

Preliminary Findings

Downtown/Mixed Use Land Use Code and Metro Plan/TransPlan Amendments (City Files CA 13-1 and MA 13-1)

Overview

This package of code and plan amendments is intended to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas. Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to facilitate compact urban development by changing land use regulations to better align with Envision Eugene.

These amendments are also necessary as part of the city's strategy to accommodate the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB). Specifically, these amendments are part of a package of land use efficiency strategies the city is relying on to accommodate approximately 400 commercial jobs and 1,600 multi-family homes inside the UGB by increasing the likelihood of redevelopment in the downtown, along transit corridors and in core commercial areas. The code amendments address the following topic areas:

- Housing in Commercial Zones
- Surface Parking Limitation in the C-3 Major Commercial Zone
- Large Commercial Facilities Standards in Downtown
- Commercial Landscaping Standards
- Nodal Development (/ND) Overlay Zone
- Transit Oriented Development (/TD) Overlay Zone
- Traffic Impact Analysis/Level of Service in Downtown
- General Commercial Standards (housekeeping)

Related to the code amendment to eliminate the traffic impact analysis within the downtown area, a concurrent Metro Plan Amendment would revise a policy in the Metro Plan and TransPlan to reduce the acceptable performance standard (level of service) for the corresponding area.

Land Use Code Amendments (CA 13-1)

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen

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involvement provisions.

Prior to the formal adoption process, community stakeholders with experience and expertise in downtown and mixed use development gave feedback on the concepts and code language. These stakeholders included property owners, neighborhood advocates, developers, commercial brokers, architects, and the Chamber of Commerce. The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance 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 basis for such decisions and actions.*

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The 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 the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

OAR 660-023-0250(3) provides: 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:

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- (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.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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

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

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.*

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The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule.

The Eugene Commercial Lands Study acknowledged that the inventory of commercial land is dynamic and that different commercial services need to be accommodated through a variety of means. An emphasis of the study is to encourage higher intensity in-fill and redevelopment of commercial lands by constraining the supply of new commercial land. Findings addressing the relevant policies of the Eugene Commercial Lands Study are provided below under EC 9.8065 (2), and are incorporated herein by reference.

The amendments are specifically intended to facilitate downtown and mixed use development and redevelopment. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of commercially designated land. Therefore, the code amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Several of the amendments increase the possibility for development or redevelopment of properties downtown or within the C-2 Community Commercial zone for residential uses. However, the amendments do not impact the supply or availability of residential lands included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

The amendments do not affect the City’s provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

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

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (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. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

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- (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) 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 proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and commercial development currently permitted through existing code and zoning regulations will remain the same as a result of these amendments. Therefore, the amendments do not significantly affect any existing or future transportation facilities.

Regarding the code amendment to eliminate the traffic impact analysis requirement within the downtown plan area, with the exception of the properties in the EWEB Master Plan, and the concurrent plan amendment to reduce the allowable level of service to F for the corresponding area, removal of this local mechanism to evaluate mobility within a limited geographic area, and the policy decision to accept potentially increased levels of congestion within this area do not allow for an increase in traffic generation or the degradation of any transportation facilities. Rather, these amendments recognize that due to the unique characteristics of this area, the traffic impact analysis tool has limited to no benefit. These unique characteristics include an established gridded street pattern; multiple lower and higher order streets that enter and exit the area; numerous options for distribution and assignments of projected trips; lower speeds; ample facilities for alternative modes; unlikelihood that new intersections, new street alignments or widths would be proposed; development is primarily redevelopment of existing properties with minimal to zero setbacks; and existing access management standards to control new driveway locations. Additionally, the Transportation Planning Rule provides for this tool (change in performance standard) as a policy choice for cities to consider in transportation/land use planning. As such, the reduction itself does not create an impact on the transportation system under this criterion.

Further details regarding the changes to the policy language of the Metro Plan and TransPlan to

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amend the relevant level of service are provided under the findings related to consistency with the Metro Plan and applicable adopted plans at EC 9.8065(2) and under the findings related to the Metro Plan and TransPlan amendment at EC 9.7730(3)

Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

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

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

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

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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

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

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Residential Land Use and Housing Element

Residential Density Policies:

A.13 Increase overall residential density in the metropolitan area by creating more

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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.*

To the extent this policy applies to commercial lands, this package of amendments creates opportunities for, and removes barriers to, higher density housing and mixed use opportunities by allowing housing on the ground floor in the C-2 Community Commercial zone, and one and two residential units in commercial buildings within the C-3 Major Commercial zone, consistent with these policies. The city's multi-family development standards will continue to apply to buildings that are entirely residential, thus ensuring that building and site design are considerations.

Housing Type and Tenure Policies

- A.19 Encourage residential developments in or near downtown core areas in both cities.*

Consistent with this policy, the amendments provide for more opportunities for residential development in and near the downtown core area of Eugene, by allowing housing on the ground floor in the C-2 Community Commercial zone, and by allowing one and two residential units in commercial buildings within the C-3 Major Commercial zone.

Design and Mixed Use Policies

- A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.*

The purpose of these amendments is to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas, including allowing more opportunities for housing in commercial areas, consistent with this policy.

- 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.*

To the extent this policy applies, the amendments are consistent as the existing applicable site, landscape and design standards will remain. Furthermore, these amendments do not allow for increased density or intensity of development, and are intended to apply within more urban settings, thereby minimizing impacts on surrounding neighborhoods.

Economic Element

- B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.*

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Several of the amendments apply specifically to the Downtown Plan area. The amendments will encourage economic activities by increasing the flexibility of the /ND Nodal Development and /TD Transit Oriented Development Overlay Zones, as well as better align the commercial development standards with desired downtown development.

Transportation Element

Land Use Policies

- F.2 Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives.*

Consistent with this policy, the amendments to provide flexibility and clarity to the /ND Nodal Development Overlay Zone and the amendments that apply within the downtown (which is designated nodal development) help to encourage and incentivize nodal development, thereby supporting the concept.

- 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.*

The purpose of these amendments is to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas, consistent with this policy. By increasing flexibility and clarity in the /ND Nodal Development Overlay Zone and the /TD Transit Oriented Development Overlay Zone, the amendment will allow for increased development opportunities and economic activity within downtown and designated nodal areas. Increased commercial development in downtown and along key transit corridors supports a transit-supportive land use pattern because of the location of the existing and planned transit routes within these areas.

- F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.*

To the extent this policy applies, the amendments are consistent with this policy in that the existing land use code standards related to improvements for transit, bicycles and pedestrians are not being changed as a result of the amendments. Given that the purpose of these amendments is to facilitate downtown and mixed used use development, which emphasizes alternative modes of travel, the amendments support this policy.

Transportation System Improvements: Roadways

- 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:*

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- (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.*
 - 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.

Concurrent with the land use code amendment to eliminate the requirement for a traffic impact analysis within the downtown is an amendment to this Metro Plan and identical TransPlan policy to reduce the acceptable performance standard (from Level of Service E to F) for the corresponding area. As amended, the amendments are consistent with this policy.

- 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.*

Consistent with this policy, the City of Eugene adopted access management standards in 2010 that regulate the location of new and modified accesses to streets. These amendments do not modify or change the applicability of these standards.

Finance

- F.36 Require that new development pay for its capacity impact on the transportation system.*

Consistent with this policy, developments will continue to be subject to transportation system

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development charges (SDCs). These amendments do not modify or change the applicability of SDCs.

Applicable Refinement Plans

Given the broad applicability of these amendments (some apply downtown, some apply within the C-2 Community Commercial zone, which is found city wide, and some apply within the /ND Nodal Development and the /TD Transit Oriented Development overlay zones), all adopted refinement plans were reviewed for consistency.

No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Comprehensive Stormwater Management Plan (1993)
- Laurel Hill Neighborhood Plan (1982)
- Fairmount/U of O Special Area Study (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- River Road-Santa Clara Urban Facilities Plan (1987)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)
- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

Findings addressing relevant provisions of applicable refinement plans are provided below.

Central Area Transportation Study (2004)

1. *Promote the development of a transportation system within the downtown area that supports the goals of the Downtown Plan, enhances the livability of downtown, preserves the livability and economic vitality of areas within and directly adjacent to the CATS boundary, and provides for the safe and efficient movement of motor vehicles, pedestrians, bicycles and transit vehicles.*

To the extent that this policy constitutes mandatory approval criteria, the City of Eugene has undertaken a number of actions to promote a transportation system within downtown that is consistent with this policy. These actions include transportation system plan updates, new access management standards, improved parking lot standards, parking exempt areas, transportation demand programs, support for transit and alternative modes, revised parking minimums and maximums, and continued emphasis on compact urban development through a variety of planning

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efforts. The implementation strategies associated with this policy are geared at actions that the city, not individual project developers, could take to implement these policies, including converting one way streets to two ways, making changes in the courthouse district, studying a north-south arterial, and studying the feasibility of a fixed rail trolley.

8. *Support intensive development in the downtown area by balancing new parking supply with specific area demands and ensure an adequate supply of parking is available downtown to meet the needs of residents, workers and customers of downtown facilities.*

To the extent that this policy constitutes mandatory approval criteria, the City of Eugene has undertaken several actions to balance parking supply with demand, including establishing and maintaining parking exempt areas, floor area ratio requirements and city parking programs. Additionally, the city has provided incentives to developers to redevelop sites throughout downtown, including several former surface parking lots.

Eugene Commercial Lands Study (1992)

- 6.0 *Promote redevelopment of existing commercial areas and compact, dense growth by encouraging business to revitalize and reuse existing commercial sites.*

To the extent that this policy constitute mandatory approval criteria, the amendments are consistent in that the amendments assist private developers to invest in the downtown and other commercial areas by removing impediments in the land use code

- 12.0 *Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city.*

- 15.0 *Improve the quality of planning for commercial traffic impacts.*

These policies apply to the siting of new commercial areas (see Page III-9 of the Eugene Commercial Lands Study). As no lands are being re-designated to commercial as part of these amendments, these policies are not applicable.

- 26.0 *Encourage parking lot design that is attractive, does not exceed a reasonable ratio or parking spaces per building areas, and support compact growth.*

To the extent that this policy constitutes mandatory approval criteria, the amendments are consistent in that the amendments do not revise or otherwise modify the parking lot landscape or design standards. The City of Eugene has addressed and completed a number of the implementation strategies suggested to implement this policy, including increased parking lot landscape requirements, height limits on light fixtures, establishing parking exempt areas and requiring site improvements to support alternative transportation.

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Eugene Downtown Plan (2004)

The Downtown Plan contains numerous policies supporting mixed use and density in downtown. The Downtown Plan states that, “[w]ith the exception of Policy IV 3, relating to EWEB’s riverfront property, the policies in the Downtown Plan are aspirational, and cannot be the basis for denial of public or private proposals regarding change in the downtown.” Even though the policies are not mandatory, it is worth noting that the proposal is consistent with the following policies:

- I.2. Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.*
- II.2. Use downtown development tools and incentives to encourage development that provides character and density downtown.*
- V.1. Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities.*

The intent of the code amendments is to facilitate desired dense, mixed-use downtown development by better aligning the land use code with desired outcomes. The code amendments address these policies by providing additional flexibility for housing and downtown projects while still achieving an equivalent or higher quality urban environment.

Jefferson Far West Refinement Plan (1983)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following policy in the Neighborhood Economic Development Element of the plan lends general support for the amendments:

- 3.0 Take actions to continue to attract investment by the private sector in the central city.*

Additionally, the following policies in the Commercial/Industrial Element lend general support for the amendments:

- 1.0 Promote a mix of mutually supportive land uses which will help stimulate neighborhood-based economics.*
- 2.0 Encourage both public and private actions which will improve the overall appearance of commercial areas and the condition of non-residential structures.*

TransPlan (2002)

The applicable policies from TransPlan are addressed above, under the Metro Plan, as these plans contain identical transportation policies. Those findings are incorporated herein by reference.

West University Refinement Plan (1982)

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Transportation and Parking Policy:

1. *The adverse effects of motor vehicle movement and parking shall be mitigated as much as possible.*

A portion of the Downtown Plan falls within the boundaries of the West University Refinement Plan. This area has unique characteristics that lessen the need to mitigate motor vehicle movement through a traffic impact analysis. These unique characteristics include lower adopted mobility standards than all other areas in the city; an established grid pattern of interconnected streets; multiple lower and higher order streets that enter and exit the downtown core; numerous options for distribution and assignments of projected trips; generally lower speeds; ample transit facilities; infrastructure to support alternate modes of travel; access management standards to control new driveway locations; and the unlikelihood that new intersections, new street alignments or widths or additional lanes would be proposed or exacted given the existing development patterns. The traffic impact analysis will remain applicable to all other areas within the West University Refinement Plan.

Land Use, Housing and Commerce Policy:

9. *The City will encourage residential uses in all parts of the plan area. The intent of this policy is to provide housing opportunities in all zoning districts in the plan area, but not to the exclusion of other uses in non-residential areas.*

To the extent that this policy constitutes mandatory approval criteria, the code amendments are consistent in that the amendments allow for, but do not mandate, additional housing opportunities in the C-2 Community Commercial zone.

Willakenzie Area Plan (1992)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following land use policy lends general support for the amendments:

7. *Mixed use developments that combine living, working and shopping opportunities shall be encouraged in the study area.*

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

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

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

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Metro Plan and TransPlan Amendment (City File MA 13-1)

Concurrent with the land use code amendment to eliminate the requirement for a traffic impact analysis within the Downtown Plan area, with the exception of the EWEB Master Plan properties, is an amendment to the Metro Plan and TransPlan policies (Transportation System Improvements: Roadway Policy F.15 of Metro Plan and Transportation System Improvements: Roadway Policy 2 in TransPlan) to reduce the acceptable performance standard (from Level of Service E to F) for the corresponding area

The policy (which is identical in both plans) with the amendment showing in **bold underline italics** is provided below:

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 660-12-0060).*
 - 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:*
 - 1. **Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;**
 - 2. **Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and**
 - 3. **Level of Service D elsewhere.**
- (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 limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: 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.

Eugene Code Section 9.7730(3) requires that the following approval criteria (in ***bold italics***) be

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applied to a Metro Plan/TransPlan 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

Findings addressing the relevant Statewide Planning Goals are addressed above under EC 9.8065(1), and are incorporated herein by reference as demonstration of consistency with this criterion.

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

The Metro Plan and TransPlan text amendment to reduce to level of service within the Downtown Plan Area (with the exception of the EWEB properties) from level of service E to F will not create an internal conflict with the remainder of the Metro Plan. No other text changes and no diagram changes are necessary to ensure internal consistency with the proposed text amendments; adoption of this amendment will not make the Metro Plan internally consistent. The findings addressing the relevant policies of the Metro Plan and TransPlan are addressed above under EC 9.8065(2) and are incorporated herein by reference as demonstration of consistency with this criterion.