjacent the development site features a distinguishable high bank. The existing high bank was surveyed by OBEC Consulting Engineers on June 13, 2011 and is shown on Sheets S1 and S2 Existing Conditions Plans (Exhibit G Plan Set) and labeled as “top of bank”. The proposed amendments do not change protections established by the 100-foot /WR conservation setback in EC 9.4920(1)(c)(1.) or affect inventoried Goal 5 Water Resources.

Pursuant to EC 9.4920(5)(a) and (d), areas which the applicant has shown to be developed prior to November 14, 2005, are excluded from /WR conservation areas. As demonstrated on Sheets R1 Regulatory Plan (Exhibit G Plan Set) and Exhibit L Pre-Development Images, the subject site contains buildings on a concrete foundation, pursuant EC 9.4920(5)(a), as well as paved and gravel parking areas that serve administrative and operations uses in adjacent buildings, pursuant to EC 9.4920(5)(d), that were developed prior to November 14, 2005; the date specified in EC 9.4920(5). Sheet R1 Regulatory Plan illustrates “/WR Prior Developed Areas” consistent with EC 9.4920(5); and, “/WR Conservation Areas” and “/WR Conservation Setback Areas.”

The proposed amendments and zone change do not affect established protections. These areas will remain subject to the provisions of the /WR overlay zone. Through the applicant’s concurrent zone change request to implement the proposed zoning designations, the existing /WR overlay zoning will apply. Protection of this Goal 5 resource will therefore remain the same; regardless of the proposed plan designations change that would be allowed outside the regulated overlay.

#### Scenic and Historic Areas

The *Eugene Goal 5 Water Resource Conservation Plan* and the *Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers*, specifically the *Scenic Site Working Paper* and the *Archeological Sites Working Paper*, do not identify any scenic or historic resources on the subject site. Oregon Revised Statute (ORS) 358.653 obligates state agencies and political subdivisions of the state to consult with the State Historic Preservation Office (SHPO) to avoid inadvertent impacts to historic properties for which they are responsible. In accordance with this statute, the applicant has submitted clearance forms for identified historic buildings to SHPO. The identified historic buildings on the subject site include:

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<sup>2</sup> *Eugene Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers*. Willamette River Greenway Working Paper. Figure J1, Willamette River Greenway. April 12, 1978.

<sup>3</sup> Eugene Goal 5 Water Resources Conservation Plan, *Section III*. Site #35 WAWB Willamette River. October 24, 2005.

- The Vehicle Repair Shop (1952): Considered Not Eligible for Listing in the National Register because of major alterations.
- The Warehouse/Operations Building (1952): Considered Eligible for Listing in the National Register.
- The Steam Plant Pump House (1931): Considered Eligible for Listing in the National Register. (Adverse Effect)

On August 3, 2011, SHPO generally concurred with the applicant's recommendations. On December 12, 2011, SHPO signed a Memorandum of Agreement (MOA) with the applicant to mitigate for any adverse effects. Based on these findings, there are no inventoried Goal 5 historic resources or listed historic resources on the subject site.

#### Open Spaces

The *Eugene Goal 5 Water Resource Conservation Plan* and the *Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers* do not identify any open spaces on the subject site.

There are no additional resources that require analysis under the OAR's noted above. The proposed amendments and zone change will maintain established protection measures for inventoried Goal 5 resources within and adjacent to the subject property. Based on these findings, the proposed amendments and zone change are consistent with Goal 5.

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

Goal 6 addresses waste and process discharge from development, and is aimed at protecting air, water, and land from impacts from those discharges. The proposal does not amend the metropolitan area's air, water quality, or land resource policies. Future development of the site will be required to comply with applicable environmental laws and to the extent that future development may create additional impacts to air, water, or land resources, state and local permitting processes will ensure that discharges do not exceed allowable standards.

Future development of the site will be required to adhere to existing policies and Best Management Practices (BMP) in the *City of Eugene Stormwater Management Plan*. Compliance with BMP's will be ensured through the building permit process. Incorporated within the *Master Plan, Downtown Riverfront Specific Area Plan (SAP)*, and Special Area Zone (SAZ) are measures that promote sustainable development practices, including but not limited to eco-roofs, green streets, and vegetated stormwater treatment. Furthermore, the envisioned mixed-use development scenario will fulfill nodal development and transit oriented development goals aimed at reductions in the amount of vehicle miles traveled within the metropolitan area. Based on these findings, the proposed amendments and zone change are consistent with Goal 6.

#### *Goal 7 – Areas Subject to Natural Hazards: To protect people and property from natural hazards.*

Goal 7 requires local governments to adopt comprehensive plans to reduce risk to people and property from natural hazards such as floods, landslides, earthquakes, tsunamis, and wildfires. The City of Eugene protects people and property from natural hazards through various land use and building code requirements. The proposal does not alter these protective provisions nor does it propose development in areas identified to be unsuitable for development.

The subject site is located along the Willamette River within Eugene's Downtown. Portions of the subject site adjacent to the Willamette River are identified on FEMA Firm Map 1137 (Exhibit N



FEMA Floodplain Map) as Special Flood Hazard Areas (Zone AE), Other Flood Areas (Zone X), and Other Areas (Zone X). Special Flood Hazard Areas (Zone AE) identifies areas inundated by a 100-year flood. Other Flood Areas (Zone X) identifies other flood areas consisting of areas inundated by a 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year floods. Other Flood Areas (Zone X) identifies areas determined to be outside the 500-year floodplain. The majority of the subject site is located outside the 500-year floodplain.

The site is prior developed and contains structures and impervious surfaces adjacent the Willamette River. The proposal will not result in development of the site in a manner that is substantially different than existing conditions, which would be more susceptible to natural hazards. Since proposed and existing development has similar tolerance to natural hazards, the future redevelopment of the site is compliant with Goal 7. In addition, the proposed amendments and zone change do not affect or amend the City's means to protect people and property from natural hazards. Based on these findings, the proposed amendments and zone change are consistent with Goal 7.

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

Goal 8 requires local governmental agencies to plan for recreation area, facilities, and opportunities. Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state.

The *2006 Parks, Recreation & Open Space (PROS) Comprehensive Plan* was adopted as an aspiration and guiding document for the City and contains an inventory of existing parks, recreation, and open space resources.<sup>4</sup> PROS Appendix B identifies an existing multi-use path, a segment the Ruth Bascom Riverbank Trail, on the subject site.<sup>5</sup> Other than the multi-use path segment, the subject site is not included on any formally adopted list, inventory or map identifying the City's existing parks and open space supply.

The *PROS Project and Priority Plan* was adopted by resolution and is an action plan that contains specific project information, including a timeframe for project implementation and cost estimates.<sup>6</sup> A portion of the subject site is identified in the plan as a proposed Metropolitan Park site for acquisition.<sup>7</sup> The plan assigns the acquisition project a Priority 1 level and allocates \$1,500,000 in capital costs to “acquire land to provide significant riverfront open space within [the] courthouse/cannery neighborhood.”<sup>8</sup>

The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront

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<sup>4</sup> *Eugene Parks, Recreation & Open Space (PROS) Comprehensive Plan*. Appendix B Existing Resources. August 25, 2005.

<sup>5</sup> *PROS Comprehensive Plan*. Appendix B Existing Resources. Existing Parks, Recreation and Open Space Resources Map. August 25, 2005.

<sup>6</sup> *PROS Project and Priority Plan*. February 22, 2006.

<sup>7</sup> *PROS Project and Priority Plan*. Map 3, City Central, Existing and Proposed Parks, Recreation and Open Space Resources Map. February 22, 2006.

<sup>8</sup> *PROS Project and Priority Plan*. Table 1: Proposed Projects & Priorities for Parks, Open Space and Recreational Facilities (City Center); and, Table 4: Capital Costs by Planning Area (City Center). May 2006.

open space in public ownership. The proposed amendments and zone change designate said land for “parks and open space” use and the list of permitted uses is based on uses listed in the existing PRO Park, Recreation and Open Space Zone (EC 9.2630) (see Exhibit B S-DR Downtown Riverfront Special Area Zone, EC 9.3145(7)), which is the common zoning designation of parkland. Development standards for parks and open space uses are provided in EC 9.3185 (Exhibit B S-DR Downtown Riverfront Special Area Zone). Proposed improvements are conceptually shown on Sheets L1 and L2 Site Plan (Exhibit G Plan Set).

If the City purchases or accepts a portion of the property for parkland, an increase in the availability of public recreational facilities in the area would occur following development of said parkland. As such, changing the designation of the subject property will have no impact on the City’s existing park and open space supply. In no case, as a result of the proposed plan amendments, would a reduction in recreational facilities occur. Regardless of City acquisition, through the proposed amendments and zone change, the proposal will increase the amount of recreation capacity within downtown and riverfront areas.

The proposal does not involve the siting of destination resorts. Based on these findings, the proposed amendments and zone change are consistent with Goal 8.

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

The proposed amendment will re-designate 17.75 acres of land currently designated industrial on the *Metro Plan Diagram*. Two (2) parcels designated Heavy Industrial will be re-designated Mixed Use Areas in order to implement the mixed-use redevelopment vision for the site documented in the *Master Plan*. Because this proposal changes more than two (2) acres of land with the industrial designation, the provisions of OAR 660-009-0010(4), cited below, apply to the request.

OAR 660-009-0010

- (4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
  - (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
  - (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
  - (c) Adopt a combination of the above, consistent with the requirements of this division.

OAR 660-009-015(4) requires cities and counties to conduct an Economic Opportunities Analysis which to review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses. The Economic and Opportunities analysis compares the demand of land for industrial and other employment uses to the existing supply of such land (OAR 660-009-0015).

The *Metropolitan Industrial Lands Inventory Report* is the adopted economic opportunities analysis for the city of Eugene. The Industrial Lands Demand Analysis of said report states “based solely on projected employment estimates, estimates projecting the needs for industrial land show no demand for heavy industrial.”<sup>9</sup>

In June 2010 ECONorthwest prepared a *Comprehensive Lands Assessment* on behalf of the City of Eugene. Included within is an economic opportunities analysis for employment land demand and employment land supply for both industrial and commercial lands. The applicant notes that this plan is not yet adopted as the City of Eugene’s official economic opportunities analysis. Table 3 of said report identifies a surplus of 434 acres of industrial lands and a deficit of 230 acres of commercial lands.<sup>10</sup> This proposed amendments and zone change will re-designate 17.75 acres of industrial land to mixed use, which will increase the amount of commercial and residential acreage available for redevelopment accordingly.

Pursuant to 660-009-0010(4), the proposed amendments and zone change involves a post-acknowledged plan amendment that is consistent with the most recent economic opportunities analysis. Therefore, the proposed amendments and zone change are consistent with Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Within the June 2010 *Comprehensive Lands Assessment* a residential lands analysis was conducted to forecast residential housing supply and future demand within the City of Eugene. The analysis forecasted an increase in 14,951 total dwelling units by 2031.<sup>11</sup> Of this increased demand in housing units, 4,784 (32%) will be a combination of two to four unit buildings (1,495 units) and five or more unit buildings (3,289 units).<sup>12</sup> An increase in 748 units annually is needed in order to meet this growing demand in residential housing.<sup>13</sup>

Density figures are used to calculate how much land is needed to accommodate said increases in housing units. Two to four unit buildings are 8.6 units/acre and five or more unit buildings are 24.1 units/acre. This proposal will re-zone 25.94 acres of property currently zoned PL, I2, and I3 to a new special area zone (S-DR) intended to facilitate mixed-use development, specifically residential. The subject property does not currently provide or accommodate residential uses. Provisions included in the proposed S-DR Zone (EC 9.3182(2)(d), Exhibit B S-DR Downtown Riverfront Special Area Zone) require a minimum of one story of residential use within all buildings constructed within the S-DR/MU/2 overlay sub-district.

The applicant notes that the *Comprehensive Lands Assessment* referenced above is not yet adopted. Therefore, the 1999 *Eugene-Springfield Metropolitan Area Residential Lands and Housing Study* is the official inventory and analysis of residential lands for the area. As Eugene and Springfield designate growth management strategies apart from one another, a shift from existing dated and coordinated lands assessment is imminent. The analysis of the 1999 *Eugene-Springfield Metropolitan Area Residential Lands and Housing Study* was compiled based upon data for the entire metropolitan region. The *Supply and Demand Comparison* within the 1999 *Residential Lands*

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<sup>9</sup> Lane Council of Governments. *Metropolitan Industrial Lands Inventory Report*. 1993.

<sup>10</sup> ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

<sup>11</sup> ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

<sup>12</sup> ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

<sup>13</sup> ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

*and Housing Study* shows that an anticipated 60 acres of land is needed for high-density residential development.

During the Master Plan process four (4) redevelopment scenarios for the site were explored to analyze design resiliency and the site's redevelopment potential. The analysis was speculative and results are subject to fluctuating market conditions. Of the four (4) scenarios, the Mixed-Use Neighborhood Scenario anticipated the largest share of residential development. Under this redevelopment scenario, the site accommodated 404 additional dwelling units.

The above findings demonstrate that the proposed amendments and zone change will increase the amount of residential land available for housing units within the City of Eugene through the implementation of a new SAZ that permits residential uses outright. The proposal provides for approximately 12 acres of land with residential development capacity. As noted above, redevelopment has the potential to produce 404 additional dwelling units as part of residential or mixed-use development projects. Based on these findings, the proposed amendments and zone change are compliant with Statewide Planning Goal 10.

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

The subject site is located inside the City limits and within the Downtown Area, as defined by the *Eugene Downtown Plan*. The subject site is currently developed, contains structures and facilities, and is served by existing utility extensions and facilities. The *2001 Eugene-Springfield Public Facilities and Services Plan* (PFSP), an adopted refinement plan, identifies the subject site as served by existing water, stormwater, and wastewater service.<sup>14</sup> The PFSP does not identify any planned water, wastewater, stormwater, or planned electrical facilities on the subject site. The PFSP does identify an existing electrical facility, the steam plan, which is proposed for decommissioning, on the subject site.<sup>15</sup>

Exhibit F Evaluation of Existing Utility Infrastructure Memorandum provides a broad-level discussion of existing water, wastewater, and stormwater utilities within and surrounding the subject site. Existing public water supply is readily available through the majority of the subject site, as described in Exhibit F and illustrated on Sheets S1 and S2 Existing Conditions Plans (Exhibit G). Extension and reconstruction of specific public water mains adjacent to and within the subject site may be necessary to serve future development. Existing public wastewater systems are expected to be sufficiently deep to provide drainage for the proposed development by gravity. Based on a cursory analysis of public system capacity, a 15-inch wastewater pipe between 6<sup>th</sup> Avenue and the mid-block of 7<sup>th</sup>/8<sup>th</sup> Avenue is anticipated to provide adequate capacity at full build-out to accommodate all future development. As illustrated on Sheets S1 and S2 Existing Conditions Plans, the wastewater line extends to the south, crosses under the railroad tracks, and connects to a public 15-inch wastewater line located at the intersection of 6<sup>th</sup> Avenue and High Street. An upgrade of the public system from the crossing under the railroad tracks to 6<sup>th</sup> Avenue/High Street may be necessitated by future development. Alternatively, there are two other wastewater systems in close proximity to the site, including a 15-inch wastewater system within Ferry Street, east of the courthouse, and an 8-inch wastewater system within Hilyard Street near the existing railroad crossing. Both systems provide capacity to accommodate future development as needed. The

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<sup>14</sup> *Eugene-Springfield Public Facilities and Services Plan (PFSP)*. Map 5, Existing Water Service Areas; Map 6, Existing Wastewater Service Areas, and Map 7, Existing Stormwater Service Areas. December 2001

<sup>15</sup> *PFSP*. Map 4, Planned Electrical Facilities. December 2001.

subject site is served by two major public storm drainage systems, a 60-inch pipe and a 36-inch pipe, and a minor public storm drainage system, a 12-inch pipe, as illustrated on Sheets S1 and S2 Existing Conditions Plans, which are anticipated to supply sufficient capacity to accommodate future development. Compliance with City stormwater destination standards in EC 9.6791 are not expected to be problematic as the *2002 City of Eugene Stormwater Basin Master Plan* does not identify any specific capacity-related concerns with the public systems and the subject site is generally designated as not having any major flooding problems.<sup>16</sup>

The proposed amendments and zone change do not affect the City's arrangement of public facilities and services. The findings demonstrate that the existing level of public facilities and services is adequate to serve the needs of existing and future development. However, specific design details related to public improvements such as water, stormwater, and wastewater connections will be resolved in the context of any future development proposal. Based on these findings, the proposed amendments and zone change are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented by the Transportation Planning Rule (TPR) as defined by Oregon Administrative Rule OAR 660-012-0060. This proposal amends the *Metro Plan*, an acknowledged regional comprehensive plan; the *Eugene Downtown Plan* and the *Riverfront Research Park Study*, adopted refinement plans; and Eugene Land Use Code Chapter 9, which is the city's guiding framework for land use regulation.

OAR 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
  - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
    - A. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

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<sup>16</sup> *City of Eugene Stormwater Basin Master Plan*. Volume VI Willamette River. August 2002.

- B. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- C. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The proposed plan amendments and zone change do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, it does not have a significant effect under (a) or (b). A comprehensive Transportation Planning Rule (TPR) analysis and Programmatic Traffic Impact Analysis (TIA) is included as Exhibit D. The findings and conclusions of said analysis are incorporated by reference herein. The findings demonstrate that the proposal is in compliance with the TPR and will not significantly affect any existing or future transportation facilities under (c) as addressed in detail below.

The subject site lies within the boundaries of the *Central Lane Regional Transportation Plan* (Trans Plan) whose horizon year is 2027 and marks the 'end of planning period' as identified by OAR 660-012-0060(1)(c). For analysis purposes, potential site trip generation was estimated for an assumed reasonable "worst case" under the current plan and zoning designations, and four (4) potential development scenarios for the site under the proposed plan and zoning designations. All of the scenarios assume that new development will be in addition to the existing EWEB Administrative Building and the Midgley's Building.

Based on existing designations, the redevelopment is estimated to generate 6,560 daily net trips; 970 net new trips (840 inbound, 130 outbound) are projected to occur during the weekday AM peak hour and 955 net new trips (185 inbound, 770 outbound) are projected to occur during the weekday PM peak hour. Based on proposed designations, the redevelopment is estimated to generate 6,090 daily net new trips; 780 net new trips (655 inbound, 125 outbound) are projected to occur during the weekday a.m. peak hour and 790 net new trips (190 inbound, 600 outbound) are projected to occur during the weekday p.m. peak hour. No future year intersection operational analysis is required for TPR purposes given the reduced peak hour trip generation associated with the proposal.

Findings in Exhibit D, incorporated by reference herein, indicate that the proposed site redevelopment envisioned by the *Master Plan* can be constructed while maintaining acceptable levels of service and safety on the surrounding transportation system. The transportation impacts of the proposed amendments and zone change will have a reduced peak hour impact to the site access and local transportation system compared to development under the existing zoning. Therefore, the proposal will not facilitate land use or levels of redevelopment that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility (OAR 660-012-0060(1)(c)(A)).

Findings in Exhibit D demonstrate that currently, all transportation facilities operate at acceptable levels during peak hours except the 4<sup>th</sup> Avenue/Coburg Road intersection, which operates at level of service 'F' and is over capacity. Because the proposed amendments will reduce potential peak hour trips, they will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards (OAR 660-012-0060(1)(c)(B)). Additionally, function of 4<sup>th</sup> Avenue/Coburg Road intersection will not be worsened beyond its current

performance because the proposed amendments and zone change will reduce potential peak hour trips (OAR 660-012-0060(1)(c)(C)).

As such, the proposed amendments and zone change do not have a significant impact for TPR purposes. The functional classifications of roadways in the study area are also unaffected by the proposed plan amendments and zone change. The project team is coordinating the assessment of the transportation impacts with the City. The proposed plan amendments and zone change will not have a significant effect on the transportation system and it is concluded that the proposed plan amendments and zone change comply with the TPR. Based on these findings, the proposed amendments and zone change are consistent with Goal 12.

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

Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Goal 13 is directed at the development of local energy policies and implementing provisions and does not establish any requirements with respect to other types of land use decisions. To the extent that Goal 13 could be applied to the proposed plan amendments and zone change, the designations are consistent with Goal 13.

The proposed site is located so that future mixed-use development can make efficient use of energy with direct and efficient access within the urban area. The proposal will not hinder management or conservation practices related to energy consumption. Consistency with *Metro Plan Policy J.7*, which “*encourage(s) medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy*” and notes that “*the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths*” is demonstrated in the findings under EC 9.7730(3)(b). The proposal facilitates residential uses and pursuant with the proposed amendments and zone change, energy conservation measures are not necessarily limited nor identified as part of the land use change. Based on these findings, the proposed amendments and zone change are consistent with Goal 13.

*Goal 14 – Urbanization: To provide and orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, and to provide for livable communities.*

The proposed amendments and zone change are site specific to land already subject to urban uses and do not affect the transition from rural to urban land use, as the subject property is within the City limits. Therefore, Goal 14 does not apply.

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

Goal 15 aims to protect, conserve, enhance, and maintain the natural scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. As illustrated on Sheet R1 Regulatory Plan (Exhibit G), 19.75 acres of the subject site are located within the Willamette River Greenway. The proposal involves a concurrent request for approval of a Willamette Greenway permit to allow development envisioned by the *Master Plan*.

The subject property does not have an established Willamette Greenway Setback Line. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the applicant proposes the establishment of a Willamette Greenway setback line to keep structures separated from the river

and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision. The proposed Greenway setback varies in width from 25 feet to 125 feet adjacent the Willamette River, as delineated from the top-of-bank. The setback's variable width responds to existing site conditions and anticipated redevelopment consistent with the *Master Plan* vision. In total the proposed Willamette Greenway Setback will protect 3.19 acres of the subject site. Adoption of the setback ensures that no new buildings will be constructed between the setback and the river, that adequate public access is provided along the river frontage, that limited existing habitat is protected, and that the remaining natural vegetative fringe is protected.

The findings in Section 5.6 under EC 9.8815 demonstrate compliance with applicable approval criteria and standards for proposed development within Willamette Greenway. Compliance with applicable Metro Plan Willamette Greenway Policies is demonstrated in the findings for EC 9.7730(3)(b) below. Based on these findings, incorporated by reference herein, the proposed amendments and zone change are compliant with Goal 15.

*Goal 16-19 – Estuarine Resources, Coastal Shoreland, Beaches and Dune, and Ocean Resources:*

There are no estuarine, coastal, ocean, or beach and dune resource on the subject property or otherwise affected by the proposed plan amendment. Therefore, Goals 16 through 19 do not apply.

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

The *Metro Plan* land use diagram amendments to re-designate approximately 18.61 acres of land from Heavy Industrial and Parks and Open Space to Mixed Use Area and to apply the Nodal Development Area Overlay designation to approximately 1.12 acres of land will not create an internal conflict with the remainder of the *Metro Plan*, as described below.

Within the subject site, existing land use designations shown in the Metro Plan diagram include: High Density Residential, Heavy Industrial, Parks and Open Space, Mixed Use Areas, and Nodal Development; as defined below:

- Residential, High Density land generally accommodates “*auxiliary uses such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services*” if compatible with refinement plans, zoning ordinances, and other local controls. High Density Residential land allows for “*over 20 units per gross acre.*”
- Heavy Industrial land generally accommodates “*industries that process large volumes of raw materials into refined products and/or that have significant external impacts.*”
- Public and Semi-Public, Parks and Open Space land generally accommodates “*existing publicly owned metropolitan and regional scale parks.*”
- Mixed Use land represents “*areas where more than one use might be appropriate, usually as determined by refinement plans on a local level.*”
- Nodal Development is “*a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.*”

The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings,



pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements.

The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a guide for determining future allowable uses on the subject. The Master Plan promotes a mix of diverse, compatible, and pedestrian-friendly uses as the prevalent land use pattern. It seeks to increase concentrations of populations and employment by promoting residential, office, and retail uses and the street layout accommodates future transit service, although transit service is currently available in the vicinity of the subject site. Design guidelines within promote pedestrian and transit oriented development. Therefore, the Mixed Use Areas and Nodal Development designations are consistent with the redevelopment vision. Five (5) parcels within the subject site are currently designated Mixed Use Areas, which the proposed amendments will retain.

Based on the definitions above, industries that produce significant external impacts are not compatible with the redevelopment vision, therefore the proposed amendments re-designate Heavy Industrial parcels to Mixed Use Areas. The EWEB North Building currently sits on land designated Parks and Open Space. To facilitate future adaptive reuse of the building, the proposed amendments re-designate the land to Mixed Use Areas. Land located west of the Ferry Street Bridge Viaduct is designated High Density Residential, which based on the definition above, is consistent with the redevelopment vision for the area, therefore the proposed amendments retain the High Density Residential designation.

The proposal involves the establishment of a *Specific Area Plan* (SAP) (Exhibit A Downtown Riverfront Specific Area Plan) and a Special Area Zone (SAZ) (Exhibit B S-DR Downtown Riverfront Special Area Zone) to implement policies described herein. Once adopted, the documents will become part of City's guiding framework for land use regulation. Both documents are designed to provide regulatory incentives that facilitate redevelopment and direct growth and density to the subject site. Through the proposed land use changes and amendments the proposal removes barriers to redevelopment and directs growth and density to the Downtown Riverfront consistent with policies in the Eugene *Downtown Plan*. Although the proposed amendments do not mandate a specified residential density per gross acre for the subject site; they are designed to facilitate mixed-use development, specifically residential; and, they provide for residential construction in areas where it is currently prohibited.

All *Metro Plan* policies were evaluated in relation to their applicability to the amendments and the following policies were found to be applicable to the proposal. The findings demonstrate how the plan amendments are consistent with, and in fact supported by the policy directions contained in the *Metro Plan*.

*Residential Land Use and Housing Element*

*Residential Land Supply and Demand*

- A.4 *Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.*

The proposed amendments and zone change involve re-designation of the subject site to facilitate future redevelopment, which will lead to infill development within the downtown core. As described in findings for Goal 10 under EC 9.7730(3)(a), the proposed amendments and zone change are consistent with the *Residential Lands and Housing Study*, will significantly increase the supply of land available for supporting residential development, and through subsequent residential or mixed-use development will help meet projected housing demands. Based on these findings, the proposed amendments and zone change are consistent with Policy A.4.

*Residential Density*

- A.10 *Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.*
- A.11 *Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.*
- A.12 *Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.*
- A.13 *Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*
- A.14 *Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*
- A.15 *Develop a wider range of zoning options such as new zoning districts, to fully utilize existing Metro Plan density ranges.*
- A.16 *Allow for the development of zoning districts which allow overlap of the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing Metro Plan density ranges.*

Redevelopment of the subject site pursuant to the proposed amendments and zone change will facilitate infill of prior developed land already served by existing public utilities. The subject site is located adjacent the downtown area and 5<sup>th</sup> Street commercial corridor. The redevelopment vision consists of high density, pedestrian oriented, mixed-use development with high-quality public amenities and open space along the riverfront. The proposal involves the establishment of a

Specific Area Plan (SAP) (Exhibit A Downtown Riverfront Specific Area Plan) and a Special Area Zone (SAZ) (Exhibit B S-DR Downtown Riverfront Special Area Zone) which are specifically designed to facilitate higher density residential development within the subject property. As an example, provisions included in the proposed S-DR Zone (EC 9.3182(2)(d), Exhibit B S-DR Zone) require a minimum of one story of residential use within all buildings constructed within the S-DR/MU/2 overlay sub-district. The development standards, requirements, and guidelines in the proposed SAP and SAZ will foster the mixed-use development scenario described above and implement nodal development and growth management policies, consistent with the above policies. Based on these findings, the proposed amendments and zone change are consistent with Policies A.10 through A.16.

#### *Housing Type and Tenure*

- A.17 *Provide opportunities for a full range of choice in housing type, density, size, cost, and location.*
- A.18 *Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*
- A.19 *Encourage residential developments in or near downtown core areas in both cities.*

Through re-designation and re-zoning portions of the subject property, and establishment of the SAP and SAZ, the proposal provides for increased housing opportunities in areas where it is currently restricted. The proposal involves amending local zoning regulations to facilitate a mix of structure types and densities. Specific development standards of the S-DR Zone include seven different height standards with varied setback, stepback, and build-to lines. The proposal enables residential development within the downtown core. Therefore, the proposed amendments and zone change are consistent with Policies A.17 through A.19.

#### *Design and Mixed Use*

- A.22 *Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.*
- A.23 *Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*
- A.24 *Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns.*

Through the plan amendments and zone change the proposal will facilitate a mixed-use development on the subject site where such development does not currently exist. The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) adheres to form based code principles and is designed to be compatible with neighboring development through the establishment of height limitations, view corridors, build-to lines, and other provisions. Development standards are designed to be site specific and clear and objective. Provisions of the

proposed S-DR Zone include a discretionary design review process for flexibility while still ensuring consistency with the intent of the SAZ and SAP through clear and objective criteria. Based on these findings, the proposed amendments and zone change are consistent with Policies A.22 through A.24.

*Economic Element*

- B.23 Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.*

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) regulations are designed to facilitate a mixed-use development scenario including commercial and residential uses. Limited mixing of office and commercial uses is encouraged through not requiring ground floor commercial but rather specifying minimum ceiling height standards, which promote commercial uses. Provisions such as view corridors, height limitations, and build-to lines contribute to ensure compatibility with adjacent development. Based on these findings, the proposed amendments and zone change are consistent with Policy B.23.

*Environmental Resources*

*Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)*

- C.8 Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.*
- C.10 Local governments shall encourage further study (by specialists) of endangered and threatened plant and wildlife species in the metropolitan area.*
- C.11 Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.*

The proposal will not amend, supersede, or violate any adopted regulations, plans, or programs that manage development impacts on natural resources. The proposal will not compromise existing established MWR protection provisions in EC 9.4900-9.4980, will increase the amount of landscape area and open space along the Willamette River, and will facilitate restoration of the riparian corridor adjacent to the river as detailed in Exhibit E Riverfront Ecological Analysis and Design Report. There are no documented occurrences of endangered or threatened plant or wildlife species on the subject site. Based on these findings, the proposed amendments and zone change are consistent with Policies C.8, C.10, and C.11.

*Open Space (Goal 5)*

- C.21 When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting*

*open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.*

The subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The easternmost edge of the existing, paved Riverbank Trail generally demarcates the top of bank, as shown on Sheets S1 and S2 Existing Conditions Plans (Exhibit G Plan Set). Narrow bands of riparian vegetation exist, within the revetments, between the Riverfront Trail and the waters edge. Other on-site vegetation consists of trees, shrubs, and groundcovers within parking lot landscape islands and landscape strips adjacent to sidewalks, parking areas, and buildings; and, a narrow strip of shrubs and grasses between the westernmost edge of the Riverbank Trail and developed areas.

Significant on-site vegetation is limited to the riparian corridor and is shown on Sheets S1 and S2 Existing Conditions and described in Exhibit E Riverfront Ecological Analysis and Design Report. The Willamette River adjacent to the development site is identified as a Goal 5 Water Resource. According to ODFW, two salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and Critical Habitat – federally threatened (FT)
- Columbia River bull trout (*Salvelinus confluentus*) Distinct Population Segment (DPS) and Critical Habitat - FT

There are no other documented occurrences of significant wildlife species within the subject site. As shown on Sheet C1 Cover Sheet (Exhibit G Plan Set), the proposal will maintain existing open space areas and will result in a significant increase in the amount of landscape and open space areas within the subject site following redevelopment. The subject property currently provides approximately 4.3 acres of open space. Through re-zoning of the property and establishment of the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) and it's associated cultural landscape and open space sub-district, existing open space areas will be protected and total open space areas will increase to approximately 7.74 acres.

The *PROS Project and Priority Plan* identifies a portion of the subject site as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates \$1,500,000 in capital costs to “*acquire land to provide significant riverfront open space within [the] courthouse/cannery neighborhood.*” The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. Regardless of City acquisition, through the proposed amendments and zone change, the proposal protects open space through development standards in the proposed S-DR Zone (EC 9.3185, S-DR Downtown Riverfront Special Area Zone). In addition, protection of significant riparian vegetation is ensured through existing established *WR* protection provisions in EC 9.4900-9.4980 which are not affected by the proposal. Sheet R1 Regulatory Plan identifies areas subject to *WR* protections. Based on these findings, the proposed amendments and zone change are consistent with Policy C.21.

#### *Natural Hazards (Goal 7)*

- C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should*

*result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.*

The subject property is located within the UGB. Portions of the subject property adjacent to the Willamette River are located within the FEMA regulated floodplain, as shown in Exhibit N FEMA Floodplain Map. The majority of the subject site is prior developed, as illustrated on Sheet R1 Regulatory Plan (Exhibit G Plan Set). The proposal facilitates the infill of prior developed land. As discussed in findings for Goal 7 under EC 9.7730(3)(a), the proposal does not advance development in ways that are inconsistent with current standards nor does it modify or exempt existing regulatory protection measures. Based on these findings, the proposed amendments and zone change are consistent with Policy C.31.

*Willamette River Greenway and Waterways Element (Goal 15)*

*D.2 Land use regulations and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; and other compatible uses.*

Accounting for needs and concerns of the community are the foundation for the *Master Plan* and land use process. As noted in the findings for Goal 8 under EC 9.7730(3)(a), the applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. If the City purchases or accepts a portion of the property for parkland, an increase in the availability of public recreational facilities in the area would occur following development of said parkland. Regardless of City acquisition, through the proposed amendments and zone change, the proposal will increase the amount of recreation capacity within downtown and riverfront areas. The Willamette River adjacent to the site is identified a Goal 5 Water Resource. The Willamette River, as a water resource, is protected by established protection provisions in the /WR Conservation overlay zone. Development standards and requirements in the proposed S-DR/CL sub-district (EC 9.3185, Exhibit B S-DR Downtown Riverfront Special Area Zone) will ensure enhancement to the corridor and waterway environments. As such, the proposed amendments and zone change account for recreation, resource, and wildlife protection; and, promote enhancement of river corridor and waterway environments.

The proposed S-DR Zone is designed to facilitate a mixed-use development scenario. Stated purposes of the S-DR Zone (EC 9.3130, Exhibit B S-DR Downtown Riverfront Special Area Zone) implement Nodal Development and Transit-Oriented Development policies, which focus on reduced reliance on automobile transportation within designated areas. Design standards within the proposed S-DR zone are intended to foster an active, vibrant, people-oriented district and reduce reliance on automobile use. As noted above in findings for Policies A.22 through A.24, the proposal facilitates residential development and other compatible uses. As such, the proposed amendments and zone change support non-automobile transportation alternatives; and, facilitate opportunities for residential development and other compatible uses. Based on these findings, the proposed amendments and zone change are consistent with Policy D.2.

*D.3 Eugene, Springfield, and Lane County shall continue to cooperate in expanding water related parks and other facilities, where appropriate, that allow access to and enjoyment of river and waterway corridors.*

This policy is aimed at intergovernmental cooperation between Eugene, Springfield, and Lane County to expand parks and other facilities and public access opportunities. As it relates specifically to Eugene, the following findings are relevant to the proposal. As noted in the findings for Goal 8 under EC 9.7730(3)(a), a portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. If the City purchases or accepts a portion of the property for parkland, an expansion of water related parks and other facilities that allow access of the river would occur following development of said land. As such the proposed amendments and zone change advances the City's role pursuant to the above policy. Therefore, the proposed amendments and zone change are consistent with Policy D.3.

*D.5 New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.*

As noted previously, the subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site. The proposal involves redevelopment of prior development areas.

As noted previously, a portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates \$1,500,000 in capital costs to "*acquire land to provide significant riverfront open space within [the] courthouse/cannery neighborhood.*" The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. The identification of a portion of the subject size for park acquisition demonstrates the proposed uses consistency with natural, scenic, and environmental qualities of the Willamette River.

The *Master Plan* development process included extensive public involvement, as noted in the findings for Goal 1 under EC 9.7730(3)(a), and an iterative design process that resulted in a redevelopment concept centered on compatibility with natural, scenic, and environmental qualities, as described in the *Downtown Riverfront SAP* (Exhibit A Downtown Riverfront Specific Area Plan). The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place.

The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a guide for determining future allowable uses on the subject site, which are the basis for permitted uses in the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone). The S-DR Zone includes height standards that restrict the maximum height of buildings as development approaches

the Willamette River, thus creating a step-down effect that limits the scale of buildings near the resource. The maximum height of buildings in the proposed S-DR/CL sub-district, the designation for areas adjacent to the river, is 30 feet consistent with maximum height standards in the NR and PRO Zones.

Provisions of the CL sub-district will ensure compatibility with the natural, scenic, and environmental qualities of the Willamette River through the future development of high-quality public open space, recreation areas, interpretive sites, and river overlooks. Based on these findings, the proposed amendments and zone change are consistent with Policy D.5.

*D.9 Local and state governments shall continue to provide adequate public access to the Willamette River Greenway.*

The subject site is entirely within the City limits. The applicant owns all parcels within the subject site. Existing public access along the Willamette River is provided by the Riverbank Trail, a paved multi-use path that spans the entire length of the subject site. Within the subject site, public access to the Riverfront Trail from surrounding areas is provided at three points: the western terminus of the DeFazio Bridge at the north end of the site, the EWEB plaza at the eastern terminus of 4<sup>th</sup> Avenue, and a multi-use path connection extending from 6<sup>th</sup> Avenue to the Riverbank Trail at the south end of the site.

As noted previously, the applicant proposes the sale or transfer of approximately 7.74 acres of land to the City for future cultural landscape, open space, and public access purposes and to add to the supply of significant riverfront open space in public ownership. As illustrated on Sheets L1 and L2 Site Plans (Exhibit G Plan Set), the proposal involves the relocation of the Riverbank Trail to provide for additional landscape and open space area between the multi-use path and the river. The proposed amendments and zone change designate said land for “parks and open space” uses. The proposed S-DR Zone regulating plan designates public accessways, consistent with EC 9.6835, and identifies the relocated Riverbank Trail as an accessways, thus ensuring the continued provision of public access along the Willamette River. In addition, provisions of the S-DR/CL sub-district ensure high-quality public amenities along the riverfront including, overlooks, interpretive sites, riverfront plaza, and riverfront park, which combine to expand public access opportunities along the Willamette River.

Based on the above findings, the proposal ensures the continued provision of adequate public access along the river. Based on these findings, the proposed amendments and zone change are consistent with Policy D.9.

*Environmental Design Element*

- E.1 In order to promote the greatest possible degree of diversity, a broad variety of commercial, residential, and recreational land uses shall be encouraged when consistent with other planning policies.*
- E.2 Natural vegetation, natural water features, and drainage-ways shall be protected and retained to the maximum extent practical. Landscaping shall be utilized to enhance those natural features. This policy does not preclude increasing their conveyance capacity in an environmentally responsible manner.*
- E.4 Public and private facilities shall be designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity.*



- E.5 Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.*
- E.6 Local jurisdictions shall carefully evaluate their development regulations to ensure that they address environmental design considerations, such as, but not limited to, safety, crime prevention, aesthetics, and compatibility with existing and anticipated adjacent uses (particularly considering high and medium density development locating adjacent to low density residential).*
- E.7 The development of urban design elements as part of local and refinement plans shall be encouraged.*
- E.8 Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems.*
- E.9 Refinement plans shall be developed to address compatibility of land uses, safety, crime prevention, and visual impact along arterial and collector streets, within mixed-use areas. During the interim period before the adoption of a refinement plan, these considerations shall be addressed by cities in approving land use applications in mixed use areas by requiring conditions of approval where necessary.*

The proposal is designed to facilitate mixed-use, pedestrian friendly redevelopment, including residential lands and the findings herein demonstrate consistency with other applicable planning policies. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the proposal will result in the designation cultural landscape, open space, and riparian areas adjacent to the Willamette River, which following redevelopment will be enhanced. The proposal does not change or affect existing *MWR* overlay zone protections established in EC 9.49(1)(c)(1.) and other applicable protection measures and development standards.

Development standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) are site specific and designed to be compatible with surrounding areas. The proposed S-DR Zone includes development standards that regulate building height and form as well as circulation patterns and view corridors, which are designed to ensure compatibility with adjacent properties. The proposal involves the establishment of a SAP (Exhibit A Downtown Riverfront Special Area Plan) as a refinement plan. The SAP incorporates urban design elements, which have been translated into clear and objective development standards in the proposed S-DR Zone. The design elements of the S-DR Zone adhere to form base code principles and are intended to facilitate the redevelopment vision of the *Master Plan* and refinement plan. The proposed S-DR Zone includes a design review process, which provides flexibility to employ creative solutions to design problems. Based on these findings, the proposed amendments and zone change is consistent with Policies E.1 through E.9.

#### *Transportation Element*

##### *Land Use*

- F.1 Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.*

- F.2 Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives.*
- F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.*
- F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.*
- F.5 Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances.*

Sixteen (16) of the twenty-one (21) parcels that comprise the subject property are designated ND Nodal Development. Five (5) parcels located north of 4<sup>th</sup> Avenue are not designated ND. The proposed amendments apply the ND designation to those specific parcels, resulting in all properties within the Downtown Riverfront having the ND designation. The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) is designed to implement Nodal Development growth management policies and to foster mixed-use development. The subject site is located within the downtown core and in proximity to the 5<sup>th</sup> Street commercial corridor and major transit corridors. The proposal involves reconstruction and relocation of the Riverbank Trail, implementation of pedestrian-friendly street designs, and development standards proposed through the S-DR Zone encourage transit, bicycle, and pedestrian use within the mixed-use development. The land use components are the basis for the implementing ordinance for the designated ND area. Therefore, proposed amendments and zone change are consistent with Policies F.1 through F.5.

#### *Transportation Demand Management*

- F.7 Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.*
- F.8 Implement TDM strategies to manage demand at congested locations.*

As outlined in findings for Goal 10 under EC 9.7730(3)(a), redevelopment scenarios for the subject site were tested and analyzed as part of the Master Plan process. A mixed-use development scenario, which is what the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) has been designed to produce, was calculated to provide for an additional 404 dwelling units. Pursuant to EC 9.3165, parking requirements of the proposed S-DR Zone for residential use are between 0.5 and 2.25 spaces per unit. There are no minimum or maximum parking requirements for commercial uses. Accordingly, the mixed-use development scenario referenced above would provide between 202-909 parking spaces for 19.3 acres of development resulting in 10-47 spaces per acre. The parking spaces per acre density requirements of the /ND designation are 12 spaces

per acre.<sup>17</sup> The proposed S-DR Zone allows for and promotes the use of interim parking areas, paved areas currently used for parking or former utility operations, as a means to comply with minimum parking requirements and reduce the amount of new surface parking areas, which is itself a parking management strategy. The findings in Exhibit D TPR/TIA Report address intersection function and congestions and are incorporated by reference herein. Based on these findings, the proposed amendments and zone change are compliant with Policies F.7 through F.8.

*Transportation System Improvements: System-Wide*

*F.11 Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes.*

*F.13 Support transportation strategies that enhance neighborhood livability.*

Transportation System Standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) promote connectivity to existing streets and shape the block pattern and neighborhood livability within the subject property. The proposal supports intermodal linkages through pedestrian and bicycle friendly street design concepts, improvements to the Riverbank Trail system, and accessway requirements, all of which will contribute to enhance neighborhood livability. Therefore, the proposed amendments and zone change are compliant with Policies F.11 and F.13.

*Transportation System Improvements: Roadways*

*F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.*

*F.15 Motor vehicle level of service policy:*

*a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*

- (1) Identifying capacity deficiencies on the roadway system.*
- (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-012-0060).*
- (3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*

*b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions: LOS E within Eugene's Central Area Transportation Study (CATS) area, and LOS D elsewhere.*

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<sup>17</sup> Lane Council of Governments (LCOG). *Metro Plan*. 2004 Update.

- c. *Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

*In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints, including but not limited to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.*

This proposal adheres to existing development standards of roadways which implement effective design that address safety concerns and service access needs. Therefore, the proposed amendments and zone change are compliant with Policies F.14 and F.15.

*Transportation System Improvements: Pedestrian*

- F.26 *Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.*
- F.27 *Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.*
- F.28 *Construct sidewalks along urban area arterial and collector roadways, except freeways.*

This proposal is designed to foster a vibrant and active pedestrian environment that is integrated with on-site and adjacent uses. Provisions of the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) ensure high-quality public amenities along the riverfront including boardwalks, public plaza, cultural landscape areas, interpretive and educational sites, and an improved Riverbank Trail, as illustrated on Sheets L1 and L2 Site Plans (Exhibit G Plan Set). Proposed street designs in the S-DR Zone incorporate pedestrian sidewalks on both sides that will establish and interconnected system within the development site and provide direct routes between destination points. The proposal does not involve arterial or collector roadways. Based on these findings, the proposed amendments and zone change are consistent with Policies F.26 through F.28.

*Transportation System Improvements: Roadways*

- F.17 *Manage the roadway system to preserve safety and operational efficiency by adopting regulations to manage access to roadways and applying these regulations to decisions related to approving new or modified access to the roadway system.*

A Programmatic Traffic Impact Analysis (TIA) has been prepared as part of this proposal (Exhibit D TPR/TIA Report). The TIA measured peak hour impact under the proposed zoning for selected redevelopment scenarios. The findings, as outlined in findings for Goal 9 in EC 9.7730(3)(a), demonstrate no significant effect to existing transportation facilities. The proposed amendment is compliant with existing regulations, including the TIA requirements, which demonstrate that it meets roadway standards. Therefore, the proposed amendments and zone change are consistent with Policy F.17.

*Public Facilities and Services Element*

*Services to Development Within the Urban Growth Boundary: Planning and Coordination*

- G.5 The cities shall continue joint planning coordination with major institutions, such as universities and hospitals, due to their relatively large impact on local facilities and services.*

Implementation of the land use components of the proposal will consummate the results of joint planning coordination between EWEB, the City of Eugene, and the University of Oregon, which owns property adjacent to the subject site, through participation and involvement in the *Master Plan* visioning process and development of the implementation tools herein. Based on these findings, the proposed amendments and zone change are compliant with Policy G.5.

*Energy Element*

- J.7 Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.*
- J.8 Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation.*

This proposal establishes the framework for a vibrant, active, pedestrian-oriented mixed-use redevelopment. Form based development standards and transportation system standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) implement Nodal Development and Transit-oriented Development principles. The subject site is located within walking distance to the downtown core and the 5<sup>th</sup> Street commercial corridor, as well as LTD transit routes and the Amtrak rail station. On-site circulation patterns and public amenities along the riverfront are designed to promote pedestrian and bicycle activities. Based on these findings, the proposed amendments and zone change are consistent with Policies J.7 and J.8.

The findings in EC 9.7730(3)(b) above demonstrate that the proposed amendments and zone change are consistent with all applicable *Metro Plan* policies. As such, approval of this proposal does not make the *Metro Plan* internally inconsistent. This criterion is satisfied.

**Metro Plan Amendments Conclusion**

Based on the above findings, the proposed amendments are consistent with applicable approval criteria.

## 5.2 Refinement Plan Amendments and Refinement Plan Adoption

The subject site is within the boundaries of the *Downtown Plan*, *Riverfront Park Study*, and *Whiteaker Plan*. The proposal involves Refinement Plan text amendments to repeal Downtown Riverfront Policies 2 and 3 in the *Downtown Plan* and EWEB Policy II.E.1, II.E.2, and II.E.3 in the *Riverfront Park Study*, as the policies are now obsolete. The proposal does not amend the *Whiteaker Plan*. Descriptions of the refinement plan text changes are presented below. Findings of compliance with applicable approval criteria and standards are provided under EC 9.8424.

The proposal involves the adoption of the *Downtown Riverfront Specific Area Plan* as a refinement plan to guide future redevelopment. Findings of compliance for applicable approval criteria and standards in EC 9.3020 are provided in Section 5.3 under EC 9.8065.

### Downtown Plan

The proposal amends the Downtown Riverfront section, pg. 29, are as follows:

#### Downtown Riverfront, Pg. 29

##### Policies

1. Incorporate the Willamette River as an integral element to downtown planning and development.
2. ~~Collaborate with EWEB to encourage relocation of their utility facilities.~~

In 2010, the applicant (EWEB) relocated their utility operations and maintenance functions from the subject site to the new Roosevelt Operations Center (ROC) in west Eugene. Therefore, this policy is obsolete.

3. ~~A master plan for the EWEB riverfront property must be approved by the City before a redevelopment, land use application rezoning, Metro Plan or refinement plan diagram amendments are approved for uses not associated with EWEB functions. The master plan shall be evaluated based on the master plan's consistency with principles A through D below:~~
  - A. ~~Create a "people place" that is active, vibrant, accessible and multi-use.~~
  - B. ~~Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.~~
  - C. ~~Incorporate appropriate building and site design techniques that address environmental concerns.~~
  - D. ~~Incorporate an educational aspect, so that the riverfront improvements teach us about our river, our history, and our city.~~

~~The master plan shall be considered using the City's Type II application procedures, unless the applicant elects to have the master plan reviewed concurrently with a Type III, Type IV or Type V application.~~

The proposal establishes the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan), which implements the redevelopment vision of the *Master Plan*, as a refinement plan. The *Master Plan* process was completed using the above principles A-D as guiding principles and the resulting vision has been translated into a policy document, the *Downtown Riverfront SAP*. The

land use components herein are submitted pursuant to Type V application procedures as specified above. Based on these findings, this policy is obsolete.

4. 2. Facilitate dense development in the courthouse area and other sites between the core of downtown and the river.

The proposal renumbers Policy 4 to Policy 2 to reflect the repeal of Policies 2 and 3.

Implementation Strategies

The proposal does not amend the Implementation Strategies section.

The proposal removes the first project in the Projects section, as follows:

Projects

Examples of possible projects that address the implementation strategies:

- ~~• Partner with EWEB to develop a master plan for the EWEB site.~~

As noted in Section 2.1, a *Master Plan* for the EWEB site was completed in 2010. Therefore, this policy is obsolete.

Riverfront Park Study

The proposal repeals all policies in section E, pg.11-12, as follows:

E. EWEB

~~The following policies are intended to provide direction for future action pertaining to the EWEB main facility and steam plant.~~

~~**1. Property under EWEB ownership within the Riverfront Park Study Area shall remain designated for the utility's main headquarters.**~~

~~In 1983, EWEB embarked on a project to develop a Headquarters Master Plan that investigates alternative for consolidating its 428 employees and major operations at the existing riverfront site. This policy recognizes that the draft EWEB Master Plan, once adopted, will be the bases for future decisions relating to the develop of EWEB's land and operations facilities. It also recognizes that EWEB is an important employer and service provider in the Riverfront Study Area and is especially important because of its proximity to downtown Eugene. The recently adopted Downtown Plan similarly recognized EWEB's continued presence in the study area and anticipates continuing improvements in river access in concert with the implementation of the EWEB Master Plan.~~

The applicant (EWEB) has prepared a new *Master Plan* for future redevelopment of the subject site. This proposed SAP (Exhibit A Downtown Riverfront Specific Area Plan) and S-DR (Exhibit B S-DR Downtown Riverfront Special Area Zone), the implementing regulatory framework, include provisions for improvements to river access in concert with redevelopment. Based on these findings, this policy is obsolete.



~~**2. The City of Eugene shall work with EWEB and the University of Oregon to investigate actions which could be taken to implement improvements in the efficiency of the steam plants operated by both organizations in the Riverfront Study area.**~~

~~*This policy commits the City of Eugene to work with both the University of Oregon and EWEB to attempt to identify ways to increase efficiencies in steam plant operations of both organizations. Increasing steam facility efficiencies has potential impact on future users, e.g., those in the Riverfront Park Area as well as existing steam customers, and consequently is an important community-wide economic diversification issue.*~~

The Steam Plant is being decommissioned and is no longer operational. Therefore, this policy is obsolete.

~~**3. Property owned by the University of Oregon, and currently leased by EWEB for its pole yard, shall be included in the property available for redevelopment for new facilities in the Riverfront Park.**~~

~~*This policy recognizes that the current pole storage is an interim use, and that the University may implement redevelopment plans in its role as property owner.*~~

The applicant owns all parcels within the subject site. The proposal does not include any University-owned properties. The applicant (EWEB) no longer leases the pole yard from the University of Oregon. Based on these findings, this policy is obsolete.

Findings of compliance with applicable approval criteria and standards are provided in EC 9.8424 below.

EC 9.8424 Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

- (1) The refinement plan amendment is consistent with all of the following:
  - (a) Statewide planning goals.

Findings for EC 9.7730(3)(a) demonstrate the proposal's consistency with applicable Statewide Planning goals and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

- (b) Applicable provisions of the Metro Plan.

Findings for EC 9.7730(3)(b) demonstrate the proposal's consistency with applicable policies of the *Metro Plan* and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

- (c) Remaining portions of the refinement plan.

The proposed amendments to the *Downtown Plan* reflect the establishment of the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan) and the Downtown Riverfront SAZ (Exhibit B S-DR Downtown Riverfront Special Area Zone). The proposed changes are

consistent with the purpose of updating the plan to reflect a new community policy. The policies proposed for removal are obsolete. The proposal will further the goals and policies of the *Downtown Plan*. The provisions, standards, and development criteria in the proposed S-DR Zone satisfy remaining policies, fulfill the implementation strategies, and execute projects for the subject site within the *Downtown Plan*. The proposed amendments are consistent with the remaining portions of the plan.

The proposed amendments to the *Riverfront Park Study* are consistent with the purpose of updating the plan to reflect a new community policy. These policies proposed for removal are obsolete as they pertain to elements of the site that are no longer pertinent or remain. The proposed amendments will not affect the plan's ability to regulate and guide development within its boundaries and are consistent with remaining portions of the plan. This criterion is satisfied.

- (2) The refinement plan amendment addresses one or more of the following:
- (a) An error in the publication of the refinement plan.
  - (b) New inventory material which relates to a statewide planning goal.
  - (c) New or amended community policies.
  - (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.
  - (e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

The proposed amendments do not address an error in the publication of the applicable refinement plan, new inventory materials related to statewide planning goals, new or amended state or federal laws, regulations or policies or a change of circumstances not anticipated at the time of plan adoption. Therefore, criteria EC 9.8424(2)(a), (b), (d), and (e) above are not applicable to the proposed amendments. Pursuant to subsection (c), the proposed amendments address new or amended community policies, as described below.

In 2001, the City Council adopted amendments to *TransPlan*, the *Metro Plan*, and the land use code to implement a nodal development strategy. The majority of the subject site is identified to implement a nodal development strategy and is designated as such by the *Metro Plan* land use diagram. The proposed amendments apply the nodal development (ND) designation to five (5) parcels within the subject site that do not currently have the ND designation, resulting in all properties within the subject site having the ND designation. The proposal implements the nodal development strategy, as described in findings addressing consistency with the *Metro Plan* policies for EC 9.7730(3)(b), consistent with this criterion. The *Master Plan* was completed using existing Downtown Plan policies 3.A. through D. as guiding principles. The *Downtown Plan* and the *Riverfront Park Study* have not been updated to reflect the new and amended community policies as established in the SAP and SAZ and represented in the *Master Plan*. Based on these findings, this criterion is satisfied.

#### Refinement Plan Amendments and Refinement Plan Adoption Conclusion

Based on the findings above, the proposed amendments and adoption are consistent with refinement plan amendment criteria.

### 5.3 Code Amendments

The proposal involves amendments to the land use code to adopt the *Downtown Riverfront Specific Area Plan*, establish the S-DR Downtown Riverfront Special Area Zone, and revise other development standards and criteria for consistency with the S-DR Downtown Riverfront Special Area Zone. Revisions to other development standards and criteria in EC Chapter 9 are included as Exhibit C Code Amendments. Findings of compliance with applicable approval criteria are provided under EC 9.8065.

EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.

Findings for EC 9.7730(3)(a) demonstrate the proposed amendments consistency with applicable Statewide Planning goals and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

Findings for EC 9.7730(3)(b) demonstrate the proposed amendments consistency with applicable policies of the *Metro Plan* and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

The proposed amendments involve the establishment of the S-DR Downtown Riverfront Special Area Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone). Findings of compliance with the criteria of EC 9.3020 are provided below.

EC 9.3020 Criteria for Establishment of an S Special Area Zone. Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with following criteria:

- (1) The area to which the S Special Area Zone is being applied meets at least one of the following criteria:
  - (a) Is identified in the Metro Plan or a refinement plan as appropriate for nodal development or for a special range of uses or development that can best be achieved with the use of a special area zone; or
  - (b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. In order to be considered distinctive, it must be demonstrated that:
    1. The area is characterized by buildings that merit preservation in order to protect their special features; or

2. The area contains natural features that have been identified by the city as worthy of special treatment or preservation.

Resulting from the 2001 *Metro Plan* amendments referenced in findings for EC 9.8424(2), the majority of the subject site is designated as a Nodal Development area by the *Metro Plan Diagram*, in accordance with EC 9.3020(1)(a). The subject site contains distinctive buildings including the EWEB Headquarters, Willamette Substation, and Steam Plant in accordance with EC 9.3020(1)(b)(1.). In addition, the subject site is located along the Willamette River, an inventoried Goal 5 Resource, in accordance with EC 9.3020(1)(b)(2.). Based on these findings, this criterion is satisfied.

- (2) An analysis of the area demonstrates how the uses and development standards of the S Special Area zone ordinance will facilitate implementation of the planned use of the property or the preservation or rehabilitation of distinctive buildings or natural features of benefit to the community.

The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements. The *Master Plan* promotes a mix of diverse, compatible, and pedestrian-friendly uses as the prevalent land use pattern. It seeks to increase concentrations of populations and employment by promoting residential, office, and retail uses.

The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a basis for determining planned uses and their development intensities on the subject site. The land use code allows for a mixture of commercial and residential uses within the C-2 Zone. However, standards and requirements that apply specifically to mixed-use projects are real and perceived barriers to mixed-use development. In addition, the C-2 Zone allows limited park uses but applies standards, requirements, and limitations of the PRO Parks, Recreation, and Open Space Zone to proposed uses, which depending on the use, can trigger discretionary review process. The combination of use limitations and restrictive standards create barriers to the development of cultural landscape and open space areas, as envisioned by the *Master Plan*.

Regulatory barriers described above led to the evaluation of other approaches to implementing land use regulations, and the special area zone (S) designation was identified as the best available tool to facilitate mixed-use development, while also addressing compatibility with surrounding commercial and residential neighborhoods and natural resource areas. The S designation, and supporting land use code sections, is used to regulate areas identified for nodal development and mixed-use development, including S-CN Chase Node, S-RN Royal Node, S-W Whiteaker, and S-WS Walnut Station. The proposed S-DR Zone (Exhibit B Downtown Riverfront Special Area Zone) blends prescriptive standards, which are the basis for traditional codes, with form-based standards, which relate to development form and de-emphasize use restrictions. Uses are still regulated, using permitted uses in the C-2 and PRO Zones as the basis for allowable uses, but are categorized within broad categories. The proposed S-DR Zone contains a list of permitted uses allowed in the Downtown Riverfront site (EC 9.3145, Exhibit B S-DR Downtown Riverfront Special Area Zone) and a list of prohibited uses (EC 9.3146, Exhibit B S-DR Downtown Riverfront Special Area Zone). Use limitations ensure that, in specific areas along the riverfront, uses are consistent with the objectives of establishing active and vibrant, pedestrian-oriented mixed-use development. The above measures facilitate implementation of the planned uses.

Development standards in the proposed S-DR Zone facilitate the adaptive reuse of existing distinctive buildings (EC 9.3148, Exhibit B Downtown Riverfront Special Area Zone), including: the EWEB Headquarters, Midgley's Building, Operations and Warehouse Building, and Steam Plant, by preempting certain site development standards that present barriers to preservation or rehabilitation. Development standards and guidelines in the proposed S-DR zone are based on existing standards in the PRO, PL, and NR Zones and promote the enhancement of cultural landscape and open space areas (EC 9.3185, Exhibit B Downtown Riverfront Special Area Zone). Additional established protections in the *MWR* conservation overlay zone designed to protect natural resources remain applicable to proposed uses on the subject site.

The SAP (Exhibit A Downtown Riverfront Specific Area Plan) and SAZ (Exhibit B S-DR Downtown Riverfront Special Area Zone) have been designed with the intent of establishing the framework to fulfill the redevelopment vision. Provisions and development standards in the S-DR Zone are designed to guide and shape future development pursuant the *Master Plan* vision. Further specific analysis of the subject site is included in the SAP, which is incorporated by reference herein. Once adopted, the documents will become part of City's guiding framework for land use regulation. Both documents are designed to provide regulatory incentives that facilitate redevelopment and direct growth and density to the subject site. The proposed SAZ and SAP allow for mixed-use development, preservation and rehabilitation of distinctive building and natural features, and enable implementation of the planned use of the properties within the subject site. Based on these findings, this criterion is satisfied.

- (3) Except for areas zoned S-H Historic Special Area zone, the area to be classified S Special Area includes at least ½ acre in area.

There are no areas within the subject property zoned S-H Historic Special Area Zone. The subject property comprises 27.06 acres. Therefore, this criterion does not apply.

- (4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of a special area zone ordinance are consistent with the criteria required for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.

Findings for EC 9.8865 demonstrate the proposals compliance with applicable Zone Change Approval Criteria and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

Findings for EC 9.3030 demonstrate that the proposal, involving the adoption and establishment of a new special area zone, fulfills the requirements necessary to do so.

EC 9.3030 Required Provisions of a Special Area Zone Ordinance. Each S Special Area zone is established by an ordinance that contains the following sections:

- (1) Purpose describing the intent of the S Special Area zone.

Within the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) a 'Purpose' section is included as EC 9.3130. Therefore, this criterion is satisfied.

- (2) Land Use and Permit Requirements setting forth the uses to be permitted outright, permitted based on approval of a land use application, or permitted subject to special standards.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'Permitted Uses' section codified as EC 9.3145, which outlines uses permitted outright and uses permitted subject to special standards. Therefore, this criterion is satisfied.

- (3) Development Standards containing development standards governing factors that are necessary to achieve the purpose of the S Special Area zone such as required off-street parking, landscaping, setbacks, and building height limitations.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'General Development Standards' section codified as EC 9.3155. Therefore, this criterion is satisfied.

- (4) Lot Standards containing lot area and dimension standards applicable in the particular S Special Area zone.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'Lot Standards' section codified as EC 9.3150. Therefore, this criterion is satisfied.

- (5) Siting Requirements in addition to those at EC 9.8865 Zone Change Approval Criteria.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'Siting Requirements' section codified as EC 9.3140. Therefore, this criterion is satisfied.

#### Code Amendments Conclusion

Based on the above findings, and supporting documentation in Exhibit C Code Amendments, the codes amendments are consistent with applicable approval criteria.

#### 5.4 Zone Change

The proposal involves the re-zoning of sixteen (16) parcels (totaling approximately 25.94 acres) within the subject site from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is established under the concurrent amendments to the land use code; and, to remove the /TD Transit Oriented Development Overlay Zone on twelve (12) parcels (totaling approximately 18.10 acres) within the subject site. Five (5) parcels will retain the S-W Whiteaker Special Area Zone designation and nine (9) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

Table 5-4 presents existing and proposed base and overlay zone designations for parcels within the subject site. Exhibit I City of Eugene Zoning Diagram illustrates existing and proposed zoning diagram changes. Assessor's map and tax lot numbers are shown on Sheet C1 Cover Sheet (Exhibit G Plan Set).

Findings of compliance with applicable Zone Change approval criteria are provided in EC 9.8865.

Table 5-4 Existing and Proposed City of Eugene Zoning

ASSESSOR'S MAP & TAX LOT NUMBERS	SIZE	BASE ZONE & OVERLAY ZONE	
		Existing	Proposed
<b>17-03-29-33</b>			
1400	0.12 acres	PL/WR	S-DR/WR
1600	0.11 acres	PL/TD/WR	S-DR/WR
1800	0.05 acres	PL/TD/WR	S-DR/WR
2000	0.19 acres	PL/TD/WR	S-DR/WR
2600	0.25 acres	S-W/SR	S-W/SR
2700	0.48 acres	PL/TD	S-DR
2900	0.86 acres	PL/TD/WR	S-DR/WR
<b>17-03-30-44</b>			
7400	0.29 acres	S-W/SR	S-W/SR
8200	0.21 acres	S-W/SR	S-W/SR
8300	0.08 acres	S-W/SR	S-W/SR
8400	0.29 acres	S-W/SR	S-W/SR
8500	1.41 acres	I-2/TD	S-DR
<b>17-03-31-11</b>			
100	0.29 acres	I-2/TD	S-DR
300	0.52 acres	I-2/TD	S-DR
<b>17-03-32-22</b>			
100	11.89 acres	PL/TD/WR	S-DR/WR
300	1.12 acres	I-3/TD	S-DR
400	0.53 acres	I-3/TD	S-DR
401	0.65 acres	I-3/TD	S-DR
800	5.86 acres	PL/WR	S-DR/WR
1500	1.16 acres	I-3/WR	S-DR/WR
1600	0.70 acres	I-3/WR	S-DR/WR
I-2 - Light-Medium Industrial I-3 - Heavy Industrial PL - Public Land S-W - Whitaker Special Area Zone S-DR Downtown Riverfront Special Area Zone (proposed) /SR - Site Review Overlay /TD - Transit Development Overlay /WR - Water Resource Conservation Overlay			



EC 9.8865 Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

- (1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

As noted previously, the proposal amends the *Metro Plan* diagram to re-designate two (2) parcels with the Heavy Industrial designation and one (1) parcel with the Parks and Open Space designation to the Mixed Use Area designation and apply the Nodal Development overlay designation to five (5) parcels within the subject site. As noted previously, the proposal involves a zone change, which is dependent upon approval of the *Metro Plan* diagram amendment, to re-zone sixteen (16) parcels from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is established under the concurrent amendments to the land use code; and, to remove the /TD Transit Oriented Development Overlay Zone on twelve (12) parcels (totaling approximately 18.10 acres). Five (5) parcels will retain the S-W Whiteaker Special Area Zone designation and nine (9) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

The proposal does not amend the written text of the *Metro Plan* nor are any of the proposed amendments in conflict with the text and diagram, as the proposal relies upon existing designations. The proposed zone changes are designed to implement *Metro Plan* nodal development and mixed-use development policies through the establishment of a SAZ (Exhibit B S-DR Downtown Riverfront Special Area Zone) specifically designed to facilitate redevelopment, mixed-use development, and public access. The findings of EC 9.7730(3)(b) demonstrate the consistency of the proposed zone change with the *Metro Plan* written text and are incorporated by reference herein. Based on the above findings, this criterion is satisfied.

- (2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The subject property is included within the *Downtown Plan* boundaries and the *Riverfront Research Park Plan* boundaries. As part of the implementation of the redevelopment vision, the proposal involves the adoption of the *Downtown Riverfront Specific Area Plan* (Exhibit A Downtown Riverfront Specific Area Plan) as a refinement plan. Approval of the zone change is dependent upon approval of these refinement plan diagram and text amendments.

The Downtown Riverfront Specific Area Plan includes a land use diagram that designates all parcels within the subject site for S-DR Downtown Special Area Zone, with the exception of (5) parcels designated S-W Whiteaker Special Area Zone which retain that designation, consistent with this zone change request. The proposal amends the *Downtown Plan* and *Riverfront Research Park Study* to reflect the establishment of the SAP, to remove obsolete sections, and to address inconsistencies between plans, as demonstrated in findings for EC 9.8424(1)(c). Regarding the removal of the /TD Transit Oriented Development Overlay Zone from the subject property, the development standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) duplicate the development standards in the /TD Overlay Zone, with minor modifications to align with the redevelopment vision, and are designed to achieve superior performance in development form. The provisions of the /TD Overlay Zone are designed to supplant those of the applicable base zone or overlay zone. As the provisions of the S-DR Zone duplicate and exceed the provisions of the /TD Overlay Zone, retention of the /TD Overlay Zone would create

inconsistencies and is therefore is no longer warranted. Based on the above findings, this criterion is satisfied.

- (3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

The minimum level of key urban facilities and services are defined in the *Metro Plan* as including wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis.<sup>18</sup> Wastewater, stormwater, and transportation facilities are currently available or can be extended in an orderly and efficient manner within a reasonable timeframe as needed, consistent with this criterion.

The subject property is located within the UGB and within the downtown core area of Eugene. The subject parcels are currently developed and served by existing urban facilities and services. Future redevelopment will necessitate extension of such services as is typical. Exhibit F Infrastructure Memorandum provides an evaluation of existing Stormwater, Sanitary Sewer, and Water utilities within the subject property, the findings of which are incorporated by reference herein. Existing transportation facilities are sufficient to handle the proposed re-zoning and subsequent development as demonstrated by the findings and conclusions in the TPR/TIA Report (Exhibit D TPR/TIA Report).

Findings of compliance with Statewide Planning Goals 11 and 12, under EC 9.7730 above, further demonstrate compliance with this criterion. Other public services are available to properties within Eugene's UGB, including the subject parcels, and are available to serve them. Re-zoning subject parcels to S-DR and removing the /TD overlay will not affect the provision of key urban services. Based on the above findings, this criterion is satisfied.

- (4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:
  - (a) EC 9.2150 Commercial Zone Siting Requirements.
  - (b) EC 9.2430 Industrial Zone Siting Requirements.
  - (c) EC 9.2510 Natural Resource Zone Siting Requirements.
  - (d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
  - (e) EC 9.2681 Public Land Zone Siting Requirements.
  - (f) EC 9.2735 Residential Zone Siting Requirements.
  - (g) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.
  - (h) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
  - (i) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
  - (j) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
  - (k) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
  - (l) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
  - (m) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
  - (n) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.

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<sup>18</sup> Lane Council of Governments (LCOG). *Metro Plan*. Glossary page V-3. 2004 Update.

- (o) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
- (p) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
- (q) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
- (r) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
- (s) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
- (t) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
- (u) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

The S-DR Downtown Riverfront Special Area Zone is being established in the land use code as part of the implementation of the redevelopment vision. Approval of the zone change is dependent upon the approval of these code amendments. The proposed code amendments add S-DR siting requirements and renumber EC 9.8865(4)(j) through (v) accordingly, as included in Exhibit C Code Amendments.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) includes siting requirements, which require, in addition to the approval criteria of EC 9.8865, that the site to be rezoned must be included within the Downtown Riverfront area depicted on Figure 9.3135(1) of the proposed S-DR Zone. The siting requirements of the S-DR Zone under EC 9.3140 also state when a property is rezoned as part of the rezoning process, the City shall identify the plan sub-district designation applicable to the property, in accordance with EC 9.3135 plan sub-districts. The proposed S-DR Zone regulatory plan, as depicted on Figure 9.3135(1), includes two sub-districts; mixed-use and cultural landscape and open space.

Regarding the removal of the /TD Overlay Zone from twelve (12) parcels and the retention of the /WR overlay zone on nine (9) parcels, there are no siting requirements related to the /TD Overlay Zone and the /WR Overlay Zone siting requirements only apply for the purposes of adding the overlay zone. Based on the above findings, the proposed zone change is consistent with the criterion.

- (5) In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The proposal does not involve the application of the /NR Zone. This criterion does not apply.

#### Zone Change Conclusion

Based on the above findings, the zone change is consistent with applicable criteria.

## 5.6 Willamette Greenway Permit

Statewide Planning Goal 15, Willamette River Greenway, provides that:

*“The qualities of the Willamette River shall be protected, conserved, enhanced and maintained consistent with lawful uses present on December 6, 1974. Intensifications of uses, changes of use or developments may be permitted after this date only when they are consistent with the Willamette Greenway Statute, this Goal and [other standards].”*

Regarding “other standards,” EC 9.8800-9.8825 provides that:

*“EC 9.8800 Purpose of Willamette Greenway Permits. Intensifications of uses, changes in use, or development require special consideration before being permitted within the boundaries of the Willamette River Greenway. \* \* \* Urban uses may be allowed but conditions of approval may be imposed as are deemed necessary to carry out the purpose and intent of the Willamette River Greenway, and to ensure that any intensifications of uses, changes in use, or developments within the Willamette Greenway boundaries are compatible with nearby uses within the Willamette Greenway.”*

*“EC 9.8805 Applicability. Willamette Greenway permit applications are required for intensification of uses, changes in use, or developments within the boundaries of the Willamette River Greenway \* \* \* .”*

As illustrated on Sheet R1 Regulatory Plan (Exhibit G Plan Set), approximately 19.75 acres of the subject site are within the boundaries of the Willamette River Greenway. As noted previously, the proposal involves changes in use. Subsequent redevelopment will involve intensifications of uses and new development. Therefore, the proposal requires special consideration and approval of a Willamette Greenway permit to allow development to proceed in accordance with the redevelopment vision and to ensure compatibility with nearby uses.

Findings of compliance with applicable approval criteria and standards are provided in EC 9.8815. As used in this section, the words “the greatest possible degree” are drawn from Oregon Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use.

EC 9.8815 Willamette Greenway Permit Approval Criteria and Standards. Willamette Greenway permit approval may be granted only if the proposal conforms to all the criteria in subsections (1) through (4), and the applicable standards of subsection (5) as follows:

- (1) To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

This proposal involves intensification, change of use, and new development within the Willamette Greenway, therefore the remaining provisions of EC 9.8815(1) apply to the request.

In the prior approved Willamette Greenway permit for the Autzen Stadium expansion (WG 01-1) the Hearings Official interpreted this criterion, as follows:

*“The intent of this criterion is, in large part, to ensure the continued integrity of the landscaping area and scenic qualities adjacent to the river, for the benefit of those enjoying the river’s scenic and aesthetic attributes.”*

As shown on Sheet R1 Regulatory Plan (Exhibit G Plan Set), of the portion of the subject property within the Greenway Boundary, open spaces areas consist of approximately 1.71 acres. As illustrated on Sheets S1 and S2 Existing Conditions Plan, the natural vegetative fringe along the Willamette River, containing landscape areas and vegetation, is limited to the area between the waters edge the easternmost edge of the Riverbank Trail, with the exception of small patches of landscaping (islands, planter strips, and foundation plantings) associated with parking areas and access drives within the site. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site and the entire length of riverbank is armored with riprap. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit E Riverfront Ecological Analysis and Design Report). Of the area of the subject site within the Willamette Greenway boundary, 92 percent of the site is covered by building or structures (approximately 5.92 acres), impermeable surfaces (approximately 9.03 acres), or other (gravel) surfaces (3.09 acres), as illustrated on Sheet R1 Regulatory Plan.

The proposed amendments and zone change re-zone sixteen (16) parcels within the subject site to the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone). The special area zone establishes two land use sub-districts; a mixed-use sub-district (S-DR/CL) and a cultural landscape and open space sub-district (S-DR/CL). The proposed S-DR/CL sub-district comprises approximately 7.74 acres of land adjacent the Willamette River and includes existing landscape areas, open space, and vegetation adjacent to the Willamette River, as described above. Permitted and prohibited uses are consistent with those allowed in the PRO Zone. Proposed development standards are based on exiting established development standards in the PRO, NR, and PL Zones, and are designed to achieve equal or higher performance in landscape and open space site protection, restoration, and enhancement. The S-DR/CL sub-district implements the cultural landscape and open space program framework and design guidelines of the SAP (Exhibit A Downtown Riverfront Specific Area Plan). Implementation of the cultural landscape and open space framework ensures high-quality landscape areas and open space between redevelopment areas and the river. In addition, the proposal does not affect existing established /WR Overlay Zone protections, which establishes a 100-foot conservation setback along the Willamette River within the subject site. The /WR provisions limit the types of activities permitted within the setback and will ensure the continued provision of landscape and open space area between redevelopment and the river.

As shown on Sheet C1 Cover Sheet, the proposal will result in approximately 7.74 acres of land dedicated as cultural landscape and open spaces areas. Pursuant to redevelopment, the proposal will create approximately 3.43 acres of new landscape and open space area and will increase the overall site coverage of said areas by 12 percent. The above findings demonstrate that the proposal will provide the maximum possible landscape area, open space, and vegetation between redevelopment and the river. Based on the above findings, this criterion is satisfied.

- (2) To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.

As founded in 1911 and chartered by the City, the applicant (EWEB) is a municipal publicly owned utility. The applicant owns all parcels within the subject site. Existing public access along the Willamette River is provided by the Riverbank Trail, a paved multi-use path that spans the entire length of the subject site. Within the subject site, public access to the Riverfront Trail from surrounding areas is provided at three points: the western terminus of the DeFazio Bridge at the north end of the site, the EWEB plaza at the eastern terminus of 4<sup>th</sup> Avenue, and a multi-use path connection extending from 6<sup>th</sup> Avenue to the Riverbank Trail at the south end of the site.

A portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates \$1,500,000 in capital costs to “*acquire land to provide significant riverfront open space within [the] courthouse/cannery neighborhood.*” The applicant proposes the sale or transfer of approximately 7.74 acres of land to the City for future cultural landscape, open space, and public access purposes and to add to the supply of significant riverfront open space in public ownership.

As illustrated on Sheets L1 and L2 Site Plans (Exhibit G Plan Set), the proposal involves the relocation of the Riverbank Trail to provide for additional landscape and open space area between the multi-use path and the river. The proposed amendments and zone change designate said land for “parks and open space” uses. The proposed S-DR Zone regulating plan designates public accessways, consistent with EC 9.6835, and identifies the relocated Riverbank Trail as an accessways, thus ensuring the continued provision of public access along the Willamette River. In addition, provisions of the S-DR/CL sub-district ensure high-quality public amenities along the riverfront including, overlooks, interpretive sites, riverfront plaza, and riverfront park, which combine to expand public access opportunities along the Willamette River.

Based on the above findings, the proposal ensures the continued provision of necessary and adequate public access along the river. Therefore, this criterion is satisfied.

- (3) The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.

Findings of compliance with applicable Metro Plan Willamette Greenway policies are included in EC 9.7730(3)(b) and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

- (4) In areas subject to the Willakenzie Area Plan, the intensification, change of use, or development will conform with that plan’s use management considerations.

The subject site is not located within the boundaries of the *Willakenzie Area Plan*. This criterion does not apply.

- (5) In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:
  - (a) Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).

The subject property does not have an established Willamette Greenway setback line. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the applicant proposes the establishment of a Willamette Greenway setback line to keep structures separated from the river and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision, as described below.

Section C.3 of Goal 15 sets out use management considerations and requirements for local plans and implementing measures. Subsection (k) provides for the Greenway setback. Other relevant

considerations include providing adequate public access to the river, protection of significant fish and wildlife habitat, and enhancing and protecting the natural vegetative fringe along the River.

As noted above and illustrated on Sheets S1 and S2 Existing Conditions Plan, the existing natural vegetative fringe along the Willamette River is limited to the area between the waters edge and the easternmost edge of the existing Riverbank Trail, with the exception of small patches of landscaping (islands, planter strips, and foundation plantings) associated with parking areas and access drives within the site. The vast majority of the area within the Greenway boundary is developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. In addition, large volumes of fill material have been imported and placed on the subject site, and the entire length of riverbank is armored with riprap. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat (Exhibit E Riverfront Ecological Analysis and Design Report). Within the Greenway boundary 92 percent of the site is covered by buildings/structures (approximately 5.92 acres), impermeable surfaces (approximately 9.03 acres), or other (gravel) surfaces (3.09 acres). Existing structures proposed to remain include the EWEB Headquarters, Steam Plant, and Willamette Substation.

As illustrated on Sheet R1 Regulatory Plan, the proposed Greenway setback varies in width from 25 feet to 125 feet adjacent the Willamette River, as delineated from the top-of-bank. The setback's variable width responds to existing site conditions and anticipated redevelopment consistent with the *Master Plan* vision. Existing structures, including the EWEB Headquarters, Steam Plant, and Willamette Substation are excluded from the setback area. The EWEB Headquarters and Steam Plant are envisioned for adaptive reuse and are therefore excluded to enable future redevelopment.

At the northern boundary of the subject site, the setback encompasses all property currently in use as open space. The setback aligns with the eastern perimeter of the EWEB Headquarters North Building and EWEB Headquarters South Building and increases to approximately 110 feet to encompass the waterfront plaza and public access point between buildings. In the middle portion of the subject site, the setback aligns with the eastern edge of the proposed relocated Riverfront Trail, is approximately 90 feet in width, and includes all areas designated for park use between the trail and the river. Further south, the setback aligns with the eastern perimeters of the Steam Plant and Willamette Substation and includes all areas between those properties and the river. In the southern portion of the subject site, the setback increases to approximately 120 feet to encompass additional areas designated for park or cultural landscape and open space uses.

In total the proposed Willamette Greenway Setback will protect 3.19 acres of the subject site. Adoption of the setback ensures that no new buildings will be constructed between the setback and the river, that adequate public access is provided along the river frontage, that limited existing habitat is preserved, and that the remaining natural vegetative fringe is protected. Section C.3.K of Goal 15 provides guidance on uses allowed within the Willamette Greenway Setback in accordance with the above objectives.

*“A setback line will be established to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.”*

Water-related uses are defined as:

*“Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.”*

Water-dependent uses are defined as:

*“A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.”*

As illustrated on Sheets L1 and L2 Site Plan, the proposal involves the development of interpretive sites, overlooks, trails, boardwalks, multi-use paths, and green infrastructure within the proposed Willamette Greenway Setback, in addition to riparian restoration and enhancement. All of the proposed uses within the setback are considered water-related in their capacity to provide or enhance recreational access to the Willamette River.

In order to establish the greenway setback line and associated protections, facilitate redevelopment in accordance with the Master Plan vision, and promote the adaptive reuse of existing structures within the subject site, the applicant proposes the following condition of approval:

Proposed Condition of Approval

1. A Willamette Greenway Setback line is established on the subject site through the provisions of Section 9.3147 of the Downtown Riverfront Special Area Zone (Exhibit B) to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.

The proposed greenway setback line is generally consistent with the 100-foot conservation setback established by the /WR Overlay Zone. Based on the above findings, and as conditioned, this criterion is satisfied.

- (b) Protection of significant fish and wildlife habitats as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper. Sites subsequently determined to be significant by the Oregon Department of Fish and Wildlife shall also be protected.

As noted previously, the eastern portion of the subject site is within the Willamette River Greenway, a natural asset, as identified in the *Metro Natural Assets & Constraints Working Papers*. The Willamette River is adjacent to the development site and is identified as a Goal 5 Water Resource by the *Goal 5 Water Resource Conservation Plan*. As identified on the *Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map* dated November 14, 2005, the Willamette River is categorized a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning. Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The proposed amendments do not change protections established by the 100-foot /WR conservation setback in EC 9.4920(1)(c)(1.) or affect inventoried Goal 5 Water Resources.



According to ODFW, two salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and Critical Habitat – federally threatened (FT)
- Columbia River bull trout (*Salvelinus confluentus*) Distinct Population Segment (DPS) and Critical Habitat - FT

There are no other documented occurrences of significant wildlife species within the subject site. ODFW has not made any subsequent determinations of significant sites on the subject property. Based on these findings, this criterion is satisfied.

- (c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.

As noted previously, the subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit E Riverfront Ecological Analysis and Design Report). Other on-site vegetation consists of trees, shrubs, and groundcovers within parking lot landscape islands and landscape strips adjacent to sidewalks, parking areas, and buildings; and, a narrow strip of shrubs and grasses between the westernmost edge of the Riverbank Trail and developed areas. As illustrated on Sheets S1 and S2 Existing Conditions Plan (Exhibit G Plan Set), the natural vegetative fringe along the Willamette River is limited to the area between the waters edge the easternmost edge of the Riverbank Trail, with the exception of a small strip of landscaping along the west edge of the Riverbank Trail.

Existing riparian vegetation protection measures established by the WWR Overlay Zone in EC 9.4900-9.4980 will not be affected by the proposal. The proposal designates approximately 7.74 acres of land adjacent the Willamette River for cultural landscape and open space uses. S-DR/CL sub-district development standards are designed to facilitate the restoration and enhancement of the natural vegetative fringe along the Willamette River, as illustrated on Sheets L1 and L2 Site Plans and described in the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan). Based on these findings, the proposal protects and enhances the natural vegetative fringe to the maximum extent practicable without precluding the requested use. This criterion is satisfied.

- (d) Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.

The *Metropolitan Natural Assets and Constraints Working Paper* does not identify any scenic qualities or viewpoints on the subject site. This criterion does not apply.

- (e) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable.

As provided by Goal 15, Willamette River Greenway, Section J (OAR 660-015-0005):

*“Nothing in this Goal is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in allowance with law to authorize such use.”*

The applicant (EWEB) is a publicly owned utility and owns all parcels within the subject site. The proposal does not encourage trespass on private property. All public improvements will be constructed in accordance with standards specified in EC 9.6505. The improved and relocated Riverbank Trail, a multi-use path, will be lit in accordance with accessway lighting standards and designed to accommodate emergency vehicles. Proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) development standards are consistent with those in the land use code and will contribute to foster public safety and protect of public and private property. Based on these findings, this criterion is satisfied.

- (f) Compatibility of aggregate extraction with the purposes of the Willamette River Greenway and when economically feasible, applicable sections of state law pertaining to Reclamation of Mining Lands (ORS Chapter 517) and Removal of Material; Filling (ORS Chapter 541) designed to minimize adverse effects to water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

The proposal does not involve aggregate extraction nor will it have any impact on existing aggregate resources. This criterion does not apply.

- (g) Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.

The *2006 Parks, Recreation & Open Space (PROS) Comprehensive Plan* is adopted as an aspiration and guiding document for the City and contains an inventory of existing parks, recreation, and open space resources. PROS Appendix B identifies an existing multi-use path, a segment the Ruth Bascom Riverbank Trail, on the subject site. Alton Baker Park is located across the Willamette River, on the east bank of the river. The northern portion of the site abuts open space owned by the City and associated with the Defazio Bridge.

As noted previously, a portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates \$1,500,000 in capital costs to “*acquire land to provide significant riverfront open space within [the] courthouse/cannery neighborhood.*” The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. The identification of a portion of the subject size for park acquisition demonstrates the proposed uses consistency with the *PROS Plan* and City lands currently developed to recreational needs.

The *Master Plan* development process included extensive public involvement, as noted in the findings for Goal 1 under EC 9.7730(3)(a), and an iterative design process that resulted in a redevelopment concept centered on compatibility with nearby uses, including recreational lands, as described in the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan). The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings,

pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements.

The proposal establishes the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) as a special area zone. The S-DR Zone was designed with specific intent of compatibility with nearby uses including recreational lands. The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a guide for determining future allowable uses on the subject site. The *Master Plan* promotes a mix of diverse, compatible, and pedestrian-friendly uses as the prevalent land use pattern. The S-DR Zone includes height standards that restrict the maximum height of buildings as development approaches cultural landscape and open space areas adjacent to the Willamette River, thus creating a step-down effect that limits the scale of buildings near recreational areas. The maximum height of buildings in the proposed S-DR/CL sub-district, the designation for cultural landscape and open space areas, is 30 feet consistent with maximum height standards in the NR and PRO Zones.

The proposed S-DR Zone regulations are designed to ensure compatibility with adjacent uses. The above findings demonstrate the proposals compatibility with recreation lands, parks, and open space owned by the City. Based on these findings, this criterion is satisfied.

- (6) When site review approval is required, the proposed development will be consistent with the applicable site review criteria.

The proposal does not involve or require Site Review. This criterion does not apply.

- (7) The proposal complies with all applicable standards explicitly addressed in the application. An approved adjustment to a standard pursuant to provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

The above findings demonstrate compliance with applicable standards explicitly addressed in this application. No adjustment to standards are requested or needed. Based on these findings, this criterion is satisfied.

#### Willamette Greenway Permit Conclusion

Based on the above findings, the request is consistent with applicable criteria.

## 5.8 Conclusion

The approved *Master Plan* represents the community's vision for the redevelopment of the Downtown Riverfront. The *Master Plan* is a framework that builds certainty about the vision for the subject property, while being flexible enough to allow this vision to be realized in different ways. The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place.

Extensive public involvement was a key component to the creation of a redevelopment strategy that resonates with Eugene residents and satisfies community needs. Throughout the *Master Plan* development process, public input was integrated during design iterations and incorporated into decision-making equations that resulted in the *EWEB Riverfront Master Plan*.

The purpose of the proposal is to facilitate redevelopment of the Downtown Riverfront site consistent with the *Master Plan* vision, to create development standards and urban design guidelines that shape redevelopment, and to enable the transformation of the area into a "people place" that is active, vibrant, accessible and multi-use. The land use components described herein implement the regulatory framework necessary to guide and shape future redevelopment of the subject site.

Based on available information and supporting materials, and the findings in Sections 5.1 through 5.7, the proposal is consistent with all applicable approval criteria.