


COUNCIL ORDINANCE NO. 20704

**AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN
AREA GENERAL PLAN DIAGRAM AND THE WILLOW CREEK SPECIAL
AREA STUDY FUTURE LAND-USE MAP TO REDESIGNATE THE PROPERTY
IDENTIFIED AS ASSESSOR'S MAP 18-04-04-20, TAX LOT 00100 TO LIGHT
MEDIUM INDUSTRIAL AND REZONING THE PROPERTY FROM E-1
CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT.**

ADOPTED: March 11, 2024

SIGNED: March 12, 2024

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: April 12, 2024



ORDINANCE NO. 20704

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLOW CREEK SPECIAL AREA STUDY FUTURE LAND-USE MAP TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 18-04-04-20, TAX LOT 00100 TO LIGHT MEDIUM INDUSTRIAL AND REZONING THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT.

The City Council of the City of Eugene finds as follows:

A. On June 7, 2023, the applicant, Musgrove Family Land Holdings, submitted an application for a Type I amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Plan Diagram and a concurrent zone change to redesignate the property identified as Assessor's Map 18-04-04-20, Tax Lot 00100 (the subject property) from Campus Industrial to Light Medium Industrial and to rezone the subject property from E-1 Campus Employment with /CAS Commercial Airport Safety Zone Overlay Zone to E-2 Mixed Use Employment with /CAS Commercial Airport Safety Zone Overlay Zone. On November 6, 2023, the applicant, Musgrove Family Land Holdings, submitted an application for a concurrent refinement plan amendment to the Willow Creek Special Area Study Future Land-Use Map to redesignate the subject property from Special Light Industrial to Light-Medium Industrial.

B. On January 9, 2023, the Eugene Planning Commission held a public hearing on the application. The Eugene Planning Commission recommended that the Eugene City Council approve the proposed Metro Plan amendment, refinement plan amendment and zone change.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The plan diagram for the Eugene-Springfield Metropolitan Area General Plan is amended to redesignate the subject property from Campus Industrial to Light Medium Industrial, as depicted on Exhibit A attached hereto and incorporated herein by reference.

Section 2. The Future Land-Use Map (Map E) for the Willow Creek Special Area Study is amended to redesignate the subject property from Special Light Industrial to Light-Medium Industrial, as depicted on Exhibit B attached hereto and incorporated herein by reference.

Section 3. The subject property is rezoned from E-1 Campus Employment with /CAS Commercial Airport Safety Zone Overlay Zone to E-2 Mixed Use Employment with /CAS Commercial Airport Safety Zone Overlay Zone, as depicted on Exhibit C attached hereto and incorporated herein by this reference.


Section 3. The findings set forth in the attached Exhibit D are adopted in support of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,

that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Passed by the City Council this

11th day of March, 2024



City Recorder

Approved by the Mayor this

12 day of March, 2024.



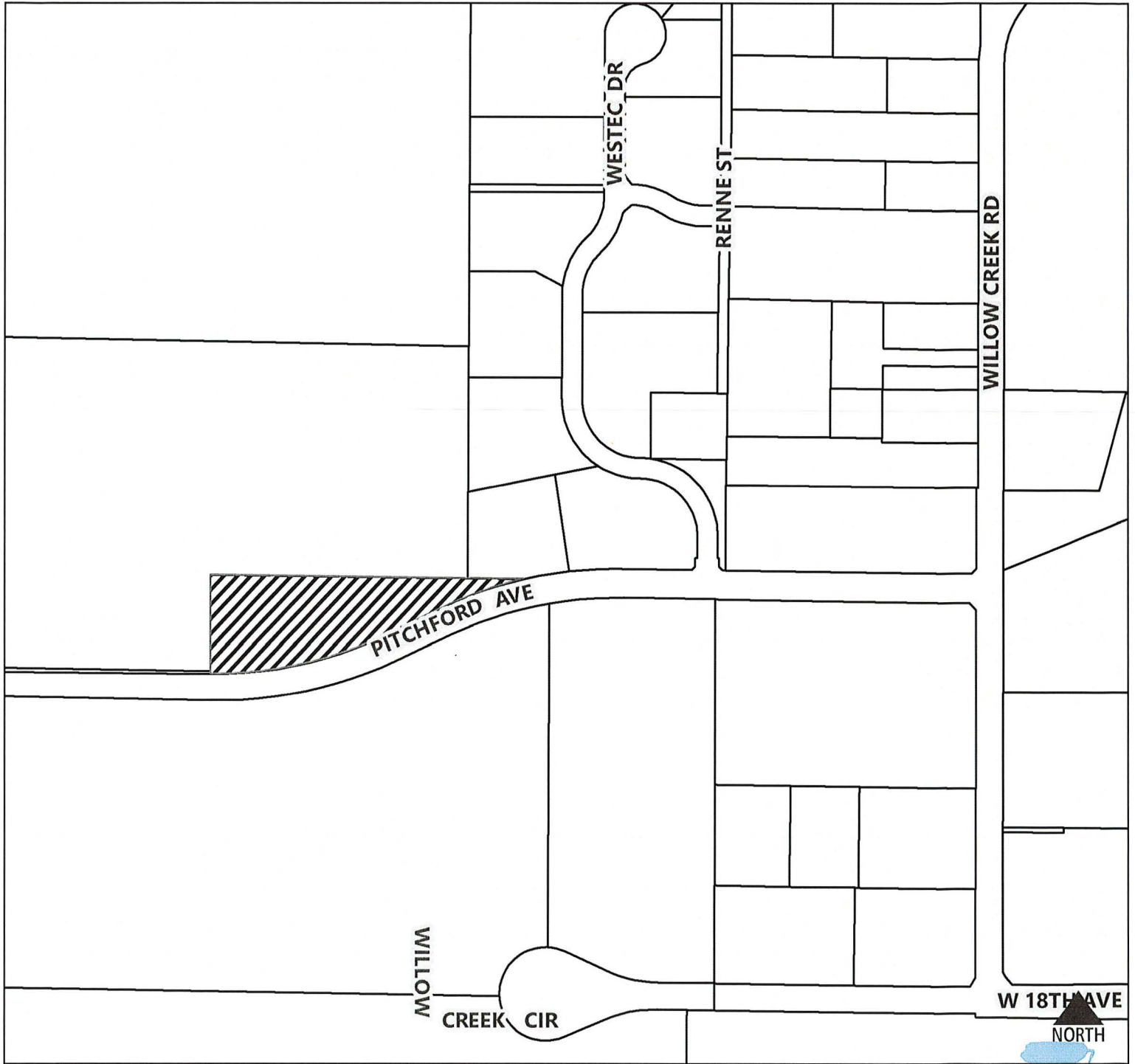
Mayor

Proposed Metro Plan Designation

Exhibit A

Pitchford - City Files: MA 23-3, RA 23-2. & Z 23-5

Metro Plan Amendment, Refinement Plan Amendment, & Zone Change



 Property to be redesignated from Campus Industrial to Light Medium Industrial on the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Plan Diagram

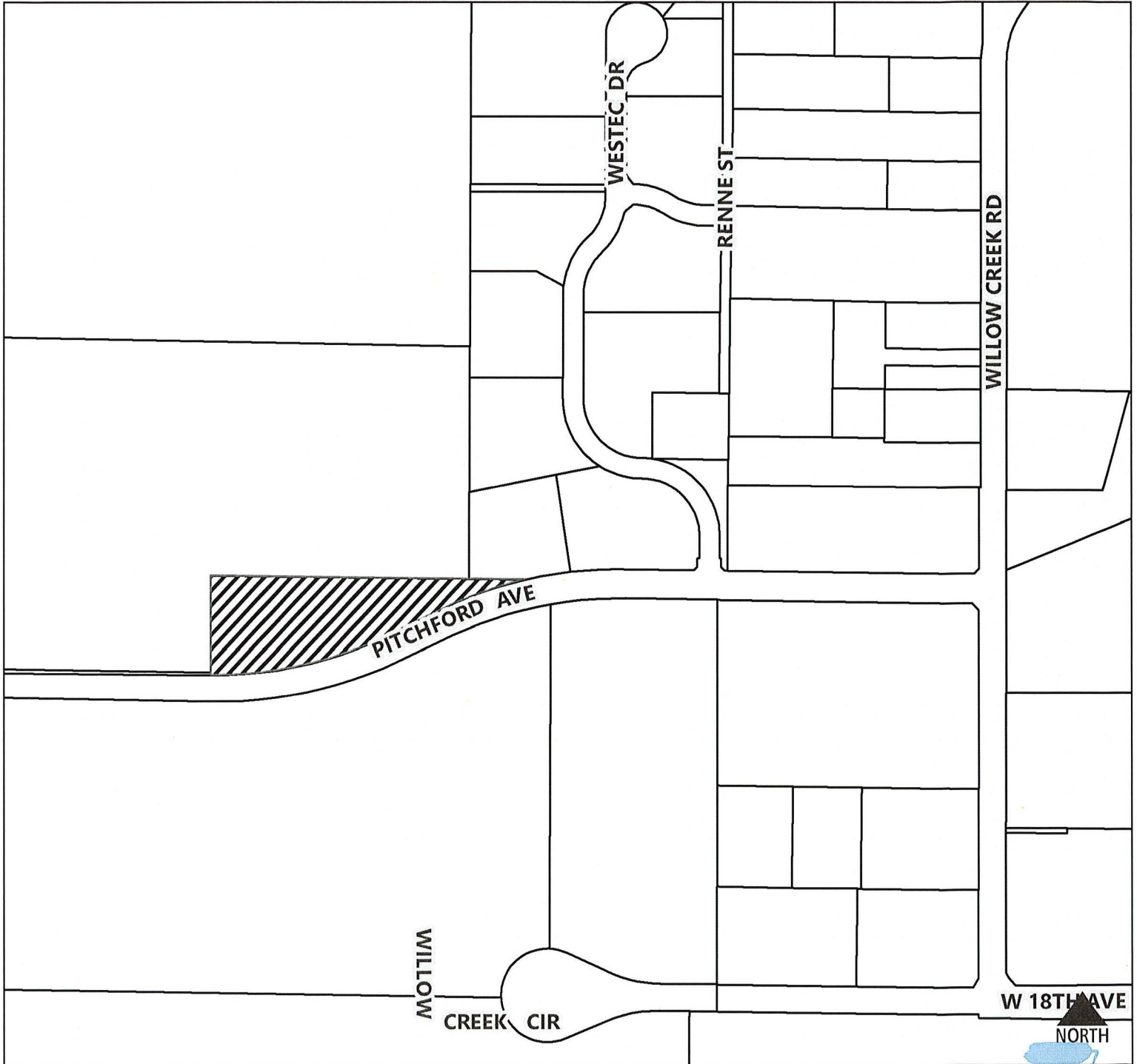


Proposed Refinement Plan Designation

Exhibit B

Pitchford - City Files: MA 23-3, RA 23-2. & Z 23-5

Metro Plan Amendment, Refinement Plan Amendment, & Zone Change



 Property to be redesignated from Special Light Industrial to Light-Medium Industrial on the Willow Creek Special Area Study Future Land-Use Map (Map E).



Proposed Zone Change

Exhibit C

Pitchford - City Files: MA 23-3, RA 23-2. & Z 23-5

Metro Plan Amendment, Refinement Plan Amendment, & Zone Change



 Property to be rezoned from E-1 Campus Employment with the /CAS Overlay Zone to E-2 Mixed Use Employment with the /CAS Overlay Zone



FINDINGS IN SUPPORT OF AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLOW CREEK SPECIAL AREA STUDY FUTURE LAND-USE MAP TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR’S MAP 18-04-04-20, TAX LOT 00100 TO LIGHT MEDIUM INDUSTRIAL AND REZONING THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYEMENT.

APPLICATION OVERVIEW

Name (File Numbers): Pitchford (MA 23-3 / RA 23-2 / Z 23-5)

Map No. / Tax Lot: 18-04-04-20 / 00100

The applicant has requested a Eugene-Springfield Metropolitan Area General Plan (Metro Plan) amendment to change the designation of the subject property from Campus Industrial to Light-Medium Industrial, an amendment of the Future Land-Use Map for the Willow Creek Special Area Study to change the designation of the subject property from Special Light Industrial to Light-Medium Industrial, and a change in the base zone of the subject property from E-1 Campus Employment with the /CAS Commercial Airport Safety Zone Overlay Zone to E-2 Mixed Use Employment with the /CAS Commercial Airport Safety Zone Overlay Zone. The requested changes are outlined in Table 1, below.

Pitchford Metro Plan Amendment, Refinement Plan Amendment, and Zone Change			
Application	Current	Proposed	Acres
Metro Plan Amendment	Campus Industrial	Light Medium Industrial	3.68
Refinement Plan Amendment	Special Light Industrial	Light-Medium Industrial	
Zone Change*	E-1 Campus Employment	E-2 Mixed Use Employment	

**The applicant is only proposing to change the base zoning of the property. The existing /CAS Commercial Airport Safety Overlay Zone is proposed to remain on the subject property.*

The subject property consists of a vacant tax lot located on the north side of Pitchford Avenue, west of Willow Creek Road (Assessor’s Map / Tax Lot: 18-04-04-20 / 00100). The subject property is located within the boundary of the Willow Creek Special Area Study (WCSAS), which is an adopted refinement plan of the Metro Plan.

FINDINGS

Based on substantial evidence in the record, the Eugene City Council finds as follows:

This request for a Metro Plan Amendment (Type I) is subject to the land use application procedures in the Eugene Code (EC) 9.7700-9.7735. The proposed Metro Plan Amendment also triggers the need for an amendment to the Willow Creek Special Area Study (WCSAS), which is the adopted refinement plan for this area. The applicant has also requested a zone change. Per EC 9.8005, the requested refinement plan amendment and zone change are being processed concurrently. The following findings address the details of the proposal in the context of compliance with the applicable approval criteria at EC 9.7735, EC 9.8424, and EC 9.8865. Those criteria are provided below (in **bolded text**), including findings addressing compliance with each.

METRO PLAN AMENDMENT

The applicant's requested Metro Plan Amendment proposes to change the land use designation of the subject property from Campus Industrial to Light Medium Industrial. The amendment is a Type I Metro Plan Diagram amendment as it only involves property located wholly within the City of Eugene. The following findings address the applicable approval criteria for the Metro Plan Amendment:

EC 9.7735 (1): The proposed amendment is consistent with the relevant Statewide Planning Goals.

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

The City's provisions for citizen involvement ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposal does not include any changes to the City's citizen involvement program.

The City's land use code implements Statewide Planning Goal 1 through its noticing requirements, which include:

- A neighborhood/applicant meeting (9/21/2023)
- Notice to the Oregon Department of Land Conservation and Development (12/5/2023)
- Referrals and notice sent to Lane County and the City of Springfield (11/28/2023)
- Public notice for the Planning Commission public hearing to consider the applications, which includes: mailing notice to interested parties and adjacent property owners (12/8/2023); posting of the notice on-site (12/15/2023); and, publishing the notice in a local newspaper (12/20/2023).

All noticing was conducted in accordance with Eugene Code requirements. Consideration of the amendments began with a Planning Commission public hearing on January 9, 2024. Following action by the Planning Commission, the Eugene City Council held a public hearing to consider the plan amendment and zone change, which was duly noticed. Any written testimony received by the City discussing this application was made available to the Planning Commission and City Council for their consideration.

Based on these findings, the proposed Metro Plan Amendment is consistent with Statewide Planning Goal 1.

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

Consistent with Statewide Planning Goal 2, the requested Metro Plan Amendment is being processed according to Eugene’s land use code, which specifies the procedure and criteria for consideration of the request. The requested Metro Plan amendment qualifies as a Type I amendment as defined in EC 9.7705 because the only requested change is to the Metro Plan’s Diagram, for lands located wholly within the City of Eugene. Consistent with EC 9.7715(1), the request for an amendment was initiated by a representative for the property owners. Per EC 9.7705(1), this Type I amendment requires approval by City of Eugene only. The subject property is entirely within Eugene City limits and there is no regional impact associated with this request to amend the Metro Plan land use designation for the subject property.

As the application follows the procedural requirements established by Eugene’s land use code, the amendment is consistent with Statewide Planning Goal 2.

The Statewide Planning Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of its citizens. To comply with the Goal 2 coordination requirement, the City provided notice of the proposal and opportunity to comment to Lane County, Lane Council of Governments, City of Springfield, the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3: Agricultural Lands - To preserve agricultural lands.

The amendment is for property located within the Eugene city limits and does not affect any land designated for agricultural use. Based on this finding, Statewide Planning Goal 3 does not apply.

Goal 4: Forest Lands - To preserve forest lands.

The amendment is for property located within the Eugene city limits and does not affect any land designated for forest use. Based on this finding, Statewide Planning Goal 4 does not apply.

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

There are no Goal 5 resources located on the subject property. This amendment does not create or amend the City’s list of Goal 5 resources, does not amend a code provision adopted in

order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, nor does it allow new uses that could be conflicting with a significant Goal 5 resource site. Therefore, the amendment is consistent with Statewide Planning Goal 5.

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

The proposed change to the Metro Plan Diagram does not impact the existing regulations that implement the City's protections for the quality of air, water, and land resources. Any future development will be subject to City regulations and other state and federal requirements, ensuring that future developments will be consistent with this Goal. Based on these findings, the Metro Plan amendment is consistent with Statewide Planning Goal 6.

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

Statewide Planning Goal 7 requires that local government planning programs include provisions to protect people and property from the following natural hazards: floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires. Goal 7 prohibits development in natural hazard areas without appropriate safeguards. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with wildfires or tsunamis. Other hazards can be mitigated at the time of development based on applicable land use code provisions, building codes and building techniques. The amendment to the Metro Plan Diagram does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Based on these findings, the amendment is consistent with Statewide Planning Goal 7.

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

Statewide Planning Goal 8 ensures the provision of recreational facilities for Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The Metro Plan Diagram amendment does not affect the City's provisions for, or individuals' access to, recreation areas, facilities, or recreational opportunities. Therefore, the amendment is consistent with Statewide Planning Goal 8.

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

Statewide Planning Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. This amendment to the Metro Plan Diagram is only related to lands designated as industrial. The Oregon Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City provide for at least an

adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies. The Employment Lands Supply Study 2012-2032 (ELSS) is included as appendix B in the City's comprehensive plan, Envision Eugene, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The amendment to the Metro Plan Diagram does not add or subtract any industrial land from the adopted inventories.

The proposed change to the Metro Plan designation for the subject property does not have an impact on the City's availability of employment or industrial lands because all industrial land use land designations (Campus, Light Medium, and Heavy) are grouped together for the purposes of the City's ELSS. Therefore, properties within the broad category of industrial can be re-designated to another type of industrial without changing the amount of industrial land in the City's inventory. In this case, a re-designation from Campus Industrial to Light Medium Industrial results in no net change to the City's overall supply of industrially designated land.

OAR 660-009-010(4) includes specific requirements for changes in plan designation that involve land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation. While the subject property is in excess of two acres, the proposed change is from one industrial designation (Campus) to another industrial designation (Light Medium). Therefore, this administrative rule requirement does not apply.

Given these facts, the requested Metro Plan Amendment will not adversely impact the City's ability to provide opportunities for a variety of economic activities. In the application materials, the applicant addresses the economic benefits of the proposed change. The applicant asserts that the proposed change will "provide the following economic benefits: 1. Substantial increase in tax revenue. The current Campus Industrial plan designation and zoning has not attracted development. 2. Increase in the diversity of uses allowed including some of Eugene's 'target industries. 3. Future development of the site will create jobs and result in direct and indirect benefits to the local economy."

Based on these findings, the amendment is consistent with Statewide Planning Goal 9.

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

The subject property does not include any lands designated for residential use in the City's Buildable Lands Inventory (BLI); therefore, the proposal does not include any changes that would impact the availability of residential lands for housing, nor does it impact the City's ability to provide for housing needs in the future. Based on these findings, the amendment is consistent with Statewide Planning Goal 10.

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

The Metro Plan Diagram amendment does not affect the City’s provision of public facilities and services. Based on this finding, the amendment is consistent with Statewide Planning Goal 11. The City has an acknowledged Public Facilities and Services Plan, which is the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan: a refinement plan of the Eugene-Springfield Metropolitan Area General Plan. As a note, all necessary public services exist or are readily available in close proximity to the subject site.

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

Goal 12 requires a determination of whether the proposed Metro Plan Amendment will significantly impact an existing or planned transportation facility. OAR 660-012-0060, the Transportation Planning Rule (TPR), implements Goal 12 for proposed amendments to the Metro Plan Diagram, such as this application. The TPR contains the following requirement:

OAR 660-012-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

The applicant requests a Metro Plan Amendment from Campus Industrial to Light Medium Industrial, as well as a zone change from E-1 Campus Employment to E-2 Mixed Use Employment.

The applicant’s consultant, Sandow Engineering, prepared a scoped transportation analysis that references projected trip generation from a reasonable worst-case development scenario. The consultant compared allowed uses and buildout scenarios consistent with the existing E-1 zone and the allowed uses of the E-2 Zone. The applicant has provided an analysis consistent within the parameters of the agreed scope of work and using industry best practices.

Public Works staff concurs with the consultant’s methodology, traffic study, and findings to determine that this proposal has no significant effect on existing or planned transportation facilities. A detailed discussion of the study and conformance with the TPR is addressed below.

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);*

The applicant has provided a transportation technical memo consistent with the requirements for TPR Analysis as coordinated between the City of Eugene and the applicant. The analysis is written to uphold industry best standards. The applicant’s traffic study identified an increase in

the average daily traffic. The increase in average daily trips is not expected to require a change in the functional classification of any street within the study area. The applicant has not proposed any changes to the functional classification of any roadway within the study area.

(b) Change standards implementing a functional classification system; or

The zone change does not propose to change the standards implementing the current functional classification system adopted in the City of Eugene 2035 TSP. The current TSP (City of Eugene 2035 Transportation System Plan) and street classification map were developed and adopted assuming City wide transportation impacts based upon the policy, designations, planning horizons and growth assumptions identified in the Metro Plan at the time of its adoption. The proposed zone change does not change the standards implementing the current functional classification system adopted in the City of Eugene 2035 TSP.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The applicant's engineer has provided an analysis based upon the projected impacts of the proposed zone change. The study provides trip generation estimates for reasonable worst-case scenarios of the proposed zone as compared to trip generation estimate of the existing zone. A "significant effect" on existing or planned transportation facilities is defined by the criteria identified in subsections (A) through (C). The proposed zone change results in none of the effects identified in subsections (A) through (C). The proposal does not include, and the proposal does not require, an enforceable, ongoing requirement that would demonstrably limit traffic generation.

The City Council finds that this proposal has no significant effect on existing or planned transportation facilities as defined within OAR 660-012-0060(1). Therefore, the proposed zone change satisfies the Transportation Planning Rule.

Based on these findings, the proposal is consistent with Statewide Planning Goal 12.

Goal 13: Energy Conservation - To conserve energy.

The proposed change to the Metro Plan's Diagram will not amend or otherwise involve any land use regulations that implement this Goal. Therefore, the amendment is consistent with Statewide Planning Goal 13.

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

The Metro Plan Diagram amendment does not affect the City's provisions regarding the transition of land from rural to urban uses. Based on this finding, the amendment is consistent with Statewide Planning Goal 14.

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

The Metro Plan Diagram Amendment does not contain any changes that affect the Willamette River Greenway regulations, nor is the subject property located within the adopted Willamette Greenway boundary. Based on this finding, Statewide Planning Goal 15 does not apply.

Goals 16 – 19: Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources

There are no estuarine, beach and dune, coastal, or ocean resources related to subject property. Based on this finding, Statewide Planning Goals 16 through 19 do not apply.

Conclusion

Based on the findings above, the Metro Plan Amendment complies with the Statewide Planning Goals and the approval criterion at EC 9.7735(1) is met.

EC 9.7735(2): The proposed amendment does not make the Metro Plan internally inconsistent.

No policies within the Metro Plan appear to serve as mandatory approval criteria for this application, nor do any Metro Plan policies appear to be directly relevant to this site-specific Metro Plan Diagram amendment. Therefore, the proposed amendment does not present any

conflict with other Metro Plan policies nor does it make the Metro Plan internally inconsistent. Based on these findings, this criterion is met.

EC 9.7735(3): When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.

The city-specific local comprehensive plan for the City of Eugene is the Envision Eugene Comprehensive Plan. The following policy from the Envision Eugene (EE) Comprehensive Plan provides relevant support for the amendment to the Metro Plan Diagram:

EE Policy 3.23: Flexible campus employment areas. Recognize changing market demands and accommodate land needs through flexible zoning for light industrial/campus employment areas, including Greenhill Technology Park, Willow Creek Circle and Chad Drive.

This policy specifically recognizes the challenges presented by existing zoning restrictions in the area of the subject property. The applicant contends that the existing E-1 zoning has not responded well to market conditions and has not provided opportunities to meet market demand. The subject property has been designated Campus Industrial and zoned E-1 Campus Employment since 2013 and has remained vacant for the seven years since that time. While the policy specifically related to flexible *zoning*, the proposed Metro Plan Diagram change is necessary to facilitate the zone change.

The Transportation chapter of Envision Eugene states that the Eugene 2035 Transportation System Plan (TSP) serves as the transportation element for the comprehensive plan. As noted in the findings related to Statewide Planning Goal 12, the Metro Plan Diagram amendment is consistent with the City's TSP, and therefore consistent with the transportation element of Envision Eugene. No transportation policies appear to be directly relevant to this site-specific Metro Plan Amendment, nor do they serve as mandatory approval criteria for the amendment.

Based on these findings, the proposed Metro Plan Amendment is consistent with Envision Eugene, the City's local comprehensive plan.

REFINEMENT PLAN AMENDMENT

The proposed Metro Plan Amendment also triggers the need for an amendment to the Future Land-Use Map (Map E) of the Willow Creek Special Area Study (WCSAS), which is the adopted refinement plan for this area. The WCSAS Future Land-Use Map designates the property as Special Light Industrial. The following findings address the applicable approval criteria for the related refinement plan amendment:

EC 9.8424(1): The refinement plan amendment is consistent with all of the following:

- (a) Statewide planning goals.**

The findings addressing consistency with the Statewide Planning Goals included above under Metro Plan Amendment approval criterion EC 9.7735(1), are incorporated herein by reference. Based on those findings, the amendment to the Future Land-Use Map for the Willow Creek Special Area Study is consistent with the Statewide Planning Goals.

(b) Applicable provisions of the comprehensive plan.

The findings above under Metro Plan Amendment approval criteria EC 9.7735(2) and EC 9.7735(3) are incorporated herein by reference and the amendment to the Future Land-Use Map for the Willow Creek Special Area Study is consistent with the provisions of the Metro Plan and Envision Eugene.

(c) Remaining portions of the refinement plan.

Only the Future Land-Use Map (Map E) for the Willow Creek Special Area Study will be amended. No other amendments to the WCSAS are proposed or required. No policies listed in the WCSAS appear to serve as mandatory approval criteria for this amendment, nor do any refinement plan policies require further analysis beyond that provided above for the Metro Plan Amendment.

EC 9.8424(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.**

An amendment to the plan designation on the Metro Plan Diagram constitutes a “new or amended community policy.” Per the findings pertaining to the Metro Plan Diagram amendment at EC 9.7735, incorporated herein by reference, the designation change is consistent with all Statewide Planning Goals and the existing Metro Plan policies. Therefore, the refinement plan land use diagram must be amended to remain consistent with the amended Metro Plan Diagram. Based on these findings, this criterion is met.

ZONE CHANGE

The applicant’s request includes a concurrent change in the base zone of the subject property from E-1 Campus Employment to E-2 Mixed Use Employment, to bring the zoning into conformance with the proposed Light Medium Industrial plan designation. The following findings address the applicable approval criteria for the zone change request:

EC 9.8865(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.

According to EC 9.2405, the requested E-2 zone implements the Metro Plan’s Light Medium Industrial land use designation. Therefore, the zone change is consistent with a change to the Metro Plan Diagram to designate the subject property as Light Medium Industrial. There are no Metro Plan policies that serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested Metro Plan Amendment.

Based on these findings, and with approval of the Metro Plan Diagram Amendment, this criterion is met.

EC 9.8865(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 within the boundaries of the Willow Creek Special Area Study (WCSAS), which is the adopted refinement plan for the area of this request.

The WCSAS identifies the subject property as being designated for Special Light Industrial. However, the requested Refinement Plan Amendment would result in the designation being amended to Light-Medium Industrial. Amendment of the WCSAS Future Land-Use Map to designate the subject property as Light-Medium Industrial is consistent with the requested E-2 Mixed Use Employment zoning. No policies listed in the WCSAS appear to serve as mandatory approval criteria for this zone change or to require further analysis beyond that provided above for the requested Metro Plan Amendment and Refinement Plan Amendment.

Based on these findings, and with approval of the amendment to Future Land-Use Map for the WCSAS, this criterion is met.

EC 9.8865(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.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, 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 (see Metro Plan, page V-3). The following summary addresses the availability of these key urban services and facilities as required under this criterion.

Wastewater: Public wastewater service is currently available for the subject property from a wastewater line located in Pitchford Avenue. Wastewater standards will be reviewed at the time of future development for any extension of service to the subject property.

Stormwater: Existing stormwater conveyance lines are located in Pitchford Avenue. Stormwater standards will be reviewed at the time of future development for any extension of service to the subject property.

Streets: The subject property has frontage on Pitchford Avenue, which is classified as a local street, per Figure 60 of the Eugene 2035 Transportation System Plan (2035 TSP). Compliance with applicable street standards will be addressed at the time of future development.

Solid Waste: Collection service is provided by private entities. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric: Water and electrical services, operated by Eugene Water and Electric Board (EWEB) are available for extension to the property. Any future development will require coordination with EWEB staff to ensure that water and electric services comply with City standards and EWEB requirements.

Public Safety: Police protection for the subject property is consistent with service provision throughout the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield.

Transportation: The subject property is accessible to pedestrians, bicycles, and vehicles via the surrounding street network. Transit stops are located north of the subject property on West 11th Avenue. Sidewalks are present along all street frontages of the subject property.

Parks and Recreation: Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services: Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property.

Communication: A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area; therefore, these services are available, and this key urban service requirement is met.

Public Schools: The subject property is within Eugene School District 4J. As access to schools is evaluated on a district wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Based on these findings, this criterion is satisfied.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(b) EC 9.2430 Employment and Industrial Zone Siting Requirements.

The specific siting standards for the E-2 Mixed Use Employment zone are listed under EC 9.2430(2) and provided for ease of reference below.

EC 9.2430(2): E-2 Mixed Use Employment. This zone is limited to areas designated Light Medium Industrial in the comprehensive plan and those that meet either (a) or (b) of the following minimum siting requirements:

(a) Property has frontage on an arterial street.

(b) Contiguous to parcels currently zoned E-2 or C-2 Community Commercial.

E-2 zoning is limited to areas designated Light Medium Industrial and the subject property is designated Light Medium Industrial by the Metro Plan Diagram amendment approved as part of this application package. The subject property is also contiguous to parcels zoned C-2 Community Commercial. Based on these findings, with approval of the proposed Metro Plan Diagram amendment, the siting requirements of EC 9.2430 are satisfied, and this criterion is met.

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(1)(b), 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.

This criterion does not apply because the proposed zone change does not include the NR zone.

OAR 660-012-0060 - Transportation Planning Rule

While not an approval criterion included in Eugene Code, zone change applications are required to demonstrate compliance with the State's Transportation Planning Rule under OAR 660-012-0060. Consistent with the findings under the Statewide Planning Goal 12 regarding the Metro Plan Amendment, which are incorporated herein by reference, the proposed zone change is consistent with the Transportation Planning Rule.

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance with the applicable approval criteria, the proposed Metro Plan Amendment, Refinement Plan Amendment, and Zone Change comply with the applicable approval criteria.